



Aboriginal Family  
Violence Prevention  
& Legal Service Victoria  
Standing Firm Against  
Family Violence

18 December 2017

The Committee Secretary  
Senate Standing Committees on Economics  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

Dear Secretary,

**Re: Submission to Economics Legislation Committee – Treasury Laws Amendment (National Housing and Homelessness Agreement) Bill 2017**

The Aboriginal Family Violence Prevention and Legal Service Victoria (**FVPLS Victoria**) welcomes the opportunity to make this brief submission in regard to the *Treasury Laws Amendment (National Housing and Homelessness Agreement) Bill 2017* (**‘the Bill’**).

FVPLS Victoria makes this submission as an effected stakeholder. We currently receive funding under the National Partnership Agreement on Homelessness (**‘NPAH’**) and have done so since 2010. This funding supports the employment of two paralegal support worker positions who provide vital support and assistance to Aboriginal and Torres Strait Islander (hereafter ‘Aboriginal’) victims/survivors of family violence who are homeless, or at risk of homelessness. (See below for further details on this work and its impacts. For further information about FVPLS Victoria more broadly, see ‘Appendix A – About FVPLS Victoria.’)

We have read ACOSS’ submission to this inquiry and we endorse the comments and recommendations made therein. In particular, we endorse and emphasise ACOSS’ recommendation four with regard to extending transitional arrangements, including funding under the NPAH:

*4. The transitional provisions in the bill should be amended such that the new funding arrangements take effect when a new multiparty agreement (‘primary agreement’) comes into effect or on 31 December 2018, whichever comes first. This would remove the risk of a funding gap occurring due to the inability to reach agreement by the 30 June 2018 deadline. This would mean that funds under the NAHA would continue to flow until the new primary agreement was reached but require a commitment to extend the NPAH if the new agreement was not completed by the 30 June 2018 when it expires.*

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This recommendation is of particular importance to our organisation and to Aboriginal victims/survivors of family violence in Victoria, predominantly women and children.

As recognised by the NPAH's priority funding cohorts (one of which is women and children experiencing domestic or family violence), there is a strong link between homelessness and experiences of family violence, with Aboriginal and Torres Strait Islander women at disproportionately heightened risk. Nationally, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised from family violence<sup>1</sup> and 10 times more likely to be killed by a violent assault<sup>2</sup>. Aboriginal and Torres Strait Islander women also make up 10% of people seeking homelessness services in Victoria, even though Aboriginal and Torres Strait Islander people make up less than 1% of the Victorian population.<sup>3</sup> Through our 15 years of frontline work with Aboriginal communities across Victoria, we have observed that family violence related homelessness is a widespread and growing problem with an unacceptable number of Aboriginal women and children having their lives and housing circumstances disrupted because of family violence - as well as far too many Aboriginal children taken from their families and placed in out of home care.

Our service relies on funding under the NPAH to provide critical services to Aboriginal and Torres Strait Islander women and their children experiencing family violence and facing homelessness. Without this funding vulnerable women and their children may be forced into homelessness, poverty and increased danger – forced to choose between fleeing violence or having a roof over their heads.

Our holistic and culturally safe service model involves paralegal support workers, working alongside lawyers, to provide wrap-around services for Aboriginal and Torres Strait Islander victims/survivors to assist women and their children to access safety, justice, recovery and healing. This includes direct support for women and children to avoid homelessness through supporting women to access refuges and transitional housing at the point of crisis, as well as assisting women to relocate to more secure public or private housing and access vital funds and supports to improve security at their premises, rather than being forced to flee into housing instability or homelessness to escape violence. In addition, our work aims to support women to address a range of underlying issues that increase the risk of family violence-driven homelessness and can include support to understand and access their legal rights and obtain legal protections, linking women into counseling, financial support, or services to assist with parenting, mental health, drug and alcohol misuse, employment and more.

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<sup>1</sup> The Australian Productivity Commission, *Overcoming Indigenous Disadvantage - Key Indicators* 2016, 2014, page 4.98, table 4A.12.13 available at <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>.

