

NATIONAL FAMILY VIOLENCE PREVENTION
LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

National Family Violence Prevention Legal Services Forum
submission to the Australian Human Rights Commission

Wiyi Yani U Thangani (Women's Voices)

7 December 2018

Preamble & Key Recommendations

The National FVPLS Forum welcomes the opportunity to contribute to the *Wiyi Yani U Thangani* (Women's Voices) Project. Capturing the voices of Aboriginal and Torres Strait Islander women across Australia is an important process. For too long the voices of Aboriginal and Torres Strait Islander women have been silenced and the issues that affect them have been sidelined.

In comparison with other Australian women, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised as a result of family violence,¹ and 10 times more likely to be killed as a result of violent assault.² Aboriginal and Torres Strait Islander women have been found to be the most legally disadvantaged group in Australia. Studies also indicate that as much as 90% of violence against Aboriginal and Torres Strait Islander women goes unreported.³ Many of our women who experience violence also experience homelessness and poverty, which are in turn key drivers to being criminalised and imprisoned. An overwhelming number of our women in prison have experienced family violence and sexual assault.

The National FVPLS Forum is eager to share what we have learned from many years of on the ground experience in Aboriginal and Torres Strait Islander communities across Australia. Through our work we support Aboriginal and Torres Strait Islander women, while recognising and addressing the multitude of interrelated issues that our clients face. This can include:

- Family violence
- Child removal
- Racism and discrimination
- Incarceration
- Poverty and homelessness; and
- Social and cultural isolation

Through our work we also see the strength of Aboriginal and Torres Strait Islander women and our women's potential when supported by culturally safe and specialist services that celebrate their culture and that they can trust. Our legal support and early intervention and prevention services support Aboriginal and Torres Strait Islander women to break the cycle of violence, trauma, imprisonment and isolation.

FVPLSs give Aboriginal and Torres Strait Islander women a voice. FVPLSs are trusted by the Aboriginal and Torres Strait Islander women they work with and have support from their communities. They have established strong connections with communities over approximately 20 years working in family violence and prevention. FVPLSs' extensive on the ground experience informs all parts of their work, including influencing and leading systemic change on behalf of Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault. Despite the shockingly high rates of violence experienced by Aboriginal and Torres Strait Islander women, thirteen of the 14 FVPLSs have had no

¹ The Australian Productivity Commission (2016), *Overcoming Indigenous Disadvantage - Key Indicators 2016*, page 4.98, table 4A.12.13 available at <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>.

² Australian Institute of Health and Welfare, *Family Violence among Aboriginal and Torres Strait Islander people*, 2006, page 66 available at <http://www.aihw.gov.au/publication-detail?id=6442467912>.

³ The Australian Productivity Commission (2014) *Overcoming Indigenous Disadvantage - Key Indicators 2014*, 4.91. Accessed online. Permanent URL: <http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators2014/key-indicators-2014-report.pdf>; Willis, M. (2011) Non-disclosure of violence in Australian Indigenous communities, Canberra, Australian Institute of Criminology, p.1.

increase in core funding since 2013-14. Further, over the last five years, not one FVPLSs' funding has been increased to match Consumer Price Indexation ('CPI'). The lack of CPI alone represents a cumulative loss of \$9.7 million.

Access to culturally safe services such as legal support, housing and health for Aboriginal and Torres Strait Islander women and children is central to the experiences of our women when it comes to family violence and homelessness, as they face multiple, intersecting forms of disadvantage which compound and impact life outcomes.

This submission outlines the primary concerns for Aboriginal and Torres Strait Islander women that our member services see every day. These will be illustrated through case studies. We will also highlight culture as a protective factor and the importance of Aboriginal and Torres Strait Islander women's access to FVPLS's that offer culturally safe and specialist family violence legal services, through adopting a holistic, wrap-around service delivery model. FVPLSs also provide an important community legal education and early intervention and prevention function. These are critical mechanisms to amplify Aboriginal and Torres Strait Islander women's voices and improve their access to safety, justice and equality.

