



30 November 2024

### NSW Aboriginal Women's Advisory Network's submission to the First Nations National Plan for Family Safety

The NSW Aboriginal Women's Advisory Network ('AWAN' or 'the Network') thanks the SNAICC – National voice for our Children for the opportunity to comment on the development of the Family Safety Plan.

The [NSW Aboriginal Women's Advisory Network](#) was established in 2022 and operates as a mechanism to drive Aboriginal-led policy solutions to the NSW Government Closing the Gap Target 13 initiative to reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50% by 2031 as progress towards zero.<sup>1</sup>

AWAN's Executive Council is led by Co-Chairs from Wirringa Baiya Aboriginal Women's Legal Centre ('Wirringa Baiya') and the Aboriginal Legal Service (NSW/ACT) ('ALS'). ALS is the Coalition of Aboriginal Peak Organisations (CAPO) lead on Target 13. Wirringa Baiya is the organisation that auspices the AWAN secretariat. Both Wirringa Baiya and AWAN are gender-specific and sensitive to the culturally diverse needs of Aboriginal and Torres Strait Islander women and children victim-survivors of domestic, family and sexual violence.

AWAN works to reduce violence against Aboriginal women and children through the following multi-pronged approach:

- *Educating community* around issues of domestic, family and sexual violence against Aboriginal and Torres Strait Islander women and children;
- *Empowering Aboriginal and Torres Strait Islander women* across New South Wales with opportunities to provide their insights on issues that impact themselves, their families, and their communities;
- *Representing the voices of Aboriginal and Torres Strait Islander women to government* at the NSW State and Australian Federal levels;
- *Representing the voices of Aboriginal and Torres Strait Islander women to frontline services*;
- *Advocating for better protections and support* in community for Aboriginal and Torres Strait Islander women and children.

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<sup>1</sup> NSW Government, 2022-2024 NSW Implementation Plan for Closing the Gap, 109.

## Consultations

This submission has been informed with consultations with our members part of the AWAN as well as previous consultations from communities that we have visited so far including Brewarrina, Campbelltown, Dubbo, La Perouse, Mt Druitt, Redfern, Walgett, Wellington, Armidale, Glen Innes, Tingha, and Inverell. Over 7 – 8 December 2023, the Network also held a State-Wide Conference around Domestic, Family and Sexual Violence which hosted over 100 Aboriginal and Torres Strait Islander women from urban, rural, regional and remote communities across NSW. Our work and this feedback is informed by the insights shared with us by Aboriginal and Torres Strait Islander women with whom we have consulted with from communities across NSW.

# Recommendations

Recommendation 1 - Government investment into more and better resourced safe houses across urban, rural, regional and remote NSW. Safe houses should be resourced to be open 24/7, 365 days a year, and to provide empathetic, trauma-informed and culturally safe support to all women and children seeking a safe house.

Recommendation 2: Government investment into 'healing houses' which remove perpetrators from the home and provide them with access to drug, alcohol and anger management counsellors to leave the home safer for Aboriginal and Torres Strait Islander women who have experienced the violence.

Recommendation 3: Design and deliver gender-focused solutions, including women's groups and workshops centred around connection, healing, empowerment, self-esteem and self-defence; as well as, men's educational and meaningful change behavior programs groups centred around empowerment, education and support.

Recommendation 4: Empower communities to decide what services they need and facilitate access to services on their terms with walk in one stop-shop services.

- (i) Strengthen models for community led advocacy support and elder-led community mediation; and
- (ii) develop a model to engage victim-survivors with lived experience of domestic to facilitate client referrals and access to services
- (i) Encourage early intervention engagement support with services without fear of repercussions from child protection agencies, necessitating appropriate jurisdictional reform

Recommendation 5: Victim-survivors navigating the justice system should have access to independent legal assistance at every stage of a criminal proceeding, from the report to trial, and while addressing intersecting legal issues.

- (i) For Aboriginal women, this model must be culturally safe and appropriately designed for their needs.
- (ii) Stronger specialised legal support, representation and wrap around supports for Aboriginal and Torres Strait Islander women and children to address misidentification.

Recommendation 6: Establish a crime prevention unit in NSW, staffed by Aboriginal workers with different expertise, to focus exclusively on place-based early intervention of sexual and domestic violence in Aboriginal communities. This model should include Aboriginal specialists from a range of disciplines, including counselling, early, middle and adult education, refuge services, child protection, law enforcement, legal, health, employment, and housing.

Recommendation 7: Implement place based, gender-specific, community driven, matriarchal and elder-led responses to work with the community, develop safety plans relevant to individual families and communities.

Recommendation 8: Utilise vital intervention points such as the criminal justice system to provide meaningful services to victim survivors, including post-release housing and rehabilitation programs by investing in models which have delivered successful outcomes.

Recommendation 9: Recruit additional Sexual Violence Liaison Officers (SVLO) and Domestic Violence Liaison Officers (DVLO) to ensure that all victim-survivors reporting

domestic violence and sexual violence offences have access to support throughout the reporting and investigation process. Specific attention must be directed towards recruiting female Aboriginal Community Liaison Officers (ACLOs). Funding should be also directed towards Aboriginal Community Controlled organisations (ACCOs) to support victim-survivors to engage with the Police reporting process in a culturally safe way.

Recommendation 10: Resources should be directed towards developing and expanding multi-disciplinary response centres that assist victim-survivors report and access help for DFSV in a trauma-informed and culturally safe environments.

