



Sharing stories, finding solutions

## Djirra's Submission

# National Aboriginal and Torres Strait Islander Family Safety Plan

Djirra acknowledges and respects the Traditional Custodians on whose lands we are fortunate to live and work on, and we pay our respects to all Elders past and present. Djirra also acknowledges the many Aboriginal and Torres Strait Islander women we work with, who share their stories and experiences to enable Djirra to contribute to important submissions such as this.

Across Australia, we live on unceded land. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

November 2024

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## About Djirra

Djirra is a specialist Aboriginal Community Controlled Organisation (**ACCO**) with over 22 years' experience accompanying Aboriginal and Torres Strait Islander women, and their children, on their individual journeys. We find solutions through Aboriginal and Torres Strait Islander women sharing their stories, journeys, and experiences. Djirra celebrates women's strength and resilience. We are committed to a future without family violence.

Djirra delivers holistic, culturally safe, specialist family violence support, legal services and case management, alongside cultural and wellbeing workshops and programs. Our services have state-wide reach, touching every part of Victoria to meet the needs of Aboriginal and Torres Strait Islander women. Self-determination is the foundation of everything we do. Djirra amplifies the voices of Aboriginal and Torres Strait Islander women. We advocate for system-wide change to improve access to justice, eliminate systemic violence, and strengthen women's resilience.

We are an active member of First Nations Advocates Against Family Violence (**FNAAFV**) (formerly known as the National Family Violence Prevention and Legal Services Forum) the peak body for Aboriginal and Torres Strait Islander people who are experiencing or at risk of family violence.

Ending all forms of violence against Aboriginal women and children must be prioritised. We remain committed in our calls for increased and sustained investment in Djirra and other specialist Family Violence Prevention and Legal Services. Djirra's culturally safe and holistic frontline services and programs are designed to meet the unique and diverse needs of Aboriginal women.

Djirra has the solutions. Djirra is self-determination in action.

### Notes on Language Used

- 'Aboriginal' refers to Aboriginal and/or Torres Strait Islander people who live in Victoria.
- 'Family violence' refers to all forms of domestic, family and sexual violence.
- "Woman" or "women" refers to all individuals who identify as women, or who identify as non-binary or genderqueer. This inclusive approach aims to recognise and respect the diverse experiences and identities relating to gender within the broader community and acknowledges the oppressive impacts of gender through settler colonialism.

## Introduction

Djirra has long advocated for a standalone plan to end violence against Aboriginal women and children and welcomes the opportunity to make a submission to the *National Aboriginal and Torres Strait Islander Family Safety Plan* (Safety Plan). We also endorse the submission of our peak body First Nations Advocates Against Family Violence.

For over 22 years, Djirra has advocated for the safety of Aboriginal women and children experiencing family and sexual violence. This advocacy has included, among other things, repeated calls for:

- Investing in Aboriginal women's self-determination.
- Reversing the invisibility of Aboriginal women in discussions and policy settings about family violence.
- Addressing racism, bias and lack of cultural safety within government systems, with a particular focus on the misidentification of Aboriginal women as the primary aggressor in Police responses to family violence matters and blaming and punishing Aboriginal women for the violence they experience within the child protection system.
- Keeping our women and children safe and together. This requires radical change to child protection systems. Aboriginal women must be safe to access support for family violence without fearing the removal of their children.
- A focus on, and significantly scaled-up investment in, culturally safe early intervention and prevention across the life course to build resilience in our women and help keep them safe.
- Addressing the desperate need for safe and secure housing for Aboriginal women fleeing family violence. Our women should not have to choose between being safe or being homeless.
- Acknowledging the pervasive and intergenerational impact of family violence on Aboriginal women and children and centring family violence expertise in Aboriginal decision-making.
- Governments must recognise the complexity of supporting Aboriginal women experiencing family violence through hostile systems. This is especially when considering the unique issues our people face when working in their own communities.

We have had over three decades of inquiries, royal commissions and recommendations but this has not been met with any meaningful action by Governments.

# Summary of Recommendations

Please note that the order of the following recommendations has been determined based on responses to specific consultation questions, and this should not be interpreted as an indication of each recommendation's priority or importance.

## Recommendation 1

The Safety Plan must prioritise the safety and wellbeing of Aboriginal women and children and invest in specialist Family Violence Prevention and Legal Services (FVPLSs). In doing this, the Safety Plan must recognise and expressly acknowledge, that family violence is a gendered issue and that Aboriginal women experience violence from men of many cultures and backgrounds.

## Recommendation 2

In developing family violence responses for Victoria, the Safety Plan must require that:

- Perpetrator programs addressing violence against Aboriginal women be directed at non-Aboriginal men and must involve anti-racism interventions. Funding for these programs must come from a mainstream funding allocation, not from funding under the Safety Plan.
- Prevention and education programs aimed at Aboriginal women must acknowledge that a significant proportion of perpetrators are non-Aboriginal men. The Safety Plan must prioritise funding for specialist FVPLSs to deliver these programs.

## Recommendation 3

Governments must commit to implementing recommendations of previous inquiries and Royal Commissions; in particular the *Royal Commission into Aboriginal Deaths in Custody* (1991), *Bringing them Home* (2007), *Independent Review of the National Legal Assistance Partnership* (2024) and *Inquiry into Missing and Murdered First Nations Women and Children* (2024).

## Recommendation 4

The Safety Plan must ensure Federal, State and Territory Governments take a whole-of-society approach to family violence perpetrated against Aboriginal women and children. This includes acknowledging the multiple and cumulative drivers of family violence, including colonisation, systemic racism, and intergenerational trauma.

## Recommendation 5

The Safety Plan must require that Federal, State and Territory Government responses to family violence build on the strengths of Aboriginal people, in particular Aboriginal women, and promote and invest in self-determination and culture.

## Recommendation 6

The Safety Plan must hold Federal, State and Territory Governments accountable by including tangible, measurable targets and commitments that reflect the interrelatedness of the Closing the Gap targets, including but not restricted to Targets 9, 10, 12 and 13.

