



Australian Government
National Indigenous
Australians Agency



NIAA

Submission to the National Legal Assistance Partnership Review

27 October 2023

Working with Aboriginal and Torres Strait Islander peoples



Introduction

The National Indigenous Australians Agency (NIAA) welcomes the Independent Review of the National Legal Assistance Partnership (NLAP). The Australian Government is committed to improving justice outcomes for First Nations people. The Australian Government is providing national leadership on a range of important initiatives to address the drivers of contact with the justice system, and respond to discrimination, inequality and gender-based violence, particularly through the *National Agreement on Closing the Gap* (National Agreement); the *National Plan to End Violence against Women and Children 2022-32* (National Plan) and its dedicated *Aboriginal and Torres Strait Islander Action Plan 2023-2025*; *Safe and Supported: the National Framework for Protecting Australia's Children 2021 - 2031* and; the First Nations Justice package which includes the National Justice Reinvestment Program.

This submission outlines the NIAA's key considerations with regard to the three focus areas outlined in the NLAP Review's Terms of Reference.

The submission seeks consideration of a future legal assistance partnership that:

- provides proportionate funding for First Nations legal services and recognises the characteristics of best practice service delivery in remote and regional communities including an appropriate funding methodology for service delivery costs in those areas;
- ensures the provision of qualified and culturally appropriate interpreters for First Nations people in the justice system;
- ensures the provision of culturally safe and responsive services that support the socio-economic outcomes and Priority Reforms of the National Agreement on Closing the Gap, including being developed in partnership with First Nations people;
- considers pay parity for FVPLS and ATSILS staff and invests in entry level employment opportunities, career development and alternate pipelines for recruitment across the sector to address workforce challenges; and
- delivers early intervention, prevention, and holistic responses to address the structural and systemic drivers of contact with the justice system.

The NIAA plays a role in supplementing mainstream Commonwealth legal assistance programs through initiatives which provide culturally safe legal services and wraparound supports for First Nations people that are strengths-based, trauma aware and healing informed. These are critical to reducing First Nations people's incarceration rates (Closing the Gap Outcomes 10 and 11); and improving the safety of First Nations women and children (Closing the Gap Outcomes 12 and 13). Our approach is aligned to the National Agreement which recognises that better outcomes are achieved when First Nations people have a genuine say in the design and delivery of policies, programs and services that affect them, and that First Nations experiences and culture must be at the centre of the provision of legal assistance services in all jurisdictions.

While it is imperative to support frontline services, addressing broader social and economic issues which can drive contact with the justice system are key to ensuring that First Nations adults and young people are not over-represented in the criminal justice system. Improving health and wellbeing, housing, education and employment outcomes as well as responses that consider the cultural determinants of health – such as connection to family, culture, community, Country and language – are fundamental to reducing experiences of family violence and incarceration rates.



The NIAA acknowledges the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the National Family Violence Prevention Legal Services (FVPLS) Forum as key stakeholders in this review. Further information on legal assistance programs funded under the Indigenous Advancement Strategy (IAS) which are supplementary to the NLAP can be found at [Attachment A](#).



Key considerations

Focus area 1: A holistic assessment of legal need and all Commonwealth legal assistance funding

Legal assistance programs under the Indigenous Advancement Strategy (IAS)

The NLAP currently includes funding for services delivered by Legal Aid Commissions (LACs), Community Legal Centres (CLCs), and Aboriginal and Torres Strait Islander Legal Services (ATSILS).

In addition, and in recognition that many of the practices and requirements of Australian legal systems are not responsive to the needs and strengths of First Nations people, and that First Nations people face a number of significant barriers to accessing justice, the NIAA also administers funding through the IAS for a number of legal assistance activities.

These include:

- Family Violence Prevention Legal Services (FVPLS);
- Custody Notification Services (CNS);
- Indigenous Women’s Program (IWP); and
- Supplementary Legal Assistance (SLA).

