

Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan Engagement

Public Submissions Discussion Paper



Acknowledgements

SNAICC acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures, and to Elders both past and present.

We acknowledge the lived experiences of Aboriginal and Torres Strait Islander individuals, families, and communities impacted by domestic, family, and sexual violence. Aboriginal and Torres Strait Islander peoples also bring immense strength and resilience through their connection to culture, community, ancestry and land. We acknowledge the role of Aboriginal and Torres Strait Islander women as leaders in working to combat the disproportionate levels of violence directed against them, their children and their communities.

We also wish to acknowledge the work of countless individuals, groups, and organisations who work tirelessly to end violence and support Aboriginal and Torres Strait Islander people impacted by violence.

We would also like to thank Tovani Cox who designed the artwork that is supporting the Family Safety Plan engagements. Tovani was born in Broome and comes from the Bunuba, Gija and Karajarri peoples across the Kimberley region.

Description of artwork

"Safety is one of the core fundamentals of individual, family, and community life. Family safety specifically requires a network of support from different layers and levels of community(s), agencies, and sectors.

The illustration depicts the strength of the varying layers and levels coming together to build and grow a network of family safety across Australia and is represented through various geographical locations and settings. The colours chosen, represent both the land and sea and acknowledges both Aboriginal and Torres Strait Island people. The focus of this piece is at the centre with the joining of different people, experiences, and needs, coming together surrounded by supports to show strength and unity for a safer, stronger community."



Our Ways - Strong Ways - Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan Engagement

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Help and Support

If you or someone close to you is experiencing, or at risk of experiencing immediate danger, please call 000. For information, family, domestic and sexual violence services, support and counselling, you can contact:

| 13 YARN | Support line for mob who are feeling overwhelmed or having | 13 92 76 | | |
|--|---|----------------------|--|--|
| | difficulty coping. Available 24/7. | www.13yarn.org.au | | |
| Well Mob | Social, emotional and cultural wellbeing online resources for | wellmob.org.au | | |
| | Aboriginal and Torres Strait Islander peoples. | | | |
| Brother to Brother | Brother to Brother is Australia's first 24-hour hotline | 1800 435 799 | | |
| Crisis Support Line assisting Aboriginal men, staffed by Aboriginal men, including | | dardimunwurro.com.au | | |
| | Elders, to promote a culturally safe service. Available 24/7. | /brother-to-brother | | |
| Thirrili Postvention | Indigenous Suicide Postvention Response Service supporting | 1800 805 801 | | |
| Response Service | individuals, families and communities affected by suicide or | www.thirrili.com.au | | |
| | other significant trauma. Available 24/7. | | | |

Aboriginal and Torres Strait Islander Services

National Services

| 1800RESPECT | National domestic, family and sexual violence counselling, information and support service. This service is free, confidential and available 24 hours a day, 7 days a week. | 1800 737 732 1800respect.org.au |
|---|---|--|
| National Elder Abuse Hotline | Free call number that redirects callers seeking information and advice on Elder abuse with the phone service in their jurisdiction. Elder abuse phone lines are not crisis support services, and operating hours and services vary across jurisdictions. | 1800 ELDERHelp (1800 353 374) health.gov.au/ contacts/elder-abuse - phone-line |
| The National Disability Abuse and Neglect Hotline Disability Gateway | The National Disability Abuse and Neglect Hotline is a free, independent and confidential service for reporting abuse and neglect of people with disability. The Disability Gateway is a free Australian-wide service to help people with disability, their families and carers find trusted information and services. | 1800 880 052 jobaccess.gov.au complaints/hotline 1800 643 787 disabilitygateway.gov.au |
| QLife | QLife provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, gender, bodies, feelings or relationships. | 1800 184 527 qlife.org.au |
| Kids Helpline | Australia's only free, confidential 24/7 online and phone counselling service for young people aged 5 to 25. | 1800 551 800 kidshelpline.com.au |
| Men's Referral Service | The Men's Referral Service is the national counselling, information and referral service for men who use violence and abuse to change their behaviour. | 1300 766 491 ntv.org.au/mrs/ |
| eSafety Commissioner | Australia's national regulator of online safety, with reporting schemes to help people who experience online abuse. Culturally tailored materials, including stories from mob in language and tips to help you be deadly online. | esafety.gov.au/report esafety.gov.au/first-nations |