We make the following recommendations:

1. **Prioritisation of self-determination and Aboriginal and Torres Strait Islander led solutions**
2. **Investment in culturally safe, holistic, specialist services for Aboriginal and Torres Strait Islander women, such as FVPLS, including investment to enable FVPLS expansion to address unmet need across urban, regional, rural and remote areas.**
3. **Implementation of a Child Protection Notification Referral System to better support Aboriginal and Torres Strait Islander women to keep children with their families, culture and community**
4. **A focus on prevention and early intervention**
5. **A stand-alone National Action Plan to Reduce Violence Against Aboriginal and Torres Strait Islander Women**
6. **Invest in services and strategies to reduce Aboriginal and Torres Strait Islander women's imprisonment, with a focus on underlying drivers of violence, poverty and homelessness**
7. **Invest in specialist Aboriginal Community Controlled Organisations working with women experiencing family violence and criminalisation**
8. **Establishment of a national taskforce led by Aboriginal and Torres Strait Islander women to investigate deaths of Aboriginal and Torres Strait Islander women in contact with the justice system, identify systemic failures contributing to the deaths, and make recommendations to prevent such deaths in future**
9. **Recognising culture as a protective factor**

Other detailed policy submissions by the National FVPLS Forum can also be accessed at:

<http://www.nationalfvpls.org/Submissions-and-Media.php>

About the National FVPLS Forum

The National FVPLS Forum is comprised of 14 (Aboriginal) Family Violence Prevention Legal Service ('FVPLS') member organisations across Australia that provide holistic, specialist culturally safe supports to Aboriginal and Torres Strait Islander people experiencing or at risk of family violence – predominantly women and their children. FVPLSs also design and deliver essential community legal education and early intervention and prevention programs and strategies.

FVPLSs have been working with Aboriginal and Torres Strait Islander victim survivors of family violence around the country for almost twenty years. All 14 organisations came together in May 2012 to establish the National FVPLS Forum with an elected National Convenor. The National FVPLS Forum works in collaboration across its member FVPLS services to increase access to justice for Aboriginal and Torres Strait Islander people experiencing or at risk of family violence, especially women and children.

The National FVPLS Forum members are:

- Aboriginal Family Law Service Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs HO, Tennant Creek)
- Djirra – formerly Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West, Bendigo and shortly also Echuca-Shepparton, La Trobe Valley and Ballarat)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)
- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany, WA)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin HO, Katherine)

About Family Violence Prevention Legal Services

FVPLSs provide frontline legal assistance services, early intervention/prevention and community legal education to Aboriginal and Torres Strait Islander victims/survivors of family violence. FVPLSs were established 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 number 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.

FVPLSs deliver these services in holistic and culturally safe ways tailored to addressing the complex socio-economic issues underlying our clients' legal issues and experiences of family violence. FVPLSs service diverse communities and each FVPLS tailors their services and programs to the unique issues facing their local community.

FVPLS lawyers provide legal assistance in the four core areas of:

- family violence law;
- child protection;
- family law; and
- victims of crime assistance.

Where resources permit, some FVPLSs also provide additional assistance in other civil law issues arising from family violence such as Centrelink, Child Support, infringements, tenancy and police complaints.

FVPLSs also design and deliver culturally safe community legal education and innovative, early intervention/prevention activities. This includes programs designed by and for Aboriginal and Torres Strait Islander women, as well as broader community-based initiatives and strategies to improve outcomes across the legal, justice, family violence and Aboriginal sectors.

Nationally, approximately ninety per cent of FVPLS clients are Aboriginal and Torres Strait Islander women and their children. Our clients live with intergenerational trauma, removal of children, family violence-driven homelessness, racism and discrimination, poverty, mental health issues, disability, lower levels of literacy and numeracy, as well as a range of other cultural, legal and non-legal issues.