Recommendation 11: Implement the Australian Human Rights Commission recommendation for Government to develop a national program to implement UNDRIP and schedule it to the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth)

Recommendation 12: Both Government and non-Government organisations must actively address barriers to engagement with support services and broaden definitions of disability and centre the rights and needs of Aboriginal and Torres Strait Islander women and children living with disability in discussions around domestic, family and sexual violence.

## Responses to questions from the discussion paper

### 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?

#### Regional communities

Prioritise increased services to regional communities to address differences in services available in regional town compared to cities. There is a need to ensure that service delivery is prioritised in regional towns and that the national umbrella of services is being filtered to each individual community. At times, for many women the only option available to escape violence is to leave town, which translates to leaving country and being disconnected from culture.

#### Invest in appropriate crisis support

Remove barriers preventing the ability to access support services when they are empowered and make their decision to leave a violent relationship by investing in crisis services to address gaps in certain regional areas. There is an urgent need to expand crisis support services to women leaving violent relationships who may not feel comfortable going to a refuge with limited diversity. Women are unable to leave a violent relationships if they have no where to go. Example given of one refuge in Nambucca Heads LGA constantly turning back many women away.

**Recommendation 1 - Government investment into more and better resourced safe houses across urban, rural, regional and remote NSW. Safe houses should be resourced to be open 24/7, 365 days a year, and to provide empathetic, trauma-informed and culturally safe support to all women and children seeking a safe house.**

#### Culturally appropriate education about healthy relationships

Educate communities to identify Family and Domestic Violence (DFV), given that it can be normalised, and there can be a limited awareness of what healthy relationships look like. Education system should be teaching respectful relationships to break the cycle of violence affecting communities. AWAN has provided submissions to the Department of Communities and Justice on the NSW Strategy for the Prevention of Domestic, Family and Sexual Violence and welcomes the decision to be on the NSW Primary Prevention Advisory Council to provide ongoing advocacy in relation to this.

This should be complemented by efforts for mainstream education also needs to address community attitudinal support (acceptance) of violence against women and children (justifying, excusing, minimising, hiding or shifting blame for family violence).

## Creating safe spaces to improve and facilitate access to support services

It is essential to ensure that safe spaces are built to encourage victim-survivors to access support without feeling policed by child protection services. Our consultations emphasised the barriers to engage with systems which are influenced by systematic racism over multiple generations.

### **2. If there were no barriers, how would your community address FDSV?**

If there were no barriers, there would be comprehensive efforts to ensure that support services can be accessed by victim-survivors. In the absence of barriers, our members consulted agreed that engagement with early intervention support services would take place without fear of repercussions from Child Protection agencies. This emphasises the need for meaningful system reform to ensure that child protection services focus their efforts and funding on early intervention support to support a woman living in a relationship with DFSV by providing the essential tools for a family to live together safely, with the requisite level of professional support and safety planning.

It is well established that First Nations women avoid reporting family and domestic violence due to fear that child protective services will remove children from their care, influenced by historical experiences.<sup>2</sup> Some of the issues contributing to this underreporting include fear, mistrust and loss of confidence in the justice system, police, government agencies and media, fear of children being removed from country and community, a belief in the need to protect the perpetrator because of high numbers of deaths in custody and community pressures, a lack of culturally appropriate services and lack of knowledge about legal rights and services available.<sup>3</sup>

These fears of the child protection system should also be further contextualised within the history of colonialism and systemic racism experiences by First Nations communities and intergenerational trauma from a history of dispossession of land, children removal, family separation and displacement and loss of culture<sup>4</sup>. Aboriginal children continue to be overrepresented in the out of home care system, with 43% of children in out of home care (OOHC) being First Nations children in 2025. Indigenous children are 10.5 times more likely to be in out of home care as compared to non-Indigenous children<sup>6</sup> – the highest rate of over representation in the out of home care system ever recorded<sup>7</sup>.

Some of the variables driving this include higher rates of removal of Indigenous children follow substantiation of child abuse or neglect, lower rates of family unification and the longer periods that Indigenous children spend in OOHC<sup>8</sup>. While the Aboriginal

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<sup>2</sup> Australian Institute Of Family Studies. (2020). *Child Protection and Aboriginal and Torres Strait Islander Children* | Australian Institute of Family Studies. Aifs.gov.au; Australian Government.<https://aifs.gov.au/resources/policy-and-practice-papers/child-protection-and-aboriginal-and-torres-strait-islander>

<sup>3</sup> Ibid

<sup>4</sup> Australian Institute of Health and Welfare. (2024). *2.12 Child protection*. AIHW Indigenous HPF. <https://www.indigenoushpf.gov.au/measures/2-12-child-protection>

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> SNAICC. (2023). *Family Matters*. SNAICC – National Voice for Our Children. <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>

<sup>8</sup> Ibid

and Torres Strait Island Child Placement Principle states that placement with Aboriginal or Torres Strait Island relatives of kin is the most desirable arrangement for children in OOHC<sup>9</sup>, only 31.8% were placed with First Nations relatives or kin in 2022, while 45% of First Nations children in OOHC had been continuously in OOHC for 5 years or more<sup>10</sup> due to lower reunification rates and higher entries to care early in life.

The Family Matters Report 2023 highlights that in order to achieve Target 12 of the National Agreement to reduce over-representation of Indigenous children in OOHC, there is a need to focus on enabling children to stay safely at home with their families and maintaining connection to culture and community. Particularly, there is a need to for prevention and early support for families and broader efforts to address the underlying issues resulting in the removal of Indigenous children from their families into OOHC<sup>11</sup>.

