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Submission  
Aboriginal and Torres  
Strait Islander Action  
Plan to  
End Violence against  
Women

April 2023

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# Aboriginal and Torres Strait Islander Action Plan to End Violence against Women

## Submission from Djirra

April 2023

### KEY RECOMMENDATIONS

Djirra welcomes the opportunity to make a submission on the *National Plan to End Violence against Women and Children 2022-2032 Aboriginal and Torres Strait Islander Action Plan*. Our key recommendations are included below, followed by our submission.

#### REFORM AREA 1. VOICE, SELF-DETERMINATION, AGENCY

##### Recommendation 1

That the scope of the Action Plan is restricted to **three years** to allow development of a comprehensive Standalone Plan for Aboriginal and Torres Strait Islander women to commence by 2026. The key priorities for those three years should focus on:

- Aboriginal and Torres Strait Islander women's safety
- Immediate housing and income support
- Child protection reform

##### Recommendation 2

That the Action Plan takes a whole of society approach to family violence acknowledging its cumulative multiple drivers including colonisation, systemic racism, and intergenerational trauma.

##### Recommendation 3

That the Action Plan be strengths-based and grounded in self-determination and culture at all levels.

##### Recommendation 4

That the Action Plan contain tangible, measurable targets and commitments that reflect the interrelatedness of the Closing the Gap targets including but not restricted to Targets 10, 12 and 13.

##### Recommendation 5

That the invisibility of Aboriginal and Torres Strait Islander women as victims of crime is acknowledged and addressed.

##### Recommendation 6

That the Action Plan clearly states that family violence is a gender issue, and that Aboriginal and Torres Strait Islander women experience violence from men of many cultures and backgrounds.

##### Recommendation 7

That the safety of Aboriginal and Torres Strait Islander women and children must be highlighted as the overriding priority in the Action Plan.

##### Recommendation 8

That the National Forum for Family Violence Prevention Legal Services is acknowledged as the peak specialist Aboriginal family violence prevention body, appointed to the Aboriginal and Torres Strait Islander Advisory Council and be funded appropriately.

### **Recommendation 9**

That National Forum for Family Violence Prevention Legal Services is invested in to lead the work on the Action Plan as the national peak.

### **Recommendation 10**

That each member of the National Forum for Family Violence Prevention Legal Services receives increased funding with a longer term commitment for holistic service delivery in case management, counselling and early intervention prevention programs that build on women's resilience to reduce vulnerability to violence.

### **Recommendation 11**

That the Aboriginal and Torres Strait Islander Social Justice Commissioner is explicitly recognised as the commissioner responsible for the prevention of violence against Aboriginal and Torres Strait Islander women.

## **REFORM AREA 2 - STRENGTH, RESILIENCE, THERAPEUTIC HEALING**

### **Recommendation 12**

That the Action Plan has a strong focus on early intervention and prevention of violence against Aboriginal and Torres Strait Islander women, including initiatives, outcomes and targets.

## **REFORM AREA 3 – REFORMING INSTITUTIONS AND SYSTEMS**

### **Recommendation 13**

That Aboriginal and Torres Strait Islander women facing family violence are provided with culturally safe expert legal and other supports at every point in service systems.

### **Recommendation 14**

That all services, organisations and government agencies supporting Aboriginal and Torres Strait Islander women escaping family violence institute a program of regular trauma informed cultural awareness training designed, developed and delivered by Aboriginal and Torres Strait Islander individuals and/or community controlled organisations. The requirement for such training should be included in position descriptions and performance management frameworks with proper accountability mechanisms and consequences.

### **Recommendation 15**

That addressing misidentification is identified as a clear priority and that governments act to ensure that Aboriginal and Torres Strait Islander women are offered a referral to an Aboriginal Community Controlled family violence legal service on first contact with police for a family violence incident.

### **Recommendation 16**

That family violence is acknowledged as the main driver of child removals and that governments act immediately to reform the child protection system as a national emergency.

### **Recommendation 17**

That a national early notification system is established to refer Aboriginal and Torres Strait Islander women to specialist family violence legal services as soon as there is contact with child protection.

### **Recommendation 18**

That governments act immediately to end the housing crisis and provide safe and secure housing and supports to Aboriginal and Torres Strait Islander women and children escaping family violence.

### **Recommendation 19**

That the Commonwealth take immediate steps to provide income support and a welfare safety net to Aboriginal and Torres Strait Islander women escaping family violence.

### **Recommendation 20**

That governments commit to implementing the recommendations of previous inquiries and royal commissions in particular the Royal Commission into Aboriginal Deaths in Custody (1991), Bringing them Home (2007) and the recommendations of the Wiyi Yani U Thangani report (2020) and the Wiyi Yani U Thangani Women's Safety Policy Forum Delegate Statement (2022).

### **Recommendation 21**

That governments commit to immediate funding increases to specialist Aboriginal family violence services to reflect the complexity and additional advocacy required in our work. As a minimum, 10% of all family violence funding should be quarantined for Aboriginal and Torres Strait Islander specific initiatives and specialist Aboriginal family violence organisations.

### **Recommendation 22**

That the Action Plan make clear statements that family violence affects Aboriginal and Torres Strait Islander women across urban, rural and remote Australia, no matter where they live. There should be a commitment and investment to ensure that all Aboriginal and Torres Strait Islander women have a real choice of culturally safe services in their location as a fundamental aspect of individual self-determination.

## **REFORM AREA 4 - INCLUSION AND INTERSECTIONALITY**

### **Recommendation 23**

That the Action Plan recognises the complexity of intersectionality impacting on Aboriginal and Torres Strait Islander women experiencing violence. In particular, that initiatives, outcomes and targets focus on the disproportionate number of Aboriginal and Torres Strait Islander women suffering Acquired Brain Injury as a result of violence.

## **REFORM AREA 5 - EVIDENCE AND DATA ECO-SYSTEMS - UNDERSTANDING OUR STORIES**

### **Recommendation 24**

That ACCOs delivering family violence response and prevention services be appropriately resourced as a core part of their service function to gather and analyse internal data and feed that into accountability oversight for the Action Plan.

## INTRODUCTION

Djirra welcomes the opportunity to make a submission on *the National Plan to End Violence against Women and Children 2022-2032 Aboriginal and Torres Strait Islander Action Plan*.

Djirra has participated in previous consultations, summits and working groups on the development of the National Plan to End Violence Against Women (**National Plan**) and the Aboriginal and Torres Strait Islander Action Plan (**Action Plan**). While Djirra is pleased that the Government has agreed to developing a Standalone Plan for Aboriginal and Torres Strait Islander women (**Standalone Plan**), it is unacceptable that no timeframe has been given to its development and that the Action Plan also has no timeframe.

