



QUEENSLAND  
INDIGENOUS FAMILY  
VIOLENCE  
LEGAL SERVICE

Submission to the Department of Social Services  
regarding the Safe Places Emergency Accommodation  
Inclusion Round

10 March 2023

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# The Queensland Indigenous Family Violence Legal Service (QIFVLS) Response to the Commonwealth Department of Social Services regarding the Safe Places Emergency Accommodation Inclusion Round

## Executive Summary

Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation ('QIFVLS') welcomes the opportunity to provide feedback regarding the design of the Department of Social Services' (the Department) Safe Places Emergency Accommodation Inclusion Round.

As a member of the Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks), QIFVLS is dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#). At its core, QIFVLS strives to achieve Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0). Together with striving to achieve Target 13, QIFVLS is dedicated to working with governments, government agencies, non-government organisations, other Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs) and stakeholder groups to ensure we reach Target 9 (By 2013, increase the proportion Aboriginal and Torres Strait Islander people living in appropriately sized housing to 88%).

As noted in the Discussion paper, family and domestic violence (FDV) is one of the leading causes of homelessness for women and children. As a Family Violence Prevention Legal Service (FVPLS) dedicated to holistically supporting Aboriginal and Torres Strait Islander victim-survivors of FDV and sexual assault, we are also mindful that in the period 2021-2022, 36% of Aboriginal and Torres Strait Islander specialist homelessness services clients were reported to have experienced family and domestic violence<sup>1</sup>. From our point of view, this emphasises the need to take a coordinated and intersectional approach as reflected in the National Agreement on Closing the Gap.

## Summary of QIFVLS submissions

QIFVLS offers the following feedback:

- We support the need for flexible funding approaches, ensuring money is diverted where it is most appropriately needed.
- We would like to see explicit roles for Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Community Controlled Housing Organisations in the design of the Inclusion Round. Although the Discussion Paper referred to the importance of engaging with stakeholders, we did not see any specific mention of these crucial organisations in the Discussion Paper.

<sup>1</sup>AHWP, *Specialist homelessness services annual report 2021-22*,

<https://www.aihw.gov.au/reports/homelessness-services/shs-annual-report/contents/indigenous-clients>

- We seek clarification regarding the Selection Advisory Panel (SAP) that determines eligibility and assessment of applicants for funding.
- We suggest that the eligibility criteria for funding applicants reference ACCOs and the importance of seeking support from ACCOs where an applicant is seeking funding for emergency accommodation that will cater for First Nations women and children.
- We agree that the potential assessment criteria under section 4.2 of the Discussion Paper requires consultation with specialist stakeholders. We suggest specifically referencing ACCOs from the family and domestic violence sector, the housing sector, and the health sector.
- Reference to accessing legal assistance and advice should be explicitly included among support services that emergency accommodation must provide.
- We agree with the definitions provided regarding emergency accommodation and safe places.

## About QIFVLS

QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program ('FVPLSP') through the Department of Prime Minister and Cabinet's Indigenous Advancement Strategy ('IAS'). FVPLSP fills a recognised gap in access to culturally appropriate legal services for Aboriginal and Torres Strait Islander victims of family and domestic violence and sexual assault.

QIFVLS is one of fourteen (14) Family Violence Prevention Legal Services ('FVPLSs') across Australia and one of the thirteen (13) FVPLSs that are part of the National Family Violence Prevention Legal Service ('NFVPLS') Forum. We are one of two Aboriginal and Torres Strait Islander community-controlled family violence prevention legal service providers in Queensland.

QIFVLS is exclusively dedicated to providing legal and non-legal support services to assist Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault with a breadth and scope of services which stretch to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Together with its legal services, QIFVLS can be distinguished from other legal assistance providers through its advantage in providing unique, specialised, culturally safe and holistic assistance from the front-end via a wrap-around model that embraces early intervention and prevention. We advocate this model in supporting access to justice and keeping victim-survivors of family violence safe.