Introduction

Family violence is a national crisis, causing profound harm to women and children and the broader Australian community socially, politically and economically. There are numerous complex and diverse factors contributing to the high levels of family violence against Aboriginal and Torres Strait Islander women. The causes of this violence do not derive from Aboriginal and Torres Strait Islander cultures and Aboriginal and Torres Strait Islander women experience violence at the hands of men from multiple backgrounds. Due to Australia's history of colonisation and contemporary experiences of discrimination, Aboriginal and Torres Strait Islander women have deeply ingrained distrust of Government related services. This is perpetuated by poor and discriminatory system responses to Aboriginal and Torres Strait Islander people experiencing family violence, for example by police, child protection agencies and mainstream services.

In our frontline work we see that Aboriginal and Torres Strait Islander women's experiences of family violence can lead to homelessness, incarceration and the removal of children. To break this cycle, Aboriginal and Torres Strait Islander women need to be supported to access culturally safe and specialist support.

CASE STUDY

THE NECESSITY OF A HOLISTIC APPROACH

The needs of Aboriginal and Torres Strait Islander women when it comes to family violence mean more than addressing immediate safety concerns. When working with one client, a number of legal and socio-economic issues were identified. This included the breach of an intervention order (IVO) by her partner and a history of victimisation as a child. This client also had no cultural support and communication barriers.

This FVPLS identified a number of service gaps. They assisted her with accessing emergency relief in the form of food, clothing, crisis accommodation and funds to relocate her family to leave the city after her partner had escaped from prison.

Homelessness

Tenancy issues can create significant challenges for Aboriginal and Torres Strait Islander victim/survivors of family violence. In many states and territories there are unacceptably lengthy waiting lists for crisis accommodation, as well as a lack of availability of culturally appropriate public housing. These issues create significant barriers to Aboriginal and Torres Strait Islander victim/survivors of family violence and their children disclosing and fleeing violence. Family, domestic and sexual violence is the leading cause of homelessness and housing instability in Australia. In 2015-16, 38% of people seeking assistance from specialist homelessness services had experienced family violence, and the highest proportion of service users for adults was in the 25-34 years age group (20%) of which 93% were female clients.⁴ Further to this, in 2015-16 Aboriginal and Torres Strait

⁴ Australian Institute of Health and Welfare, *Specialist homelessness services 2015-16*, 2016, available at <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2015-16/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

Islander people made up 3% of the Australian population, but 24% of those accessing specialist homelessness services in 2015–16.⁵

Women in Prison

Aboriginal and Torres Strait Islander women are now the fastest growing group of prisoners in Australia, representing more than one third of the total prison population.⁶

There is a strong link between the high incarceration rates of Aboriginal and Torres Strait Islander women and their experience of family violence. Research demonstrates that an overwhelming majority of women in prison have experienced family violence. While experiencing family violence is not a direct cause of Aboriginal and Torres Strait Islander women’s incarceration, it is a precursor to a range of conditions that can lead to imprisonment. A NSW study found that over 80% of female Aboriginal and Torres Strait Islander prisoners believed their offending was a direct outcome of their victimisation.⁷

Child Protection

According to 2016-17 statistics, Aboriginal and Torres Strait Islander children are 10 times more likely than non-Indigenous children to be in out of home care⁸. Family violence is a primary driver of the removal of Aboriginal and Torres Strait Islander children from their families. In our frontline work we have found that one of the biggest deterrents preventing Aboriginal and Torres Strait Islander women from reporting family violence is the fear of child protection intervention and losing one’s children. Family violence is a primary driver of the disproportionate and escalating rates of Aboriginal and Torres Strait Islander child removal. However, FVPLS clients frequently report being discouraged by child protection workers (either implicitly or overtly) from seeking legal advice. Additionally, FVPLS clients frequently experience inappropriately punitive responses from child protection workers which punish or blame Aboriginal and Torres Strait Islander women for the actions of those who perpetrate violence against them, instead of supporting women to safely maintain the care of their children in a home free from violence.

CASE STUDY

CHILD PROTECTION SERVICES

The Aboriginal women we work with have a well-founded fear of Child Protection services. One of our member services was working with a mother of four children under the age of ten. She had recently left a violent relationship. Two of her children had significant disabilities.