Djirra notes that there is still only limited information about both the Standalone Plan and the Action Plan and how they will operate. It is crucial that they are independent and truly reflective of Aboriginal and Torres Strait Islander women's self-determination and consistent with but not under the direction of the National Plan. It is vital that First Nations initiatives receive sustainable, long-term funding that is truly commensurate with the needs of Aboriginal and Torres Strait Islander women.

After a long history of round tables and submission processes the current consultation is for an Action Plan that sits under the National Plan: exactly the situation Djirra and other ACCOs have been arguing against. Further, the preferred consultation mechanism of an online survey with responses limited to a maximum of 1500 characters is disrespectful and trivialises the complex issues around Aboriginal family violence.

Djirra supports the September 2022 Wiyi Yani U Thangi summit delegates' statement, in particular the call for the Australian Government to "ensure that the proposed stand-alone First Nations National Plan to end violence against women and children (National Plan) is truly self-determined and that First Nations women and children are front and centre of its design and delivery."

Djirra endorses the submissions made by the National Forum for Family Violence Prevention and Legal Services (National Forum) as an active member of the Forum, and Change the Record.

In particular Djirra notes with support the National Forum's position:

- On the invisibility that the mainstream national plan has created over a 12-year period, which has resulted in a lack of investment and long-term funding to FVPLSs across the country.
- To recognise the National Forum as the national peak body for Aboriginal family violence prevention and legal services.
- The need for immediate investment in the National Forum and its members to provide frontline services and programs that prioritise women and children's safety.
- To maintain and enhance the role of the Aboriginal and Torres Strait Islander Social Justice Commissioner to confirm a strong focus on our women's issues, recognising the extensive consultations the current Commissioner conducted across the country. Commissioner Oscar's report 'Wiyi Yani U Thangani' and its recommendations need to inform this process, not a new Commissioner.
- Calling on the Federal Government to commit to a date for the establishment of the First Nations National plan. We do not want to be a subset of a mainstream national plan.

In addition, Djirra makes 24 recommendations based on our 20 years of experience working as a specialist Aboriginal community controlled organisation that prioritises the safety of Aboriginal women and children.

## ABOUT DJIRRA

Djirra is an Aboriginal Community Controlled Organisation (**ACCO**) with over 20 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.

Djirra is an active member of the National Forum for Family Violence Prevention Legal Services (**National Forum**), the peak body for Aboriginal and Torres Strait Islander people who are experiencing or at risk of family violence.

Djirra's CEO Antoinette Braybrook held elected roles as Chair and Co-Chair of the National Forum for over ten years. Antoinette is currently the Co-Chair of Change the Record, Australia's only national First Nations led justice coalition of legal, health and family violence prevention experts.

As an ACCO specialising in supporting and empowering women who have experienced family violence, Djirra sees the intersecting ways vulnerable Aboriginal and Torres Strait Islander women are let down by the system, punished by harsh criminal justice and child protection policies that are compounded by failures in housing and other support services.

We see this in the delivery of family violence and child protection legal service, our prison support program, our wraparound supports, cultural workshops and early intervention prevention workshops and programs. So often women who experience family violence end up at the harsh end of a punitive system, incarcerated for minor offences or with their children removed.

The answer is in prioritising preventative measures – culturally safe specialist services, housing, case management, specialist legal advice and representation – so that our women are supported to escape the cycles established and sustained by the ongoing impacts of colonisation. Governments must listen to, trust and invest in Djirra as a specialist organisation to develop and deliver self-determined actions. We have the lived experience, we have the solutions and we must determine our own.



## FOUNDATIONAL PRINCIPLES

Djirra has repeatedly raised with the Federal Government, through submissions and stakeholder engagement, foundational issues in developing a proportionate response to Aboriginal and Torres Strait Islander women and children experiencing family violence.

These foundational principles are once again reiterated in this submission:

- Use the levers available to government to ensure Aboriginal and Torres Strait Islander women's basic human rights of safety from violence, safe and secure housing and a basic income.
- Respond to the desperate need for safe and secure housing for Aboriginal and Torres Strait Islander women fleeing family violence. Our women should not have to choose between being safe or being homeless.
- The absolute need for government systems to ensure cultural safety for Aboriginal and Torres Strait Islander women and children and to immediately address the current lack of cultural awareness both at the individual and systemic levels.
- Urgently address the flawed child protection system and stop the forced removal of Aboriginal children from their mothers.

Djirra has also identified further foundational principles that are central to an effective Action Plan for Aboriginal and Torres Strait Islander women experiencing family violence:

- The non-negotiable centering of Aboriginal and Torres Strait Islander women in any response to family violence.
- The top priority of keeping our women and children safe, and wherever possible, together.
- Reversing the current invisibility of Aboriginal and Torres Strait Islander women in the discourse around family violence.
- Investment in Aboriginal and Torres Strait Islander women's self-determination.
- A focus on early intervention and prevention across the life course to build resilience in our women and help keep them safe.
- Lack of acknowledgement of the pervasive and intergenerational impact of family violence on Aboriginal and Torres Strait Islander women and children and failure to centre family violence expertise in Aboriginal decision making. This results in a continuing legacy of child removals and overrepresentation of our women throughout the justice system.
- Urgently address the flawed child protection system and stop the forced removal of Aboriginal children from their mothers. Djirra believes the Federal Government needs to recognise as a matter of urgency that Aboriginal and Torres Strait Islander women continue to be placed in a "Catch-22" situation; caught between a hostile child protection system and a judiciary that doesn't recognise their unique vulnerabilities to the impacts of family violence.
- Appropriate legal support and advice are crucial for Aboriginal and Torres Strait Islander women experiencing family violence, yet family violence legal services are still not represented on the Government's Aboriginal and Torres Strait Islander Advisory Council. Minister Burney has previously raised this as an issue which should be addressed immediately. We ask that our peak body, the National Forum be appointed to the Advisory Council.
- The need for a coherent roadmap to reform with regular monitoring and accountability. The proposed Action Plan Framework does not provide a coherent roadmap to dealing with Aboriginal and Torres Strait Islander women's safety. It fails to outline clear lines of sight between the proposed outcomes and the desired vision. Djirra does not believe that legislative change nor the creation of new bodies is required to implement a Standalone Plan or a short-term Action Plan. It needs existing structures to be resourced effectively to deliver on the Plan's outcomes and actions.

## REFORM AREA 1. VOICE, SELF-DETERMINATION, AGENCY

### THE RISK OF AN ACTION PLAN VERSUS THE STANDALONE PLAN

Djirra has serious concerns that the Action Plan will set back the development of the Standalone Plan as:

- There is no defined timeline to develop the Standalone Plan for Aboriginal and Torres Strait Islander women.
- The current consultation documents speak of the Action Plan as being a document that will “address the immediate safety needs as well as lay the foundations for longer term structural change.”
- No funding envelope or timing is mentioned for the Action Plan or the Standalone Plan.