In addition to legal assistance programs, the NIAA also funds the FVPLS providers to deliver a range of non-legal wraparound services, such as counselling, community engagement, early intervention programs, court support and referrals. This approach recognises that to reduce contact with the justice system we need to include prevention and early intervention approaches that are culturally safe, strengths-based, trauma aware and healing informed. These programs also support First Nations legal service providers to be responsive to community needs, and empower community-led solutions to address the overrepresentation of First Nations people in the justice system. These activities include:

- through care programs – Adult Through Care (ATC) and Youth Through Care (YTC);
- family violence wraparound support aspect of the FVPLS program;
- wellbeing aspects of the Custody Notification Service (CNS); and
- youth engagement, prevention and diversion programs.

Custody Notification Services

The CNS, funded by the NIAA, provides a culturally appropriate health and wellbeing check and basic legal information for First Nations people taken into police custody.

The CNS was established in response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) 1991 (Recommendations 223 and 224) which recommended that police should notify Aboriginal and Torres Strait Islander legal services, or equivalent service, whenever a First Nations person is taken into custody for any reason, including protective custody.

The CNS was also recommended in the Australian Law Reform Commission’s (ALRC) 2018 Pathways to Justice Report (Recommendation 14-3). In 2016, the Australian Government offered to support the other jurisdictions to implement the recommendations from ALRC and RCIADIC by providing start-up funding for the establishment of a



CNS. The CNS was first implemented in NSW and the ACT in 2000 and funded by the Commonwealth. Western Australia, South Australia, Northern Territory and Victoria also provide a CNS service funded by NIAA. Queensland and Tasmania have similar programs but are not funded by the NIAA.

While ATSILS that are delivering a CNS have tailored the model to suit their jurisdictional contexts, there are a number of basic requirements including:

- the service is offered to all First Nations people taken into police custody;
- a thorough mandatory notification protocol is introduced;
- there is direct exchange between the CNS operator and the person taken into police custody;
- there is a focus on holistic wellbeing not just legal advice;
- the CNS operator identifies and initiates services and support as required; and
- there is a clear case management transfer point identified.

Noting the scope of the NLAP review to improve future legal assistance settings including funding provided outside the NLAP, the NIAA supports a review of the legal services components of the CNS through the NLAP review.

Proportionate funding for First Nations Legal Services

The NLAP Review Issues Paper notes the proportionately low amount of funding received by First Nations legal assistance services (FVPLS and ATSILS) compared to mainstream legal assistance services. The overrepresentation of First Nations people as both offenders and victims in the criminal justice system should be acknowledged through proportionate funding for First Nations legal services.

This should include flexible funding that allows peak bodies to engage with all governments to advance equitable participation and shared authority and decision making of First Nations people in line with the Priority Reforms of the National Agreement on Closing the Gap. This will empower First Nations people to share decision-making with governments to accelerate policy and place-based progress on Closing the Gap (Priority Reform 1) and build the community-controlled sector to deliver high quality services to meet the needs First Nations people (Priority Reform 2).

Proportionate and flexible funding would enable service providers to balance delivery of both the immediate frontline crisis response and the early intervention services that address structural and systemic drivers of violence and contact with the justice system.

A revised legal assistance partnership could assist to address these needs by providing proportionate and flexible funding for First Nations legal services and recognising the characteristics of service delivery in remote and regional communities including an appropriate funding methodology for service delivery costs in those areas (details below).

Service delivery in remote and regional locations and interpreter services

As noted in the NLAP Review Issues Paper, delivery of legal assistance services in regional, rural and remote Australia is made difficult by higher operational costs and higher levels of disadvantage. Along with the workforce concerns discussed below, the delivery of legal services and associated costs in remote and regional locations is impacted by:

- greater physical distances;



- lack of infrastructure and access to technology;
- the natural environment, including the extremities of the Australian climate; and
- language barriers and the need for interpreters.

The NLAP Review Issues Paper also notes that in early consultations, legal assistance in regional and remote locations can often encounter conflicts of interest due to the small size of communities, especially in relation to First Nations communities.

Travelling to remote communities is costly and may impact the frequency with which a provider is able to travel to communities. This is further impacted by the sector-wide workforce shortages. Due to the challenges associated with service delivery in remote and regional Australia, flexibility in funding allocation should be considered. Consideration should be given to a loading for providers that deliver services in remote and regional locations. It is important to ensure future funding distribution mechanisms appropriately recognise the disproportionate cost and service impact in remote and regional communities. Supporting the specific needs of remote Australia will achieve better outcomes for First Nations people living in remote Australia and equitable achievement of the Closing the Gap Priority Reforms.

