

Strong Families, Safe Kids:

Family violence response and prevention for Aboriginal and Torres Strait Islander children and families

POLICY PAPER | SEPTEMBER 2017





This Policy Paper is a collaboration between SNAICC – National Voice for our Children, National Family Violence Prevention Legal Services Forum (NFVPLS) and National Aboriginal and Torres Strait Islander Legal Services (NATSILS). This paper does not represent a comprehensive set of each peak body's policy positions; each body approaches the issue of family violence in different ways and from different perspectives. This paper is the culmination of an important process for these three leading representative bodies to come together to share and articulate agreed guiding principles.

Researched and written by staff of the collaborating organisations with direction and input from the Aboriginal and Torres Strait Islander leaders, members and stakeholders of SNAICC, NFVPLS and NATSILS. Particularly, we acknowledge Aboriginal and Torres Strait Islander community-controlled organisations across Australia that provided submissions and papers to inform this statement.

We thank all organisations and individuals that provided input to the development of this Policy Paper:



Photos by Wayne Quilliam | www.aboriginal.photography

Graphic designed by Mazart Design Studio | www.mazartdesignstudio.com



TABLE OF CONTENTS

Overview	3
Key Recommendations	4
Understanding family violence in Aboriginal and Torres Strait Islander Communities	5
Our Concerns	11
Our Solutions	17





OVERVIEW

All Aboriginal and Torres Strait Islander children, women and men have the right to live their lives in safety, with full human dignity and free from all forms of violence, including family violence. While most Aboriginal and Torres Strait Islander families have strong and healthy relationships, Aboriginal and Torres Strait Islander peoples are significantly more likely to experience family violence than non-Indigenous people.¹

The social, cultural, spiritual, physical and economic impact that family violence has on Aboriginal and Torres Strait Islander communities is devastating, described widely as a national crisis.² The greatest direct impact of family violence is on Aboriginal and Torres Strait Islander women,³ which leads our children to be especially vulnerable to the direct and indirect impacts of family violence – causing deep and lasting harm and contributing significantly to Aboriginal and Torres Strait Islander children's over-representation in Australia's child protection systems.⁴

At the heart of family violence lies both individual and communal grief, loss, disempowerment and trauma. We believe that the central way to effectively break the cycle of violence is through community-driven, trauma-informed approaches to family violence that prioritise cultural healing and restore strength, dignity and self-determination for Aboriginal and Torres Strait Islander families and communities – especially women and children. The Aboriginal and Torres Strait Islander Healing Foundation has described cultural healing as:

“...recognition of self, of others and as a collective that there are ‘issues’. That there is pain. That there is anger and hurt and sadness that stems from past events. And that this anger, hurt and sadness is handed down like an unwanted legacy through the generations of our people. Once there is that collective recognition, of both Aboriginal and Torres Strait Islander people and of all Australians, then begins the process of healing. Healing is a change. A change of attitude, a change of behaviours that have become entrenched.”⁵

Culture is a central and key protective factor that supports families to be free of violence. Preventing and responding to family violence starts with a recognition of individual, family and community strengths. Approaches need to be holistic, integrated and working with the whole family and community. This includes tailored supports for all people: women, children and men. Aboriginal and Torres Strait Islander community control is essential; community-led strategies can ensure culturally safe and adapted responses that address inter-generational trauma and the complexities underlying violence in the context of each community.

Ensuring the empowerment of our communities, in line with Aboriginal and Torres Strait Islander peoples rights to self-determination, can provide lasting solutions that address the loss of cultural cohesion, authority and control underpinning the epidemic of violence our communities are experiencing on a daily basis.





KEY RECOMMENDATIONS

1. Whole of government reform to ensure that cultural healing – driven by Aboriginal and Torres Strait Islander community-controlled organisations, built on trauma-informed practice and responsive to the diverse needs in different community contexts – is embedded in all elements of family violence response and prevention for Aboriginal and Torres Strait Islander peoples.
2. All governments commit to a sustained increase in investment for family violence response and prevention, with a key focus on resourcing needs for Aboriginal and Torres Strait Islander community-controlled organisations. Funding commitments must ensure national coverage of holistic and culturally safe service responses in areas including:
 - family support services;
 - early intervention and prevention programs – including tailored programs for women, men and young children;
 - community-based healing programs, with tailored supports for both victims/survivors and perpetrators of family violence;
 - legal assistance for victims/survivors, children and perpetrators;
 - programs working with perpetrators;
 - trauma counselling and specialist supports for victims/survivors;
 - crisis housing, and access to safe, stable and culturally appropriate long-term housing options for women and their children experiencing family violence; and
 - placements with kin for children removed because of violence and culturally safe programs and services to better support non-violent parents (victims/survivors) to safely maintain the care of their children – avoiding child removal and out-of-home care placements.
3. Measures are advanced to enable Aboriginal and Torres Strait Islander community-controlled organisations, women, men, families and children to be empowered as active participants in driving policy and practice change in family violence response and prevention, including through:
 - resourcing and support for the capacity of community-controlled services;
 - resourcing peak representation of community-controlled service sectors through organisations including SNAICC, NATSILS and NFVPLS;
 - enabling and increasing the role of the Aboriginal and Torres Strait Islander Healing Foundation to support community-driven healing initiatives;
 - ensuring equitable representation of Aboriginal and Torres Strait Islander women in decision making forums and bodies relevant to family violence;
 - developing reliable place-based and aggregated data that can both inform communities designing responses, and build an evidence base to support the success of best practice community-driven approaches;
 - supporting and expanding specialist Aboriginal and Torres Strait Islander organisations and initiatives that prevent and respond to family violence; and
 - national leadership and knowledge-sharing gatherings for both Aboriginal and Torres Strait Islander women and men.
4. That a formal mechanism be established to support the participation of Aboriginal and Torres Strait Islander leadership under the *National Plan to Reduce Violence against Women and their Children 2010-2022*, similar to the governance structure of the *Third Action Plan for the National Framework for Protecting Australia's Children 2009-2020*.
5. That a national Aboriginal and Torres Strait Islander child protection notification and referral system be established. The system would provide a nationally consistent mandatory notification and referral system (akin to the Custody Notification System) to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, including independent legal advice, at the earliest possible opportunity.

Note: An effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to, and cannot be successful independent of other recommendations, particularly recommendation 2 above.
6. That family violence response and prevention is supported through national targets and accompanying whole of government strategies to reduce violence against Aboriginal and Torres Strait Islander people; close the gap in Aboriginal and Torres Strait Islander imprisonment rates; and, eliminate the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care, as called for by the *Family Matters – Strong Communities, Strong Culture, Stronger Children and Change the Record – Smarter Justice, Safer Communities* national campaigns.

UNDERSTANDING FAMILY VIOLENCE IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES

Understanding family violence in Aboriginal and Torres Strait Islander communities requires recognition of the intergenerational trauma that continues in our communities today – trauma that comes from dispossession of land and identity, the breaking down of language and culture, and the fracturing of families and communities. As explained by the Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria):

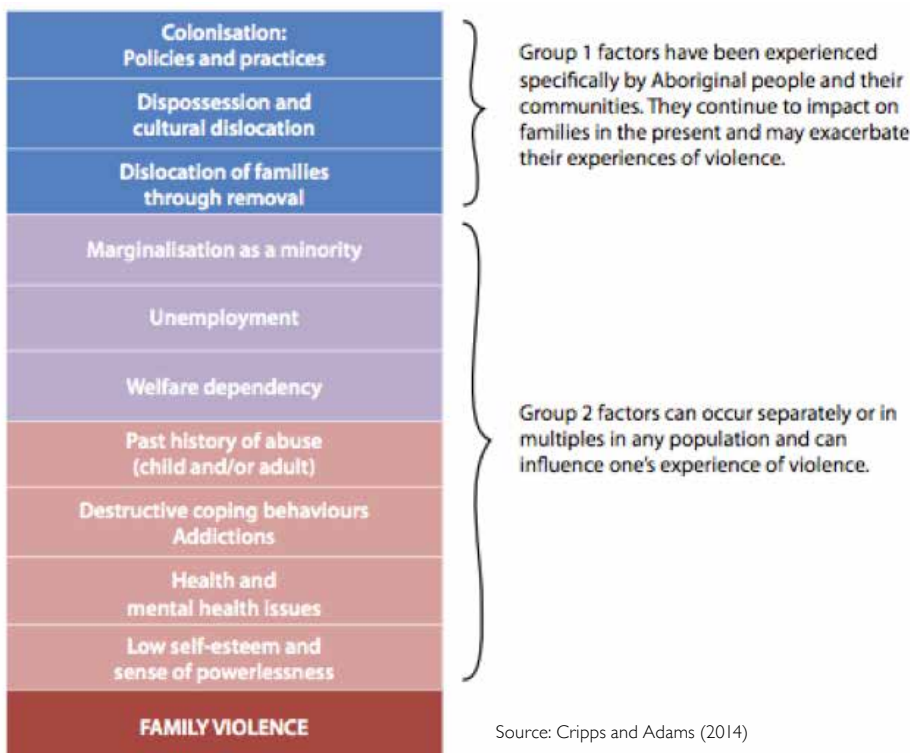
“Family violence is not part of Aboriginal culture. However, the disadvantage, dispossession and attempted destruction of Aboriginal cultures since colonisation have meant that family violence has proliferated in Aboriginal communities.”⁶

The trauma of colonisation and oppression is directly linked to the complexity and prevalence of family violence that exists today. The impact of colonisation on Aboriginal and Torres Strait Islander peoples’ cultural practices, laws,

customs and ways of life has been devastating, generating multiple layers of trauma⁷ spanning generations.⁸ Families and communities have been fractured and torn apart by dispossession from traditional lands, breakdown of cultural practices and kinship systems, the forced removal of children from their families, and ongoing racism (including structural racism and systemic discrimination), leading to social and economic exclusion. Added to this are experiences of entrenched poverty and political marginalisation, high rates of substance abuse and the loss of traditional male and female roles,⁹ which all influence the prevalence of family violence in Aboriginal and Torres Strait Islander communities. As described by NATSILS:

“The context of enduring disadvantage, racism and oppression must be considered in order to have an understanding of family violence... This is essential to an informed and responsive strategy to targeting the crisis levels of family violence in Aboriginal and Torres Strait Islander communities.”¹⁰

FIGURE I: Factors contributing to family violence in Aboriginal and Torres Strait Islander communities



Source: Cripps and Adams (2014)



The factors contributing to family violence are complex and do not exist in isolation from each other. In Figure 1, Cripps and Adams¹¹ outline two groups of factors: those experienced specifically by Aboriginal and Torres Strait Islander people, and those factors that could be experienced by any person experiencing family violence.

A common misunderstanding of family violence in Aboriginal and Torres Strait Islander communities centres around approaches that only view a limited set of factors as influencing violence, particularly substance abuse. But as Cripps and Adams describe:

“...to ignore the first group of factors [colonisation; dispossession and cultural dislocation; dislocation of families through removal] and the role they have played and continue to play in families is tantamount to not understanding the violence as it occurs in Aboriginal communities.”¹²

Notably, Aboriginal and Torres Strait Islander families experience many of the factors presented in Figure 1 that can occur in all populations at a disproportionate rate as a result of colonisation, dispossession and dislocation. Thus, violence is perpetuated and amplified where action is not taken to address past injustices and their continuing impacts.

