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Re: Consultation on the Second Action Plan (National Plan to End Violence against Women and Children 2022-2032)

About Aboriginal Legal Rights Movement

Aboriginal Legal Rights Movement (ALRM) is a South Australian independent Aboriginal Community Controlled Organisation (ACCO) governed by an Aboriginal Board. ALRM is a law practice for the purposes of the *Legal Practitioners Act* of South Australia and this Submission is heavily informed by the work of our various law practices.

Submission:

ALRM makes this submission to guide the second Action Plan to end Violence against women and children.

Introduction

ALRM provides this submission from the unique standpoint of working day-to-day with South Australian Aboriginal and Torres Strait Islander colleagues, clients and communities who experience family violence and are required to navigate a colonial system that is underpinned by bias and racism. This system neither protects nor empowers Aboriginal women, children, their families and the wider community or let them heal and move forward in relation to this violence.

Family violence in the Aboriginal community cannot be framed through a gender/power/coercive control model as the causes of this violence is far more complex. Family violence in the Aboriginal community has specific causes and complexities that include colonialism, systemic disadvantage, cultural disruption, forced removal of children and the intergenerational impact of trauma. It is therefore commendable that in recent years there have been the development of new strategies and models that recognise the added complexities and seek to address them.ⁱ

In the submission, ALRM recognise the strategies that align with and contribute to the objective of this Strategy and Action Plan, as well as State strategies that also protect women, children and their families. We acknowledge:

- The First Action Plan under [Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026-2036](#) (Our Ways)

- The Second Action Plan under [Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031](#)
- The Second Aboriginal and Torres Strait Islander Action Plan under Safe and Supported 2021-2031
- The Second Action Plan under the [National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030](#).

Although the development of these strategies is a step in the right direction, their effectiveness depends on all agencies – across both the state and federal level – actively adopting and implementing them. At the same time navigating these strategies is complex, creating challenges for agencies to achieve intended outcomes. Although these strategies are meant to work together cohesively, it is likely that there will be times that they do not and this is where problems arise, especially if agencies remaining siloed. It is therefore recommended that Action Plans developed under these strategies explicitly address crossovers, responsibilities and outcomes, as well as how these actions will address Closing the Gap outcomes.

The current experiences of Aboriginal and Torres Strait Islander women and children within service systems

ALRM has been told that due to the overwhelming negative self-views and fear of women reporting violence, it takes a lot of courage to contact a service for support. Sadly, we are also told that Aboriginal women often have a string of questions launched at them which they cannot answer. They experience being turned away due to lack of remembering dates of police reports, lack of any Intervention Order or difficulties expressing themselves within the intake.

We are told they feel judged by the services there to help them. Feeling this way at such a traumatic time leads to responses that appear as loud or aggressive. This can result in them being banned from contacting the service again. The feeling of being judged and the exclusion may mean the woman does not try to seek support again.

Some women would like time to safely plan an exit which could take many months, and they should be supported in this time. They will have a huge burden in separating including financially, socially, resettling of children and maintaining safety. These women will be ready at a certain point but find services will not support or give refuge if they have not experienced family violence in the prior 3 months for some services or 12 months for others. There are times that the violence fluctuates or stops for this amount of time but then women experience signs that it will recur. If they attend services at this stage, they are also denied services. The buildup to leaving a violent partner is often long and women do leave and return numerous times.

Women live complex realities including experiencing love for their partner or reliance on their assistance with children, bills or protection in other ways. However, they are shunned from services when these factors are overwhelming, and they decide to return to offending partners. The decision to exclude a woman from access to a service because she leaves and returns and has a history of doing so, could be the difference between life and death.

ALRM have been advised that no one really understands how hard it is to leave and then how hard it is to stay away. This could be because of genuine love and need for

proximity/relationship and other needs to be met. It could be because of emotional abuse like their partner threatening to kill themselves if they leave or trauma bonding. It could be because family put pressure on them not to leave and not to deny the father and his family access to the children. If the man does self-harm or suicide, then the woman will be blamed and potentially be subjected to cultural retaliation. Guilt and a sense of obligation (including cultural obligation) pressures a woman to stay. She should not be penalised by any services for facing such grave cultural pressure.

We are told that women balancing the ups and downs of the relationship, abuse, care of children, and cultural and family obligations are often in survival mode. They may make decisions which seem illogical but protecting children and being able to parent their children are keys to survival and the threat of removal by child protection exacerbates the need to stay and keep quiet.

