

Submission to the National Aboriginal and Torres Strait Islander Family Safety Plan

Dhelk Dja Koori Caucus

October 2024



Acknowledgment

We acknowledge the Traditional Owners of the lands across Victoria that we work on, and pay our respects to their Elders, both past and present and to their children and young people, who are our future Elders and caretakers of this great land. We acknowledge all Aboriginal and Torres Strait Islander individuals, families, and communities impacted by family violence and recognise their strength and resilience. We also acknowledge all those who have lost their lives to family violence and the families and communities impacted by these losses.

Note on Language

We use the term 'Aboriginal' to describe the many Aboriginal and Torres Strait Islander Peoples, Clans and Traditional Owner Groups whose traditional lands comprise what is now called Australia.

Contact

We welcome the chance to discuss this submission in more detail. For further information, please contact the Dhelk Dja Koori Caucus Secretariat at dhelk.dja@vacca.org

About Dhelk Dja Koori Caucus

The Dhelk Dja Koori Caucus is the state-wide authorising Aboriginal body for family violence service delivery and reform in Victoria. The role of Dhelk Dja Koori Caucus is to collectively lead and implement the *Dhelk Dja: Safe Our Way – Strong Culture, Strong Peoples, Strong Families 2018-2028 Partnership Agreement* and *Dhelk Dja 3 Year Action Plan 2023-2025*. In doing so, Caucus elevates community voice, needs and priorities to inform systemic change.

The Dhelk Dja Partnership Agreement is Victoria's 10-year Aboriginal family violence agreement which commits the Victorian Government and Aboriginal services to work together and be accountable for ensuring Aboriginal people, families and communities are thriving and free from family violence.

Dhelk Dja Koori Caucus was established in 2005, with membership including 26 members comprised of Regional Action Group Chairs from across Victoria's regions, Aboriginal community-controlled organisations and Victim Survivors advisory council members. Caucus holds significant responsibility in endorsing and overseeing decisions that influence the design and delivery of family violence programs and services throughout the state. Dhelk Dja Koori Caucus plays a crucial role in advocating for systemic change and ensuring stronger government accountability across the family violence continuum – from prevention, early intervention, response to healing. This work is vital in addressing the unique challenges faced by Aboriginal communities and ensuring culturally appropriate support and interventions are appropriately resourced.

Recommendations

1. For the Family Safety Plan to consider the priorities and commitments of relevant, intersecting state and territory jurisdictions, such as the Dhelk Dja Partnership Agreement.
2. For the Family Safety Plan to include a focus on addressing experiences of violence for Aboriginal women, children and families perpetrated by non-Aboriginal men.
3. For the intersection of family violence and homelessness to be a key priority in the Family Safety Plan and be aligned with targets in the forthcoming *National Housing and Homelessness Plan*. This must include proportional investment for funding and infrastructure for crisis, refuge, short- and long-term accommodation for Aboriginal people experiencing and using violence.
4. For the Family Safety Plan to include investment in Aboriginal-led and designed services from prevention to early intervention, crisis response and healing.
5. For prevention to be a priority in the Family Safety Plan, with a particular focus on a national approach to Aboriginal-led healthy and respectful relationships training programs that are co-designed and delivered with Aboriginal community members and Aboriginal state and national bodies, such as Dhelk Dja Koori Caucus and SNAICC.
6. For the Family Safety Plan to focus on Aboriginal people using violence through a holistic approach that includes investment in culturally appropriate behaviour change programs, intensive case management, and work with the whole family to restore relationships and ensure safety.
7. For Aboriginal Data Sovereignty and transparency in provision of data to Aboriginal communities to be embedded in the Family Safety Plan.
8. For the Family Safety Plan to include an Aboriginal-led evaluation, oversight, and monitoring approach for its implementation, including specific roles and responsibilities for each state and territory.
9. For the establishment of a national system and legislative reform that addresses coercive control.
10. For the Family Safety Plan to embed actions to strengthen prevention and awareness of Elder abuse, including investment in Aboriginal-led services and ensuring that eligibility criteria for mainstream services is inclusive of Elders experiencing violence.
11. For the Federal Government to invest in alternative pathways and tertiary education to build the Aboriginal family violence workforce, acknowledging the vast spiritual, cultural, community and lived experience of Aboriginal people.
12. For the establishment of a national information sharing scheme to ensure timely information sharing across services and jurisdictions, as well as coercive control monitors.
13. For the development of national family violence legislation to provide a national practice framework to better address the systemic issues experienced by Aboriginal people impacted by family violence, including consistency across state practices that are driving factors of current responses delivered by mainstream and government services.
14. For a national approach that addresses state issues and gaps with funding and reporting to ensure investment provides resource and infrastructure required to meet community needs.
15. For national accreditation for cultural safety and awareness training, including mandatory requirements for the whole family violence sector nationwide to complete cultural awareness training, and that police and courts include this as a practice requirement.