Members also shared the issues surrounding services being limited to women who make the choice to leave a violent relationship, and to feel policed and unsupported when they return to a relationship which leads to essential support mechanisms halting, placing a family at greater risk. There is a need to provide support to families to stay together safely by addressing the root causes of violence and providing domestic violence education and counselling support. Another way that communities can be empowered is by determining what support services are needed to leave the home safer for the family, by investing in healing houses for perpetrators.

**Recommendation 2: Government investment into ‘healing houses’ which remove perpetrators from the home and provide them with access to drug, alcohol and anger management counsellors to leave the home safer for Aboriginal and Torres Strait Islander women who have experienced the violence. This enables a family to live together**

A member articulated: “our men were raised to be warriors, they are now displaced.” This highlights the need to address gender specific empowerment to address lateral violence in Aboriginal communities.

**Recommendation 3: Design and deliver gender-focused solutions, including women’s groups and workshops centred around connection, healing, empowerment, self-esteem and self-defence; as well as, men’s educational and meaningful change behavior programs groups centred around empowerment, education and support.**

Participants during our consultations called for ‘One stop shops’ and the ability to walk in to a service to seek support, due to the fact that being passed from service to service and waiting for hours is disheartening. Walk in services allows survivors to access services on own terms in recognition of the imposition of protection services being tied intrinsically to colonisation.

<sup>9</sup> <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/>

<sup>10</sup> <https://www.indigenoushpf.gov.au/measures/2-12-child-protection#references>

<sup>11</sup> <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>

Empowering communities to decide what services they need and facilitate the opportunities to access those service on their terms by accessing one-stop shops and facilitated referral services. As articulated by a participant, such a solution would effectively ‘*flip the script on the imposition of services on Aboriginal community that were part of the colonisation process*’.

**Recommendation 4: Empower communities to decide what services they need and facilitate access to services on their terms with walk in one stop-shop services.**

- (i) Strengthen models for community led advocacy support and elder-led community mediation; and**
- (ii) develop a model to engage victim-survivors with lived experience of domestic to facilitate client referrals and access to services**
- (i) Encourage early intervention engagement support with services without fear of repercussions from child protection agencies, necessitating appropriate jurisdictional reform**

This recommendation complements Recommendation 10 from The Senate *Missing and Murdered First Nations Women and Children* report to support the development of Aboriginal community-based support programs for men; and promote a sense of individual and community responsibility for the issue of male violence against Aboriginal women.

[Expand specialised legal supports for victims of domestic, family or sexual violence](#)

Efforts to address domestic and family violence must consider the extent of Police misidentification of Aboriginal women as perpetrators of family violence; and the significant adverse impacts this has on women and children’s safety. For Aboriginal women, misidentification as perpetrators of violence occurs more frequently than it does for other women. In addition to the impacts on women and children’s safety, misidentification leads to Aboriginal women’s criminalisation, incarceration and removal of their children.

Government investment is required to expand Aboriginal-led and culturally-based legal support and court support for Aboriginal and Torres Strait Islander women who experience domestic, family and sexual violence. A perpetrator data system which values the safety of women and children must include straightforward and accessible mechanisms for correcting misidentification.<sup>12</sup>

Crucially, any strategy must be culturally appropriate for, and designed to meet the needs of Aboriginal communities<sup>13</sup>. For these communities, support services must be, at the very least, culturally safe, but they should ideally be provided by Aboriginal controlled services. To this end, Wirringa Baiya Aboriginal Women’s Legal Centre has advocated for the establishment of a crime prevention unit in NSW, staffed by

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<sup>12</sup> Djirra, Submission to Inquiry Into Capturing Data on Family Violence Perpetrators in Victoria (27 May 2024)

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<sup>13</sup> Wirringa Baiya Aboriginal Women’s Legal Centre, Submission to Justice Responses to Sexual Violence: Issues Paper (2024) (7 June 2024) 4.



Aboriginal workers with different expertise, to focus exclusively on early intervention of sexual and domestic violence in Aboriginal communities.<sup>14</sup>

This model should include Aboriginal specialists from a range of disciplines, including counselling, early, middle and adult education, refuge services, child protection, law enforcement, legal, health, employment, and housing. Any service must be locality appropriate. What may work for one community in a metropolitan area may be quite different for what works for different Aboriginal communities in rural areas. It is also important to not homogenise metropolitan, regional, and remote Aboriginal communities when designing support services, as there are variations in each.

There is widespread support for models of independent legal assistance for victim-survivors within Australia. For example, the Victorian Law Reform Commission's recent review of the justice system response to sexual offences highlighted a gap in legal assistance for victim-survivors, resulting in a lack of understanding of legal rights and options, and concluding that the Victorian Government should pilot a scheme of separate lawyers for complainants in sexual offence cases.<sup>15</sup> This need for access to legal assistance and specialised legal advice was similarly recognised by the Meeting of the Attorneys-General as something that can provide victim-survivors with greater support, allowing them to better engage with the justice system<sup>16</sup>.

**Recommendation 5:**

**Victim-survivors navigating the justice system should have access to independent legal assistance at every stage of a criminal proceeding, from the report to trial, and while addressing intersecting legal issues.**

- (i) For Aboriginal women, this model must be culturally safe and appropriately designed for their needs.**
- (ii) Stronger specialised legal support, representation and wrap around supports for Aboriginal and Torres Strait Islander women and children to address misidentification.**

**Recommendation 6: Establish a crime prevention unit in NSW, staffed by Aboriginal workers with different expertise, to focus exclusively on place-based early intervention of sexual and domestic violence in Aboriginal communities. This model should include Aboriginal specialists from a range of disciplines, including counselling, early, middle and adult education, refuge services, child protection, law enforcement, legal, health, employment, and housing.**

<sup>14</sup> Wirringa Baiya Aboriginal Women's Legal Centre, Submission to NSW Law Reform Commission, Report 148: Consent in Relation to Sexual Offences (29 June 2018) 3.