The mother reached out to the Department for assistance with either childcare or respite. The Department responded by removing her children and stating that she was ‘failing to cope.’

⁵ Australian Institute of Health and Welfare, *Specialist homelessness services 2015-16*, 2016, available at <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2015-16/contents/client-groups-of-interest/indigenous-clients>

⁶ Change the Record Coalition (2016) *Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women’s growing over-imprisonment*, p. 4

⁷ Women in Prison in Australia, Panel Presentation by Debbie Kilroy (Sisters Inside (CEO) and Principle of Kilroy and Callaghan Lawyers), Current Issues in Sentencing Conference (national Judicial College of Australia and the ANU College of law, 6-7 February 2016, Australia National University, Canberra, page 2.12, available at <https://njca.com.au/wp-content/uploads/2017/12/Kilroy-Debbie-Women-in-Prison-in-Australia-paper.pdf>

⁸ Australian Institute of Health and Welfare, *Child protection Australia 2016-17*, 2018, available at <https://www.aihw.gov.au/reports/cws/63/child-protection-australia-2016-17/contents/children-receiving-child-protection-services>

1. Prioritisation of self-determination and Aboriginal-led solutions

Aboriginal and Torres Strait Islander people and organisations have the solutions, expertise, experience and understanding to address the complex systemic disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

The National FVPLS Forum maintains that Aboriginal victims/survivors of family violence require dedicated, appropriately resourced and culturally safe supports led by Aboriginal community-controlled organisations with appropriate expertise. This is fundamental for ensuring that supports are accessible and effective for Aboriginal victims/survivors who face multiple, complex barriers to reporting violence and accessing support, and who are often reluctant to access mainstream services.

2. Investment in culturally safe, holistic, specialist services for Aboriginal and Torres Strait Islander women, such as FVPLS.

Our FVPLS members' frontline experience demonstrates that Aboriginal and Torres Strait Islander women face a wide array of complex and compounding barriers to accessing support, including the reporting of family violence. Those barriers include:

- A lack of understanding of legal rights and options and how to access advice and support
- Mistrust of mainstream legal, medical, community and other support services and their ability to understand and respect the needs and wishes of Aboriginal and Torres Strait Islander women;
- A lack of cultural competency and experiences of direct or indirect discrimination across the support sector, including by police and other agencies such as child protection;
- A lack of access to interpreters or support for people with low levels of literacy;
- Fear of child removal if disclosing experiences of violence and/or risk of criminalisation;
- Cultural or community pressures not to go to the police, such as perceived threats to cultural connection (especially for children) or to avoid increased criminalisation of Aboriginal and Torres Strait Islander men; and
- Poverty and social isolation

Many of these barriers are unique to Aboriginal and Torres Strait Islander women, which highlights the importance of ensuring the availability of

CASE STUDY POLICE RESPONSES TO FAMILY VIOLENCE

Ms X, sought support from one of our member organisations after she was kicked in the face by her ex-partner resulting in the loss of two teeth. Immediately following the incident, she flagged down a passing police car and reported the assault. The police officer quickly scanned the area. After failing to locate the offender, the police officer accused Ms X of being drunk, of falling over and knocking her own teeth out and of lying to police. He refused to take her statement.

When Ms X attended the FVPLS service the following morning, they assisted her to attend the police station to make her statement. In front of general public in the reception, the same police officer from the night before stated that he remembered Ms X, called her a liar and refused to take her statement. The FVPLS service then complained to the Head of the Domestic Violence Unit who agreed to take Ms X's statement. When police finally questioned the offender about the assault, he made a full confession.

and access to culturally safe, specialist Aboriginal and Torres Strait Islander legal and a range of other non-legal services and supports provided by FVPLSs. FVPLSs also engage in early intervention and prevention work through designing innovative programs and strategies to reduce vulnerability and raise awareness.