A subsidiary action plan will not meet the needs of Aboriginal and Torres Strait Islander women and children nor address the increasing rates of violence they face. Djirra supports immediate short-term measures to address Aboriginal and Torres Strait Islander women’s safety while the Standalone Plan is developed, the development of an Action Plan with no formal end date risks abandonment of a desperately needed Standalone Plan.

#### Recommendation 1

That the scope of the initial Action Plan is restricted to **three years** to allow development of a comprehensive and data-informed Standalone Plan for Aboriginal and Torres Strait Islander women to commence by 2026. The key priorities for those three years should focus on:

- Aboriginal and Torres Strait Islander women’s safety
- Immediate housing and income support
- Child protection reform

### STRENGTHS-BASED & CULTURAL APPROACHES

The Action Plan must be **strengths-based** and grounded in **culture**.

Family violence is experienced by Aboriginal and Torres Strait Islander women at a disproportionate level, which can be directly attributed to impact of colonisation. To reduce the incidence of family violence there must be acknowledgement of the continuing impact of colonising violence, systemic racism and intergenerational trauma and concrete commitments to support healing.<sup>1</sup>

### A HOLISTIC APPROACH GROUNDED IN SELF-DETERMINATION

The Action Plan must take a whole of society approach to family violence, acknowledging the cumulative multiple drivers.

If a First Nations response to family violence is to have any credibility it must include tangible targets and commitments to be achieved within the lifetime of the Plan. It must recognise and reflect the interrelatedness of all the Closing the Gap targets in preventing and responding to family violence and must make it clear how they will be achieved. At a minimum this should go beyond consideration of Target 13 and give proper recognition to women in prison (Target 10) and children being removed at persistently high rates (Target 12), both matters strongly in the hands of governments and both tied closely to family violence.

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<sup>1</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 Islander communities. ANU 2018

The Action Plan consultation guide also states that its targets will be in addition to the Closing the Gap targets. It is not clear who is responsible for developing these targets, or the process by which they will be reviewed and reported. There must be Aboriginal and Torres Strait Islander oversight in developing the targets and actions of the Action Plan and in monitoring their implementation.

**Self-determination** is fundamental. Initiatives to address family violence must be developed, implemented and led by Aboriginal and Torres Strait Islander women. The Action Plan must reflect self-determination at every level, with Aboriginal and Torres Strait Islander women being able to make decisions about their own lives and having real choices. The current emphasis on families takes away from Aboriginal and Torres Strait Islander women's individual self-determination.

**Recommendation 2**

That the Action Plan take a whole of society approach to family violence acknowledging its cumulative multiple drivers including colonisation, systemic racism, and intergenerational trauma.

**Recommendation 3**

That the Action Plan be strengths-based and grounded in self-determination and culture at all levels.

**Recommendation 4**

That the Action Plan contain tangible, measurable targets and commitments that reflect the interrelatedness of the Closing the Gap targets including but not restricted to Targets 10, 12 and 13.

**ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN MUST BE AT THE CENTRE**

Djirra is angry and frustrated with the **continued invisibility of Aboriginal and Torres Strait Islander women** in discussions of family violence. Family violence is a gendered issue not an Aboriginal and Torres Strait Islander community problem. The use of terms like family safety and family-centered approaches erases Aboriginal and Torres Strait Islander women and keeps women unsafe. It is Aboriginal and Torres Strait Islander women who are being killed or disappeared by their intimate partners. Family violence is life or death for our women. The current Action Plan Framework, just like the National Plan, fails to acknowledge this fundamental truth about family violence. Women who experience family violence are victims of crime. It is essential that Aboriginal and Torres Strait Islander women's access to culturally safe advice and supports to help them navigate hostile systems should be front and centre in any response to family violence.

98% of Djirra's clients are women: the majority are mothers. Responses to family violence should acknowledge this and place women at the centre. It is crucial that policy and strategies don't airbrush women out of the picture such as the common practice of referring to 'children and families' instead of acknowledging women's central role in childbearing, care and connection.

The Action Plan must also state clearly that Aboriginal and Torres Strait Islander women experience violence from men of many cultures and backgrounds. Some Aboriginal and Torres Strait Islander men use violence but the significant majority of Djirra's clients (approximately 80%) have experienced violence from non-Aboriginal and Torres Strait Islander partners. Violence is a gender issue, not a race issue.

**Recommendation 5**

That the invisibility of Aboriginal and Torres Strait Islander women as victims of crime is acknowledged and addressed.

### **Recommendation 6**

That the Action Plan clearly states that family violence is a gender issue, and that Aboriginal and Torres Strait Islander women experience violence from men of many cultures and backgrounds.

### **SAFETY**

Safety of Aboriginal and Torres Strait Islander women and children must be the overriding priority for the Action Plan. Our women need well resourced, culturally and physically safe services in their local area.

Djirra supports a clear hierarchy of initiatives with the priority given to keep our women safe and our children with their mothers. Programs for men who use violence are necessary, but attention should not be given to perpetrators at the expense of family violence victim-survivors. It is our women who are dying from intimate partner violence.

### **Recommendation 7**

That the safety of Aboriginal and Torres Strait Islander women and children must be highlighted as the overriding priority in the Action Plan.

### **CLEAR ROLES AND RESPONSIBILITIES FOR ALL STAKEHOLDERS – SUPPORTING EXISTING INFRASTRUCTURE**

The Action Plan must include clear responsibilities for government, as well as the Aboriginal community-controlled sector. There is no reason why governments at all levels cannot use the range of levers available to them from economic strategies to practical supports to make an immediate difference to Aboriginal and Torres Strait Islander women experiencing violence.

There are clear immediate steps that the Commonwealth Government can take to support Aboriginal and Torres Strait Islander women and children through improved safety net and income support measures. Djirra asks that the Commonwealth also take the lead on instituting consistency across jurisdictions in responses such as housing, statutory systems and policing to make Aboriginal and Torres Strait Islander women's safety a priority.

### **ACCOUNTABILITY: PROPOSED ABORIGINAL AND TORRES STRAIT ISLANDER FAMILY, DOMESTIC AND SEXUAL VIOLENCE PEAK BODY AND AN INDEPENDENT ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSIONER FOR FIRST NATIONS FAMILY SAFETY.**

The establishment of independent accountability mechanisms is essential to enact change across systems and through cultures. The proposed peak body and new commissioner for family violence will not ensure that accountability and Djirra does not support these proposals.