The National Aboriginal and Torres Strait Islander Family Safety Plan

Work is underway to create Australia's first standalone National Plan for Aboriginal and Torres Strait Islander family safety. Its development is the culmination of decades of advocacy and work from Aboriginal and Torres Strait Islander women, communities and services to address the complex issue of family, domestic and sexual violence (FDSV). These voices have long been calling for a national plan dedicated to the safety of Aboriginal and Torres Strait Islander women and children. The need for dedicated policy and investment has been repeated for many years in national inquiries, reports, and national consultations. Many of these reports underpin or will inform the development of the National Aboriginal and Torres Strait Islander Family Safety Plan (Family Safety Plan) including the Aboriginal and Torres Strait Islander Action Plan 2023-25 (DSS, 2023), the National Plan to End Violence Against Women and Children 2022-32 (DSS, 2022), and Wiyi Yani U Thangani (Women's Voices) (AHRC, 2020).

The Family Safety Plan aims to improve the safety and wellbeing of Aboriginal and Torres Strait Islander women and children. It will guide a whole of society approach to addressing the unacceptable and disproportionate rates of violence against Aboriginal and Torres Strait Islander women and children. Aboriginal and Torres Strait Islander women experience violence at higher rates and severity than non-Indigenous women (Guthrie et al., 2020), making this work not only critical but also necessary to protect and advance the human rights of Aboriginal families. The Family Safety Plan will provide the framework for all governments to implement their ongoing commitment to the National Agreement on Closing the Gap (National Agreement), specifically in their efforts to achieve Target 13 which states that by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50%, as progress towards zero.

Who is involved?

The Family Safety Plan will be developed in partnership with Aboriginal and Torres Strait Islander communities, the National Aboriginal and Torres Strait Islander Family Safety Steering Committee (the Steering Committee), the Aboriginal and Torres Strait Islander community-controlled organisations (ACCO) sector, and federal, state and territory governments.

Development and delivery of the Family Safety Plan will involve broad consultation that supports genuine partnership and shared decision-making. This is in alignment with the Priority Reforms under the National Agreement, particularly Priority Reform One: Formal Partnerships and Shared Decision Making.

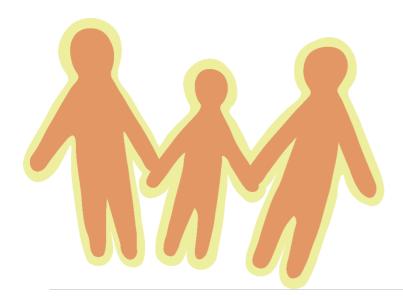
As well as the public submissions process, we will be holding targeted engagements with people who have experienced FDSV, children and young people, and ACCOs to shape the Family Safety



Plan. We will also be engaging with relevant government agencies and reviewing the existing evidence to build an evidence base of the most recent policy responses and recommendations that have emerged from the extensive work of Aboriginal and Torres Strait Islander communities and services. Together, these activities are intended to identify system level barriers and solutions, including for early support and prevention of FDSV, and for the experiences of people seeking help.

The development of the Family Safety Plan is being overseen by the Steering Committee, comprising 24 members appointed by the Minister for Social Services. There are 12 nongovernment Aboriginal and Torres Strait Islander representatives, two Commonwealth representatives, eight State and Territory representatives, and the Domestic, Family and Sexual Violence Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner.

In the spirit of self-determination and shared-decision making, the Department of Social Services has engaged SNAICC – National Voice for our Children (SNAICC) to facilitate a policy design process to develop the Family Safety Plan. SNAICC is the national non-government peak body for Aboriginal and Torres Strait Islander children. SNAICC works for the fulfilment of the rights of Aboriginal and Torres Strait Islander children, in particular to ensure their safety, development and well-being.