16. For the Family Safety Plan to include long-term resourcing for Aboriginal communities and services to deliver culturally centred initiatives around prevention, early intervention, response and healing.
17. For the Family Safety Plan, as well as the corresponding *National Plan to End Violence against Women and Children* and Action Plans, to embed transparency of data provision as a requirement of government and mainstream services.
18. For the development of national guidelines to mitigate misidentification of Aboriginal women as perpetrators of violence, specifically implemented within all state and national court and policing systems.
19. For the Family Safety Plan to articulate the intersection of Aboriginality, gender-based violence and colonisation.
20. For a whole of government response to address experiences of sexual abuse and violence by Aboriginal women, including substantial investment for prevention and response services, as well as appropriate housing.

Introduction

Dhelk Dja Koori Caucus welcomes the opportunity to provide a submission to the consultation on Australia's first standalone National Aboriginal and Torres Strait Islander Family Safety Plan (Family Safety Plan). This submission is based on the experience of Dhelk Dja Koori Caucus members that are both delivering services to community and those that are embedded in their local communities across Victoria's regions.

The development of a national standalone strategy to address family violence is well overdue. As such, Caucus acknowledges the tireless advocacy and leadership of all Aboriginal voices that have called for family violence reform at the national level. Caucus is pleased to see that the Department of Social Services has engaged SNAICC to lead the consultation and policy development under the guidance of the National Aboriginal and Torres Strait Islander Family Safety Steering Committee. We hope that this self-determined process results in a Family Safety Plan that embeds Aboriginal shared decision-making and centres community aspirations. The Family Safety Plan must be informed by Aboriginal voices to ensure a holistic culturally focused response to violence and address the current barriers to safety for Aboriginal women, children, families and communities.

Caucus understands that the Family Safety Plan will be underpinned by the *National Plan to End Violence Against Women and Children 2022-32*, the *Aboriginal and Torres Strait Islander Action Plan 2023-32* and Wiyi Yani U Thangani (Women's Voices). The Family Safety Plan will also align with Target 13 of the *National Agreement on Closing the Gap*. Victoria has a strong advocacy voice and framework around family violence through Dhelk Dja Koorie Caucus and the Dhelk Dja Partnership Agreement, as such Caucus recommends for the Family Safety Plan to consider the priorities and commitments of relevant, intersecting state and territory jurisdictions, such as the Dhelk Dja Partnership Agreement.

What the data tells us

Aboriginal people and communities continue to be disproportionately affected by family violence. Yet, it can be challenging to determine the full extent of family violence in our communities due to underreporting, with some studies showing that family violence against Aboriginal women is under reported by as much as 90%¹. Through Caucus' experience, we know that under reporting occurs due to

¹ Willis, M. (2011). *Non-disclosure of family violence in Australian Indigenous communities*. Canberra, ACT: Australian Institute of Criminology.

a range of complex intersecting factors including; lack of culturally appropriate services, fear of child removal due to historical and current practices of mainstream and government services and authorities, increased risk of homelessness, systemic racism, impacts of social isolation from family, kin and community and the intersection of racism, sexism and colonial patriarchy which can influence how violence is perceived and addressed. Thorough consideration of the impacts of isolating women and children from their community is needed within the Family Safety Plan, as this further contributes to the disruption of culture and connection to community, family and kin.