## Recommendation 7

Consistent with recommendations from the *Inquiry into Missing and Murdered First Nations Women and Children* and the *Independent Review of the National Legal Assistance Partnership*, Federal, State and Territory Governments must urgently commit to significantly increase funding for specialist FVPLSs, including:

- The Department of Social Services establishing a dedicated funding stream for FVPLS support services and early intervention and prevention programs; and

- A funding stream must be quarantined under the Safety Plan for allocation to specialist FVPLSs.

#### **Recommendation 8**

The Closing the Gap Partnership must establish an additional target to end homelessness of Aboriginal people affected by family violence under Closing the Gap Outcome 9.

#### **Recommendation 9**

Federal, State and Territory Governments, and partner housing organisations, must take urgent steps to increase the availability of culturally appropriate, safe and affordable housing relevant to the diverse needs of Aboriginal women wherever they live in Victoria. This must include:

- Specialist family violence crisis accommodation;
- Sufficient refuges for Aboriginal women and children escaping violence and expanded housing options for perpetrators of violence so that women and children can remain in their own homes if it is safe for them to do so;
- Guarantee of transitional housing options for Aboriginal women leaving police custody and prison; and
- Housing First models that are developed by and for community, which offer culturally safe and suitable housing linked to support programs, for Aboriginal women escaping family violence.

#### **Recommendation 10**

The Safety Plan must compel Federal, State and Territory Governments to commit to long-term system reform to improve outcomes and experiences for Aboriginal women experiencing sexual violence within the justice system consistent with Aboriginal self determination. This must include:

- Better anti-racism training and oversight for police so that Aboriginal women are taken seriously, allegations properly investigated, and charges laid;
- Alternative reporting mechanisms that are trauma-informed, culturally safe and accessible, and which extend whistleblower protections to all data provided by victim-survivors;
- Reforms to address the distressing and retraumatising aspects of criminal proceedings; and
- culturally-safe specialised support services for Aboriginal victim-survivors of sexual assault.

#### **Recommendation 11**

The Federal Government must expand investment into Victoria to enable equitable access for Aboriginal women affected by family violence. This includes:

- Funding for Djirra's Aboriginal Women's Centre so that Aboriginal women have access to a comprehensive suite of culturally safe, specialist and preventative support in one place; and
- Funding Djirra's regional expansion, ensuring that no Victorian Aboriginal woman travels further than 100kms or 1 hour to access services for her and her children's safety.

#### **Recommendation 12**

Federal, State and Territory Governments must invest in FVPLS's self-determined early intervention and prevention programs for Aboriginal women at risk of experiencing family violence.

#### **Recommendation 13**

Consistent with principles of Indigenous Data Sovereignty, Federal, State and Territory Governments must resource FVPLSs to exercise authority over and govern the creation, collection, monitoring, evaluation, ownership and use of our data.

#### **Recommendation 14**

The Safety Plan must mandate cultural safety standards that require, at a minimum, any government or mainstream service providing family violence services to Aboriginal women to:

- Provide a warm referral to an appropriate FVPLS as the first option. Meeting cultural safety standards must be a condition of receiving Commonwealth funding.
- Institute a program of regular trauma-informed cultural awareness training designed, developed and delivered by FVPLSs. The requirement for such training should be included in position descriptions and performance management frameworks with proper accountability mechanisms and consequences.

**Recommendation 15**

The Safety Plan must address misidentification as a clear priority and require all Federal, State and Territory Governments to ensure that police provide Aboriginal women with a referral to an FVPLS on first contact for a family violence incident.

**Recommendation 16**

The Safety Plan must acknowledge family violence as the main driver of Aboriginal child removal and require State and Territory governments to act urgently to reform their respective child protection systems.

**Recommendation 17**

Governments must fund the establishment of early notification and referral systems in each State and Territory, to refer Aboriginal women for legal advice from an FVPLS on first contact with Child Protection.

**Recommendation 18**

The Safety Plan must recognise that for many Aboriginal women, family violence intersects with other forms of oppression, including racism, colonialism, ableism, homophobia, transphobia and misogyny.

**Recommendation 19**

The Safety Plan must require that State and Territory health departments fund and implement standardised, culturally appropriate screening for Acquired Brain Injuries for Aboriginal people experiencing family and sexual violence across health service systems.

**Recommendation 20**

Federal, State and Territory Governments must invest in Djirra and other FVPLSs to provide specialist services to Aboriginal LGBTIQ+SB people experiencing family violence.

**Recommendation 21**

The Federal Government must take immediate steps to provide income support and a comprehensive welfare safety net to Aboriginal women escaping family violence. This includes establishing a dedicated EVP (Escaping Violence Payment) program for Aboriginal people escaping violence implemented within each State and Territory, that is administered by specialist FVPLSs.

# 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?

## Aboriginal Women's Safety

Djirra has consistently advocated to **overcome the invisibility of Aboriginal women** in discussions of, and policy responses to, family violence.

Family violence is not an Aboriginal community problem. Aboriginal women experience violence from men of many cultures and backgrounds. The significant majority of Djirra's clients have experienced violence from men who are not Aboriginal. A recent review of Djirra's data shows that around 2 of 3 women accessing our Legal Service, and around 3 of 4 women accessing our Individual Support Service, had a non-Aboriginal male partner in 2023.

The use of terms like "family safety" and "family-centered approaches" does not accurately reflect the issue, makes Aboriginal women invisible and keeps women unsafe. Any response to violence against Aboriginal women must reflect the gendered nature of the issue and prioritise access to culturally safe legal and non-legal assistance from FVPLSs. This will ensure Aboriginal women are supported to navigate complex and hostile systems, wherever they live across this country.

It is therefore important that any education, prevention and perpetrator programs are directed at both Aboriginal and non-Aboriginal men. It is also important that these programs address the role that racism plays in family and systemic violence.