Have your say

Purpose of the submissions process

SNAICC, as the Secretariat for the Steering Committee, is seeking your contributions towards designing the national approach to family, domestic and sexual violence (FDSV). The public submissions process seeks your perspective on the solutions, priorities and approaches that should make up the Family Safety Plan, so it represents the voices and needs of our communities. Everyone is welcome and encouraged to provide a submission. The contributions of Aboriginal and Torres Strait Islander people, communities, and organisations will be centred in the development of the Family Safety Plan, and the contributions of others who support Aboriginal and Torres Strait Islander families and communities are also valued.

Our Ways – *Strong Ways* – *Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan Engagement* is the title of the engagement phase of the Family Safety Plan's development. As part of a broader engagement process, submissions will help shape the Family Safety Plan. Our Ways – Strong Ways – Our Voices will also involve targeted engagements with people who have experienced FDSV, children and young people, and services. The engagement process intends to ensure the Family Safety Plan:

- Is informed by the service system experiences of Aboriginal and Torres Strait Islander people.
- Highlights and builds on examples of good practice and community strengths.
- Centres Aboriginal and Torres Strait Islander ways of knowing, being and doing.



This discussion paper is intended to support you to contribute to the public submissions process. To support you to develop your response, the discussion paper:



- Outlines the policy landscape that the Family Safety Plan will operate in
- Provides a broad overview of the unique context of Aboriginal and Torres Strait Islander peoples' experience of violence.

It also includes optional questions to guide your submission. Questions aim to build on the existing evidence base by deepening our understanding of the experiences of Aboriginal and Torres Strait Islander people, communities, and services, while addressing gaps in our knowledge. Many questions are solutions-focused to ensure that Aboriginal and Torres Strait Islander voices are front and centre of the national policy approaches that will come out of the Family Safety Plan.

SNAICC will create a Consultation Report summarising what we hear in the Our Ways – Strong Ways – Our Voices engagement phase, including submissions. No individual will be identified in this report. By providing a submission, your voice, experiences, and knowledge will help the Family Safety Plan make a tangible impact on the safety of Aboriginal and Torres Strait Islander people and communities.

How to respond

The public submissions process is open from 4 September 2024 **until 11.59pm AEST on 25 October 2024**. To share your views and experiences, you can upload a written or audio submission to the <u>webpage form</u>. Written submissions may be uploaded in a Word (.docx), PDF (.pdf), PowerPoint (.pptx) or Excel (.xlsx) format.

There are optional questions at the end of the paper to support you to identify the issues, solutions, priorities, and experiences that you consider important in the Family Safety Plan. You can answer none, some or all of the questions. If you choose to respond without using the questions, you are welcome to provide a submission that covers issues, solutions or priorities you believe are relevant.

We encourage you to use or build on previous submissions provided as part of other consultations. If you choose to upload a previous submission, please tell us which consultation process the submission informed.

You can contact SNAICC at <u>familysafetyplan@snaicc.org.au</u> if you would like to speak to someone about the public submissions process and how to participate.

Consent

All experiences and voices are valuable for this submissions process. However, your participation is voluntary, and we ask that you only provide a submission if you wish to do so. If you have any questions about the process, please email SNAICC at <u>familysafetyplan@snaicc.org.au</u>.



If you have provided a submission, you can choose to withdraw it. If you wish to withdraw your consent, please email SNAICC at <u>familysafetyplan@snaicc.org.au</u> by **18 November 2024** and SNAICC will delete any copies of your submission. As your safety is important, please tell us in your email if it is okay for us to reply to your email with an update on your submission.

For safety, SNAICC will not publish submissions from individuals. However, SNAICC will publish written submissions from organisations and academics where *consent has been provided to do so*.

When you upload a written submission, you will be asked to specify whether you would like your submission to be uploaded to SNAICC's website. You can choose for your submission to be uploaded without identifying information, such as your organisation's name or location. If you change your mind about publishing your submission, please contact SNAICC at familysafetyplan@snaicc.org.au.

You can contact us at any time to change your mind: if we have already published your submission, we will delete it from the webpage.