The NIAA acknowledges there is a significant requirement for qualified and culturally appropriate interpreters for First Nations people in the justice system. Lack of access to this service can impact an individual’s experience and access to a fair trial and cultural protocols must be understood to ensure accurate interpretation. Interpreters are vital for ensuring First Nations people can receive equitable access to services, make informed decisions and effectively engage with the justice system if required. It is a fundamental human right to be able to communicate in a person’s language of choice.¹ Interpreters also promote cultural understanding and assist First Nations people to engage with the justice system in a culturally safe way.

The NIAA acknowledges the need for interpreters for First Nations people across all jurisdictions and recognises this as primarily a state and territory responsibility. To ensure adequate access to First Nations interpreters with both a formal accreditation and commitment to cultural protocols, greater professional development and accreditation opportunities are needed for First Nations interpreters.

The Northern Territory (NT) is recognised as one of the most linguistically rich regions globally with more than 100 Aboriginal languages spoken that vary greatly in their grammatical structures, concepts and vocabulary.² Roughly 60 per cent of the 58,000 Aboriginal people living in the NT speak an Aboriginal language as their first language at home.³ Aboriginal people in the NT are also over-represented as both survivors and offenders within the justice system. More than 83% of adult prisoners in the NT are Aboriginal.⁴

A future legal assistance partnership should stipulate and ensure the provision of qualified and culturally appropriate interpreters for First Nations people across all areas of the justice system, including courts.

¹ International Covenant on Civil and Political Rights, art. 14(3)(f).

² “Aboriginal languages in NT,” Northern Territory Government, accessed September 14, 2023, <https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service/aboriginal-languages-in-nt>.

³ Department of Local Government, Housing and Community Development (NT), Northern Territory Aboriginal Languages Services Policy 2019–2023, 1.

⁴ Department of the Attorney-General and Justice (NT), Northern Territory Aboriginal Justice Agreement 2021- 2027, 13.



Streamline funding agreements and harmonise administration and reporting processes

As outlined in the NLAP Review Issues Paper, consideration needs to be given to the most appropriate timeframe for the duration of funding agreements. Short-term funding periods impact a provider's ability to manage the delivery and demand for services in an uncertain environment. The opportunity for funding agreements that commit to longer term funding, e.g. five years, should be considered to enable longevity of activities and support providers to attract and retain staff. This will enable providers to deliver effective and culturally safe services, and allow a sufficient length of time to provide meaningful wraparound support. Longer term funding agreements would also better support monitoring and evaluation.

Some legal service providers receive funding for the same activities from more than one agency or jurisdiction (i.e. funding provided though the NLAP is supplemented or topped up with funds provided through different mechanisms). This is not a case of 'double dipping', but of cost sharing between the Commonwealth and jurisdictions. While cost-sharing is important, this approach has administrative implications for service providers who are required to duplicate administrative tasks; often with inconsistent processes, systems, requirements and contractual arrangements. This applies against all domains of the grant lifecycle – applications, data collection, performance reporting, grant acquittals, standardised risk controls, funding agreement length and supports offered by funding bodies. A future funding framework that supports efficiencies for funding and reporting should be considered.

Consideration should also be given to targeting funding to align to indicators under Outcomes 10, 11, 12 and 13 of Closing the Gap. It is important the Commonwealth and jurisdictions share accountability for this, ensure this work is underpinned by the Priority Reforms and includes meaningful consultation with First Nations communities and organisations. Working together will improve outcomes and lead to greater efficiency and impact for investment for both recipients and governments.

Focus area 2: An evaluation of the effectiveness and challenges of service delivery

Culturally safe and responsive services developed in partnership

The Productivity Commission's recent *Draft Report of the Review of the National Agreement on Closing the Gap*⁵ highlighted the need for governments to accelerate and more intentionally respond to the Closing the Gap Priority Reforms, in order to drive improvements in socio-economic outcomes. The draft findings show that more can and should be done by all governments to deliver on their commitments under the National Agreement. Better outcomes are achieved when First Nations people are part of the solution. All levels of government have committed to working in partnership with First Nations people to achieve the outcomes and Priority Reforms outlined in the National Agreement, and the NLAP offers the opportunity to leverage this commitment.