<sup>15</sup> Victorian Law Reform Commission, Improving the Justice System Response to Sexual Offences (Report, September 2021) 263-7.

<sup>16</sup> Attorney-General's Department, Work Plan to Strengthen Criminal Justice Responses to Sexual Assault (Meeting of Attorneys-General, 12 August 2022) 9

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

There is an urgent need to ensure that Aboriginal and Torres Strait Islanders Victims-Survivors are able to access support programs and services that are trauma informed, therapeutic and holistic.

Our members shared that Governments can best support Aboriginal and Torres Strait Islander People, services and solutions by a level of genuine commitment to engagement, cultural safety and collaboration. A member aptly articulated that support is *'more than just words on reports, it comes to feet on the pavement and seeking to make tangible differences in the community.'* Then need for consistent community engagement was *emphasised*, and it was noted that it cannot be on a short-term fly in and fly out basis. Attendance of informal events on a regular and consistent basis was valued to ensure that faces are connected to names.

#### **Cultural safety**

The importance of cultural safety in the provision of services to Aboriginal people cannot be under-estimated. A culturally safe system is one in which people feel safe, where there is no challenge or need for the denial of their identity, and where their needs are met. A culturally-responsive system is one in which non-Aboriginal people take responsibility to understand the importance of culture, country and community to Aboriginal health, wellbeing and safety, by working with Aboriginal communities to design and deliver culturally-responsive services.

Culturally safe practices requires Government and non-Government organisations and professionals working in those organisations to act in a manner that is respectful of the culture and beliefs of Aboriginal and Torres Strait Islander peoples. Culturally safe practices means being free from discrimination and acknowledging the history of Aboriginal and Torres Strait Islander peoples and their treatment in Australia.

Being free from discrimination requires conscious efforts to identify and address direct discrimination, as well as indirect discrimination born from unconscious biases within organisations and individuals against Aboriginal and Torres Strait Islander peoples. This is in line with the National Agreement on Closing the Gap (2020) principles under Priority Reform Area 3 to identify and eliminate racism by undertaking system-focused efforts to address disproportionate outcomes and overrepresentation of Aboriginal and Torres Strait Islander people by addressing features of systems that cultivate institutional racism.

Affirmative action and committed efforts must be undertaken to ensure that Aboriginal and Torres Strait Islander peoples and the services that represent them are genuinely listened to and heard. The steps towards improving the cultural competency of individuals, organisations and systems must be multifaceted.

The design of this targeted approach must be led by Aboriginal and Torres Strait Islander peoples and Aboriginal Community Controlled Organisations. The elements that should be incorporated include, but are not limited to, cultural competency training and education, as well as sets of competencies, standards and principles to abide by.

## Culturally safe policing Policing

Within the area of Policing, it is apparent that there is a need to improve cultural safety. All police officers must have extensive and ongoing face to face cultural awareness training that educates officers about the specific experiences of Aboriginal victims of sexual violence offences<sup>17</sup>. This should include an understanding of the intersectional challenges and discrimination faced by Aboriginal victims through a complex mixture of race, gender, age, and other attributes.<sup>18</sup> Police training about sexual violence (and domestic violence) needs to be developed and delivered with significant input from and co-facilitation with sexual, domestic and family abuse experts, Aboriginal cultural safety experts, disability experts, LGBTIQ+ experts, specialist legal services and informed by the lived experiences of victim survivors.

While training is part of the picture, police forces need to be sure they are recruiting the best people. There must be ongoing reviewing and monitoring of police recruitment policies and procedures to ensure racist, sexist, homophobic and transphobic views (both conscious and unconscious bias) are comprehensively tested for on recruitment, and throughout a police officer's employment<sup>19</sup>. Such policies and procedures that test racist and sexist views should be developed by independent cultural safety experts and gender safety experts. In addition, we support calls for police recruitment and retention strategies designed to increase and retain the number of Aboriginal women in leadership roles within the police force across local, regional and state offices.<sup>20</sup>

## Trauma informed services

There is also a need for culturally safe response and understanding how trauma presents when accessing services, given the intergenerational nature of trauma impacting Aboriginal communities. For example, a participant shared that failure to have insight into domestic violence is considered problematic when dealing with child protection, however it is a protective mechanism for women experiencing domestic violence due to the way that trauma can manifest.

**Recommendation 7: Implement place based, gender-specific, community driven, matriarchal and elder-led responses to work with the community, develop safety plans relevant to individual families and communities.**

<sup>17</sup> Wirringa Baiya Aboriginal Women's Legal Centre, Submission to Justice Responses to Sexual Violence: Issues Paper (2024) (7 June 2024) 19

<sup>18</sup> Australian Human Rights Commission, Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report (Report, 2020) 97

<sup>19</sup> Wirringa Baiya Aboriginal Women's Legal Centre, Submission to Justice Responses to Sexual Violence: Issues Paper (2024) (7 June 2024) 20

<sup>20</sup> See, e.g., Australian Human Rights Commission, Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report (Report, 2020) 103.

## Holistic programs for women in custody

Programs targeted towards women in custody can have an impactful difference due to the opportunity to provide intensive support while a victim-survivor is in custody and to address cycles of re-offending. Although women make up a relatively small proportion of the total prison population in Australia, over the past 10 years the number of women in prison has been increasing and at a faster rate than the number of men in prison.