Strategic environment

In addition to the Our Ways – Strong Ways – Our Voices consultations, the Family Safety Plan is also being informed by the significant efforts of Aboriginal and Torres Strait Islander women and communities who have dedicated their time and knowledge over many years to shape and inform considerable national reports, inquiries, and policies to foster safer and stronger communities. To provide a starting point, this section will give a broad overview of some of the principles and recent national work that shape the policy environment of the Family Safety Plan.

Self-determination

The Family Safety Plan will commit to the key principle of the Wiyi Yani U Thangani Outcomes Report (AHRC, 2020) – to ground the development of the plan in self-determination.

Self-determination describes the right of Aboriginal and Torres Strait Islander peoples to autonomy and self-governance (SNAICC, 2022). As a core right of all peoples, self-determination should be implemented as a legal and policy objective across all aspects of governance. As expressed by Lowitja O'Donogue in 1993:

"Self-determination as a concept is not something which can be tacked onto program design or introduced through piecemeal consultation. It has to be accepted as a policy objective that pervades the relationship of indigenous peoples to the wider community" (in Fletcher (ed), 1993).

Exercise of the right to self-determination will look different in different circumstances, as the character of the right is to be determined by the people who are empowered to exercise it (Gooda, 2012). Accordingly, truly representative and accountable community governance structures are essential in upholding the right to self-determination, empowering Aboriginal and Torres Strait Islander communities to 'articulate their interests, exercise their rights and responsibilities and reconcile their differences.' (NCFNG, 2008)

Critical to self-determination is regaining Aboriginal and Torres Strait Islander control over decisions that affect their lives, and recognition of Aboriginal and Torres Strait Islander laws (Gooda, 2012). True self-determination goes beyond consultation – as articulated in the *Bringing them Home Report* self-determination is "decision-making carried through into implementation" (HROEC, 1997).

Self-determination has been recognised as central to preventing and responding to domestic, family and sexual violence against Aboriginal and Torres Strait Islander people (DSS, 2022). The Family Safety Plan will be developed by centring Aboriginal and Torres Strait Islander ways of knowing, being and doing, and highlight Aboriginal and Torres Strait Islander community strengths in preventing and addressing violence against women and children.



National Agreement on Closing the Gap

In July 2020, the Australian Government, all state and territory governments, and the Coalition of Peaks signed the National Agreement on Closing the Gap. The National Agreement seeks to overcome the entrenched inequalities faced by Aboriginal and Torres Strait Islander people, pushing for equality in life outcomes for all Australians. The National Agreement has 19 national socio-economic targets across areas that have an impact on life outcomes for Aboriginal and Torres Strait Islander people.

The Family Safety Plan will be the national strategy to achieve Target 13 under Outcome 13 of the National Agreement. Outcome 13 is focused on ensuring that Aboriginal and Torres Strait Islander families and households are safe. It includes Target 13 – by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50%, as progress towards zero – which is supported by a series of indicators related to Aboriginal and Torres Strait Islander women's and children's experience of family violence.

The Priority Reforms:

| Priority Reform 1: Formal Partnerships and Shared Decision Making | • Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements | | | |
|--|---|--|--|--|
| | | | | |
| Priority Reform 2: Building the Community Controlled Sector | • There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country | | | |
| | | | | |
| Priority Reform 3: Transforming Government Organisations | • Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund | | | |
| | | | | |
| Priority Reform 4: Shared Access to Data and Information at a Regional Level | Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development | | | |



The National Agreement is built around four Priority Reforms to change the way governments work with Aboriginal and Torres Strait Islander communities, organisations, and people across the country. The Priority Reforms are based on what Aboriginal and Torres Strait Islander people have been saying for a long time is needed to improve the lives of our people and have been committed to by all levels of government.

The Priority Reforms must inform all government action including legislation, policy, and practice, whether these actions are targeted for Aboriginal and Torres Strait Islander peoples or impact them as part of the general population. Although it will primarily sit under Priority Reform One, the Family Safety Plan will work to progress all Priority Reforms in development and ongoing delivery. This will involve broad consultation that supports genuine partnership and shared decision-making.

