

# Monitoring the Family Violence Reforms: Djirra's Submission to the Family Violence Reform Implementation Monitor

July 2020



## **Acknowledgement**

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Djirra would like to acknowledge that this document was developed on the lands of the Wurundjeri people of the Kulin Nations. Djirra pays respect to all Elders past, present and emerging and recognises their unceded sovereignty.

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## Introduction

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The devastating impacts of first contact and colonisation are far reaching and have a contemporary reality. The Royal Commission into Family Violence (RCFV) recognised the devastating and disproportionate effects of family violence on Victoria’s Aboriginal communities. It found that Victoria’s Koori population experiences family violence at significantly higher levels than other Victorians, and this impacts particularly on Aboriginal women and children. Aboriginal women are 34 times more likely to be hospitalised as a result of family violence and almost 11 times more likely to be killed because of violent assault.<sup>1</sup> It is important to note that family violence is not an “Aboriginal problem” and is not our cultural way. Census data shows that 85% of Aboriginal women in Melbourne, 67.9% in Shepparton and 82.4% in Bendigo have a non-Aboriginal partner.<sup>2</sup>

The RCFV also heard considerable evidence about the unique barriers to Aboriginal women seeking help for family violence. These include<sup>3</sup>:

- Lack of trust by Aboriginal women in mainstream services and organisations
- Lack of culturally safe services delivered by mainstream organisations
- Reluctance to report due to fear of children being removed

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<sup>1</sup> Australian Institute of Health and Welfare, Family, Domestic and Sexual Violence in Australia (Report, 28 Feb 2018) 83 (‘Family, Domestic and Sexual Violence in Australia’). See generally Australian Bureau of Statistics, The Health and Wellbeing of Aboriginal and Torres Strait Islander Women: A Snapshot, 2004–05 (Catalogue No 4722.0.55.001, 14 May 2007) (‘Health and Wellbeing Snapshot’).

<sup>2</sup> Biddle, N. (2013). CAEPR Indigenous Population Project 2011 Census Papers: Indigenous and Non-Indigenous Marriage Partnerships. Canberra, Australia: Australian National University

<sup>3</sup> RCFV, Chapter 26, 28-29

The RCFV acknowledged the need for service responses which are tailored to the circumstances and needs of Aboriginal victims/survivors of violence. It identified that the reintroduction of a culturally appropriate service has the potential to make a significant contribution toward the long-term goal of improving Victorian Aboriginal communities' confidence in the courts and justice system.

In this submission, we make recommendations that contribute to the implementation of the recommendations of the Royal Commission for a more accessible, inclusive and non-discriminatory family violence system. Specifically, the recommendations made in this submission contribute to Aboriginal self-determination and the provision of culturally appropriate family violence services for Aboriginal women.

We advocate for the realisation of a family violence system which empowers self-determination and builds on the strengths of Aboriginal and Torres Strait Islander peoples, families and communities to live free from family violence. As outlined in this submission, some changes resulting from the RCFV are immensely valuable in supporting this aim, such as the resumption of the 'Umalek Balit' Koori Family Violence and Victims Support Program. However there is still more that needs to be done to ensure the provision of accessible, culturally safe family violence services for Aboriginal women.

## About Djirra

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Established in 2002, Djirra is an Aboriginal Community Controlled Organisation that provides services across the state of Victoria. Djirra provides culturally safe and holistic assistance to Aboriginal people, primarily women, who are experiencing, or have experienced, family violence and/or sexual assault. 95% of our clients are Aboriginal women and all of our community engagement programs are designed for Aboriginal women by Aboriginal women. As such, this submission focuses on the experiences and needs of Aboriginal and Torres Strait Islander women.

In March 2018, we changed our name from Aboriginal Family Violence Prevention and Legal Service Victoria to Djirra. This change of identity was the culmination of many years of work with and for Aboriginal women across Victoria. It allowed us to expand our positive and holistic approach to supporting Aboriginal women on their journey to wellbeing. Djirra is the Woiwurrung word for the reed used by Wurundjeri women for basket weaving. Traditionally, when women gathered to weave, important talks took place and problems were solved. Djirra symbolises Aboriginal women today, coming together to share stories, support each other and find solutions.

Djirra provides a range of services and programs, including: Frontline legal assistance — focusing predominantly on family violence, child protection, family law and victims of crime assistance; Holistic, wrap-around support; Intensive Case Management via our new Family Violence Case Management Team; Outreach to women in prison; Early intervention/prevention programs — including our signature programs Sisters Day Out, Dilly Bag and Young Luv; Koori

Women's Place — a unique cultural initiative which provides a suite of cultural and wellbeing workshops, and individualised support; Community education and cultural awareness training; and Policy, advocacy and law reform work to identify systemic issues in need of reform and advocate for change to improve Aboriginal and Torres Strait Islander women's access to safety, justice and equality.

As an Aboriginal Community Controlled Organisation, Djirra is directed by an Aboriginal Board and has a range of systems and policies in place to ensure we provide culturally safe services in direct response to community need.

## **Summary of Recommendations**

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### **Recommendations re Djirra's Koori Women's Place:**

- Ongoing (recurrent) funding for Djirra's Koori Women's Place in Abbotsford beyond 2023
- Funding for expansion of Djirra's successful Koori Women's Place model into Victorian Regions.

### **Recommendations re Umalek Balit: Koori Family Violence and Victims Support Program:**

- Ensure long term funding for the Umalek Balit Program
- Roll out the Umalek Balit Program across the state
- Provide long term funding to Djirra to support the Umalek Balit Program: We require funding to employ additional specialist Legal Services staff based in the Umalek Balit areas, to work with the courts to support, advise and advocate for victims/survivors of family violence going to court; and develop strong referral relationships with the new Umalek Balit Koori Family Violence and Victims Support Workers, specifically those working with Aboriginal women applicants.

### **Recommendations re preventing Misidentification and Criminalisation of Aboriginal and Torres Strait Islander Women:**

- Police need to have a better understanding of the dynamics of family violence. Where women are using violence, the context of the violence needs to be unpacked with caution and consideration and not taken at face value.
- Police must receive training to refer Aboriginal and Torres Strait Islander people to appropriate ACCOs (including Djirra) for early legal advice, when they are identified as either a victim or perpetrator.