For more than a decade the National Forum for Family Violence Prevention Legal Services has been the national peak body for community-controlled member organisations around Australia that provide legal and other holistic and culturally safe services to Aboriginal and Torres Strait Islander people who are experiencing or at risk of family violence – predominantly Aboriginal and Torres Strait Islander women and their children. We do not need a new peak body – we need a peak body that has proper investment and recognition of its key role in supporting the specialist Aboriginal family violence sector.

It is disappointing that specialist Aboriginal family violence prevention legal services have not been represented on the Advisory Council. Djirra asks, that notwithstanding the leading role given to the Advisory Council, the process seeks and incorporates feedback from ACCOs and communities around the country and is truly representative. At minimum, whichever body oversees the development of

the Action Plan should include the National Forum for Family Violence Prevention and Legal Services, the peak national body for ACCOs providing specialist family violence legal services.

It is inexcusable that the National Forum is not represented on the body responsible for developing the Action Plan – the Government’s Aboriginal and Torres Strait Islander Advisory Council. This should be remedied at once.

There is already an Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO, who has successfully undertaken a comprehensive national consultation on family violence with Aboriginal and Torres Strait Islander women. Instead of setting up new mechanisms, the Government should implement the recommendations of the Wiyi Yani U Thangani report (2020) and the Wiyi Yani U Thangani Women’s Safety Policy Forum Delegate Statement (2022).

#### **Recommendation 8**

That the National Forum for Family Violence Prevention Legal Services is acknowledged as the peak Aboriginal family violence body, appointed to the Aboriginal and Torres Strait Islander Advisory Council and be funded appropriately.

#### **Recommendation 9**

That National Forum for Family Violence Prevention Legal Services is invested in to lead the work on the Action Plan as the national peak.

#### **Recommendation 10**

That each member of the National Forum for Family Violence Prevention Legal Services receives increased funding with a longer term commitment for holistic service delivery in case management, counselling and early intervention prevention programs that build on women’s resilience to reduce vulnerability to violence.

#### **Recommendation 11**

That the Aboriginal and Torres Strait Islander Social Justice Commissioner is explicitly recognised as responsible for Aboriginal family violence.

### **REFORM AREA 2 - STRENGTH, RESILIENCE, THERAPEUTIC HEALING**

The Action Plan should set out early intervention and prevention actions to help women build resilience and to be supported to be able to identify red flags in relationships so they can keep themselves and their children safe.

Investing in **holistic, wrap-around Aboriginal and Torres Strait Islander community controlled organisations (ACCOs)** is key to addressing the high rates of violence experienced by our women and children. Only ACCOs can provide culturally safe and nurturing, and trauma-informed early intervention and prevention programs that build on Aboriginal and Torres Strait Islander and Torres Strait Islander women’s resilience.

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®**, **Dilly Bag**, **Young Luv** and cultural workshops that take us to the women.

Djirra’s holistic approach means that women feel safe to seek legal support once they have engaged with cultural workshops and programs. These programs provide bridges for women to access services when they need them and inform Djirra’s policy and advocacy work and our legal work that cuts across four areas: Family Law, Child Protection, Family Violence Orders and Victims of Crime Assistance.

90% of the Aboriginal and Torres Strait Islander women Djirra reaches through the Prison Support Program, and through providing legal advice in prison, have experienced family violence.

Self-determination means supporting communities and ACCOs to lead the development and delivery of programs to help keep our women out of prisons, and with their children.

Djirra has developed a number of successful early intervention and prevention programs, recognised by the Royal Commission into Family Violence as best practice. Our programs are trusted, rich in culture, trauma informed, and promote the important work of Djirra, including by offering safe, alternative ways for women to learn about and access family violence and legal supports.

Preventing and addressing family violence is at the core of Djirra's work. All our programs support Aboriginal and Torres Strait Islander women's journey to safety and wellbeing. Our programs are trusted, rich in culture, trauma informed, and promote the important work of Djirra, including by offering safe, alternative ways for women to learn about and access family violence and legal supports.

Our community education and early intervention and prevention programs (Sisters Day Out®, Young Luv® and Dilly Bag) focus on family violence prevention by:

- drawing on cultural strength to increase resilience.
- reducing social isolation and vulnerability to family violence
- promoting healthy relationships
- creating awareness about the 'power and control' dynamics of family violence and family violence red flags.

We stand firm with Aboriginal and Torres Strait Islander women against family violence and deliver campaigns to make sure Aboriginal and Torres Strait Islander women's voices are heard, victim blaming can be stopped and perpetrators can be held accountable.

Our workshops bring Aboriginal and Torres Strait Islander women together in culturally safe and supportive environments. These workshops provide opportunities to:

- Make new connections, renew friendships, and strengthen relationships between Aboriginal and Torres Strait Islander women.
- Get information about family violence and the impact of unhealthy relationships on us, as individuals and on our families and communities
- Find out where and how to get support and assistance from Djirra and other services.
- Talk with Djirra lawyers and case workers.
- Share the positive energy that culture, and community brings to each of us when we come together.

Djirra knows that coming along to our workshops minimises social isolation and reduces vulnerability to family violence.

### **SISTERS DAY OUT**

Sisters Day Out® is a one-day wellbeing workshop held regularly in communities throughout Victoria, where Aboriginal and Torres Strait Islander women support each other, get information about legal rights and options, and engage with mainstream and Aboriginal support services.

### **SISTERS DAY IN**

A specialised version of Sisters Day Out is delivered to our sisters in Dame Phyllis Frost Centre and Tarrengower Prison. Aboriginal women inside have access to Djirra services as well as other mainstream and Aboriginal services that attend on the day.

## **DILLY BAG**

Dilly Bag is a residential on country gathering of Aboriginal and Torres Strait Islander women that draws from cultural principles to inform Aboriginal and Torres Strait Islander women's ways of being in order to live a culturally safe and meaningful lifestyle.

## **YOUNG LUV®**

Young Luv® is designed for young Aboriginal and Torres Strait Islander women, aged 13 to 18. It is a half day activity facilitated by Aboriginal and Torres Strait Islander women to engage Aboriginal teenagers in a culturally safe space where they can talk about, reflect on, and better understand important issues affecting their lives. This workshop aims to equip young women with information and skills to challenge unhealthy relationships, and to practise positive and safe behaviours.

