

**PUBLIC SECTOR BILL 2022**

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# QUEENSLAND INDIGENOUS FAMILY VIOLENCE LEGAL SERVICE

Submission to the 57<sup>th</sup> Parliament Economics and  
Governance Committee regarding the Public Sector  
Bill 2022

28 October 2022

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Queensland  
Indigenous  
Family Violence  
Legal Service

# The Queensland Indigenous Family Violence Legal Service (QIFVLS) Submission to the 57<sup>th</sup> Parliament Economics and Governance Committee regarding the Public Sector Bill 2022

## Executive Summary

Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation (“QIFVLS”) welcomes the opportunity to provide submissions on the recently tabled Public Sector Bill 2022.

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](#). In this context, QIFVLS supports the enactment of a modernised legislative framework for a fair, inclusive and integrated public sector bill in Queensland and from our unique perspective, we welcome provisions in the Bill which recognise the role public sector entities will play in supporting the Queensland Government to reframe the relationship between the Government and Aboriginal and Torres Strait Islander peoples. This is an improvement on the current *Public Service Act 2008* which only contains a single reference to Aboriginal and Torres Strait Islander people (s30(4)).

QIFVLS is thankful to have been afforded the chance to provide feedback in May 2022 when the Bill was in its consultation draft phase. We are pleased that our call for a separate definition of cultural capability in recognition of the unique historical issues facing Aboriginal and Torres Strait Islander peoples has been reflected in the Bill.

As an Aboriginal and Torres Strait Islander Community-Controlled Organisation (‘ACCO’), QIFVLS is in the unique position in that our services and clientele intersect with a variety of public sector entities and public sector employees, notably in the areas of family violence, family wellbeing, health, child safety and criminal justice. We live in the communities and see and hear directly from our clients about the services they receive from Queensland government agencies. Our role frequently necessitates that we intervene or react on our clients’ behalf as a result of the actions of government agencies. In that regard, we feel well placed to provide feedback from the standpoint of a family violence prevention legal service which provides a holistic model of attending to our communities’ legal and non-legal needs.

Our feedback acknowledges that since our previous submissions in May 2022, the Bill (specifically Chapters 1 – 3) has been strengthened. In light of this development, our submission proposes that consideration is given to including references to ‘cultural safety’ and ‘cultural capability’ in the public sector employment principles (clause 39) and work performance and personal conduct principles (clause 40) in Chapter 3 of the Bill.

## About QIFVLS

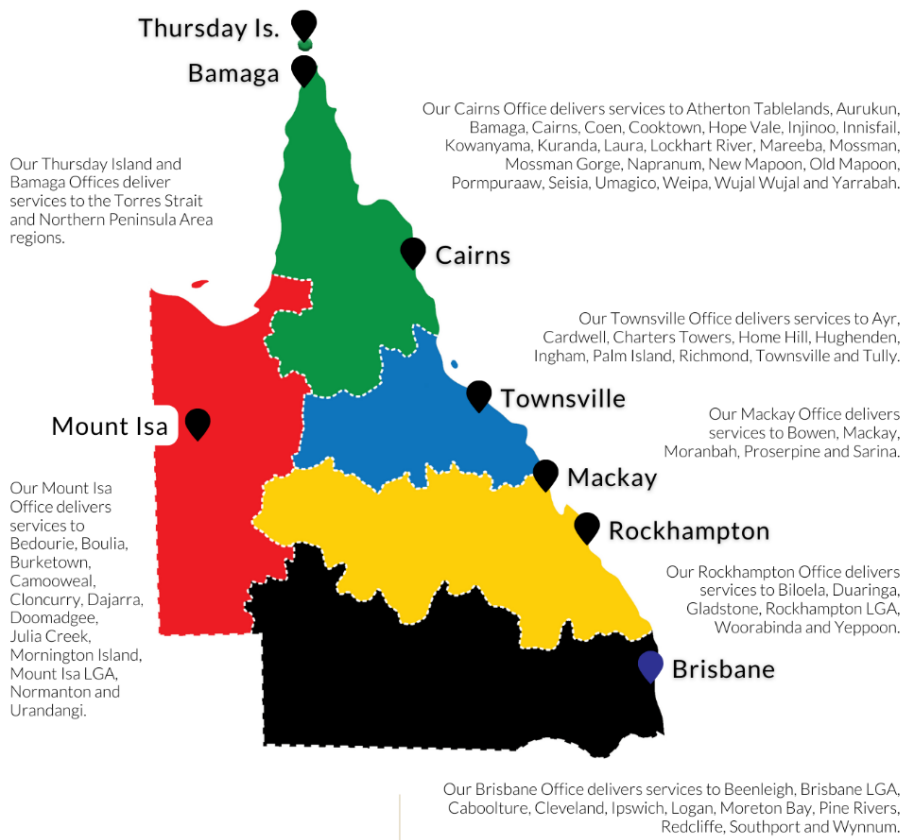
QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program (‘FVPLSP’) through the Department of Prime Minister and Cabinet’s Indigenous Advancement Strategy (‘IAS’). FVPLSP fills a recognised gap in access to culturally appropriate legal services for Aboriginal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

