



**Australian Government**  

---

**Attorney-General's Department**

**Indigenous Justice and  
Legal Assistance Division**

**Report of the**  
  
**FAMILY VIOLENCE PREVENTION LEGAL SERVICES  
CONFERENCE**

**Coffs Harbour**  
  
**25-26 October 2007**

## **Table of contents**

Executive summary	2
Background to the FVPLS program	3
Conference Participants	4
<b>Conference Day 1</b>	
Welcome	5
Bravehearts Inc, <i>Hetty Johnston</i>	6
The Marumali Program of Healing, <i>Aunty Lorraine Peeters</i>	8
Women’s Bush Meetings, <i>Phynea Clarke &amp; Lillian Davies</i>	12
Piliyintinji-ki Stronger Families Program, <i>Edna Iles &amp; Pepy Simpson</i>	13
Women’s Bush Meeting, <i>June Oscar &amp; Christine Gray</i>	14
Role of the Sex Discrimination Commissioner, <i>Elizabeth Broderick</i>	16
National Association of Community Legal Centres, <i>Liz O’Brien</i>	20
Many Rivers Showcase and Real Relationships Program, <i>Kylie Faulkner &amp; Michael Foxwell</i>	21
Information Session on the Development of the Community Legal Education Program, <i>Fabienne Balsamo</i>	23
ORATSIC presentation on reporting and regulations, <i>Sayuri Piper &amp; Jon Daniels</i>	28
<b>Conference Day 2</b>	
Group discussions and presentations	31
Report on the “A Time for Children, a Time for Change” Conference – London, Ontario Canada, May 2007, <i>Shirley Veronese &amp; Patsi Mawn</i>	36
Reviewing financial management and introducing the five new FVPLS units, <i>Sonya Davidson</i>	38
Five new FVPLS units: Albany, Broken Hill, Broome, Port Lincoln, Tennant Creek	40
Issues requiring action	42
Conference close	48
Appendix	49

## **Executive summary**

The Attorney-General's Department held the annual national Family Violence Prevention Legal Services conference on 25 – 26 October 2007 in Coffs Harbour. The conference was hosted by Gurehlgam Ltd, the auspice body of the Kempsey FVPLS unit.

Unit coordinators and staff, together with members and staff of management boards and auspice bodies, were invited to attend the conference, and approximately 70 people participated.

The conference was facilitated by Waverley Stanley, Director of Yalari Ltd. Yalari is a not-for-profit organisation that provides Indigenous children from remote communities around Australia a first class education through full boarding scholarships at the highest achieving secondary schools. Yalari has a target to raise \$12 million to support 250 students over the next ten years.

Yalari aims to break the cycles of poverty, abuse and other misfortune by education children. By educating a child, Yalari believes that you ultimately make the world a better place for all.

Presenters came from a variety of backgrounds, and included:

- Elizabeth Broderick, Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination, HREOC
- Hetty Johnston, Executive Director of Bravehearts Inc
- Lorraine Peeters of Marumali
- Liz O'Brien of NACLCS, and
- officers from HREOC and ORATSIC.

Unit staff also gave presentations on various initiatives they had undertaken in the preceding 12 months, and the five new FVPLS units gave an update on the progress of their units.

On the morning of the second day of conference, participants broke out into State and Territory groups. The aim of the session was to encourage networking between units, to allow groups to discuss strategic state issues and individual unit issues, and to encourage strategic partnerships. Common issues raised included staff burnout and the need for respite time at the national conference, difficulty in attracting and retaining unit staff, and the suggestion of regular state meetings. The issues raised, and action required, are discussed in the report section headed "Issues Requiring Action."

Group feedback collected through evaluation forms indicated that the conference provided participants with valuable information and an opportunity to network and liaise with staff from other units, and with presenters from various backgrounds.

## **The FVPLS program**

Each year through the Common Funding Round for Indigenous Programs, successful Service Providers are funded by the Attorney-General's Department through the Family Violence Prevention Legal Services Program to deliver services in rural and remote identified high need service areas.

Family Violence Prevention Legal Service (FVPLS) units deliver services relating to victims-survivors of family violence and sexual assault/abuse. Each unit aims to provide culturally inclusive assistance to Aboriginal and Torres Strait Islander adults and children who are victims-survivors of family violence and sexual assault/abuse.

The primary function of each FVPLS unit is to provide legal assistance, casework, counselling and court support, with an emphasis on early intervention and prevention services that will address family violence and its associated causes and effects.

### *Background:*

- 1998 – 2003, the Aboriginal and Torres Strait Islander Commission (ATSIC) funded the establishment and operations of 13 FVPLS units to assist Indigenous adults and children who are victims of family violence and/or sexual abuse, or who are at immediate risk of such violence. The pilot unit opened in Kempsey in 1998.
- 2004-2005, the Australian Government approved an expansion of the FVPLS gram, \$22.7 million over four years, to allow an increase in FVPLS units from 13 to 26 units.
- 2006-2007, the Australian Government announced a further increase in funding, \$23.6 million over four years, for further expansion of the program from 26 to 31 units. This funding also included expanding existing FVPLS units in to engage a second solicitor to provide a wider range of legal services (in civil and family law matters), and the Early Intervention and Prevention Program.

## Conference Participants

Alison Hewson	<i>Albany</i>	Kay McClenahan	<i>Forbes</i>
Graeme Minter	<i>Albany</i>	Cathy Maxwell	<i>Geraldton</i>
Jill Steel	<i>Alice Springs</i>	Brooke Creemers	<i>Geraldton</i>
Phynea Clarke	<i>Alice Springs</i>	Fay Sambo	<i>Kalgoorlie</i>
Eunice Blackmore	<i>Alice Springs</i>	Kevin Dimer	<i>Kalgoorlie</i>
Edna Iles	<i>Alice Springs</i>	Danelle Batchler	<i>Katherine</i>
Pepy Simpson	<i>Alice Springs</i>	Dianna Ross	<i>Katherine</i>
Rene Adams	<i>Bourke</i>	Kylie Faulkner	<i>Kempsey</i>
Yasmin Hunter	<i>Bourke</i>	Julie Perkins	<i>Kempsey</i>
Audrey Gibbs	<i>Bourke</i>	Rose Van Keppel	<i>Kimberley</i>
Neville Gasmier	<i>Broken Hill</i>	Margaret King	<i>Kimberley</i>
Julia Pascoe	<i>Broken Hill</i>	Antoinette Braybrook	<i>Melbourne</i>
Juliann Hall	<i>Broken Hill</i>	Colleen Harney	<i>Melbourne</i>
Gail Dodd	<i>Broken Hill</i>	June Dowdy	<i>Mildura</i>
Maria Djiagween	<i>Broome</i>	Tina Kelly	<i>Mildura</i>
Rowena Puertollano	<i>Broome</i>	Marcia Sullivan	<i>Mt Isa</i>
Jennifer Salam	<i>Cairns East</i>	Sherene Dempsey	<i>Mt Isa</i>
Denise Bally	<i>Cairns East</i>	Alan Newchurch	<i>Port Augusta</i>
Shirley Veronese	<i>Cairns West</i>	June Lennon	<i>Port Augusta</i>
Mary Yeolu	<i>Cairns West</i>	Michael Reason	<i>Port Hedland</i>
Julee Nelson	<i>Carnarvon</i>	Sharon Betts	<i>Port Lincoln</i>
Jennifer Walsh	<i>Carnarvon</i>	Carolyn Miller	<i>Port Lincoln</i>
Debra Miller	<i>Ceduna</i>	Paula Viti	<i>Rockhampton</i>
Julia Lansley	<i>Ceduna</i>	Stella Ware	<i>Rockhampton</i>
Joni Assan	<i>Darwin</i>	Patsi Mawn	<i>Roma</i>
Deanna Roberts	<i>Darwin</i>	Charlotte Collins	<i>Roma</i>
Rhonda Solien	<i>Darwin</i>	Isobel Jones	<i>Townsville</i>
Christine Gray	<i>Fitzroy Crossing</i>	Cheryl Thomson	<i>Townsville</i>
June Oscar	<i>Fitzroy Crossing</i>	Sara Peel	<i>Walgett</i>
Jan Fisher	<i>Fitzroy Crossing</i>	Kim Price	<i>Walgett</i>
Debbie Gaudie	<i>Forbes</i>	Janet Loughman	<i>Walgett</i>

## Conference Day 1

### Welcome

Waverley Stanley welcomed conference participants, and introduced himself as facilitator. He briefly ran through the general conference proceedings for the two days of meeting, then introduced Katherine Jones, First Assistant Secretary of the Indigenous Justice and Legal Assistance Division (IJLAD), Attorney-General's Department

Katherine then introduced herself to conference participants and thanked them for their attendance. She stressed how important the work of IJLAD is, and how much she enjoys working in this area. Katherine then went on to invite conference participants to speak her about any issues or experiences they wished to share, and expressed an interest in talking to particular state groups.

Margaret Beattie then welcomed the conference participants and summarised the topics covered by the previous two days of training. She then introduced the Attorney-General's Department staff in attendance:

- Sonya Davidson
- Luke Piotrowicz
- Brianna Jennings
- Sarah Pisani

Margaret encouraged conference participants to meet new people and share their experiences.

Uncle Tony Flanders, of the Gumbaynggir nation, provided a welcome to country for conference participants after Hetty Johnston's speech.

**Hetty Johnston**  
**Executive Director of Bravehearts Inc.**

Hetty began by acknowledging the traditional owners of the land on which we were meeting. She then explained her background in advocacy, activism and political issues, and that she was inspired to start Bravehearts upon finding out that her father-in-law had sexually assaulted her daughter.

Hetty stressed that the perpetrators of child sexual assault are most often known to their victims, either as family members or as close friends of the family. The Bravehearts program is focussed on limiting the opportunity of offenders by educating community, ourselves and children, and Hetty stressed that education is the key.

She went on to explain White Balloon Day, in which those opposed to child sexual assault are encouraged to meet in a central location carrying a white balloon. Hetty explained that the White Balloon Day initiative had fallen to the wayside recently, but that she will now concentrate on making it mainstream. Hetty further explained that Bravehearts had never until recently, received government funding, and therefore couldn't afford to offer counselling and other services as well as running White Balloon Day.

Hetty outlined the interactive CD-ROM produced by Bravehearts, titled "Ditto's Keep Safe Adventure." The CD-ROM is designed to be an interactive experience for parents and children, and a live performance which travels to schools aimed at the junior years of primary schools now complements the CD-ROM. Reports have shown that the songs in the CD-ROM and performance have a retention rate of 12 months amongst children. Bravehearts will soon introduce a new character named "Torres the Turtle" to further engage with Indigenous children.

Bravehearts have made a submission to Mal Brough and to the opposition outlining the need for \$26.7m in funding in order to get the program out to children right throughout Australia.

Hetty was told by Dr Jennifer Sanderson of the Queensland Crime and Misconduct Commission that she needed to get the program professionally evaluated if it was to be taken seriously by Government. The evaluation report concluded that the program is "absolutely fantastic."

Evaluators have said that their evaluation demonstrated the program can reduce the incidence of child sexual assault by up to 50% within the first year of the program being in operation, and Hetty aims to have the program operational across the country within 5 years. Hetty mentioned that during the evaluation process, the Ditto's Keep Safe Adventure program resulted in 16 direct incidences of disclosure of child sexual assault. She said it is possible that more disclosures may have taken place when children returned home having seen the live performance.

Hetty stressed how important it is to believe and support children when they confide to having been sexually assaulted. Her vision is that Australia should be the safest place in the world to raise a child.

Bravehearts is currently developing an Indigenous training program with the Australian Institute of Professional Counsellors. This is a 12 month intensive program, with a pilot program of eight participants. The focus is on education, training and cultural awareness.

Currently 480sqm of prime commercial space is being developed for a Bravehearts headquarters on the Gold Coast, which will be the organisation's National Headquarters. This is being funded by donations of goods and services from the commercial and construction industry, including Rimco Steel, Hanson Concrete, Bunnings, Gold Coast City Council, The Queensland Premier Anna Bligh, Superior Walls and Ceilings - the list is endless.

### **Discussion:**

Jan Fisher asked about the Bravehearts website, contact details, where to make donations and when White Balloon Day takes place. The website address is [www.bravehearts.org.au](http://www.bravehearts.org.au) (www.ditto.com.au is Ditto's own website) and the national phone number is 1800 11 44 77. Donations can be made through the website. Hetty told conference participants that she has many information booklets with national contact details and crisis management information. Further, White Balloon Day is the first Tuesday in September, and always the Tuesday following Fathers' Day. .

Women's Legal Services shared their views on child sexual assault and the need to support children, and also that it is not restricted to regional communities, but happens right across the country. Community organisations need to be proactive rather than wait for government directives. Hetty encouraged people to take action and not wait for politicians to do so.

General support was expressed amongst conference participants for the idea of Torres the Turtle, though Jennifer Salam questioned how culturally appropriate the character was. The character was developed by feedback and work with Indigenous Elders and others in Rockhampton under the management of Queensland Polices' Christine Knapp. They also provided feedback and suggestions on changes to the Activity Book.

Hetty suggested that each unit obtain a copy of the program and provide her with feedback and suggestions on how culturally appropriate the character is.

## **Aunty Lorraine Peeters**

### **Marumali**

#### ***Aunty Lorraine's speech:***

First I would like to acknowledge traditional owners. Also stolen generations, their families and whole communities.

I was born on the Beemunnel on the bank of the Macquarie river in Warren NSW. I am one of eight children who were removed from our family and placed in state institutions. I with my sisters grew up in Cootamundra girls home and my brothers were put in a boys home called Kinchila.

