



VLA Reconciliation Action Plan

2015-2018





Foreword

Bevan Warner

Managing Director
Victoria Legal Aid

VLA is renewing its commitment to working collaboratively with Aboriginal and Torres Strait Islander Legal Services who provide legal services, community legal education and advocate for systemic changes that will benefit Aboriginal and Torres Strait Islander people. VLA welcomes the public debate towards Constitutional recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples in Australia and acknowledges their long, continuing and vibrant cultures and communities in Victoria.

However, many Aboriginal and Torres Strait Islander people in Victoria have been affected by family dislocation, removal from country and disruption of cultural practices and connections. These have had a serious impact on health and well-being and also lead to a range of legal needs, many of which are unmet. Aboriginal and Torres Strait Islander people are significantly more likely than non-Aboriginal and Torres Strait Islander people to face detention and child removal by the State. There is also often a mistrust of government agencies and other authorities such as police and courts which significantly affects the ways in which Aboriginal and Torres Strait Islander people engage with or interact with legal services.

The Victorian Aboriginal Legal Service (VALS) and Aboriginal Family Violence Prevention and Legal Service (FVPLS Victoria) provide legal services to many Aboriginal and Torres Strait Islander people in Victoria. VLA lawyers and private practitioners (often acting on a grant of legal aid) also provide assistance to a significant number of Aboriginal and Torres Strait Islander people in some regions, particularly for criminal, family violence or child protection proceedings. VLA is also a major provider of some “specialist” areas of family and civil law, such as child protection, child support, mental health and disability advocacy, social security, and discrimination law. It is clear that many Aboriginal and Torres Strait Islander people in need are not readily accessing these services.

There are four key areas of activity VLA will pursue, where possible in collaboration with VALS and FVPLS Victoria:

- improving access to VLA services (particularly civil and family law services) by Aboriginal and Torres Strait Islander people
- building cultural awareness and competency of VLA staff
- improving pathways for Aboriginal and Torres Strait Islander employment at VLA
- strategic advocacy/ casework on legal issues affecting Aboriginal and Torres Strait Islander people.

Over time, it is anticipated that these activities will lead to:

- a continuing partnership with VALS and FVPLS Victoria
- strengthened staff awareness, attitudes and practices towards Aboriginal and Torres Strait Islander clients
- high quality, culturally sensitive services to Aboriginal and Torres Strait Islander clients
- greater access to preventative and early intervention services by Aboriginal and Torres Strait Islander people in Victoria
- contributing to addressing the barriers that prevent Aboriginal and Torres Strait Islander people from accessing the justice system or pursuing their legal rights, by participating in law reform.



Supporting statements

Wayne Muir

Chief Executive Officer
Victorian Aboriginal Legal Service

The Victorian Aboriginal Legal Service (VALS) is pleased to have been involved in the development of VLA's first Reconciliation Action Plan. The RAP represents a new step forward for the relationship between VLA and VALS, but most significantly, represents a greater sense of inclusion and recognition of Aboriginal and Torres Strait Islander people and their interaction with the legal system in Victoria. Whether our community are seeking the services of VLA or choosing to work at VLA, this RAP goes towards strengthening the understanding and respect VLA has for the Aboriginal and Torres Strait Islander communities across Victoria. VALS supports these efforts towards the ultimate, ongoing goal of culturally appropriate and high quality legal representation of Aboriginal and Torres Strait Islander people. We look forward to a continuing relationship with VLA.

Antoinette Braybrook

Chief Executive Officer
Aboriginal Family Violence Prevention and Legal Service Victoria

The Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) welcomes VLA's first Reconciliation Action Plan. FVPLS Victoria is delighted to see VLA's commitment, through this RAP, to support and work in partnership with specialist Aboriginal community controlled legal service providers to improve access to justice for Aboriginal and Torres Strait Islander peoples, especially Aboriginal and Torres Strait Islander victims/survivors of family violence. FVPLS Victoria welcomes the opportunity to work with VLA on the implementation of this RAP to ensure it results in meaningful benefits to Aboriginal and Torres Strait Islander communities and contributes to greater capacity, respect and understanding within the legal profession of the complex issues facing Aboriginal and Torres Strait Islander peoples.

About Victoria Legal Aid

Victoria Legal Aid (VLA) is a government funded agency set up to ensure that people who cannot afford to pay for a private lawyer can get help with their legal problems. VLA provides free information for all Victorians, family dispute resolution for disadvantaged families, provides lawyers on duty in most courts and tribunals in Victoria, and funds legal representation for people who meet our eligibility criteria. VLA can help people with a range of legal problems including criminal matters, family separation, family violence, mental health and discrimination.