In Victoria, the available data tells us that 5,930 Aboriginal people were identified as an ‘affected family member’ during family violence incidents attended by Victoria Police in 2024, compared with 85,652 non-Aboriginal Victorians.² This equates to Aboriginal people in Victoria making up 7 per cent of this cohort when the Aboriginal population make up just 1 per cent of the broader Victorian population.³ Victorian family violence data also shows that Aboriginal women are 25 times more likely than non-Aboriginal women, to be injured or killed at the hands of family violence.⁴

It is also critical to highlight the violence perpetrated against Aboriginal women and families by non-Aboriginal men. While exact data on this is not available, it is Caucus’ experience that this remains a significant issue in our communities. Data also shows that many Aboriginal women in Victoria have non-Aboriginal partners – 85 per cent of Aboriginal women in Melbourne, 67.9 per cent in Shepparton and 82.4 per cent in Bendigo.⁵ It can therefore be inferred that given the high prevalence of violence experienced by Aboriginal women, it is likely that the person responsible is non-Aboriginal. It is therefore essential for the Family Safety Plan to include a focus on addressing experiences of violence for Aboriginal women, children and families perpetrated by non-Aboriginal men.

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

Housing

The Family Safety Plan must include priorities around meeting demand for housing and accommodation, not only for people experiencing violence, but also for those using violence. At present data tells us that in 2021, it was reported that 24,930 Aboriginal people were estimated to be experiencing homelessness, this is a 6.4% increase from 2016 and accounts for 20.4% of the total homelessness population in the country.⁶ This is likely to be under reported and the most recent data from the Australian Bureau of Statistics was prior to the cost of living crisis meaning that the number of Aboriginal people experiencing homelessness is likely to have increased since 2021. It has also been identified by Dhelk Dja Regional Action groups that overcrowding and homelessness result in increased risk of using and experiencing family violence, and without an opportunity to meet basic living needs, this causes significant barriers in addressing deeply embedded trauma and associated behaviours that are at the root cause of family violence. Actions within the Family Safety Plan must ensure that isolation from community, culture and family is not a consequence suffered by those seeking safe accommodation and housing when leaving

² Crime Statistics Agency. (2024). *Family incidents by Aboriginal and Torres Strait Islander status*.

³ Australian Bureau of Statistics. (2021) Census of Population.

⁴ Victorian Agency for Health Information (2020). Family violence in Victoria: Findings from the Victorian Population Health Survey. Melbourne VIC.

⁵ Brown, Lily. (2019, November 25). Why we need to educate journalists about Aboriginal women’s experience of family violence. The Conversation.

⁶ Australian Bureau of Statistics. (2022). *Aboriginal and Torres Strait Islander peoples experiencing homelessness*.

violence. Self-determination must be embedded within the Family Safety Plan with respect to addressing the housing and homelessness crisis faced by Aboriginal community.

Housing remains one of the most significant barriers for those leaving violence and proportional investment and immediate action is required to address this. Greater investment is needed in housing across the continuum of accommodation options from crisis and refuge accommodation, transitional to long term housing. Caucus notes the importance of having sufficient accommodation across the entirety of the journey for those leaving violence. As such, the intersection of family violence and homelessness must be a key priority in the Family Safety Plan and be aligned with targets in the forthcoming *National Housing and Homelessness Plan*. The Family Safety Plan must also focus on investment in adequate housing and behaviour change programs for users of violence to achieve sustainable change and end the cycle of violence.

Investment in family violence service system from prevention to healing

The Family Safety Plan needs to focus not only on a family violence response, but that there is strong investment in every aspect of family violence and its drivers, from prevention to early intervention, crisis response and healing. There is currently a strong focus on response and associated services such as the criminal justice system and policing, however, to create sustainable change greater investment is needed in Aboriginal-led and designed healing and prevention programs nation-wide.

Often court ordered behaviour change programs do not meet the unique needs of the Aboriginal community and intergenerational trauma that contributes to using violence. As such, Caucus highlights the need for greater investment in prevention and holistic culturally informed behaviour change programs that have a focus on healing.

