



FIRST NATIONS
ADVOCATES AGAINST
FAMILY VIOLENCE



The First Nations Advocates Against Family Violence submission to the National Aboriginal and Torres Strait Islander Family Safety Plan





Contents

About the First Nations Advocates Against Family Violence.....	3
First Nations Advocates Against Family Violence Submission.....	5
1. Key priorities and actions for the Family Safety Plan	5
2. Barriers and Enablers: How communities could address DFSV.....	8
3. Culturally appropriate and holistic service provision.....	10
4. How governments and mainstream services can best support Aboriginal and Torres Strait Islander people (including workforce and clients), services and solutions.....	11
5. Conclusion	16

Acknowledgement of Country

First Nations Advocates Against Family Violence (FNAAFV) acknowledges Aboriginal and Torres Strait Islander peoples as the traditional custodians of all lands and waters across Australia. We wish to pay our respects to Elders, past and present, and to the youth, for the future. We extend this acknowledgement to all Aboriginal and Torres Strait Islander peoples reading this Submission.



About the First Nations Advocates Against Family Violence

Until the 1st of July 2024, [*First Nations Advocates Against Family Violence*](#) (FNAAFV) was known as the National Family Violence Prevention and Legal Services (NFVPLS) Forum. FNAAFV is the only National Peak Body Aboriginal Community Controlled Organisation (ACCO) that supports Family Violence Prevention and Legal Services (FVPLS) around Australia who provide specialised domestic, family and sexual violence (DFSV) supports through culturally safe, holistic services to First Nations – predominantly women and their children. FNAAFV provides expert national advice in areas of policy, planning and law reform, sector capacity building, supporting innovation and best practice, and advocating for safety and justice for First Nations peoples affected by family violence. We collaborate across all sectors, both ACCO and mainstream with the aim of delivering safety and supporting self-determination for our First Nations peoples in line with [*United Nations Declaration on the Rights of Indigenous Peoples*](#).

FNAAFV represents 16 FVPLSs, with 14 FVPLSs who are members of FNAAFV. The FVPLSs span more than 30 office locations across all jurisdictions. FVPLSs provide culturally safe and specialist legal and non-legal family and domestic violence assistance to more than 250 Aboriginal and Torres Strait Islander communities. FNAAFV members include:

- Aboriginal Family Legal Services Western Australia (Perth Head Office, Broome, Carnarvon, Kununurra, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Services Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs Head Office, Tennant Creek)



- Djirra (Melbourne Head Office, Mildura, Gippsland, Barwon South-West, Bendigo and shortly also Echuca-Shepparton, La Trobe Valley and Ballarat)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta Head Office, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey Head Office, Grafton)
- Marninwarnitkura Family Violence Prevention Legal Service (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns Head Office, Townsville, Mackay, Rockhampton, Mount Isa, Bamaga, Thursday Island and Brisbane)
- Thiyama-li Family Violence Service Inc. NSW (Moree Head Office, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin Head Office, Katherine)
- SiSTAS (Hobart Head Office, Tasmania)

FNAAFV works with its members, communities, governments, and other partners to raise awareness about family violence affecting First Nations people, and it also advocates for culturally safe legal and holistic responses to this issue. FNAAFV provides a unified voice for its FVPLS members in areas of national policy, planning and law reform, and representation as a member of the national Coalition of Peaks. FNAAFV's work is informed by evidence, and we aim to ensure that all strategic planning and policy positions link to the Closing the Gap Agreement and Priority Reforms; National Plan to End Violence against Women and Children and associated Aboriginal and Torres Strait Islander Action Plan 2023-2025.



First Nations Advocates Against Family Violence Submission

1. Key priorities and actions for the Family Safety Plan

The government has undertaken various evaluations, reviews and enquiries to identify what actions must be taken to reduce domestic, family and sexual violence (DFSV) against Aboriginal and Torres Strait Islander peoples, in line with Target 13 of the National Agreement for Closing the Gap. Recent reports including the [Productivity Commission's review of the National Agreement on Closing the Gap](#), [Senate Inquiry into Missing and murdered First Nations Women and children](#), [Independent Review of the National Legal Assistance Partnership 2020-25](#) (NLAP Review) and Report of the Rapid Review of Prevention Approaches to End Gender-Based Violence - [Unlocking the Prevention Potential: accelerating action to end domestic, family and sexual violence](#) all point to the immediate need to bolster the capacity of Aboriginal and Torres Strait Islander led DFSV service provision that is tailored to the needs of each community. The [Aboriginal and Torres Strait Islander Action Plan 2023-2025](#) acknowledges that **“without building the Aboriginal and Torres Strait Islander family violence sector, the actions in the Plan cannot be successfully implemented”**.