We are also told that services often cease when most needed. Services need to be ongoing for longer than a year, support needs to be intensive and long term. It takes years to get over emotional abuse and to increase self-image and confidence to a functional level. There are times in the healing journey that women cannot think straight, are in survival mode and need someone to do basic things with them like go to Centrelink, schools and other institutions. Services must walk alongside them.

Proactively addressing racism

The Action Plan should commit to proactive leadership as an overriding action by addressing and responding to systemic and individualised racism. Colonialism and systemic and institutionalised racism have resulted in further harm to Aboriginal women, children and their families when they try and seek support for domestic and family violence experiences.

The Senate Committee's Final Report, *Missing and murdered First Nations women and children* quoted the Australian Human Rights Commission submission which said: "The disproportionate level of violence faced by First Nations women and girls is not a result of a deficit located within First Nations cultures in Australia and around the world. Rather, it is the result of systemic exclusion, inequalities [and] intersecting discriminations including racism and sexism."ⁱⁱ

Racism is normalised and part of everyday life for Aboriginal and Torres Strait Islander people. As a result of the impacts of racism, Aboriginal people and Torres Strait Islander peoples are more likely to: live in poverty; have a lower life expectancy; increased ill health and mental ill health burdens; greater numbers in prison or children in care; and lower education and lower incomes than non-Aboriginal people. The effect of this, on a population that is small in comparison with non-Aboriginal people, creates a higher care burden on every Aboriginal person. They are likely to have additional children living with them and caring responsibilities for a number of sick family members; they will be balancing life with issues that non-Aboriginal people face less often. This is something that is not understood and is caused by the trauma carried by the impacts of over 200 years of colonialism, and interpersonal and institutionalised racism.

Key themes that arise throughout this submission which need to be addressed and adopted by government and leadership. They include the need for:

- Proactively addressing the drivers of racism: systemic and everyday

- Aboriginal and Torres Strait Islander led solutions.
- Longterm funding into Aboriginal Community Controlled Organisations.
- Addressing the needs of the local community.
- Listening to the voices of Aboriginal and Torres Strait Islanders, especially those with lived experience.
- Addressing the barriers to those with lived experience working in organisations.

Key opportunities for the Second Action Plan

Priority Area 1: Victim-Survivors

The Discussion Paper asked for the best service and system responses, current and emerging issues as well as barriers and gaps remaining, including Aboriginal and Torres Strait Islander People. In relation to Aboriginal and Torres Strait Islander women, children and families there is an extra layer that needs to be addressed.

ALRM supports a model of enabling women and children to leave when they need to, for support to be given during this time and for that to continue, even if they decide to return to their partner. Men also need to be offered support and understanding as a means of supporting them in their rehabilitation, but also as a protective measure for the women and children in their lives.

Proposed Action 1: Adopting a different lens when it comes to violence against Aboriginal women, children and their families.

This Action Plan should invest in Aboriginal-led research when determining responses for Aboriginal women, children and their families. Whilst the mainstream model of cause may be focused on gender/power/coercive control, the research conducted by Aboriginal academics and our experience is that for family violence within Aboriginal families and communities, the causes are more complex. The studies warn that continuing to restrict the causal factors to the mainstream model, risks further subordination of Aboriginal women.

ALRM considers there is a lack of understanding of Aboriginal and Torres Strait Islander peoples who have experienced violence/use violence with the expectation that they will fit into frameworks or theories designed for (and by) people of cultures totally different to their own. This needs to be addressed.

In relation to children and young people experiencing domestic violence, there is an opportunity to breakdown life outcomes for different cohorts. This is because Australia now has developed one of the best maltreatment studies in the world: The Australian Maltreatment Study (ACMS) project. This study gives a far greater understanding of child maltreatment and health, social and justice outcomes. ACMS includes experiences of domestic violence as one maltreatment factor and it has shown that this type of violence can have a profound impact on them.

The ACMS shows that experiences of domestic violence in different forms are commonly experienced together and frequently co-occur with other types of child maltreatment and other childhood adversities. Intimidation or control was reported as occurring more frequently, endured over longer durations, and was more prevalent in mid-late adolescence compared to other forms of violence. The findings emphasise the need for

a domestic violence-informed approach to family law, health, housing and other social systems, to better support children and protect them from continued harm.ⁱⁱⁱ

This study has also broken-down barriers of long-term outcomes that come with child maltreatment and has consistently called for a public health approach to child maltreatment. However, currently, this study has not delved into different cohorts, including the impacts of Aboriginal children and young people. This Action Plan could commit to research on the impacts of maltreatment for different cohorts, including Aboriginal and Torres Strait Islander people.