### Recommendation 1

The Safety Plan must prioritise the safety and wellbeing of Aboriginal women and children and invest in specialist Family Violence Prevention and Legal Services (FVPLSs). In doing this, the Safety Plan must recognise and expressly acknowledge, that family violence is a gendered issue and that Aboriginal women experience violence from men of many cultures and backgrounds.

### Recommendation 2

The Safety Plan must mandate cultural safety standards that require, at a minimum, any government or mainstream service providing family violence services to an Aboriginal woman to:

- Perpetrator programs addressing violence against Aboriginal women be directed at non-Aboriginal men and must involve anti-racism interventions. Funding for these programs must come from a mainstream funding allocation, not from funding under the Safety Plan.
- Prevention and education programs aimed at Aboriginal women must acknowledge that a significant proportion of perpetrators are non-Aboriginal men. The Safety Plan must prioritise funding for specialist FVPLSs to deliver these programs.

Violence against Aboriginal women is a national emergency. Aboriginal women experience violence at vastly disproportionate rates that continue to rise. Nationally, Aboriginal women are:

- **33 times** more likely to be hospitalised due to family violence<sup>1</sup>; and
- **11 times** more likely to die due to assault<sup>2</sup>,

<sup>1</sup> Australian Institute of Health and Welfare, 2023

<sup>2</sup> Wiji Yani U Thangani (Women's Voices) Report, 2020

than other women.

Despite this data, and the numerous inquiries, royal commissions, reports and recommendations, there has been very little action from Governments.

In the last financial year alone, Djirra made 21 detailed submissions to both national and Victorian public inquiries and committees. The exhausting cycle of submissions and reports must end, and Governments must take urgent action to end violence against our women and children.

### **Recommendation 3**

Governments must commit to implementing recommendations of previous inquiries and Royal Commissions; in particular the *Royal Commission into Aboriginal Deaths in Custody* (1991), *Bringing them Home* (2007), *Independent Review of the National Legal Assistance Partnership* (2024) and *Inquiry into Missing and Murdered First Nations Women and Children* (2024).

## **Aboriginal Women's Strength and Self-Determination**

The Safety Plan must be **strengths-based** and promote Aboriginal **self-determination, culture, identity and connectedness** as the solutions that create real and sustainable change for Aboriginal women. The Safety Plan must reflect self-determination at every level. Aboriginal women are best able to make decisions about their own lives. Aboriginal women must develop, implement and lead the initiatives to address family violence.

To address the disproportionately higher rates of family violence Aboriginal women experience, the Safety Plan must acknowledge the continuing impact of colonising violence, systemic racism and intergenerational trauma. It must have concrete commitments to support healing.<sup>3</sup> The Safety Plan must take a whole of society approach to family violence. This includes acknowledging the multiple and cumulative drivers of family violence, as well as the interrelatedness of Closing the Gap targets to preventing and responding to family violence. This means going beyond Target 13, as well as recognising the need to address housing insecurity (Target 9), the overrepresentation of Aboriginal women in prison (Target 10) and the persistently high rate of Aboriginal child removal (Target 12).

### **Recommendation 4**

The Safety Plan must ensure Federal, State and Territory Governments take a whole-of-society approach to family violence perpetrated against Aboriginal women and children. This includes acknowledging the multiple and cumulative drivers of family violence, including colonisation, systemic racism, and intergenerational trauma.

### **Recommendation 5**

The Safety Plan must require that Federal, State and Territory Government responses to family violence build on the strengths of Aboriginal people, in particular Aboriginal women, and promote and invest in self-determination and culture.

### **Recommendation 6**

The Safety Plan must hold Federal, State and Territory Governments accountable by including tangible, measurable targets and commitments that reflect the interrelatedness of the Closing the Gap targets, including but not restricted to Targets 9, 10, 12 and 13.

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<sup>3</sup> Facts report *The Answers were there before White Man Come In: stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander and Torres Strait Islander communities* ANU 2018

## Sustainable Funding

FVPLSs were established across Australia to provide Aboriginal people who experience family violence access to culturally safe holistic legal and non-legal services. Despite this critical work, FVPLSs continue to remain chronically under-resourced. As we move into our 23<sup>rd</sup> year, demand for Djirra's services only continues to grow. Since 2020, Djirra Legal Service has seen a 23% increase in clients every year. Djirra's Legal Service has delivered 15% more services in 2023/24 compared to 2022/23. Djirra's case management team assisted 379 clients in 2023/24, up almost 70%, and delivered 8,886 service hours, double the number of hours compared to 2022/23.

This year, the *Inquiry into Missing and Murdered First Nations Women and Children* and the *Independent Review of the National Legal Assistance Partnership (NLAP)* reported on the challenges that FVPLSs confront and made recommendations for substantially increased funding to FVPLSs.

The National Access to Justice Partnership (NAJP), which succeeds the NLAP due to expire in June 2025, will determine the next five years of critical federal funding for FVPLSs and other legal assistance providers. Governments must act on the recommendations from the Independent Review of the NLAP, to ensure FVPLSs have:

- Longer-term funding for at least five years;
- Quarantined funding;
- Pay parity for FVPLS staff, where 90%+ are women, with the significantly better resourced parts of the legal assistance sector;
- Indexation of funds so we can keep pace with rising inflation;
- More funding to address the Aboriginal women's safety crisis in this country including making sure that every Aboriginal woman experiencing family violence can access holistic FVPLSs as her first choice, wherever she is across the country; and
- Recognition of the greater complexity and duration of supporting Aboriginal clients through hostile systems, including ensuring support for the unique challenges that Aboriginal people face when working in their own communities.

The Safety Plan must include a dedicated funding stream for FVPLSs to address the level of need and the complexities of supporting Aboriginal women experiencing family violence through complex and hostile systems. While the NAJP will contribute to our legal assistance, the Safety Plan must significantly increase investment in the non-legal assistance we offer our women and children. We are also calling for the Department of Social Services to establish a dedicated funding stream for FVPLSs support services and early intervention and prevention programs.