Aboriginal and Torres Strait Islander prisoners accounted for a third (33%) of the total female prisoner population. Indigenous women were imprisoned at a much higher rate than non-Indigenous women (453 and 24 per 100,000 adult female population, respectively).<sup>21</sup>

The close links between imprisonment and domestic and family violence (DFV) and sexual violence are poorly understood, but are crucial in addressing cycles of violence/imprisonment, and providing support services to women who have experienced both violence and imprisonment. There is an urgent need to recognise the importance of continuity of services, case management, pre-release planning and throughcare, as well as to Develop and fund culturally relevant diversion and prison initiatives such as the Kunga Stopping Violence Program<sup>22</sup>, the Miranda Project or the Sisters Inside diversionary program.

High numbers of women in custody have experienced abuse - around 70–90 percent<sup>23</sup>. Women can become caught in cycles of imprisonment and experiencing violence: violence increases the risk and effects of imprisonment, and imprisonment increases the risk and effects of violence.<sup>24</sup>

Women in prison are more likely to have a history of physical and sexual abuse than men; are more likely to have mental health problems; and experience drug and alcohol dependence at higher rates than men.<sup>25</sup>

Numerous case studies are shared below presenting programs which deliver meaningful results. State and Federal Governments should consider investing to fund expansion of these programs.

**Recommendation 8: Utiliise vital intervention points such as the criminal justice system to provide meaningful services to victim survivors, including post-release housing and rehabilitation programs by investing in models which have delivered successful outcomes.**

<sup>21</sup> Australian Institute of Health and Welfare 2020. The health and welfare of women in Australia's prisons. Cat. no. PHE 281. Canberra: AIHW.

<sup>22</sup>

<sup>23</sup> Bevis, M., Atkinson, J., McCarthy, L., & Sweet, M. (2020). Kungas' trauma experiences and effects on behaviour in Central Australia (Research report, 03/2020). Sydney, NSW: ANROWS

<sup>24</sup> ANROWS report

<sup>25</sup> WHO 2014. Prisons and health. Copenhagen: World Health Organization Regional Office for Europe.

### **Case study: Kunga Stopping Violence Program (KSVP)**

The Kunga Stopping Violence Program (KSVP) is a voluntary throughcare program for Aboriginal women run in the Alice Springs Correctional Centre. The program works specifically with women who have an alleged history of violent offending.

The KSVP provides pre-release support to Aboriginal women in the prison, including a four-week violence reduction, trauma-specific course, and provides postrelease support for at least 12 months. The KSVP has successfully assisted in areas such as safety planning, medical treatment, employment and training, housing, mentoring, drug and alcohol rehabilitation, family reunification, legal assistance and court support.

The KSVP's "educaring" approach is a "trauma-specific blend of Aboriginal traditional healing activities and Western therapeutic processes. It uses experiential learning to enable participants to explore their individual and community transgenerational trauma". The KSVP works on understanding behaviours as trauma responses, and facilitates the use of trauma specific recovery tools to support the women to focus on their resilience and to build on their strengths. The KSVP is an example of the kind of program the courts could use as a diversionary option while women are on remand and after sentencing.

### **Case study: The Miranda Project**

The Miranda Project, a project of the Community Restorative Centre (CRC), supports women in contact with, or at risk of contact with the criminal justice system who have been impacted by domestic and family violence. It is an innovative, gender-specific program which provides specialist, holistic, trauma-informed case work, and case management, based on a long-term relational and outreach model of support. It is co-located with a Women's Health Centre which provides a safe social space and access to groups, psycho-educational, social and recreational activities supported by specialist criminal justice and domestic and family violence workers.

### **Case study: Aboriginal Cultural Appreciation Workshop (ACA)**

The ACA workshop is facilitated and designed by Kerryann Aboriginal Educator & Consultant to work with victim-survivors women in custody at Wellington Corrections Centre to offer therapeutic holistic healing programs rooted in traditional Aboriginal culture. The program enhances participants' knowledge and skills in best practices for working with Aboriginal people, their lands, skies, and waterways. The workshop emphasises respecting and supporting the diverse Aboriginal cultures and valuing the strengths within Aboriginal individuals, families, and communities. It aims to build a solid foundation in cultural appreciation, sensitivity, and effective engagement strategies.

The program has been a collaborative effort between Joblink Plus, and Marrumbang. Guest facilitators and cultural experts who contribute to the success of the sessions include Wellington Aboriginal Health Service (WACHS) Wellbeing Team, a Wiradjuri Languages teacher, an Aboriginal Sites Officer and Linkup.

In 2009, Wirringa Baiya Aboriginal Women's Legal Centre, Women's Legal Service NSW and Western Sydney Community Legal Centre (then called Hawkesbury Nepean Community Legal Centre) established the LEAP program in response to the high levels of unmet need amongst women in custody for family and civil law services.

The LEAP program is a unique specialist, unfunded legal program provided in partnership by our service in partnership with Women's Legal Service NSW (WLS NSW) and Western Sydney Community Legal Centre (WSCLC). The LEAP program aims are to:

1. Reduce reoffending rates for women prisoners by responding to their complex experiences of sexual violence and domestic and family violence.
2. Reduce reoffending rates for women prisoners by preserving and restoring relationships with children and working to break the cycle of children transitioning from care to criminalisation.
3. Provide culturally safe programs to Aboriginal women that recognise the importance of kinship and culture.