National Plan to End Violence Against Women and Children (2022-32)

The development of the Family Safety Plan is a commitment under the National Plan to End Violence Against Women and Children 2022-2032 (National Plan) (DSS, 2022). The National Plan is the over-arching national policy framework to guide action to address violence against women and children. It was agreed by all state, territory and Commonwealth governments and released in October 2022.

The vision of the National Plan is to end violence in one generation. The National Plan is centred around six principles:

- 1. Advancing gender equality
- 2. Closing the Gap
- 3. Centring victim-survivors
- 4. Perpetrator accountability
- 5. Intersectionality
- 6. Person-centred coordination and integration

The National Plan will be delivered through two five-year Action Plans, and an Aboriginal and Torres Strait Islander Action Plan. The Family Safety Plan will work alongside the National Plan to increase the safety and wellbeing of Aboriginal and Torres Strait Islander women and children.

Aboriginal and Torres Strait Islander Action Plan 2023-2025

Under the National Plan, a dedicated Aboriginal and Torres Strait Islander Action Plan (Action Plan) (DSS, 2023) has been published to address the disproportionately high and devastating rates of violence against Aboriginal and Torres Strait Islander women and children. The Action Plan was developed with the Aboriginal and Torres Strait Islander Advisory Council on domestic, family, and sexual violence, and was informed by an extensive literature review and community consultation process. The voices of Aboriginal and Torres Strait Islander people informed the focus and priorities of the Action Plan.



The Action Plan has been designed to progress and promote the four Priority Reforms of the National Agreement, with five Reform Areas:

- 1. Voice, self-determination and agency
- 2. Strength, resilience and therapeutic healing
- 3. Reform institutions and systems
- 4. Evidence and data eco-systems
- 5. Inclusion and intersectionality.

The community voices that contributed to develop the Action Plan, will be brought forward to help inform the Family Safety Plan, and the Action Plan will be reviewed and aligned with the Family Safety Plan once the new plan is finalised. The Family Safety Plan intends to build on what works from the Action Plan.

Wiyi Yani U Thangani (Women's Voices)

The context, principles and targets of the Action Plan were informed by a large body of evidence, including the Wiyi Yani U Thangani (Women's Voices) Project, led by the Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO. Wiyi Yani U Thangani elevates the voices, strengths, and knowledges of Aboriginal and Torres Strait Islander women and girls into decision-making spaces to advance gender justice and equality. The Project involved the landmark Wiyi Yani U Thangani Report which presents the collective voices of over 2,000 Aboriginal and Torres Strait Islander women (AHRC, 2020). In addition to providing the evidence showing that mainstream systems and structures perpetuate and entrench the inequalities and marginalisation experienced by Aboriginal and Torres Strait Islander women and girls, Wiyi Yani U Thangani describes a pathway for structural and social change where Aboriginal and Torres Strait Islander cultural, social, economic, and political rights and interests are realised.

Key definitions

Family and domestic violence

Many Aboriginal and Torres Strait Islander people and communities prefer the term 'family violence' because of the ways violence can occur across extended family networks (DSS, 2022).

"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" (Cripps and Davis, 2012).



Domestic violence is most often used to refer to intimate partners who live together or have another type of relationship of dependency.

Domestic and family violence often involves a pattern of behaviour and may involve a range of different types of abuse. It does not always need to be physical. These types of abuse may have different impacts and show up differently for different family members, such as children and Elders.

Sexual violence

Sexual violence exists both inside and outside of the intimate partner, family and domestic violence contexts and can include sexual assault, sexual threat, sexual harassment, child sexual abuse, street-based sexual harassment, and forms of technology-facilitated sexual violence, such as image-based abuse sexual harassment (Australian Institute of Health and Welfare, 2018; World Health Organisation, 2021).