The photo's you will see are of myself and other girls I grew up with.

The deliberate and systematic removal of Aboriginal and Torres Strait Islander children from their families used laws, policies and practices which relied on compulsion, duress or undue influence (in other words forcible removal).

We were placed in church or state-run institutions, or with non-Aboriginal foster or adopted families.

It is generally accepted that between 1910 and 1970 when forcible removal was at its peak, most families lost at least one child.

The consequences of this have been devastating and far-reaching. The effects of removal were not confined to the children taken away. Each removal left a legacy of fear, loss and grief in its wake.

All Aboriginal and Torres Strait Islander families and communities were impacted on, and these effects have been transmitted from one generation to the next.

Evidence of the negative effects of removal policies & practices began to emerge through studies such as the Royal Commission into Aboriginal Deaths in Custody (1987), which found that out of the 99 deaths investigated, almost half (43) were people who were separated from their families as children.

The Ways Forward report (The National Consultancy Report on Aboriginal and Torres Strait Islander Mental Health) released in 1995 identified the need for programs which addressed the 'extensive effects of trauma and grief on Aboriginal people...'

A growing awareness led to a national Human Rights and Equal Opportunity Commission Inquiry conducted in the 1990s. Hundreds of people gave evidence of the profound and lasting physical and emotional problems, which followed removal: anxiety, depression, suicide, violence, delinquency, alcohol and substance abuse. Most reported a pervasive sense of loss around identity, culture, family and community and without a parental role model; many had trouble raising their own children. The wider Indigenous population reported high levels of anger, powerlessness, lack of purpose and a distrust of government, police and officials as a result of children being removed.

The inquiry resulted in the release of the Bringing Them Home report in 1997, which brought about widespread recognition of the need to heal and reintegrate those individuals, families and communities impacted by removal policies. The Marumali program supports a number of

the recommendations of the Bringing Them Home report & the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) related to these needs.

*Background to the Marumali Program:*

Almost ten years ago, I developed a model of healing for survivors of removal policies. Based on my own journey of healing, and with the aim of improving the quality of support provided to stolen generation survivors, the Marumali program has been delivered in Aboriginal Community Controlled settings around the country for eight years.

I must stress Marumali Circle of Healing is how a journey may unfold and is considered a safe process for someone returning to family and community, and can be used as a guide. We have delivered more than a 100 five-day workshops to train more than 1,000 Aboriginal counsellors and health practitioners to assist their brothers and sisters to find their way home to themselves, their families and communities.

The Marumali Program fulfils every hope held by Aboriginal people for programs to support survivors of the Stolen Generations:

- It was developed by an Aboriginal survivor for Aboriginal survivors;
- It is a healing program, rather than a ‘therapy’ or a ‘treatment’;
- It is culturally appropriate for those who were removed;
- It is culturally appropriate for the families and communities they were removed from;
- It respects the autonomy and strength of survivors;
- It offers a clear path forward for survivors, regardless of how they were removed or what has happened since;
- It allows survivors to set the pace, rate & direction of their healing journey;
- It is holistic, and includes the spiritual dimensions of healing;
- It addresses the core issues which undermine survivors, and allows for personal growth;
- It addresses the trans-generational effects of removal.

The program harmonises with and underpins the work of Link Up organisations and Bringing Them Home counsellors, who also work to support the Stolen Generations.

The Marumali model of healing is unique, original & unparalleled. Whilst based on the healing of one individual, it offers an effective framework, structure and process to support the healing of all survivors. The pathway to recovery involves mind, body & spirit.

Since 2000 the Marumali Program has been delivered in all states in Australia. This has included Aboriginal health practitioners, Link up staff, BTH & Indigenous counsellors, psychologists, managers, program workers, and social & emotional wellbeing workers. Each workshop has been evaluated, and these have been overwhelmingly positive – 93% of participants have rated the workshop as ‘excellent’.

The Marumali Program has also been delivered to Indigenous inmates within correctional facilities since 2002, and is recognised in Victoria as a positive program to enhance rehabilitation.

Shorter (two day) workshops have been delivered to non-Indigenous service providers since 2002.

Furthermore, two new workshops have been developed and are now available for delivery: Marumali Suicide Prevention Workshop (two days): Managing Suicide Risk in Survivors of Removal Policies, and Marumali Risk Management Workshop for Workers (two days). This two day workshop provides an in-depth look at the Marumali journey of healing with an eye

to identifying the risks & protective factors and how to manage these to ensure the safest possible journey for the survivor.

The Marumali Healing workshop has been conducted for Link Up services at their clients healing weekends, and Awareness Workshops have also been conducted for organisations wanting to gain a better understanding and insight into the history and the impact of removal policies on our people, which are still impacting today.

The path toward having the Marumali program recognised as a 'best practice' model of support for Stolen Generation survivors has been a long one. I developed my model of healing by documenting my own healing journey over a five-year period from 1994 to 1999.

Since then, the program has been endorsed by Link Up organisations and the National Aboriginal Community Controlled Health Organisation (NACCHO) as best practice in this area. More recently, in the evaluation of the Bringing Them Home & Indigenous Mental Health programs, the Marumali program was identified as 'good practice and one of few culturally appropriate approaches to Aboriginal social & emotional wellbeing that specifically applies to people affected by forcible removal policies.'

The spirit for Aboriginal people is the very core of who we are, but it's what surrounds it that stops us from reconnecting, and that for us is layers and layers of pain we have to peel away.

So for someone to start their journey it is most likely triggered by something which starts a chain of events. As with most survivors of complex and deep-seated trauma, we usually need to undertake some sort of healing if we wish to regain control of our lives.

For many of us, our healing journey will be 'triggered' by an event in our lives. This may take us by surprise. We might have thought we were 'OK' and didn't have any issues to deal with. My trigger for my journey was attending a reunion of the institution I grew up in. Triggering can happen to anyone, anytime.

Workers in this field probably need to monitor themselves and each other for possible triggers, and if they have not done their own healing, they need to be prepared to do so when and if it does arise.

If the help is not available at the fork in the road for a person at this very point it can lead to an explosion of emotions and actions, which can be very dangerous with devastating consequences for some. These can include:

- Suicide
- Substance misuse
- Misdiagnosis
- Violence (the rage may be acted out)

Crisis intervention must be applied, together with the understanding of the unresolved trauma. The right cultural assessment is crucial.

#### *First Stage: Realisation of Reality*

Once our memories start to resurface, our healing journey has usually begun. This stage, the first stage of our journey, can be quite acute. We might be full of anxiety, fear, grief and loss, and worried we are losing our minds. We might not know what is happening to us. How well or poorly this first stage is handled will have a big influence on the rest of our lives.

In this stage, the spirit is coming back to life, to reconnect with mind and body. However, it is full of pain. This is the mourning stage, grieving for all that we have lost. This process of grieving needs to take place

*Stage Two: Talking*

He or she may get 'stuck' in this stage for a long time (perhaps years or a lifetime) depending on how hard it is for them to make sense of and start to come to terms with what happened. This will be influenced by what actually happened.

This stage is also about de-colonising or deprogramming and stripping away those mainstream values implanted by the system. This stage is about putting feelings into words, searching for meaning and trying to work through and come to terms with what happened and why. It is also a stage of deep mourning for all the losses and searching for the truth.

Low sense of self, a lack of identity and confusion may contribute to aggression, and displaying violence is not uncommon

*Stage three: Facing the demons*

He or she has moved past their stage of crisis and found stability. They have reconnected mind, body, feelings and spirit, and have strong and well-practiced coping strategies. They have a handle on the history and policies and have dealt with issues of blame.

When they feel ready to confront their demons and put them to rest it is time to return to the place where the abuses occurred. This should not be done without on site support of a counsellor experienced in assisting removed people. All over the country groups have been doing this

*Fourth Stage: Going Home*

Going home should not occur without adequate preparation of the person, the family they are reconnecting with and the community they were removed from. The right resources are very important, for examples, Archives, Link Up, Family History Unit at AIATSIS.

The work of Aboriginal counsellors is crucial to prepare everybody involved and to achieve a good outcome, because any form of rejection from family and community can be devastating

*Fifth Stage: Reclaiming the future:*

Identity is still a big issue here, this stage is about trying to fit in, we all want to belong somewhere and reclaim our future

Our choices in life might mean we are now able to embrace our Aboriginality.

*Peace Identity & Strength*

Whilst he or she will never be free of the pain associated with removal and the lost years, they can now go forward because they have been back.

**Contact us:**

**Phone: 07 5590 5866**

**Fax: 07 5590 5844**

**Email: [winangali@hunterlink.net.au](mailto:winangali@hunterlink.net.au)**

**Website: [www.marumali.com.au](http://www.marumali.com.au)**

**Phynea Clarke and Lillian Davies**  
**Central Australian Aboriginal Family Legal Unit, Alice Springs**

**Women's Bush Meetings**

Phynea and Lillian began by acknowledging the traditional owners of the land on which we met, then presented to conference participants on the Strong Healthy Wumpurarni Women's Meeting hosted by the Central Australian Aboriginal Family Legal Unit. The meeting was held on 9-10 May 2007 at The Pebbles (Kunjarra).

Phynea gave a brief background to CAAFLU, informing participants that the unit has been incorporated since June 2007, and are now the auspice body for the new Tennant Creek unit. Phynea informed conference participants that CAAFLU has been attending Tennant Creek since 2000, using a fly-in and fly-out service.

CAAFLU have successfully advertised for solicitors for the Tennant Creek Unit, and these solicitors will be coming onboard in early 2008. The purchase of vehicles and other resources have also been made. Job titles for Indigenous-identified positions are Client Service Officer, Administration Assistant and Receptionist, but all positions will be multi-skilled.

Phynea then went on to outline the Strong Healthy Wumpurarni Women's Bush Meeting. She explained that the meetings are held in the women's environment, in particular on or near a women's sacred site. T-shirts and caps with CAAFLU's phone numbers on them were handed out to the women attending the meeting, as it was identified that business cards tend to be lost easily.

The bush meetings help increase the staff profile of the unit, and Phynea took all staff from the CAAFLU unit. The meeting provided the opportunity to talk about the future initiatives of the Tennant Creek unit, and also other issues affecting the local communities, such as restraining orders, warning letters, victims compensation and more. Information was also presented on women's health issues such as breast cancer and cervical cancer, and other issues such as financial planning and government changes.

Family and Children's Services staff (of the NT Department of Community and Health Services) were invited to the meeting but did not attend. Stronger Families has since arranged a meeting with FACS and Tennant Creek to ensure FACS are aware of the issues on the ground. Phynea explained that the community in Tennant Creek know which children are at high risk and require help. The community wishes to progress and improve their relationship with FAC's, and CAAFLU are trying to facilitate this.

## **Edna Iles and Pepy Simpson**

### **Tennant Creek FVPLS**

#### **Piliyintinji-ki Stronger Families Program**

Edna and Pepy, of the Tennant Creek FVPLS unit, presented on the Piliyintinji-ki program, and explained the meaning of the name – “to make something get better, or to make something good.”

Programs are culturally appropriate and responsive, and provide a pathway to refer on to other services (such as health services).

Piliyintinji-ki offers a variety of client services from arts and craft, cooking, mental health to referral. The focus is on ‘making people better’ and the program aims to do so through strengthening the relationship between the people, their country and their families. Abuse of alcohol and drugs within the Tennant Creek community is the main cause of separation between people and their family and country. Services focus on dealing with this separation.

Piliyintinji-ki holds family group discussions as a form of mediation, and thus far two camps have been held in Tennant Creek. The program has also recently printed up a booklet to hand out around the Tennant Creek community. This booklet includes photos to show what programs are on offer. Regular visits are also made to Canteen Creek (approximately 150km from Tennant Creek).

Pepy told the conference participants that the people of Tennant Creek are frustrated by the Northern Territory Intervention team, and likened their presence to being on “a working holiday” or like a research exercise.

Pepy and Edna ran through an education workshop on alcohol and responsibility that included explanations such as “when you drink alcohol or smoke gunja your brain is making bad choices.” The workshop explains to participants the difference between sobriety, drinking and drunkenness, and the associated feelings and behaviours (worry, anger, etc).

## **June Oscar and Christine Gray Fitzroy Crossing FVPLS**

### **Women's Bush Meeting**

June and Christine began by acknowledging the traditional owners of the land on which the conference took place, and then acknowledged all of the women from across the country and especially the senior women. They spoke about the recent women's bush meeting hosted by Fitzroy Crossing FVPLS.

The Bush Meetings are hosted and rotated between the four languages in the Fitzroy Valley. The meetings involve the entire community, with the menfolk helping the forum through construction, rubbish collection and other supportive activities. Children attend the meetings, and attempts are made to hold the meetings during school holidays specifically so as mothers and their children can attend.

The Indigenous Coordination Centre at Derby supports every second bush meeting between Derby and Fitzroy regions, and this year's meeting received funding from the Attorney-General's Department. Local NGOs also help with support, and fundraising is undertaken to help cover costs.

The focus of the bush meetings is Leadership, Economic Independence, Well-being, Safety and Protection. Each year the meeting has a specific focus, and this year's focus was "Valuing different ways of learning and teaching."

Conference participants were shown a professionally-filmed DVD of the bush meeting, and comments were made by women and FVPLS staff.

The bush meetings provide a safe and quiet space for healing and assessing, and is a space and time for the women to share and celebrate with other women .