**Recommendations re RCFV Recommendation 146: Prioritise adequate funding for Aboriginal Community Controlled Organisations:**

Djirra calls for Increased funding and resourcing of Aboriginal Family Violence Prevention Legal Services and Strategies:

- **Longer-term (five yearly), increased funding from both State and Federal Governments** to enable Djirra to: (a) meet demand for our specialist, culturally safe, frontline legal assistance services, including through expansion to state-wide coverage; (b) continue and expand our highly successful, culturally targeted early intervention prevention programs and community legal education programs; and (c) continue to provide high level policy advice and undertake advocacy and law reform activities to strengthen law and justice outcomes for Aboriginal victims/survivors of family violence.
- **Increased State Government responsibility for ensuring Aboriginal victims/survivors of family violence have access to culturally safe and specialist family violence legal services across Victoria, including metropolitan, regional and rural areas.** Funding for specialist family violence legal services such as Djirra would require funding for both lawyers and paralegal support workers to ensure that the holistic legal services model is accessible to victim survivors of family violence across the state.
- **Funding policies and priorities of both State and Federal Governments acknowledge that disadvantage experienced by Aboriginal victims/survivors of family violence is not limited to rural and remote Australia,** and strategies and resources must be dedicated to culturally safe and specialist urban service delivery for Aboriginal victims/survivors across metropolitan Melbourne.
- Specialist funding for Aboriginal legal services roles (lawyers and paralegal support workers) to support a statewide rollout of the Umalek Balit program
- Funding of Aboriginal Specialist family violence legal service roles (lawyers and paralegal support workers), within the Specialist Family Violence Courts service system
- Ongoing (recurrent) long-term funding for Djirra's effective and in demand Koori Women's Place
- **Increased and secure funding for culturally safe and trauma-informed counselling through Djirra:**

- Provide dedicated, long-term funding to enable Djirra to establish a well-resourced counselling and wellbeing program for Aboriginal women. This must include: culturally appropriate individual counselling support at Koori Women's Place; individual counselling support at all early intervention and prevention workshops, including dedicated funding to enable trusted and qualified counsellors to be on-site for the entire duration of Dilly Bag; culturally appropriate group counselling options at Dilly Bag and Koori Women's Place; and follow up counselling sessions over the phone or face to face.
- Provide dedicated, long-term funding to enable Djirra to support Aboriginal women and their children to access specialist and culturally appropriate external counselling, to complement the counselling and wellbeing support provided through Djirra.

### **Recommendations re Specialist Family Violence Courts (SFVCs):**

- **Djirra lawyers and paralegal support workers must have a regular presence at the SFVCs.** We seek funding for lawyer and paralegal positions that will directly benefit Aboriginal victims/survivors of family violence who are accessing the SFVCs through the provision of culturally safe legal and non-legal support before, during and at court.
- Djirra supports the introduction of a Specialist Koori Family Violence Court.

### **Recommendations re the Support and Safety Hubs (Orange Doors):**

- Djirra calls for multiple access points for family violence support – not just the Orange Door. Mainstream approaches must not replace Aboriginal self-determined approaches. Priority must be given to resourcing Djirra to be one of the access points.
- Access to culturally appropriate and timely counselling and wraparound services for children and families who have been victims of family violence. Early access to legal representation for mothers will prevent child removal. Aboriginal women have the right to choose to access support from a culturally safe service that is Aboriginal community controlled.
- As a specialist Aboriginal family violence service, Djirra must be prioritised as an essential and early referral point for the Orange Door.
- Child Protection Services should not be co-located with Family Violence Supports
- Djirra still remains firm in our view that resources should be provided for workers to be based with us to provide outreach to Orange Doors across the State.

### **Recommendations re support for Aboriginal and Torres Strait Islander mothers to address family violence and keep kids in their care:**

- Establish an Aboriginal and Torres Strait Islander child protection notification and referral system that requires child protection workers to refer all Aboriginal mothers at risk of having their children removed to Djirra for independent, specialist and preventative legal advice and culturally safe wraparound support at the earliest opportunity.
- Establish directives that require the Department of Health and Human Services to refer all Aboriginal women in contact with child protection to Dilly Bag and to provide relevant support to enable Aboriginal mothers to attend Dilly Bag.
- Recommend that the Department of Health and Human Services pays for ongoing therapy for all family members, not just the children, who are involved in the Child Protection system, especially Aboriginal and Torres Strait Islander mothers experiencing family violence.

### **Recommendations re RCFV Recommendation 147: Ensure that all Aboriginal family violence interventions are evaluated in a culturally appropriate manner:**

- **Move to genuine Aboriginal led evaluation.** ACCOs like Djirra must be brought into decision-making on whether to conduct an evaluation, how the evaluation should be conducted, designing the evaluation plan and methodology and selection of evaluators. Only then will evaluations support the agendas of Aboriginal and Torres Strait Islander organisations delivering services or programs.
- **Dedicated long-term funding for evaluation capacity building.** This funding should not be tacked on to individual projects, but should be resourced as a discrete initiative which leads to sustainable and culturally safe evaluation practice driven by ACCOs and embedded into ACCO service delivery. To support self-determination, evaluation capacity building must involve both building a pool of Aboriginal and Torres Strait Islander evaluators and building the capacity of organisations already delivering programs.
- **Introduce an accountability mechanism created for communities and ACCOs to review evaluations and evaluation capacity building initiatives.** Not just the quality of the evaluation product (more often than not a report) but the evaluation process (looking at each stage of the evaluation). This will capture the “lived experience” of the Aboriginal and Torres Strait Islander community organisation and community who have been involved in the evaluation or capacity building initiatives.

### **Recommendations re Family Violence and Homelessness:**

- The Victorian government must ensure a sustained increase in investment in holistic and culturally safe crisis housing, and access to safe, stable and culturally appropriate long-

term housing options for Aboriginal women and their children experiencing family violence, with coverage across the state.

- Djirra would like to see a long-term funding commitment to ensure vital “Family Violence Crisis Brokerage” support packages continue to be available after COVID-19, with the maximum amount of support increased from \$5,000 to \$10,000 to reflect the high needs of women and children facing extreme crisis, in particular, the need to access safe housing.

**Recommendations re changes resulting from the COVID-19 pandemic that we think should be continued:**

- We have seen a positive change towards online document sharing in the courts, which we would like to see continued.
- During COVID-19 Magistrates have demonstrated flexibility to hear things differently and do things differently (albeit inconsistently). Use of video conferencing and phone conferencing platforms to participate in court process has allowed our statewide legal service to broaden our reach. We have been able to appear for women in locations we would not have had capacity to physically reach. This flexibility is welcomed and appreciated and should be continued, particularly as it enables the court process to be more responsive to the needs of people experiencing family violence.
- Court appearance by video link is appropriate for Intervention Orders at all stages, and is essential for Aboriginal applicants during COVID-19.
- Provide funding for access to appropriate technology for Aboriginal women needing to utilise video conferencing for court purposes.
- Provide brokerage funding to enable us to provide access to phones and data for Aboriginal women, so that they can connect with vital supports including family violence supports and counselling offered through Djirra.