Since the program began, LEAP has assisted hundreds of women in custody and post release including those under supervision in the community. The program assists women in custody across the state via telephone. LEAP provides regular face to face legal outreach clinics for women at Dillwynia Correctional Centre, Emu Plains Correctional Centre and Silverwater Women's Correctional Centre.

Women can also make a free ten-minute legal call from all female correctional centres in NSW to contact Wirringa Baiya Aboriginal Women's Legal Service service by dialling #20 on the CADL and to Women's Legal Service by dialling #21. LEAP receives referrals from a range of sources including individual women, Corrective Services staff, Department of Communities and Justice co-located child protection caseworkers, Women's Justice Network, Community Restorative Centre, Legal Aid, Aboriginal Legal Service and rehabilitation services. These referrals are ad-hoc and as a result of building a few really strong relationships with key individual workers in the centres. As staff at CSNSW move on, these relationship and referral pathways, and the women are left with less options and knowledge of their rights.

## Strengthen partnerships with Aboriginal Community Controlled organisations

A whole-of-society response to primary prevention requires a focus on community organisations. These organisations are place-based and centred to the diverse needs and representation of communities across NSW. There is currently an imbalance in how partnerships take place with Aboriginal organisations. There is a need to ensure that there is adequate technical support, information sharing and resourcing to adequately support organisations to be sustainable to achieve self-determination.

## Aboriginal workforce

Aboriginal specialist workers need to be better resourced and increased, particularly in regional areas where they often need to travel to different towns. Funding needs to be increased for services working with Aboriginal communities which are currently stretched. Non-Aboriginal workers consistently reach out to Aboriginal workers for

referrals and they carry significant cultural load. Work hours are not limited to 9-5 and can be contacted throughout all hours of the night due to the responsibility that the community holds to each other.

In regional settings, consideration should be made to the increased likelihood of pre-existing community relationships which may prevent from victim-survivors accessing support from workers they know in their community. Consideration should be given to connecting survivors to workers from different communities by utilising hybrid arrangements.

### Adequate resourcing of specialist Police Force members

Within NSW Police Force, our consultations emphasises that Aboriginal Cultural Liaison Officers with the NSW Police Force are inadequate, and the need they have to travel across different Local Area Commands and towns in regional settings. Within the context of domestic violence, there is a need for Aboriginal Domestic Violence Liaison officers both male and female to provide gender specific support.

Another step towards holistic and culturally appropriate service provision is to improve the reporting process for victims, and ensure their ongoing safety throughout the investigation process by making a Domestic Violence/Victims Liaison Officer available as soon as a victim presents to report.<sup>26</sup> For Aboriginal victims, female Aboriginal Liaison Officers should be available.

Separate to independent legal assistance, the role of a VLO should be to provide a victim-centric and trauma-informed pastoral response to complainants. Their priority should be the wellbeing of the victim-survivor, providing referrals to support and safety services, serving as a consistent support person, and acting as the central contact point throughout the investigation.<sup>27</sup>

#### **Recommendation 9:**

**Recruit additional Sexual Violence Liaison Officers (SVLO) and Domestic Violence Liaison Officers (DVLO) to ensure that all victim-survivors reporting domestic violence and sexual violence offences have access to support throughout the reporting and investigation process. Specific attention must be directed towards recruiting female Aboriginal Community Liaison Officers (ACLOs). Funding should be also directed towards Aboriginal Community Controlled organisations (ACCOs) to support victim-survivors to engage with the Police reporting process in a culturally safe way.**

<sup>26</sup> Women's Legal Service Qld, Submission to the Women's Safety and Justice Taskforce, Discussion Paper 3: Women and Girls' Experiences across the Criminal Justice System as Victims-Survivors of Sexual Violence and also as Accused Persons and Offenders (2022) 7,

<sup>27</sup> Wirringa Baiya Aboriginal Women's Legal Centre, Submission to Justice Responses to Sexual Violence: Issues Paper (2024) (7 June 2024) 18.



## Health Justice Partnerships

Health Justice Partnerships offer accessible, trauma-informed and culturally appropriate places that victims can report or disclose their experiences of Sexual Violence or Domestic and Family Violence. Women experiencing DFV more commonly seek help from or are in contact with health services than legal assistance services. This is in line with health professionals being commonly identified as trusted carers and advisors. Many health services screen for DFV and yet may not have all the tools required to respond to the range of issues arising. Health justice partnerships (HJPs) bring lawyers into healthcare settings and teams to address intersecting health and legal issues facing patients.

As key responders, police are often identified at the centre of integrated approaches<sup>28</sup>. However, health services also play a critical role, as a widely and routinely accessed and trusted source of support for people facing DFV. Integrating legal help into healthcare settings and teams broadens the resources made available to those experiencing DFV at this critical time. In particular, Aboriginal victims of violent offences are much more likely to turn to health services, family and kin, and elders for help, before the police.<sup>29</sup>

We note that there have been efforts to introduce multi-agency integrated responses, both within Australia and overseas, as examples of models that improve outcomes for victims. Victoria has introduced seven Multi-Disciplinary Centres which provide co-located services (including specially trained police investigators, counselling and advocacy support, private counselling rooms and group therapy spaces, rooms for evidence to be recorded, clinic rooms for well-being and forensic medical assessments, and remote witness facilities).

Initial assessments of this system have been positive.<sup>30</sup> The pilot program also noted these systems could significantly contribute to a cultural shift in attitudes of police.<sup>31</sup> A similar model is used in the UK. Research from the UK suggests that there is a role for these multi-disciplinary teams, but these need to be supplemented by independent voluntary organisations (which have similar services, but no police presence), due to fear of police and/or child protective services.<sup>32</sup> This may be

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<sup>28</sup> Australia's National Research Organisation for Women's Safety (2020) Working across sectors to meet the needs of clients experiencing domestic and family violence, ANROWS Insights 05/2020, Sydney, ANROWS.

