

**Aboriginal Justice Caucus  
Working Group on Family Violence**

Level 29, 121 Exhibition Street  
MELBOURNE VIC 3000

▶ **Rae Kaspiew**

Australian Law Reform Commission  
rae.kaspiew@alrc.gov.au

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**Dear Ms Kaspiew**

REVIEW OF THE FAMILY LAW SYSTEM

I am writing on behalf of the Aboriginal Justice Caucus Working Group on Family Violence (the working group), which I Chair. In the first instance, I would like to thank the Australian Law Reform Commission (ALRC) for the opportunity to comment on the draft proposals set out in the Discussion Paper.

We are heartened that elements of our May 2018 submission to the ALRC Issues Paper was considered in the development of proposals in the Discussion Paper. In particular:

- The critical importance of user testing information materials for clients – to this we would add that all client-facing resources should be written in Easy English, which is an established style of writing that is concise, simple and easy to understand
- The need for culturally safe legal support for Aboriginal and Torres Strait Islander people – we define cultural safety as an approach to service delivery that is respectful and free from discrimination. It recognises the present-day impacts of intergenerational trauma, dispossession and racism, and prioritises community-led solutions to family violence
- Acknowledgment that cultural safety can only be achieved by lifting the cultural awareness and competence of the legal profession and especially professionals working with children, and
- For the definition of family violence to be broadened in line with the Victorian *Family Violence Protection Act 2018*.

We have considered the ALRC proposals described in the Discussion Paper and our analysis aligns with the submission made by the *National Aboriginal Family Violence Prevention Legal Services Forum* (the National FVPLS Forum). For this reason, we would like it to be noted that the Aboriginal Justice Caucus Working Group on Family Violence in Victoria supports the National FVPLS Forum submission.

We present our consideration of the ALRC proposals described in the Discussion Paper below:

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## Proposal 2: Education, Awareness and Information

- The working group supports increased effort to raise awareness and understanding of the family law system provided that the process is customised according to the needs of the target audience. This should include the development of culturally relevant materials in partnership with Aboriginal Community Controlled Organisations that work to support Aboriginal and Torres Strait Islander children and their families.
  - Proposal 3: Simpler and Clearer Legislation
    - The working group supports efforts to simplify the Act, however, this is only the first step. The infrastructure that supports the system must also be simplified and easier to navigate, for example court forms should be in Easy English and support services to be better resourced.
    - The working group strongly supports the proposal requiring the cultural needs of Aboriginal and Torres Strait Islander children to be taken into account. We stress that connection to culture is a significant protective factor for the wellbeing of children and their families. This is a key component of ensuring cultural safety principles are embedded into the Family Law System.
  - Proposal 4: Getting Advice and Support
    - The working group is of the view that the proposed one-stop-shop Families Hubs to provide a single entry point for legal support and family violence specialist support to clients experiencing family violence and engaged with the family law system, is not an efficient use of resources and not the most effective way to support Aboriginal and Torres Strait Islander people. The working group supports a culturally safe response that builds the capacity and capability of existing community-led services, this can be achieved by investing more into existing specialist services provided by ACCOs.
  - Proposal 5: Dispute Resolution
    - Our May 2018 submission noted that family dispute resolution (FDR) is appropriate where there is equal power between the parties, which is unlikely where there is family violence. Where there is family violence, FDR should occur alongside specialist legal support that is culturally safe and family violence aware.
    - The working group supports the development of a culturally safe model for FDR provided that it draws on the expertise and knowledge of Aboriginal and Torres Strait Islander people and is developed in partnership with ACCOs.
  - Proposal 7: Children in the Family Law System
    - The working group supports separate legal representation for Aboriginal and Torres Strait Islander children that is culturally safe and delivered in partnership with local ACCOs.
  - Proposal 8: Reducing Harm – definition of family violence
    - As in our May 2018 submission, the working group supports the adoption of the definition of “family violence” and “family” used in the Victorian *Family Violence Protection Act 2008*.
  - Proposal 10: A Skilled and Supported Workforce
    - The working group supports the proposal to work with relevant non-government organisations and professional bodies to develop a workforce capability plan for the
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family law system. Further, the working group supports the proposed core competencies, which include understanding family violence, trauma informed practice, and cultural competency in relation to Aboriginal and Torres Strait Islander people.