## **PART 1: How has the family violence service system changed since the Royal Commission?**

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**What are the major changes you have seen in the family violence service system since the Royal Commission into Family Violence made its final report and recommendations in 2016?**

### **Djirra's Koori Women's Place**

The RCFV emphasized the need to invest in specialist services for Aboriginal women and in services which are delivered by Aboriginal Community Controlled Organisations. Specifically Recommendation 146: The Victorian Government give priority to providing adequate funding to Aboriginal community controlled organisations for culturally appropriate family violence services for Aboriginal women and children.

In 2017/18 in response to Recommendation 146, funding was provided to Djirra to establish its Koori Women's Place (KWP), a culturally framed specialist family violence support service which supports Aboriginal women to lead strong, independent and positive lives as they confront the ongoing trauma of family violence.

The KWP evolved from a need for a physical location which is a culturally safe place and where Aboriginal women know that their identity will not be questioned, where their culture will be respected and where their history will be understood and shared by Aboriginal women. It provides a culturally safe service, offering the right support in the right way, at the right time to Aboriginal women experiencing or healing from family violence.

The KWP directly aligns with the recommendation which reinforces that ACCOs are best placed to design and deliver specialist family violence services for Aboriginal women. KWP also clearly aligns with Strategic Priority Three of Dhek Dja (Aboriginal 10-year family violence agreement) – self-determining Aboriginal family violence supports and services. The KWP program was initially funded as a two year pilot, however the 2019/20 State Budget secured further funding for the KWP for four years (1 July 2019- 30 June 2023).

### **The Koori Women's Place Model**

KWP has become a cultural haven for Aboriginal women; a space to feel safe, connect and share stories with other women in the community, have direct access to Djirra's suite of legal services and non-legal supports, receive practical support and if needed, be personally referred on to a trusted mainstream service.

In KWP, Aboriginal team members understand and work sensitively with Aboriginal women, and are available to respond to immediate or ongoing issues. Non-Aboriginal team members have regular cultural awareness training and are mentored and monitored to enable them to provide

sensitive and appropriate service, which includes knowing when to refer issues to Aboriginal staff in a timely manner to ensure cultural safety for clients. The focus is on developing trusted relationships with Aboriginal women and providing support which responds to individual needs. KWP blends cultural, social and emotional wellbeing activities alongside a range of other support services including:

### **Cultural strengthening, wellbeing and personal development workshops/events**

There is extensive evidence which affirms that culture is a central and key protective factor in effective family violence programming and that it can restore strength, dignity and self-determination for Aboriginal communities.<sup>4</sup> KWP has built a strong program of workshops which are facilitated by Aboriginal women for Aboriginal women and which focus on connection to culture and strengthening and validating cultural identity. Examples of past workshops include Indigenous healing, bush medicine, jewellery making, basket weaving, self-care, pre-employment, goal setting & vision planning. KWP's workshop calendar is constantly evolving as KWP participants set the agenda and feedback from participants and their priorities inform regular and new workshops. Over the next phase of the program new relationships will be formed with Aboriginal facilitators and well-being practitioners and the workshop calendar will grow.

### **Coordinating and increasing Aboriginal women's access to Djirra's services**

KWP was designed to provide a central contact point to support Aboriginal women to navigate the complex family violence system and services. During the pilot, KWP has scoped and developed strong internal referrals across Djirra's core programs and services.

### **Legal Service**

Djirra's lawyers and paralegal support workers now co-locate within KWP and internal processes have been developed to provide referrals for KWP clients to the legal service (intervention orders, child protection, family law, VOCAT). KWP will continue to strengthen this referral pathway and ensure a smooth, seamless transition for women between KWP and Djirra's legal service within the framework of legal privilege and confidentiality. A referral pathway has also been set up for legal clients to be referred to KWP for practical support, specifically for clients who are exiting prison and are looking for post-release non-legal support.

### **Counselling**

The KWP has been instrumental in supporting a pilot of a trauma informed counselling program co-located at KWP. In June 2020, this program transitioned to phone counselling in light of COVID-19 restrictions.

### **Early Intervention & Prevention**

Djirra delivers early intervention and prevention workshops and programs (Sisters Day Out, Dilly Bag, Young Luv) across Victoria. A strong internal pathway has been developed between the community engagement programs and KWP and Aboriginal women are able to move through

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<sup>4</sup> Healing Foundation, *Our Healing Our Solutions - Sharing Our Evidence*, 2013, p.18  
<https://healingfoundation.org.au/app/uploads/2017/01/HF-OHOS-ALT-July2015-SCREEN-singles.pdf>

and access the different programs. KWP staff attend Sisters Day Out, often running the registration desk, the raffle and the distribution of personal products for women in need. This shared interface builds rapport between KWP staff and prospective clients and encourages women to take further steps towards connecting with Djirra and dealing with their family violence issues.

### **Coordinating and increasing Aboriginal women's access to Mainstream Service Providers**

Responding to the lack of trust and barriers Aboriginal women face when accessing mainstream services, KWP has set up and will continue to build over this next phase partnerships with mainstream organisations. Over the last two years KWP has developed a 'visiting services' program, whereby services are regularly invited to KWP to coincide with cultural strengthening workshops. This model allows Aboriginal women to receive a warm referral to the service from KWP, as well as the mainstream service sitting within a culturally safe ACCO. Relationships have been built with Birth Deaths & Marriages, Centrelink, Consumer Action Law Centre, DHHS, Medicare, Water & Energy Ombudsman. In this next phase of KWP, these referral pathways will be strengthened, existing partnerships consolidated and scoping for other services undertaken. KWP will continue to request and listen to women's feedback about which services are most useful to bring into KWP.

KWP senior support workers also assist individual women with navigating other specialist support services and facilitate referrals to a number of specialist support services (i.e. emergency and transition housing, drug and alcohol, parenting).

### **Practical Support**

KWP recognises that there is a need for a certain level of practical and emergency support for Aboriginal women experiencing family violence. There has also been an identified need for post-release support for women exiting prison. KWP has built a number of partnerships with food banks and can provide food parcels and ready-made meals. KWP has also recently renovated their kitchen and will be providing cooked meals and cooking workshops. Other types of practical support that KWP provide and will continue to provide in the next phase include:

- Material aid – clothing, blankets, personal items etc.
- Food vouchers
- Public transport tickets
- Mobile phone credit
- Access to a computer with internet and phone

### **Monitoring and Evaluation**

The information provided below in slide 1 (KWP at a glance) and slide 2 (KWP a closer look) was compiled from the KWP dashboard which supplies "data at a glance" for the Djirra Board of Directors, Aboriginal community and clients, funders and sponsors. This extract was used for the 2020 Annual KWP Program Review.