Revised or new partnerships must consider the Priority Reforms of the National Agreement, including being developed in partnership with First Nations people. This is the only way to ensure that the practices and

⁵ Review of the National Agreement on Closing the Gap Draft report: [Draft Report - Review of the National Agreement on Closing the Gap - Productivity Commission \(pc.gov.au\)](https://www.pc.gov.au/reports/indigenous-affairs/national-agreement)



approaches are accessible to First Nations people. It is critical that legal assistance services are responsive to the circumstances of First Nations people. This includes consideration of:

- gender, noting that women and children are interact with the legal system as both survivors and care-givers for those in contact with the criminal justice system and are also the fastest-growing prison population in Australia⁶;
- specific needs of First Nations children and young people;
- specific needs of First Nations LGBTQIA+SB (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Sistergirl and Brotherboy) people; and
- specific needs of First Nations people with a disability, noting that people with disability are overrepresented in terms of contact with the justice system.

First Nations experiences and culture must be at the centre of the provision of legal assistance services in all jurisdictions. Reducing contact with the justice system requires community-driven, holistic, trauma informed approaches that prioritise cultural healing and strengthen First Nations families and communities.

The need for culturally safe and responsive services is detailed in the *Aboriginal and Torres Strait Islander Action Plan 2023-2025* (Action Plan) of the *National Plan to End Violence Against Women and Children 2022-2032*. It states “... access to family, domestic and sexual violence services is not experienced equally or consistently by Aboriginal and Torres Strait Islander people and many services are not tailored to address systemic and institutional patterns of violence or provide cultural safety and accessibility for specific groups of people, particularly in remote and very remote communities. In addition, governments need to improve police responses and provide culturally appropriate services to Aboriginal and Torres Strait Islander women and children who are affected by family violence”.⁷

The Aboriginal and Torres Strait Islander First Action Plan⁸ of *Safe and Supported: the National Framework for Protecting Australia’s Children 2021 - 2031* also highlights that culturally safe and appropriate legal representation is critical in supporting First Nations children, young people and families at risk of entering, or already in contact with, child protection systems.

Given the overrepresentation of First Nations people as both offenders and survivors in the criminal justice system, it is vital that all NLAP service providers are held accountable for the provision of culturally safe and responsive legal assistance and support. A revised NLAP could incorporate an expectation that all legal providers must implement cultural competency training and/or protocols to ensure they are able to provide culturally appropriate services to First Nations clients.

It is important that any future legal assistance partnerships ensure the provision of culturally safe and responsive services that consider the socio-economic outcomes and Priority Reforms of the National Agreement, including being developed in partnership with First Nations people.

⁶ [Increased incarceration of First Nations women is interwoven with the experience of violence and trauma \(theconversation.com\)](#)

⁷ Page 59, Aboriginal and Torres Strait Islander Action Plan 2023-2025, [Aboriginal and Torres Strait Islander Action Plan 2023–2025 \(dss.gov.au\)](#)

⁸ [Safe and Supported: the National Framework for Protecting Australia’s Children 2021–2031 \(dss.gov.au\)](#)



Workforce Challenges

Consultations with First Nations legal assistance providers indicate that recruitment across regional and remote areas has historically been challenging and this challenge is increasing. This is due to a number of factors including:

- sector wide shortages in suitably qualified legal staff, including in urban locations, which are compounded in regional and remote areas;
- not being able to offer commensurate salaries and be competitive in the labour market, particularly packages sufficiently attractive to recruit to remote locations;
- lack of available accommodation for staff; and
- increasing demand for services.

Ongoing difficulties in recruiting and retaining appropriately skilled staff have hampered effective service delivery for many First Nations legal assistance services. In an effort to stabilise the provision of legal services and increase accessibility of services, alternate pipelines for recruitment should be considered. This could include community-based apprenticeships and court advocates.

Investing in, and providing more opportunities for entry level jobs into the legal assistance sector coupled with the ability to provide appropriate training and career pathways, could mitigate the impact of high turnover rates, sector shortages, increase First Nations employment, contribute to culturally responsive service delivery and increase accessibility of services for First Nations communities.