### **Recommendation 7**

Consistent with recommendations from the *Inquiry into Missing and Murdered First Nations Women and Children* and the *Independent Review of the National Legal Assistance Partnership*, Federal, State and Territory Governments must urgently commit to significantly increase funding for specialist FVPLSs, including:

- The Department of Social Services establishing a dedicated funding stream for FVPLS support services and early intervention and prevention programs; and
- A funding stream must be quarantined under the Safety Plan for allocation to specialist FVPLSs.

## Housing

Family violence is the main driver of homelessness for Aboriginal women and children<sup>4</sup> and the "main reason individuals accessing homelessness services seek assistance in Victoria".<sup>5</sup> Current Government policies aimed at addressing homelessness do not work. The Victorian Government Aboriginal Affairs Report 2022 reports that homelessness for Aboriginal people in Victoria increased by 38% between 2015/16 and 2021/22.<sup>6</sup>

Housing is a fundamental issue for the majority of Djirra's clients. Too often, our women are faced with the 'choice' to leave and become homeless, or stay and risk further violence, with both options presenting a risk of child removal.

Djirra has worked with clients who were forced to breach bail conditions, because their bail address was unsafe due to family violence, or who were refused bail or parole due to being homeless. For Aboriginal women subject to Community Corrections and Child Protection Orders, there is inadequate communication and coordination between systems. This means women can be forced to nominate bail addresses far away from their children or in geographic areas that are unsafe due to family violence. The lack of suitable housing puts Aboriginal women and their children at unacceptable risk of harm.

### **Djirra Client Story – Housing**

*Shirley was refused parole as she did not have "stand-alone housing". Despite having completed her sentence, her lack of suitable housing meant she had to spend further time in prison rather than healing in the community where she would be supported by family. When Shirley was finally accepted to the Baggarrook program, she was granted parole and able to leave prison.*

We know from our work that when Aboriginal women and children have appropriate, safe or secure housing, their capacity for healing, and building resilience, connection and wellbeing is significantly improved. In our work, our holistic wrap-around approach works to reduce the risk of homelessness, with a file review of case management clients in 2023 showing that we reduced that risk from 68% (at client intake) to 16% (at case closure).

The National Agreement on Closing the Gap provides the policy context, goals and targets to improve housing for Aboriginal people. These are not on track to be met. Moreover, homelessness and insecure housing for Aboriginal women affected by family violence are not captured by Closing the Gap measures. Outcome 9 targets focus on overcrowding and access to essential services, not the lack of housing or the increasing demand for Aboriginal people experiencing family violence.

### **Recommendation 8**

The Closing the Gap Partnership must establish an additional target to end homelessness of Aboriginal people affected by family violence under Closing the Gap Outcome 9.

### **Recommendation 9**

Federal, State and Territory Governments, and partner housing organisations, must take urgent steps to increase the availability of culturally appropriate, safe and affordable housing relevant to the diverse needs of Aboriginal women wherever they live in Victoria. This must include:

<sup>4</sup> *Urban Indigenous homelessness: much more than housing*, Australian Housing and Urban Research Institute (2022) p. 31

<sup>5</sup> *Report of the Parliamentary Inquiry into Homelessness in Victoria*, Parliament of Victoria (2021) p. 69

<sup>6</sup> *Victorian Government Aboriginals Affairs Report (2022)* "The number of Aboriginal Victorians accessing homelessness services has continued to increase. In 2021-22, over 11,000 Aboriginal Victorians accessed homelessness services, a 38 % increase since 2015-16. The proportion of all Aboriginal Victorians accessing homelessness services was 16.9 % compared to 1.2 % for non-Aboriginal Victorians." p.43

- Specialist family violence crisis accommodation;
- Sufficient refuges for Aboriginal women and children escaping violence and expanded housing options for perpetrators of violence so that women and children can remain in their own homes if it is safe for them to do so;
- Guarantee of transitional housing options for Aboriginal women leaving police custody and prison; and
- Housing First models that are developed by and for community, which offer culturally safe and suitable housing linked to support programs, for Aboriginal women escaping family violence.

## Sexual Harm

There are significant and well-documented barriers to reporting by all persons who have experienced sexual violence, however, Aboriginal women face even greater barriers. This is particularly due to racism and bias on the part of police, which is exacerbated if the alleged perpetrator is not Aboriginal.

It is clear from Djirra’s frontline work that reports of family and sexual violence by Aboriginal women are not taken seriously or properly investigated by police. Women regularly report instances of police minimising the violence, not believing them and/or refusing to take victim statements. When statements *are* taken by police, women find that they make very little effort to properly investigate or hold perpetrators to account.

Djirra has supported women who have reported violence to police, only to be issued with a warrant for their arrest, often over poverty-related offending such as unpaid fines. In a system that judges, dismisses and punishes Aboriginal women when they seek support, invariably women are reluctant to come forward to report sexual violence.

Djirra’s experience is that sexual violence is rarely talked about, and that when women disclose violence to Djirra’s workers it is often the first time they have felt comfortable or safe enough to tell their story. These disclosures result from the time taken to build trust, and the culturally safe and supported environment we provide for women to feel safe and confident that we will listen to them, hear them, believe them and support them.

Victim-survivors need alternative reporting mechanisms that are trauma informed, culturally safe and accessible. Alternative reporting mechanisms already exist in several Australian jurisdictions, but a recent research study found that amendments were needed to ensure that victim-survivors feel safe and comfortable using them, and so that evidence was not inadvertently compromised.<sup>7</sup> Data security for any such mechanism is essential, and Djirra backs the call by researchers to extend whistleblower protections to all data provided by victim-survivors.<sup>8</sup> The Indigenous data sovereignty of Aboriginal victim-survivors reporting sexual assaults must also be respected.

Nationally, significant gaps exist in holistic, culturally safe services for Aboriginal women and children who experience sexual assault. In the cases where sexual violence against Aboriginal women is prosecuted, the criminal justice system is often distressing and retraumatising. We need system reform and culturally safe, client-centred services for Aboriginal women and children who have experienced sexual assault.