## **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 and Torres Strait Islander women can visit or call the KWP to:

- Join in cultural, wellbeing and social activities face to face or through our online workshops
- Unwind and take a break
- Get information about upcoming Sisters Day Out, Dilly Bag and Young Luv workshops
- Access practical support
- Connect with other Djirra services (Lawyers, Case Workers, Counsellors)
- Access our visiting services to get information and advice (e.g. Centrelink, Births, Deaths and Marriages)

## **ABORIGINAL WOMEN'S CENTRE**

Djirra's long-standing vision of 20 years to build the first Aboriginal and Torres Strait Islander Women's Centre in Victoria will be a game-changer, ensuring our women can access a broad range of supports and services in a single location. This Centre will be accessed by Aboriginal and Torres Strait Islander women from across the state and underpinned by the principles of self-determination. Djirra's programs have successfully demonstrated that ACCO-led solutions can keep our women safe and empower them to build lives beyond the harmful punitive policies of the criminal justice and child protection systems.

## **COUNSELLING SERVICE**

Djirra's counselling program has successfully been providing Aboriginal and Torres Strait Islander women, in the community and in prison, with a culturally safe and trauma informed service that has had positive impacts of the lives of these women. Following the outbreak of COVID-19, this program transitioned online and expanded to try to meet increased demand. There is still unmet need and further funding is required to provide culturally safe counselling to our women.

There is also an urgent need for governments to increase funding to ACCOs like Djirra to provide Aboriginal and Torres Strait Islander women in prison access to external counselling. This will assist with continuity of counselling services where women were accessing them prior to incarceration.

## **DJIRRA'S LEGAL SERVICES IN PRISON**

Djirra has developed a Prison Support Program to provide legal and non-legal support to Aboriginal and Torres Strait Islander women at Dame Phyllis Frost Centre and Tarrengower.

This program includes Lawyers, Paralegal Support Workers and case managers who connect with and support Aboriginal and Torres Strait Islander women in prison. This program has been extremely effective for women in prison as their legal needs can be identified and met with a holistic approach, including supported access to counselling and art therapy. Djirra also links women in with other culturally appropriate services and programs that assist women to maintain connection to family, culture, and community.



## **Recommendation 12**

That the Action Plan have a strong focus on early intervention and prevention of Aboriginal family violence, including initiatives, outcomes and targets.

## **REFORM AREA 3 – REFORMING INSTITUTIONS AND SYSTEMS**

It is clear that the systems our women have to navigate are unsafe. While many Aboriginal and Torres Strait Islander women fear and distrust the system, others do not realise that they need a lawyer to advocate for them and find themselves disadvantaged, often to such a degree that they lose their children. Concerningly, our clients frequently tell us that child protection and police have told them that they do not need a lawyer.

Many of the women Djirra works with have good reason to distrust formal institutional assessments of their capacity to parent, and further good reason to feel reluctant to ask for parenting support: the continuing impacts of colonisation and continuing forced child removal reinforce that distrust over and over again.

Reforming institutions and systems begins by acknowledging that for many victim-survivors these spaces are hostile, confusing and dangerous to the preservation of their families.

### ***Djirra case study - hostile systems that are culturally unsafe***

*Our client questioned the Department about her children's Cultural Support Plans and was told: "It doesn't matter where the service is from, as long as the children are linked in with Aboriginal activities." Our client had queried whether the children's cultural needs would be fulfilled by goals that did not include going back on country or learning about and engaging with their mob in WA, and only specified engaging with Koori-based services (on a surface level).*

## **Recommendation 13**

That Aboriginal and Torres Strait Islander women facing family violence are provided with culturally expert legal and other supports at every point in service systems.

## **Recommendation 14**

That all services, organisations and government agencies supporting Aboriginal and Torres Strait Islander women escaping family violence institute a program of regular trauma informed cultural awareness training designed, developed and delivered by Aboriginal and Torres Strait Islander individuals and/or community controlled organisations. The requirement for such training should be included in position descriptions and performance management frameworks with proper accountability mechanisms and consequences.

## **MISIDENTIFICATION OF FAMILY VIOLENCE PERPETRATORS**

The consultation guide notes the issue of Aboriginal and Torres Strait Islander women being misidentified as the perpetrator of family violence. Djirra frequently assists women who have called police to seek help for family violence and who are then misidentified by police as the primary aggressor rather than the victim. In our frontline work we see that an Aboriginal and Torres Strait Islander woman reporting family violence may be served with an outstanding warrant, may be seen as an alienating parent or misidentified as the aggressor, may be arrested or remanded, may be prosecuted for breaching court orders and may face losing her children. Conversely if she does not report family violence, she may then be seen as not acting protectively by child protection and may still face losing her children to the perpetrator.



Djirra is concerned that poor police responses reinforce stereotyping and frequently result in the misidentification of Aboriginal and Torres Strait Islander women. This issue is particularly complex in regional areas, as the more familiar relationships between police and community members increase the likelihood of misidentification and creates an additional reporting barrier.

Police misidentification in family violence incidents can heavily influence outcomes in other legal proceedings, such as child protection, family law and victims of crime applications. It can limit access to critical support services, increase isolation, compound distrust in police,<sup>2</sup> and increase risk of violence.

In our experience misidentification is one of the biggest issues for our women dealing with family violence. Data analysis by Women's Legal Service Victoria found that misidentification occurred in 1 in 10 police applications for Family Violence Intervention Orders (FVIOs).<sup>3</sup> The rate of misidentification for Aboriginal and Torres Strait Islander women is likely higher due to racist and/or victim blaming attitudes, discrimination towards women who have, or do use drugs,<sup>4</sup> and poor police practices. Further, police often fail to identify coercive and controlling behaviours in these situations.

Djirra regularly sees perpetrators deliberately force our women into situations where they breach. Although the racism and inadequacy of police is a key element, we also often see perpetrators file their own IVO applications against victim survivors, abusing the system to force their victims into withdrawing their own IVO applications needed for their safety, or otherwise continue to face threats from the perpetrator to breach them and risk criminal charges. This makes the need for women to be referred to ACCOs on first point of contact with police even more important, as we see perpetrators manipulate police and other systems to their advantage, to the detriment of their victims.

Djirra's lawyers provide advice on the legal implications of a FVIO, including the conditions and potential consequences of breaching. However, the conditions can be difficult for Aboriginal and Torres Strait Islander women to comply with. They may restrict access to children or stipulate that the woman cannot go to areas in which she can access her family and other supports. If women breach these FVIOs, this brings them into contact with the criminal justice system, causing undue stress and further risk of child removal, incarceration and perpetuation of intergenerational trauma. 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>5</sup>

On first contact with police for a family violence incident, Aboriginal and Torres Strait Islander women must be offered a referral to an Aboriginal Community Controlled family violence legal service such as Djirra. Despite the implementation of the Koori Family Violence Police Protocols in designated areas across the state, Djirra continues to see examples of misidentification, and receives very few referrals from police. It is vital that police responses are improved to ensure that they are safe and appropriate for Aboriginal and Torres Strait Islander women experiencing family violence. This must include mandatory cultural safety training.