Consideration should be given to pay parity for FVPLS and ATSILS staff proportionate with Legal Aid Commissions, in order to ensure organisations are competitive in their salary offerings. Noting the majority of staff employed by First Nations legal services identify as female⁹, consideration should also be given to any impact disproportionate funding may have on the gender pay gap. Resources need to be flexibly available for providers to invest in employee safety and wellbeing due to the high demand and often complex and traumatic case work they undertake. For example, due to the nature of the work, FVPLS providers have identified the need for external professional de-briefing and counselling to staff (both legal and non-legal staff). This is often out of reach for providers whose funding contracts are tied to direct service delivery.

Along with pay parity for FVPLS and ATSILS staff, any future legal assistance partnership should consider flexibility to invest in entry level employment opportunities, career development and alternate pipelines for recruitment across the sector in an effort to address the workforce challenges.

Early intervention, prevention, and holistic responses

While it is imperative to support frontline services, addressing the structural and systemic drivers of contact with the justice system provides the best means of achieving the outcomes under the National Agreement. Further information on trauma-informed and healing-informed approaches can be found at [Attachment B](#).

Preventative and early intervention initiatives promote the wellbeing of First Nations people and build resilience, including for those most at risk of coming into contact with the justice system. Whole-of-government strategies

⁹ During the 1 January 2023 to 30 June 2023 reporting period, 84.6% of staff employed to deliver FVPLS services identified as female.



that target disadvantage, and address the social and cultural determinants of health – particularly through wrap-around support – are most likely to improve justice outcomes in the long term.¹⁰

First Nations women have called for all Australian governments to significantly refocus and invest in early intervention and prevention supports. This focus would be significant in impact and reduce the high rates of community harms such as family violence, drug and alcohol dependence, abuse and childhood trauma. Addressing systemic issues of harm and trauma would also reduce unacceptably high rates of First Nations children entering the child protection system and youth detention, as well as reducing the rapidly increasing over-representation of First Nations women in incarceration.¹¹

Central to the premise of early intervention is the notion that early assistance will prevent the escalation of issues and in doing so will reduce dependence on more formal justice mechanisms. To achieve this, early intervention strategies need to reach clients ‘early’ and provide assistance that makes a difference to those clients.¹²

Recent consultations with NIAA funded service providers have highlighted the importance of early intervention and prevention. This includes the need for:

- non-legal staff to support legal staff during outreach and case management;
- non-legal staff such as client support officers, counsellors and case managers and First Nations specific Family Dispute Resolution services/practitioners;
- validated wellbeing assessment tools to be used by the Custody Notification Service;
- targeted Community Legal Education and programs promoting healthy relationships and consent within schools; and
- youth diversion activities.

The implementation of the Our Way strategy in Queensland, is an example of investment in community control in service delivery and design. Funding for the 33 Aboriginal and Torres Strait Islander community controlled child and family organisations demonstrates the importance of investing in preventative supports, where data has shown that organisations delivering early intervention services have halved the rate of re-notification to the Department compared with mainstream non-Indigenous organisations.¹³

Information on the types and levels of intervention can be found at [Attachment B](#).

It is vital that any future legal assistance partnership considers the delivery of early intervention, prevention, and holistic responses to address the structural and systemic drivers of contact with the justice system as these provide the best means of achieving the outcomes under the National Agreement.

¹⁰ [Culture is Key: Towards cultural determinants-driven health policy | Lowitja Institute](#)

¹¹ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)

¹² [Justice issues paper 20: Is early intervention timely? \(lawfoundation.net.au\)](#)

¹³ [Wiyi Yani U Thangani Report \(2020\) | Australian Human Rights Commission](#)



Focus Area 3: An evaluation of data collection, performance monitoring and reporting

Reporting platform and use

Data capability and consistent use of data across service providers is vital to the delivery, evaluation and ongoing management of quality services. The use of, sharing and understanding of data is a responsibility for all service providers and needs to occur in a culturally safe way.

Alignment and consistency of a reporting platform and the data being captured by providers needs to be achieved nationally and should include legal and non-legal support services. In line with Priority Reform 4 of the National Agreement, service providers should own, build and maintain their data capability with support for data capability included in funding agreements.

