

Attachment 1

**Submission by Ms Rowena Puertollano to Access to
Justice inquiry**

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

27th April, 2009

Dear Committee Members,

Aboriginal Women's Access to Justice

I am a Yawuru/Bard woman from Western Australia's Kimberley Region and currently the Coordinator of the Broome Family Violence Prevention Legal Service. I write this submission drawn from the women that have spoken to me on their concerns within the Kimberley region relating to "Accessing a culturally appropriate Domestic Violence Legal Service".

I support Hannah McGlade's submission to bring to the Senate Committee's attention, on the ongoing "Inequities that prevent access to Justice for Aboriginal Women" of my community and other Western Australian communities.

The rates of Domestic and Family Violence are exceedingly high in the Kimberly and NT region. It is well documented that this crime is a gender-based crime and that the services responding to victims need to have Aboriginal women's business their main priority.

I refer to the "Australian NGO Shadow Report on the Implementation of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) 10 October 2005 Prepared by Koorie Women Mean Business with the National Network of Indigenous Women's Legal Services" and support these recommendations:

We recommend that the CEDAW Committee

- *Recommend that Government include consultations with local Indigenous women on identified sexual assault, family and domestic violence initiatives as part of program development, implementation, monitoring and evaluation particularly as programs respond to local concerns in rural and remote locations.*
- *Recommend that the Government seek the advice of Indigenous women to review the statutory 900 child protection mechanisms as they affect Indigenous children, to halt the damage being done by the existing regime.*
- *Recommend that the Government undertake a concerted and rigorous efforts under the Commonwealth Community Legal Services Program, to fund and monitor programs to assist Indigenous women in accessing legal services, and providing input into the system of administration of justice.*

Commonwealth, Attorney Generals Department response to victims/survivors of Domestic and Family Violence and/Sexual Assault has funded 31 Family Violence Prevention Legal

Units throughout Australia. However, current auspice arrangements in place for WA FVPLS (Broome, Kalgoorlie and Carnarvon under the WA ATSILS is flawed with administration, governance and conflicting priorities in addition, has failed to adopt policies and practices in ensuring that Aboriginal women feel safe to access the FPVLS services. Our women have said that they do not feel safe to approach the Broome FVPLS unit because of this Auspice arrangement.

This auspice arrangement has disempowered myself the coordinator of the Broome FVPLS to deliver a culturally appropriate FVPLS unit taking in local women cultural protocols and the needs of the client group being 100% aboriginal women and children.

This Auspice arrangement not only failed to consult Aboriginal women of this community and removed myself from Senior Management discussion on how the FVPLS will deliver service and negotiating Policies and practices that are reflective of the AGD FVPLS Operational Framework 2006 but contradicted it's Operational Framework in it's request to provide a 'culturally appropriate and sensitive service'.

The Attorney Generals Department and Auspice body has failed to provide a Risk Management Policy addressing the "Conflict of interest" that exists between the two services (victims v perpetrators). It does not show how ATSILS male dominated environment, challenges perpetrators on not tolerating any forms of violence against women in the community. It is understood that the Commonwealth AGD has not informed the state AGD of this arrangement and how the conflict of interest will be managed and if this has been undertaken, I the Coordinator have not had this provided to me.

In addition to this, family relationships, amongst women, children, victims and survivors of Domestic Violence and Sexual assault in the community not only lies with the immediate family but extended which therefore see's the safety and support within this region, failing women and families in their need to seek refuge, support and safety elsewhere such as in the city. This, is purely because there are no FVPLS Units or refuge shelters allocated in the city for country women to access, therefore, in support of an FVPLS Unit to located in Perth, I see is a need as a 'ground level' worker.

The lack of culturally appropriate Aboriginal Women's Legal services not being available in the 'city' will see, Aboriginal women, children, victims/survivors being forced to accept the surroundings and environment they live in and the 'perpetrator's families subjecting them to more abuse because they want better for their families. This situation also denies women, families and victims and survivors, the right and opportunity to strengthen themselves and live a violence free life.

Under the Government's National Plan of Action against violence to women and ensuring that all Aboriginal women and children have access to appropriate legal support and assistance, under the current Auspice arrangement of the WA FVPLS Unit's, severely lacks the substance to the National Plan to increase the safety and access to justice for Aboriginal women as Aboriginal women within my community will not, access the service because of this arrangement and because ATSILS supports the men who use the violence.

It is also a concern to note that, Aboriginal women's distinct legal needs, were recognised by the Australian Law Reform Commission, 1994 Inquiry, Equality Before the Law: Justice for Women' but was not backed up in establishing a 'separate legal service, staffed and managed by Aboriginal and Torres Strait Islander women for Aboriginal women.

The Commonwealth Attorney Generals Department has supported decisions that removed myself a female Coordinator from healthy recruitment practices to the Broome FVPLS. The Auspice Administration section completed all recruitment process without my input to where previously our unit was staffed at 100% women to now 25% women. My position within this structure has been modified from being the Manager of the day to day management of the organisation to an admin worker with no capacity to make any decisions relating to finance and service delivery.

It is culturally inappropriate for our women to be removed from being consulted on local and cultural protocols that are reflective of women's business. In addition, AGD has removed my credibility as a local woman within the community in permitting staff to conduct services and access to communities without the need of Community Protocols' being met.

This arrangement not only loses the integrity of a FVPLS Unit but becomes a well funded resource that our women will not use.

I would like to think that this letter will not fall on deaf ears or not be considered 'as an urgency' to address and prevent more violence happening.

I thank you for your time and hopefully, will in the future, have some positive and proactive outcomes to address this concern.

Yours sincerely

Rowena Puertollano
Coordinator
Broome Family Violence Prevention Legal Service

28th April, 2009