The need for a Family Safety Plan – the historical and ongoing context

Understanding FDSV and social disadvantage in Aboriginal and Torres Strait Islander communities requires an understanding of intergenerational trauma within our communities – trauma which is directly linked to the legacy and impacts of colonisation. There is significant evidence to show that violent policies and practices, including the forced removal of children, dispossession of land and identity, institutionalisation and assimilation, violence by non-Indigenous men, and the breakdown of cultural practices and kinship systems result in ongoing intergenerational trauma, disempowerment, and social and economic exclusion (Douglas, 2020; Guthrie et al., 2020; House of Representatives Standing Committee on Social Policy and Legal Affairs, 2021; Our Watch, 2018). This is further influenced by entrenched poverty and political marginalisation, substance abuse and the loss of traditional gender structures (SNAICC, NFVPLS and NATSILS, 2017). The impact of these factors is still being felt among Aboriginal and Torres Strait Islander communities and sits at the heart of family violence (Guthrie et al., 2020; Morgan et al., 2022).

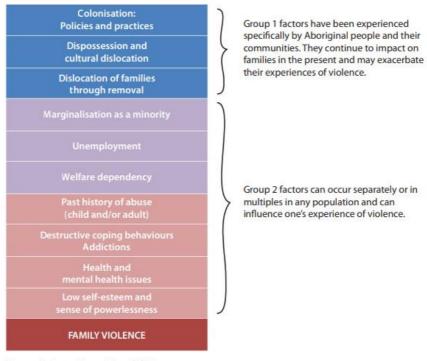


Figure 1: Factors contributing to family violence in Aboriginal and Torres Strait Islander communities

Source: Adapted from Cripps^{16(p230)}

Factors contributing to family violence experienced by Aboriginal and Torres Strait Islander people are complex and interrelated. Cripps and Adam (2014) (*Figure 1*) separate these factors into two groups – Group 1 are experienced specifically by Aboriginal and Torres Strait Islander people, and Group 2 factors can be experienced by any person. Understanding the context of

FDSV in Aboriginal and Torres Strait Islander communities requires the recognition of the continuing impact of Group 1 factors.

Mainstream views and approaches to FDSV have often overlooked these ongoing impacts of colonisation, marginalisation, displacement and intergenerational trauma. The historical and continuing threat of child removal has contributed to system mistrust and fear and acts as a deterrent for Aboriginal and Torres Strait Islander women and children from seeking support and reporting FDSV (Jones et al., 2023; Kerr & Weldon, 2020). Family violence is one of the primary drivers for the disproportionate and escalating rates of Aboriginal and Torres Strait Islander child removal and out-of-home care placement (AIHW, 2022; Our Watch, 2018). Aboriginal and Torres Strait Islander child removal and out-of-home care placement (AIHW, 2022; Our Watch, 2018). Aboriginal and Torres Strait Islander children (SNAICC, 2023). Past experiences with police have led to a lack of confidence in systems for some Aboriginal and Torres Strait Islander women, and racism within the policing and legal systems has led to the dismissal or minimisation of experiences of violence when help is sought (Bevan, Lloyd, & McGlade, 2024). Lack of cultural safety in the way first responders and services engage contributes to underreporting of violence to police and mainstream services and can continue to escalate the risk of harm from domestic and family violence, as the lack of options leaves women and children isolated.

Other factors that deter Aboriginal and Torres Strait Islander women from reporting or seeking support for FDSV include the misidentification of victims as perpetrators, institutional racism, experiences with incarceration and the criminal justice system (DSS, 2022; Jones et al., 2023), along with expectations to uphold community and kinship ties (Our Watch, 2018).

There are also a broad range of social, economic, cultural, systemic and logistical barriers to reporting, seeking support, or relocating for FDSV. As an example, these include:

- Poverty or a lack of financial capacity, which can impact affording support services and escaping violence (whether leaving the household or the community)
- A lack of available services, where some communities have no services or the services have employees known to the person seeking support, services are only open at impractical times for the victim/survivor, or services are not culturally appropriate
- Limited access to legal support, particularly culturally appropriate options, with barriers such as cost, limited availability or relevant expertise, poor referral pathways, some legal services not representing clients in criminal cases or FDSV matters, or "systems abuse" where people who use violence manipulate the legal system (Langton et al., 2020)
- A lack of culturally appropriate, affordable and safe housing options for Aboriginal and Torres Strait Islander women and children seeking to leave a violent relationship
- State-imposed restrictions that disproportionately impact Aboriginal and Torres Strait Islander people, such as welfare card and Centrelink obstacles, child protection requirements, and judicial restrictions that limit people's movement (Guthrie, 2020; Our Watch, 2018).