QIFVLS services 80+ communities across Queensland including the Outer Islands of the Torres Strait, neighbouring Papua New Guinea and provides services in the areas of domestic and family violence; family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications. QIFVLS supports its clients through all stages of the legal process: from legal advice to representation throughout court proceedings. In addition, QIFVLS responds and addresses our clients' non-legal needs through our integrated non-therapeutic case management process, which is addressed through the identified role of the Case Management Officer. QIFVLS as a practice, provides a holistic service response to our clients' needs: addressing legal need and addressing non-legal needs, that have in most cases, brought our clients into contact with the justice system in the first place.

### QIFVLS' Case Management Practice model

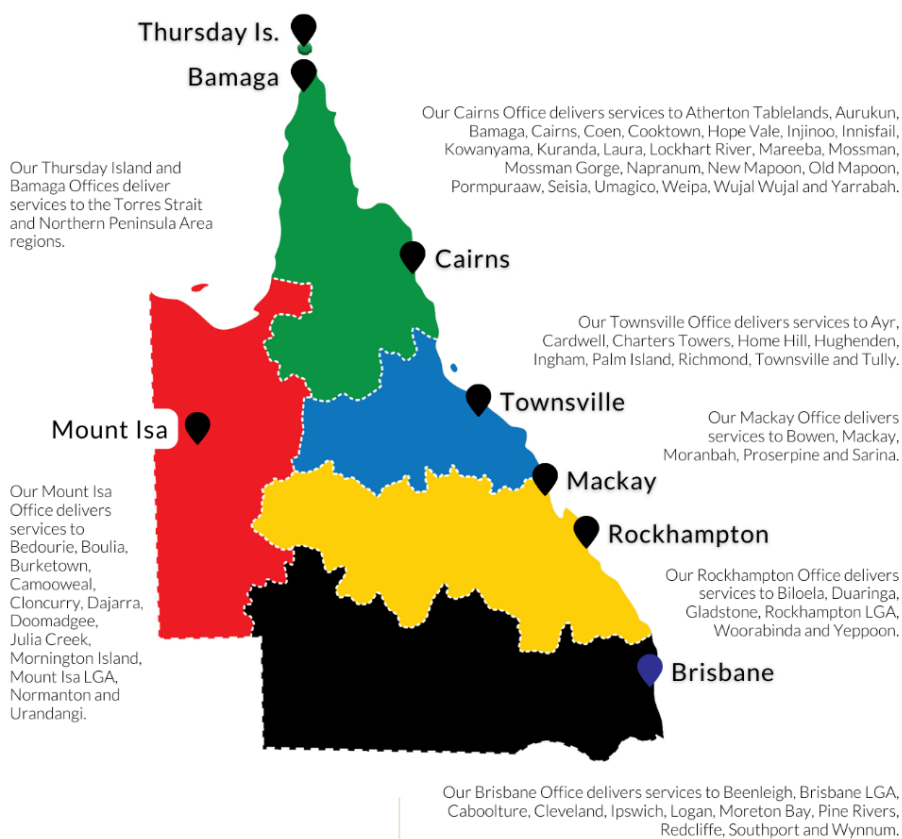
To address an area of unmet need, QIFVLS, within its current funding through the Department of Prime Minister and Cabinet and now, through the National Indigenous Australians Agency (NIAA), developed and implemented a Case Management Practice to complement and run alongside the legal practice. The Case Management Practice was originally piloted in our Rockhampton office in 2016 and provided success in being able to holistically respond to both legal and non-legal needs of victim-survivors of family violence. The Case Management Model was then expanded for trial in our Mount Isa office in 2018 and

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proved successful there. As a result, QIFVLS has now integrated and embedded the Case Management Practice across all QIFVLS offices across the state of Queensland.

The Case Management Practice is a non-therapeutic model based on the principles of the Case Management Standards of Australia but tailored to be delivered by an ACCO for and by Aboriginal and Torres Strait Islander peoples. Clients entering case management are assisted to address their non-legal needs whilst also responding and addressing their legal needs. This is a holistic, wrap-around service delivery model that utilises strong referral pathways with existing service providers in community, whilst allowing a client to set achievable goals at a pace determined by the client, thereby achieving self-efficacy and self-determination.

Another stand out feature of QIFVLS Case Management Practice is that our Case Management Officers as well as our Case Management Practice Manager, are all identified roles. The case management support that is provided to QIFVLS clients is delivered by duly qualified Aboriginal and Torres Strait Islander QIFVLS staff within a trauma informed and culturally safe manner.