These reviews, plans and reports recognise and highlight that Family Violence Prevention and Legal Services (FVPLS) deliver holistic, wrap-around DFSV specialist services that include legal and non-legal services; prevention and education programs; and early intervention through to healing and recovery programs, aligned with the four pillars of the National Plan to End Violence against Women and Children 2022–2032. The recently published NLAP Review highlighted that FVPLS organisations require additional funding to meet their existing service delivery needs and that there is unmet need for their services in new locations. Further the NLAP Review recommended an expansion to the geographical coverage of FVPLS organisations to ensure that all Aboriginal and



Torres Strait Islander peoples could readily access culturally safe DFSV services as soon as they are needed. To achieve this, bi-partisan commitment to ongoing and adequate funding for our DFSV specialist sector is required in addition to the development of a clear workforce strategy that supports increased capacity and service sustainability. The establishment of a consistent funding model for the FVPLS sector is consistent with Priority Reforms One and Two of the National Agreement for Closing the Gap:

- *Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap.*
- *Building the community-controlled sector: There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high-quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.*

The Missing and murdered First Nations women and children Inquiry noted the continued inappropriate engagement by police forces with Aboriginal and Torres Strait Islander peoples, which is an observation that FVPLS organisations have experienced firsthand with their clients. This contributes to ongoing mistrust of state services and results in both the under-reporting of violence and misidentification of perpetrator abuse. The Rapid Review Report included recommendations around developing and implementing tailored DFSV prevention and education programs and highlighted the importance of First Nations leadership in their design to ensure that programs are culturally safe and community informed.

FNAAFV and our FVPLS member services identified the following key priorities for consideration for inclusion into the Family Safety Plan:



1. Government's ongoing commitment to funding the expansion of FVPLS organisations to ensure complete regional, remote and very remote coverage.
2. Increased investment in DFSV prevention and educational programs delivered by the ACCO sector for all age groups.
3. Increased investment into trauma-informed healing programs that are designed and led by the ACCO sector with programs focused on recovery for those who have experienced or used violence.
4. Increased funding for ongoing training and development for the ACCO DFSV services and recognition and remuneration for their cultural and lived experience.
5. We need to improve how services, sectors and jurisdictions communicate and share information – and this needs to be properly funded and resourced. The ability to share real-time information (including from police to health to education and DFSV services) across all jurisdictions will save lives!
6. All sectors, agencies and organisations that provide any type of service for First Nations women and children that are experiencing DFSV must receive ongoing cultural competency training and certification. A one-off staff induction course does not suffice.
7. We need better data systems both for capturing live data, for recording client information, actions and risks and for securely sharing information across sectors and jurisdictions.
8. FVPLS organisations need to be funded so that they can provide a resource dedicated to the reporting, monitoring and evaluation of their service.
9. All Governments must commit to redressing policies and systemic practices relating to DFSV notification and related removal of children from the homes of Aboriginal and Torres Strait Islander families.



2. Barriers and Enablers: How communities could address DFSV

The high rates of DFSV in Aboriginal and Torres Strait Islander communities has underlying drivers that are of a structural nature, with far too many communities experiencing entrenched, inter-generational disadvantage. There is a limit to the effectiveness of any DFSV interventions when a family's basic needs are unmet. We need truth telling on the impacts of colonisation and Government policies along with bi-lateral commitment to redress the damage and destruction of our First Nations cultures, lands, languages, customs, laws and assets.

Our communities need real and sustained investment across all domains to lift overall living standards and conditions and improve the educational, economic, health and wellbeing status of our people. In parallel to this, the ACCO sectors must be recognised for their expertise and culturally safe ways of working, with bolstered investment to continue to build their capacity to serve and support their communities. It has already been established that the FVPLS sector are the specialists in the provision of DFSV services for Aboriginal and Torres Strait Islander peoples, yet the sector continues to struggle with significantly less Government investment than its mainstream counterparts. Increased investment into the FVPLS sector is urgently required to build capacity and increase the workforce which will result in improved safety outcomes for First Nations communities.