# Koori Women's Place: Why do our women visit us?



Tracy comes to KWP at least once a month to relax. She enjoys coming to our events. Tracy really appreciates getting help for phone credit and clothes. Like Tracy, most of our women come to KWP to connect.

## At a glance:



visits, accounting for:

745

Cultural Connection & Safety is the TOP reason for visiting, with:



30% of all visits

of returning women listed this as their top reason



of women with children listed it as their top reason



Workshops & events is the second most popular reason for visiting, with



visits, accounting for:

581



28% of all visits

# Why are our women visiting us?

## A closer look:

Why do women visit us, and has that changed over time?

Why have Material aid numbers gone up?



Cultural connection/safety is the top choice, followed by workshops/events and access to material aid.

*Important note: Most of our women reported more than one reason during one visit. Therefore, the number of reasons for visiting is higher than the number of visits. Calculations took this into account.*

During 2018 and 2019, the reasons for visiting KWP had the same trend with Cultural connection and Workshops/events as the first choices. However, in 2020 more women are coming for **Material aid**, which has gone up to the second top choice.

## **Target Cohort & Geographic Reach**

From January 2018 when KWP opened its doors to clients through to January 2020, a total of 419 Aboriginal women have walked through the door. There was a total of 971 visits to KWP as a large proportion of women come back multiple times for different reasons.

Over the last two years Aboriginal women have come to KWP from a total of 130 different suburbs. While KWP is funded for the metropolitan Melbourne area we expect our clients will continue to come from different local government areas across Melbourne and regional areas. Prior to COVID-19 restrictions, the majority of Aboriginal women access services through KWP in a face to face modality with a small percentage of women accessing support over the phone. This face to face engagement strongly reflects the relational aspect of KWP and the significance of having a permanent physical location which is culturally safe and easy to access. Aboriginal women can call or visit KWP anytime during weekday business hours and an important part of the model is that appointments are not required.

In recent months the KWP team has been going the extra mile to maintain contact with our women in the context of COVID-19 restrictions and has been proactively reaching out to clients. Workshops have been moved online and phone counselling is now available.

## **Recommendations:**

- Ongoing (recurrent) funding for Djirra's Koori Women's Place in Abbotsford beyond 2023
- Funding for expansion of Djirra's successful Koori Women's Place model into Victorian regions.

## **Umalek Balit: Koori Family Violence and Victims Support Program**

RCFV Recommendation 149, "Resume the Koori Family Violence and Victims Support Program" has been implemented in Mildura, Melbourne, Shepparton and is in its early stages in Ballarat. Members of the Aboriginal and Torres Strait Islander community experiencing family violence in these areas can now access specialised support through Umalek Balit, a dedicated Koori family violence and victim support program that is designed to address the specific barriers faced by Aboriginal and Torres Strait Islander people when attending court and interacting with the justice system. The service includes women's and men's practitioners who work with Aboriginal women and men to guide them through the court's family violence related response.

Djirra staff and legal clients have reported positive experiences working with the Umalek Balit practitioners, who provide culturally relevant non-legal expertise in relation to family violence intervention order (FVIO), criminal matters arising from family violence and Victims of Crime Assistance Tribunal applications. We see the program as a significant step forward for Victorian courts in recognising and responding to the unique cultural and safety needs of Victorian Aboriginal communities and improving Victorian Aboriginal communities' confidence in the courts and justice system.

Our lawyers and paralegal support workers have observed how these services increase the court's capacity to safely and effectively respond to Aboriginal family members. Umalek Balit is uniquely placed to respond to the dynamic risk factors that impact on Aboriginal people experiencing family violence and collaborate with local services to improve the court's responses to family violence.

The courts play a critical role in responding to family violence and this reinstated program provides appropriate support services tailored to the unique cultural needs of Aboriginal families.

Djirra requires resourcing to support these new Koori Family Violence initiatives. We require funding to employ additional specialist Legal Services staff based in the Umalek Balit areas, to work with the courts to support, advise and advocate for victims/survivors of family violence going to court; and develop strong referral relationships with the new Umalek Balit Koori Family Violence and Victims Support Workers, specifically those working with Aboriginal women applicants.

Currently, our lawyers and paralegal support workers complement the Umalek Balit Program operating in Melbourne, Mildura, Shepparton (and soon to be Ballarat) in the following ways:

- Providing legal advice and representation to victim/survivors presenting in the Family Violence intervention order lists;
- Providing a duty lawyer service for family violence victim/survivors in Mildura Family Violence Intervention Order list;
- Providing legal advice and representation to victim/survivors also in related areas of law – Child Protection, Family Law and Victims of Crime Assistance; and
- Ensuring mutual referrals with Umalek Balit Koori Family Violence Support workers.

### **Recommendations:**

- Ensure long term funding for the Umalek Balit Program
- Roll out the Umalek Balit Program across the state
- Provide long term funding to Djirra to support the Umalek Balit Program: We require funding to employ additional specialist Legal Services staff based in the Umalek Balit areas, to work with the courts to support, advise and advocate for victims/survivors of family violence going to court; and develop strong referral relationships with the new Umalek Balit Koori Family Violence and Victims Support Workers, specifically those working with Aboriginal women applicants.

## **PART 2: Looking forward – what is still required in the family violence reforms?**

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**What are the most critical changes to the family violence service system that still need to occur?**

### **Embedding aspects of the MARAM Framework**

The embedding of aspects of the MARAM Framework, especially elements relating to confidentiality and Information sharing, remain a challenge for ACCOs in terms of building confidence within the cohort that this critical change is not negotiable and is designed to increase safety for women and their children. The historic and ongoing trauma of the removal of children is a significant barrier to service delivery while at the same time building and maintaining strong relationships between workers and our women. Djirra, together with five other ACCOs regarded as the lead organisations providing specialist family violence services for Aboriginal and Torres Strait Islander people, are working together as a community of practice within the MARAM information sharing funded project. The work of this group is focussed on developing culturally safe approaches to MARAM policies and procedures.

**Are there any parts of the family violence reforms that have not yet progressed enough and require more attention?**

The lack of emergency, crisis and ongoing secure housing for women and children experiencing family violence is a major impediment to keeping women and families safe. This is explored below under “Family Violence and Homelessness.”