As demonstrated by the above map QIFVLS is mainly an outreach service where our teams go into rural and remote communities to meet with clients. QIFVLS services over 80+ Aboriginal and Torres Strait Islander communities throughout Queensland. Recognising that Queensland is nearly five (5) times the size of Japan; seven (7) times the size of Great Britain and two and a half (2.5) times the size of Texas<sup>2</sup>, QIFVLS has eight (8) offices in Queensland –

<sup>2</sup> <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>

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- (1) a service delivery office in addition to its Head Office located in Cairns, responsible for servicing Cape York communities, Cooktown; Atherton Tablelands, Innisfail, and Yarrabah (and communities in between);
- (2) a service delivery office in Bamaga responsible for servicing Cape York communities as far north as Bamaga and Umagico;
- (3) a service delivery office on Thursday Island responsible for servicing communities stretching to the Outer Islands of the Torres Strait, neighbouring Papua New Guinea;
- (4) a service delivery office in Townsville responsible for servicing Townsville, Palm Island, Charters Towers, Richmond and Hughenden (and communities in between);
- (5) a service delivery office in Rockhampton responsible for servicing Rockhampton, Woorabinda, Mt Morgan, Biloela (and communities in between);
- (6) a service delivery office in Mount Isa responsible for servicing Mount Isa, the Gulf of Carpentaria communities, as far south as Bedourie and across to Julia Creek (and communities in between);
- (7) a service delivery office in Brisbane responsible for servicing the Brisbane local government area.

## Family violence as the cornerstone

QIFVLS' experience is that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to housing and homelessness, the child protection system, the youth justice system, adult crime, health and disability and the family law system.

These 'connectors' are further compounded or exacerbated for those living in regional, rural and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim-survivor escaping a violent relationship<sup>3</sup> (i.e., domestic violence support services and shelters; actual police presence within a community). This is relevant when looking at the design of the Inclusion Round and the location of emergency accommodation in regional, rural and remote areas.

In contrast to siloed government responses, QIFVLS advocates for uniform and consistent strategies that improve responses in the policing and criminal justice system, corrective services and the child protection system.

## Funding approach

We agree at the outset with the need for more flexible funding approaches for FDV accommodation. Adopting this agile approach would ensure that funding and resources are diverted to the locations and the communities where it is most needed.

We note that together with small-scale projects for emergency accommodation, the Grant funding under the Inclusion Round will account for mixed-use proposals combining emergency accommodation with longer-term social or community housing.

In this regard, we understand that under the mixed-use proposals, grant funding under the Inclusion Round will only cover emergency accommodation as opposed to longer-term housing. It may be preferable for applicants for mixed-use type proposals to secure funding (either loans, state government funding or philanthropy) for longer-term housing aspects of their proposals prior to seeking grants funding under the Inclusion Round. This may take the form of providing evidence of an application for

<sup>3</sup> Australian Institute of Health and Welfare (AIHW), Alcohol and other drug use in regional; and remote Australia: consumption, harms, and access to treatment 2016-17. Cat.no. HSE 212. Canberra.

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longer-term funding. However, we would be of the view that the lack of an application for longer-term funding should not operate as a barrier to an application being made.

At this point we are supportive of the proposed milestone payments under the Inclusion Round, namely, which are to be paid on the completion of milestones:

- Signing of Grant Agreement – 20% initial payment
- Base and frame – 50% payment
- Lock-up – 20% payment
- Occupancy Permit and confirmation of FDV wrap-around service access for clients – final 10% payment

## The Selection Advisory Panel (SAP)

We understand from the Discussion Paper that the Selection Advisory Panel (SAP) will provide the relevant decision-maker (the Minister) with recommendations on the merits of each funding application. We seek clarification from the Department regarding the SAP regarding the selection of the SAP. The Discussion Paper does not mention who would comprise the SAP nor does it inform the reader how the SAP will be chosen.