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<sup>7</sup> Georgina Heydon et al, *Alternative reporting options for sexual assault: Investigating their use, purpose and potential* (Report to the Criminology Research Advisory Council Grant: CRG 25/19–20, November 2023), p 65.

<sup>8</sup> Georgina Heydon et al, *Alternative reporting options for sexual assault: Investigating their use, purpose and potential* (Report to the Criminology Research Advisory Council Grant: CRG 25/19–20, November 2023), p 65.

These measures are critical for improving safety and access to justice for Aboriginal women and children who have experienced family violence and sexual assault.

#### **Recommendation 10**

The Safety Plan must compel Federal, State and Territory Governments to commit to long-term system reform to improve outcomes and experiences for Aboriginal women experiencing sexual violence within the justice system consistent with Aboriginal self determination. This must include:

- Better anti-racism training and oversight for police so that Aboriginal women are taken seriously, allegations properly investigated, and charges laid;
- Alternative reporting mechanisms that are trauma-informed, culturally safe and accessible, and which extend whistleblower protections to all data provided by victim-survivors;
- Reforms to address the distressing and retraumatising aspects of criminal proceedings; and
- Culturally-safe specialised support services for Aboriginal victim-survivors of sexual assault.

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

### Equitable Access to Culturally Safe Services

Djirra's experience is that Aboriginal women in regional areas have far fewer options for holistic, culturally safe legal and non-legal assistance. This is particularly the case in towns where the local ACCO has received delegated Child Protection powers under section 18 of the *Children, Youth and Families Act 2005*, or where services are concentrated into hubs that co-locate with Child Protection, like The Orange Door. Some Aboriginal mothers have told us that they feel less comfortable or safe accessing family violence services in these hubs, including from The Orange Door, as they fear that they will not be supported or that their children will be removed.

#### **Djirra Client Story – The Orange Door**

*Lilian is an Aboriginal Elder living in regional Victoria. She attended The Orange Door just after 3pm seeking to escape violence from her partner who refused to leave their home. Lilian had nowhere to go and sought somewhere safe to stay while she worked out what to do next. The Orange Door workers told Lilian it was getting too late in the day for them to assist. They gave her Safe Steps' number and sent her out the door. Lilian called Djirra and spoke to a specialist family violence case manager who assisted her with preparing a safety plan and finding her accommodation for the night.*

Wherever our women live in Victoria, they must have equal access to self-determine the assistance that best meets their needs. While we have small regional offices providing legal services, we continue to advocate for Aboriginal women across Victoria to have access to all Djirra's services. This includes our early intervention prevention programs, Koori Women's Place cultural workshops, counselling, legal and intensive case management services. See Appendix 1 for details of Djirra's suite of programs and services.

Our new centre in Melton, 'Djirra in the West', is the first step to expanding our holistic service delivery outside the Melbourne metropolitan area. Data shows that Melbourne's outer west contains some of the fastest-growing local government areas in the country, with estimates it will almost double in future years.<sup>9</sup> Reported family violence against Aboriginal women is also growing in many of these

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<sup>9</sup> Fastest Growing Local Government Areas (LGAS) in 2021-22: <https://population.gov.au/data-and-forecasts/dashboards/fastest-growing-local-government-areas>.

areas.<sup>10</sup> In our first year of service delivery in Melton, there has been a 14-fold increase in clients between July 2023 and 2024.

Djirra has completed a business case for regional services expansion so that no Aboriginal woman must ever travel more than 100 km or 1 hour to access our holistic, culturally safe services for her and her children's safety. We urgently need Government funding to ensure equitable access to holistic family violence safety services for Aboriginal women in Victoria.

Djirra also advocates for investment in the first ever Aboriginal Women's Centre in Victoria. Consistent with what Aboriginal women tell us, the Aboriginal Women's Centre will be a culturally safe place for women to access diverse supports in one location, underpinned by Aboriginal women's self-determination. It is a safe place to gather, connect to culture and community and access assistance that meets the spectrum of needs of our women and their children. It supports Djirra's vision of keeping our women safe, strong, connected, visible and heard. The Aboriginal Women's Centre is a key strategic priority in the Djirra *Strategic Plan 2023-2028*. We are conducting a feasibility study for the Aboriginal Women's Centre which is due to be finalised in 2025.

#### **Recommendation 11**

The Federal Government must expand investment into Victoria to enable equitable access for Aboriginal women affected by family violence. This includes:

- Funding for Djirra's Aboriginal Women's Centre so that Aboriginal women have access to a comprehensive suite of culturally safe, specialist and preventative support in one place; and
- Funding Djirra's regional expansion, ensuring that no Victorian Aboriginal woman travels further than 100kms or 1 hour to access services for her and her children's safety.

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

The Safety Plan must invest in early intervention and prevention to support Aboriginal women to build resilience, maintain healthy relationships and seek out relevant assistance so they can keep themselves and their children safe.

Djirra's holistic approach, incorporating legal services, case management services, education and intervention programs and cultural workshops, provides wraparound and culturally safe support, that is nurturing and that builds on Aboriginal women's strengths and resilience. Importantly, this approach also provides many soft entry points for women to safely seek legal support on their own terms.

Djirra's early intervention and prevention programs build trust and confidence in what we do, and it is our successful signature programs Sisters Day Out<sup>®</sup>, Dilly Bag, Young Luv<sup>®</sup> and cultural workshops that take us to the women. The Royal Commission into Family Violence in Victoria recognised these programs as best practice. Our programs are trusted and rich in culture and connect Aboriginal women to the important work of Djirra, including by providing alternative ways for women to learn about and access legal and non-legal assistance for family violence.

Our workshops bring Aboriginal women together in culturally safe and supportive environments. Djirra knows that coming to our workshops minimises social isolation and reduces vulnerability to family violence.

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<sup>10</sup> Victorian Government, Crime Statistics 'Latest Crime Data by Area', 2024, Horsham saw a 20% increase in reported incidents between 2022 and 2023, Maribyrnong reported a 12.1% increase, Moorabool saw an 11.% increase <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area>.