The preferred use of the term family violence¹³ by Aboriginal and Torres Strait Islander peoples has occurred to enable an effective understanding of how cultural connections to family and community can inform the range and impact of violence – including amongst extended family, kinship networks and communities. This is distinct to domestic violence that defines a social problem within a domestic relationship.¹⁴

“The term ‘family violence’ in an Indigenous context, is used to describe the range of violence that takes place in Indigenous communities including the physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that may be perpetuated within a family. The term also recognises the broader impacts of violence; on extended families, kinship networks and community relationships. It has also been used...to encompass acts of self-harm and suicide, and has become widely adopted as part of the shift towards addressing intra-familial violence in all its forms.”¹⁵

Adopting this broader understanding, a solely individual focus is not appropriate to address family violence for Aboriginal and Torres Strait Islander peoples – family violence needs to be understood at a whole of community level.

Family violence in our communities is also not limited to interactions only between Aboriginal and Torres Strait Islander people. Aboriginal and Torres Strait Islander women experience violence from both Aboriginal and Torres Strait Islander men and non-Indigenous men.¹⁶ Aboriginal and Torres Strait Islander women’s disproportionate experience of family violence is not just about gender inequality, but about a wider context of marginalisation, which NFFVPLS outlines:

“As both women and as Aboriginal people, Aboriginal women experience multiple forms of discrimination and marginalisation. In the algebra of power, intersectional discrimination is best understood as a process of multiplication rather than addition. Rather than experiencing sexism and racism as being distinct and separate from one another, the two are often combined to form new and ugly forms of discrimination directed specifically at Aboriginal women.”¹⁷

Recognising and understanding experiences of discrimination and marginalisation for Aboriginal and Torres Strait Islander peoples also requires engaging with lateral violence. Lateral violence, sometimes called internalised colonialism,¹⁸ includes harmful behaviours such as bullying, backstabbing, gossiping, family feuding and physical violence. Not all family violence involves lateral violence, and not all lateral violence involves family violence, but the intersection of the two can be a disabling force in any prevention or response to family violence.

There is complexity present in all experiences – individual, family and community – of violence in Aboriginal and Torres Strait Islander communities.¹⁹ Family violence is interwoven with all spheres of disadvantage and inequality experienced by Aboriginal and Torres Strait Islander peoples and remains one of the biggest challenges facing our children, families and communities.

THE IMPACT OF FAMILY VIOLENCE ON ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES

The social, cultural, spiritual, physical and economic impact that family violence has on Aboriginal and Torres Strait Islander communities is devastating, described widely as a national crisis. The greatest direct impact of family violence is on Aboriginal and Torres Strait Islander women who are 32 times more likely to be hospitalised for family violence²¹ and 10 times more likely to die from violent assault than other women in Australia.²² Children are particularly vulnerable to the broad impacts of family violence, which causes them deep and lasting harm and contributes significantly to their over-representation in Australia's child protection systems.²³ Aboriginal and Torres Strait Islander men experience a wide range of negative impacts as victims and/or perpetrators of family violence, including higher rates of incarceration and recidivism, self-harm and suicide.²⁴

As described by Professor Mick Dodson:

"If Aboriginal people haven't experienced violence personally then we know somebody close to us who has."²⁵

The impacts of family violence reverberate throughout all areas of disadvantage that Aboriginal and Torres Strait Islander peoples might experience – from incarceration, to child protection, mental health, homelessness, health, employment, and education. Antoinette Braybrook, CEO of FVPLS Victoria and National Convenor of NFVPLS, describes the cost of family violence to both Aboriginal and Torres Strait Islander peoples and the broader society:

"Violence against Aboriginal and Torres Strait Islander women and children is at epidemic levels. It will cost the nation \$2.2 billion by 2021-22. Its moral cost – which sees lives lost and communities destroyed – is unquantifiable."²⁶

Measurable economic costs for individuals and families include loss of employment and employment capacity, loss of property, and dislocation of family and household.²⁷ These individual economic effects degrade the capacity across whole communities for the development of economic participation, stability and social cohesion.

It is important to recognise that while overall rates of family violence are high, family violence does not impact all communities equally. Some communities may have high levels of family violence and others may have very little.²⁸ It is similarly important to recognise that family violence is understood to be significantly under-reported.²⁹

IMPACTS ON OUR WOMEN

The greatest direct impact of family violence is on Aboriginal and Torres Strait Islander women, who experience significantly higher rates and severity of family violence than non-Indigenous women with wide-ranging and profound consequences.

In 2015 Aboriginal and Torres Strait Islander women were significantly more likely to be the victim of assault compared to other Australian women: 4.9 times in NSW; 9.1 times in SA and 11.4 times in the NT.³⁰ In 2015 Aboriginal and Torres Strait Islander women were 32 times more likely to be hospitalised as a result of injuries caused by family violence.³¹ Homicide deaths of Aboriginal and Torres Strait Islander women were 15 times the rate for non-Indigenous women across 5 jurisdictions from 2008-2012.³² A domestic violence incident was identified as the setting for 83.3 per cent of homicides of Aboriginal and Torres Strait Islander women in 2011-2012.³³

The reality may in fact be much worse, with official statistics under-representing the level of violence in many Aboriginal and Torres Strait Islander communities. It is estimated that up to 90 per cent of violence may not be disclosed.³⁴ Many Aboriginal and Torres Strait Islander women do not report for reasons including fear of reprisals or of having children taken away; lack of confidence in police or community support, including experiences of direct and indirect forms of discrimination; language and cultural barriers; and lack of awareness of support services.³⁵

Aboriginal and Torres Strait Islander women have been identified as the most legally disadvantaged group in Australia and face complex and compounding barriers to reporting violence and accessing support, and, as outlined by FVPLS Victoria in its submission to the Victorian Royal Commission into Family Violence,

"Those barriers can include:

- Lack of understanding of legal rights and options and how to access supports when experiencing family violence;
- Poor police responses and discriminatory practices within police and child protection services;
- Fear of child removal if disclosing family violence;
- Mistrust of mainstream legal and support services to understand and respect the needs, autonomy and wishes of Aboriginal victims/survivors;
- Community pressure not to go to the police in order to avoid increased criminalisation of Aboriginal men;



Figure 2 Impacts of family violence on Aboriginal and Torres Strait Islander women Source: NFVPLS

- Pressure not to leave a violent relationship, stemming from a priority within some parts of the community of maintaining the family unit due to a misconceived fear that parental separation will threaten cultural connection (especially for children) and community cohesion;
- Poverty and social isolation; and
- Lack of cultural competency and indirect discrimination across the support sector; including for example discriminatory practices within police and child protection agencies, lack of culturally appropriate housing options, alienating and deterrent communication and client/patient approaches by medical, legal, community services and other professionals.³⁶

As women often continue to bear the financial burden of supporting households at the same time as dealing with the personal consequences of family violence, the impact on communities is compounded when women face imprisonment – which is often directly or indirectly associated with experiences of family violence. Aboriginal and Torres Strait Islander women are the fastest growing prison population, being imprisoned at 21 times the rate of non-Indigenous women.³⁷ The causes of their crimes – such as non-payment of fines, shoplifting, driving and alcohol related offences, and welfare fraud – often relate to extreme poverty, alcohol and drug dependency.³⁸

In Victoria 87 per cent of female prisoners were victims of sexual, physical or emotional abuse. Over 80 per cent of Aboriginal and Torres Strait Islander women in prison are mothers, reflecting rates that are likely to be replicated in other states and territories.³⁹

Family violence has an extreme impact on Aboriginal and Torres Strait Islander women's personal rights, including rights to self-determination, as outlined by Professor Megan Davis:

“So long as routine interpersonal violence continues in the daily life experience of Aboriginal women, they can never reach the threshold of what is required to live a dignified human life. Self-determination can never be achieved if half the population is left behind.”⁴⁰

Family violence is a leading contributor to Aboriginal and Torres Strait Islander women's homelessness, poverty, imprisonment, disability, physical injury and illness, social and emotional ill health, and loss of children through child protection intervention and forced removal. Aboriginal and

Torres Strait Islander women are 15 times more likely to access homelessness and crisis housing than non-Indigenous women, impacting their ability to flee violence and access safety for themselves and their children. Aboriginal and Torres Strait Islander women often experience a range of complex and interacting barriers to seeking support, including being unaware of their legal rights and options, which can contribute to family violence not being addressed and escalating to police or child protection intervention which – with appropriate and culturally safe supports – might otherwise have been avoided.

IMPACTS ON OUR CHILDREN

For our children, the impacts of family violence are severe and wide-ranging. Children can experience family violence both directly and indirectly. As women are often the primary carers of children, children are frequently directly or indirectly exposed to violence against Aboriginal and Torres Strait Islander women and its aftermath. Aboriginal and Torres Strait Islander children are at greater risk of being exposed to family violence than other children.⁴¹ Two thirds of victims/survivors of physical or threatened violence share the household with children and in one third of cases the children are under the age of five.⁴²

Children's exposure to family violence has been recognised as harmful and classified as child abuse for over a decade.⁴³ The harm can be complex and profound and can include witnessing violence; being used or blamed for the violence; and, being involved in trying to stop the violence.⁴⁴ Harm can range from death, injury, complex trauma, developmental and learning impacts, suicide and self-harm, increased risk of sexual assault, and ongoing negative impact on social and emotional wellbeing.⁴⁵

Children's experience of family violence not only inflicts trauma in the ways described above, but can often be the precursor to their entry into the child protection system. For example, a review by the Victorian Commission for Children and Young People of the cases of all Aboriginal children in out-of-home care in Victoria found that 88 per cent of children had experienced family violence.⁴⁶ The subsequent impacts on our children include the immediate trauma of separation from their parents and kin, and the potential permanent separation from their families, communities, kin and culture, leading to a loss of identity.⁴⁷

Children living with family violence have much higher rates of anxiety, depression and trauma symptoms.⁴⁸ The impacts on children's emotional wellbeing are often compounded by direct sexual and physical assaults and neglect.⁴⁹ The greater the risk of violence towards the mother the more likely

violence will be directed at the children⁵⁰, placing children at a greater risk of experiencing neglect.⁵¹

It must be acknowledged that fear of child removal is a key deterrent for Aboriginal and Torres Strait Islander women to disclose or report their experiences of violence – putting both women and children at greater risk. Limited availability of supports for victims/survivors (predominately mothers) to safely maintain the care of their children can lead to the forced separation of children from victims/survivors to ensure their safety from violent parents/carers.

Aboriginal and Torres Strait Islander Legal Services (ATSILS) and Family Violence Prevention Legal Services (FVPLSs) commonly identify cases where they represent non-violent parents or carers who are facing removal of their children because of the violence of their partner, rather than being supported by child protection authorities to address the violence so that the child can remain at home. For example, in 2015 the Aboriginal Legal Rights Movement (ALRM) successfully opposed an application for removal of a new born from a mother on the basis of the father's propensity to violence, instead seeking and obtaining an injunction against the father, and referring the mother to a support service. An example from 2017 involved an FVPLS successfully opposing removal of a child from his mother in circumstances where the child protection authorities admitted the mother provided excellent parenting, but sought to remove the child on the basis that the father was due for release from prison after serving a sentence for family violence-related offences.