The Regional Action Group also continuously demonstrates the importance and efficacy of Aboriginal designed and led programs and initiatives with respect to addressing family violence within the Aboriginal community. Aboriginal designed and led programs and initiatives are tailored to the unique needs of Aboriginal community given they are grounded in cultural practices and techniques which promote healing and connection to culture. The knowledge and practice wisdom of Aboriginal people have a stronger and more meaningful impact, and as such, we see significantly more positive outcomes for those participating in these programs across Victoria.

Prevention

Aboriginal-led prevention is strategic priority two of the Dhelk Dja Partnership Agreement. There are many successful prevention initiatives delivered by Regional Action Groups and Aboriginal services across Victoria. As reported by Dhelk Dja Regional Action groups across Victoria, there is a lack of sustainable funding to resource Aboriginal campaigns in the prevention of family violence to eliminate gender based and racial stigmas that are a driving factor of family violence toward Aboriginal women. This often impacts the ongoing delivery of prevention initiatives and programs that are demonstrated to be successful. To achieve sustainable change there needs to be resources and focus on not only crisis response but also campaigns in prevention, early intervention for both people using and experiencing violence, and healing and recovery. The funding allocation and service design must be centred around Aboriginal workforce and Aboriginal community designed and led approaches that are flexible and able to be tailored at a local level that meets the needs of those communities.

Prevention should be a priority within the Family Safety Plan, with a particular focus on holistic Aboriginal-led approaches. These must incorporate a national approach to healthy and respectful relationships programs that are co-designed and delivered with Aboriginal community members and Aboriginal state and national bodies, such as Dhelk Dja Koori Caucus and SNAICC.

Key to prevention is also a shift in perspective on mainstream ways of working with Aboriginal people who use violence. We know that Aboriginal men who use violence have also often experienced violence themselves, and as such, they should be supported to address trauma while emphasising accountability. This is key to healing and breaking the cycle of violence. Investment is needed in culturally centred services that focus on behaviour change, provide intensive case management with family at the centre, work on addressing the root causes of violence and restoring relationships.

In order to make meaningful change toward prevention of family violence tailored to the needs of Aboriginal people who use violence, it is essential that consultation is undertaken with services that offer behaviour change and other supports to those using violence. Ensuring that the Family Safety Plan is informed by what is working well in terms of Aboriginal-led and designed services for people using violence is critical in elevating the strengths within Aboriginal ways of working with community.

Aboriginal Data Sovereignty

Aboriginal Data Sovereignty is a form of self-determination where Aboriginal communities, organisations and individuals have access to data about Aboriginal people with the ability to make decisions pertaining to them that are in the best interest of community. The lack of transparency and data sharing in relation to Aboriginal family violence data has been consistently raised as a key issue by the Dhelk Dja Koori Caucus. Limited data limits government accountability and is a barrier to meaningful interpretation of data that informs analysis of funding and service reform and provision. It is only when Aboriginal Data Sovereignty is acknowledged that there will be opportunity for Aboriginal-led sustainable change around family violence within the Aboriginal community. Aboriginal Data Sovereignty and transparency in provision of data to Aboriginal communities must be embedded in the Family Safety Plan.

Additionally, consistent monitoring and evaluation is needed nationally to ensure the implementation of family violence reform. As such, the Family Safety Plan must include an Aboriginal-led evaluation, oversight, and monitoring approach for its implementation, including specific roles and responsibilities for each state and territory.

Coercive control

Coercive control is a significant issue in our communities. As evidenced by Caucus experiences, including those of victim survivors and Aboriginal services, there are many national and state systems which are used as tools for coercive control. These include through the Child Protection, Criminal Justice, Child Support and Centrelink systems, as well as the Family Law Court. In the criminal justice system, research and Caucus experience highlight cases where users of violence apply for an intervention order (IVO) against a person affected by violence as a deliberate way of continuing to harm them.⁷ Such applications include those done in retaliation to an IVO against the person using violence, or those done pre-emptively to get an advantage in the Family Law Court.⁸

⁷ Reeves, E. (2020). Family violence, protection orders and systems abuse: views of legal practitioners. *Current Issues in Criminal Justice*, 32(1), 91–110.