### ***Djirra case study - misidentification***

*Melinda first met with Djirra's Prison Support Paralegal and Lawyer when she was in the protection unit at Dame Phyllis Frost Centre. She was in a vulnerable state after being a victim of serious*

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<sup>2</sup> ANROWS (November 2020), 'Accurately Identifying the "Person most in need to protection" in domestic and family violence law', p 5.

<sup>3</sup> Women's Legal Service Victoria (July 2018), 'Policy Paper 1, "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria', p 1.

<sup>4</sup> The intersectional stigma towards First Nations women who use drugs was highlighted by Coroner Simon McGregor in the inquest findings into the passing of Veronica Nelson delivered 30 January 2023, see in particular paragraph 33, p.5.

<sup>5</sup> Walsh, T, (2022) 'Women who die in custody: What Australian coroners' reports tell us' in The Howard Journal of Crime and Justice p551 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/hojo.12495>

*assaults perpetrated by her former partner. These assaults included multiple instances of strangulation. Victoria Police were called out to respond to an instance of family violence, and through the course of this attendance ultimately arrested Melinda, who was then denied bail.*

*Melinda met with Prison Support Lawyer who provided advice in relation to Child Protection, Intervention Orders and Victims of Crime Assistance (VOCAT) application. The Prison Paralegal Support worker quickly arranged for Melinda to meet with a psychologist. The timely nature of this referral not only assisted Melinda to work through her trauma, but also meant that a psychologist report was prepared to support her VOCAT application.*

*With the support and advocacy of Djirra's Prison Support Program Melinda was released with the following protection and support:*

- *An Interim Intervention Order protecting her and her children from her former partner;*
- *Representation and ongoing advocacy at Children's Court where Melinda was seeking to have her children returned to her care;*
- *Lodged multiple VOCAT applications; and*
- *Ongoing support from psychologist funded by Djirra.*

*It has now been nine months since Melinda was released from Dame Phyllis Frost Centre. Her children are in her care and ready to commence the upcoming school year. Melinda has a long-term Intervention Order in place that protects her and her children from her former partner and her VOCAT applications were heard by the Tribunal with significant awards being made to her.*

*Melinda hopes to commence a hairdressing course this year. She has advised Djirra that she feels safe and supported and is positive about her family's future.*

#### **Recommendation 15**

That addressing misidentification is identified as a clear priority and that governments act to ensure that Aboriginal and Torres Strait Islander women are offered a referral to an Aboriginal Community Controlled family violence legal service on first contact with police for a family violence incident.

#### **CHILD PROTECTION**

Djirra is astounded that the Action Plan consultation survey only references child protection in the context of better government service provision.<sup>6</sup> **Family violence is a key driver for child removal: any response that seeks to reduce family violence must include child protection as a key issue for reform.** Child protection is a state action that currently embodies punitive and racist approaches leading to exceptionally high levels of child removal, punishing Aboriginal and Torres Strait Islander women for experiencing violence and deterring them from reaching out to authorities. Despite decades of government plans, strategies and consultation our children are being removed from their mothers and families at rates higher than ever before. Punitive child protection responses exacerbate trauma from violence and deter women from seeking support due to fear of child removal.

Child protection across Australia is a broken system that cannot be made culturally safe for Aboriginal and Torres Strait Islander women and children. It is founded on the colonising momentum

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<sup>6</sup> Question 23: *How could government services (including police, child protection, courts and justice systems and family law) be more trauma-informed, culturally-safe and strength-based in the support they provide to Aboriginal and Torres Strait Islander families and individuals (including children) who have experienced family, domestic and sexual violence?*

that started with stealing land and enslaving and murdering our people. This flowed into assimilation, and the 'welfare' that resulted in the Stolen Generations. The result is the current misnamed 'child protection' system that actively works against our women and children, punishing Aboriginality and Aboriginal child rearing practices and kinship systems. Instead of supporting Aboriginal and Torres Strait Islander women and children to escape violence safely, police, family violence and child protection collude to remove children from the mothers, families and communities. This is no more cruelly apparent than in the increasing practice of so-called 'voluntary agreement' where Aboriginal mothers are pressured to surrender children to Out of Home Care, in an attempt to avoid having a formal intervention and proceedings. In such cases it is very difficult for mothers to be reunited with their children and the fact of 'voluntary' placement goes against them in Family Court proceedings.

Another common practice in Djirra's experience is child protection's "pattern & history" argument. We often see that where the system has failed to protect women from family violence on multiple occasions (due to lack of appropriate police response, lack of services, lack of funding for preventative programs etc.), victim survivors are blamed and child protection punishes them even more severely through child removal and further limiting access to their children.

Cultural safety is a paramount concern for Aboriginal and Torres Strait Islander women. Institutional systems interact and become overlapping sites of oppression that compound the disadvantage, vulnerability and trauma of Aboriginal and Torres Strait Islander women and their children. It is imperative that all systems centred around family violence receive consistent trauma-informed cultural competency training and any other specific training delivered by Aboriginal and Torres Strait Islander people that is relevant to the unique needs and barriers of Aboriginal and Torres Strait Islander victim survivors of family violence.

Training can only go so far to make systems more culturally safe: education must be supported by greater visibility of Aboriginal and Torres Strait Islander people across systems more generally.

There must be **immediate child protection reform** including early intervention and prevention services to support Aboriginal and Torres Strait Islander women, early access to legal advice, early notification system with referral to legal services. Djirra calls on governments to establish a national system (akin to the Custody Notification System) under which Aboriginal and Torres Strait Islander families in contact with the child protection system would be referred to culturally-appropriate services, such as a Family Violence Prevention and Legal Service, at the earliest opportunity.

Child protection is overwhelmingly a state matter but must be addressed at the national level. It is unacceptable that the substantial impact of child removal by government authorities is ignored. This is particularly concerning for Aboriginal and Torres Strait Islander women in Victoria, which has the highest rates of Aboriginal children in out-of-home care in the country.<sup>7</sup>

Djirra has previously raised these issues strongly in submissions for the development of the National Plan in 2022, as did other stakeholders. Their omission from the Action Plan Framework can only be deliberate and is inexcusable.

#### **Recommendation 16**

That family violence is acknowledged as the main driver of child removals and that governments act immediately to reform the child protection system as a national emergency.

#### **Recommendation 17**

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<sup>7</sup> Australian Institute of Health and Welfare (2021), 'Child Protection Australia 2019-20', p54.

That a national early notification system is established to refer Aboriginal and Torres Strait Islander women to specialist family violence legal services as soon as there is contact with child protection.