“Aboriginal organisations like ours do a lot of work in community to build trust and confidence. Often the women who most need our services won’t walk straight through our door. We have to go out to our communities”

-National FVPLS Forum member

The high rates of family violence against Aboriginal and Torres Strait Islander women

across Australia mean that our FVPLS services are consistently working beyond their capacity. Existing resources are stretched, and there is considerable unmet need amongst Aboriginal and Torres Strait Islander communities, particularly for areas that are currently not serviced by FVPLSs. In 2016, some National FVPLS Forum members reported being forced to turn away approximately 30-40% of people seeking assistance due to under-resourcing. All Aboriginal and Torres Strait victim/survivors of family violence should be able to access FVPLSs’ specialised and culturally safe legal and non-legal supports, regardless of their geographic location.

The Australian Government has described family violence as a national emergency and has established national frameworks for action on violence against women and their children. Despite this, and the shockingly high rates of violence towards Aboriginal and Torres Strait Islander women, thirteen of the 14 FVPLSs operating across Australia have received no increase to their core funding from the Commonwealth government since 2013-14. Further, over the last five years, not one FVPLSs’ funding has been increased to match Consumer Price Indexation (‘CPI’). The lack of CPI alone represents a cumulative loss of \$9.7 million to our crucial services across Australia. Our members advise that the lack of increase in core funding and CPI has placed significant pressure on services in terms of recruitment and retention. Currently all FVPLSs and the National FVPLS Forum Secretariat are subject to a two-year funding contract, which ceases in 2020. Ongoing uncertainty over funding, causes undue stress to the staff of FVPLSs, and affects their ability to deliver consistent services to highly vulnerable clients.

Greater and longer term resourcing of core service provision and organisational infrastructure is essential to ensure that the vital role played by existing FVPLSs in the lives of Aboriginal and Torres Strait Islander women and their children is maintained and strengthened. FVPLSs are trusted, specialist services embedded in community and working exclusively with victim survivors; we amplify Aboriginal and Torres Strait Islander women’s voices and advocate for women all too often unseen and unheard.

All Aboriginal and Torres Strait Islander women and girls who experience family violence or sexual assault have the right to access specialist, culturally safe support services, regardless of where they live. However, due to limited funding, FVPLSs are not resourced to provide national coverage. FVPLSs collectively service an area that currently only covers approximately half of the Aboriginal and Torres Strait Islander population. This means that there are a number of areas throughout regional, remote and urban Australia where Aboriginal and Torres Strait Islander victims/survivors have no access to a culturally safe family violence prevention legal service, despite high rates of family violence. Much of this coverage in remote areas is extremely limited and often consists of only one or two days per

month. There needs to be an expansion of our services to enable true national coverage, including urban areas and other rural and remote areas not currently covered by the 14 FVPLSs.

We see the investment into culturally safe and specialist legal services as crucial in ensuring Aboriginal women's access to justice across many areas of law. Furthermore, legal representation and cultural support can break the cycle of family violence in our communities, help restore dignity and reduce re-traumatisation in what would otherwise be an alienating system.

3. Implementation of a Child Protection Notification and Referral System

The National FVPLS Forum has been advocating since 2015 for the establishment of a national Aboriginal and Torres Strait Islander Child Protection Notification and Referral system.

A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) should be established to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, especially legal assistance at the earliest possible opportunity, particularly where family violence is a factor in potential child removal. This system would support mothers and families to keep children in their care and connected to culture.

Establishment of a nationally consistent and mandatory system (akin to the Custody Notification system) to flag and refer Aboriginal and Torres Strait Islander families engaged with the child protection system to culturally safe, preventative legal advice and assistance at the earliest possible stage would support families to take proactive action to avoid or minimise child protection matters escalating to the point of litigation and/or out of home care placement.

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 an Aboriginal and Torres Strait Islander Legal Service (ATSILS), as appropriate, 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 system would recognise and respond to the magnitude of family violence as one of the leading drivers of Aboriginal and Torres Strait Islander children's forced removal from their families and communities.