FVPLS have written extensively about concerns with “inappropriately punitive or judgmental attitudes”⁵² towards victims/survivors of family violence that has contributed to the high rates of out-of-home care for Aboriginal and Torres Strait Islander children. For example, FVPLS Victoria states:

“Department of Health and Human Services approach to Aboriginal victims/survivors of family violence, for example placing the full burden of scrutiny and responsibility upon the non-violent parent (typically the mother) to keep her children safe in the face of family violence. This fails to recognise that both mother and child are victims and that often the most effective way of protecting those children from violence is to provide culturally safe, specialist and effective assistance to the mother and equip her with the supports necessary to safely care for her children free from violence”⁵³

Twenty-two per cent of people who used homelessness services in 2012-2013 identified as Aboriginal and Torres Strait Islander, with family violence given as the second most common reason for accessing the service.⁵⁴ Amongst these service users, Aboriginal and Torres Strait Islander children escaping family violence were represented at over 30 times the rate of non-Indigenous children in the same circumstance.⁵⁵

Between 40 and 70 per cent of child sexual abuse occurs against the backdrop of family violence.⁵⁶ Mothers who were removed from their parents as children have been found to be more likely to experience family violence as adults;⁵⁷ and there is evidence that exposure as a child to family violence is one of the strongest determinants of experience of violence in future intimate relationships either as victim or perpetrator.⁵⁸

IMPACTS ON OUR MEN

While men are less likely to experience violence, their exposure to family violence as victims across their lifetime must be acknowledged. In 2015 the Senate Finance and Public Administration References Committee recognised the prevalence of male victims of family violence in Australia and the lack of evidence recorded relating to male victim experiences of family violence.⁵⁹

In March 2016, the Victorian Royal Commission into Family Violence similarly noted the incidence of male victims of family violence, recognizing the growing need to ensure that family violence support services are made accessible to male victims:

“Although resources should not be diverted from women and children, who constitute the majority of victims, the family violence system needs to respond more supportively to male victims of family violence.”⁶⁰

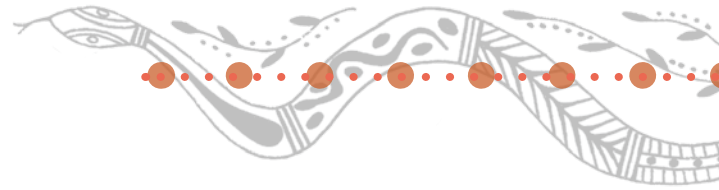
More broadly, for men, experiences of family violence as both victims and perpetrators often feed and fuel disempowerment. As described by the Healing Foundation:

“In remote areas community level trauma and intergenerational suffering, geographical isolation and inconsistent delivery of support services have led to negative outcomes for communities. Men in these communities acknowledge their uncertainty about their traditional role and disengagement from culture and identity. The result has been devastating for men, their families and their communities. The negative outcomes include disempowerment and low self-esteem, alcohol and other drug use, family and domestic violence, unemployment and economic disadvantage, incarceration and recidivism and self-harm and suicide.”⁶¹

Men can often get trapped in a cycle of incarceration around family violence crimes, with little to no support, counselling or therapeutic supports to aide reforming behavior. There is also very little recognition in family violence responses for men that they may have been victims of family violence at some point of their life.⁶² For men, experiences of family violence, whether as a perpetrator or as a victim/survivor, are intimately linked to experiences of incarceration.



OUR CONCERNS



CURRENT POLICY RESPONSES TO FAMILY VIOLENCE THAT DO NOT PRIORITISE THE NEED FOR CULTURAL HEALING, DO NOT ADEQUATELY RESOURCE ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED ORGANISATIONS, AND FAIL TO ENGAGE EFFECTIVELY WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES WILL NEVER BE SUCCESSFUL IN REDUCING OR ELIMINATING FAMILY VIOLENCE.

Governments have been responding to family violence for over 30 years,⁶³ but significant gaps exist in responses to family violence to meet the needs of Aboriginal and Torres Strait Islander peoples. Mainstream family violence responses lack in effective engagement with Aboriginal and Torres Strait Islander contexts, particularly the necessity for a community-driven, cultural healing approach.



[A] FAMILY VIOLENCE RESPONSES HAVE SYSTEMATICALLY FAILED TO ACCOMMODATE FOR THE CULTURAL AND SOCIAL CONTEXTS OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

Despite decades of family violence responses, misconceptions of effective practice in Aboriginal and Torres Strait Islander contexts continue to be widespread. Mainstream approaches to family violence do not engage with the issues surrounding cultural trauma that are at the core of family violence, and in some instances can worsen experiences of family violence or further marginalise vulnerable individuals and families.

Mainstream approaches to domestic violence that are centred solely – or rigidly – on removing women and children from situations of violence may not be appropriate in Aboriginal and Torres Strait Islander communities. Removing Aboriginal and Torres Strait Islander women and children from their community, and possibly their traditional country, can compound cultural trauma and increase vulnerability.⁶⁴ Instead, Aboriginal and Torres Strait Islander victims/survivors must be supported to make choices that will protect and promote the long-term physical, emotional and cultural safety of women and their children. In particular Aboriginal and Torres Strait Islander women experiencing violence must be provided with options that recognise their unique culture and social context and recognise that culture and cultural connection can be a powerful protective factor. Aboriginal and Torres Strait Islander women's identities are aligned with culture and community. Addressing family violence in Aboriginal and Torres Strait Islander communities has to acknowledge that an Aboriginal and Torres Strait Islander woman "may be unable or unwilling to fragment their identity by leaving the community, kin, family or partners"⁶⁵ as a temporary solution to violence.

To be effective, family violence approaches must be both culturally safe and holistic across the continuum from early intervention and prevention, to response, recovery and healing. Family violence responses must take a holistic approach that addresses not only the immediate/crisis or justice response, but also the range of underlying socio-economic factors contributing to the experience or use of violence, and the need for prevention of future violence.

It is recognised that policing plays a key role in responding to family violence, however the justice system presents significant access barriers to Aboriginal and Torres Strait Islander peoples given historical experiences of distrust and fear of police and the criminal justice system.

The Victorian Aboriginal Legal Service noted in its submission to the Royal Commission into Family Violence that:

"The continuing impact of the Stolen Generation means the reporting of family violence is particularly difficult for many victims, or those witnessing family violence. Given the relationship between Aboriginal people and authority organisations such as the police or government welfare departments, it is understandable that Aboriginal people are wary of making reports that, whilst may have the immediate impact of safety, have the longer term of impact of breaking up a family, putting children into out of home care, sending someone into custody, becoming homeless or other impacts."⁶⁶

Further, NfVPLS stated in its submission to the 2014 Senate Inquiry into Domestic Violence:

"Effective police responses are very important, but diverting funding away from culturally responsive services into police services is counter-productive, and will make things worse for Aboriginal and Torres Strait Islander women and children. There is ample evidence to show that increasing policing and surveillance in Aboriginal and Torres Strait Islander communities is not the solution. In Aboriginal and Torres Strait Islander communities in particular, distrust of policing, child protection and the criminal justice system is well recognised as a key barrier to access to justice. It is important to ensure victims/survivors of family violence have access to culturally safe services that can negotiate with police, courts and child protection services on their behalf. It is also very important to allocate resources to cultural education/training for police and other key professions to ensure they have the skills and cultural competence to keep Aboriginal and Torres Strait Islander victims/survivors safe."⁶⁷

[B] ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES EXPERIENCE SIGNIFICANT BARRIERS TO ACCESSING FAMILY VIOLENCE SERVICES

Aboriginal and Torres Strait Islander peoples experience diverse and complex barriers to accessing services responding to domestic and family violence and studies have shown that over 90 per cent of family violence is not disclosed.⁶⁸ Family violence responses that are not culturally responsive and adaptive to community contexts result in

services and programs being culturally unsafe. The 2011 Social Justice Report outlines Victorian Aboriginal Child Care Agency's (VACCAs) approach to cultural safety in the context of family violence:

"VACCA conceives of cultural safety as re-claiming cultural norms and creating environments where Aboriginal people transition; first from victimhood to survivors of oppression, through to seeing themselves and their communities as achievers and contributors. Through this transition Aboriginal and Torres Strait Islander peoples can reclaim their culture."⁶⁹

The historical and current experiences of racial discrimination in the criminal justice system present significant access barriers for both Aboriginal and Torres Strait Islander women and men in seeking adequate legal aid and support. As noted by NATSILS:

"It is important to note the usefulness of having two culturally competent streams of legal assistance services for Aboriginal and Torres Strait Islander peoples, particularly in the context of family violence. The existence of conflict of interest issues, which can frequently arise in family violence matters, means that multiple parties are not able to access legal assistance services from the same service. Hence, the existence of two culturally competent legal assistance services ensures that all parties are able to access culturally competent legal assistance services, as it their right."⁷⁰

Indeed, as stated by the NFFVPLS:

"FVPLSs were established 16 years ago in recognition of:

- the gap in access to legal services for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault;
- the high numbers of legal conflicts within Aboriginal and Torres Strait Islander Legal Services (ATSILS); and
- high rates of family violence in Aboriginal and Torres Strait Islander communities."⁷¹

For Aboriginal and Torres Strait Islander women who are victims/survivors of family violence, seeking support will often only occur when a culturally responsive service is available.⁷²

Culturally responsive services enable Aboriginal and Torres Strait Islander women experiencing high levels of vulnerability to remain engaged in support and legal processes through developing relationships based in trust. For example, the Queensland Indigenous Family Violence Service (QIFVLS) engages a *whole-of-client* approach to case management where solicitors work in partnership with an Aboriginal and Torres Strait Islander community support

officer to ensure culturally safe and holistic support is provided to women, extending beyond their legal needs.⁷³ The 2004 Social Justice Report identified the failings of the justice system for Aboriginal and Torres Strait Islander women, noting that:

"...an approach that assumes that the needs of Indigenous women will be met through services designed for Indigenous men, or those for women generally, will not work. The lack of attention to the distinct needs of Indigenous women marginalises them and entrenches inequalities in service delivery."⁷⁴

As well as cultural safety, distance and language impact on service access for Aboriginal and Torres Strait Islander peoples in remote areas. Trends towards telephone and web-based technologies for family violence service delivery have been identified by the NFFVPLS as highly concerning, particularly considering the access barriers these present for Aboriginal and Torres Strait Islander women who face language (where English may not be a first, second or third language) and literacy barriers, and the inability for these technologies to address the fear and mistrust of the criminal justice system and non-Indigenous service providers.⁷⁵

The delivery of culturally responsive family violence responses also requires navigating the privacy and safety concerns of Aboriginal and Torres Strait Islander women and children when reporting family violence in small and deeply interconnected communities, where there is little anonymity and limited alternatives for women to seek alternative accommodation. QIFVLS explains the complexity Aboriginal and Torres Strait Islander women face in Queensland:

"Due to the important structural and cultural issues in communities, there is a sense of solidarity amongst the community which overrides the interests of one individual. This is a strong consideration for victims in reporting family violence, as victims believe it will bring shame to their children and extended families."⁷⁶

Shame is identified as one of the biggest barriers for Aboriginal and Torres Strait Islander people in reporting family violence and accessing support.⁷⁷ Overcoming the barriers Aboriginal and Torres Strait Islander peoples face around the fear or shame of reporting family violence can only occur when there is a deep understanding of community and cultural dynamics to ensure that a culturally safe service can be provided for victims/survivors.