<sup>29</sup> Willis M 2010. Community safety in Australian Indigenous communities: Service providers' perceptions. Research and public policy series no. 110. Canberra: Australian Institute of Criminology.  
<http://www.aic.gov.au/publications/current%20series/rpp/100-120/rpp110.aspx>

<sup>30</sup> See Martine B Powell and Rita Cauchi, 'Victims' Perceptions of a New Model of Sexual Assault Investigation Adopted by Victoria Police' (2013) 14(3) Police Practice and Research 228, 239-40; Martine B Powell and Rebecca Wright, 'Professionals' Perceptions of a New Model of Sexual Assault Investigation Adopted by Victoria Police' (2012) 23(3) Current Issues in Criminal Justice 333, 338-43; Success Works and Department of Justice (Vic), Sexual Assault Reform Strategy (Final Evaluation Report, Department of Justice (Vic), January 2011) ii, 24-5; Victorian Law Reform Commission, Improving the Justice System Response to Sexual Offences (Report, September 2021) 93-4.

<sup>31</sup> Martine B Powell and Rebecca Wright, 'Professionals' Perceptions of a New Model of Sexual Assault Investigation Adopted by Victoria Police' (2012) 23(3) Current Issues in Criminal Justice 333, 350.

<sup>32</sup> Amanda Robinson and Kirsty Hudson, 'Different yet Complementary: Two Approaches to Supporting Victims of Sexual Violence in the UK' (2011) 11(5) Criminology & Criminal Justice 515.



especially relevant for Aboriginal communities in the context of systematic child removal.<sup>33</sup>

**Recommendation 10:** Resources should be directed towards developing and expanding multi-disciplinary response centres that assist victim-survivors report and access help for DFSV in a trauma-informed and culturally safe environments.

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

There is a need for community led and designed responses to address the intersectional needs of Aboriginal and Torres Strait Islander people and communities.

People living with a disability, Brotherboys, sistergirls and other LGBT Aboriginal and Torres Strait Islander peoples experience a number of significant and intersecting points of discrimination and marginalisation in Australia.

Intersectionality also requires a commitment to address Social and Emotional Wellbeing (SEWB) factors that intersect with other areas including suicidality and overrepresentation in the criminal justice system. There is a need to embed a holistic whole of person approach by seeking to address all the factors that affect a community and the culmination of generations of trauma that manifests in mental health issues, drug and alcohol dependency and violence.

Intersectionality also requires acknowledgement of the fact that DFV is an extension of the violence experienced by Aboriginal and Torres Strait Islander continue to experience in the context of colonisation, intergenerational trauma, discrimination, and cultural dispossession. The Wiyi Yani U Thangani (Women's Voices) Report (2020) also highlights that intersectional discrimination, which is a combination of race, gender, culture and other discrimination, is a major driver of violence against Indigenous women and girls.<sup>34</sup> This has resulted in social, economic, physical, psychological and emotional effects for Indigenous Australians,<sup>35</sup> which has fostered a climate of lateral violence for some communities.

Historic and ongoing settler colonialism must be considered as the key underlying driver of violence against First Nations women. Settler colonial violence is not simply about prejudice or hatred towards First Nations people, but rather a 'logic of elimination' that relies on dispossession and displacement. Colonisation has enabled multiple forms of State or State-sanctioned violence that continue to inhere in legislation, policies, practices and attitudes of the State and its agents; all of which

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<sup>33</sup> Victorian Law Reform Commission, Improving the Justice System Response to Sexual Offences (Report, September 2021) 96.

<sup>34</sup> Australian Human Rights Commission 2020

<sup>35</sup> AIHW 2018; Coles et al. 2015; Loxton et al. 2019) (AIHW 2018; Coles et al. 2015; Loxton et al. 2019; Our Watch 2018b).

are reflected in land ownership, wealth distribution, health statistics, and arrest and incarceration rates.

‘Lateral violence’ describes the way people (Indigenous and non-Indigenous) in positions of powerlessness covertly or overtly direct their dissatisfaction inward towards themselves, each other and those less powerful than themselves. Lateral violence is a product of complex historical and social dynamics that is not limited to physical violence but can also include social, emotional, psychological, economic and spiritual forms of violence by individuals and groups ([Australian Human Rights Commission 2011](#)). For Indigenous Australians, the roots of this are found in colonisation, control, oppression, intergenerational trauma and experiences of racism.

A year on since the defeat of the Voice to Parliament referendum, the need to progress reconciliation is urgent to achieve self-determination. *‘After more than 200 years of colonisation, many First Nations Australians feel more disillusioned than ever and rejected in their own lands. The impact of this rejection has been absolutely extreme on our people: our hearts, our minds and our souls’.*<sup>36</sup>

Australia endorsed UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2009, a mechanism that if fully implemented would better protect and progress the human rights of First Nations Peoples. Since then, in international forums, Australia has committed to take actions to implement the Declaration and promote indigenous people’s enjoyment of rights on an equal basis. However, there is no legislative commitment to comply with the UNDRIP. The Australian Government has not, however:

- taken steps to implement the UNDRIP into law, policy and practice.
- Negotiated with Indigenous peoples a National Action Plan to implement the UNDRIP
- Audited existing laws, policies and practice for compliance with the UNDRIP.