Legal needs

Significant gaps exist between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander Australians on a range of health and wellbeing measures. In 2015, eight years after the Australian Government committed to “Closing the Gap” on key indicators such as life expectancy, child mortality, school attendance and graduation, literacy and numeracy and employment outcomes, these disparities remain, and most of the Government targets have unfortunately not been met.

Similar gaps exist between the justice and legal outcomes of Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander Australians. The rate of imprisonment for Aboriginal and Torres Strait Islander adults in Victoria is almost 13 times higher than the rate for non-Aboriginal and Torres Strait Islander adults and around 50% of Aboriginal and Torres Strait Islander prisoners return to prison within two years of release¹. Aboriginal and Torres Strait Islander children in Victoria are 10 times more likely to come into contact with child protection than their non-Aboriginal and Torres Strait Islander counterparts². Both imprisonment rates and rates of child protection intervention are rising in Victoria.

The civil and family law needs of Aboriginal and Torres Strait Islander Australians are also high. In 2012, National Legal Aid launched the Legal Australia-Wide Survey of Legal Need in Australia³, the most comprehensive assessment of community legal needs ever conducted. It concluded that Aboriginal and Torres Strait Islander people have significant legal needs, many of which are unmet. In particular, Aboriginal and Torres Strait Islander people are more likely to experience multiple legal problems, including government, health and rights related problems. Aboriginal and Torres Strait Islander people are also less likely to finalise their legal problems and may benefit from more intensive assistance and support in order to achieve successful legal resolution. Research by the Family Law Council in 2012 also found that many Aboriginal and Torres Strait Islander people are reluctant to interact with family law services and justice systems arising from the history of forced removal of Aboriginal and Torres Strait Islander children and contemporary experience with the criminal justice system.

In 2013, VLA, VALS and James Cook University launched research on the civil and family legal needs of Aboriginal and Torres Strait Islander people in Victoria⁴. The report identified unmet legal need in a range of areas including housing related legal issues, credit and debt, discrimination, disputes with neighbours, child protection, social security, victims compensation and wills. It also highlighted the need for mainstream agencies such as VLA to engage better with Aboriginal and Torres Strait Islander clients.

1 Victorian Ombudsman, Why it is important to have independent oversight of the Victorian prison system, 6 Nov 2014.

2 Perkins, M, Aboriginal Child Protection Contact Increases in Victoria, The Age 4 April 2014.

3 Coumarelos, C, et al , Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney, 2012.

4 Allison, F., Cunneen C., Schwartz, M, The civil and family law needs of Indigenous people in Victoria, The Cairns Institute, James Cook University, Cairns, 2013.



Process of developing this Reconciliation Action Plan

An internal audit of existing initiatives and relationships with Aboriginal and Torres Strait Islander organisations was conducted, including consultation with managers of practice teams, professional legal education, professional support and corporate support teams. A literature review and desktop analysis of Reconciliation Action Plans from other organisations, including other legal aid commissions and legal organisations, was also conducted. A draft plan was then developed to capture existing and emerging initiatives. Following this, Aboriginal and Torres Strait Islander Legal Services were invited to comment on the draft plan. A focus group with staff from civil and family law practice areas working with Aboriginal and Torres Strait Islander clients was also held to consider the findings of a research report on the civil and family law needs of Aboriginal and Torres Strait Islander peoples in Victoria. Aboriginal and Torres Strait Islander staff were invited to participate in the development of the Reconciliation Action Plan and to join a steering committee which will monitor implementation of the plan. The steering committee will be established in mid 2015.

The Managing Director of VLA consulted with the Executive Officer of the Indigenous Law Students and Lawyers Association of Victoria (Tarwirri) in mid 2014 and met with the Chief Executive Officer of VALS in August and again in November 2014. Those discussions resulted in recommendations and amendments to the plan. In February 2015, FVPLS Victoria provided feedback which resulted in further recommendations and amendments to the plan. VLA staff are also committed to continuing to engage with other Aboriginal and Torres Strait Islander organisations, including organisations working with children and families involved in child protection processes, local service providers in regional areas and the Aboriginal Justice Forum during the course of this plan.

Reconciliation Australia provided feedback on and conditional endorsement of the plan in December 2014 and final endorsement in February 2015.

The Final plan was endorsed by the VLA Board in April 2015.

The table below includes all actions in the Reconciliation Action Plan with measures of success, timeframes and the reporting unit responsible.

The plan is operational for three years and will be reviewed six monthly to monitor progress, assess achievements and identify any challenges under the action areas.