In 2021-22, the AIHW noted that Aboriginal and Torres Strait Islander people continue to be overrepresented among specialist homelessness services clients with more than one-quarter of clients (28%)<sup>4</sup>. Given the significant proportion of First Nations women and children seeking emergency accommodation due to FDV, we advocate strongly for a First Nations voice (or voices) to be part of the SAP. Making the process around the selection of the SAP transparent would also serve to promote confidence and provide an example of shared decision-making and partnerships between governments and Aboriginal and Torres Strait Islander communities. This is in alignment with Priority Reform 1 and 2 of the National Partnership Agreement on Closing the Gap.

## The eligibility criteria

Upon viewing the eligibility criteria, we notice that Indigenous Corporations are among the entity types who could potentially be eligible for the Inclusion Round.

The eligibility criteria further provide that an applicant or the applicant's partnering services provider be a suitable FDV specialist services provider and where relevant, provide evidence of the specialist services providers' capability to support First Nations women and children, among other cohorts.

We would appreciate further discussion considering circumstances where the applicant and their partnering services provider are neither an Indigenous Corporation, a Family Violence Prevention Legal Service (FVPLS) or an Aboriginal and Torres Strait Islander Community Controlled Organisation specialising in family and domestic violence support. In such a situation, it would appear that an applicant may still possibly be eligible where they can demonstrate evidence of their capacity to support First Nations women and children.

We suggest the next iteration of the Inclusion Round focus on cultural capability as one of the factors required to demonstrate capacity to support First Nations women and children, taking into account the necessity for a culturally safe and trauma-informed model of care. We view this as a non-negotiable.

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<sup>4</sup> AIHW, *Specialist homelessness services annual report 2021-22*, <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/contents/clients-services-and-outcomes#Key%20findings>

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Our starting position would be to emphasise the benefit of community-led approaches in line with Priorities 1 (shared decision-making and partnerships) and 2 (building the community-controlled sector) of the National Agreement on Closing the Gap. We feel this would empower local community groups and ACCOs to provide culturally safe and appropriate services to First Nations women and children.

We would also recommend that the eligibility criteria include an additional bullet point requiring the specialist FDV service provider to provide support for clients to access legal assistance and advice.

## The assessment criteria

We agree with the Discussion Paper that further consultation with specialist service providers is required in developing assessment criteria under section 4.2 of the Discussion Paper – **‘Potential assessment criteria’**. As far as consultation is concerned, we suggest that the Discussion Paper specifically reference the ACCOs from the family and domestic violence sector, the housing sector and the health and disability sector. Engagement with these groups provides a leverage point on which to consume views on embedding accessibility, cultural safety and appropriateness.

From reading the potential assessment criteria in particular, we note that the following are absent:

- Applicants for funding need to demonstrate cultural capability as a relevant factor in applying for Inclusion Round funding. The language needs to be more explicit than just having the capacity to support First Nations women and children leaving FDV;
- Given the commitments made by governments in the National Agreement on Closing the Gap to build and empower the community controlled sector, prioritisation should be given to ACCOs in remote, rural and regional areas where possible. This would be an example of governments upholding the Closing the Gap Agreement and specifically Priorities 1, 2 and 3;
- For non-Indigenous organisations applying for grants in areas with significant populations of Aboriginal and Torres Strait Islander peoples, a requirement to outline their recruitment strategy for an Aboriginal and Torres Strait Islander workforce. For non-Indigenous entities applying in remote communities, a further requirement to outline what steps they have taken to employ and economically empower community members.

## The definitions of ‘emergency accommodation’ and ‘safe places’

We have no objection to the definitions utilised in the Discussion Paper, noting that they are consistent with the definitions for ‘emergency accommodation’ as described by the Australian Institute for Health and Welfare (AIHW) and the accepted definition of ‘overcrowding’ outlined by the Canadian National Occupancy Standard and accepted by AIHW.

For the proposed definition of a ‘specialist service’ under section 4.3.3, we note the importance of accommodation under the Inclusion Round providing access to appropriate and specialist support for women and children leaving FDV. We recommend that there is specific reference that a service providing emergency accommodation should provide access to legal assistance and advice for women and children leaving FDV.



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## Conclusion

We take this opportunity to thank the Department for considering our feedback regarding the design of the Inclusion Round. We trust that our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and a Family Violence Prevention Legal Service informs the design of the Inclusion Round.

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