**Are there any improvements that could be made to the implementation approach of the family violence reforms?**

### **Preventing Misidentification and Criminalisation of Aboriginal and Torres Strait Islander Women**

Women are predominantly victims of family violence, however, Aboriginal women experience high rates of misidentification by police. Despite the implementation of the Koori Family Violence Police Protocols in designated areas across the state (pursuant to RCFV Recommendation 151), we continue to see examples of misidentification, such as a situation where an Aboriginal woman threw a cup at her abuser and this was identified by police as ‘reciprocal’ violence. The Aboriginal woman was described as ‘just as bad’ as the perpetrator who had subjected her to ongoing physical violence.

Police misidentification of victims as the primary aggressor/perpetrator in family violence incidents can heavily influence outcomes in other legal proceedings, such as Child Protection, Family Law and VOCAT. Intervention Order cross-applications can also lead to the misidentification of Aboriginal women as perpetrators, and can be an extension of abuse.

Our lawyers and paralegals observe that misidentification is common, but by its nature it is very difficult to accurately assess just how common it is and research on this is limited. Data analysis by Women's Legal Service Victoria found that 1 in 8 of police applications for IVOs misidentified the primary aggressor.<sup>5</sup> The rate of misidentification for Aboriginal and Torres Strait Islander women is likely to be higher given the disproportionate impact of racist and/or victim blaming attitudes and poor police practices.

Djirra currently receives very few referrals from police despite disproportionate rates of family violence experienced by Aboriginal and Torres Strait Islander women. Early referral to specialist, culturally safe legal support is vital to ensure access to justice. If legal problems are not quickly identified and resolved they can escalate and multiply, ballooning into more significant issues, including homelessness, trauma, child removal, alcohol and drug problems, criminal behaviour and imprisonment. Police must be educated to always refer Aboriginal and Torres Strait Islander people to ACCOs for timely legal advice, in circumstances when they have been identified by police as either victim or perpetrator.

### **Recommendations:**

- Police need to have a better understanding of the dynamics of family violence. Where women are using violence, the context of the violence needs to be unpacked with caution and consideration and not taken at face value. This includes taking into account:
  - Men who use violence can 'game the system' e.g. by contacting police first.
  - Victims of family violence may be traumatised and fearful and therefore unable to communicate clearly what has happened.
  - Victims may have used violence in self-defence or to protect children.
  - Victims may use violence as an act of dignity (e.g. to assert her agency after long periods of being subjected to violence).
  - Impact of police officers' personal biases.
  - The type and severity of violence used by predominant aggressors compared to predominant victims (i.e. men's violence is more likely to occur as a pattern of power and control, intended to cause fear, more likely to cause injury).
  - Look beyond individual incidents at context/pattern/history of family violence.
  
- Police must receive training to refer Aboriginal and Torres Strait Islander people to appropriate ACCOs (including Djirra) for early legal advice, when they are identified as either the victim or perpetrator.

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<sup>5</sup> Women's Legal Service Victoria – July 2018, Available at: <https://www.womenslegal.org.au/files/file/WLSV%20Policy%20Brief%201%20MisID%20July%202018.pdf>

## **RCFV Recommendation 146: Prioritise adequate funding for Aboriginal Community Controlled Organisations**

The status of this recommendation is “in progress.” Djirra welcomed funding to establish our Koori Women’s Place (KWP). The KWP is a unique initiative which supports Aboriginal women to lead strong, independent and positive lives as they confront the ongoing trauma of family violence. The 2019/20 State Budget secured ongoing funding for the KWP.

Djirra has also seen some positive investment in culturally appropriate legal services. Specifically in response to RCFV Recommendation 146, Djirra received increased funding to expand the state-wide reach of our legal services program. The new funding enabled Djirra to enhance service delivery across metropolitan Melbourne and open offices in four new regional locations across Victoria (Morwell, Echuca, Bendigo and Ballarat). Further funding to enable continuation of this enhanced service delivery has recently been secured until 2023. This investment in Djirra enables Aboriginal victim/survivors in these regional areas to access previously unavailable services which address their unique needs in a culturally safe, holistic way.

Djirra welcomes the introduction of the Specialist Family Violence Courts and Umalek Balit Program - both service system changes resulting from the RCFV. However, have not seen complementary funding for ACCOs to help support accessibility for Aboriginal and Torres Strait Islander people.

Funding gaps also remain in some rural and regional areas of Victoria, which are often viewed as the responsibility of the Federal government. Djirra has not received a real increase in Federal funding in the past 6 years to properly meet increased costs of vital frontline services for women and children’s safety in many rural areas in Victoria.

Reducing and eliminating family violence can only be achieved with genuine commitment to an informed, shared and united government approach. This approach must necessarily recognise the over-representation of Aboriginal women and children among victims/survivors of family violence, and prioritise culturally safe and targeted approaches which address Aboriginal women and children’s unique needs, perspectives and barriers to getting assistance. Any response must also include increased, long-term investment in early intervention, prevention and community education approaches, specialist and culturally safe frontline legal services for Aboriginal victims/survivors, and strategies to improve responses by police, courts, child protection and corrections. In order to sustain this response, it is critical that governments invest in increased housing, advocacy and support for Aboriginal victims/survivors, especially women and children.

## Recommendations:

Djirra calls for Increased funding and resourcing of Aboriginal Family Violence Prevention Legal Services and Strategies:

- **Longer-term (five yearly), increased funding from both State and Federal Governments** to enable Djirra to: (a) meet demand for our specialist, culturally safe, frontline legal assistance services, including through expansion to state-wide coverage; (b) continue and expand our highly successful, culturally targeted early intervention prevention programs and community legal education programs; and (c) continue to provide high level policy advice and undertake advocacy and law reform activities to strengthen law and justice outcomes for Aboriginal victims/survivors of family violence.
- **Increased State Government responsibility for ensuring Aboriginal victims/survivors of family violence have access to culturally safe and specialist family violence legal services across Victoria, including metropolitan, regional and rural areas.** Funding for specialist family violence legal services such as Djirra would require funding for both lawyers and paralegal support workers to ensure that the holistic legal services model is accessible to victim survivors of family violence across the state.
- **Funding policies and priorities of both State and Federal Governments acknowledge that disadvantage experienced by Aboriginal victims/survivors of family violence is not limited to rural and remote Australia,** and strategies and resources must be dedicated to culturally safe and specialist urban service delivery for Aboriginal victims/survivors across metropolitan Melbourne.
- Specialist funding for Aboriginal legal services roles (lawyers and paralegal support workers) to support a statewide rollout of the Umalek Balit program.
- Funding of Aboriginal Specialist family violence legal service roles (lawyers and paralegal support workers), within the Specialist Family Violence Courts service system.
- Ongoing (recurrent) long-term funding for Djirra's effective and in demand Koori Women's Place
- **Increased and secure funding for culturally safe and trauma-informed counselling through Djirra**

- Provide dedicated, long-term funding to enable Djirra to establish a well-resourced counselling and wellbeing program for Aboriginal women. This must include: culturally appropriate individual counselling support at Koori Women’s Place; individual counselling support at all early intervention and prevention workshops, including dedicated funding to enable trusted and qualified counsellors to be on-site for the entire duration of Dilly Bag; culturally appropriate group counselling options at Dilly Bag and Koori Women’s Place; and follow up counselling sessions over the phone or face to face.
- Provide dedicated, long-term funding to enable Djirra to support Aboriginal women and their children to access specialist and culturally appropriate external counselling, to complement the counselling and wellbeing support provided through Djirra.