1. Relationships

Action	Measures of success	By when	Reporting unit
1.1 Establish a RAP Steering Committee to actively monitor implementation of actions, tracking progress and reporting	Establish a RAP steering committee including executive level staff, Aboriginal and Torres Strait Islander staff and other key staff members across the organisation	May 2015	Associate Director, Access and Equity
	Meet at least twice per year to monitor and report on RAP implementation	May and October annually	
1.2 Continue to implement the Memorandum of Understanding with the Victorian Aboriginal Legal Service	Exchange useful information, such as contact details and key areas of work, between VLA and VALS corporate and practice areas to: <ul style="list-style-type: none"> enable knowledge, expertise, practice resources data or research to be shared promote training opportunities 	July annually	Associate Director, Access and Equity
	Provide support for VALS clients appearing in the weekend court, including: <ul style="list-style-type: none"> informing VALS about names on the duty roster providing details about any relevant client matters to VALS in a timely manner 	July annually	Manager, Summary Crime
	Regular meetings between the Managing Director, VLA and the CEO, VALS	March and August (at least twice per year)	Managing Director, VLA and CEO VALS
1.3 Provide support to Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) to deliver high quality legal services to its clients	Continue funding to FVPLS Victoria through the CLC funding program	June 2015	Associate Director, Access and Equity
	Support for training and supervision of FVPLS Victoria lawyers particularly in specialist areas of legal work such as child protection and federal family law	July 2015	Director, Family, Youth and Children's Law
	Regular meetings between senior staff at VLA and FVPLS Victoria	July 2015	Director, Family, Youth and Children's Law



Action	Measures of success	By when	Reporting unit
1.4 Engage with Victorian legal organisations that have a Reconciliation Action Plan	Engage in the Legal Profession Reconciliation Network	July 2015	Associate Director, Access and Equity
1.5 Ensure VALS and FVPLS Victoria lawyers are aware of briefing guidelines and processes and encouraged to directly brief VLA Chambers	Communicate briefing guidelines and procedures for committals, County Court appeals, County Court pleas and trials to VALS, and VALS staff encouraged to brief VLA Chambers	July annually	Chief Counsel, VLA Chambers
	Communicate family law briefing guidelines to VALS and FVPLS Victoria staff – VALS and FVPLS Victoria staff encouraged to brief VLA Chambers		
1.6 Consider the Victorian Bar equitable briefing practices policy within the broader framework of the Co-ordinated Briefing Policy in relation to Aboriginal barristers	Continue to promote the briefing of Aboriginal barristers through the Co-ordinated Briefing Process	July annually	Chief Counsel, VLA Chambers
1.7 Increase in the uptake of civil law appointments at VALS	Offer civil law appointments at VALS Preston office	July annually	Director, Civil Justice, Access and Equity
1.8 Promote VLA's discrimination law services to Aboriginal and Torres Strait Islander people including through relationships with Aboriginal LCs	VALS, FVPLS Victoria and Aboriginal community organisations report a good understanding of VLA's discrimination law services and a high level of confidence in how to make referrals to the service	July annually	Manager, Equality Law
1.9 Explore opportunities for strategic advocacy in conjunction with VALS and FVPLS Victoria	In collaboration with VALS and FVPLS Victoria, identify opportunities for strategic litigation or advocacy activities for instance around the child protection (Aboriginal placement principle) or other emerging areas	July 2015	Directors and sub-program managers (with Senior Policy and Project officers)
	Ensure proposals to the VLA Strategic Advocacy Advisory Group which affect Aboriginal clients include appropriate consideration of cultural issues		Associate Director, Access and Equity

Action	Measures of success	By when	Reporting unit
1.10 Legal Assistance sector response to Aboriginal and Torres Strait Islander civil and family legal needs survey	Response developed and implemented in consultation with relevant VLA staff and the Victorian Legal Assistance Forum, which is undertaking a specific cross-sectoral project in response to the report	December 2015	Director, Civil Justice, Access and Equity
	Promote Legal Help cards to VALS, FVPLS Victoria and Aboriginal community organisations	July 2015	Manager, Community Legal Education
1.11 Celebrate National Reconciliation Week	Annual National Reconciliation Week event held for VLA and CLC staff and board members	May annually	Senior Policy and Projects Officer, Client Access