**Recommendation 12**

Federal, State and Territory Governments must invest in FVPLS's self-determined early intervention and prevention programs for Aboriginal women at risk of experiencing family violence.

## Indigenous Data Sovereignty

Djirra, like other ACCCOs, has insufficient funding to collect the data needed to inform systemic change. Trends, statistics and stories are lost because organisations do not have the time or resources to collect, record and evaluate our data and report back to governments.

Governments need to invest in FVPLSs and other ACCO-led programs, to increase monitoring and evaluation capabilities and ensure Aboriginal data sovereignty, a key tenet of self-determination.

Djirra welcomes the government's commitment for the new NAJP to contribute to Closing the Gap and indications that this includes investing in our self-determined data systems. However, we must see this commitment supported by investment and adequate resourcing of Djirra and other FVPLSs, Aboriginal Legal Services (ALS) and our respective national bodies to develop a specific standalone Closing the Gap schedule to the NAJP. We also must see this commitment reflected more broadly through the Safety Plan which takes a wider view of preventing and responding to family violence than just through legal assistance.

**Recommendation 13**

Consistent with principles of Indigenous Data Sovereignty, Federal, State and Territory Governments must resource FVPLSs to exercise authority over and govern the creation, collection, monitoring, evaluation, ownership and use of our data.

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

### Unsafe Service System

The systems our women navigate are unsafe. While many Aboriginal women fear and distrust the system, most do not also realise that a lawyer can help advocate for them and support them to overcome hostile systems. Concerningly, our clients frequently tell us that child protection workers and police officers have specifically told them that they do not need a lawyer.

Reforming institutions and systems begins by acknowledging that for many Aboriginal people experiencing family violence these spaces are racist, hostile, confusing and punish Aboriginal women for seeking support. All employees within governments and mainstream services who have contact with the public, or who are making decisions that affect the public, should have cultural safety training that is renewed regularly and delivered by Djirra and other specialist FVPLSs. Those who have regular contact with Aboriginal people or are regularly making decisions that affect Aboriginal people should have more in-depth training. All cultural safety training programs should be regularly evaluated by an ACCO for effectiveness.

### **Djirra Client Story – Culturally Unsafe Systems**

*Throughout the course of Children’s Court proceedings, Natasha’s children were removed and placed in out of home care with a non-Aboriginal carer in Melbourne. Natasha asked her Child Protection worker how her children’s cultural needs were being fulfilled, given their mob and Country are from Western Australia. Natasha’s Child Protection worker answered, “It doesn’t matter where the service is from. As long as the children are linked in with some Aboriginal activities, that’s all that matters.”*

### **Recommendation 14**

The Safety Plan must mandate cultural safety standards that require, at a minimum, any government or mainstream service providing family violence services to Aboriginal women to:

- Provide a warm referral to an appropriate FVPLS as the first option. Meeting cultural safety standards must be a condition of receiving Commonwealth funding.
- Institute a program of regular trauma-informed cultural awareness training designed, developed and delivered by FVPLSs. The requirement for such training should be included in position descriptions and performance management frameworks with proper accountability mechanisms and consequences.

## **Misidentification of Primary Aggressors**

Djirra frequently assists women who have called police to seek help for family violence, only to then be misidentified as the primary aggressor rather than the victim.

Misidentification is very difficult to correct within the system, and can lead to criminalisation, homelessness, and loss of employment, and can limit access to critical support services, increase isolation, compound distrust in police,<sup>11</sup> and increase the risk of further violence. Further, misidentification can heavily influence outcomes for women in other legal proceedings, such as child protection, family law, and victims of crime compensation applications. It is therefore critical that police provide women with referrals for culturally safe legal advice, whether they are identified as the victim or primary aggressor, on the first point of contact.

In our experience, misidentification is one of the biggest issues for our women dealing with family violence. In a recent sample of our legal clients, at least 24% of Aboriginal women we assisted had been misidentified as the primary aggressor by police. Recent analysis of Australian coroners’ reports into deaths in custody has noted the ‘saturation’ of systemic racism in the criminal justice and health systems, the failure of current cultural training, and the “irony of Indigenous women being over-policed as ‘perpetrators’ but under-policed as victims”.<sup>12</sup>

Djirra is currently working with the Centre for Innovative Justice (CIJ) on a project to develop an evidence base and make recommendations for systemic reform to prevent misidentification. Djirra and the CIJ are partnering with Aboriginal women, community leaders and justice stakeholders to co-design program and systems responses aimed at preventing misidentification and rectifying it when it occurs. This project is expected to publish its findings in 2025.

<sup>11</sup> ANROWS, November 2020, ‘Accurately Identifying the “Person most in need to protection” in domestic and family violence law’, p 5.

<sup>12</sup> Walsh, T, (2022) ‘Women who die in custody: What Australian coroners’ reports tell us’ in The Howard Journal of Crime and Justice p 551 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/hojo.12495>.

### Recommendation 15

The Safety Plan must address misidentification as a clear priority and require all Australian Governments to ensure that police provide Aboriginal women with a referral to a FVPLS on first contact for a family violence incident.

## Child Protection

The harm caused to mothers and children by removal must always be considered in the context of the ongoing harms of colonisation. Aboriginal women describe child removal as 'the most significant injury to their health and social and emotional wellbeing'.<sup>13</sup>

Fear of child removal is a key deterrent to Aboriginal women reporting violence.<sup>14</sup> More than 10% of Aboriginal children in Victoria are removed from their mothers, a rate nearly double the national average<sup>15</sup> and the highest in the country. Family violence is a key driver for child removal, with family violence listed as a concern in 88% of cases of Aboriginal child removal in Victoria.<sup>16</sup> Any plan to address family violence must therefore include child protection as a key issue for reform.