A culturally informed and community-led approach is needed to achieve the changes required for Aboriginal and Torres Strait Islander communities to live free from FDSV. Approaches that may assist women or children from non-Aboriginal or Torres Strait Islander backgrounds can have unintended negative consequences for First Nations communities and people. It is imperative that solutions to FDSV are deeply informed by cultural knowledge and context to mitigate the chances of unintended harm and succeed in increasing family safety.

Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan Engagement Discussion Paper



Questions are optional to allow you to identify the issues, solutions, priorities, and experiences that you consider important in the Family Safety Plan to reflect the needs of your community. If you choose to respond to our questions, you are welcome to answer all questions or only answer the questions of interest to you. If you choose to respond without using the questions, you are welcome to provide a submission that covers issues, solutions or priorities you believe are relevant.

Question 1: What are the key priorities and actions the Family Safety Plan should focus on to create real and sustainable change for Aboriginal and Torres Strait Islander families?

In your response, you may like to talk about your ideas for what safety could look like in your community and what would be needed to achieve that – things like long-term approaches, including funding models or ideas of things that could help.

Question 2: If there were no barriers, how would your community address FDSV?

In your response, you may wish to talk about what works well and any barriers or gaps in the service system within your community. This may include whether people in your community know about services available and what types of supports your community prefers.

You may also wish to talk about how services and supports come together and whether you feel there are some needs that are not being met. You could also comment on how the services are provided and the skill sets required to work with your community in a supportive healing way. This may also include how to support Aboriginal and Torres Strait Islander women and girls to become leaders in their community. You may also like to consider healing pathways for families that are aligned with community protocols.

Question 3: What does culturally appropriate and holistic service provision look and feel like?

In your response, you may like to talk about positive examples from your community, or what your community needs for a more holistic approach. This means an approach that looks at all your needs together and not just one specific issue. This could include current gaps in cultural safety. If you are representing an organisation, you may like to talk about all the community supports you deliver and the strengths of this approach.

Question 4: How can governments and mainstream services best support Aboriginal and Torres Strait Islander people (including workforce and clients), services and solutions?

When we say mainstream services, we mean organisations that deliver services to all Australians, including Aboriginal and Torres Strait Islander peoples.

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In your response, you may like to talk about how mainstream services in your community currently support Aboriginal and Torres Strait Islander people and whether this is effective and appropriate, or how mainstream services can ensure culturally safe and accessible service delivery or workplaces. You may like to consider how mainstream services and governments could work with or elevate ACCOs and other community-led solutions, or how mainstream services funded to support Aboriginal and Torres Strait Islander clients should be monitored.

Question 5: How should the service system respond to the intersectional needs of Aboriginal and Torres Strait Islander people and communities?

In your response, you may like to talk about how services manage intersecting needs when addressing FDSV, such as housing, health, transport, healing, or clients with cross border issues.

You may also like to talk about the unique needs of people in your community when addressing FDSV, such as the broader family unit, children and young people, Elders, people with disability, people who are LGBTIQA+SB, women experiencing incarceration, men who are impacted by FDSV, or people who use violence, including young people.



References

Australian Institute of Health and Welfare (AIHW) (2022) *Child Protection Australia 2020-21*, Supplementary Tables, Table S3.10, available at: <u>https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2020-21</u>.

Australian Institute of Health and Welfare (AIHW) (2018) Family, domestic and sexual violence in Australia, 2018, AIHW, Australian Government.

Australia's National Research Organisation for Women's Safety (ANROWS) (2021). Defining and responding to coercive control: Policy brief (ANROWS Insights, 01/2021). ANROWS.

Australian Human Rights Commission (AHRC) (2020) Wiyi Yani U Thangani (Women's Voices): Securing our rights, securing our future report.

Bevan, C., Lloyd, J., & McGlade, H. (2024). Missing, murdered and incarcerated Indigenous women in Australia: A literature review. ANROWS

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.

