



Aboriginal Family Violence Prevention
& Legal Service Victoria

FVPLS Victoria

Submission to the Consultation Paper:
Establishment of the Royal Commission into
Institutional Responses to Child Sexual Abuse

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29 November 2012

The Hon Nicola Roxon MP
Commonwealth Attorney-General
C/o Secretariat
Royal Commission into Child Sexual Abuse
PO Box 6555
CANBERRA ACT 2600

Dear Attorney-General,

Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) Submission to the Consultation Paper on the Establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse

The Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) welcomes the decision of the Australian Government to establish a Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). While we appreciate the opportunity to provide comment on the Terms of Reference and the scope of the Royal Commission, we note the importance of the review and pressure short timeframes place on organisations such as ours which are already under-resourced and struggling to meet the demand for services by our clients.

FVPLS Victoria endorses the submissions of the National Association of Community Legal Centres (NACLC) and the Women's Legal Services Australia (WLSA). We emphasise their calls for:

- The inclusion of families of victims in the definition of 'those affected.'
- The appointment of multiple Commissioners with diverse backgrounds and experience, including Aboriginal and Torres Strait Islander Commissioners and female Commissioners. It is the view of FVPLS Victoria that male and female Aboriginal and Torres Strait Islander Commissioners are essential to ensuring cultural safety.
- The provision of culturally appropriate support to survivors telling their stories, to avoid further trauma. This should include experienced lawyers available to provide free advice and referrals for anyone wishing to pursue other courses of action, including seeking compensation.
- Mechanisms to support engagement of and participation by people in mental health facilities, prison or other justice facilities.
- Extensive investigative power including into the conduct of police investigations. FVPLS Victoria adds that these investigative powers should extend to examining discrimination experienced by Aboriginal victims, or where cultural factors have influenced responses by police or other institutions.

As the key Victorian legal service for Aboriginal and Torres Strait Islander victims of family violence and sexual assault, FVPLS Victoria is primarily concerned with ensuring that Aboriginal and Torres

Strait Islander people are supported to participate in the Royal Commission and that the Commission process is culturally appropriate and safe. In addition to the submissions of the NACLC and WALA, we add the following brief comments.

Aboriginal and Torres Strait Islander people have historically been overrepresented in out-of-home care, the mental health and justice system and many Government institutions. Statistics show that Aboriginal people are more likely to have experienced sexual and other forms of abuse than non-Aboriginal people. As such, the stories of Aboriginal people will be essential to developing a clear picture on child sexual abuse in Australian institutions, appropriate systemic responses and how to best support survivors. The Royal Commission has an obligation to ensure its processes encourage, support and are culturally safe for Aboriginal people to participate.

FVPLS Victoria advocates for culturally safe and secure services. Cultural security puts an obligation on service providers to actively ensure the cultural needs of clients are met. FVPLS Victoria understands the importance of Aboriginal community control in embedding culturally safe and secure practices. In the context of the Royal Commission we strongly recommend ensuring Aboriginal cultural safety through the establishment of an Aboriginal and Torres Strait Islander steering committee, comprised of Aboriginal and Torres Strait Islander people. The committee's Terms of Reference would include responsibility for:

- Adoption and implementation of appropriate policies, language and processes that encourage and support Aboriginal peoples' involvement in the Royal Commission;
- Identifying and connecting with Aboriginal victims in the community;
- Developing culturally specific recommendations as the Commission progresses.

It has been the experience of FVPLS Victoria that Aboriginal people are best placed to gain the trust and confidence of Aboriginal people who have experienced violence and abuse. We strongly recommend the employment of Aboriginal and Torres Strait Islander people by the Royal Commission to work with the steering committee.

While not seeking to diminish the importance of this Royal Commission we would like to note the many Aboriginal women who have been and continue to be victims of family and sexual violence and the inadequate responses of the systems set up to ensure their safety. There is an urgent need to examine the effectiveness of these systems, through a similar process.

In conclusion, the participation of Aboriginal and Torres Strait Islander people in the Royal Commission is essential to its ability to fully explore the issue of child sexual abuse and institutional responses in Australia. We urge the Royal Commission to implement the recommendations above, and look forward to engaging in the process further.



Antoinette Braybrook
Chief Executive Officer