[C] ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES ARE UNDERREPRESENTED IN EARLY INTERVENTIONS THAT PREVENT FAMILY VIOLENCE, MOST CRITICALLY TARGETED FAMILY SUPPORT SERVICES AND EARLY CHILDHOOD EDUCATION AND CARE

Beyond supports that respond to incidences of family violence, the lack of culturally safe service options for Aboriginal and Torres Strait Islander families also contributes to the significant underrepresentation of Aboriginal and Torres Strait Islander families in access to targeted family support services, and key preventive universal services, such as early childhood education and care (ECEC).

Early intervention encompasses both the active prevention of the development of future problems, and also the proactive promotion of the necessary conditions for a child's healthy development. These services are critical to support families to address risk and stress factors that contribute to family violence. For example, while ECEC services have been recognised as a vital universal access point to identify concerns and provide supports to families with young children,⁷⁸ Aboriginal and Torres Strait Islander families are only half as likely to access support, and our children are twice as likely to be developmentally vulnerable when starting school.⁷⁹ In terms of intensive family supports for families with identified complex needs, only 1.5 per cent of Aboriginal and Torres Strait Islander children commenced an intensive family support service in 2014-15, despite 14.5 per cent receiving a child protection service in the same year.⁸⁰

Australian and international evidence has demonstrated the enormous potential downstream social and economic cost benefits of early intervention supports that, especially when applied early in the life cycle, are effective to strengthen families and lead to improvements in children's health and education outcomes, and reducing incidences of family violence, minimising families' exposure to child protection and criminal justice systems.⁸¹

Aboriginal and Torres Strait Islander community-controlled child and family welfare agencies, like the Victorian Aboriginal Child Care Agency, Aboriginal Family Support Services (South Australia), and Aboriginal community-operated Intensive Family Based Services in New South Wales, have a long history of providing quality and culturally safe casework support to families experiencing high vulnerability to address

family issues, including violence. These services work to keep families together and to reunify families following child protection intervention. SNAICC's *Moving to Prevention* research report details the core elements of practice in high-quality community-controlled targeted family support programs across the country.⁸² Despite their quality and success, the resourcing and coverage of these services remains vastly inadequate, as reflected in the statistics regarding family service use described above.

[D] ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN HAVE BEEN MARGINALISED IN POLITICAL RESPONSES TO FAMILY VIOLENCE

Aboriginal and Torres Strait Islander women have been active drivers of family violence responses within their own communities through a diverse range of formal and informal means. The establishment of women's centres, services focused on children, and lobbying for alcohol restrictions are all examples of the key role Aboriginal and Torres Strait Islander women have played in driving change over the past few decades.

Yet, the problems facing Aboriginal and Torres Strait Islander women, such as family violence, have often been absent from policy debates and formal decision making spheres. In 1991 the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) created a crucial space for Aboriginal and Torres Strait Islander voices to be heard in social policy. However, many Aboriginal and Torres Strait Islander women raised concerns about the lack of consideration by RCIADIC of issues impacting on women. It is alarming to note that more Aboriginal and Torres Strait Islander women were dying from alcohol-related homicide than Aboriginal and Torres Strait Islander men from deaths in custody for the period of RCIADIC.⁸³

The Aboriginal and Torres Strait Islander Commission (ATSIC) played a key strategic role in informing policy approaches and service investment for Aboriginal and Torres Strait Islander peoples for 15 years (1990-2005), but evaluations of ATSIC's leadership and decision-making structures in 1995 and 2005 found that the issues affecting Aboriginal and Torres Strait Islander women were inadequately represented.⁸⁴

When the *Bringing Them Home* report was released in 1997, there was greater inclusion of Aboriginal and Torres Strait Islander women's voices through the consideration

of the needs of children. Yet in 2001, Tom Calma, the then Aboriginal and Torres Strait Islander Social Justice Commissioner, reported that:

“Aboriginal women remain largely invisible to policy makers and program designers with very little attention devoted to their specific situation and needs.”⁸⁵

Over time Aboriginal and Torres Strait Islander women have increasingly claimed leadership roles, and the representation of Aboriginal and Torres Strait Islander women in decision making spheres has improved. However, the historical exclusion of women has legacy issues today, with the chronic under-resourcing of family violence responses and the lack of policy emphasis across all governments to adequately address the needs of Aboriginal and Torres Strait Islander women.

[E] CHRONIC UNDERFUNDING OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED FAMILY VIOLENCE RESPONSES

The Aboriginal and Torres Strait Islander community-controlled organisations responding to family violence have continually faced threats to funding sustainability and viability, reflecting a lack of recognition by governments of their unique and essential role in the Australian service delivery system. The policy environment has often failed to create a consistent respectful space for Aboriginal and Torres Strait Islander communities and Aboriginal and Torres Strait Islander community-controlled organisations to be heard and supported.⁸⁶ Many community organisations struggled to develop or maintain effective advocacy capabilities and strategies in the face of funding cuts, over-reporting and bureaucratic interference.⁸⁷ As has been the case for specialist family violence services such as FVPLSs, funding arrangements can also limit the geographical reach of services, leaving significant geographical areas and communities without access to culturally safe and specialist family violence supports.

The Victorian Royal Commission into Family Violence identified the impact of policy environments which presented ongoing funding pressures for Aboriginal service providers in Victoria as inefficient and preventing consolidation of and building on successful best practice approaches.⁸⁸

For small community organisations, operating on short-term contracts requires continually fighting for relevancy and recognition by governments and other funding bodies to ensure survival. In the 2011 Social Justice Report, the then Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda argued that when policy makers fail to recognise the role of community organisations they are engaging in a *deficit-based* approach:

“A deficit-based approach means that our communities are perceived consistently as not having the capabilities to overcome the challenges confronting them. Governments see these challenges as problems that they are required to fix through active intervention. Of course, governments do have a role to play in delivering services so that Aboriginal and Torres Strait Islanders can live in conditions equal to all other Australians, but the problem is that this approach is not necessarily undertaken in partnership with Aboriginal and Torres Strait Islander communities, or built on the ethos that those in communities are best placed to develop and implement the solutions. The unintended consequence is that governments orient themselves as ‘the deliverer of all of the solutions’⁸⁹.”⁹⁰

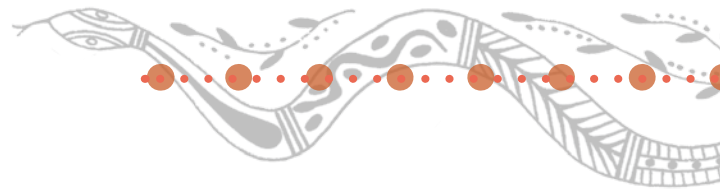
The Aboriginal and Torres Strait Islander community-controlled sector holds extensive expertise and professional knowledge that can drive innovative and effective responses to family violence. Investing in these organisations to design, develop and implement policy, interventions and services is central to enabling culturally safe and respectful responses to family violence for Aboriginal and Torres Strait Islander peoples.







OUR SOLUTIONS



WE PROPOSE THE FOLLOWING PRIORITIES FOR THE DEVELOPMENT OF LEGISLATION AND POLICY ACROSS ALL STATE AND TERRITORY JURISDICTIONS THAT WILL REFLECT A HUMAN RIGHTS-BASED APPROACH TO FAMILY VIOLENCE RESPONSE AND PREVENTION FOR ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES.

As identified by Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma:

“Violence relates to almost every aspect of policy making and service delivery to Indigenous communities. The solutions to family violence and abuse in Indigenous communities are complex, multi-faceted and require long term focus and commitment to address. They require bi-partisan political will and leadership at the highest levels of government.”⁹¹

SNAICC, NFVPLS and NATSILS believe that:

“Reducing and eliminating family violence can only be achieved with genuine commitment to an evidence based and integrated government approach, undertaken in genuine partnership with Aboriginal and Torres Strait Islander peoples, communities and organisations.”⁹²



1. CULTURAL HEALING THAT IS DRIVEN BY ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED ORGANISATIONS HAS TO BE AT THE HEART OF ANY FAMILY VIOLENCE REFORM. COMMITMENTS ARE REQUIRED FROM ALL GOVERNMENTS TO LONG-TERM, SUSTAINABLY FUNDED AND COMMUNITY-DRIVEN CULTURAL HEALING, TO ENSURE ANY RESPONSE IS EFFECTIVE.

All governments must recognise and commit to support Aboriginal and Torres Strait Islander community-controlled services in achieving healing that will contribute to ensure cultural and community safety. Governments must enable Aboriginal and Torres Strait Islander communities to develop and deliver their own healing approaches and ensure quality trauma-informed practice nationally across family support, child protection, education and related services.

Building strong families and communities that are free of violence offers our children the best chance to thrive. Aboriginal and Torres Strait Islander families and communities have successfully provided love and care for their children, growing them up strong and safe in their cultural traditions for thousands of years. The cultural strengths of Aboriginal and Torres Strait Islander child rearing practices contribute to, and create, safe and nurturing environments for children.⁹³ Reinstating cultural practices requires confronting *deficit* thinking and can only occur through cultural healing. As one participant in a workshop to discuss the impact of deficit thinking convened by the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) describes:

“If people are brainwashed to think they’re inferior then there is a collapse and people begin to act in negative ways and this is served up as proof of ‘inferiority’. This gets handed down to our kids who hear it all around. [We] need to remember how great we were and go forward from a position of strength.”⁹⁴

The Healing Foundation is the lead Aboriginal and Torres Strait Islander organisation working in the cultural healing space. The Healing Foundation describes the aims of successful healing programs are:

“...to support Aboriginal and Torres Strait Islander people to reassert control over their lives, increasing social and cultural identity and self-esteem, cultural knowledge and skills and cultural connectedness.”⁹⁵

Cultural healing programs enable Aboriginal and Torres Strait Islander people with an exit from the cycle of violence and provide a grounding for changing behaviour through re-identifying with cultural values around family, the role of women and men, and the critical need to support and nurture children. In a cultural healing program for men run in Darwin called *Strong Men, Strong Communities*, the men participating in the program described the intent of the work as reconnecting men in their communities to be:

“Nurturers who are nurturing and growing their children strong and healthy;
Teachers who are teaching and taking care of cultural knowledge;
Protectors who are protecting and caring for their families and keeping their communities safe.”⁹⁷

Cultural healing for both men and women is essential to addressing experiences of family violence. The Redfern Statement Family Violence and Justice Workshop, jointly convened by NATSILS and NFVPLS, recommended the establishment of separate national Aboriginal and Torres Strait Islander women’s and men’s gatherings. The purpose of the separate gatherings being to ensure the need for a safe culturally responsive space for both men and women to discuss priorities affecting their rights, freedoms, safety and wellbeing.