HEAD OFFICE	FAR NORTH QLD	NORTH QLD	CENTRAL QLD	BRISBANE	GULF & WEST QLD
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Lvl 1, Ste 5, 101-111 Spence St	Lvl 2, 101-111 Spence St	Lvl 2, 61-73 Sturt St	Lvl 2A 130 Victoria Pde	201 Wickham Tce	19 Isa St
Cairns QLD 4870	Cairns QLD 4870	Townsville QLD 4810	Rockhampton QLD 4700	Spring Hill QLD 4004	Mt Isa QLD 4825
P: 07 4045 7500	P: 07 4030 0400	P: 07 4721 0600	P: 07 4927 6453	P: 07 3839 6857	P: 07 4749 5944
F: 07 4027 1728	F: 07 4027 9430	F: 07 4764 5171	F: 07 4807 6162	F: 07 3319 6250	F: 07 4749 5955

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 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.



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. It is recognised 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>1</sup>. Bearing that in mind, QIFVLS has eight (8) offices in Queensland –

<sup>1</sup> <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>

- (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 the child protection system, the youth justice system, the adult criminal justice system 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 escaping a violent relationship<sup>2</sup> (ie domestic violence support services and shelters; actual police presence within a community).

## The importance of cultural capability and cultural safety

A key thread through our submissions reflect QIFVLS' belief that in order to act on the genuine will and consensus to reducing and eliminating family violence especially within Aboriginal and Torres Strait Islander communities, there must also be a genuine prioritisation of culturally safe and targeted approaches which specifically address Aboriginal and Torres Strait Islander families' needs, perspectives and barriers to obtaining assistance. This requires a tailored response that includes long term investment in early intervention, prevention and community education approaches (developed in partnership with Aboriginal and Torres Strait Islander community organisations and led by ACCOs) as well as specialised and culturally safe frontline legal services (such as those provided by the FVPLSs across Australia) for Aboriginal and Torres Strait Islander victims/survivors.

Moving away from siloed government responses, QIFVLS advocate for uniform and consistent strategies that improve responses in the policing and criminal justice system, the child protection system and corrective services. The sustainability of a holistic and targeted response (as opposed to a piecemeal approach highlighting a lack of co-ordination and a number of 'key pieces operating in complete silos to each other') will require investment by Government at the *front end* – that is investing in areas that have been clearly identified in the well-established literature as being core social drivers giving rise to the over representation of Aboriginal men, women and children being victims/survivors of family violence and sexual assault.

<sup>2</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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## Chapter 2 Equity, diversity, respect and inclusion

We welcome the inclusion of a dedicated chapter addressing equity, diversity, respect and inclusion. In keeping with the National Agreement on Closing The Gap, this is an example of Priority Reform 3 (Transforming mainstream and government institutions) of the Agreement. We support the inclusion of obligations for chief executives to publish an equity and diversity plan. To satisfy priority reforms regarding the improved sharing of data, we welcome the proposed measures in clause 29 (annual audits of workforce data, establishing targets for employment of members of diversity target groups etc) together with any other measures prescribed by regulation.

## Chapter 3 Public sector arrangements

We welcome measures that would enable greater consideration of a prospective public sector employee’s cultural background and/or diversity to be included as a consideration in the recruitment process. Together with supporting the community-controlled sector, it is vital that public sector entities evolve via a process of both building cultural capability while simultaneously creating opportunities for their workforce composition to reflect the communities which they serve.

### Public sector employment principles

One of the standout features of QIFVLS is the length and breadth of communities it serves. As mentioned above, we have eight offices throughout Queensland, servicing over 80 communities right up to the outer islands of the Torres Strait. Our conversations with clients on a weekly basis have engrained within us their experiences of being let down or being re-traumatised, whether inadvertently or purposefully, by employees from a variety of public sector agencies. With that in mind, we place a high value on cultural knowledge and capability. Accordingly, our submission is that we would like to see this embedded within both merit and diversity elements of the recruitment process. This becomes imperative in remote and rural communities with a large proportion of Aboriginal and Torres Strait Islander peoples.

In that regard, we would suggest that consideration is given to the insertion in clauses 39 and 40 of the Bill of provisions relating to cultural safety and cultural capability. This could filter through to clauses 44 and 45 of the Bill regarding matters to be considered in recruitment and selection.

## Conclusion

We take this opportunity to thank the Committee for considering our feedback regarding the Bill. We trust that the Committee appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

We look forward to being involved in future consultations that will contribute to informing the Public Sector Bill 2022 in a way that will benefit Aboriginal and Torres Strait Islander people and communities.

We hope that our emphasis on embedding the four Priority Reforms clearly reflects our beliefs that the voices of Aboriginal and Torres Strait Islander community must be elevated in the formulation of future plans that will improve the experiences of our community whilst also seeing that the objectives of the National Agreement on Closing The Gap are realised.