IAS funded service providers have also indicated that data collection and reporting platforms need to be fit for purpose and include capability to accurately record wraparound support, case management and early intervention output. This includes the number of children and family members supported through facilitating a legal outcome for a mother and a client/family journey through the service. The NIAA understands that:

- CLASS does not have the capability to reflect the breadth and types of non-legal support provided to facilitate legal outcomes.
- ActionStep appears to be the preferred data collection platform as it is more flexible and captures non-legal support which reduces re-traumatising clients by having to re-tell their story.
- additional work needs to be done on the data standards to better reflect the work of FVPLS services in contributing to Closing the Gap Targets 10, 11, 12 and 13. This requires further investment in building data collection capability within services (i.e. identifying the data outputs, training and application licences); to support providers in accessing a consistently used data platform.

The National FVPLS Forum is collaborating with other peak organisations as part of the Australian Legal Assistance Forum to develop overarching data principles for legal assistance services that focus on impact and outcomes, rationalise data collection and ensure consistency with Priority Reform 4 of the National Agreement. It is noted these principals are intended to shape legal assistance data collection under the NLAP.

A future legal assistance partnership should consider data capability and platforms that enable consistent collection and reporting of data.



Attachment A

Legal Assistance Programs Funded under the Indigenous Advancement Strategy

Family Violence Prevention Legal Services (FVPLS)

The FVPLS was established in 1998 by the Aboriginal and Torres Strait Islander Commission (ATSIC) to address the issue of both perpetrators and women and children using the Aboriginal and Torres Strait Islander Legal Services (ATSILs). The ATSILs were unable to provide a culturally sensitive service for the women and children, while also supporting or representing the perpetrators.

All sixteen FVPLS providers and their peak body, the National FVPLS Forum are funded through the IAS to address the legal needs and facilitate non-legal wraparound support for First Nations victim survivors of family violence and sexual assault. IAS funding is their primary source of operational support. Services delivered by FVPLS providers include:

- legal advice and casework assistance which prioritises clients experiencing family violence;
- court support; counselling for victims of family violence and sexual assault;
- community engagement and outreach programs focused on improved family safety outcomes;
- early intervention and family violence prevention programs and support;
- community legal education programs; and
- referral, information and support services which contribute to the improvement of family safety outcomes.

Responsibility for funding the FVPLS providers moved from ATSIC to AGD in 2003. In 2014, responsibility moved from AGD to the Indigenous Affairs Group in the Department of the Prime Minister and Cabinet (PMC/NIAA) as part of the Abbott Government's creation of the IAS.

In May 2021, the former Morrison Government announced that subject to the agreement of states and territories, the FVPLS sector would transition to the NLAP from 1 July 2023.

On 9 February 2023, the Attorney-General and Minister for Indigenous Australians agreed to delay the FVPLS transition to the NLAP until after the independent review is completed and the Government recommences discussions about the most effective funding mechanism for the FVPLS sector.

Adult and Youth Through-Care

Through Care services provide a voluntary holistic intensive management approach during the pre-release and post-release phases to support First Nations people in prison or detention and to reintegration back into the community and reduce the risks of re-offending. IAS funded Adult Through-Care (ATC) and Youth Through-Care (YTC) activities were established in response to the Council of Australian Governments' *Prison to Work Report* (2016) which identified significant gaps in support for First Nations people leaving prison, with both children and adults over-represented in the justice system and returning to detention at high rates. The evidence shows that



prison-based rehabilitation programs focused on the underlying causes of crime such as issues with literacy, employment, mental health, drug and alcohol use, and social and family ties, can reduce rates of reoffending.

Eight ATC and 3 YTC providers are funded through the IAS to deliver a combined total of 12 TC activities in NSW, Victoria, SA, Tasmania, Queensland, WA and the NT.

Supplementary Legal Assistance

IAS Supplementary Legal Assistance (SLA) supplements core funding provided through the NLAP to five legal assistance providers in the NT to meet additional demand for legal services for First Nations people. The funding increases the availability and access to legal assistance services in criminal matters, child protection, welfare rights and tenancy matters, including the provision of outreach services to remote communities.

Five service providers are funded through the IAS to deliver 6 SLA activities in the NT, comprising one Legal Aid Commission, one ATSILS and 3 Community Legal Centres.