June also spoke about the activities undertaken by the Fitzroy Crossing unit, and those undertaken by Marninwarntikura Fitzroy Women's Resource Centre Aboriginal Corporation, the organisation auspicing the Fitzroy Crossing unit. The auspice body delivers a number of state and Commonwealth programs, and offers support for the state Housing and Works Department's In-Home Practical Support Program. A women's shelter is also operational, which is almost always full. Challenges for the community are many with much of the family and domestic violence being generated through the levels of alcohol and gunja consumption/use – both significant problems in the community.

The organisation also operates a Mobile Playgroup funded by FaCSIA, which uses and promotes learning with the use of natural resources. Toys are made by mothers, grandmothers and children where language and culture are promoted, All services are respectful of the fact that they are operating in an area of four diverse language groups.

June and Christine explained that members of the auspice body come from local communities who own 70% of the Crossing Inn and Fitzroy River Lodge. The women who attended the last bush meeting gave the auspice body the mandate to apply for a 12 months ban on all takeaway alcohol from the Crossing Inn.

June and Christine spoke about the management committee, and told conference participants that the committee has really good seniors, young women and mothers, all of whom bring with them a range of skills, knowledge and expertise. They also said that accountability is a

huge factor, in that it is a challenge to try and maintain the balance between being accountable to the government and to the community. Sometimes the funding bodies stated outcomes are different to the needs and outcomes of the community.

June and Christine outlined the real challenges for organisations as needing to create ways for mothers and grandmothers to be able to look towards the future, and to create specialised services for children and to be supportive of the children's learning. This is due to the recognition that many families are requiring additional support for children who are affected by and exposed to excessive amounts of alcohol consumption by mothers during pregnancy and by parents and within families. Another challenge for the Fitzroy Crossing unit is the lack of services for menfolk, which are almost non-existent. The FVPLS unit will continue to lobby for such services.

**Elizabeth Broderick**  
**Sex Discrimination Commissioner and Commissioner responsible for Age**  
**Discrimination, Human Rights and Equal Opportunity Commission**

*Elizabeth's speech*

I would like to begin by acknowledging the Gumbular Julipi people of the Gumbayngirr Nation, the Indigenous peoples on whose land we are gathering today. I pay my respects to their elders.

To acknowledge Indigenous Australians and your role as custodians of this great land is perhaps more important now than ever before. Many of us feel that we are at a cross-roads – we need to find the *right way* forward, to grapple with our past history and to work together to achieve equality and social justice for Indigenous peoples across our nation. I acknowledge that I personally have a role to play in that journey.

So, I was so very pleased, Margaret, that you gave me the opportunity to come and be amongst you all. I know that this room is full of amazing women and men, Indigenous and non-Indigenous. I know that you have the direct experience, the knowledge and the commitment to working in the *right way* to support Indigenous communities at the frontline. I recognise and respect your incredible commitment to energise yourselves day after day and do this very important work.

It seems to me that this gathering comes at a very important time for Indigenous Affairs in Australia. The Northern Territory Intervention has put Indigenous communities under a hot political spotlight. We have heard many voices talking about the need for change, from all sides of politics. In my view, what we have not heard enough of, is a robust and honest discussion about how we can work in genuine collaboration to ensure the long term safety of the women, men and children in Indigenous communities. And that is why we are here today.

As you may know, I joined HREOC only a few short weeks ago, as the new Sex Discrimination Commissioner. Family violence in Indigenous communities is an issue that has had a place on HREOC's agenda for a long time. I would like to acknowledge the work of my colleague Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner who has been and continues to be a strong voice urging for action to address family violence and abuse in the *right way*. I will talk more about his views in a moment.

I will start by telling you a bit about my own role. As the Sex Discrimination Commissioner, my role and responsibilities involve undertaking research, policy and education work designed to promote greater equality between men and women and to work towards the elimination of discrimination. This means highlighting the rights of individuals and communities, as well as the responsibility of all to respect the rights of others and working cooperatively with other organisations to develop a fair and cohesive society.

I think all of us would agree that one of the most challenging human rights issues facing us in Australian society is violence in our communities. Full equality between men and women involves not only equality at work and in pay, but also equality in the home and equality in relationships. If we are not safe in our own homes or communities, what expectation can we have of equality in society?

When Margaret invited me to join you, I grabbed the opportunity. I am here today for many reasons, but I want to highlight two. Firstly, I wanted to acknowledge your voices. I want to acknowledge the voices of Indigenous women and men, and non-Indigenous

supporters who collectively and for a long time, have told us loud and clear what needs to be done about family violence at a grassroots level. Secondly, I wanted to take this opportunity to affirm to you my full commitment to sharing your knowledge and to becoming an influence in support of Indigenous voices wherever I go.

I am a strong believer in *listening and learning*. When I came to this job, I came of course with my own beliefs and understandings. But I know that I have much to learn. I am committed to taking responsibility for that learning. I want to learn from the work that has gone on before – there are so many dedicated people on the ground who continue to work to end violence in their communities.

And there is plenty that they have told us.

In 1999, the Queensland Aboriginal and Torres Strait Islander Women's Task Force brought attention to the fact that Indigenous women's groups had been calling for assistance in addressing violence for *over 10 years*. This report released eight years ago highlighted the inaction of successive governments on this issue.

*Eight years ago* Indigenous women told us that the way forward was collaboration, discussion, full participation and including men in the process. The report made very specific recommendations, calling for prevention, intervention, recovery and healing programs. The over arching message of this report was the need for these programs to be community owned and community driven. To quote<sup>1</sup>:

"in providing a way forward, it was constantly stressed [to the Task Force] that Indigenous and non-Indigenous people must *work together* to halt the violence and reverse the longstanding disadvantages suffered by Indigenous Australians"

What this report found is what you already know - that the features of Indigenous disadvantage are interconnected. Issues such as family violence, child abuse, alcohol and substance abuse, unemployment and separation through the criminal justice and care systems are all part of this complex web.

Each of these issues demands its own response, but recognising that we need to look at the issues as a whole, not in isolation. Your communities are experiencing disadvantage already – responses to these problems must help the healing, not make the disadvantage worse.

Two years later in 2002, Western Australian Magistrate Sue Gordon delivered the report from the *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Again, this report acknowledged the decades of advocacy from Indigenous women calling for resources to address family violence. This report echoed the Queensland report making almost 200 recommendations. At the cornerstone of each of these recommendations was the call for a community-based approach which prioritizes Aboriginal involvement in the development and implementation of programs.

Bringing together the findings of these various reports, including HREOC's own report in 1999, Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner, identified a number of key challenges for addressing family violence in his report *Ending Family Violence and Abuse in Aboriginal and Torres Strait Islander Communities*. Let me share these with you.

---

<sup>1</sup> Aboriginal and Torres Strait Islander Women's Task Force on Violence (2000), *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report*, Department of Aboriginal and Torres Strait Islander Policy and Development, Queensland. p. xvii

1. We need to hear and respect the voices of Indigenous people, especially the voices of women and children. We need to foster better participation of Indigenous people in decision-making.
2. We need to look at programs that are working terrifically – and there are many of them – and we need to support them. We need to celebrate these programs.
3. We need to engage in a conversation about human rights in Indigenous communities to build awareness and knowledge of these rights.
4. We absolutely need to challenge the stereotyping of Indigenous men as abusers. Indigenous men are a big part of the solution.
5. We need to make sure that programs are targeted to address need and overcome disadvantage.

What has struck me about all these reports is their common themes. The strong message is that there is a great deal of knowledge and experience around what needs to be done to address family violence. Family violence has been on the agenda of Indigenous women's groups for decades. *Community based* and *respectful* responses to family violence have been at the centre of these calls for action. This means programs that are conceived and owned by the community. And this means programs that are respectful of Indigenous culture and traditions.

Before coming to this conference I asked myself how I could contribute to this issue. My participation in this conference is part of my own learning process. Over my five year term as the Sex Discrimination Commissioner I hope to build solid respectful relationships with Indigenous communities which will enable me to influence in support of Indigenous people wherever I can. I accept that part of this learning process includes my own responsibilities with reconciliation.

So I will read, and listen, and I will learn.

Next month I am embarking on a national 'Listening Tour' of the country, where I hope to hear what men and women have to say about the issues that matter to them. I will be going to each state and territory, and I will be going to the cities, and also communities in rural and remote locations. Addressing the issues facing Indigenous women and men will be a strong focus of my work and I look forward to hearing from Indigenous people and services providers as part of this process. I will welcome your suggestions about places I can go, and people I should meet. I will be working closely with Tom Calma, and hope that he will be able to accompany me on parts of this listening tour. I'd like to point out one of my team members who is here with me today – Cassandra Goldie, Director of the Sex and Age Discrimination Unit. As you know, Fabienne Balsamo, from Tom's unit is also here, and she will be talking with you after the break about the work of the Commission specifically regarding training with the Family Violence Prevention Legal Services. Please feel free to go and have a chat with any of us about suggestions for our work in this area.

Within the Human Rights and Equal Opportunity Commission, my responsibilities include the implementation of our Reconciliation Action Plan. Prior to my 'Listening Tour', I will ensure that our team undertakes cultural awareness training and develops a greater capacity to engage Indigenous communities and organisations in a meaningful way. I will make sure that all appropriate protocols are followed for all public forums associated with the tour, acknowledging traditional owners and elders.

I will ensure that our engagement with Indigenous communities is built upon the principles of the recently adopted *Declaration on the Rights of Indigenous Peoples*. The Declaration addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against

indigenous peoples and promotes full and effective participation in all matters that concern them.

Prior to taking up the position of Sex Discrimination Commissioner, I worked in the corporate sector where I strongly advocated for businesses to lead by example in creating family-friendly work practices. There is now growing recognition of the role that the business sector can play in fostering social change. Look at the climate change campaign for example. I have a strong commitment to acting as a bridge between different parts of our society – I want to be a part of building relationships and to use the influence I have within businesses to encourage the corporate sector to fulfil their reconciliation responsibilities and to meaningfully engage with Indigenous issues.

Our reconciliation responsibilities should also take place in our personal lives. I have grown up in Sydney and live there now with my husband and two kids, Lucy and Tommy. I have had a long involvement with indigenous organisations, creating a number of life skills and mentoring programs. Earlier this year I attended the Garma Festival with my daughter Lucy. It was a great learning experience for both of us and demonstrated just how important having a shared understanding is.

I know that effective engagement with Indigenous women is about getting the process right and making it meaningful. I have learnt this already. About a month ago HREOC hosted the Asia Pacific Forum, which is an annual conference of human rights institutions and non government organisations from the Asia Pacific region. As part of this conference I organised a women's event to bring together women from the region with local women to share experiences about their work. I invited a number of Indigenous women to attend but in the end we did not have any Indigenous presence at this gathering. I know that relationships take time, and I make that commitment. It is my hope that at the end of my five-year term, I have enduring friendships with the strong Indigenous women and men across our country and that you will see me as a voice of support. This is when I will know that I have been a part of our reconciliation - such a vital process if our children are to be able to walk with pride alongside each other into their shared and equal future.

## **Discussion**

A participant thanked Margaret for bringing Liz to the conference and highlighted how easy it is to be desensitised to issues of family violence when surrounded by them everyday.

Townsville asked where Elizabeth would be travelling. Her answer was that she will visit every state and territory and use the opportunity to set the agenda for the next 5 years. The trip will start in early November 2007 and end in March 2008, using the internet as a vehicle for participation, with all travel details to be published on the website [www.humanrights.gov.au](http://www.humanrights.gov.au).

Liz O'Brien stressed it was critical to use the FVPLS units as they are existing units and networks and have a certain level of trust throughout their respective communities.

Fitzroy Crossing invited Liz to their community, and suggested that a dialogue be started around connecting Indigenous women with corporate women and the corporate sector.

## **Liz O'Brien**

### **National Association of Community Legal Centres**

Liz began by acknowledging the traditional owners of the land, and by apologising to the Stolen Generation. She explained that her session would be a practical one.

Liz assured participants that the Women's Legal Services in NT have extra resources to deal with the NT Emergency Response. The current aim is to ensure the Women's Legal Services in Darwin, Alice and Katherine are adequately staffed and resourced in the present difficult climate. Liz also provided a brief outline of what NACLCLC will be doing over the next year, including taking steps towards putting more resources into Darwin Community Legal Service to provide advice across the NT about Centrelink, welfare and CDEP issues.

By now all CLCs should have received a copy of the NACLCLCs directory, which comes out in March each year. Copies were handed out to conference participants.

Liz ran through the National Risk Management Guide and the National Professional Indemnity Insurance scheme. The scheme provides very cheap PI Insurance for those who are members of NACLCLC. This equates to approximately 10 % of what private cover would cost. To be eligible for the scheme, units must be members of NACLCLC by joining their State CLC organisation. NACLCLCs also offer Public Liability insurance and Directors' and Officers' insurance.

Liz also mentioned the Bulletin Board Service available to NACLCLCs members. Information includes policies and procedures and all areas requiring compliance. Further, the network provides opportunities to discuss difficulties, governance advice, community legal education information, templates and policies and procedures.

### **Discussion**

Danelle Batchler expressed difficulty in finding information on joining, and asked if there was someone in the NT Office CLC that would be able to assist her in joining. Answer: Ring Darwin Community Legal Service and they should be able to assist.

Aunty Lorraine Peeters accepted Liz's apology on behalf of the Stolen Generation.

Isobel Jones spoke of the benefits of being a member, including regular state-based meetings, available training, Indigenous representation and the opportunity to ask questions and seek answers.