The proposed system would ensure that Aboriginal and Torres Strait Islander women – particularly mothers experiencing or at risk of family violence – receive early, independent and preventative legal advice, rather than wait until a child is apprehended or the matter reaches Court.

In FVPLSs' experience, Aboriginal and Torres Strait Islander women often do not recognise child protection as a legal issue until it is 'too late' and clients frequently report being discouraged by child protection workers (either implicitly or overtly) from seeking legal advice.

Access to independent, culturally safe, preventative legal services at the earliest possible stage would support Aboriginal and Torres Strait Islander women to understand their legal rights and take proactive action to avoid or minimise Aboriginal and Torres Strait Islander children being removed and placed in out-of-home care. This legal advice also supports women to know their legal rights in relation to family violence and access vital supports.

A focus on prevention and early intervention

Multiple and complex risk factors contribute to higher rates of family violence for Aboriginal and Torres Strait Islander women.

Accordingly, a range of strategies and services are required to respond to and address the causes of over-representation. Early intervention and prevention strategies are a core part of this range of strategies and services. The FVPLS model recognises that a combination of preventative early intervention strategies are all crucial parts of the continuum of services required to address and reduce family violence against Aboriginal and Torres Strait Islander women and children. These strategies include innovative and engaging community programs and cultural and wellbeing workshops. These programs also address and shift the particular social norms that lead to family violence in Aboriginal and Torres Strait Islander communities.

In addition to legal assistance and casework, Aboriginal and Torres Strait Islander legal services such as FVPLSs undertake important early intervention and prevention, such as women's support groups and community safety services, counselling services, support for children who are often caught up in family violence situations; and programs that invest in services at the front-end to build stronger and resilient families and promote healthy relationships. These vital supports and services build the strength of Aboriginal and Torres Strait Islander women and reduce their vulnerability to violence and contact with the criminal justice system. The expert, tailored and holistic service models used by FVPLSs have been identified as being crucial to support Aboriginal and Torres Strait Islander women and their children to access and benefit from these services.

Many of our services receive only ad hoc, project-based funding to deliver prevention and early intervention initiatives – despite many programs being highly successful, well regarded and effective. With increased resourcing, all FVPLSs could dedicate full-time resources and strengthen specialist expertise in prevention. This would enable continuation of proven programs with positive impacts, as well as the ability to develop and tailor additional programs for new regions and cohorts such as, for example, children and young people.

Governments must shift away from punitive and law enforcement focused approaches, and towards approaches that prioritise prevention, early intervention and diversion from the criminal justice

CASE STUDY WORKING WITH STOLEN GENERATIONS

A member service has assisted a number of our clients to access the Stolen generation Reparation Scheme. Through this process, clients have been able to tell their story, and have begun the healing journey and addressed a number of trauma issues they had experienced as a result of being taken from their family, land and culture.

system and other systems that harm the health of our people – while also ensuring the safety of Aboriginal and Torres Strait Islander people at risk of family violence.

5. A stand-alone National Action Plan to Reduce Violence Against Women

The National FVPLS Forum has engaged with the Commonwealth Government in the development of the Fourth and final National Action Plan to Reduce Violence Against Women. The consultations we have attended have shown that violence against Aboriginal and Torres Strait Islander women is a priority for the Commonwealth Government. However, there needs to be consideration of the next steps to address family violence in our communities. Beyond 2022, the National FVPLS Forum calls for a stand-alone National Action Plan to Reduce Violence Against Aboriginal and Torres Strait Islander Women and their Children, to ensure sufficient prioritisation of the voices, experiences, needs and strengths of Aboriginal and Torres Strait Islander women. Strong governance structures and linkages with other key plans on reducing violence against women and children more broadly will be essential.

6. Invest in services and strategies to reduce Aboriginal and Torres Strait Islander women's imprisonment

Aboriginal and Torres Strait Islander women are now the fastest growing prison population in Australia.⁹ More than 90% of our women in prison have experienced family violence and sexual assault.¹⁰ Aboriginal and Torres Strait Islander women who experience violence also experience homelessness and poverty, which are key drivers to them criminalisation and imprisonment.