Proposed Action 2: Long-term support and investment in 'what works' for Aboriginal and Torres Strait Islander Peoples

The Action Plan should prioritise and commit to long-term investment in the Aboriginal community, organisations and leadership to lead and develop community-based programs that work to promote and support healing and empowerment for survivors. There have been many good Aboriginal-led services and programs come and go but these have lacked government support and long-term resourcing. Historically governments at all levels have demonstrated their apathy and distrust in investing long-term in Aboriginal communities and organisations. It is time to let Aboriginal Communities lead on what they know is best for their own community. This has been demonstrated time and time again without a lot of traction of financial support from the government.

Aboriginal-designed and Aboriginal-led services and models are best placed and essential to addressing domestic and family violence within Aboriginal families. This is because of a shared understanding of culture, obligations and realities of life, where racism and systemic barriers are faced daily. In some circumstances, services may need to be delivered by a mainstream NGO, when Aboriginal people feel they are unable to access the supports provided by an Aboriginal Community Controlled Organisation (ACCO), due to concerns about confidentiality. This could be particularly where their own or their partners families or community members are employed within the service. However, service design and training must be led through ACCOs. Funding needs to be secured for the long-term and services need to be flexible, holistic and available to assist women, children's and family's particular circumstances.

The Action Plan should commit to real assistance, walking alongside ACCOs to put in applications, meet grant reporting targets and overcome governance issues. ACCOs simply do not have the resources that Government or larger NGO agencies can rely on and need support. Perhaps one way forward is to bring ACCOs and other groups providing services in the domestic and family violence space together to the table to listen to one another with government support, to work out how to work together and successfully obtain long-term funding.

Organisations or places that may have clients come who are experiencing or perpetrating violence also need training in the way to respond and de-escalate. At ALRM, we spend time showing we care, building rapport, looking at the whole person, empowering and giving confidence. There are so many shame issues that need support. Often, the way that some clients' express trauma means services turn them away due to perceived insult or aggression.

Priority Area 2: Prevention and early intervention

The Second Action Plan should acknowledge and understand that the causes of family violence in Aboriginal communities are far more complex and include; colonialism, systemic disadvantage, cultural disruption, forced removal of children and the intergenerational impact of trauma. Alcohol and substance use also play a role.

ALRM considers that restricting known causes to the mainstream model risks further subordination of Aboriginal women. It is therefore important to unpack these drivers and work with Aboriginal and Torres Strait Islander communities to find solutions. This should include exploration that often those who are accused of violence should be fully assessed for underlying issues causing violence such as mental health issues, neurological issues, physical issues (including lack of hearing) and underlying trauma.

Further, as some of our Aboriginal staff say – if you are serious about preventing violence, find out what are the underlying issues and work on those. It could be physical, emotional, mental health or neurological issues. It could be alcohol and drugs fuelled by trauma. The way to work on it is to find the cause and work on that, in a culturally appropriate way, with wraparound supports.

There are many good programs recommended by our staff, including: Footsteps^{iv}, Aboriginal Sobriety Group^v with men and women's farms, Bush camps with Elders and respected leaders, Kornar Winmil Yunti (KWY) programs.^{vi} These programs need to be recognised and provided with long-term funding and support so that they can grow and prosper.

Proposed Action 1: Aboriginal-led research and responses

Prevention and early intervention responses for Aboriginal peoples should be based on research led by Aboriginal academics. Further responses should be Aboriginal designed and led and place based. This is particularly important because of complex kinship systems, law and obligations that cannot be understood other than by the local Aboriginal communities. Intervention includes a listening, strengths based and empowering approach.

There is a need for location-based, culturally appropriate wrap-around services run and led by ACCOs within their own communities. Wrap-around support includes assistance with all areas in life. There are a disproportionate number experiencing poverty, carrying huge care loads due to high level of illness in Aboriginal communities, huge grief loads due to the low life expectancy and high numbers of suicides and early deaths all coupled with the daily racism, discrimination and systemic barriers in place.