## **Kylie Faulkner and Michael Foxwell**

### **Many Rivers FVPLS unit**

#### **Kylie - Many Rivers Showcase**

As the Many Rivers FVPLS unit was the host of the 2007 national conference, a showcase was presented to conference participants. Many Rivers was the first of the FVPLS units, and began operating in 1998. Kylie started in 2002 as an administration assistant, and was recently appointed coordinator.

Many Rivers has two solicitors, and runs a number of programs for the community. Such programs include Sista Girls, aimed at disadvantaged Aboriginal girls aged 10-15 years old. The program covers areas including health, hygiene, basic cooking, drug and alcohol abuse, school attendance, self defence and education on how to feel safe. The program runs for 12-14 weeks, and ends in a four day camp.

Another program is Fit Chicks, aimed at girls aged 8-13, which involves participants being trained by a professional trainer once per week at the local PCYC. This program is in partnership with Durri Aboriginal Medical Service.

Kylie expressed gratitude for the overwhelming support the Many Rivers unit receives from their auspice body, Gurehlgam Ltd.

#### **Michael – Real Relationships Program**

Michael presented on the Real Relationships Program, which was developed as a result of clients not wanting to leave their partners but wanting the violence in their relationships to stop. The program is about keeping the family unit together rather than splitting it up, and about being in control of anger within relationships.

The program takes place in a community hall as it deals with perpetrators, and the sessions have become so popular that they cannot be held in the offices. Sessions are held on Tuesdays so as to coincide with court day. Two videos are shown throughout the program, one aimed at men and the other at women. A Sista Girls program is scheduled to start in November 2007.

The Real Relationships program is now conducting a train-the-trainer programme aimed at training people to facilitate the program within their own communities. The program has now been adapted by the Coffs Harbour Well Being Centre to help families deal with anger.

#### **Questions & Answers:**

*Michael's presentation attracted numerous questions and some confusion around whether or not this constituted a perpetrator program. Below are Kempsey FVPLS unit's answers to conference attendees' questions.*

**Michael referred to the program as being a "family program" could you please provide a bit more information. How is the program directed towards the whole family?**

The Real Relationships program has a holistic approach to dealing with the family. After staff have dealt with the victim, the staff see that the victim is not going to leave her partner, but the victim wants the violence to stop. This program gives the victim and the perpetrator the choice to deal with their anger issues within that relationship if they wish to stay together.

The program aims at communication in a relationship as well as a family unit and does not condone violence in any form or at anytime.

**Does the program deal with perpetrators? If so, how is this managed?**

Yes. Perpetrators are referred by the Kempsey Local Court, Kempsey Probation & Parole, Health Services and various other Services in the community, all these Services have been notified not to send the perpetrator to the Family Violence Unit, due to the conflict that we are here for victims only. Services telephone Michael Foxwell, as he is the facilitator of the program and he faxes the registration form for the program to the service and it is faxed back with the perpetrator's details. The perpetrator is then advised where the program will be held and will meet at the Macleay Pensioner's Hall every Tuesday. If Michael sees that the perpetrator has other issues, which is usually common, he will refer them to the relevant service providers e.g. Durri Medical Service, Mental Health etc.

**Could you please provide some detail about how the program is separated from FVPLS clients- i.e. that it is held at a town hall away from the Many Rivers' office, calendar given to staff about when and where the program is being held etc.**

The Real Relationships program is held at the Macleay Pensioners League Hall in Kempsey, which is two blocks away from the Family Violence Unit, the women attend the morning session from 10.00am to 12.00 noon and the perpetrators attend from 1.00pm to 3.00pm on the same day and are given the exact same program so they can discuss this with each other, including the family. The program is held in these hours so each parent is home before school finishes for the day. All staff are made aware of the programs and times they are held.

**How the Real Relationships Program is funded. Is it AGD or another agency?**

The Real Relationships Program is funded by the Early Intervention and Prevention Program (EIPP).

*For more information on how to apply for funding under the EIPP, please see "Application Guidelines for the Early Intervention and Prevention Program 2008-2009" on the Attorney-General's Department website.*

**Fabienne Balsamo**  
**Senior Policy Officer, Human Rights and Equal Opportunity Commission**

**Information session on the development of the Community Legal Education Program**

*Fabienne's speech:*

Thanks for the opportunity to present today. I would like to acknowledge the Gumbaynggir people, the traditional owners of the land that we are on today, and pay my respects to their elders past and present.

I am going to speak today on two topics. Firstly I am going to update you on the work of the Aboriginal and Torres Strait Islander Social Justice Commissioner over the past twelve months. I understand that Tom has presented at your last two annual meetings and given you an update, so I am going to do the same.

The second topic I am going to speak about is a project that the Human Rights Commission is working on in collaboration with the Attorney-General's Department. The project is to develop training for Community Legal Educators.

But firstly, let's review the work of the Social Justice Commissioner in the past 12 months. It has been a very busy year for a number of reasons.

The Commissioner has been completing his usual load of work including the production of his annual *Native Title* and *Social Justice* Reports. But there have been some significant anniversaries this year. In May there was the 40<sup>th</sup> anniversary of the referendum. It was this referendum that gave the Commonwealth Government constitutional powers to make laws for Aboriginal and Torres Strait Islanders; the very powers that the Commonwealth exercised in the Northern Territory interventions. In May there was also the 10<sup>th</sup> anniversary of the *Bringing them home* inquiry report. And importantly there was the overwhelming yes vote in September by the UN General Assembly to finally adopt the Declaration on the Rights of Indigenous People. The Commissioner has taken a role in all of these activities.

In addition, the Commissioner has been very active this year in the *Close the Gap* campaign, hosting meetings and working with the coalition of signatory non-government organisations. It has also been a very busy 12 months for submissions to parliamentary committees. Some of the submissions include those to the Northern Territory Emergency Response legislation, the latest raft of amendments to the *Native Title Act*, changes to *Commonwealth Crimes Act 1914* to remove reference to custom and customary law as a mitigating circumstance in bail and sentencing. There were other submissions on matters like the nuclear waste site and the permit system - all in the past 12 months.

The Native Title and Social Justice reports are a very important component of the Commissioner's work. The reports are the means by which the Commission reports to the parliament about the enjoyment or otherwise of human rights by Aboriginal and Torres Strait Islander people. I have brought CDs of the latest reports which are available here. I'll quickly summarise their content.

The *Native Title Report 2006* contains case studies that highlight good consultation practices with Indigenous people over land and land rights. The *Native Title Report* also includes information from a national survey that the Commission conducted to find out what traditional owners want for their land. It asked questions of traditional owners about their top priorities for their land and their views on economic development on land. The findings from the survey are published in the Native Title report and they are most interesting.

The Social Justice Report focuses on what makes good policy for Indigenous people. It looks at the human rights standards which should inform policy makers when they write and implement policy. The Report also tracks the international human rights progress of the *Declaration on the Rights of Indigenous Peoples*. In addition, the Report contains an overview of some of the key issues for tackling family violence. And on this topic, I should let you know that the subject of family violence is the focus of the 2007 Report which is currently in production. The 2007 Report will contain a series of case studies of good practice in preventing family violence in Indigenous communities.

The Close the Gap campaign was launched this year by Cathy Freeman and Ian Thorpe. The campaign asks for immediate government action to make a long-term commitment to Indigenous Health in order to close the 17 year life expectancy gap between Aboriginal and Torres Strait Islander people and non-Indigenous Australians. The campaign emerged from the Commissioner's 2005 *Social Justice Report* which asked Australian governments to commit to achieving equality of health status and life expectancy within 25 years.

The campaign has now been endorsed by 40 organisations across Australia, including Oxfam (who is driving the Campaign), NACCHO, the Australian Medical Association, Australians for Native Title and Reconciliation, the Australian Indigenous Doctors Association, the Australian General Practitioners Network, the Fred Hollows Foundation and Ian Thorpe's Foundation for Youth. Over 80,000 other Australians have also signed their commitment to wanting real and lasting change by logging onto the *Close the Gap* campaign website and registering their support.

The *Close the Gap* campaign stresses three critical and inter-related requirements for health inequality:

1. It asks for resources – specifically more money to build, supply and staff health clinics and hospitals and renal facilities.
2. It calls for Indigenous leadership – that is, Indigenous Australians taking control and shaping and implementing the Indigenous health strategy
3. It also asks for real improvements in living standards - improvements in housing, education, employment, sometimes described as the social determinants of health

Ultimately the Close the Gap Campaign aims to turn around the fact that an Indigenous child born today does not have the same life chance as a non-Indigenous child. If you are interested in this campaign please check the Oxfam website for more information.

And now we move onto the *Declaration on the Rights of Indigenous Peoples* which was adopted by the United Nations and its member States on the 13th of September 2007. The vote was 143 in favour, 4 against and 11 abstentions. The Australian Government was one of the 4 nations to vote against the adoption of the Declaration, along with Canada, New Zealand and the United States.<sup>2</sup>

---

<sup>2</sup> Senator Marise Payne, Liberal Party Senator for New South Wales, *Speech to the Senate*, Senate Official Hansard, No. 10, 2007, 10 September 2007, pp 53-55, available online at: <http://www.aph.gov.au/HANSARD/senate/dailys/ds100907.pdf> accessed 12 October 2007: Senator Payne raised concerns about the Declaration's references to: (1) Self determination and the potential for this to be misconstrued; (2) The recognition of Indigenous rights to lands; (3) Indigenous intellectual property rights; (4) An unqualified right of free, prior and informed consent for indigenous peoples on matters affecting them; (5) Giving Indigenous people exclusive rights over intellectual, real and cultural property; and (6) The elevation of Indigenous customary law to a superior position to Australian law.

There are ten key features of the Declaration on the Rights of Indigenous Peoples according to the Global Indigenous Peoples Caucus. One of them is specific to violence against women and children.

The Declaration is among the first international human rights instruments to *explicitly* provide for the adoption of measures to ensure that indigenous women and children enjoy protection and guarantees against all forms of violence.<sup>3</sup>

Even though Australia did not support the Declaration in the General Assembly vote, the Declaration now exists as a codification of existing rights and human rights standards at the international level. It is also possible that in future, Australian Governments may take some steps to incorporate it into domestic legal instruments such as scheduling it to the Human Rights and Equal Opportunity Act.

May 2007 was the 10<sup>th</sup> Anniversary of the *Bringing them home* report. As a commemoration of the suffering and loss and a celebration of the resilience and survival of Aboriginal people, the Commission has produced a publication which is filled with the stories, art work and poetry of people who were affected by the policy of forcible removal of children from their parents. The publication is free and order forms are also available here at the Conference.

The Commission also produced within the past 12 months a publication on family violence which combines our reports, submissions, speeches and publications on overcoming family violence in Indigenous communities. The report entitled: *Ending Family Violence* covers topics such as the relationship between family violence and substance abuse, mental illness, poor health, learning difficulties and a cycle which can lead to entry into the criminal justice system.

The report also looks at the significant impacts of family violence on young people.

Copies of the Report are here at the Conference and they are free. I won't go into any detail about this Report because you will have the opportunity to read it yourselves.

That ends the summary of the work of the Commissioner for the past 12 months, and it is not comprehensive, it covers some of his large projects.

I would now like to move onto the second topic, and one that is directly relevant to you and your work – the Community Legal Education Worker project.

This project aims to develop appropriate training for 15 new Community Legal Educators who will be employed in Family Violence Prevention Legal Services. The Attorney-General's Department will fund Legal Services to employ these additional positions for three days per week. The positions will be spread across Australia and the Attorney-General's Department will determine the locations for their employment.

The Commission's role is to write, coordinate and deliver training to the 15 people before they take up employment in Legal Services. Once trained, the Community Legal Educators will have responsibility to educate Indigenous communities about the relationship between Australian law, customary law and human rights, particularly as it intersects with family life in Indigenous communities. Their role will be to increase understanding about the ways in which customary law and Australian law are strong together as well as making clear that customary law cannot override Australian law.

---

<sup>3</sup> This Text Box is adapted (with some additions) from Global Indigenous Peoples Caucus, *Fact sheet – The Declaration on the Rights of Indigenous Peoples*, Available online at: [http://www.ipcaucus.net/IK\\_1.html](http://www.ipcaucus.net/IK_1.html).

Some of you may be aware that recent changes to the Commonwealth and Northern Territory Crimes Acts mean that customary law and cultural practice can now no longer be considered in sentencing and bail applications. Therefore, customary practices such as promised marriage will be considered a crime without mitigating factors, if, for example, a girl has not reached the age of consent under Australian law. In other words, the courts will not be able to consider any arguments about customary law in sentencing.

Furthermore, courts Commonwealth and Northern Territory courts can no longer hear bail arguments about customary punishments for people who break the law in the eyes of both the Australian legal system and the customary law system. In the past, the court may have heard that a defendant was to be banished from the community for a period of time as tribal punishment. With this knowledge the court may have considered that bail could be granted under the circumstances that the accused not breach this condition. However, arguments about tribal punishments will no longer be able to be introduced into courts as mitigating factors in bail applications. Currently, these conditions only apply in the Northern Territory and to crimes that fall under the Commonwealth Act; there is a possibility that other states and territories may change their Crimes Acts in the same way in future.

Information about the Australian law is obviously important in all states and territories, regardless of whether the courts can consider arguments about customary practice. Customary practice has never taken precedence over the Australian law in any court in Australia. Judges use their discretion about whether they will admit argument and evidence about customary law. It is therefore imperative that all Indigenous Australians have a good understanding of the aspects of the Australian law and customary law where the two may be different.