- Proposal 11: Information Sharing
  - The working group recognises that information sharing, if well-crafted and appropriately resourced, can be used to keep family violence victim survivors safe and people who choose to use violence in view. To this end, the working group is of the view that any information sharing regime must be clear about *what information can be shared and for what purpose*. The working group does not support the inclusion of health records in a family law information sharing framework.
- Proposal 12: System Oversight and Reform Evaluation
  - The working group notes the proposed establishment of a new statutory body – the Family Law Commission (FLC) – to oversee the family law system. We note that the new FLC will be responsible for developing the cultural safety framework to guide the development, implementation and monitoring of reforms to the family law system arising from the review to ensure they support the cultural safety and responsiveness of the family law system to the needs of families. The working group recommends that this work is undertaken in partnership with Aboriginal and Torres Strait Islander people and organisations with expertise and knowledge in culturally-safe and community-led family violence prevention and response.

Yours sincerely

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**Marion Hansen**

Chair Aboriginal Justice Caucus Working Group on Family Violence (Victoria)

*Attached: Members of the Aboriginal Justice Caucus Working Group on Family Violence*

## Members of the Aboriginal Justice Caucus Working Group on Family Violence

### **Ms Marion Hansen (Chair)**

Marion is a Gamilaroi woman from the Kamilaroi Nation in Moree, New South Wales. She has dedicated her life to the advancement of Aboriginal and Torres Strait Islander people, focusing her work on human rights, health and the wellbeing of women.

Marion delivered a paper on Aboriginal Health at the United Nations in Geneva in 95/96 and attended and actively participated in various meetings in relation to human rights, Health and incarceration rates. She also attended many meetings at the UN in New York about Indigenous rights and Women's Rights, as well as meetings of international Indigenous Women. She credits this time as a valuable part of her learning,

Marion has an abiding interest in the delivery of culturally safe and trauma informed services. She is a foundation member of Ngwala Willumbong Cooperative, where she served as Chair and Director over many years. In late 1997, she managed Galiamble men's recovery centre and went on to manage Rehabilitation Services. She took a keen interest in the establishment of Djirra as a specialist family violence service for Aboriginal women in Victoria. She has been Chair of the Governance Board that oversees Djirra for the past 13-14 years.

### **Aunty Jemmes Handy**

Aunty Jemmes is Wiradjuri. One of ten children born in New South Wales.

She is passionate about working with Aboriginal children, young men & women to address family violence.

Aunty Jemmes is Chair of the Loddon Mallee Regional Aboriginal Justice Advisory Committee (RAJAC). The RAJAC network is based on recommendation two of the final report of the Royal Commission into Aboriginal Deaths in Custody. She is also Chair of the Local Aboriginal Justice Action Committee (LAJAC).

She is the currently the Victoria Police Aboriginal Community Liaison Officer (ACLO) in Mildura. She was previously Liaison Officer at Mildura Base Hospital.

She is involved in the HOPE program, the Bacchus ACJP Program, Koori Night Patrol, Koori Scout & Cub, Neighbourhood Watch and East End Community House.

In 2007 she received the Excellence in Policing Family Violence Leadership Award, this was the first time a public servant and not a police member received this award.

In 2015, she was awarded the Public Service Medal in recognition of her outstanding work in supporting the Aboriginal community, particularly young people, in both health and policing. In the same year, she was awarded the Statewide Koori Community Justice Award for her work to promote positive justice outcomes for children and young people. The award recognises the tireless work being undertaken in education, employment, working with young people, innovative and creative programs and importantly the contribution of Koori Elders.

### **Ms Linda Bamblett**

Linda Bamblett is a proud Bangerang/Wiradjuri woman. Linda is the Chief Executive Officer at the Victorian Aboriginal Community Services Association (VACSAL). Linda has worked at Bert Williams

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Aboriginal Youth Services as well as VACSAL Family and Children's Services. Linda has her Certificate IV and a Diploma of Youth Work and Business (Frontline Management).