⁸ Ibid.

Additionally, in a Family Law Court setting it is a common occurrence that mental health and alcohol and other drug (AOD) use associated with trauma and family violence is weaponised as a form of coercive control against the affected family member. This is further leveraged by the threat of child removal and financial abuse. Given systemic racism and the patriarchal systems that exist within Australia because of colonisation, Aboriginal women and children are particularly vulnerable to the impacts of coercive control within the Family Law system.

In terms of Centrelink payments, it is the experience of Caucus members that the women and children they serve experience financial abuse and coercive control. Centrelink processes and eligibility criteria offer an environment whereby women can often be forced into claims they are not eligible for and suffer consequences such as inheriting large debts and litigation. Women can often be placed in situations where they are expected to pay a childcare debt if the person using coercive control is not honest about their income or does not complete a tax return, this places the onus on women to manage things out of their control, yet the implications are imposed on them. The Family Safety Plan must address the issue of coercive control by establishing a national approach to ensure consistency across jurisdictions.

Elder Abuse

Elders have a central role as caregivers within our families and communities and hold important knowledge of cultural practices and protocols that they pass on to the next generation. However, Elders are also at a heightened risk of abuse, including financial, physical, emotional, and neglect, exacerbated by systemic disadvantages and cultural dislocation. In addition, the Stolen Generations face firsthand experiences and associated trauma of systemic racism and the impacts of past government policy, this imposes significant barriers to reporting family violence and abuse.

As raised at the Dhelk Dja Partnership Forum September 2024, there are instances whereby Elders attempt to seek support when experiencing abuse, however, services deem them ineligible for supports. The lack of recognition, understanding and resourcing in addressing and preventing Elder abuse evident within reports from Regional Action Groups and Aboriginal Services across the state. Prioritising Elder abuse in the Family Safety Plan is crucial due to the unique vulnerabilities faced by Aboriginal Elders. As such, the Family Safety Plan must embed actions to strengthen prevention and awareness of Elder abuse to reduce barriers to accessing support, including a national approach to training and practice frameworks for sector organisations.

Question 2: If there were no barriers, how would your community address Family Domestic and Sexual Violence?

Building the Aboriginal workforce

Currently there are significant barriers in addressing family domestic and sexual violence. The family violence sector is severely under resourced, and workforce are at capacity. With consideration to the Royal Commission into Family Violence Recommendation 209, the Aboriginal service sector will face a worsening crisis of having suitably qualified Aboriginal staff to deliver family violence services to Aboriginal people experiencing or using violence. As research tells us, culturally informed and safe services are more accessible for Aboriginal people experiencing violence and contribute to positive outcomes⁹. Implementing alternative pathways at a national level for Aboriginal people to enter the

⁹ Australian Institute of Family Studies. (2024). *Resources to support culturally safe service delivery to Aboriginal and Torres Strait Islander peoples.*

family violence workforce will increase workforce capacity and capability to deliver culturally holistic and safe service. This should place emphasis on acknowledging the vast spiritual, cultural, community and lived experience of Aboriginal people. Having a national standard and pathway into the family violence sector for Aboriginal people can provide a larger pool of skilled Aboriginal workforce which can contribute to increased access to services for those experiencing and using violence. As such, access to support that is Aboriginal-led and culturally safe means that better outcomes can be achieved for our communities in addressing family violence.

Information Sharing

Dhelk Dja Koori Caucus highlights that a key issue that impacts Aboriginal people leaving violence is information sharing across jurisdictions. There is currently no national information sharing scheme and this can create barriers for systems and services when responding to family violence. The impact of inconsistent practice has poor outcomes for Aboriginal people experiencing and using violence. In the absence of a national information sharing scheme, affected family members are often having to re-tell their story and experiencing additional trauma, while those that use violence are more likely to fall through the cracks and may escalate their use of violence due to decreased opportunity for effective intervention. As discussed above, the lack of mandatory information sharing and monitoring of coercive control between local government areas and between states and territories poses significant issues to re-traumatisation of those experiencing family violence and increased risk due to limited opportunity for early intervention.