The Community Legal Educators have a role to provide clear information to communities about Australian law, including information about what constitutes criminal behaviour. To this end, some of the areas of the training will concentrate on consent, the age of consent, marriage laws and what constitutes criminal assault under Australian law. All aspects of the training will be informed by human rights including the rights of women and children; customary laws, and their relationship to Australian law.

The focus of the training will be to emphasise aspects of Criminal Law and Family Law under the Australian legal system as they are relevant to family violence. One of the premises of this project is that there will be greater compliance with Australian law if all Australian citizens are well informed about the law. In circumstances where information is not readily available about the law such as in remote locations, and in circumstances where there is another system of customary law, there is obviously a high requirement to provide clear information about the standards that Australian law imposes.

The 15 Community Legal Educators will be trained to develop effective relationships with supporting services and key people in the communities they service. This may include activity such as building the capacity of community leaders to address violence and sexual abuse and developing and supporting existing networks of Indigenous women, men and youth to address family violence and abuse. It may involve supporting the work of Community Justice Groups and other local support groups. It may mean working closely with the local schools and health clinics to promote, publicise and explain the rights and responsibilities of all people in the maintenance of human rights. It may involve developing posters and storyboards in Aboriginal languages that explain aspects of Australian law. It may involve supporting and assisting in the development of healing programs; substance or alcohol management plans; cultural and sporting events with an anti-violence message, and the development of promotional resources for these events.

The Community Legal Educators will be trained to provide training and mentoring to support community leaders. Their role will also involve leading communities to work with agencies such as the legal profession, field officers and other para-professionals and the police on issues of family violence, human rights and customary law.

The Community Legal Educator positions will have a community development focus with emphasis on developing partnerships with communities that will provide for sustainable learning of people of all ages and both genders within Indigenous communities. The training will be one full week – 40 hours of intensive study. Therefore the information that will be presented in the training will be generic to some degree. However, the 15 trainees will be a rich resource in that they will assist by bringing scenarios and case studies to the classroom. Each of the 15 participants will be required to adapt the training to some extent and carry out learning activities such as building local resource guides, so that the training is appropriate to the particular needs and issues of their work contexts.

All trainees will receive a kit of information to support their ongoing work after the training. There is also potential for follow-up support of the trainees at the completion of the training.

I am still in the writing phase of the project. When a full draft of the training is completed I hope to visit two Family Violence Prevention Legal Services to test and trial a sample of the materials, and to observe and collect materials and case studies that can be integrated into the final package. As some of you will be aware, my colleagues and I have already visited three of your Services to ensure that the training outline is appropriately targeted to meet the needs of your work.

I am keen to talk with anyone at the Conference who would like to look at the training outline and provide feedback. I am also happy to answer any of your questions about the training itself – though I am not able to answer questions about the recruitment of the 15 positions or the exact timing of the training – except to say that we hope it will be early next year. Any questions about the positions and the timing or the roll out of the project are best directed to Margaret Beattie.

Thanks very much for having me, and I look forward to working with some of you in future.

## **Discussion**

Question asked about the Declaration and how it can be enforced. Fabienne and Cass Goldie (another HREOC staff member) explained the difference between a Declaration and a Convention. The government does not ratify declarations like they do conventions. If there is a hierarchy, conventions are higher in the hierarchy than declarations. However the Declaration on the Rights of Indigenous Peoples is in the public arena. The Declaration has a moral authority, and is understood to be standard internationally. There is, however, no redress or complaints facility when an agency hasn't been compliant, but there is potential for it to be scheduled to the HREA Act (?).

There is potential to draw on the Declaration when you already have a legal standing to bring a complaint.

Question asked as to whether the CLE positions are designated. Once the 15 designated locations are known it will be up to the FVPLS unit who they employ and whether they are Indigenous or not.

**Sayuri Piper and Jon Daniels**  
**Office of the Registrar of Aboriginal and Torres Strait Islander Corporations**  
**(ORATSIC)**

**ORATSIC presentation on the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act)**

Sayuri explained what ORATSIC is and what the office does. ORATSIC comes under the FaCSIA portfolio and is headed by the Registrar, whose position is an independent statutory appointment. The Office supports the Registrar, is based in Canberra and travels around Australia to deliver training and visit corporations.

ORATSIC is a corporate regulator, and is therefore similar to ASIC and other state and territory incorporating agencies. You can usually tell when a corporation is registered with ORATSIC, because it will have the words 'Aboriginal corporation', 'Indigenous Corporation' or 'Torres Strait Islander Corporation' or a combination of these as part of its name.

The CATSI Act commenced on 1 July 2007, and replaces the old *Aboriginal Councils and Associations Act 1976* (the ACA Act). The CATSI Act governs everything that ORATSIC does – ORATSIC's job is to administer this piece of legislation. The CATSI Act was able to be legislated because it is a special measure under the *Racial Discrimination Act 1975* and because the Australian Constitution allows Parliament to legislate specifically for Aboriginal and Torres Strait Islander people.

ORATSIC offers the following services:

- Pre-registration and corporation support – for example, does the group need to incorporate? Is ORATSIC the best vehicle for this?
- Regulation of corporations – conducting examinations and appointing special administrators
- Public Register – public documents available for inspection, noting that the ORATSIC website is often considered a de facto record keeping facility for easy access for members
- Public awareness – radio advertisements through the National Indigenous Radio Network, Mary G as the ambassador of the CATSI Act, public education
- Advice and Referral / dispute assistance and complaints – anyone can call our toll free 1800 number and ORATSIC will assist where possible.

Approximately 2,500 corporations are registered with ORATSIC, with 56% in remote areas. The corporations vary in size and function, and the majority are spread across the top end of Australia, although the fastest growing area is Central NSW.

The new CATSI Act aligns with the *Corporations Act 2001* in many ways, including terminology changes (for example governing committee members are now called directors), importing sections of the *Corporations Act* into the CATSI Act (so that people do not have to turn to other pieces of legislation) and modernisation so that the CATSI Act is consistent with changes in international corporations law and the changing local landscape – e.g. Native Title law.

Corporations are required to report to the Registrar and are streamed into small, medium and large sizes depending on income, assets and number of employees. All corporations have to prepare a general report, and corporations may have to prepare financial and/or director's report depending on their size and income.

A general report contains:

- Director details
- Member details
- Contact officer and document address if small or medium
- Corporation secretary and registered office details if large

Medium corporations must give audited financial statements that comply with accounting standards **or** if 90% of income is from public funding, the Registrar will recognise reports provided to the funding body. Large corporations must give audited financial statements that comply with accounting and auditing standards.

The Rule Book is the new name for a corporation's constitution. It is made up of three different types of rules – rules special to a corporation, rules that can be replaced and set rules. A copy of the Rule Book in English must be sent to the Registrar for approval before it comes into effect. A model Rule Book (electronic and hard copy) is available.

Corporations decide who is eligible for membership, and can include non-Aboriginal and Torres Strait Islander people as members or directors but this must be written in the Rule Book. Majority of members must be Aboriginal and Torres Strait Islander people, and other corporations can be members. Members must be at least 15 years old, and a proper register of members must be kept.

Directors can be appointed or elected depending on the corporation's rules. Electing directors and allowing non-Indigenous directors enables corporations to have professionals on their board, like lawyers for legal services or doctors for health services. The maximum number of directors is 12; however corporations can apply for an exemption. Directors need to be at least 18 years old, and additional criteria for appointing and electing directors may be added to the Rule Book. Non-Indigenous directors are allowed if this is written in the Rule Book, however, the majority must be Indigenous.

Under the CATSI Act, duties of directors and officers are aligned with the *Corporations Act 2001*. The duties are:

- duty of care and diligence
- duty not to improperly use position or information
- duty not to trade while insolvent
- duty of good faith, and
- duty to disclose conflicts of interest.

It is okay to have a conflict of interest but you must manage it by disclosure, and step down from voting or being involved in making a decision where there you have a conflict of interest.

Corporations have until 30 June 2009 to fully transition themselves with the CATSI Act.

[www.oratsic.gov.au](http://www.oratsic.gov.au)

Hotline number: 1800 622 431

## **Discussion**

Antoinette Braybrook asked if the ICN replaced the ABN. These numbers are completely separate. Corporations need to list ICNs on all public documents like cheques. ABNs are administered by the Australian Taxation Office (ATO) and they should be consulted on what documents the ABN needs to be on.

Michael Foxwell asked whether a new corporation needs an ABN and an ICN or whether an ICN would suffice. Sayuri recommended speaking to the ATO as they issued ABNs and could give you accurate information.

## **Conference Day 2**

### **Group Networking Sessions**

On the morning of the second day of conference, participants broke out into State and Territory groups (with Victoria and South Australia joining together). The aim of the session was to encourage networking between units within the same states, to allow groups to discuss strategic state issues and individual unit issues, and to encourage strategic partnerships.

The outcomes of this discussion are listed below. Issues requiring action and the parties responsible for this action are expanded upon in “Issues Requiring Action” on page

### **New South Wales**

Of all the NSW units, Moree is the only incorporated unit. NSW participants questioned whether everyone in NSW is on the same page, as all units are different and vary greatly in size, location, staffing levels, etc.

Some concerns were expressed over whether all units are coming into line with auspice policies. All units are generally happy with their auspice bodies, especially in that it is easy to create and add to own policy manuals and strategic plans.

There is concern surrounding staffing, in that it is difficult to recruit staff in remote areas when funding is only for 12 months at a time, and therefore there is no guarantee for staff. Some units give staff 12 month contracts, whilst others have a policy of stating that positions are “subject to funding.”

Different units have different job titles and different salaries for coordinators as a result of negotiations. It was suggested that these need to come into line with others in the same community, rather than with the FVPLS program.

Top End Women’s Legal Service Brewarrina employs a local community woman for seven hours per week to work with the community and liaise with clients regarding solicitors’ appointments.

The group expressed difficulty in determining whether units can assist victims in compensation matters if the victim is also a perpetrator. Different units work differently, and the group recommends working on a case-by-case basis.

Forbes FVPLS has a monthly casework meeting to keep on top of the unit’s work. The NSW group expressed concern over what to do when a service doesn’t have the capacity to open new files, but cases aren’t appropriate for referral. One unit is currently at capacity.

AGD were asked when the database will be up-and-running as units have issues with data collection.

The group discussed the process for supporting clients in victim’s compensation claims. They asked whether units need to budget for this, and how to include this in the budget when reimbursement is provided upon payment of compensation, and the process takes longer than the 12 month budget cycle.

NSW discussions identified a need to skill up Indigenous people in the local communities, and suggested that traineeships may be a way to meet this need. The group also queried the

use of a community development worker for sexual assault work, and noted that Kempsey has Family Court work funded by CDEP.

NSW expressed a need for State meetings, and suggested that these could take place on a rotational basis. A specific annual meeting could be held, with another being held prior to the national conference.

All units plan to attend the upcoming sexual assault training.

### **Victoria and South Australia**

Victoria and South Australia raised the issue of not having a standardised database for data collection.

The issue of boundaries was raised, with the group indicating their concern at homeland groups being outside of boundaries and units therefore being unable to service them.

The group suggested providing respite time whilst at conferences to get to know local areas and meet the local community. They also expressed interest in providing input into agenda items prior to the conference.

The group highlighted the need for career pathways for unit staff as it is often hard for Indigenous people to climb the corporate ladder. Staff often find themselves stuck in administration roles.

It was suggested that a regular newsletter be produced by AGD to be sent out to units. Also suggested was the need for annual state meetings between units.

Another idea raised was the use of experienced coordinators to mentor new FVPLS units for perhaps two days in their establishment phase. Further, an annual coordinators workshop would be beneficial.

The issue of salaries was raised, namely salary levels across the board. Also, the group expressed a need for a relief fund for staff when sick, or on annual and study leave.

Financial assistance for victims was another issue raised by the Victoria and South Australia group, namely financial assistance in the form of emergency relief.

Finally, the relationship between AGD staff and units was raised, particularly that units want more visits from AGD staff, and that AGD assistance is required for recruiting.

### **Queensland**

A main issue for Queensland staff is the need for more networking and collective discussion.

The group also raised the issue of unsuitable facilities. Current accommodation in some units is too small to accommodate, for example, second solicitors. Units also need money to hire second solicitors.

The mining boom has meant there is a high cost of living in some areas, and salaries are not suitable. Staff could take basic jobs in the mines for double the salary of work in the units. Coordinators' salaries should be kept in line with professional workers.

Examples of solicitors' salaries are \$55,000-\$60,000 for a junior solicitor, and \$65,000 - \$70,000 for a senior solicitor. The Queensland group asked if wages for the second solicitor

could be absorbed by the first, as some units are struggling to find a first solicitor, let alone a second.

Queensland requested that AGD review the percentage system used in the budget negotiations as the amounts don't support the attraction of staff, running offices and outreach services. Flexibility with AGD is needed, as is assistance for units negotiating salary packages.

Units are looking for private investments from mining companies that are building accommodation in the units' areas to house miners. The group asked if AGD could establish a public-private partnership to provide accommodation for unit staff. This could potentially result in positive PR for the mining companies.

When operating outreach services, units need to consider the health and wellbeing of unit staff. The recent Queensland state conference identified the need for real solutions for dealing with burnout. For example, some coordinators allow time off for staff, and there is a need to share such strategies amongst units. Perhaps a checklist of "how well is your organisation going?" could benefit coordinators in self-examining their units and staff activities.