### **The Specialist Family Violence Courts (SFVCs)**

Djirra welcomes the establishment of the Specialist Family Violence Courts and we are committed to establishing a presence in the five nominated courts, however this is impossible without dedicated funding and internal systems that enable us to do so.

Attorney-General Jill Hennessey said the specialist family violence courts would provide a culturally appropriate response for Aboriginal families living with family violence. It is vital that ACCOs such as Djirra are adequately funded to provide duty lawyer services and casework services to assist with ongoing matters, as well as respond to the referrals that will inevitably come to us through the Specialist Family Violence Courts.

The RCFV identified that victims of family violence can find the legal system confusing and complex to navigate. As part of recommendations 60 – 70 which include expanding the specialist family violence service into courts at 14 locations across the state, specific purpose funding was allocated for the provision of legal services by the legal assistance sector for the SFVCs. However, none of the funding allocated for the legal services assistance sector to support SFVCs has been distributed to Aboriginal Legal Services. Consequently, the opportunity to ensure a specialist and culturally safe response in the delivery of legal services for Aboriginal and Torres Strait Islander people accessing the SFVCs has been missed.

The express aim of the SFVCs is: “Legal services delivered under this model aim to foster a **trauma-informed, culturally safe** and non-collusive environment for both applicants and respondents. In being client-centred, the services will be easy to access, safe to use and integrated within the family violence service system”. Without access to specialist services like Djirra, the SFVCs are not safe to use for Aboriginal women seeking protection from family violence. To this end, Djirra encourages the reforms to go even further, with the introduction of a Specialist Koori Family Violence Court.

Djirra’s Aboriginal Family Violence Legal Service (AFVLS) has a holistic, intensive client service model where each client is assisted by both a lawyer and paralegal support worker, who work

together to address the multitude of interrelated legal and non-legal issues our clients face. Djirra's paralegal support workers, 90% of whom are Aboriginal women, provide wrap-around support including additional emotional support, court support and referral to ensure the client is linked into culturally safe counselling and support services to address the underlying social issues giving rise to the client's legal problem and experience of family violence. This may include, for example, assistance with housing, drug and alcohol misuse, mental health, parenting, financial and other supports. Family Violence Intervention Order matters are one of our core areas of focus. For Aboriginal clients, the option to build an ongoing relationship with a culturally safe Djirra lawyer and paralegal support worker, who can assist with a range of issues in relation to family violence (including non-legal issues), is vastly preferable to utilising the services of a duty lawyer on a once-off basis, and can avoid the trauma clients often experience through being required to retell their story multiple times.

### **Recommendations:**

- **Djirra lawyers and paralegal support workers must have a regular presence at the SFVCs.** We seek funding for lawyer and paralegal positions that will directly benefit Aboriginal victims/survivors of family violence who are accessing the SFVCs through the provision of culturally safe legal and non-legal support before, during and at court.
- Djirra supports the introduction of a Specialist Koori Family Violence Court.

### **Support and Safety Hubs (Orange Doors)**

Djirra welcomes the Victorian Auditor-General's recommendation for Support and Safety Hubs (The Orange Door) to 'work with local Aboriginal services and community representatives to roll out mandatory cultural safety training that is specific to hub functions and operations' (recommendation 4 included in the Victorian Auditor-General's Office report released on Wednesday 27 of May).

The report identifies gaps that have been of great concern for Djirra since the inception of the Support and Safety Hubs. The absence of mandatory training on how to deliver culturally safe services and the non-compliance of some of the hubs with the requirement to have at least two Aboriginal workers means that Orange Doors are not safe places for our women. The report also identifies tensions and inconsistencies within the hubs in relation to the level of support they provide for children. The perception of the Orange Doors' strong focus towards child protection injects fears of child removal for our women meaning that our women are less likely to disclose or report violence. The absence of consistent approach to the integration of perpetrator services is yet another source of distrust from our women. All these are well-known fears and barriers that prevent our women from accessing the Orange Door.

It is simply not appropriate to co-locate child protection and family violence services, and to have these services working together as they do in the Orange Doors. The objective of the Orange Doors must be women's safety, and this is at cross purposes to a problematic Child

Protection system that has historically taken a discriminatory and punitive approach towards Aboriginal women experiencing family violence, and continues to do so, as evidenced by the fact that family violence remains the major driver leading to child protection involvement and entry into out of home care. The 'Always Was, Always Will Be Koori Children' Inquiry (Commission for Children and Young People, 2016) found that of the 980 children reviewed, 868 were known to have been exposed to violence within the family home, most often perpetrated by a male family member. The report recommends access to culturally appropriate and timely counselling and wraparound services for children and families who have been victims of family violence. Early access to legal representation for mothers will prevent child removal. We echo this recommendation. Aboriginal women have the right to choose to access support from a culturally safe service that is Aboriginal community controlled.

As a specialist Aboriginal family violence service, Djirra must be prioritised as an essential and early referral point for the Orange Door. Djirra has state-wide reach, we have the expertise and our women trust our holistic, specialist and culturally safe services. Referrals to Djirra from Orange Doors are very low and this is extremely concerning. This means that Aboriginal women and children are being denied access to a trusted Aboriginal community controlled service and therefore their safety is compromised.