## **HOUSING**

The Action Plan must include a clear commitment to increased funding for culturally-appropriate housing and emergency accommodation for Aboriginal and Torres Strait Islander women. Aboriginal and Torres Strait Islander women experiencing and escaping family violence must have a dedicated, culturally sensitive response, not one where they are just included in “diverse groups.”

Housing is a fundamental issue for all of Djirra’s clients. Our women face the choice of leaving a violent partner to keep themselves and their children safe and risking homelessness, or staying and risking further harm and having their children removed by child protection for exposing them to violence.

Djirra has worked with clients who were forced to breach bail because their bail address was unsafe due to family violence. For Aboriginal and Torres Strait Islander women subject to both Community Corrections and Child Protection Orders, there is often inadequate communication and coordination between the services. This means women can be forced to nominate bail addresses far away from their children or in a geographic area that is unsafe due to family violence. The lack of suitable housing puts Aboriginal and Torres Strait Islander women and their children at unacceptable risk.

**Governments** must provide **safe, secure housing** for our women escaping family violence. Homelessness and insecure housing are both a consequence and a barrier for women fleeing violence and are significant contributors to our women being refused bail and parole. Family violence is a key driver to Aboriginal and Torres Strait Islander women becoming homeless and a major factor preventing women from leaving violent relationships. Many women are forced to choose violence over homelessness. Urgent steps must be taken to end the housing crisis and immediately increase the availability of culturally appropriate, safe and affordable housing for Aboriginal and Torres Strait Islander women.

### ***Djirra Case Study - housing***

*Djirra’s client intentionally engaged in low level offending to be brought back to Dame Phyllis Frost Centre as she could ‘no longer bear to be homeless.’ When she was eligible for parole, it was not granted as she did not have “stand-alone” housing. This led to her serving further time in prison, time that should have been spent transitioning back into the community. She eventually got offered a place at Baggarrook and was granted parole.*

### **Recommendation 18**

That governments act immediately to end the housing crisis and provide safe and secure housing and supports to Aboriginal and Torres Strait Islander women escaping family violence.

## **POVERTY**

Addressing **poverty** is key to preventing family violence and supporting Aboriginal and Torres Strait Islander women seeking safety. Poverty is a driver of family violence but also is a barrier for our women leaving violent relationships: economic dependence keeps women and their children unsafe.

Aboriginal and Torres Strait Islander women are criminalised for living in poverty: sent to prison for matters relating to homelessness, housing insecurity, mental health, alcohol and other drug dependencies (AOD) and Acquired Brain Injury (ABI). Prisons are not safe: prisons are not a place where our women can heal. The **Commonwealth** 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 and Torres Strait Islander women escaping family violence can be activated immediately so they can access government income, health and other supports. The current pilot “Escaping Family Violence” Payment being trialed in Cairns<sup>8</sup> is a good start but our women need that help now.

#### **Recommendation 19**

That the Commonwealth take immediate steps to provide income support and a welfare safety net to Aboriginal and Torres Strait Islander women escaping family violence.

### **FUNDING AND WORKFORCE CAPACITY BUILDING**

The Aboriginal community-controlled sector has been chronically under-resourced. The Action Plan should prioritise funding for ACCOs that is commensurate with the need and with the complexity of supporting Aboriginal clients through a hostile system.

We do not believe further legislative or regulatory reform is required within the short-term time frame of the Action Plan. In Victoria there are legislative, regulatory and practice guidance provisions designed to ensure Aboriginal self-determination and prioritise Aboriginal and Torres Strait Islander women. The real need is not in making more laws, but in getting workers throughout the various systems to follow existing laws, regulations and protocols. A prime example is the Aboriginal Child Placement Principle which has been in place since the 1980s and yet still 60% of our children are being placed with non-Indigenous carers.<sup>9</sup> Focusing on further legislative reform is more than just a waste of time it is a dereliction of duty to create more laws that will not be implemented and will be another distraction from dealing with the real issues of embedded systemic and individual racism which allows workers to ignore existing laws.

In Victoria the *Children, Youth and Families Act 2005* (section 176) requires the Secretary of the Department of Human Services to prepare a cultural support plan for each Aboriginal child placed in out-of-home care. In practice compliance is low and Djirra has had a number of matters recently where child protection has tried to have an order made which places the child out of parental care where there is no cultural support plan. Despite the Taskforce 1000 findings about the serious inadequacy in this area, this has not improved.<sup>10</sup>

Consistent national legislative reforms should be considered in the development of the Standalone Plan and in the context of the recommendations of previous royal commissions, inquiries, reports and research, beginning with the Royal Commission into Aboriginal Deaths in Custody (1991) and Bringing them Home (2007) and the recommendations of the Wiyi Yani U Thangani report (2020) and the Wiyi Yani U Thangani Women’s Safety Policy Forum Delegate Statement (2022).

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<sup>8</sup> <https://nit.com.au/26-02-2023/5082/escaping-family-and-domestic-violence-financial-assistance-pogto-launch-in-cairns>

<sup>9</sup> SNAICC Family Matters Report 2022 p.29 <https://www.familymatters.org.au/the-family-matters-report-2022/>

<sup>10</sup> Always was, always will be Koori 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. <https://ccyp.vic.gov.au/inquiries/systemic-inquiries/always-was-always-will-be-koori-children/#:~:text=Always%20was%2C%20always%20will%20be%20Koori%20children%20is%20the%20report,of%2Dhome%20care%20in%20Victoria.>

Djirra calls for 'truth in funding' for specialist Aboriginal family violence services to reflect the complexity and additional advocacy required in our work. Djirra's case workers spend a considerable amount of time advocating for our women in hostile, racist and punitive systems, having to argue over and over again for services that women are entitled to but won't receive without individual advocacy.

The First Nations response to family violence should receive investment commensurate with the difficulty and complexity of the task. We recommend replicating the Victorian model and quarantining 10% of all funding to deliver Aboriginal and Torres Strait Islander-specific initiatives.