The group highlighted a need for continued support to provide funding for training. Units can't always get their employees to travel to Canberra or NSW to receive training. The group asked if there was a better way to draw workers together, or if it was possible to have trainers deliver training within their home state. Further on the topic of training, the Queensland group highlighted the need to provide professional training to administration workers, and cultural-awareness training for non-Indigenous auspice bodies, and to include a line item in the unit budget to cover appropriate cultural trainers to deliver this training. Finally on the topic of training, the group expressed difficulty in finding governance training as required under the PFA, and requested that AGD assist in this process.

The Queensland group asked about the process for incorporation, and what was involved in incorporating a unit. The group suggested establishing networks between incorporated and non-incorporated units to discuss the process.

Finally, Queensland expressed a wish to hold State conferences so as to celebrate units and staff for what they have achieved.

### **Western Australia**

The Western Australia group expressed difficulty in staffing and retention of staff. Housing is a major issue, both for staff and victims. A lack of housing in remote areas of WA means that potential staff are not attracted to working in units.

Isolation and cultural differences in communities are significant issues, with a very diverse Indigenous population in WA.

Another issue identified by the WA group is a lack of coordination between funding bodies – state government Departments provide funding for domestic violence and family violence issues, as does the Commonwealth Government, but there is no dialogue between the two.

The operational framework is very clear on what the role of auspice bodies are, but from practical and anecdotal evidence, there is no flow-through from AGD regarding what these responsibilities are.

The group expressed dissatisfaction with the lack of communication from AGD, especially due to there being three program officers this year, with no apparent handover from each

change. Program officers need to be told the same stories that their predecessors were told, as each new program officer has no knowledge of the issues. Mixed messages are also coming through from AGD (possibly due to staff changeovers) with different advice being given to different units.

The group expressed a need to meet as a state group to workshop and hold meetings to discuss state issues.

The WA group also criticised the WA Department of Child Protection, claiming that they do not seem to want to take on statutory obligations regarding protecting children. However, unit staff cannot force the Department's staff to sit down and figure out a joint strategic plan for dealing with issues.

Individual unit issues raised by the group included a lack of office space in many units, and an inability to attract staff at the Kalgoorlie unit, along with a general lack of cultural knowledge amongst units.

### **Northern Territory**

The Northern Territory group identified the lack of accommodation as a major issue. Not enough accommodation is available for staff, clients, women and children. Safety is an issue both for staff and clients, and housing assistance is needed.

A major issue is the need to cover large distances, and the remote nature of the NT. Fully-equipped unit vehicles are necessary, including satellite phones, fridges, bull bars, etc.

The NT group agreed that conducting outreach to coincide with court circuits is not a good idea. It is better for unit staff to visit regularly outside of court weeks in order to establish a better relationship with communities.

Trouble with retention of solicitors – they don't stay, but move on to better packages. Solicitors often appear to be using units as a stepping stone before moving on.

All services need to be aware of their mandatory reporting responsibilities, however many women are scared of reporting under these requirements.

The NT group described the Northern Territory Emergency Response as simply "complete confusion!"

Interpreter burnout is another issue. The NT group expressed concern at the fact that the work of interpreters is rarely recognised. Also, when interpreting law, interpreters are not recognised as lawyers or magistrates and therefore not paid accordingly.

Another issue identified by the NT group is the need for halfway houses for perpetrators before being released to the community. Programs need to operate at halfway houses (no programs are currently run at the women's shelter), and more programs are needed in gaols before release. Further, both male and female safe houses are needed, as communities are asking why only female safe houses exist and not male ones when male safe houses can remove men from families whilst issues are sorted out. Importantly, more Indigenous staff are needed at safe houses. Many aboriginal women in shelters need their spirits lifted.

The NT group expressed a need for NT locals to explain the current situation in the NT, rather than public servants who travel from interstate.

Some units have experienced difficulty in establishing relationships with police and other services.

Another issue is the relationship between unit staff and Government Departments. Different staff provide different information, and one way of countering this is for staff to spend time on the ground, or to have unit staff travel to Canberra. Furthermore, when AGD staff are visiting units, they need to be sure to give sufficient warning so as coordinators can organise a proper schedule, and allow time to sort out issues and plan discussions.

More Memoranda of Understanding are needed with agencies as to better coordination across services.

## **Shirley Veronese and Patsi Mawn**

### **Report on the “A Time for Children, a Time for Change” Conference – London, Ontario Canada, May 2007**

Shirley and Patsi presented on their attendance at the “A Time for Children, a Time for Change” conference held in London, Ontario Canada, in May 2007. They provided a summary of the presentation they gave at the Canada Conference, titled “School Based Strategies for Preventing Violence and Promoting Healthy Relationships with Aboriginal and Torres Strait Islander Youth in Remote and Rural Australia”.

This presentation included the explanation of the FVPLS program they gave to international conference attendees at the Canada conference, an overview of the units Patsi, Shirley and Vicki were representing, the strategies their units have found to be successful, and those that have not. Some of the programs being run successfully are:

- Safe Sistas, a program developed by Ann Clancy, aimed at kids identified by their schools as being at risk. The program is aimed at girls aged 10-17, with a focus on safety. By creating an environment that the girls feel safe in, they begin to feel comfortable discussing personal issues that are usually hidden behind aggressive and anti-social behaviours. Personal safety is gained by:
  - Improving self confidence
  - Building healthy relationships with family, teachers and other students
  - Positive thinking
  - Gaining techniques for keeping physically safe.

Each session involves a relaxed group discussion by engaging in creative art or an activity that allows the girls to discuss their issues whilst working on their craft. Leaflets are handed out at the end of each session to remind the group what was discussed.

- Protective Behaviours, aimed at children aged 4-13, is a program adapted from a St Luke’s program and was developed using community consultation. The focus of the program is to stop truancy and assist with learning as children and their parents were experiencing difficulty in ensuring their children attended school. Activities involve:
  - Bear Cards, asking children how they feel whilst teaching them personal safety and what is right and wrong, including touching, hitting and verbal abuse
  - Storytelling, allowing children to draw and talk about what they are drawing
  - Beading, which is used as a way of releasing stress whilst allowing children to be creative
  - Weaving, in which elders attend the sessions and teach kids how to weave hats, baskets and animals
  - Art, in which children gather art sources from the surrounding environment.
- Community Legal Education, aimed at girls in grades 1-7 through to adolescence. This program addresses the issue of education. Children in the Top End generally finish their formal education at the end of primary school (age 12). If they go to high school, they need to leave their community and attend high school in Darwin. This proves a problem as children are then leaving their families and their communities. Under the program, during the Top End’s dry season, children and their families head to their homeland and “go bush.” Activities can include:
  - Sitting at the beach wherever people feel comfortable
  - Swimming
  - Hosting a barbeque

General promotional and information materials are handed out to those participating in the program.

The programs meet the needs of young Indigenous Australians in many ways, including:

- Providing safe spaces and safe people
- Encouraging positive life outlook
- Empowerment and knowledge
- Positive role models
- Techniques to be physically safe
- Improved self-confidence
- Building healthy relationships
- Programs are adapted for children.

In summary, the school-based strategies work towards breaking the cycle of family violence, empowering youth and survivors of family violence, building stronger relationships and improving life skills.

Shirley and Patsi also shared a number of photographs taken during their stay in Ontario, Canada.

## **Sonya Davidson**

**Assistant Director, FVPLS Program, Attorney-General's Department**

### **Reviewing financial management and introducing the five new FVPLS units.**

Sonya's presentation covered the review of financial management practices, including reporting obligations, changes to reporting requirements, capital purchases and the upcoming budget formulation workshop. Sonya also introduced the five new FVPLS units.

Sonya described the reporting obligations as thus:

Period End 30 June 2007:

- Acquittal Documentation due 30 September 2007
- General Terms & Conditions (Item 8.2)

2005/06 - audited financial statements

2006/07 - audited general purpose financial report

Period End 30 September 2007

- Periodic Financial Reports due 11 November 2007
- Performance Indicators due 11 November 2007

Under the Terms and Conditions 2005-2006, section 8.2, units must provide AGD with:

(c) audited financial statements prepared in accordance with Australian Accounting Standards in respect of the funding (separately and in the context of the organisation's overall financial position), which must include a definitive statement as to whether the financial information for the Activity represents the financial transactions fairly and is based on proper accounts and Records;

(d) a statement of financial position (assets and liabilities by class), which must include, under assets, the balance of the unit's account referred to in paragraph 5.6(a).

(e) a statement of how much the unit needs to meet current liabilities under legal commitments entered into by the pursuant to the Agreement;

Under the Terms and Conditions 2006-2007, section 8.2, units must provide AGD with:

(c) an audited General Purpose Financial Report as defined by the Australian Accounting Standards Board and prepared in accordance with Australian Accounting Standards (that may vary from time to time), in respect of the Funding (separately and in the context of the organisation's overall financial position), which must include:

- (i) consolidated information encapsulating all financial interests and transactions of the organisation;
- (ii) in addition an individual balance sheet and cash flow statement for each schedule as included in this Program Funding Agreement; and
- (iii) a clear statement confirming that all financial information is included for all Activities, that the financial statements represent the financial transactions fairly and based on proper accounts and Records.

Sonya outlined the capital purchases round, for which an email was issued to auspice bodies and unit coordinators seeking applications for essential capital purchases, eg. Computer upgrades, office furniture, etc. The following need to be submitted with the application:

- Justification for purchase
- Description and cost of the capital item
- Three written quotations

Details should be forwarded to Theresa Gordon at [theresa.gordon@ag.gov.au](mailto:theresa.gordon@ag.gov.au). Theresa can also be contacted on (02) 6250 6573. Applications Close, COB Friday 9th November 2007.

Sonya also outlined the upcoming budget formulation workshop to be held in Canberra on Thursday 13 December 2007. This workshop will focus on:

- Determining operational costs
- Costing models
- Salary costs
- How to formulate a salary package
- Statutory requirements

The workshop is limited to 12 participants, however if substantial interest is received, another may be arranged. Participants were asked to contact Felicity O'Brien at [felicity.obrien@ag.gov.au](mailto:felicity.obrien@ag.gov.au) or on (02) 6250 6051 if interested in attending.

Finally, Sonya introduced the five new FVPLS units, leading into the next agenda item.

## **Discussion**

Question asking to clarify whether reports are needed for each funding stream or just for the unit. Answer: As per clause 8.2 of the 2006-07 terms and conditions:

- (i) consolidated information encapsulating all financial interests and transactions of the organisation;
- (ii) in addition an individual balance sheet and cash flow statements for each schedule as included in this Program Funding Agreement; and

Question asked about what to do if three suppliers are not available in a particular town. Answer: Contact AGD.

Question asked about budget formulation workshop as to whether AGD was paying, and whether an extra person could be sent at unit's own cost. Answer: 12 places were made upon the estimate that there are 12 newish people who could benefit. If more expressions of interest are received, AGD will look at holding another.

## **Five new FVPLS units – Albany, Broken Hill, Broome, Port Lincoln, Tennant Creek**

Sonya Davidson introduced the five new FVPLS units, before a representative from each provided conference participants with a brief update on the progress of their unit.

### **Albany**

The Great Southern FVPLS is auspiced by the Southern Aboriginal Corporation, which is based in Albany WA and is recognised as the peak Aboriginal Body representing Noongar people from within the South West and Great Southern areas of Western Australia.

The service area is the Lower Great Southern region, which takes in the major towns of Albany, Mt Barker, Kojonup, Katanning, Gnowangerup and Tambellup and also the smaller communities of Kendenup, Cranbrook, Broomehill and Jerramungup.

The program has been operating since July this year with staff coming on at different stages. The program did not have a full component of staff until the end of September, and now has a solicitor, a para-legal/admin, a counsellor, a community development officer and the coordinator.

The program is still in the development and establishment phase but we are all looking forward to the challenge.

### **Broken Hill**

Broken Hill Family Violence Prevention Unit is a new unit in Far Western New South Wales. Broken Hill has a population of just over 20,000, located 509kms from Adelaide and 1170kms from Sydney and 1092kms from Canberra. The proportion of the population identifying as Indigenous in Broken Hill alone is 13%, not taking into consideration the outlying towns.

The unit is currently servicing people in the Broken Hill area only, however that incorporates the Communities of Wilcannia (199kml east of Broken Hill) and Menindee (100kml West of Broken Hill).

From the unit's inception in late 2006 the unit has been governed by the management committee of its Auspice body: Far West Community Legal Centre Inc. During this time consultation with the community has taken place. Community meetings were conducted to gain knowledge and support. The building was outfitted to our specifications with five offices, two consulting rooms and a training room and reception, and as of July 1<sup>st</sup> this year we opened the doors.

The unit currently employs a DV/Sexual Assault Counsellor and Principal Solicitor, Solicitor and more recently a Coordinator. We have other positions available within the service being Case Worker, Community Development Worker and Full Time Administration Officer all these positions will be identified and are currently under recruitment.

To date the Unit has seen 18 clients we have 3 open Counselling files, 4 open Legal files 10 Advice given and 1 referral (this person was not indigenous.)

We are planning an open day this Friday 7 December 2007 for NSW Stop Domestic Violence Day. We plan to have the Thankakali Dancers and just have an informal chat about what we do and how we can help victims of domestic violence.

## **Broome**

Our service provider is Kullarri Indigenous Women's Aboriginal Corporation. The Corporation is based upon the 'four wards' in the Broome Region.

- North – Dampier Peninsula (Lombardina/Aardyarloon)
- South – La Grange (Bidyadanga)
- Town – Broome itself
- Central – Beagle Bay

The Corporation was formed in 2004 out of a 'Bush Meeting' with the help of ATSIC, and initiated by a group of women from the Dampier Peninsula region who were concerned about the amount of domestic violence and sexual abuse that was occurring in the region.