A recent legislative review into family violence information and risk management identified significant correlation between the timeliness of information sharing and the efficacy of managing risk, furthermore complete inability to share information between jurisdictions increases risk significantly and decreases the likelihood of a timely response¹⁰. For example, in border towns such as Albury-Wodonga, limitations in information sharing between state child protective services and Aboriginal services place children at a higher risk due to limited ability to analyse and respond to situations in a timely manner. Cross jurisdiction information sharing barriers significantly hinder the Aboriginal services' ability to undertake critical work that requires a timely well informed response. National consistency in systems and practice standards are needed to ensure timely information sharing across services and jurisdictions.

Reporting and funding

While there are commitments to Aboriginal self-determination in agreements such as the Dhelk Dja Partnership Agreement and Closing the Gap, in practice, government designed reporting and metrics are not informed by Aboriginal communities and ACCO expertise. The stringent reporting processes for funding acquittal does not enable Aboriginal communities to tailor responses and services that meet the needs of each unique community and person experiencing violence. What works in one region may not work in another region, yet there are funding agreements and reporting processes that restrict the service design and capacity of the program, which results in a Targets and KPI driven approach rather than a culturally holistic, relevant and outcomes focused approach. State issues and gaps with funding and reporting should be addressed at a national level to ensure the Family Safety Plan and investment not only aligns with existing plans and agreements, but rather provides resource and infrastructure required to meet community needs that are currently missed or ineligible to state government funding structures.

¹⁰ Family Violence Reform Implementation Monitor. (2023, May). *Legislative review of family violence information sharing and risk management: Reviewing the effectiveness of Parts 5A and 11 of the Family Violence Protection Act 2008 (Vic)*.

Mainstream responses

Current processes enable ‘handballing of families’ and lack of accountability on holding risk, where for example families are referred to services by Child Protection as a means of closing a case then left in limbo. Current state systems also enforce decisions on families, such as cases where police force intervention orders on families, or child protection refer to services without family led decision making. These processes and responses do not encompass self-determination and do not address family violence in the Aboriginal community at a core level, but rather create further barriers by further entrenching fear of services, child removal and punitive consequences for seeking support. The Family Safety Plan must ensure there are national practice standards that provide consistency over any state standards that are driving factors of current responses delivered by mainstream and government services.

Lack of cultural safety

While government agencies and departments indicate high rates of cultural awareness training completion, this does not reflect what community is experiencing in practice. Dhelk Dja Koori Caucus have reported significant and ongoing experiences of racism, including direct, community and systemic cases, across the state in addition to culturally uninformed response to family violence incidents. It is evident that cultural safety is often not embedded within practice and consideration to ongoing quality control within this space is required to address the lack of culturally competent personnel within the sector. Systemic racism must be addressed at a national level to reduce barriers in accessing and receiving support for family violence in addition to having national standards that govern ongoing implementation of cultural safety for mainstream and government services.

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

Culturally centred approaches and Aboriginal-led service design

The absence of consistently culturally safe and holistic practices in mainstream approaches to family violence means our communities often face a generic, clinical, systemically racist responses to family violence that do not consider the importance of offering a community and culturally centred approach required to safely support Aboriginal community experiencing violence. Conversely, culturally appropriate, and holistic service provision is encompassed by an understanding and awareness of factors that lead to family violence experienced in the Aboriginal community. This means holistic service provision takes cultural and multi-dimensional lens of the unique needs of that person and what will build on their strengths in addition to meeting their needs.

Dhelk Dja Regional Action Groups and Aboriginal service providers demonstrate that Aboriginal designed and led initiatives achieve the best engagement and outcomes for Aboriginal community. In addition, the reports highlight the importance of delivering locally specific programs as all communities have unique needs and experiences which can be met and understood by locally based Aboriginal services. Additionally, research demonstrates the efficacy of place based Aboriginal-led services in the prevention and response to addressing family violence.¹¹ Furthermore, research shows that the most impactful approach in addressing violence against Aboriginal women involves a response that is culturally centred

¹¹ Blagg, H. (2024). Key Findings and Future Directions. ANROWS.

and encompasses healing of families as opposed to mainstream responses that hold more of a criminal justice response.¹² The Family Safety Plan must include long-term resourcing for Aboriginal communities and services to deliver culturally centred initiatives around prevention, early intervention, response and healing.