Instead of directing their efforts towards supporting Aboriginal women and children to safely escape violence, police, family violence services and Child Protection often collude to remove children from mothers, families and communities. This is no more cruelly apparent than in the increasing practice of so-called 'voluntary agreements' where Aboriginal mothers are pressured by Child Protection workers to surrender children, often into out of home care (OOHC) for indefinite periods, in an attempt by workers to avoid judicial scrutiny of their decisions and actions. In Djirra's work, mothers have told us they felt their children would have been taken if they refused to enter the 'voluntary agreement.' If mothers then go against the terms of the 'voluntary agreement', Child Protection will often then bring the matter to Court, arguing that the mother has "failed to engage" or has "been uncooperative".

In Victoria, DFFH is required to prepare Cultural Support Plans for all Aboriginal children placed in OOHC. In practice, compliance is low and Djirra has had multiple matters recently where Child Protection has sought an order that places the child out of parental care without a cultural support plan. Despite Taskforce 1,000 findings about the serious inadequacy in this area, this has not improved.<sup>17</sup>

There must be immediate child protection reform across all States and Territories. Specific to Victoria, we call upon the Government to implement all Yoorrook recommendations pertaining to child protection. In particular, this reform must include repealing the current punitive permanency laws and ensuring Aboriginal mothers have access to culturally safety legal advice and assistance, at the earliest stage of Child Protection involvement.

Djirra calls on State and Territory governments to fund and establish early notification and referral systems (akin to the Custody Notification System) under which Aboriginal women and children are immediately referred to an FVPLS for legal advice and assistance on first contact with Child Protection. The establishment of an early notification and referral system is consistent with recommendations

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<sup>13</sup> Centre for Innovative Justice 2020, *Women Transforming Justice: Final Evaluation Report* p 32.

<sup>14</sup> Langton M et al, ANROWS *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women*, 2020

<sup>15</sup> SNAICC 2023, *Family Matters Report 2023*.

<sup>16</sup> Always was, always will be Koorie Children, Commission for Children and Young People 2016, p 47.

<sup>17</sup> Always was, always will be Koorie children: systemic inquiry into services provided to [Aboriginal children and young people in out-of-home care in Victoria](#) / Commission for Children and Young People (2016) p71.

from the *Yoorrook for Justice* report (2023) and findings of the *Report of the Rapid Review of Prevention Approaches to End Gender-Based Violence* (2024).

#### **Recommendation 16**

The Safety Plan must acknowledge family violence as the main driver of Aboriginal child removal and require State and Territory governments to act urgently to reform their respective child protection systems.

#### **Recommendation 17**

Governments must fund the establishment of early notification and referral systems in each State and Territory, to refer Aboriginal women for legal advice from an FVPLS on first contact with Child Protection.

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

Djirra recognises that Aboriginal women and children experience multiple types of discrimination, including race, gender, sexuality, class and ability, that intersect to compound disadvantage.

### Acquired Brain Injury

One aspect of intersectionality that Djirra sees every day in our work is the link between family violence, racism and Acquired Brain Injuries (ABIs). Aboriginal women experience high rates of family violence and are 69 times more likely to be hospitalised with head injury from assault than non-Aboriginal women.<sup>18</sup>

In Victoria, between 2006 and 2016, 54% of family violence related admissions to hospital, and 42% of family violence related presentations to emergency departments, were by Aboriginal people who suffered a head injury.<sup>19</sup> Non-fatal strangulation also leads to brain injury. Alarming, the rates of non-fatal strangulation of Aboriginal women due to family and sexual violence is increasing.<sup>20</sup>

It is difficult to quantify how many of the women Djirra supports have an ABI as this is often something that women do not disclose or are not aware that they have because it is undiagnosed and untreated.<sup>21</sup>

Any level of cognitive impairment from an ABI affects a woman for the rest of her life. This includes increasing the risk of child removal, future exploitation and violence, and police contact. For instance, the “symptoms” of brain injury can mimic being drug or alcohol affected, and when linked with racist and biased responses, our women are regularly perceived as being “difficult” or “uncooperative.” Even a so-called minor head injury can make decision-making more difficult, and complex bureaucratic and legal processes impossible to navigate. Aboriginal women are at huge risk of lifelong brain injury from

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<sup>18</sup> Fitts, M et al, 2023, *Understanding the Lives of Aboriginal and Torres Strait Islander Women with Traumatic Brain Injury from Family Violence in Australia: A Qualitative Study Protocol*.

<sup>19</sup> Brain Injury Australia Consortium (2018) *The Prevalence of Acquired Brain Injury Among Victims and Perpetrators of Family Violence*.

<sup>20</sup> Elaine Wills, Michelle Fitts 2024, *Listening to the Voices of Aboriginal and Torres Strait Islander Women in Regional and Remote Australia About Traumatic Brain Injury from Family Violence: A Qualitative Study*.

<sup>21</sup> ABIs are routinely under-diagnosed and there is little awareness of head injury and ABIs across the family violence sector but a recent file review of Djirra’s child protection legal cases showed more than 20% of clients had a cognitive impairment and 90% had PTSD.

family violence, yet we do not have standardised screening for acquired brain injuries. This was a key recommendation of a 2017 study commissioned by DFFH, but it has not been implemented.<sup>22</sup>

In Djirra's experience it is often difficult and expensive for Aboriginal women to secure the diagnosis and assessments required to access the National Disability Insurance Scheme (NDIS). Yet NDIS support can mitigate the impacts of an ABI. Many Aboriginal women need advocates to help them through this complex system. Aboriginal women's access to the NDIS is also often impeded by the requirement to have a fixed, stable address, a particular problem also affecting Aboriginal women in custody.

#### **Recommendation 18**

The Safety Plan must recognise that for many Aboriginal women, family violence intersects with other forms of oppression, including racism, colonialism, ableism, homophobia, transphobia and misogyny.

#### **Recommendation 19**

The Safety Plan must require that State and Territory health departments fund and implement standardised, culturally appropriate screening for Acquired Brain Injuries for Aboriginal people experiencing family and sexual violence across health service systems.

## LGBTIQ+SB Victim Survivors

Djirra is currently undergoing significant workforce capability work to improve our ability to support LGBTIQ+SB clients and ensure Djirra is a safe, welcoming space for Rainbow Mob.