Linda sits on many committees and is also a founding member of Yappera Children's Services. Linda is a long serving member and currently Secretary of the Victorian Aboriginal Education Association Inc. (VAEAI). VAEAI's main functions are providing advice on education matters, monitoring education trends and advocating for the educational needs of Aboriginal and Torres Strait Islander people.

Linda is also Treasurer for the Aboriginal Community Elders Service and sits on the Board of the Fitzroy Stars Football club. Linda is the current Chairperson of North Metro Regional Aboriginal Justice Advisory Committee and Co-Chair of the North Metro Dhelk Dja Regional Action Group (formerly the Indigenous Family Violence Regional Action Group). Linda has also been acknowledged for ten years commitment to the Aboriginal Justice Forum.

### **Mr Alfie Bamblett**

Alfie is Wiradjuri-Yorta Yorta on his father's side and DjaDja Wurung-Kerrupmara on his mother's side. Alfie is the Coordinator of the Indigenous Men's Resource and Advisory Service (IMRAS), a statewide program of the Victorian Aboriginal Community Services Association Limited. IMRAS works with local Indigenous Family Violence Strategy networks to listen to Aboriginal men and to inspire them through mentors, ambassadors and role models.

In 2010, Alfie contributed to the development of the Certificate IV Aboriginal family Violence Work, the Indigenous Family Violence: Good Practice Guidelines for Men's Groups, Darebin Police Protocols, Timeout Service Model, and Darebin Aboriginal & Torres Strait Islander Men's Help Cards.

Since the Royal Commission into Family Violence handed down its report in 2016, Alfie has contributed to the Indigenous Family Violence Partnership Forum, the Support and Safety Hubs Statewide Concept, Family Violence Services and Accommodation Guideline and the Reporting on Aboriginal family Violence Media Kit.

Alfie is Co-Chair of the Northern Metropolitan Indigenous Family Violence Regional Action Group (IFVRAG) and a member of the Regional Aboriginal Justice Advisory Committee (RAJAC), the Aboriginal Justice Forum, the Aboriginal Justice Caucus and the Victorian Aboriginal Justice Advisory Committee (VAJAC).

### **Ms Antoinette Braybrook**

Antoinette Braybrook is an Aboriginal woman who was born in Victoria on Wurundjeri country. Antoinette's grandfather and mother's line is through the Kuku Yalanji, North Queensland.

Antoinette is the CEO of Djirra (formerly FVPLS Victoria), a position she has held since the service was established 15 years ago. Djirra is an Aboriginal Community Controlled Organisation which provides holistic, culturally safe and specialist legal and non-legal support to Aboriginal and Torres Strait Islander people who experience family violence - predominantly women. Djirra also designs and delivers important, community-based early intervention and prevention programs and undertakes policy and law reform work to improve access to justice, strengthen Aboriginal and Torres Strait Islander women's resilience and reduce vulnerability to violence.

In addition to Antoinette's leadership of Djirra, she has held the elected position of National Convenor of the National Family Violence Prevention Legal Services Forum (National FVPLS Forum) since 2012. The National FVPLS Forum is the peak body for the 14 FVPLSs throughout Australia.

Antoinette's advocacy work includes positions held on advisory groups, expert panels and consultative roles to State and Federal Organisations also having received the following awards

- 2015 Law Institute of Victoria: Access to Justice/Pro Bono Award,
- 2015 Australian Centre for Leadership for Women award for Sustaining Women's Empowerment.
- 2016 Harvard Club of Victoria's Non-Profit Fellowship Program to attend Strategic Perspectives in Nonprofit Management program at Harvard Business School, Boston USA
- 2017 Inspirational Women of Yarra Award

As a highly regarded public speaker, who seeks to give a voice to Aboriginal victim survivors of violence, Antoinette has been honoured to Joint present with Special Rapporteur Rashida Manjo at the United Nations Commission on the Status of Women Conference in New York, March 2013 and has recently been honoured on the Gender Justice Legacy wall in recognition for her contribution to advances in the gender justice field in celebration of 15 years of the ICC and 20 years since the adoption of the Rome Statute.

### **Mr Tony Lovett**

Tony is a Gunditjmara man and father. The Gunditjmara are the traditional owners of the Warrnambool, Port Fairy, Woolsthorpe and Portland areas. Gunditjmara comes from Gunditj, meaning "belonging" and mara meaning "a person of the area".