Most FVPLS members services have reported to FNAAFV significant and increasing challenges with retention and recruitment. This is especially the case with regards to senior staff and those with specialist expertise and qualifications such as: legal staff with more than 3 – 5 years of post-qualification experience; mid-senior level case management and service management staff, and First Nations identified staff. This leads to 'junior-isation' of the FVPLS workforce which limits its capacity to grow.



A significant workforce barrier is the lower remuneration of staff in FVPLS in comparison to Legal Aid Commissions and ATSILS. This barrier was also reflected in the NLAP Review Recommendation 25 which recommended the standardisation of remuneration across Legal Aid Commissions, Aboriginal Legal Services, Community Legal Centres, Womens Legal Services and FVPLS.

A number of other causes have been identified as contributing to workforce supply issues such as: housing shortages in regional, rural, remote and very remote (4Rs) areas; high costs of living in 4Rs areas; inadequate incentivising to offset the unique challenges of DFSV work and 4Rs locations; burnout associated with the unique demands of a heavy workload in DFSV work; a lack of locally based qualifying programs and challenges of accessing and achieving higher level qualifications in 4Rs areas; a lack of professional development opportunities; and First Nations people with lived experience in DFSV are less likely to want to work in the sector.

To ensure that actions to improve workforce attraction and retention are identified, a Workforce Strategy for the FVPLS sector is needed and work on this is already underway by FNAAFV. To realise the changes needed in the sector, governments must increase investment, improve training pathways and incentivize the DFSV workforce including the legal workforce, with a particular focus on strategies to build and support our First Nations workforce.

In the NPY Lands, Aboriginal and Torres Strait Islander community members frequently travel between jurisdictions therefore it is essential that cross-jurisdictional networking and real-time information be shared to prevent women from falling through jurisdictional gaps. The [Cross Border Justice Scheme](#) is a partnership between the Western Australian, Northern Territory and South



Australian Governments and was established in the NPY Lands in 2009 to improve law enforcement, justice and family safety. With Commonwealth and State and Territory investment and changes to legislation, learnings from this initiative could be applied to a national scheme that would enable jurisdictions, sectors and services to share real-time information (including from police to health to education and DFSV services) across all jurisdictions. Such an initiative would improve justice outcomes and ultimately save lives.

3. Culturally appropriate and holistic service provision

FVPLS organisations are ACCOs that provide specialised, unique and holistic models of care tailored to the needs of the communities that they serve. FVPLS offer culturally safe, free, and easily accessible legal assistance, casework, counselling, court support and non-legal assistance to Aboriginal and Torres Strait Islander adults and children who are experiencing violence and/or sexual assault. The services wraparound the clients and continue to be provided as long as the clients need them. FVPLS organisations also provide education, early intervention and prevention programs in a variety of settings including at prisons, schools and community events.

FVPLS organisations, as recognised specialist domestic, family and sexual violence service providers, are connected with their communities - they understand local issues and cultural considerations. They know who to talk with and how to talk with them. They have solid relationships and are respected and trusted service providers and members of their community. This positions FVPLS organisations ideally for provision of culturally sensitive, respectful and trauma-informed service provision. Their model of service, which is different for each organisation, is an example of grassroots, First Nations led, holistic DFSV service provision. Underscored by our use of dedicated



case management officers, who are all identified positions with strong local ties, FVPLS organisations are of the community, by the community, and for the community.

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

An important first step would be governments acknowledgment of the trauma-informed, specialised work that the FVPLS sector does to support Aboriginal and Torres Strait Islander victim/survivors of DFSV; and commit to ensuring that the sector is sufficiently funded to provide sustainable, community-led, culturally safe solutions and interventions. Governments at both the federal and jurisdictional level must commit to building the capacity of the FVPLS sector including through the provision of flexible funding streams that remove extraneous constraints on service providers' use of funding; supporting services with the acquisition of capital and assets (e.g. mobile FVPLS mini-buses for outreach services); and investment in fit-for-purpose client management and data systems and associated training.

The depressing back-drop from our FVPLS organisations experience, is that family violence is the cornerstone or intersection, which links an Aboriginal and Torres Strait Islanders persons connection to the child protection system, the youth justice system, adult criminal justice system, housing and / or homelessness, health, and the family law system. The Australian Institute of Health and Welfare has found that family violence is the primary driver of children being placed in the child protection system.