<sup>2</sup> Australian Institute of Health and Welfare, *Family Violence among Aboriginal and Torres Strait Islander people*, 2006, page 66 available at <http://www.aihw.gov.au/publication-detail/?id=6442467912>

<sup>3</sup> Royal Commission into Family Violence, Volume V, Report and Recommendations, March 2016, pg. 43, available at <http://www.rcfv.com.au/Report-Recommendations>, citing Crimes Statistics Agency, *An Overview of Family Violence in Victoria: Findings from the Victorian Family Database 2009-10 to 2013-14*, January 2016, provided to the Commission by the Crime Statistics Agency.

## Case Studies Demonstrating the Vital Role of FVPLS Victoria's NPAH-funded Paralegal Support Workers

### *Case study 1 – Jen<sup>4</sup>*

*Jen is a 24 year old mother of five. Jen grew up in residential care, became addicted to ice and alcohol as a teenager and first fell pregnant at 16. She has had significant periods of homelessness. Jen's two youngest children live with their father by agreement. Jen's eldest three children - who have a different father - were removed by the Department of Health and Human Services (DHHS).*

*Jen contacted FVPLS Victoria on referral from the DHHS who had observed Jen's boyfriend damage her car and behave aggressively towards Jen during child access visits.*

*Due to past negative experiences, Jen was extremely mistrustful of police, courts, lawyers and the DHHS.*

*Our NPAH-funded Paralegal Support Worker (PLSW) formed a strong rapport with Jen and helped her to trust, work with and open up to our service. As a result of this relationship, Jen disclosed a long history of serious violence by her boyfriend who had subjected her to frequent physical and emotional violence and financial abuse. Jen confided that she had attempted to leave her boyfriend several times but had ultimately returned to him as she had nowhere else to live.*

*Our PLSW supported Jen to make a statement to police and linked her in with our FVPLS Victoria lawyer who obtained a family violence intervention order for her protection. In addition, our PLSW supported Jen to move to a women's refuge and assisted our lawyer to obtain financial assistance through the Victims' of Crime Assistance Tribunal to pay for storage of Jen's property while she was in refuge awaiting new, safe and secure housing. To assist Jen over the longer term, our PLSW also referred Jen to a culturally competent psychologist and alcohol and drug worker to support her recovery and ongoing healing from violence.*

*Without our PLSW's support, Jen may not have found the courage to disclose her experience of violence and abuse or safely leave her relationship without facing homelessness. In addition, without a skilled and experienced PLSW, Jen may not have been willing to trust her lawyer to achieve the positive legal, housing and safety outcomes obtained.*

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<sup>4</sup> Names and identifying details have been changed to protect our clients' privacy.

## **Case study 2 – Kylie<sup>5</sup>**

*Kylie is a 27 year old Aboriginal woman. She is a single mother with a mild intellectual disability, limited literacy and family violence-induced trauma.*

*Kylie came to FVPLS Victoria for assistance to obtain a family violence intervention order (IVO) against her former partner. He had a history of perpetrating serious violence against her such as choking, beating (including punching her in the stomach while she was pregnant), threats to kill, stalking, sending abusive text messages and threatening to harm her family and her pets.*

*When speaking with Kylie at intake, one of our paralegal support workers ('PLSW') identified there was a significant risk of homelessness if Kylie fled her home to avoid her violent partner. This in turn would expose Kylie to the risk of child protection intervention as she would be unable to maintain safe and secure housing for her children.*

*FVPLS Victoria's lawyer successfully obtained a tailored IVO for Kylie which not only protected Kylie and her children from future violence but also included a clause requiring Kylie's ex-partner to vacate and not return within 100 metres from Kylie's home. As Kylie remained highly anxious about her ex-partner stalking or returning to her home, our PLSW ensured Kylie received additional assistance to apply for a public housing transfer including FVPLS Victoria's lawyers providing a support letter for her application. In the meantime, FVPLS Victoria's lawyer and PLSW assisted Kylie to obtain urgent financial assistance through victims of crime compensation (VOCAT) to fund counselling and change the locks on her home.*