Addressing issues early can not only give Aboriginal women, children and families the time and space to give them support at hard times in their lives but can also decrease household stress acting as a preventative measure in relation to any trigger of violence or further violence. Support for struggling families should be flexible and needs driven – from driving children to school, to negotiating with housing or Centrelink, from assistance with grocery shopping to transporting to counselling appointments. These all relieve pressure and add an element of safety for women, children and their families.

Proposed Action 2: Committing to self-determination to provide a sustainable funding mechanism for the benefit of Aboriginal and Torres Strait Islander peoples.

ALRM supports The Senate Committee's Final Report, *Missing and murdered First Nations women and children* recommendation that the Department of Social Services, the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the National Indigenous Australians Agency developed, for the implementation of a sustainable funding mechanism to provide ongoing support services for First Nations people, including women and children, experiencing domestic, family and sexual violence.^{vii}

We have seen a commitment by the Australian government to invest earlier through the National Child and Family Investment Strategy^{viii}, but this is not enough. We need to see government laws and policies that re-establish self-determination and Aboriginal and Torres Strait Islander leadership. It is only when we invest in and resource Aboriginal-led organisations that we will see a change in outcomes and improvements in outcomes for Aboriginal women, children and their families.

In the past, the politicisation and abandonment of the Aboriginal and Torres Strait Islander Commission reflected the government's rejection of Indigenous self-determination policies at the time. It is submitted by ALRM that this rejection has resulted in an erosion on Closing the Gap targets over 20 years.^{ix} There are a very few Closing the Gap outcomes that are improving and most are worsening. Out of the 17 targets, only 3 have improved and are on track; 5 have improved but are not on track; 2 have seen no change from baseline; 4 are worsening; with the rest having no assessment available.

If ACCOs were given the leadership, funding and flexibility to provide wrap-around services by Aboriginal people for Aboriginal women, children and their families could enter a culturally safe space where there is 'no wrong door'.

ALRM have been told by clients of the deep need to talk with someone who understands. For Aboriginal people, this is nearly always another Aboriginal person. We hear from clients that when they go to non-Aboriginal services, they have to repeat their story. They feel misunderstood as non-Aboriginal people don't understand what Aboriginal people go through. They feel a lack of empathy or understanding of the issues they face with stolen generation, displacement, alcohol and drug use, overcrowded homes and homelessness. When they inevitably display trauma in a loud or expressive (even aggressive) way, services don't understand their trauma and reject them.

In many areas, men need men and women need women. This is for cultural freedom to open up, as well as to prevent jealousy issues that can arise.

Aboriginal people should also have options. While many Aboriginal people express a need for an Aboriginal service, in some cases due to family of the either of the couple being part of the service, another option is needed and alternative services should be considered. This is especially in regional and remote areas where one service may potentially be supporting the other partner. We are told that some Aboriginal people who approach these services feel put off by the person who greets at the door or who answers the phone. It is important that all staff are trained in trauma informed approaches and care and are cultural sensitivity.

Proposed Action 3: Breaking down barriers so people with lived experience can work in services addressing domestic and family violence

This Action Plan should work with state governments to break-down barriers so that people with lived experience can work in the domestic and family violence space. People need people with lived experience. Others cannot truly understand. We are told of men and women who listen to advice but cannot connect as the trainer/counsellor has not experienced what they have been through.

Sadly, there are too many barriers preventing lived experience support. Organisations cannot employ someone without a Police Check or Working with Children check. However, many people who have lived experience of trauma have turned to alcohol, drugs and through this, had children removed or amassed historical criminal records. They have then come through, turned their life around but cannot shake their past and are unable to provide the required clearances. Aboriginal people need other Aboriginal people who have overcome lived experiences to help them through – barriers need to come down to enable this.

Priority Area 4: Children and young people

Research has now found that domestic and family violence affects children's physical and mental wellbeing (as previously discussed), development and schooling, and is the leading cause of children's homelessness in Australia. It often co-occurs with child abuse including child sexual abuse. This co-occurrence needs particular attention when it comes to shaping actions around policy and practice.^x

Proposed Action 1: Connecting children and young people with services and culture

Children of Aboriginal families have life experiences that mirror their family's displacement, exclusion, removal of children, systemic barriers and racism. Many live in homes that are overcrowded, have experienced homelessness and have experience of adult alcohol, drug and violence issues. They need support, but in a way that reaches them like, yarning and activity based with people who understand and do not judge them. Children need support when there is violence, if they do not learn it is wrong or have support through it, they will grow up to continue it.

Schools – if resourced properly – could be a place that could connect children and their families who are experiencing family and domestic violence. However, if this is to occur, it must be culturally safe and appropriate.