Cripps, K., and Davis, M. (2012) Communities working to reduce Indigenous family violence. Indigenous Justice Clearinghouse. Available at <u>https://www.indigenousjustice.gov.au/wp-</u> <u>content/uploads/mp/files/publications/files/brief012-v1.pdf</u>

Department of Social Services (DSS) (2023). Aboriginal and Torres Strait Islander Action Plan 2023-2025. Under the National Plan to End Violence Against Women and Children 2022-2032. Commonwealth of Australia.

Department of Social Services (DSS) (2022). National Plan to End Violence against Women and Children 2022–2032. Commonwealth of Australia.

Douglas, H., McGlade, H., Tarrant, S., and Tolmie, J. 2020. Facts seen and unseen: improving justice responses by using a social entrapment lens for cases involving abused women (as offenders or victims). Current Issues in Criminal Justice 32 (4): 488-506.

Gooda, M. (2012) Social Justice Report 2012. Aboriginal and Torres Strait Islander Social Justice Commissioner. Sydney: Australian Human Rights Commission. Available at: <u>https://humanrights.gov.au/our-</u> work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-11

Guthrie, J., Thurber, K., Lovett, R., Gray, M., Banks, E., Olsen, A., Calabria, B., Priest, N., Dance, P., Thandrayen, J., Colonna, E., Cohen., Brinckley, M., Wells, S., Salmon, M., Doery, K., Movva, N., Dunbar, T., and Hovane, V (2020). The answers were there before white man come in': stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander communities – Family and Community Safety for Aboriginal and Torres Strait Islander Peoples Study Report. Australian National University.

House of Representatives Standing Committee on Social Policy and Legal Affairs (2021). *Inquiry into family, domestic and sexual violence*. Commonwealth of Australia.



Human Rights and Equal Opportunity Commission (1997) Bringing them home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families. Sydney: Commonwealth of Australia (Parliamentary paper, no. 128 of 1997).

Kerr, A., & Weldon, C. (2020). Escaping family violence: How the justice system is failing Aboriginal women. Precedent. (159), 16–21.

Jones, J., Roarty, L., Gilroy, J., Brook, J., Wilson, M., Garlett, C., McGlade, H., Williams, R., Leonard, H. (2023). Research Report: Wangkiny Yirra "Speaking Up". First Nations women and children with disability and their experiences of family and domestic violence. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Langton, M., Smith, K., Eastman, T., O'Neill, L., Cheesman, E., & Rose, M. (2020). *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Research report, 25/2020). Sydney: ANROWS.

Morgan, G., Butler, C., French, R., Creamer, T., Hillan, L., Ruggiero, E., Parsons, J., Prior, G., Idagi, L., Bruce, R., Gray, T., Jia, T., Hostalek, M., Gibson, J., Mitchell, B., Lea, T., Clancy, K., Barber, U., Higgins, D., Trew, S. (2022) New Ways for Our Families: Designing an Aboriginal and Torres Strait Islander cultural practice framework and system responses to address the impacts of domestic and family violence on children and young people (Research Report, 06/2022) ANROWS.

National Centre for First Nations Governance (2008) *Principles to Support Effective Governance*. Discussion Document. Vancouver: National Centre for First Nations Governance.

O'Donoghue, L. (1994) 'Keynote address: Australian Government and self-determination', in Fletcher, C., Aboriginal Self-determination in Australia. Canberra: Aboriginal Studies Press, p. 4.

Our Watch (2018) Changing the picture background paper: Understanding violence against Aboriginal and Torres Strait Islander women and their children. Our Watch.

SNAICC – National Voice for our Children (2022), Family Matters Report 2022. Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care.

SNAICC – National Voice for our Children (2023), Family Matters Report 2023, SNAICC.

SNAICC – National Voice for our Children, National Family Violence Prevention Legal Services (NFVPLS) and National Aboriginal & Torres Strait Islander Legal Services (NATSILS) (2017) Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families, SNAICC.

United Nations General Assembly (1966) International Covenant on Civil and Political Rights. New York: United Nations Publications (Treaty Series 999).