**Recommendation 11: Implement the Australian Human Rights Commission recommendation for Government to develop a national program to implement UNDRIP and schedule it to the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth)**

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<sup>36</sup> The year our Voice broke: The fallout from the failed referendum, <https://humanrights.gov.au/about/news/opinions/year-our-voice-broke-fallout-failed-referendum-0>

## Disability

First Nations women and children, and people with a disability, are among the most vulnerable groups for risk of witnessing or experiencing FDV throughout their lifetime<sup>37</sup>. People with disability are more likely to be victim-survivors of family, domestic and sexual violence (FDSV) than people without disability<sup>38</sup>.

Aboriginal and Torres Strait Islander People with a disability continue to experience barriers to service engagement such as mistrust of government services, lack of culturally appropriate support, marginalisation and disempowerment. Services may be inadequately informed to provide support to people with a disability, communication breakdowns, limited availability of accessing support if no AHA or specialised clinicians available regularly, limitations in funding leads to lack of access to specialised supports.

While there is limited national data specific to experiences of FDSV among First Nations people (Aboriginal and Torres Strait Islander people) with disability, available research shows that:

- there is a higher proportion of people with disability or a restrictive long-term health condition among First Nations people (estimated to be 45% in 2014–15) compared with the general population (18%).<sup>39</sup>
- It is likely that First Nations people with disability experience intersectional discrimination and disadvantage, which can increase the risk of experiencing FDSV and restrict access to support.<sup>40</sup>
- First Nations women with disability are likely to experience high rates of emotionally abusive, harassing and controlling behaviours and are more likely than non-Indigenous women with disability to experience domestic physical or sexual violence, and coercive control<sup>41</sup>.

Victim-survivors with disabilities often face additional barriers to escaping family violence and becoming safe, and require tailor measured responses and services. For many women and children with disability, recognising that they are experiencing FDV can be difficult and made worse by limited support or access to information

Both Government and non-Government organisations must centre the rights and needs of Aboriginal and Torres Strait Islander women and children living with disability in discussions around domestic, family and sexual violence.

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<sup>37</sup> Australian Institute of Health and Welfare, 2019a, p. 4

<sup>38</sup> DSS (Department of Social Services) (2022) [National plan to end violence against women and children 2022–2032- external site opens in new window](#), DSS, Australian Government, accessed 17 March 2023.

<sup>39</sup> ABS (2016) [Social and economic wellbeing of Aboriginal and Torres Strait Islander people with disability – National Aboriginal and Torres Strait Islander Social Survey, 2014–15- external site opens in new window](#), ABS website, accessed 28 March 2023.

<sup>40</sup> RCVANEPD (2020b) [Violence and abuse of people with disability at home- external site opens in new window](#), RCVANEPD, accessed 28 March 2023.

<sup>41</sup> Boxall H, Morgan A and Brown R (2021) [Experiences of domestic violence among women with restrictive long-term health conditions- external site opens in new window](#), Report for the Royal Commission into violence, abuse, neglect and exploitation of people with disability, AIC, accessed 28 March 2023.

First Nations people experience barriers to assessments and diagnoses, making it difficult to access support. Whilst understanding a person's disability can assist in knowing the type of support a person may require, it is important to focus on the impact that it has on their life, rather than the diagnosis.

A person with disability is an expert in their own life and often is the best person to tell you how their disability impacts them. If they feel comfortable, it is recommended that government departments ask about how their disability impacts them, rather than assume based on their diagnosis. This recognises the fact that many people can have the same formal diagnosis, however the impact it has on their day-to-day life can vary greatly. It also enables services to have a better understanding of how to adapt service delivery to meet a person's needs.

#### *Secondary disabilities*

The experience of FDV is recognised as a cause or contributor to disability. AIHW (2018) research indicated that intimate partner violence caused more illness, disability, and deaths than any other risk factor for women aged 25–44 in Australia.<sup>42</sup> Family violence contributes significantly to the 'burden of disease' experienced by First Nations women with disabilities, alongside far higher rates of depression, anxiety, alcohol use, early pregnancy loss, suicide and self-harm, and homicide and violence.<sup>43</sup>

**Recommendation 12: Both Government and non-Government organisations must actively address barriers to engagement with support services and broaden definitions of disability and centre the rights and needs of Aboriginal and Torres Strait Islander women and children living with disability in discussions around domestic, family and sexual violence.**

## **Conclusion**

The NSW Aboriginal Women's Advisory Network again thanks the SNAICC for the opportunity to provide our feedback into the development of the First Nations Family Safety Plan.

If you have any questions about this feedback, please contact the NSW Aboriginal Women's Advisory Network's Acting Program Co-ordinator, Shaquille Robinson by email: [s.robinson@awan.org.au](mailto:s.robinson@awan.org.au) or phone: 02 9560 5432, 0484 914 523 and the Network's Policy and Advocacy Officer, Yusra Metwally by email [y.metwally@awan.org.au](mailto:y.metwally@awan.org.au).

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<sup>42</sup> Australian Institute of Health and Welfare. (2018). Family, domestic and sexual violence in Australia, 2018. Canberra: AIHW. Retrieved November 3, 2022 from: <https://www.aihw.gov.au/reports/domestic-violence/familydomestic-sexual-violence-in-australia-2018/summary>

<sup>43</sup> Our Watch. (2018). Changing the picture, Background paper: Understanding violence against Aboriginal and Torres Strait Islander women, p.30- 31

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Y. Metwally', with a stylized flourish at the end.

Yusra Metwally  
Policy and Advocacy Officer  
on behalf of Shaquille Robinson, Acting Program Co-ordinator  
NSW Aboriginal Women's Advisory Network