Child protection proceedings represent a large component of legal assistance and representation file work for FVPLS organisations. This is a sad reflection on the intersectional nature of family violence that FVPLS clients experience. FVPLS staff on the frontline observe an interconnected system whereby children are removed from their parents' (predominantly mothers) care due to concerns about family violence experienced by the parent.

We see the next step being children placed in residential care. Shortly after being placed in residential care, we observe children with no criminal history or engagement with police finding themselves charged with criminal offences. Thus, we are witnessing a situation where the State is removing children from their parents / family / kinship structures and whilst subsequently in the State's care, the children are introduced to the criminal justice system. One of our FVPLS organisations shared a brief story to highlight this example:

*A magistrate in Mount Isa raised concerns about placing children in watchhouses with adult detainees. One particular case related to a 15-year-old Aboriginal girl whose introduction to the criminal justice system only began **after** Queensland's child safety department placed her into a residential care home full of known juvenile property offenders.*

With successive legislative and policy changes that see growing numbers of children in youth detention, this is a glaring concern. We believe the interwoven aspect of the youth justice system and the child protection system require urgent attention.



Many Aboriginal and Torres Strait Islander mothers have a realistic fear that disclosing and seeking help for family violence will lead to their children being forcibly taken from their care. This is a common thread, for FVPLS clients and their communities. This fear is justified when one examines the findings of the [*Australian Institute of Health and Welfare, Child Protection in Australia, 2022-23 Report*](#) which found that nationally, Aboriginal and Torres Strait Islander children received child protection services 8 times more than non-Indigenous children.

The rate was worst in WA with Aboriginal and Torres Strait Islander children receiving child protection services 13 times more than non-Indigenous children. Further, Aboriginal and Torres Strait Islander children are 12 times more likely to be in out-of-home care and 29 times more likely to be in youth detention. The rates of Aboriginal and Torres Strait Islander children receiving child protection services, substantiations, care and protection orders and residing in out-of-home care have all increased annually between 2019 to 2023 as tabled below:

Table 1. Children in the child protection system, by Indigenous status, 2019 to 2023 (number, rate and rate ratio)

Child protection component	2019	2020	2021	2022	2023
Number Indigenous children					
Children receiving child protection services ^(a)	51,470	55,301	58,034	57,975	58,173
Children in substantiations ^(a)	12,580	14,323	14,596	13,553	13,703
Children on care and protection orders	21,931	23,344	24,174	24,610	24,883
Children in out-of-home care	17,978	18,862	19,480	19,432	19,731
Non-Indigenous children					
Children receiving child protection services ^(a)	107,772	112,582	112,352	111,982	114,477
Children in substantiations ^(a)	31,960	33,239	33,183	30,506	30,270
Children on care and protection orders	37,060	37,484	37,500	36,501	35,619
Children in out-of-home care	26,864	27,077	26,677	25,924	25,511
All children					
Children receiving child protection services ^(a)	170,151	174,719	178,813	177,556	180,125
Children in substantiations ^(a)	47,516	48,886	49,690	45,548	45,424
Children on care and protection orders	59,073	60,903	61,743	61,149	60,554
Children in out-of-home care	44,905	45,996	46,212	45,393	45,273



Child protection component	2019	2020	2021	2022	2023
Number per 1,000					
Indigenous children					
Children receiving child protection services ^(a)	155.6	165.9	172.4	170.4	169.0
Children in substantiations ^(a)	38.0	43.0	43.4	39.8	39.8
Children on care and protection orders	66.1	69.7	71.5	71.9	71.8
Children in out-of-home care	54.2	56.3	57.6	56.8	57.0
Non-Indigenous children					
Children receiving child protection services ^(a)	20.5	21.3	21.2	21.0	21.3
Children in substantiations ^(a)	6.1	6.3	6.3	5.7	5.6
Children on care and protection orders	7.0	7.1	7.1	6.8	6.6
Children in out-of-home care	5.1	5.1	5.0	4.8	4.7
All children					
Children receiving child protection services ^(a)	30.5	31.1	31.8	31.3	31.5
Children in substantiations ^(a)	12.5	8.7	8.8	8.0	7.9
Children on care and protection orders	10.6	10.8	10.9	10.7	10.5
Children in out-of-home care	8.0	8.2	8.2	8.0	7.9
Rate ratio Indigenous/non-Indigenous					
Children receiving child protection services ^(a)	7.6	7.8	8.1	8.1	7.9
Children in substantiations ^(a)	6.2	6.8	6.9	7.0	7.1
Children on care and protection orders	9.4	9.9	10.1	10.5	10.9
Children in out-of-home care	10.6	11.0	11.5	11.7	12.1