The strong thread weaving through Tony's life is people, community, music and sport.

Tony is a Community Services Officer with the Victorian Aboriginal Community Services Association (VACSAL). He is also actively involved a wide range of community building initiatives, including the Ballarat Aboriginal Education Consultative Group, Koorie Engagement Action group, Murray River Marathon – Blues and Brothers team, Ballarat Masters Football Club. He also facilitated two 'Families are Forever' regional camps with the Grampians Indigenous Family Violence Regional Action Group. He is a past President of the Sebastopol Football Netball Club and Ballarat AFL Masters Football Club.

Tony is Chair of the Grampians Regional Aboriginal Justice Advisory Committee (RAJAC), President of Vic Country AFL Masters 2017, Coordinator Dungulayin Mileka – Massive Murray Paddle Program, and a musician who has performed in Australia and overseas with many acts in various capacities.

Tony was the City of Ballarat Citizen of the Year in 2013, and the City of Ballarat Youth Services Award Youth Ally recipient in 2014.

### **Ms Antoinette Gentile**

Antoinette is a Yorta Yorta woman raised in Broadmeadows in Victoria. She has dedicated her life to improve justice outcomes for Aboriginal Victorians through partnerships with Aboriginal communities and by building capability within government to listen to and hear their voices and aspirations.

She has had a varied career in both the community and public sectors. In the mid-1990s, she served with the Victorian Aboriginal Legal Service, as a staff member, a Board member, and as Chief Executive Officer. In the early 2000s, she joined the Department of Justice and Regulation, and is

currently the Director of the Koori Justice Unit. The Unit works to improve justice outcomes for Aboriginal Victorians and is the primary contact point to the Justice Portfolio for Aboriginal communities.

One of Antoinette's greatest privileges was working alongside Aunty Joy Murphy and Professor Mark Rose on the Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2003-2005). The outcome of which was 164 Recommendations to the Victorian Government, which influenced the 2006 Victorian Aboriginal Justice Agreement. She cites this period in her career as one of the most challenging and rewarding, a defining experience that she draws upon both in a personal and professional sense.

### **Ms Nicola Perry**

Nicola is Ngarrindjeri woman from South Australia who has been a Swan Hill resident since her teenage years. She is a proud mother of three who is passionate about building a strong and resilient community.

Nicola began her career in Preschool & Early Childhood Education. She has also worked for Centrelink, the Swan Hill Aboriginal Services as a Home & Community Care (HACC) Coordinator, and for Swan Hill Police as an Aboriginal Community Liaison Officer (ACLO).

She is the Loddon Mallee LAJAC Project Officer based in Swan Hill, and is currently acting as the Loddon Mallee RAJAC Executive Officer.

Nicola's abiding interest in resilience drives her involvement in a variety of community and advocacy roles, including:

- Mallee & District Aboriginal Services (MDAS) Board of Directors
- Chair of the Swan Hill MDAS Advisory Committee
- Chairperson of the Swan Hill NAIDOC Committee for the past 4 years
- Co-Chair the Swan Hill Family Violence Police Protocols committee
- Swan Hill ACJP panel as deputy Chairperson

### **Mr Tom Bell**

Tom is a Noongar man from south-west Western Australia. He belongs to the Whadjuk Clan, one of the 14 that make up the Noongar Nation, and which encompasses the Perth Metropolitan area.

Tom is passionate about advancing self-determination through community development and genuine engagement. He is interested in improving the planning and delivery of policies and programs that support Aboriginal communities to determine their own priorities, including political, economic, social and cultural priorities. In his previous role as the Deputy Director and Community Engagement Manager, Koori Justice Unit, and currently as acting General Manager Community Services, South Eastern Metropolitan Region, Department of Justice and Regulation, Tom is dedicated to improving the way we work with Koori leaders and Elders to capture their expert knowledge and experience.

In his personal life, Tom is an ardent believer in the role of sport in building resilience. He has been passionate about football from the moment he kicked his first footy and played his first game as a five year old. He is keenly aware that sport can deliver a safe and secure foundation for young Aboriginal people to face the challenges of the wider world with confidence by giving them a sense of who they are and where they come from.