For Aboriginal and Torres Strait Islander women, cultural healing is necessary to support women to manage the trauma and experiences of family violence and provide a pathway towards improved mental health and wellbeing. Supporting women to engage in trauma-informed and therapeutic responses to family violence through cultural healing enables women to gain confidence, gain employment and be in stronger positions to care for family members – particularly children.



2. THE ESTABLISHMENT AND SUPPORT FOR GOVERNANCE MECHANISMS AT A NATIONAL AND JURISDICTIONAL LEVEL THAT ENABLE ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED AGENCIES, WOMEN, MEN, FAMILIES AND CHILDREN TO BE ACTIVE PARTICIPANTS IN DRIVING POLICY AND PRACTICE CHANGE IN FAMILY VIOLENCE RESPONSE AND PREVENTION

Family violence policy responses will continue to fail our communities without the active participation of Aboriginal and Torres Strait Islander peoples in all levels, including policy design and decision making, program design, service delivery and evaluation of program effectiveness.

We recommend that an effective way to advance the systemic change that is required in family violence response and prevention for our communities in the immediate term is through establishing formal mechanisms for Aboriginal and Torres Strait Islander leadership to play key decision-making roles under the *National Plan to Reduce Violence against Women and their Children 2010-2022*, similar to the governance structure of the Third Action Plan for the *National Framework for Protecting Australia's Children 2009-2020*.

The objective of an Aboriginal and Torres Strait Islander Working Group under the *National Plan to Reduce Violence against Women and their Children 2010-2022* would be to provide leadership and guidance on the implementation of reforms under the National Plan that initiate a cultural shift in family violence response and prevention. A key part of this shift is moving policy debates from *deficit* to strengths-based thinking, as described by the former Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma:

“We require a change in mindset of government from an approach which manages dysfunction to one that supports functional communities. Current approaches pay for the consequences of disadvantage and discrimination. It is a passive reactive system of feeding dysfunction, rather than taking positive steps to overcome it. We need a pro-active system of service delivery to Indigenous communities focused on building functional, healthy communities.”⁹⁹

Beyond the necessary involvement of Aboriginal and Torres Strait Islander peoples at a national policy level, it is also critical for equivalent mechanisms to be supported or established at jurisdictional levels. This process would necessitate reviewing and assessing the role of various government agencies and non-government organisations' role in responding to family violence, assessing the alignment of these service responses with the needs of Aboriginal and Torres Strait Islander communities, and engaging in ongoing partnerships between governments and Aboriginal and Torres Strait Islander leadership to ensure that there is ongoing monitoring and compliance. Initiatives such as the Indigenous Family Violence Partnership Forum and the Aboriginal Children's Forum in Victoria may offer examples of best practice.

3. ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN ARE EMPOWERED TO PLAY A LEADING AND EQUITABLE ROLE IN DECISION MAKING AROUND FAMILY VIOLENCE PREVENTION AND RESPONSE

We support the empowerment of Aboriginal and Torres Strait Islander women in family violence response and prevention, with a priority focus on ensuring that women are equitably represented in national policy decision-making spheres relevant to family violence. Empowering women can also only occur if adequate funding and resourcing is provided to support and expand existing women's organisations and initiatives, and the establishment of organisations where there are significant service gaps.

As described above, a mechanism, which has been developed by NFVPLS and proposed through the Redfern Statement Family Violence and Justice Workshop, jointly convened by NFVPLS and NATSILS, was the establishment of a national leadership and knowledge-sharing gathering for Aboriginal and Torres Strait Islander women. This gathering provides an opportunity for Aboriginal and Torres Strait Islander women to come together to share knowledge, promote leadership, build networks and relationships, and identify priority issues for change.

Another critical mechanism is the resourcing of policy functions within Aboriginal and Torres Strait Islander community-controlled organisations and peak bodies that deliver frontline services and programs to Aboriginal and Torres Strait Islander women. These functions are critical for amplifying Aboriginal and Torres Strait Islander women's voices and ensuring that laws and policies are informed by the diverse needs, stories and lived experiences of Aboriginal and Torres Strait Islander women.

4. RECOGNISING AND RESOURCING THE ESSENTIAL ROLE OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED STRUCTURES IN FAMILY VIOLENCE RESPONSE AND PREVENTION

Eliminating family violence in Aboriginal and Torres Strait Islander communities cannot occur through the existing system. Dedicated investment is required to initiate the necessary shift in practice and response, with an emphasis on directing adequate funding towards Aboriginal and Torres Strait Islander community-controlled structures, especially those specialist services with expertise in family violence. Government investment must be increased and coupled with a long-term funding commitment to have any impact.

Governments must ensure national coverage of ATSILS and FVPLSs and greater investment in culturally safe and specialist family violence services and supports for Aboriginal women, men and children, including early intervention and prevention programs. The Aboriginal and Torres Strait Islander community-controlled sector holds extensive expertise and professional knowledge that can drive innovative and effective responses to family violence. Investing in these organisations to design, develop and implement policy, interventions and services is central to enabling culturally safe and respectful responses to family violence for Aboriginal and Torres Strait Islander peoples.¹⁰⁰ As described by NATSILS:

“The critical aspect of culturally competent service delivery that sets ATSILS and FVPLS apart from other legal assistance services is their focus on, and ability to provide, culturally competent legal services to Aboriginal and Torres Strait Islander peoples. Staff are highly skilled in working with Aboriginal and Torres Strait Islander people, with particular attention paid to cross-cultural communication, use of interpreters, and ensuring clients are able to understand and meaningfully participate in court processes.”¹⁰¹

ATSILS and FVPLSs have innovative and unique approaches to engaging with Aboriginal and Torres Strait Islander peoples in family violence response and prevention. Examples include: the intensive case management and therapeutic support provided to women in the Kunga Stopping Violence Program run by the Central Australian Aboriginal Legal Aid Service; the Strong Mothers, Strong Women program run by the Western Australian Aboriginal Family Law Services; and the culturally safe, integrated and intensive support provided through programs like the Aboriginal Children and Young People Justice Project operated by the Victorian Aboriginal Legal Service in

partnership with the Jesuit Social Services, and the Dilly Bag program operated by FVPLS Victoria.

The importance of Aboriginal and Torres Strait Islander community-controlled organisations leading family engagement in child protection was identified in the *Bringing Them Home* report in 1997,¹⁰² and since that time it has featured in a series of government inquiries, reviews and royal commissions.¹⁰³ Evidence to the inquiry that formed the evidence base for the *Bringing Them Home* report highlighted that families continue to perceive contact with welfare departments as increasing the risk of the removal of their child and are reluctant to seek assistance.

The evidence is clear: where Aboriginal and Torres Strait Islander services are available, they are much more likely to be used. They can develop and use mechanisms for information sharing and coordination that are built on the knowledge, trust and respect of community.¹⁰⁴ Service responses are built on knowledge of family and community networks and of other community services and partnerships. International evidence has shown that better outcomes are achieved where Indigenous peoples exercise control over the responses to issues facing their communities.¹⁰⁵

5. CONSISTENT AND RELIABLE NATIONAL DATA COLLECTION THAT CAN PRODUCE DISAGGREGATED AND PLACE-BASED DATA TO ALLOW COMMUNITIES TO DEVELOP INFORMED AND SELF-DETERMINED STRATEGIES FOR ADDRESSING FAMILY VIOLENCE IN THEIR OWN COMMUNITIES

This recommendation includes two key parts:

- a) Improving the collection of national data on the incidence of family violence and associated impacts, particularly on Aboriginal and Torres Strait Islander children (with data collected separately and distinctly from that of incidence and impacts upon adults).
- b) Improving the collection of data on current best practice initiatives to respond to and prevent family violence, with a specific focus on building an evidence base on successful approaches that are driven by Aboriginal and Torres Strait Islander community-controlled structures.

It is evident that the lack of sufficient data is intricately linked to the failure of policy and services responses for Aboriginal and Torres Strait Islander peoples – including the inadequate resourcing of successful Aboriginal and Torres Strait Islander-led programs to conduct comprehensive monitoring and evaluation. Despite the available data

highlighting the devastating impact of family violence on our communities, there is limited available data to analyse Aboriginal and Torres Strait Islander peoples experience of the family violence system – from interactions with police, to child protection authorities, to family support services. As identified in the Victorian Royal Commission into Family Violence:

“Measurement of outcomes for Aboriginal peoples in relation to family violence interventions and related human services also appears to be lacking. This information gap is working against effective service planning and weakens the capacity of local communities to develop solutions. The Commission is concerned that this chokes innovation and undermines shared effort between government and communities.”¹⁰⁶

Additionally, securing investment in the necessary best practice preventative supports for Aboriginal and Torres Strait Islander women, children and men – such as cultural healing programs – requires investing in the evaluation of programs.

6. AN APPROACH TO SERVICE DELIVERY THAT IS COMMUNITY-DRIVEN, INTEGRATED, PLACE-BASED, FLEXIBLE AND HOLISTIC, TO ALLOW FOR THE MOST APPROPRIATE RESPONSES FOR EACH COMMUNITY AND AVOID THE IMPOSITION OF EXTERNALLY DEvised APPROACHES THAT FAIL TO BUILD ON EXISTING COMMUNITY STRENGTHS AND CAPABILITIES

With proper investment and resources, Aboriginal and Torres Strait Islander communities and community-controlled organisations with expertise in family violence are best placed to provide preventative programs, working with victims/survivors and families to provide information and make effective referrals to culturally safe spaces, accommodation and support, including trauma and healing services.

Governments have a responsibility to ensure access and availability of culturally safe, holistic, effective family support services for vulnerable Aboriginal and Torres Strait Islander families. This must include investing to ensure strong referral pathways to identify and intervene as early as possible on issues impacting family functioning to ensure adequate, culturally safe, wrap-around service supports for Aboriginal and Torres Strait Islander families.

Services and programs must be varied and responsive to community needs. These programs should be developed by communities, for communities. These programs must be able to address trauma and healing, self-esteem, anger management, resilience, life skills, family relationships and parenting issues.

The service responses that are required (and require sustained funding) need to be community-led and able to address a range of issues and needs. These will include:

- culturally safe family support services;
- community-based healing programs;
- culturally safe, holistic and specialist legal assistance for victims/survivors;
- early intervention and prevention programs, including targeted programs for Aboriginal and Torres Strait women and their children that build resilience and reduce vulnerability to violence;
- programs working with perpetrators;
- trauma counselling and holistic support for victims/survivors;
- safe houses and homelessness supports for women and children; and
- placements with kin for children removed because of violence.

The daily work of Aboriginal and Torres Strait Islander early childhood education and care centres is focused on the development of family and community environments that offer characteristics fundamental to the safety and wellbeing of their children through holistic family supports, which are responsive to local community need. These services require adequate resourcing to continue operating in a best practice model of integrated service delivery – or be enabled to expand their operations towards this model. They also require training and professional development to ensure family violence prevention, response and referral are integral to working with families in the early years of their children's lives.