#### **Recommendations:**

- Djirra calls for multiple access points for family violence support – not just the Orange Door. Mainstream approaches must not replace Aboriginal self-determined approaches. Priority must be given to resourcing Djirra to be one of the access points.
- Access to culturally appropriate and timely counselling and wraparound services for children and families who have been victims of family violence. Early access to legal representation for mothers will prevent child removal. Aboriginal women have the right to choose to access support from a culturally safe service that is Aboriginal community controlled.
- As a specialist Aboriginal family violence service, Djirra must be prioritised as an essential and early referral point for the Orange Door.
- Child Protection Services should not be co-located with Family Violence Supports
- Djirra still remains firm in our view that resources should be provided for workers to be based with us to provide outreach to Orange Doors across the State.
- **Support for Aboriginal and Torres Strait Islander mothers to address family violence and keep kids in their care**
  - Establish an Aboriginal and Torres Strait Islander child protection notification and referral system that requires child protection workers to refer all Aboriginal

mothers at risk of having their children removed to Djirra for independent, specialist and preventative legal advice and culturally safe wraparound support at the earliest opportunity.

- Establish directives that require the Department of Health and Human Services to refer all Aboriginal women in contact with child protection to Dilly Bag and to provide relevant support to enable Aboriginal mothers to attend Dilly Bag.
- Recommend that the Department of Health and Human Services pays for ongoing therapy for all family members, not just the children, who are involved in the Child Protection system, especially Aboriginal and Torres Strait Islander mothers experiencing family violence.

- **RCFV Recommendation 147: Ensure that all Aboriginal family violence interventions are evaluated in a culturally appropriate manner**

Djirra strongly supports the Victorian Government's plans for Aboriginal-led evaluations, capacity building and accountability measures in delivering culturally safe evaluations across the family violence sector.

Aboriginal and Torres Strait Islander self-determination must sit at the heart of all future evaluation activities for them to be considered culturally safe and for evaluations to be of benefit for Aboriginal communities and organisations. This principle must be incorporated in the earliest stages of an evaluation process. This includes Aboriginal Community Controlled Organisations (ACCOs), like Djirra being brought into decision-making on whether to conduct an evaluation, how the evaluation should be conducted, designing the evaluation plan and methodology and selection of evaluators. Currently, this decision making continues to sit with funding agencies and ACCOs are brought in to support the logistics of an evaluation or to passively provide information. Djirra continues to see evaluations designed and conducted for accountability purposes only and to service government requirements rather than to support the agendas of Aboriginal and Torres Strait Islander organisations delivering services or programs. More needs to be done to move to genuine Aboriginal led evaluation.

To support self-determination, there needs to be a strong focus on building the internal evaluation capacity of Aboriginal and Torres Strait Islander Community Controlled Organisations and communities to not just have a role in *supporting* evaluations, but in *leading* them. This requires a long-term and broad approach to evaluation capacity building, involving both building a pool of Aboriginal and Torres Strait Islander evaluators and building the capacity of organisations already delivering programs. Evaluation capacity building should not be tacked on to individual projects, but should be resourced as a discrete initiative which leads to sustainable and culturally safe evaluation practice driven by ACCOs and embedded into ACCO service delivery.

While we welcome the current initiatives led by Family Safety Victoria to improve evaluation we would recommend that there is an accountability mechanism created for communities and ACCOs to review evaluations and evaluation capacity building initiatives. Not just the quality of the evaluation product (more often than not a report) but the evaluation process (looking at each stage of the evaluation). This will capture the “lived experience” of the Aboriginal and Torres Strait Islander community organisation and community who have been involved in the evaluation or capacity building initiatives. ACCOs are rarely asked to offer up their perspectives or set the criteria on what makes a good evaluation or a good evaluation capacity building initiative.

It must also be recognised that many Aboriginal and Torres Strait Islander communities have the capacity, agency and experience to lead evaluations in their community. Where capacity exists, enabling funding environments and accountability levers must be drivers to achieving culturally safe evaluations. Importantly, the internal resourcing of design, monitoring and evaluation needs to be separate to and not squeezed from service delivery funding.

### **Recommendations:**

- **Move to genuine Aboriginal led evaluation.** ACCOs like Djirra must be brought into decision-making on whether to conduct an evaluation, how the evaluation should be conducted, designing the evaluation plan and methodology and selection of evaluators. Only then will evaluations support the agendas of Aboriginal and Torres Strait Islander organisations delivering services or programs.
- **Dedicated long-term funding for evaluation capacity building.** This funding should not be tacked on to individual projects, but should be resourced as a discrete initiative which leads to sustainable and culturally safe evaluation practice driven by ACCOs and embedded into ACCO service delivery. To support self-determination, evaluation capacity building must involve both building a pool of Aboriginal and Torres Strait Islander evaluators and building the capacity of organisations already delivering programs.
- **Introduce an accountability mechanism created for communities and ACCOs to review evaluations and evaluation capacity building initiatives.** Not just the quality of the evaluation product (more often than not a report) but the evaluation process (looking at each stage of the evaluation). This will capture the “lived experience” of the Aboriginal and Torres Strait Islander community organisation and community who have been involved in the evaluation or capacity building initiatives.

## **Family Violence and Homelessness**

Family violence is a key driver of Aboriginal and Torres Strait Islander women's homelessness. The composition of support provided to Aboriginal homeless clients in Victoria in 2017-18 was dominated by family violence services, which accounted for 33.6% of service types provided to people seeking homeless assistance.<sup>6</sup>

The latest DHHS Quarterly Rental Report confirms that Victoria's housing crisis continues to worsen. Over the previous quarter the median weekly rent increased by \$10 in both metropolitan and regional Victoria.<sup>7</sup> Aboriginal and Torres Strait Islander women are disproportionately impacted by barriers to accessing affordable housing, including increased levels of poverty and commonly experienced discrimination by service providers. Within the housing sector, as with other mainstream support services, systemic racism intersects with stigma around family violence. Strict eligibility criteria for Aboriginal and Torres Strait Islander housing or family violence crisis housing often leave Aboriginal and Torres Strait Islander victims/survivors of family violence without an option.

22% of Aboriginal people seeking homeless assistance nationally have children under 10 with them.<sup>8</sup> Child protection services should be focused on protecting the family from homelessness by helping to find housing options - not removing children. However we continue to see Aboriginal women having children removed because they are homeless victims of family violence. Fear of losing children deters Aboriginal women from leaving violent relationships. Safety risks are amplified in regional areas, in part because opportunities to safely leave an abusive relationship are more limited.

At the end of the day, people are empowered when they have safe and secure housing and they are connected into healthy communities. Appropriate and affordable housing is a precondition for safety. Regardless of family violence intervention orders and an effective, accessible legal system, if a victim/survivor of family violence doesn't have somewhere safe to live then all these reforms will come to nothing. The impossible choice between being trapped living with the perpetrators of violence or being homeless/transient is often the root cause of the issues faced by our women.