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

Government and mainstream reporting and accountability

Government accountability continues to be a significant challenge for Aboriginal services and community. Despite numerous initiatives and policies aimed at improving the wellbeing of Aboriginal people, there remains a persistent gap in the effective implementation of action plans and this has resulted in inadequate services, supports and resourcing. Victoria Police and child protective services are responsible for completing assessments that identify whether a family are experiencing family violence and inputting data into systems, for example L17's.¹³ However, it is identified in the annual data compilation report for Closing the Gap that there is no data available for Victoria on Aboriginal people experiencing family violence. As such, it is apparent that there is a gap in state to federal reporting with respect to Aboriginal people experiencing or using violence.

Additionally, while mainstream services are funded to provide services to Aboriginal community, they have no obligation or accountability to share or report on data. This has clear implications for service design, provision, and self-determination. The Family Safety Plan, as well as the corresponding *National Plan to End Violence against Women and Children* and Action Plans, must embed transparency of data provision as a requirement of government and mainstream services.

Embedding a cultural lens in government and mainstream service delivery

Ensuring that mainstream and government services are more culturally safe, trauma-informed and strength-based should be a key focus on the Family Safety Plan. One way of achieving this is through embedding a cultural lens in government and mainstream service delivery. Culturally appropriate service delivery and a culturally aware workforce is essential in working toward closing the gap. A culturally uninformed response to family violence in the Aboriginal community remains an issue identified by Regional Action Groups of Dhelk Dja Koori Caucus, such responses result in child removal, incarceration and separation of families and communities. As such, national accreditation for cultural safety and awareness training is needed, including mandatory requirements for the whole family violence sector nationwide to complete cultural awareness training, and that police and courts include this as a practice requirement.

Building the Aboriginal workforce

As previously stated, there remain both state and national shortages of skilled Aboriginal workforce within the family violence sector. There are intersecting issues identified that contribute to the shortage of Aboriginal workforce within the sector, firstly there is an overall high turnover of staff within crisis response hubs across the state of Victoria due to overwhelming demand and burnout. In addition, it has been identified in Dhelk Dja Action Group reports that there is a need to clearly outline the flexible entry

¹² Ibid

¹³ Productivity Commission. (2024). Closing the Gap Annual Data Compilation Report: July 2024. Australian Government.

requirements when advertising and recruiting to positions. Recommendation 209 of the Victorian Royal Commission into Family Violence provided policy on a 5-year transition period for employees working in the family violence sector to gain the mandatory minimum qualifications. It is noted by Dhelk Dja Koori Caucus that if this flexible approach is terminated there will be detrimental impacts on the Aboriginal family violence workforce and will prohibit those with valuable cultural knowledge and lived experience from having the opportunity to enter the workforce. Government must invest nationwide into ongoing flexible pathways and tertiary education to preserve and sustain the Aboriginal workforce within the family violence sector.

Child protection, misidentification, and family law

To ensure that responses to family violence are supportive rather than discriminative to Aboriginal people, it is crucial to understand the unique challenges they face and how current government responses and legislation are impacting Aboriginal people and community experiencing violence. It has been well established that Aboriginal communities experience family violence and over-representation in the child protection system compared to non-Aboriginal people. Current systems such as the Criminal Justice System, Family Law Court and Child Protection System are not informed by an Aboriginal understanding family violence or cultural safety. As discussed above, these systems are often used as a tool for coercive control.