As identified by QIFVPLS:

“The cost of preventing domestic and family violence through training, education programs and therapy from an early stage of an individual’s offending is significantly less than that attributable to having to deal with the aftermath of domestic or family violence. If nothing else, the scope of prevention is much smaller. For example, only the offender needs to be counselled and there is generally little to no physical injuries to be treated. Conversely, when offending reaches a later stage, the scope of rehabilitation extends to victims, families and children – most importantly therapy for children in order to reduce the risk that they might become offenders or adult victims of domestic violence themselves.” ¹⁰⁷

7. FAMILY VIOLENCE RESPONSES MUST INCLUDE PREVENTION AND RESPONSE SUPPORTS THAT ARE TAILORED SPECIFIC TO THE INTERESTS OF WOMEN, MEN AND CHILDREN

Effectively preventing and responding to family violence requires specialised responses for women, men and children. Children who have been victims/survivors of family violence require appropriate therapeutic supports, but also require support if they are removed from their families under child protection orders, to ensure that they are safely cared for with kin and that cultural and family connections are maintained. It is in the best interests of Aboriginal and Torres Strait Islander children in out-of-home care for the Aboriginal and Torres Strait Islander Child Placement Principle to be adhered to – specifically, for all efforts to be made to reunify children with their families, and place children with kin where this is not possible.

For women who have been victims/survivors of family violence, being supported and safe requires trauma-informed therapeutic supports for women, as well as protecting women from perpetrators. It is also critical for women experiencing or at risk of violence to have access to proactive, trusted, culturally safe and specialist legal advice in relation to child protection at the earliest possible opportunity, along with wrap-around supports, to give women the best chance to maintain the safe care of children and avoid family violence-driven child protection intervention and removal.

It is critically important to distinguish between *women’s* and *men’s* business, as this will be central to how communities will build responses in addressing violence.¹⁰⁸ While victims and survivors must always be at the centre of any family violence response, responses should also focus on perpetrators and extended families. This involves working closely with families and communities to facilitate the empowerment of the nurturers and carers of children to be the key support for child growth and development. Supporting women alone may not resolve ongoing threats to women’s safety that exist within their own home and community environments.

This is not about excusing men or minimising their acts of violence. Silencing women’s voices to enable supports for men will only perpetuate family violence. Women’s voices and leadership are critical in any community response, but these responses require investment in programs and services that enable separate and safe spaces for cultural healing for both men and women. Additionally, strategies for enabling entire communities to participate in cultural healing offers opportunities to restore the broader community supports required to ensure our children are safe and cared for in their family.

8. COMMITMENT TO DEVELOPING CULTURALLY SAFE AND COMPETENT ORGANISATIONS AND WORKFORCE FOR FAMILY VIOLENCE RESPONSE AND PREVENTION, WITH A SPECIFIC EMPHASIS ON RECOGNISING AND SUPPORTING THE NEEDS OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE WORKING IN FAMILY VIOLENCE

Achieving change in family violence response and prevention cannot overlook the necessary investment in supporting and building the capacity of the people involved in delivering services and programs on the ground. This involves tailored supports for both Aboriginal and Torres Strait Islander people and non-Indigenous people who work in community-controlled organisations, government and non-government organisations.

Aboriginal and Torres Strait Islander peoples are best placed to deliver family violence services for Aboriginal and Torres Strait Islander victims/survivors and perpetrators, and require supports to manage the accumulation of stress and trauma that comes from working in the family violence space – this has been identified by the Healing Foundation as a *cultural load*. This refers to “a sense of the accumulation of factors/trauma that builds over time and causes [at a] minimum angst, [at] maximum stress, to daily living and working”.¹⁰⁹ While a community-controlled organisation may be better placed to support Aboriginal and Torres Strait Islander staff with their *cultural load*, this support requires recognition in funding agreements and contracts. Government agencies and non-government agencies have a responsibility to build the adequate supports for any Aboriginal and Torres Strait Islander staff as an essential component of broader cultural competency and cultural safety planning.

For non-Indigenous organisations and people working in family violence response and prevention, cultural competency development is essential. Culturally competent and safe service delivery is not just about getting Aboriginal and Torres Strait Islander people through the door of a service. As described by SNAICC, it is about ensuring that service responses are effective for Aboriginal and Torres Strait Islander peoples to:

“build their capacity, and sustain their strengths to support healthy relationships and families, and raise their children to be strong in their culture.”¹¹⁰

Cultural competence must be embedded at all levels of organisational practice and governance – it has been defined as “a set of congruent behaviours, attitudes, and policies that come together in a system, agency, or among professionals that enable them to work effectively in cross-cultural settings.”¹¹¹

Within the context of Aboriginal and Torres Strait Islander people and culture, cultural competence is:

“a complex process that requires specific attention to Aboriginal and Torres Strait Islander people. It is not a general idea of cultural difference, but requires specific knowledge of the history of Aboriginal and Torres Strait Islander people and of the effects of colonisation and the Stolen Generations. It requires a commitment to working in partnership with Aboriginal and Torres Strait Islander people to produce services, programs, policies and processes that make it possible for Aboriginal and Torres Strait Islander culture to thrive and Aboriginal and Torres Strait Islander people to pursue their culture and identity as their right”.¹¹²

A cornerstone of cultural competence is a focus on respectful partnerships with community-controlled services and support for the self-determination and empowerment of Aboriginal and Torres Strait Islander communities, their Elders, leaders and representatives.¹¹³ To this end, we assert that any family violence response and prevention funding provided to mainstream organisations should include detailed tender and contract requirements to demonstrate genuine partnership, support and an intention to hand-over capacity to community-controlled services to support Aboriginal and Torres Strait Islander people.

9. ENACT A NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PROTECTION NOTIFICATION AND REFERRAL SYSTEM

As a key response to family violence-driven child removal, the recent joint NATSILS-NFVPLS Redfern Statement Family Violence and Justice Workshop recommended a nationally consistent mandatory notification and referral system (akin to the Custody Notification System) to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, including independent legal advice, at the earliest possible opportunity.

The purpose of the referral system would be to provide access for families to independent, culturally safe, preventative and legal services at the earliest possible stage, which would support families to understand their legal rights and take proactive action to avoid or minimise Aboriginal and Torres Strait Islander children being removed from families and placed in out-of-home care.

Specifically, the system should provide that, upon a Child Protection Notification concerning an Aboriginal or Torres Strait Islander child progressing to the investigation stage or issuing of Protection Application, whichever is the earliest, an FVPLS or ATSILS (as appropriate) and other relevant local Aboriginal and Torres Strait Islander preventive family support services must be immediately notified. The primary parent should also be immediately referred to the relevant legal assistance provider and informed of the importance of obtaining independent legal advice at the earliest opportunity. Such a process would mirror the Custody Notification System, which currently exists in the criminal law jurisdiction in some state jurisdictions.

It is important to note an effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to and cannot be successful independent of other recommendations, particularly the recommendation to resource the range of necessary services described at point 6 above.

In terms of the justification for a notification and referral system, as outlined above, family violence is one of the primary drivers of the disproportionate and escalating rates of Aboriginal and Torres Strait Islander child removal and out-of-home care placement. Unfortunately, many Aboriginal and Torres Strait Islander parents and carers do not recognise child protection as a legal issue until it is too late. For example, FVPLS clients frequently report being discouraged by child protection workers (either implicitly or overtly) from seeking legal advice. A child protection notification and referral system ensures that victims/survivors of family violence have immediate access to independent, culturally safe, preventative legal services at the earliest possible stage in the legal process.