Indigenous Women's Program

IAS Indigenous Women's Program (IWP) funding supplements core funding provided through the NLAP to 7 Community Legal Centres across Australia to ensure these organisations have additional capacity to meet the needs of First Nations women.

Services provided with IWP funding differ depending on the needs of each community, as identified by each provider. Service Providers are required to deliver high quality, culturally sensitive, equitable and accessible legal assistance services.

Legal Interpreting Services (Aboriginal Interpreter Service NT and Aboriginal Interpreters WA)

The NIAA provides \$2.4 million annually to support First Nations interpreter services in the NT, the Kimberley region of WA, and the cross-border region of the Anangu Pitjantjatjara Yankunytjatjara (APY) and Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) lands in Western Australia, South Australia and the Northern Territory.

The Aboriginal Interpreter Service (AIS) receives \$1.2 million annually to provide Aboriginal interpreting services to Commonwealth funded legal centres in the Northern Territory and assist First Nations people to understand the legal processes and communicate effectively in their own language with legal and court staff. The AIS provides legal interpreting services in all major towns as well as remote bush court circuits across the Northern Territory.

The AIS also receive \$3.8 million annually from the Australian Government through the National Partnership on NT Remote Aboriginal Investment to deliver interpreter services and increase the supply of qualified Aboriginal interpreters in the NT.

Custody Notification Service

The Custody Notification Service (CNS) provides a culturally appropriate health and wellbeing check and basic legal information for Indigenous people taken into police custody. The CNS was established in response to the 1987 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (Recommendations 223 and 224) and the Australian Law Reform Commission's (ALRC) 2018 Pathways to Justice report (Recommendation 14-3) which both

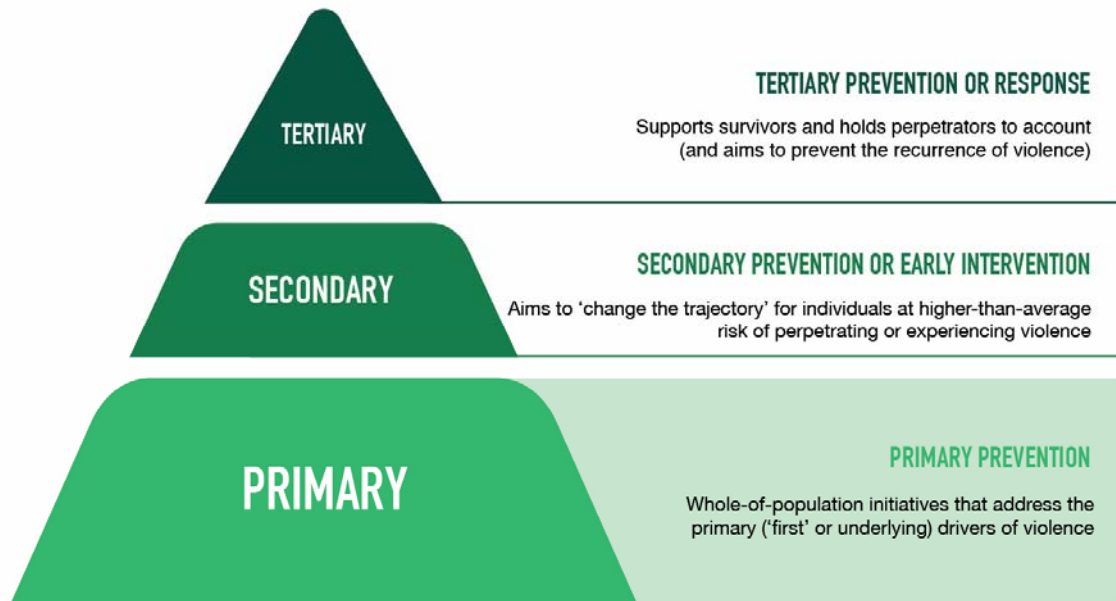


recommended that police should notify Aboriginal and Torres Strait Islander legal services, or equivalent service, whenever an Indigenous person is taken into custody for any reason, including protective custody.