*Kylie became increasingly anxious as a result of feeling she had to 'relieve' her experience of family violence for the IVO and VOCAT processes. She suffered panic attacks and at times telephoned FVPLS Victoria up to five times per day. The PLSW provided intensive emotional and practical support to Kylie to reassure her and ensure that she did not become overwhelmed and disengage from the case.*

*In consultation with the lawyer, the PLSW also made a number of referrals to ensure Kylie had all the supports in place to maintain her housing, continue to safely care for her children and remain engaged in the legal process. This included referrals for assistance with Centrelink to ensure she was receiving her full financial entitlements, as well as referrals for psychiatric counselling, parenting support, respite childcare and case management.*

*Had our PLSW not had the skills and knowledge to identify Kylie's housing issues, Kylie may have felt she had no choice but to flee her*

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<sup>5</sup> Names and identifying details have been changed to protect our clients' privacy.

*home, exposing her to homelessness and potential child removal as well as increased anxiety and trauma. Due to Kylie's intellectual disability, trauma and other layers of disadvantage, she would have struggled to navigate the housing and court system or to advocate for herself without assistance from our service.*

*Without the support of the PLSW and her extensive list of contacts and culturally safe referral agencies, our lawyer would have struggled to give Kylie the support that she needed. Given the time intensive nature of the support Kylie required, if our lawyer had been working alone without a PLSW the lawyer would have been forced to take on less clients or be less receptive to Kylie's needs thereby making Kylie more likely to disengage from the process, rendering her at increased risk of homelessness and losing her children.*

Accordingly, we strongly encourage the Committee to consider ACOSS' recommendations and the importance of extending NPAH funding and transitional arrangements to 31 December 2018 to ensure sufficient time for Federal, State and Territory governments to reach well-considered agreement with genuine capacity to improve housing outcomes and the transparency, accountability and effectiveness of housing and homelessness funding.

Should you have any questions about this letter, please do not hesitate to contact me or Laura Vines, Manager, Strategy and Policy at FVPLS Victoria, via (03) 9244 3333 or [lvines@fvpls.org](mailto:lvines@fvpls.org).

Yours faithfully,



Antoinette Braybrook  
CEO  
**FVPLS Victoria**

## **Appendix A – About FVPLS Victoria**

Established over 15 years ago, FVPLS Victoria is an Aboriginal Community Controlled Organisation which provides culturally safe and holistic assistance to Aboriginal victims/survivors of family violence and sexual assault.

FVPLS Victoria provides frontline legal assistance and early intervention/prevention, including through providing community legal education to the Aboriginal community, the legal, Aboriginal and domestic violence sectors. With support from philanthropic sources, FVPLS Victoria also undertakes policy and law reform work to identify systemic issues in need of reform and advocate for strengthened law and justice outcomes for Aboriginal victims/survivors of family violence and sexual assault.

FVPLS Victoria is open to Aboriginal men, women and children who have experienced or are at risk of family violence or sexual assault, as well as non-Aboriginal carers of Aboriginal children who are victims/survivors of family violence. FVPLS Victoria is not gender specific, however at last count 93% of our clients were Aboriginal women.

In 2016-17, FVPLS Victoria provided 1265 legal services and 515 non-legal support services to Aboriginal victims/survivors across Victoria. Our early intervention and prevention programs reached 990 women across the State. FVPLS Victoria's legal services include advice, court representation and ongoing casework in the areas of: - family violence intervention orders; - child protection; - family law; - victims of crime assistance; and - where resources permit, other civil law matters connected with a client's experience of family violence such as: police complaints, housing, Centrelink and infringement matters.

FVPLS Victoria has a holistic, intensive client service model where each client is assisted by a lawyer and paralegal support worker to address the multitude of interrelated legal and non-legal issues our clients face. FVPLS Victoria's paralegal support workers, many of whom are Aboriginal women, provide additional emotional support, court support and referral to ensure our clients are linked into culturally safe counseling 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, social and emotional wellbeing, parenting, financial and other supports.

As an Aboriginal Community Controlled Organisation, FVPLS Victoria 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.