2. Respect

Action	Measures of success	By when	Reporting unit
2.1 Include best practice guidance on when and how to ask about Aboriginality in a sensitive and appropriate way in assessment and referral training for administrative and legal staff in duty lawyer, appointment and phone advice settings	Assessment and referral training module includes guidance on asking service users about Aboriginality and offering a referral to Aboriginal legal services	April 2015	Associate Director, Access and Equity
2.2 Improve staff skills in communicating with and advocating for Aboriginal clients	Four Aboriginal Cultural Awareness Training sessions provided as part of the VLA Legal Practice Essentials training for lawyers annually	March, June, September, December 2015	Legal Learning & Development Manager
2.3 Develop and promote a VLA protocol for Acknowledging the Traditional Owners and Elders at public events and when to make arrangements for Welcome to Country	An Acknowledgement of Country and Welcome to Country Protocol developed and promoted to events organisers and managers within VLA	July 2015	Associate Director, Access and Equity
	Identify at least one significant event annually for which a Welcome to Country from a Traditional Owner will be organised	July Annually	Associate Director, Strategic Communications
2.4 Explore ways of visually acknowledging traditional owners at VLA offices	A strategy for visually acknowledging the Traditional Owners in VLA regional offices is approved and implemented	July 2015	Built Environment/ Records Manager and Regional Managers
2.5 Provide opportunities for Aboriginal and Torres Strait Islander employees to engage with their culture and community through NAIDOC Week events	Review HR policies and procedures to ensure there are no barriers to staff participating in NAIDOC Week events	July 2015	Associate Director, People and Culture
	Provide opportunities for Aboriginal and Torres Strait Islander employees to participate in local NAIDOC Week events	July annually	
2.6 Review the Department of Justice Koori Friendly workplace initiatives and identify possible improvements to VLA employment policies and procedures, including access to compassionate leave for bereavement	Review conducted and recommendations produced and considered in Enterprise Bargaining processes	June 2016	Employee Relations Manager, People and Culture



3. Opportunities

Action	Measures of success	By when	Reporting unit
3.1 Promote the Aboriginal Winter Clerkship positions for law students and the New Lawyers Program to Aboriginal lawyers, students and graduates	Engage with Universities with law and justice courses to promote the clerkship and new lawyer opportunities to Aboriginal and Torres Strait Islander students	June annually	Resourcing and Recruitment Advisor, People and Culture
3.2 Review the reasons for low access by Aboriginal lawyers in the New Lawyer Program and explore options for improved pathways for Aboriginal law students, graduates and lawyers	Analysis of VLA experience and in comparable organisations	December 2015	Resourcing and Remuneration Manager, People and Culture
	Report produced with options for new processes or practices		
3.3 Promote the Trial Counsel Development Program to Aboriginal barristers and support existing Aboriginal participants	Promotional event organised with Victorian Bar Indigenous Lawyers Committee if the Trial Counsel Development Program is extended	Prior to next recruitment round in October, 2015 (if funded)	Chief Counsel, VLA Chambers
3.4 Research and document the benefits and challenges of establishing Aboriginal Field Officer roles within VLA and/or regional Aboriginal legal services to provide a conduit between Aboriginal communities and organisations and VLA, Aboriginal legal services and community legal services	Position paper on the benefits, proposed roles and estimated cost of establishing Aboriginal Field Officer positions developed	July 2015	Director, Civil Justice, Access and Equity
3.5 Develop and implement a strategy to promote frontline non-legal roles to Aboriginal applicants	Project plan developed including literature review, staff consultation and consultation with comparable organisations	December 2015	Resourcing and Remuneration Manager, People and Culture
	Key elements of strategy identified and submitted to VLA Senior Executive Team		



Action	Measures of success	By when	Reporting unit
3.6 Investigate the use of Aboriginal businesses and promote the options to staff	Investigate Aboriginal and Torres Strait Islander owned businesses that could be incorporated into VLA's regular procurement	July 2015	Senior Policy and Projects Officer, Client Access
	Review procurement policies so barriers to Aboriginal and Torres Strait Islander businesses are able to be addressed.		



4. Tracking progress and reporting

Action	Measures of success	By when	Reporting unit
4.1 Publish the Reconciliation Action Plan on the VLA intranet, internet and Reconciliation Australia webpage and provide a copy to the Department of Justice	RAP uploaded on VLA and Reconciliation Australia websites	May 2015	Associate Director, Civil Justice, Access and Equity
4.2 Monitor implementation of the Reconciliation Action Plan	Ensure activities in the Reconciliation Action Plan are captured in annual business plan Review progress against activities annually and report to VLA Senior Executive Team	July and January annually	Director, Civil Justice, Access and Equity
	Provide an oral update on progress of the VLA RAP to the Victorian Aboriginal Legal Service AGM	November 2015	Managing Director, VLA
4.3 Report achievements, challenges and learnings to Reconciliation Australia for inclusion in the Annual Impact Measurement Report	Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually	August annually	Senior Policy and Projects Officer, Client Access



Victoria Legal Aid's Reconciliation Action Plan can be downloaded from our website www.vla.vic.gov.au in pdf and Word formats.

If you have any questions, suggestions or comments about VLA's Reconciliation Action Plan, contact: reconciliation@vla.vic.gov.au

Victoria Legal Aid

Legal Help

For free information about the law and how we can help you, call Legal Help on 1300 792 387 Monday to Friday, between 8.45 am and 5.15 pm

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Victoria Legal Aid

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