We know that gender diverse people are more likely to experience violence from family members, not just intimate partners, due to differing levels of acceptance regarding gender and sexual identity. We also know that gender diverse people find it difficult to access refuges and are more likely to be given motel accommodation. Police responses to Rainbow Mob is poor, with same sex relationship violence often seen as assault, not family violence, and people being misgendered and misidentification occurring.

#### **Recommendation 20**

Federal, State and Territory Governments must invest in Djirra and other FVPLs to provide specialist services to Aboriginal LGBTIQ+SB people experiencing family violence.

## Poverty

Poverty is a driver of family violence but is also a barrier for our women leaving violent relationships, as economic dependence keeps women and their children unsafe. The Federal Government can take immediate steps to amend the current social security settings, which act to embed poverty, creating dehumanising compliance requirements and barriers to women leaving violent relationships. A comprehensive welfare safety net for Aboriginal women escaping family violence must be activated immediately so they can access Government income, health and other supports. Djirra also supports calls for all Centrelink payments to be increased above the Henderson Poverty Line.

The Escaping Violence Payment (EVP) is a vital first step, but a dedicated EVP program for Aboriginal people escaping violence must be implemented within each state and territory, administered by specialist FVPLs. Djirra is much more successful in securing these payments for Aboriginal women escaping violence than when our women self-refer for EVP. We are also able to facilitate access as part of a holistic service offering for Aboriginal women that draws on other resources available. This

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<sup>22</sup> Brain Injury Australia consortium (2017) The Prevalence of Acquired Brain Injury Among Victims and perpetrators of Family Violence p43.

includes addressing the immediate and longer-term needs related to women and children's safety, recovery, and healing.

**Recommendation 21**

The Federal Government must take immediate steps to provide income support and a comprehensive welfare safety net to Aboriginal women escaping family violence. This includes establishing a dedicated EVP (Escaping Violence Payment) program for Aboriginal people escaping violence implemented within each State and Territory, that is administered by specialist FVPLSs.

# Appendix 1: Summary of Djirra Programs and Services

## **Early Intervention and Prevention Programs**

Djirra develops and delivers early intervention and prevention programs. These programs are at the core of what Djirra does. They focus on building trust and confidence and promoting cultural connection and a strong sense of identity for Aboriginal women. Our successful signature programs Sisters Day Out®, Dilly Bag and Young Luv® take us to our women regardless of where they are in Victoria. These programs create safe and alternative ways for women to understand the warning signs of family violence and how key services for their safety can be accessed. Our signature programs have been recognised internationally and by Victoria's Royal Commission into Family Violence as best practice.

## **Koori Women's Place**

Djirra's Koori Women's Place (**KWP**) is a unique cultural program based in Abbotsford and provides a diverse range of supports. Aboriginal women can visit or call the KWP to:

- Join cultural, wellbeing and social activities, for example damper making or basket weaving. These activities are delivered in person and online.
- Access practical support.
- Connect with other Djirra services (Lawyers, Case Managers, Counsellors).
- Access our visiting services to get information and advice (e.g. Centrelink, Births, Deaths and Marriages).
- Learn about upcoming Sisters Day Out, Dilly Bag and Young Luv workshops.

## **Sisters Day Out®**

- A one-day wellbeing workshop held regularly in communities throughout Victoria.
- This workshop breaks down social isolation and provides a space for Aboriginal women to support each other, gain knowledge about legal rights and options, and engage with mainstream and Aboriginal support services.

## **Sisters Day In**

- A specialised version of Sisters Day Out delivered to our sisters in Dame Phyllis Frost Centre and Tarrengower Prison.
- Our women on the inside gain access to Djirra services, and other mainstream and Aboriginal services that we invite to attend.

## **Dilly Bag**

- Dilly Bag is a three-day retreat held on Country.
- It is a gathering of Aboriginal women that draws from cultural principles to inform Aboriginal women's ways of being in order to live a culturally safe and meaningful lifestyle.

## **Young Luv®**

- For young Aboriginal women, aged 13 to 18.
- A half-day workshop to engage Aboriginal teenagers in a culturally safe space where they can talk about, reflect on, and better understand important issues affecting their lives.
- The workshop equips young women with information and skills to challenge unhealthy relationships, and to apply positive and safe behaviours.

### ***Individual Support Service***

Djirra's Individual Support Service provides culturally safe wrap-around support for Aboriginal women experiencing family violence. Services include:

- Case management (short to medium term practical support for issues including family violence and safety, housing stress and concerns related to health needs, finances and children and/or family);
- Alcohol and other drug support;
- Financial assistance support packages;
- Counselling (including phone and online support);
- Warm referrals to other services; and
- Assistance to reconnect to mob and Country.

### ***Legal Service***

Djirra's Legal Service provides legal advice and representation and non-legal support to Aboriginal and Torres Strait Islander people, and non-Aboriginal parents/carers of Aboriginal and Torres Strait Islander children, who have experienced or are experiencing family violence.

Our lawyers provide legal advice and ongoing casework and court representation in relation to:

- Intervention Orders;
- Family Law;
- Child Protection;
- Victims of Crime Compensation; and
- Other family violence related legal issues.

Non-legal support is provided by Paralegal Support Workers and includes:

- Emotional support throughout the legal matter;
- Court support (i.e. attending court with clients);
- Attending external meetings (incl. DFFH, VACCA);
- Support with dealing with police (including reporting breaches);
- Support with compliance of Court Orders (incl. help organising drug testing, referrals to ensure linked in with services);
- Warm referrals (i.e. housing, family violence services, mental health services (incl. counselling); and
- Emergency relief (i.e. food and petrol vouchers, emergency accommodation & travel, etc.).

### ***Prison Support Program***

- Djirra's Prison Support Program provides legal and non-legal support to Aboriginal women at Dame Phyllis Frost Centre and Tarrengower.
- The program includes Lawyers, Paralegal Support Workers and Case Managers who support Aboriginal women in prison and post-release.
- The program links women to other culturally appropriate services and programs that assist women to maintain connection to family, culture, and community.