The FVPLS Unit came on board just recently and is staffed with a coordinator and two solicitors. The unit did have a sexual assault worker who has since left. We also have Community Support Workers in the Community who work in conjunction with the Unit.

Our Management Committee/Board has just been newly elected. We have recently had an induction workshop for the newly elected members and the unit with Margaret Beattie.

We have a Strategic Management Committee that is formed by the three coordinators from the Kimberly FVPLS Unit. The coordinators are from Fitzroy Crossing, Kununurra and Broome as well as their Management Committee members.

And last but not least, we have now provided services to clients in both the Broome and Fitzroy Crossing areas.

## **Port Lincoln**

Both the Principal Solicitor and the Counsellor are now on board and this means that we can start taking on clients. I will be approaching the local papers this week to organise a piece in the paper on the unit and will send a copy when this is done. I am still working on the Admin/Para-legal worker position and the Junior Solicitor position. Both positions should be advertised this month with interviews possibly happening in the New Year.

I am also finalising MOU, Policy and Procedures and other formations like Police checks to be done so that the Steering Committee can meet in January around the 14<sup>th</sup>. I think the unit's waited long enough for the Steering Committee to commence and the new members who have been selected a while back are asking questions as to when they are going to start meeting, as they are keen to want to get this going. Members of the Steering Committee have been selected from the local Women's Shelter, SAPOL (SA Police), Families SA, the Local Hospital, Education Dept, University of SA, and an elderly woman from the local community. These people are strong members of the Port Lincoln community and are positive that this committee will have a lot to give to the new unit.

Since bringing on both the Principal Solicitor and Counsellor there haven't been any clients, but as soon as the unit is promoted in the local papers and on the local regional news, I'm sure we will be getting an influx of calls and visits from people in the community.

## **Tennant Creek**

Phynea Clarke explained that the Tennant Creek Family Violence Prevention Legal Service is auspiced by the Central Australian Aboriginal Family Legal Unit (CAAFLU) based in Alice Springs. CAAFLU has been attending Tennant Creek since 2000, using a fly-in and fly-out service.

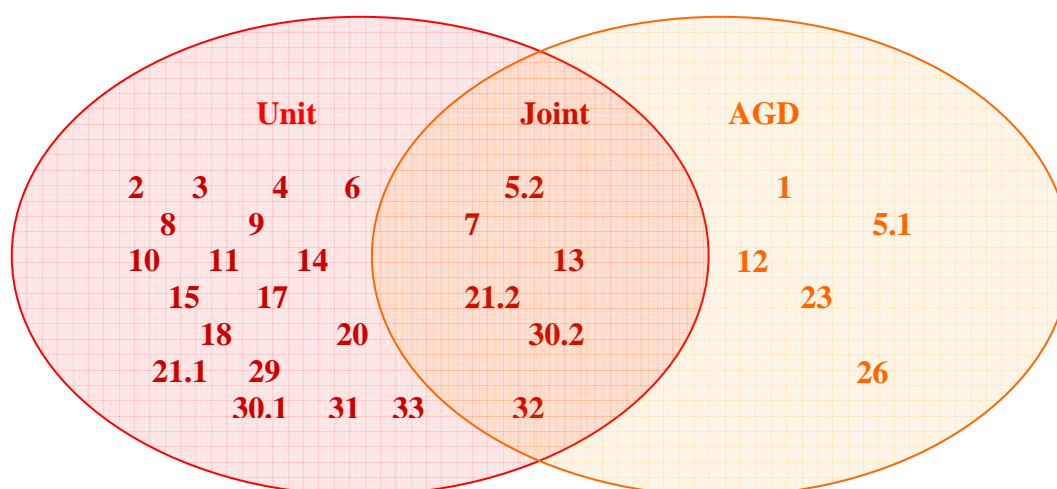
Phynea said that CAAFLU have successfully advertised for solicitors for the Tennant Creek Unit, and these solicitors will be coming onboard in early 2008. The purchase of vehicles and other resources have also been made. Job titles for Indigenous-identified positions are Client Service Officer, Administration Assistant and Receptionist, but all positions will be multi-skilled.

## Issues Requiring Action

This section summarises the issues raised in the group discussion session, and the responsible party for each action. For ease of reading and responding this has been set up in the line with the training concept outlined on day 1&2 for coordinators.

The diagram below sets out the responsible parties for implementation.

### Responsible Parties



#### 1 *Request for AGD to provide an update on the progress of database development*

AGD has engaged a consultant to prepare a full set of requirements to enable us to fully evaluate the systems under consideration. This will enable the selection of system early in the new year. We are anticipating delivery of a system to the units before the end of the financial year.

#### 2 *Request for AGD to clarify the process involved in budgeting for victim's compensation assistance.*

Budgeting for victims' compensation assistance is the responsibility of the unit, and should be considered during submission development and budget negotiations.

#### 3 *Request for AGD to clarify what units should do when they do not have the capacity to open new files, but cases aren't appropriate to referral.*

If a unit reaches capacity, they should submit a business case to AGD outlining a business case seeking funding for another solicitor or alternatively brief matters out.

- 4** *Request for AGD to clarify whether a community development worker could undertake sexual assault work in the same way Kempsey has CDEP-funded Family Court work. This was raised in the context of an identified need to skill up Indigenous people in the community.*

Staff are employed by service provider organisations. Whilst skilling up Indigenous people is always encouraged, care needs to be taken to ensure sexual assault workers are adequately trained. Sexual assault workers require specific training and targeted skills to be able to undertake work with sexual assault victim-survivors.

- 5** *Units requested that respite time be included in future conference programs. They would also like input into the agenda.*

**5.1** Noted.

- 5.2** Consultation on the agenda is always undertaken with service providers. For this conference an email was sent out in May 2007 seeking input and suggestions.

- 6** *Concern was raised about homeland groups being outside of the service area boundaries of units, and units therefore being unable to service them.*

Any changes to service areas must be negotiated with AGD. A brief outlining a business case for the changes needs to be submitted to AGD throughout the year or justification provided at the time of writing the funding submission.

- 7** *Request for AGD to create a newsletter to be sent out to units.*

Noted. Units are encouraged to become involved by nominating topics to be covered and by providing content. Suggestions should be sent to your nominated program officer..

- 8** *The need for career pathways for unit staff was raised as it is often hard for Indigenous people to climb the corporate ladder.*

The creation of career pathways is something that units and auspice bodies can jointly develop to be sure staff receive adequate training and direction to benefit them in their long-term career progression. AGD provides training for unit staff, examples of which include Sexual Assault Workers' training, budget workshop and orientation workshops.

- 9** *The Victoria and South Australia group suggested that experienced coordinators mentor new coordinators, including a two-day visit to the new unit during their set up phase.*

Units should make use of their regional networks to ensure new coordinators receive as much help from experienced coordinators as possible. Ways to do this include regional workshops and meetings.

- 10** *The need for a relief fund to cover staff on leave was raised.*

Noted.

- 11** *Financial assistance for victims in the form of emergency relief was raised as an issue.*

AGD does not provide funding for emergency relief. Service providers are encouraged to seek funding from other sources such as FaHCSIA or approach State or Territory Departments.

- 12** *Units indicated that they would like to see more site visits from AGD staff, and that AGD assistance is required for recruiting.*

Noted. Annually AGD undertakes a national advertising campaign in major newspapers on behalf of service providers.

- 13** *A number of state groups indicated the need for state meetings.*

State Group meetings could be organised within each state or territory by individual service providers combining and sharing the costs of such meetings. AGD will provide support where needed.

- 14** *Some units expressed that their facilities are unsuitable, especially in terms of accommodation being too small.*

Service providers are responsible for making the decisions about office location and accommodation. If growth of the FVPLS unit has impacted on office space a business case should be submitted to the AGD for consideration to relocate or outlining the need to increase the office space.

- 15** *A request was made for AGD to clarify whether wages for a second solicitor can be absorbed into the wages of the first solicitor to attract applicants.*

Any changes to a negotiated budget for salaries must be further discussed with AGD. A business case should be submitted to AGD outlining the reason for the requested changes.

- 16** *A number of units have been affected by the mining boom in terms of increased costs of living.*

Noted. AGD is undertaking discussions with those service providers impacted by this issue.

- 17** *Some units are seeking private investment from mining companies that are building accommodation in the units' areas to house miners.*

Noted.

- 18** *A request was made for AGD to explain the process for incorporating a unit, and a suggestion was made that a network be established between incorporated and non-incorporated units.*

Service providers should approach ORATSIC or ASIC for information on the process involved. Information is available at <http://www.oratsic.gov.au>.

**19** *AGD to review percentage process in budget negotiations.*

AGD does not use a percentage system. Clarification on specific budget issues can be sought from AGD.

**20** *A request was made for AGD to assist units in negotiating salary packages.*

AGD is unable to assist units in negotiating salary packages; however a financial advisor or a salary packaging administrator can be engaged to do so. The cost of this financial advisor should be included in the budget line item covering wages.

**21** *Staff burnout was raised as an issue, and a suggestion was made that a “how well is your unit doing?” checklist could be created to help assess staff burnout levels.*

**21.1** AGD provide Debriefing funding in the amount of \$5000 to each FVPLS unit for staff to receive counselling, support and professional debriefing. Service providers should ensure that staff take regular breaks and holidays throughout the year to manage the risk of staff burn out.

**21.2** **Service providers** are reminded that Rhonda Woodward, of AGD, is a counsellor and can be contacted on (02) 6250 6462 and [rhonda.woodward@ag.gov.au](mailto:rhonda.woodward@ag.gov.au) if staff need to speak to someone about burnout issues.

**22** *The issue of holding training in Canberra and the problem of having staff travel to attend was raised. It was suggested that trainers deliver training in units’ home states.*

Noted.

Training is delivered from time to time at the state or territory level. Each year the Annual National Conference is held in a different location. Currently the Solicitors and Sexual Assault Workers workshops are held in Canberra due to cost effectiveness and ability to get key note speakers to Canberra as opposed to other locations.

**23** *Queensland requested assistance from AGD in finding appropriate governance training as required under Program Funding Agreements.*

AGD will meet with ORATSIC on Tuesday 18 December 2007 to discuss governance training and to look at strategies for moving forward on this issue. Further to this governance training can be sourced through the local CIT or TAFE systems or service providers can engage experienced consultants to deliver such training.

**24** *A request was made for clarification of AGD’s duty of care to units.*

Service Provider organisations have the day-to-day ‘duty of care’ for their staff. The role of the Attorney-General's Department’s in the Family Violence Prevention Legal Services program is that of a funding body.

**25** *Units identified a “lack of flow-through” from AGD in regards to the role of auspice bodies. A request was made for AGD to clarify the role of auspice bodies.*

**25.1** The role of the auspice body is set out in the Operational Framework, specifically Section 3.2.3. “The role of an auspice body is to provide leadership and direction in relation to the strategic vision of the unit, and to reflect the needs of the community. The auspice body has no involvement in the day-to-day management of the unit.”

- 25.2 Please see the Appendix of this report for a full copy of Section 3.2.3.
- 26 ***Units raised the issue of a perceived lack of coordination amongst Program Officers at AGD, possibly due to a high staff turnover. They suggested ensuring comprehensive handover notes are prepared each time a staff member moves on.***
- Noted. The movement amongst Program Officers in AGD is a side effect of the high mobility within the Australian Public Service. AGD will internally review handover policies to ensure information is passed on to new Program Officers.
- 27 ***Lack of housing in communities was raised as an issue.***
- Noted.
- 28 ***A lack of coordination between funding bodies was raised as an issue.***
- Noted.
- 29 ***Units identified a need for fully-equipped vehicles when undertaking outreach services.***
- Noted. Service providers are responsible for the fit out of vehicles..
- 30 ***The issue of low staff retention rates and high level of staff burnout was identified. Special mention of interpreters was made, particularly that they do not receive any recognition***
- 30.1 Noted. Service providers can engage interpreter services and fund them under a specific budget line item as negotiated with AGD.
- 30.2 Staff retention is an issue that AGD continues to work on in conjunction with units. AGD recently ran a national advertising campaign seeking staff for units.
- 31 ***Units in the Northern Territory identified a need for halfway houses in the community.***
- Noted. Service providers can advocate to state and territory governments regarding the type of services.
- 32 ***Difficulty in retaining solicitors was raised as an issue.***
- AGD aware of this issue and will continue to advertise for solicitors through the National Advertising Campaign. AGD continues to be involved with specific research and projects which address this issue, eg. WA Country Lawyers Graduate project.
- 33 ***The Northern Territory group expressed a need for NT locals to explain the current situation in the NT rather than visiting public servants.***
- It is suggested that units liaise with their local ICCs on this matter. ICCs in the Northern Territory are located in Darwin, Alice Springs and Katherine.

## Conference close

Margaret Beattie summarised the events of the conference, and thanked participants for attending. A copy of the background paper for the Operational Framework review was handed around and Margaret Beattie asked all those interested in participating to send their expressions of interest to [sarah.pisani@ag.gov.au](mailto:sarah.pisani@ag.gov.au).

Participants were also asked to fill in the evaluation sheets on their table so as to give the Attorney-General's Department FVPLS staff an indication of how to improve next year's conference.