Instead of investing in prisons, we should be investing in Aboriginal and Torres Strait Islander communities and our organisations to address the underlying issues that exist for our women in prison, such as poverty, homelessness and family violence. Culturally safe and holistic services are needed to support women exiting prison including housing, mental health, drug and alcohol services, as all of these are linked. The number of Aboriginal and Torres Strait Islander women going into prisons while rising rapidly is still manageable and with a small and smart investment into the right services, we could see this turn around. Central is delivering more certainty for FVPLSs and homelessness services supporting Aboriginal and Torres Strait Islander women and children escaping and affected by family violence.

FVPLSs are well placed to play a greater role in reducing the over-incarceration of Aboriginal women. A number of FVPLSs already deliver services and programs to women in or exiting prison, with modest resourcing. With appropriate resourcing, FVPLSs could also design and deliver diversion programs and targeted early intervention activities, alongside enhanced post-release supports, as part of a coordinated strategy to address Aboriginal women's criminalisation.

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6. Establishment of a national taskforce led by Aboriginal and Torres Strait Islander women to investigate deaths of Aboriginal and Torres Strait Islander women in contact with the justice system

As part of the Redfern Statement Alliance process, the National FVPLS Forum and National Aboriginal and Torres Strait Islander Legal Services (NATSILS) convened a workshop on 27 June 2017 to develop calls for action in relation to both the *Preventing Violence* and *Justice* sections of the Redfern Statement. One of the Calls for Action from the Joint Communique from the workshop was to establish a national taskforce to investigate the deaths of Aboriginal and Torres Strait Islander women in contact with the justice system.

The 1991 report of the Royal Commission into Aboriginal Deaths in Custody was largely silent on the experiences of Aboriginal and Torres Strait Islander women. A national taskforce would investigate deaths, including the role played by family violence with the trajectory to death and identify points of intervention. The composition of the taskforce would include Aboriginal and Torres Strait Islander women and should be tasked with making comprehensive recommendations for systemic change.

A national taskforce would allow for a national picture of systemic issues and trends across all jurisdictions, and shine a light on the role of systemic discrimination and failings across police courts, service systems and uncover prevalence of family violence which may be under-reported or under-addressed. It would contribute to the knowledge base around the barriers faced by Aboriginal and Torres Strait Islander women in accessing justice and supports, and to the evidence base in relation to the need for additional capacity to respond to the needs of Aboriginal and Torres Strait Islander women.

7. Recognition of culture as a protective factor

Culture is at the heart of the services provided by FVPLSs. Aboriginal women are more likely to approach, stay engaged with and feel meaningfully supported by a service that values their culture. FVPLSs conceptualise cultural safety as the creation of an environment where Aboriginal and Torres Strait Islander people feel safe and draw strength in their identity, culture and community.

“It reminds me of that safe space when you’re a kid, I was always dragged around community services by my mum, and it’s like when community comes together and you can just have a cuppa, sit down and have a conversation... where you are welcome and where you are safe.”

—FVPLS client

Aboriginal and Torres Strait Islander community controlled organisations are recognised as important and powerful mechanisms for decision making by Aboriginal and Torres Strait Islander people and communities. Community ownership and leadership are strongly linked to the cultural authority and legitimacy of service providers to Aboriginal and Torres Strait Islander victim/survivors of family violence, which in turn strengthens the capacity of these organisations to deliver the outcomes required. Aboriginal and Torres Strait Islander community controlled organisations have an immediate connection into community. Increasing the voice and leadership of Aboriginal and Torres Strait Islander women in particular will achieve outcomes in relation to cultural safety and the wellbeing of Aboriginal and Torres Strait Islander communities.

Cultural safety is more than just cultural awareness; it is the capacity to improve outcomes by incorporating culture into the delivery of services and has a responsibility requiring commitment to a 'whole of organisation' approach in which culture is not only recognised but the understanding, valuing and celebrating of culture underpins the organisation at its very core and flows through every level of the organisation and its work.