### ***Djirra case study - complexity and advocacy needs***

*Molly accessed Djirra through the Prison Support Program (PSP) outreach three years ago. At this time, she was seeking Child Protection legal advice to have two children returned to her care. Molly's children were placed in out of home care with a non-Aboriginal person.*

*During her time at Dame Phyllis Frost Centre (DPFC), Molly engaged with a number of services including the Koori Art Program. Molly accessed counselling services funded by Djirra, and was making progress in her mental health, wellbeing and relationships.*

*Throughout her sentence, Molly maintained that she should be bailed directly to Odyssey House, as her offending was drug related. Due to her diabetes, Odyssey would not accept Molly until they were convinced that she was managing the disease. Odyssey House required Molly to undertake an independent health assessment, outside of DPFC. This requirement set Molly up to fail; while she was waiting for this appointment in the community, she relapsed. Police arrested Molly for a breach of her bail conditions and placed her on remand at DPFC.*

*On her return to DPFC, Molly reengaged with Djirra's PSP. Her Child Protection matter was ongoing and Djirra's PSP lawyer and paralegal support worker quickly worked to resume at the visitor's centre. The team were also able to support Molly by obtaining an intervention order against an ex-partner.*

*In addition to this, Molly advised the PSP team that she was pregnant. Molly was committed to attending Odyssey House, who advised her that a bed was available. Unfortunately, due to COVID-19 and patient limits she was not able to attend and was therefore released to the community.*

*Molly continued to see her children when in the community and to engage with Djirra for post-release legal support, as well as material aid. Molly engaged with anti-natal supports, referred by Djirra.*

*When Molly's baby was born, the PSP lawyer successfully argued at Court to have her child placed in her care. Molly and baby are doing incredibly well and are engaged with multiple support services in the community. Molly's other children are now spending four overnights per week with her. Djirra anticipates that all children will be returned to her care.*

### **Recommendation 20**

That governments commit to implementing the recommendations of previous inquiries and royal commissions in particular the Royal Commission into Aboriginal Deaths in Custody (1991), Bringing them Home (2007) and the recommendations of the Wiyi Yani U Thangani report (2020) and the Wiyi Yani U Thangani Women's Safety Policy Forum Delegate Statement (2022).

### **Recommendation 21**

That governments commit to immediate funding increases to specialist Aboriginal family violence services to reflect the complexity and additional advocacy required in our work. As



a minimum, 10% of all family violence funding should be quarantined for Aboriginal and Torres Strait Islander specific initiatives and specialist Aboriginal family violence organisations.

### **SELF-DETERMINATION IN ACCESSING SERVICES**

The continual focus on rural and remote areas in discussions on family violence undermines all Aboriginal and Torres Strait Islander women's self-determination. Violence is as much an issue for our women living in urban areas as it is for those living in remote communities. All Aboriginal and Torres Strait Islander women face a complex interwoven set of barriers to accessing services that are culturally safe and appropriate. From straight racism by service providers to systemic assumptions about her capacity to tell the truth or to parent, to fear of losing their children, the barriers to disclosing violence and to keeping herself and her children safe are real and persistent.

A fundamental aspect of an Aboriginal and/or Torres Strait Islander woman's individual self-determination is the right to be able to choose appropriate, safe services and supports in her local area. This may or may not be the local ACCO where she may not feel safe disclosing family violence to workers who may be family or friends of hers or of the person using violence. Mainstream services may not be culturally safe or, like the Orange Doors in Victoria, may be multiservice hubs including child protection and other services the woman may not trust.

#### **Recommendation 22**

That the Action Plan make a clear statement that family violence affects Aboriginal and Torres Strait Islander women across urban, rural and remote Australia, no matter where they live. There should be a commitment and investment to ensure that all Aboriginal and Torres Strait Islander women have a real choice of culturally safe services in their location as a fundamental aspect of individual self-determination.

### **REFORM AREA 4 - INCLUSION AND INTERSECTIONALITY**

Djirra supports an Action Plan that recognises that Aboriginal and Torres Strait Islander women and children experience multiple types of discrimination - including, race, gender and sexuality, class and ability - that intersect to compound disadvantage and discrimination.

There needs to be more than just lip service given to 'intersectionality' and statements of principle. It needs to drill down into the lived experiences of Aboriginal women, especially women with a disability.

While the Action Plan mentions 'intersectionality', the heavy focus of the plan is on culture change and process, to the exclusion of these core issues that impact most on women who are frequently excluded from mainstream family violence discourse, which lends the impression that the Action Plan is not truly a plan for all women, and that it is designed to be relatively easy for governments to comply with.

One aspect of intersectionality that Djirra sees every day is the causal link between family violence and disability, particularly Acquired Brain Injuries (ABIs), and disability can also significantly increase women's vulnerability to Family Violence. Aboriginal and Torres Strait Islander women experience high rates of family violence and associated ABIs and are 69 times more likely to be hospitalised with head injury from assault than non-Indigenous women.

#### ***Djirra case study – family violence and Acquired Brain Injury***

*Jennifer is an Aboriginal woman and mother currently serving a prison sentence. Jennifer has an acquired brain injury and sometimes has issues understanding information.*

*Jennifer connected with the AFVLS PLSW via outreach provided at the prison. Jennifer sought assistance for issues she was having with Child Protection regarding access for her children's father to their children who are currently in the care of Jennifer's sister.*

*An Aboriginal Family-Led Decision-Making meeting was organised, and as the PLSW was unable to attend, she arranged for an advocate to support Jennifer in understanding information discussed in the meeting. The PLSW ensured that the advocate understood how the client processes information and was fully informed (with the client's prior informed consent) of Jennifer's situation and the position she wanted to take in the meeting. An agreement was ultimately made resulting in the children's father having access to the children in accordance with Jennifer's wishes.*

*Recognising that Jennifer may need additional help with her disability, the PLSW discussed the support that would be available to Jennifer under the NDIS. Jennifer also asked for help with managing her anger and self-regulation. The PLSW submitted an access support request application on her behalf and made contact with NDIS/Intereach to connect them with the prison to provide supports to the women who were in need of them.*

*Jennifer's case remains ongoing, and the PLSW continues to maintain regular contact to identify any additional supports Jennifer needs and provide a regular check in on Jennifer's wellbeing.*

*A note from the PLSW: "This is a common barrier I have found in working with the women at the prison who have disabilities. There is a huge gap of support for them within the justice system. Women are struggling with anger management, trauma, depression, speech and language issues and gross motor skill disorders and are not able to access specialist services to address their needs."*

### **Recommendation 23**

That the Action Plan recognise the complexity of intersectionality impacting on Aboriginal and Torres Strait Islander women experiencing violence. In particular, that initiatives, outcomes and targets focus on the disproportionate number of Aboriginal and Torres Strait Islander women suffering Acquired Brain Injury as a result of violence.

## **REFORM AREA 5 - EVIDENCE AND DATA ECO-SYSTEMS - UNDERSTANDING OUR STORIES**

The Action Plan must be underpinned by evidence and data that feeds up from front-facing services.

ACCOs like Djirra have 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 the resources to feed them back to government or to input into regular monitoring.

Governments need to invest in these and other ACCO-led programs, as well as support increased monitoring and evaluation capacity to ensure Aboriginal data sovereignty - a key tenet of self-determination.

### **Recommendation 24**

That ACCOs delivering family violence response and prevention services be appropriately resourced as a core part of their service function to gather and analyse internal data and feed that into accountability oversight for the Action Plan