REFERENCES

- 1 Gordon, S., Hallahan, K. and Henry, D. (2002) *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry Report)*, Government of Western Australia, Perth, Western Australia; Memmott, P., Stacy, R., Chambers, C. and Keys, C. (2001) *Violence in Indigenous Communities*, Canberra: National Crime Prevention, Attorney-General's Department; Mow, K. (1992) *Tjunparni: Family violence in Indigenous Australia*, Canberra: Aboriginal and Torres Strait Islander Commission (ATSIC); Robertson, B. (1999) *The Aboriginal & Torres Strait Islander Women's Taskforce on Violence Report*, Brisbane: Queensland Government; Wild, R., and Anderson, P. (2007). *Little Children Are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, NT Government; Cripps, K., and Adams, M. (2014) 'Chapter 23: Indigenous family violence: Pathways forward'. In R. Walker, P. Dudgeon and H Milroy (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Canberra: Department of Prime Minister and Cabinet.
- 2 Australian Labor Party (2015) *National Crisis Summit on Family Violence*, Political Party Documents, Canberra, available at: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=ld%3A%22library%2Fparty%2F3939066%22>.
- 3 Memmott, P., Stacy, R., Chambers, C. and Keys, C. (2001) *Violence in Indigenous Communities*, Canberra: National Crime Prevention, Attorney-General's Department; National Family Violence Prevention Legal Services Forum (2014) *Submission to the Senate Finance and Public Administration References Committee: Inquiry into Domestic Violence Australia*, Melbourne: Author.
- 4 Commission for Children and Young People (2016) *Always Was Always Will Be Koori Children: a systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria*, Melbourne: Victorian Government, p.3.
- 5 Aboriginal and Torres Strait Islander Healing Foundation Development Team (2009) *Voices from the campfires: establishing the Aboriginal and Torres Strait Islander Healing Foundation*, Canberra: Commonwealth of Australia, p.11.
- 6 Aboriginal Family Violence Prevention and Legal Service Victoria (2015) *Submission to the Victorian Royal Commission into Family Violence*, Melbourne: Author; p.22.
- 7 Gordon, S., Hallahan, K. and Henry, D. (2002) *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry Report)*, Government of Western Australia, Perth, Western Australia.
- 8 Atkinson, J. (2002) *Trauma trails, recreating song lines: the transgenerational effects of trauma in Indigenous Australia*, Spinifex Press, North Melbourne.
- 9 Blagg, H. (1999) *Intervening with Adolescents to Prevent Domestic Violence: Phase 2: The Indigenous Rural Model*, Canberra: National Crime Prevention, pp.5-6.
- 10 Memmott, P., Stacy, R., Chambers, C. and Keys, C. (2001) *Violence in Indigenous Communities*, Canberra: National Crime Prevention, Attorney-General's Department
- 11 NATSILS Submission to the Inquiry on Domestic Violence and Gender Inequality April, 2016, pg. 16.
- 12 Cripps, K., and Adams, M. (2014) 'Chapter 23: Indigenous family violence: Pathways forward'. In R. Walker, P. Dudgeon and H Milroy (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Canberra: Department of Prime Minister and Cabinet, p.405.
- 13 Cripps, K., and Adams, M. (2014) 'Chapter 23: Indigenous family violence: Pathways forward'. In R. Walker, P. Dudgeon and H Milroy (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Canberra: Department of Prime Minister and Cabinet, p.405.
- 14 Memmott, P., Stacy, R., Chambers, C. and Keys, C. (2001) *Violence in Indigenous Communities*, Canberra: National Crime Prevention, Attorney-General's Department, p.1; Blagg, H. (2000) *Crisis Intervention in Aboriginal Family Violence: Summary Report*, Crime Research Centre, Perth: University of Western Australia.
- 15 Gordon, S., Hallahan, K. and Henry, D. (2002) *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry Report)*, Perth: Government of Western Australia, p.26-27.
- 16 This definition, published by Cripps and Davis (2012), builds off definitions developed by Gordon et al. 2002; Robertson 1999; and Wild and Anderson 2007. See, Cripps, K. and Davis, M. (2012) *Communities working to reduce Indigenous family violence*, Research Brief No 12, Canberra: Indigenous Justice Clearinghouse, p.2; Gordon, S., Hallahan, K. and Henry, D. (2002) *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry Report)*, Perth: Government of Western Australia, p.26-27; Robertson, B. (1999) *The Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*, Brisbane: Queensland Government; Wild, R. and Anderson, P. (2007) *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred': Report of the Northern Territory Government Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Darwin: Department of the Chief Minister.
- 17 Indeed, in most capital cities and many regional centres across Australia the majority of Aboriginal and Torres Strait Islander women are partnered with non-Indigenous men. See, Biddle, N. (2011) *Indigenous and Non-Indigenous Marriage Partnerships*, CAEPR Indigenous Population Project, 2011 Census Papers Paper 15, Canberra: Centre for Aboriginal Economic Policy Research; Brown, L. (2016) "Why we need to educate journalists about Aboriginal women's experience of family violence", *The Conversation*, 25 November 2016, available at <https://theconversation.com/why-we-need-to-educate-journalists-about-aboriginal-womens-experience-of-family-violence-65789>.
- 18 National Family Violence Prevention Legal Services Forum (2014) *Submission to the Senate Finance and Public Administration References Committee Inquiry into Domestic Violence and Gender Inequality*, Melbourne: Author.
- 19 Aboriginal and Torres Strait Islander Healing Foundation (2014) *Glossary of Healing Terms*, Canberra: Author.
- 20 Cripps, K., and Adams, M. (2014) 'Chapter 23: Indigenous family violence: Pathways forward'. In R. Walker, P. Dudgeon and H Milroy (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Canberra: Department of Prime Minister and Cabinet.
- 21 Memmott, P., Stacy, R., Chambers, C. and Keys, C. (2001) *Violence in Indigenous Communities*, Canberra: National Crime Prevention, Attorney-General's Department; National Family Violence Prevention Legal Services Forum (2014) *Submission to the Senate Finance and Public Administration References Committee: Inquiry into Domestic Violence Australia*, Melbourne: Author.
- 22 The Australian Productivity Commission (2016) *Overcoming Indigenous Disadvantage - Key Indicators 2016*, Canberra: Author, page 4.98.
- 23 Australian Institute of Health and Welfare (2006) *Family Violence among Aboriginal and Torres Strait Islander people*, Canberra: Author, p.66.
- 24 Commission for Children and Young People (2016) *Always was, always will be Koori children: systemic inquiry into services provided to Aboriginal children and young people in Victoria*, Melbourne: Victorian Government, p.3.
- 25 Aboriginal and Torres Strait Islander Healing Foundation (2016) *Strong Men, Strong Communities: Darwin town communities developmental evaluation*, Canberra: Author.
- 26 Dodson, M. (2003) *Violence Dysfunction Aboriginality*, paper presented at the National Press Club, 11 June 2003, Canberra: Author.
- 27 Antoinette Braybrook referring to research on costs set out in the publication of The National Council to Reduce Violence against Women and their Children (2009) *The Cost of Violence against Women and their Children*, in Aboriginal Family Violence Prevention and Legal Service Victoria (2016) *Newsletter, Edition 22*, June 2016, Melbourne: Author, p. 3.
- 28 Access Economics (2004) *The Cost of Domestic Violence to the Australian Economy*, Canberra: Office of the Status of Women.
- 29 National Aboriginal and Torres Strait Islander Legal Services (2016) *Submission to the Inquiry on Domestic Violence and Gender Inequality*, Melbourne: Author.
- 30 Willis, M. (2011) *Non-disclosure of violence in Australian Indigenous communities*, Canberra, Australian Institute of Criminology, p.1.
- 31 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, Canberra: Productivity Commission, Table 4A.12.6.
- 32 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, Canberra: Productivity Commission, p. 4.92.

- 32 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, Canberra: Productivity Commission, Table 4A.11.31.
- 33 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, Canberra: Productivity Commission, Table 4A.11.37.
- 34 Willis, M. (2011) *Non-disclosure of violence in Australian Indigenous communities*, Canberra, Australian Institute of Criminology, p.1.
- 35 Willis, M. (2011) *Non-disclosure of violence in Australian Indigenous communities*, Canberra, Australian Institute of Criminology, p.4-8.
- 36 Aboriginal Family Violence Prevention and Legal Service Victoria (2015) *Submission to the Victorian Royal Commission into Family Violence*, Melbourne: Author, p.23.
- 37 Human Rights Law Centre and Change the Record Coalition (2017) *Overrepresented and Overlooked: the Crisis of Aboriginal and Torres Strait Islander Women's Growing Over-Imprisonment*, Melbourne: Authors, p.10.
- 38 Baldry, E. (2013) 'Continuing systemic discrimination: Indigenous Australian women exiting prison', *Women Exiting Prison: Critical Essays on Gender, Post-Release Support and Survival*, United Kingdom: Routledge, pp. 98-116.
- 39 Data drawn from a 2004 study, cited in Victorian Equal Opportunity and Human Rights Commission (2013) *Unfinished Business – Koori women and the justice system*, Melbourne: Victorian Government, p.29.
- 40 Davis, M. (2012) 'NARRM Oration 2012 - Aboriginal Women: The Right to Self-Determination', *Australian Indigenous Law Review*, 16(1), Sydney: Indigenous Law Centre.
- 41 Cripps, K., Bennett, C.M., Gurrin, L.C. and Studdert, D.M (2009) 'Victims of violence among Indigenous mothers living with dependent children', *MJA*, 191(9): 481-485; Mouzos, J. and Makkai, T. (2004) *Women's experiences of male violence: findings from the Australian component of the International Violence Against Women Survey (IVAWS)*, Canberra: Australian Institute of Criminology.
- 42 Australian Institute of Health and Welfare (2006) *Family Violence among Aboriginal and Torres Strait Islander Peoples*, Cat. No. IHW 17, Canberra: Author.
- 43 Tomison, A. (2000) 'Exploring family violence: Links between child maltreatment and domestic violence', *Issues in Child Abuse Prevention*, no. 13: Melbourne: Australian Institute of Family Studies.
- 44 Goddard, C. and Bedi, G. (2010) Intimate partner violence and child abuse: a child-centred perspective, *Child Abuse Review*, 19:5-20; Edleson, J. (1999) Children's Witnessing of Adult Domestic Violence, *Journal of Interpersonal Violence*, 14(8): 839-870; Humphreys, C. (2007), *Domestic violence and child protection: challenging directions for practice*, Issues Paper, no.13, Sydney: Australian Domestic & Family Violence Clearinghouse.
- 45 Holt, S., Buckley, H. and Whelan, S. (2008) *The impact of exposure to domestic violence on children and young people: a review of the literature*, *Child Abuse and Neglect*, 32(8): 797-810; SNAICC (2007) *Through Young Black Eyes: workshop facilitators guide*, Melbourne: Author.
- 46 Commission for Children and Young People, Victoria (2016) *Always was, always will be Koori children: systemic inquiry into services provided to Aboriginal children and young people in Victoria*, Melbourne: Victorian Government, p. 47.
- 47 SNAICC (2016) *Family Matters Report*, Melbourne: Author; SNAICC (2016) *Achieving stability for Aboriginal and Torres Strait Islander children in out-of-home care*, Melbourne: Author; Commission for Children and Young People, Victoria (2016) *Always was, always will be Koori children: systemic inquiry into services provided to Aboriginal children and young people in Victoria*, Melbourne: Victorian Government.
- 48 McCloskey, L., Figueredo, J. and Koss, M. (1995) The Effects of Systemic Family Violence on Children's Mental Health, *Child Development*, 66: 1239-1261; Graham-Bermann & Levendosky (1998) cited in Laing, L. Humphreys, C. with Cavanagh, K. (2013) *Social Work and Domestic Violence: Developing Critical and Reflective Practice*, London: Sage Publications.
- 49 Campo, M (2015) *Children's exposure to domestic and family violence Key issues and responses*, Child Family Community Australia paper no.36, Canberra: Australian Institute of Family Studies; Laing, L. Humphreys, C. with Cavanagh, K. (2013) *Social Work and Domestic Violence: Developing Critical and Reflective Practice*, London: Sage Publications.
- 50 Hartley, C. (2004) Sever domestic violence and child maltreatment: Considering child physical abuse, neglect, and failure to protect, *Children and Youth Services Review*, 26(4): 373-392; O'Keefe, M. (1995), Predictors of child abuse in maritally violent families, *Journal of Interpersonal Violence*, vol.10, pp.3-25.
- 51 Hartley, C. (2004) Sever domestic violence and child maltreatment: Considering child physical abuse, neglect, and failure to protect, *Children and Youth Services Review*, 26(4): 373-392
- 52 Aboriginal Family Violence Prevention and Legal Service Victoria (2016), *Submission to the Commission for the Children and Young People Inquiry into the Child Protection Permanency Amendments*, Melbourne: Author, p.14.
- 53 Aboriginal Family Violence Prevention and Legal Service Victoria (2016), *Submission to the Commission for the Children and Young People Inquiry into the Child Protection Permanency Amendments*, Melbourne: Author, p.15.
- 54 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, 495, Canberra: Productivity Commission.
- 55 Steering Committee for Review of Government Service Provision (2014) *Overcoming Indigenous Disadvantage Key Indicators Report 2014*, COAG Targets & Headline Indicators, 4A.12.6., Canberra: Productivity Commission.
- 56 Laing, L. Humphreys, C. with Cavanagh, K. (2013) *Social Work and Domestic Violence: Developing Critical and Reflective Practice*, London: Sage Publications, p.81.
- 57 Cripps, K., Bennett, C.M., Gurrin, L.C. and Studdert, D.M (2009) 'Victims of violence among Indigenous mothers living with dependent children', *MJA*, 191(9): 481-485.
- 58 Holt, S., Buckley, H. and Whelan, S. (2008) *The impact of exposure to domestic violence on children and young people: a review of the literature*, *Child Abuse and Neglect*, 32(8): 797-810.
- 59 The Senate Finance and Public Administration References Committee (2015) *Domestic Violence in Australia*, Canberra: Commonwealth of Australia, p.16.
- 60 State of Victoria (2016), *Royal Commission into Family Violence: Summary and recommendations*, Parl Paper No 132 (2014-16), pg.36.
- 61 Aboriginal and Torres Strait Islander Healing Foundation (2016) *Strong Men, Strong Communities: Darwin town communities developmental evaluation*, Canberra: Author; ANROWS and Our Watch (2014) *Violence Against Women: Key Statistics*, Melbourne: Author.
- 62 National Aboriginal and Torres Strait Islander Legal Services (2016) *Submission to the Inquiry on Domestic Violence and Gender Inequality*, Melbourne: Author.
- 63 Olsen, A. and Lovett, R. (2016) *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper*, Sydney: ANROWS.
- 64 Cripps, K. and Davis, M. (2012) *Communities working to reduce Indigenous family violence*, Indigenous Justice Clearinghouse, Research Brief No. 12, Canberra: Australian Institute of Criminology.
- 65 Aboriginal and Torres Strait Islander Social Justice Commissioner (2006) *An overview paper of research and findings by the Australian Human Rights Commission (previously known as Human Rights and Equal Opportunity Commission), 2001 – 2006*, Sydney: Australian Human Rights Commission.
- 66 Victorian Aboriginal Legal Service (2015) *Royal Commission into Family Violence: Submission paper from the Victorian Aboriginal Legal Service*, Melbourne: Author, p.3.
- 67 National Family Violence Prevention Legal Services Forum (2016) *Submission to the Senate Finance and Public Administration References Committee Inquiry into Domestic Violence and Gender Inequality*, Melbourne: Author.
- 68 Willis, M. (2011) *Non-disclosure of violence in Indigenous communities*, Trends & Issues in Crime and Criminal Justice no. 405, Canberra: Australian Institute of Criminology; Nous Group (2013) *Family violence Prevention Legal Services- Research and Needs Analysis Report*, Canberra: Commonwealth Attorney-General's Department, p.18.
- 69 Victorian Aboriginal Child Care Agency (2011) *This is Forever Business: Cultural Safety in Aboriginal Victoria*, PowerPoint Presentation, Melbourne: Author; as quoted in Aboriginal and Torres Strait Islander Social Justice Commissioner (2011) *Social Justice Report*, Sydney: Australian Human Rights Commission.