Margaret also requested feedback on the resource kits handed out to units. A number of participants indicated an issue with the use of "brutha boy" and "tidda girl" and also the use of light blue shirts. The light blue shirts were the same colour as police uniforms, and some areas were fearful of wearing them. Margaret explained that this was a mistake on behalf of the supplier, and that the shirts would not be light blue next time. Participants also requested larger sizes in the shirts, and Phynea Clarke suggested including units' 1800 number somewhere in the design. Margaret asked that this be thought about and indicated an increase in cost, but that AGD would investigate the possibility.

Further on the resource kits, it was suggested that if footballs were going to be included, then units need pumps to inflate them. Also, a request was made for water bottles. Finally, Margaret asked if more resource kits should be ordered, to which conference participants responded very positively.

Margaret mentioned that an email advertising mental health first aid training had been sent out to units, and thus far 16 people had registered to attend. Margaret then spoke briefly about the EIPP, and told participants that information is available on the AGD website. There is still some EIPP funding available, and Margaret asked participants to consider any large projects that may fit the criteria (\$100,000-\$200,000 budgets rather than \$30,000-\$40,000), and pointed out that EIPP programs must work in conjunction with their FVPLS unit. Margaret asked Antoinette to explain the EIPP program she is running as an example for those interested.

Participants were then asked to brainstorm areas of training they would like covered in 2008, and then decide on which five they would like to see delivered. The result was:

- Cultural awareness training
- Financial/budgets and development of E-subs
- Accredited governance training (eg. 5 day program)
- Risk management around burnout of staff and vicarious trauma
- Strategic planning

The conference then came to a close.

## Appendix

Agenda	50
<i>Program Guidelines 2008-09: Family Violence Prevention Legal Services and Early Intervention and Prevention</i>	51
The role of an auspice body	58



**Australian Government**  

---

**Attorney-General's Department**

**Indigenous Justice and  
Legal Assistance Division**

**AGENDA**

**Family Violence Prevention Legal Services  
National Conference**

Australis Opal Cove Resort  
Coffs Harbour  
October 23-26, 2007

## COORDINATORS' TRAINING DAY 1

<b>Day One – 23 October 2007</b>	
9.00 – 10.30 am	Introduction to program and facilitator
<b>10.30 – 10.45 am MORNING TEA</b>	
10.45 – 12.30 pm	Identifying common ground
<b>12.30 – 1.30 pm LUNCH</b>	
1.30 – 3.00 pm	Identifying risks to achieve success in service delivery
<b>3.00pm – 3.15 AFTERNOON TEA</b>	
3.15 – 5.00 pm	Risk analysis
<b>5.00 pm Evaluation and CLOSE</b>	
<b>BBQ DINNER</b> <b>Horizons Restaurant</b>	

## COORDINATORS' TRAINING DAY 2

<b>Day Two – 24 October 2007</b>	
9.00 – 10.30 am	Reflection and review of work to date <ul style="list-style-type: none"> <li>• Opportunities and consequences in risk management</li> </ul>
<b>10.30 – 10.45 am MORNING TEA</b>	
10.45 – 12.30 pm	Strategic business planning
<b>12.30 – 1.30 pm LUNCH</b>	
1.30 – 3.00 pm	Strategic business planning
<b>3.00pm – 3.15 AFTERNOON TEA</b>	
3.15 – 5.00 pm	Next steps
<b>5.00 pm Evaluation and CLOSE</b>	
<b>FREE NIGHT</b>	

## CONFERENCE DAY 1

8.00 – 8.30 am CONFERENCE REGISTRATION	
8.30 – 8.40 am	<b>Tony Flanders</b> (Gumbangirr nation) Welcome to Country
8.40 – 8.50 am	<b>Waverley Stanley – Conference Facilitator</b> General welcome Housekeeping & Instructions from Facilitator
8.50 – 9.00 am	<b>Katherine Jones</b> A/g First Assistant Secretary, Indigenous Justice and Legal Assistance Division, Attorney-General's Department <b>Margaret Beattie</b> Director of Family Violence Prevention Legal Services Welcome
9.00 – 9.45 am	<b>Hetty Johnston</b> Executive Director of Bravehearts Inc.
9.45 – 10.00 am MORNING TEA	
10.00 – 10.45 am	<b>Lorraine Peeters</b> Marumali A different Perspective on Family Violence
10.45 – 11.15 am	<b>Phynea Clarke &amp; Lillian Davies</b> Women's Bush Meetings <b>Edna Iles &amp; Pepy Simpson</b> Tennant Creek FVPLS
11.15 – 11.45 am	<b>June Oscar &amp; Christine Grey</b> Fitzroy Crossing FVPLS Women's Bush Meetings
11.45 – 12.45 pm LUNCH	
12.45 – 1.15 pm	<b>Elizabeth Broderick</b> Sex Discrimination Commissioner Human Rights and Equal Opportunity Commission

1.15 – 2.15 pm	<b>Liz O'Brien &amp; Traci Harris</b> National Association of Community Legal Centres
2.15 – 3.30	<b>Kylie Faulkner &amp; Michael Foxwell</b> Many Rivers showcase
<b>3.30 – 3.45 pm AFTERNOON TEA</b>	
3.45 – 4.15 pm	<b>Fabienne Balsamo</b> Senior Policy Officer, Human Rights and Equal Opportunity Commission Information session on the development of the Community Legal Education Program
4.15 – 5.15 pm	<b>Sayuri Piper &amp; Jon Daniels</b> ORATSIC Presentation on Reporting and Regulations
<b>5.15 pm CLOSE</b>	
<b>6.15 pm</b> <b>Conference Dinner with Waverley Stanley</b> <b>Opals Room</b>	

## CONFERENCE DAY 2

9.00 – 10.45 am	<p><b>Networking</b></p> <p>Break into state groups to discuss internal and external matters</p> <ul style="list-style-type: none"> <li>• Strategic state issues</li> <li>• Individual unit issues/concerns</li> </ul>
<b>10.45 – 11.00 am MORNING TEA</b>	
11.00 – 12.00 pm	<ul style="list-style-type: none"> <li>• Strategic Partnerships – formal and informal</li> <li>• Group presentations to conference</li> </ul>
<b>12.00 – 12.45 pm LUNCH</b>	
12.45 – 1.45 pm	<p><b>Shirley Veronese &amp; Patsi Mawn</b></p> <p>Report on the “A Time for Children, a Time for Change” conference – London, Ontario Canada, May 2007</p>
1.45 – 2.00 pm	<p><b>Sonya Davidson</b></p> <p>Assistant Director, Family Violence Prevention Legal Services</p> <p>Reviewing financial management and introducing the five new FVPLS units</p>
2.00 – 3.00 pm	<p>Representatives from the five new FVPLS units will present a brief report on their units</p>
3.00 – 3.15 pm	<p><b>Margaret Beattie</b></p> <p>Director Family Violence Prevention Legal Services</p> <p>Planning for the next FVPLS national conference</p>
3.15 – 3.30 pm	<p><b>Waverley Stanley</b></p> <p>Review of conference</p>
<b>3.30 pm AFTERNOON TEA</b>	
<b>CLOSE CONFERENCE</b>	

# **PROGRAM GUIDELINES 2008-09**

## **Family Violence Prevention Legal Services and Early Intervention and Prevention**

### **Purpose of Funding**

The Attorney-General's Department (AGD) provides funding for the Family Violence Prevention Legal Services (FVPLS) and the Early Intervention and Prevention Program (EIPP). The FVPLS assist Indigenous adults and children who are victims-survivors of family violence, including sexual assault/abuse, or who are at immediate risk of such violence. The EIPP seeks to prevent family violence and sexual assault/abuse from occurring.

Service providers are expected to ensure that they offer culturally inclusive and accessible services to Indigenous Australians in the specified service region, regardless of gender, sexual preference, family relationship, location, disability, literacy or language.

Both programs are complemented by other Indigenous Law and Justice Programs.

### **Funding Guidelines**

State and Territory agencies have the prime responsibility for family violence services in Indigenous communities. The funding for this area should be regarded as supplementary rather than primary and the AGD encourages applicants to seek funding from other funding sources. All applicants will be required to provide information to the AGD relating to funding received, and/or applied for, from other sources.

Under the Australian Government *Submission for Funding Indigenous Programmes 2008-09*, you will be required to meet the AGD terms and conditions, as well as any program specific terms, conditions and the schedule, which applies to all projects funded under this program.

The AGD will measure performance of projects under this program. This will include a mix of quantitative and qualitative indicators and measures. Mandatory indicators are included for each program component. It should be noted that the AGD may include additional project specific performance indicators and measures for any funded project, in consultation with service providers.

The AGD is seeking to ensure that publicly funded organisations are accountable, provide the best service possible, make efficient and effective use of available funds, and prioritise risk so that a fairer distribution of resources to those most vulnerable members of the Indigenous community can be achieved. There are two components that may be funded under this program.

## **(1) Family Violence Prevention Legal Services**

FVPLS units are expected to ensure that the services offered are culturally inclusive and accessible services to Indigenous adults and children, in the specified service region, regardless of gender, sexual preference, family relationship, location, disability, literacy or language. FVPLS units must comply with the program specific terms, conditions, the schedule and the *Family Violence Prevention Legal Services Operational Framework, July 2006* and *Family Violence Prevention Legal Service Policy Manual, June 2007*.

FVPLS delivers the following services in a safe and culturally sensitive environment:

- legal advice and casework assistance
- court support
- counselling to victims of family violence and sexual assault
- assistance and support to victims of sexual assault
- child protection and support
- information, support and referral services
- community promotion initiatives, and
- referrals.

Established FVPLS units are required to apply annually for funding under this program. Service providers will be invited to make submission to provide service delivery in specified high need service areas in rural and remote locations.

### **Performance Measures**

The AGD will measure performance of projects funded under this program. This will include a mix of quantitative and qualitative indicators and measures. Mandatory indicators are outlined below. It should be noted that the AGD may include additional project specific performance indicators and measures for any funded project, in consultation with service providers.

The mandatory performance measures are contained within the *Family Violence Prevention Legal Services Operational Framework, July 2006* and include:

- number of clients by sex and age
- number of clients counselled
- number of community promotion projects
- number of legal applications provided by law type
- number of legal assistance ie advice, casework
- submit a quarterly report detailing workload data
- undertake annual client surveys/evaluation of the service delivery performance

- undertake self-evaluation audit of the unit's performance against service standards listed in the *Family Violence Prevention Legal Services Operational Framework, July 2006*, and
- provide detailed description of community promotion projects conducted.

## **(2) Early Intervention and Prevention**

The AGD may provide funding to organisations, in accord with the overall objectives of the Program Guidelines, to undertake Early Intervention and Prevention Projects in identified high need service areas in rural and remote locations across Australia. The EIPP is aimed at changing the behaviours and attitudes of individuals, to empower them and the community to stop family violence.

Individual EIPPs must intervene in the family violence continuum by targeting specific Indigenous groups eg teenage boys or young mothers, or a particular behaviour eg alcohol abuse that leads to family violence. This may be achieved by delivering proven prevention projects and developing new approaches that focus on achieving measurable outcomes.

### **Performance Measures**

The mandatory performance measures include:

- number of participants by sex and age
- number of times the project is undertaken
- description of how the project has intervened in the family violence continuum, and
- report against the projects stated objectives and outcomes.

## **The role of an auspice body, as contained in the Operational Framework**

### *3.2.3 Auspice body*

The role of an auspice body is to provide leadership and direction in relation to the strategic vision of the unit, and to reflect the needs of the community. The auspice body has no involvement in the day-to-day management of the unit.

As the auspice body is responsible for the financial and performance management of the unit, it is the responsibility of the auspice body to ensure that the contractual relationship with the Department as contained in the PFA including the *General Terms and Conditions for Funding Agreements Relating to Indigenous Programs* are observed and adhered to.

The auspice body is responsible for the appointment of the unit coordinator and must take an active role in developing an open and transparent process for selection of members of the unit steering committee. Unless the steering committee becomes a separate legal entity and takes responsibility for the PFA from the auspiced body, the AGD will have to continue to deal with the auspiced body on legal issues.]

Once members of the steering committee have been selected and appointed, the auspice body must formally acknowledge these appointments at the next board meeting and must record the appointments in the minutes of that meeting. The auspice body will provide the steering committee with copies of minutes of all meetings that relate to the FVPLS unit.

The auspice body should work with the steering committee to define the roles and responsibilities that govern the relationship between these bodies until finalisation of a formal Memorandum of Understanding (refer Section 3.3 – Memorandum of Understanding). The auspice body must ensure that the Memorandum of Understanding is accessible to, and understood by, members of the steering committee and staff. The auspice body must work with the steering committee to oversee the unit's administrative arrangements.

The auspice body is the employer of unit staff and must develop a fair and transparent staff selection process. It must ensure that appropriate employment policies are developed and implemented, and that staff employment conditions comply with the relevant State or Territory legislation; for example, occupational health and safety, equal opportunity and anti-discrimination legislation. Any process for unit staff recruitment should include appropriate representation; for example, one auspice body representative, one steering committee member and the unit coordinator. For further information, refer to Section 4.2 – Staffing.

Should a unit's steering committee decide to seek incorporation of that unit, the auspice body shall provide the unit with appropriate assistance and support services by way of legal services and/or funding from the unit's funds. Any unit seeking incorporation should obtain independent legal advice. Information regarding incorporation is available from the Office of the Registrar of Aboriginal Corporations (ORAC) at <<http://www.orac.gov.au>>. [Please note this is now the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations – ORATSIC – <http://www.oratsic.gov.au>].

Auspice body board members need to be seen by the community to be strong advocates for the prevention of family violence and sexual assault. Therefore, no member of an auspice body board should be perceived by the community to be currently personally associated in any way with family violence or sexual abuse.