As reported by Dhelk Dja Koori Caucus members, misidentification of the primary aggressor in family violence incidents is a significant issue, with Aboriginal women often being misidentified as perpetrators rather than the affected family member, leading to inappropriate legal and social service responses. Data also shows that Aboriginal women are at greater risk of misidentification as users of violence than non-Aboriginal women. Between 2016 and 2020, nearly 80 per cent of Aboriginal women who were identified by police as the respondent in family violence incidents had also been previously recorded as a victim-survivor (compared with nearly 60% for all female respondents).¹⁴ Djirra's report to the September 2024 Dhelk Dja Partnership Forum also highlighted that a review of their case files found that at least 24% of its clients in 2023 had been misidentified by police as people who used violence. In Djirra's practice experience, culturally unsafe policy and practice that is either directly related to or intersects with family violence often results in high rates of misidentification.¹⁵ In addition, misidentification can often result in child removal when Aboriginal women are wrongly misidentified and incarcerated. The L17 process, which involves police reporting family violence incidents, can exacerbate this issue, this is apparent when considering the over-representation of Aboriginal children in out of home care and the fact that the rate is growing rather than declining in Victoria.

For the government to better respond and support Aboriginal people experiencing family violence, state and national systems such as Criminal Justice, Child Protection and Family Law must be more trauma-informed and culturally safe. The development and co-design of national family violence legislation could provide a national practice framework to better address the systemic issues experienced by Aboriginal people impacted by family violence.

¹⁴ Crime Statistics Agency (2020): Magistrates' Court Data Tables 2019–20, Table 4. Outcome of FVIO applications by gender of respondent, July 2015 to June 2020.

¹⁵ Djirra. (2023). *Yoorrook Submission*. Retrieved from <https://djirra.org.au/wp-content/uploads/2023/03/Yoorrook-Submission-March-2023-Djirra.pdf>

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

Cultural awareness and understanding of lived experience

Firstly, the Family Safety Plan must include a focus of lived experience in the context of family violence within Aboriginal community. This refers to not only the victim survivor of family violence, but also encompasses the wider impact that violence inflicts on immediate and extended families and community. There must be consideration of social and cultural abuse and the contribution of the lasting impacts of trauma and racism upon Aboriginal people and community experiencing violence. Lived experience refers to the extended impact of family violence on family and community that affects family dynamics, the social fabric and wellbeing of community and the disruption to cultural continuity.

Data tells us that Aboriginal people are significantly overrepresented in every system and far more likely to experience poor health and social outcomes than non-Aboriginal counterparts.¹⁶ This means that issues like housing and homelessness, experiencing family violence, engagement within the justice system, child removal and disengagement with education and employment are all too commonly experienced by Aboriginal people. In response, the service system needs to be well informed on the issues faced by Aboriginal people due to colonisation and how this is a driver of family violence. The intersection of Aboriginality, gender-based violence and colonisation result in a complex experience of family violence for Aboriginal women that must be articulated in the Family Safety Plan.

Holistic response

The Family Safety Plan must ensure that the service response, policies, and action plans, create a holistic and culturally respectful response. This includes recognition of the additional traumas and racism experienced by Aboriginal communities experiencing family violence and systems and process that support those seeking help for intersecting issues such as housing, alcohol and other drugs, mental health supports and culturally appropriate parenting support.

Sexual violence and abuse

Service and system responses to sexual assault and violence against Aboriginal women are currently inadequate due to a system that does not recognise the impacts of colonisation. This is evident in the Missing and Murdered First Nations Women and Children report which found that sexual assault and violence inflicted on Aboriginal women and children is systemic and underlying social, economic, cultural, institutional, and historical causes contribute to the ongoing violence and particular vulnerabilities of First Nations women and children.¹⁷ As reported by Regional Action Groups, there has been a significant increase of sexual assault and violence. Aboriginal service members also raise the issue of policing turning Aboriginal women away when reporting sexual abuse and violence. The *Missing and Murdered First Nations Women and Children* report solidifies issues identified by Regional Action Groups that both the response to Aboriginal women and children is inadequate, and a nationwide lack of suitable housing is significantly contributing to an increase in sexual violence and abuse. A whole of government response is required to address experiences of sexual abuse and violence by Aboriginal women, including substantial investment for prevention and response services, as well as appropriate housing.

¹⁶ Productivity Commission. (2024). Closing the Gap Annual Data Compilation Report: July 2024. Australian Government.

¹⁷ Australian Parliament. (2024). Missing and murdered First Nations women and children Report. Australian Parliament.