- 70 National Aboriginal and Torres Strait Islander Legal Services (2016) *Submission to the Inquiry on Domestic Violence and Gender Inequality*, Melbourne: Author, pg.14.
- 71 National Family Violence Prevention Legal Services Forum (2015) *Submission to the Senate Finance and Public Administration References Committee Inquiry into Access to Legal Assistance Services*, Melbourne: Author, p.3.
- 72 National Family Violence Prevention Legal Services Forum (2015) *Submission to the Senate Finance and Public Administration References Committee Inquiry into Access to Legal Assistance Services*, Melbourne: Author.
- 73 Queensland Indigenous Family Violence Legal Service (2014) Submissions to the Finance and Public Administration References Committee: Domestic Violence in Australia, Cairns: Author, p.5.
- 74 Aboriginal and Torres Strait Islander Social Justice Commissioner (2005) *Social Justice Report 2004*, Sydney: Human Rights and Equal Opportunity Commission, p.20.
- 75 National Family Violence Prevention Legal Services Forum (2015) *Submission to the Senate Finance and Public Administration References Committee Inquiry into Access to Legal Assistance Services*, Melbourne: Author.
- 76 Queensland Indigenous Family Violence Legal Service (2014) Submissions to the Finance and Public Administration References Committee: Domestic Violence in Australia, Cairns: Author.
- 77 Willis, M. (2011) *Non-disclosure of violence in Indigenous communities*, Trends & Issues in Crime and Criminal Justice no. 405, Canberra: Australian Institute of Criminology.
- 78 SNAICC (2013) *Joining The Dots: Program and Funding Options for Integrated Aboriginal and Torres Strait Islander Children's Services*, Melbourne: Author.
- 79 Australian Government (2013). *A Snapshot of Early Childhood Development in Australia 2012 – AEDI National Report*. Re-issue November 2013. Australian Government, Canberra, p.13; Productivity Commission. (2014). *Child Care and Early Childhood Learning. Productivity Commission Inquiry Report*, Volume 2.No. 73. Australian Government, p. 644.
- 80 Australian Institute of Health and Welfare (2016) *Child Protection Australia 2014-15*. Canberra: AIHW.
- 81 Fox, S., Southwell, A., Stafford, N., Goodhue, R., Jackson, D. and Smith, C. (2015) *Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention*, Canberra: Australian Research Alliance for Children and Youth.
- 82 Tilbury, C. (2012). *Moving to prevention research report: Intensive family support services for Aboriginal and Torres Strait Islander children*, Melbourne: SNAICC.
- 83 Davis, M. (2012) 'NARRM Oration 2012 - Aboriginal Women: The Right to Self-Determination', *Australian Indigenous Law Review*, 16(1), Sydney: Indigenous Law Centre.
- 84 Davis, M. (2012) 'NARRM Oration 2012 - Aboriginal Women: The Right to Self-Determination', *Australian Indigenous Law Review*, 16(1), Sydney: Indigenous Law Centre; Davis, M. (2008) *Indigenous Women's Representation and the Proposal for a New National Representative Body*, *Indigenous Law Bulletin* 7(4), Sydney: Author.
- 85 Aboriginal and Torres Strait Islander Social Justice Commissioner (2002) *Social Justice Report 2001*, Sydney: Human Rights and Equal Opportunity Commission.
- 86 See for example: NSW Ombudsman (2011) *Addressing Indigenous Disadvantage: the need to do things differently: A Special Report to Parliament under s 31 of the Ombudsman Act 1974*, Sydney: Author, p4; Wild, R., and Anderson, P. (2007). *Little Children Are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, Darwin: Northern Territory Government; Australian National Audit Office (2012). *Capacity Development for Indigenous Service Delivery*, Audit Report No. 26, 2011-2012, Canberra: Commonwealth of Australia; Cunneen, C. and Libesman, T. (2002) *Removed and Discarded: The Contemporary Legacy of the Stolen Generations*. *Australian Indigenous Law Reporter*, Vol 7, No 4, pp1-20.
- 87 Dwyer, J., O'Donnell, K., Lavoie, J., Marlina, U. & Sullivan, P. (2011), *The Overburden Report: Contracting for Indigenous Health Services*, Darwin: Cooperative Research Centre for Aboriginal Health.
- 88 State of Victoria (2016), *Royal Commission into Family Violence: Report and recommendations*, Vol V, Parl Paper No 132 (2014-16), p.24
- 89 Pearson, N. (2002) *Our Right to Take Responsibility*, Paper for Institute of Public Administration Australia (Victoria) Seminar Gold Leadership Forum, 20 October 2002, Melbourne: Author, p 5.
- 90 Aboriginal and Torres Strait Islander Social Justice Commissioner (2011) *Social Justice Report*, Sydney: Australian Human Rights Commission.
- 91 Aboriginal and Torres Strait Islander Social Justice Commissioner (2006) *An overview paper of research and findings by the Australian Human Rights Commission (previously known as Human Rights and Equal Opportunity Commission), 2001 – 2006*, Sydney: Australian Human Rights Commission.
- 92 National Family Violence Prevention Legal Services Forum (2015) *Violence against Aboriginal and Torres Strait Islander women: A National Crisis Demanding a National Response*, Melbourne: Author.
- 93 SNAICC (2015) *Pathways to Safety and Wellbeing for Aboriginal and Torres Strait Islander Children*, Melbourne: Author.
- 94 A workshop participant quoted in Gorringe, S., Ross, J. and Fforde, C. (2011), *'Will the Real Aborigine Please Stand Up': Strategies for breaking the stereotypes and changing the conversation*, AIATSIS Research Discussion Paper 28, Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies, p.7.
- 95 Aboriginal and Torres Strait Islander Healing Foundation (2015) *Healing Informed Organisations*, Canberra: Author.
- 96 Aboriginal and Torres Strait Islander Healing Foundation (2016) *Strong Men, Strong Communities: Darwin town communities developmental evaluation*, Canberra: Author; ANROWS and Our Watch (2014) *Violence Against Women: Key Statistics*, Melbourne: Author.
- 97 Aboriginal and Torres Strait Islander Healing Foundation (2016) *Strong Men, Strong Communities: Darwin town communities developmental evaluation*, Canberra: Author; ANROWS and Our Watch (2014) *Violence Against Women: Key Statistics*, Melbourne: Author.
- 98 Aboriginal and Torres Strait Islander Healing Foundation (2017) *Key Facts: Women*, Canberra: Author, available at: <http://www.healthinphonet.ecu.edu.au/related-issues/healing/women/key-facts>.
- 99 Aboriginal and Torres Strait Islander Social Justice Commissioner (2006) *An overview paper of research and findings by the Australian Human Rights Commission (previously known as Human Rights and Equal Opportunity Commission), 2001 – 2006*, Sydney: Australian Human Rights Commission.
- 100 SNAICC (2010) *Towards Aboriginal and Torres Strait Islander access and engagement: overcoming barriers to child and family services*, Melbourne: Author.
- 101 National Aboriginal and Torres Strait Islander Legal Services (2014) *Submission to the Senate Finance and Public Administration References Committee Inquiry into the prevalence and impact of domestic violence in Australia*, Melbourne: Author.
- 102 Human Rights and Equal Opportunity Commission. (1997) *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing Them Home)*, Canberra: Commonwealth of Australia.
- 103 Gordon, S., Hallahan, K. and Henry, D. (2002) *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry Report)*, Government of Western Australia, Perth, Western Australia; The Senate Finance and Public Administration References Committee (2015) *Domestic Violence in Australia*, Canberra: Commonwealth of Australia; State of Victoria (2016), *Royal Commission into Family Violence: Report and recommendations*, Vol V, Parl Paper No 132 (2014-16).
- 104 Flaxman, S., Muir, K., and Oprea, I. (2009) *Indigenous families and children: coordination and provision of services*, Occasional Paper No 23., Canberra: Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA), p23.
- 105 Cornell, S., and Taylor J. (2000) *Sovereignty, Devolution, and the Future of Tribal-State Relations*, Cambridge: Harvard University, pp6-7; Lavoie, J. et al (2010). "Have investments in on-reserve health services and initiatives promoting community control improved First Nations' health in Manitoba?", *Social Science and Medicine*, 71(4), August, 717.
- 106 State of Victoria (2016), *Royal Commission into Family Violence: Report and recommendations*, Vol V, Parl Paper No 132 (2014-16), p.56.
- 107 Queensland Indigenous Family Violence Legal Service (2014) Submissions to the Finance and Public Administration References Committee: Domestic Violence in Australia, Cairns: Author.
- 108 Keel, M. (2004) *Family violence and sexual assault in Indigenous communities: Walking the talk*, Briefing No 4., pp. 1-31, Melbourne: Australian Centre for the Study of Sexual Assault.
- 109 Aboriginal and Torres Strait Islander Healing Foundation (2015) *Healing Informed Organisations*, Canberra: Author.
- 110 SNAICC (2010), *Working and Walking Together: Supporting Family Relationship Services to Work with Aboriginal and Torres Strait Islander Families and Organisations*, Melbourne: Author, p.3.
- 111 Cross, T., Bazmn, B., Dennis, K. and Isaacs, M. (1989) *Toward a Culturally Competent System of Care*, Vol. 1, Washington, DC: Georgetown University Child Development Center, pp. iv-v.
- 112 SNAICC (2013) *A Place for Culture? Exploring Aboriginal and Torres Strait Islander Cultural Competence in the National Quality Standard*, Melbourne: Author, p.12.
- 113 SNAICC (2012) *Opening doors through partnerships: practical approaches to developing genuine partnerships that address Aboriginal and Torres Strait Islander community needs*, Melbourne: Author, pp.12-13; Victorian Aboriginal Child Care Agency (2010). *Building Respectful Partnership: The Commitment to Aboriginal Cultural Competence in Child and Family Services*. Melbourne: Author, p.24.