Consistent with the RCIADIC and ALRC recommendations, under the Australian Government's CNS model, when a First Nations person (adult or child) is taken into police custody, police are required by law to notify the CNS provider, usually an Aboriginal and Torres Strait Islander Legal Service (ATSILS), as soon as possible. The CNS provider provides a 24/7 telephone service with dedicated staff to receive notifications, preferably having a direct, verbal exchange with the person in custody to conduct a health and wellbeing check.



Types and levels of intervention



Source: Our Watch, *Change the Story*

Primary Prevention

Primary prevention is key: it is the most effective way to eliminate violence against women and children¹⁴.

Primary prevention means stopping violence before it occurs. It means changing the behaviours and norms, in all areas of society, that excuse, justify or even promote violence against women and children.

Primary prevention approaches work across communities, organisations and society as a whole to address the deep, underlying drivers of violence against women, so that violence does not happen at all. It focuses on changing commonly held attitudes and behaviours that support and encourage gendered violence. Primary prevention action to stop men's violence against women is implemented before violence occurs and aims to stop the likelihood of men and boys using violence against women and girls. This prevention action does this by addressing the root causes of violence. This includes strategies intended to shift attitudes and social norms that support violence, challenge unjust power relationships that sustain violence, address the social conditions associated with violence, and promote non-violent norms.

Examples of primary prevention include:

- Government policy establishing frameworks and standards for preventing violence against women and promoting gender equality;

¹⁴ Mary Ellsberg, Diana J Arango, Matthew Morton, Floriza Gennari, Sveinung Kiplesund, Manuel Contreras and Charlotte Watts, "Prevention of Violence against Women and Girls: What Does the Evidence Say?" *The Lancet* 385, no. 9977 (2015): 1555–566.



- public information and awareness-raising in mass media, workplaces and communities;
- educational programs in schools; and
- programs in workplaces.¹⁵

Secondary Prevention/ Early Intervention

Secondary prevention (also called ‘early intervention’) works in more targeted ways to stop early signs of violence by specific people, communities or contexts from escalating. Secondary prevention is successful when violence is avoided or stops: victims are no longer victimized (e.g. by leaving a violent relationship) or perpetrators have stopped being violent. Examples of secondary prevention include:

- behaviour change programs for men who are violent or abusive; and
- home visits from social workers for new mothers at risk of violence.

Secondary prevention is aimed at individuals and groups at risk of being victims or perpetrators of violence. People who have survived violence and perpetrators also benefit from secondary prevention¹⁶.

Tertiary Prevention

Tertiary prevention aims to stop the recurrence of existing violence and/or minimise its impacts through direct intervention with people using abusive and violent behaviours. Examples of tertiary prevention include:

- criminal justice responses to perpetrators; and
- child protection responses.

This work can directly support primary and secondary prevention by reducing perpetration and victimization. Tertiary prevention also indirectly contributes to prevention by helping shape community attitudes about violence against women¹⁷.

Trauma informed and healing informed approaches

NIAA supports culturally appropriate, trauma-informed and healing-informed approaches.

The trauma-informed care services¹⁸

- Trauma-informed services understand trauma and its impact on individuals, families and communities. Such services:
 - create environments in which children feel physically and emotionally safe;
 - employ culturally competent staff and adopt practices that acknowledge and demonstrate respect for specific cultural backgrounds;
 - support victims/survivors of trauma to regain a sense of control over their daily lives and actively involve them in the healing journey;
 - share power and governance, including involving community members in the design and evaluation of programs;
 - integrate and coordinate care to meet children’s needs holistically; and

¹⁵ [Prevention strategies - White Ribbon Australia](#)

¹⁶ Ibid

¹⁷ [Prevention strategies - White Ribbon Australia](#)

¹⁸ <https://www.aihw.gov.au/reports/indigenous-australians/trauma-informed-services-and-trauma-specific-care-for-indigenous-australian-children/summary>



- support safe relationship building as a means of promoting healing and recovery.
- Although the development of trauma-informed services is critical, victims/survivors of trauma also require individual therapeutic care (that is, trauma-specific care).

Healing-informed care¹⁹

The Healing Foundation has identified the following important elements of healing-informed care:

- understanding and recognising the impact of trauma;
- addressing issues in the community context;
- strong leadership;
- proactive approach rather than a reactive approach; and
- evidence of what works.

¹⁹ The Healing Foundation – Healing Informed Organisations final report