To avoid or minimise the escalation of child protection matters and keep Aboriginal and Torres Strait Islander children safe and strong in their families, communities and culture, an Aboriginal and Torres Strait Islander and Child Protection Notification and Referral Scheme (similar to the existing Custody Notification Service) should be established. This would require child protection workers to provide warm referrals to FVPLS or another ACCO with relevant expertise for all Aboriginal and Torres Strait Islander parents and carers in contact with the child protection system to independent, culturally safe, specialist and preventative legal advice and ongoing culturally safe wraparound support at the earliest possible opportunity, especially where family violence is a factor in potential child removal.



The referrals should be made at the earliest possible stage, as soon as the family comes to the attention of the child protection system. Note: An effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to. FNAAFV and our FVPLS members believe this scheme would harmonize with the recent announcement of the Commonwealth's commitment to establishing an independent National Commission for Aboriginal and Torres Strait Islander Children and Young People.

This scheme would ensure Aboriginal and Torres Strait Islander mums have early access to legal and non-legal supports as soon as there are child protection concerns, which in turn would minimise child removal and displacement. There has been positive developments on this in some states and territories:

- The North Australian Aboriginal Family Legal Service received a grant to pilot the [NT Aboriginal Child Protection Notification and Referral Program](#).
- NSW has progressed a child protection referral system to legal assistance providers.
- [Yoorrook for Justice Report](#) (Victoria) supports a system of notification from the Department of Families, Fairness and Housing to Aboriginal legal service providers where a pre-birth report or substantiated child protection report is received (Recommendation 12).

The Government's investment in a Co-responder model provides initiatives that both prevent and respond to DFSV. FNAAFV understands that these reforms require an intersectionality and complex response from programs and adjacent sectors such as: health, shelters and safety houses, Services Australia, justice, policing, child protection etc. The new co-responder model that is currently being trialled in some locations requires leadership from the ACCO sector to support the adoption of a culturally safe model for wider implementation.



5. Conclusion

The Family Safety Plan should reflect that Aboriginal and Torres Strait Islander victim-survivors are front and center of the focus – these are predominantly women whose voices must be heard above all others. Keeping the focus on the safety of primary caregivers, recognising connection to kinship and culture, including specialist supports to keep their children safe and in a stable environment, will improve outcomes across intersecting areas of education; economic independence; health, social, emotional and cultural wellbeing; justice; housing; and a reduction in child removal / out of home care.

The government must adopt a multi-faceted approach to addressing the epidemic of DFSV through partnering with specialist ACCOs and Peaks to ensure that community-led, culturally appropriate services, resources and programs are designed, embedded and expanded where they already exist. This is to be supported through improvements in data collection, storage, reporting and evaluation processes with consideration of data sovereignty principles and the unique models of service delivery that specialist DFSV ACCOs such as FVPLS provide.

The Family Safety Plan must also reflect the government's responsibility and commitment to strengthening the Aboriginal and Torres Strait Islander DFSV workforce. This may include a co-designed DFSV workforce strategy and be informed through the Aboriginal and Torres Strait Islander DFSV Sector Strengthening Plan, which is currently under development, led by FNAAFV and the Department of Social Services.



As mentioned in this submission, a new National First Nations child protection notification and referral system would increase efficiency, broaden referral pathways, support culturally safe service provision and provide timelier outcomes for Aboriginal and Torres Strait Islander families.

Governments also need to act on the existing recommendations in multiple reports, reviews and action plans including the NLAP Review recommendation to provide a sustainable funding model for the FVPLS sector so that every Aboriginal and Torres Strait Islander community can access culturally safe, trauma-informed, specialist DFSV support as soon as it's needed, irrespective of their postcode.



End notes

FNAAFV thanks SNAICC for the opportunity to provide this submission. For any further information, please contact FNAAFV at info@fnaafv.org.au.