A recent DHHS allocation of funding will provide "Family Violence Crisis Brokerage" support packages. These new support packages have been designed to deliver an individualised approach to respond to victims/survivors' experiences of crisis and COVID-19 impacts. Support of up to \$5,000 is available. These funding packages are a model which can effectively enable safe relocation from dangerous relationships. Djirra would like to see a long-term funding commitment to ensure vital flexible support packages continue to be available after COVID-19,

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<sup>6</sup> Aboriginal Housing Victoria, Housing and Homelessness Summit Report (April 2019), pp.27-28. Available here [https://ahvic.org.au/cms\\_uploads/docs/final-summit-report-in-full-pdf\\_13\\_06.pdf](https://ahvic.org.au/cms_uploads/docs/final-summit-report-in-full-pdf_13_06.pdf)

<sup>7</sup> Department of Health and Human Services, Rental Report for the March Quarter 2020, available here <https://www.dhhs.vic.gov.au/publications/rental-report>

<sup>8</sup> Aboriginal Housing Victoria, Housing and Homelessness Summit Report (April 2019), pp.27-28. Available here [https://ahvic.org.au/cms\\_uploads/docs/final-summit-report-in-full-pdf\\_13\\_06.pdf](https://ahvic.org.au/cms_uploads/docs/final-summit-report-in-full-pdf_13_06.pdf)

with the maximum amount of support increased to \$10,000 to reflect the high needs of women and children facing extreme crisis, in particular, the need to access safe housing.

**Recommendations:**

- The Victorian government must ensure a sustained increase in investment in holistic and culturally safe crisis housing, and access to safe, stable and culturally appropriate long-term housing options for Aboriginal women and their children experiencing family violence, with coverage across the state.
- Djirra would like to see a long-term funding commitment to ensure vital “Family Violence Crisis Brokerage” support packages continue to be available after COVID-19, with the maximum amount of support increased from \$5,000 to \$10,000 to reflect the high needs of women and children facing extreme crisis, in particular, the need to access safe housing.

## **PART 3: Impact of the COVID-19 pandemic**

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**What has been the biggest impact of the COVID-19 pandemic on your organisation or sector? How have the services that your organisation or sector provides had to change?**

### **Changing Client Needs During COVID-19**

Our delivery of face-to-face services in most respects ceased to operate from mid-March 2020 and since then staff and hence services are operating from home using technology. This has had a dramatic impact for those women who have relied on the Koori Women's Place for material aid and cultural connections while they are attempting to manage family violence in their lives.

When the COVID-19 restrictions came into operation, we modified our data recording, monitoring and analysis to keep a close eye on the impact of COVID-19 and related restrictions on the lives of our women and their access to our services. We changed the way we work to adapt to the changes in our women's lives.

- **Increase in Family Violence**  
We have seen that 1 in 5 clients who have opened a new legal matter at Djirra are experiencing family violence that has been triggered or made worse by COVID-19. The triggering and worsening of the violence reported by our women takes many shapes: perpetrators who have lost their jobs due to COVID-19 have intensified the violence, with

isolation our women are stuck at home with their abuser and there is a lack of access to family and friend support, and so on.

After seeing a drop in the number of calls to our Legal services in March and April, levels have resumed to pre-COVID-19 demand. It is expected that we will see an even greater increase in the number of our women requiring Djirra's assistance as restrictions ease.

- **Increase in need for material support**

Many of our women are struggling financially. This hardship is exacerbated by the fact that many other support services that could previously assist with food security are now not available. We sought funding to provide electronic Coles vouchers to families in need but it should be noted that this is in designated Local Government Areas and the inequities of this is challenging for our workers.

- **Increase in need for counselling**

Mental health support was an issue that was identified very early during the COVID-19 pandemic. In the very first stage of our withdrawal of face-to-face services, we made 136 phone calls to Aboriginal women who we identified as potentially vulnerable. Following this contact we made 35 referrals to our psychotherapist for counselling. In June we ramped up our culturally safe phone counselling service with additional days; by July we have reached capacity and are operating a waiting list, such is the demand. Our teams are proactively contacting our women on a daily basis to have a yarn, assess how they are going and to offer support.

## **Has the COVID-19 pandemic highlighted any strengths or weaknesses in the family violence service system?**

### **Systemic Issues impacting on Aboriginal and Torres Strait Islander women as a result of COVID-19**

#### **Barriers to Aboriginal and Torres Strait Islander women attending court during COVID-19**

In Victoria, in spite of COVID-19 stage 3 restrictions, the courts are not making interim intervention orders unless the applicant and their lawyer appear in person. For other types of hearings there is inconsistency between the courts as to whether a person and their legal representative will be allowed to appear by video. Aboriginal and Torres Strait Islander women face unique barriers to attending court during COVID-19, and are therefore often unable to seek family violence protection orders essential for their safety. Aboriginal and Torres Strait Islander women are unable to attend court in person during COVID-19 due to particular health vulnerabilities, intergenerational living, single parenting responsibilities, and a fear of punitive action by Child Protection services as a result of exposure or potential exposure to the virus.

Going forward, court appearance by Videolink is appropriate for Intervention Orders, and should be continued. Video conferencing is successfully being used in family law and Magistrates Court matters during COVID-19, and is now a proven method of allowing people to participate

fully in court proceedings. Another example of successful use of video conferencing is when applicants for intervention orders need their location to remain undisclosed. Place based intervention order applications are dangerous for applicants who have relocated to another area or town in order to escape family violence. For example, if an applicant/victim, unbeknown to the Respondent/perpetrator, relocates from Melbourne to Bendigo and wants to apply for a family violence intervention order, they previously had to apply in Bendigo, thereby alerting the perpetrator to their new location. The Family Court now provides a safe option, allowing the applicant to appear by video from anywhere in the country before a family court judge. This solution helps to ensure ongoing safety.

### **Are there any changes resulting from the COVID-19 pandemic that you think should be continued?**

#### **Recommendations:**

- We have seen a positive change towards online document sharing in the courts, which we would like to see continued.
- During COVID-19 Magistrates have demonstrated flexibility to hear things differently and do things differently (albeit inconsistently). Use of video conferencing and phone conferencing platforms to participate in court process has allowed our statewide legal service to broaden our reach. We have been able to appear for women in locations we would not have had capacity to physically reach. This flexibility is welcomed and appreciated and should be continued, particularly as it enables the court process to be more responsive to the needs of people experiencing family violence.
- Court appearance by video link is appropriate for Intervention Orders at all stages, and is essential for Aboriginal applicants during COVID-19.
- Provide funding for access to appropriate technology for Aboriginal women needing to utilise video conferencing for court purposes.
- Provide brokerage funding to enable us to provide access to phones and data for Aboriginal women, so that they can connect with vital supports including family violence supports and counselling offered through Djirra.