Schools also need to make active efforts to address racism within themselves. It is only when schools become places that are culturally safe and families do not feel judged, that education can be a space where these issues can be addressed. ALRM has been told that Aboriginal children and families often feel judged in education spaces. An example was given of a grandmother caring for many children but with few resources. Notes were sent home to her about children with messy hair, forgotten lunch, wrong clothes, holes in shoes and odd socks. Her and the children's experiences, needs and inadequate resourcing were dismissed. They never saw the school as a supportive space.

Proposed Action 2: Start supporting children needs, not their deeds

The Government's promise to end violence in the home in one generation^{xi} will fail if we do not properly support and protect children who are victims of domestic and family violence themselves. The ACMS has found a relationship between children experiencing maltreatment (especially chronic and multiple types of maltreatment) and involvement in the justice system. Child maltreatment, which could include physical abuse, sexual abuse, emotional abuse, neglect and exposure to domestic and family violence is associated with double the odds of being arrested.^{xii} In effect, Australia is more likely to criminalise children and young people who have experienced child maltreatment who are victims themselves and need protecting,

We also know that the earlier a child enters the justice system, the more likely they:

- remain within this system for life;
- the more adverse outcomes they will have resulting in a burden within other systems such as health; and
- the more likely they will display violence and perpetuate cycles of violence.

The current increase in the 'tough on crime' policies being rolled out across Australia is an indictment on governments at all levels. We are failing our own children through either not protecting them from violence at home or violence by the State. ALRM reiterates that children and young people need to be invested in, given the right help at the right time, so they can stay safely at home, with family, education, community and culture.

We need community hubs for children and young people when they feel unsafe and are escaping domestic and family violence. Currently services usually do not assist children unless they arrive with a parent. This leads to children escaping violence being left out in public with no money, no food or suitable clothing. This Action Plan should consider engaging ACCO's to co-design the community hubs, especially in regional areas to support these children, so they are given wrap-around support when they need it the most. This move will result in a reduction in the criminalisation of children who steal food because they are hungry, or who trespass as they have no other place to go. This is especially so for Aboriginal children. In ALRM's experience Aboriginal children are more likely to be arrested for these deeds and not just be given a warning.

Family violence can also be experienced at the hands of a loved family member who is a child, such as a son or daughter with mental health issues. At times when their symptoms escalate, they attack family and loved ones who fear reporting due to the punitive interventions likely to be received. Families need support, treatment options for their loved ones and respite, not criminal responses or intervention orders.

Proposed Action 3: Focus on Education

We are told time and time again by those who have experienced violence and those who have perpetrated it, that educating one side and not the other about trauma, family violence and ways to protect each other does not work.

There is a need for regular, targeted education spread through the community including where to go to if you need help. ACCOs should be better resourced to offer education services, including on empowering women, such as courses on financial literacy and self-defence classes.

There also needs to be outreach services where ACCOs can undertake education programs, such as in schools. Schools could also host classes where both parents need to attend with their children. This could be set up by women teaching female children and their mothers and men teaching male children and their fathers separately. This should be discussed in a therapeutic and non-blaming manner, with education packs for families.

Further education for children and mums is also important. Some ALRM staff feel schools could talk about family and domestic violence in class, otherwise some children may not know that violence is harmful.

Proposed Priority Area 4: People who use violence

ALRM submits that current investment in prevention is poor, a punitive response is not working and restorative approaches to justice should be prioritised.

Proposed Action 1: Understanding the drivers of violence

Policy and law makers cannot appropriately develop responses that work for people who use violence until they understand the drivers behind it, including the systemic racism and trauma behind the complex issues experienced by Aboriginal and Torres Strait Islander people today.

Both the research and our experience show that those who use violence have experienced family violence, have grown up in foster or residential care, been locked up in the Adelaide Youth Training Centre (or similar places) or were themselves victims of abuse. These people, their families and communities have been displaced, through the stolen generation and have been so traumatised they now suffer from mental health ill health and trauma. Often, this leads to self-medicating through drugs and alcohol and then that plays a large role in violent behaviour. People who are in this position need to be able to reflect on the reasons behind their behaviour and how it has impacted them before they are able to heal and change.

Many offenders and victims have underlying physical, mental, emotional, spiritual, trauma or neurological issues. Most of the time these have not been diagnosed. Most have dependence on drugs or alcohol, caused by underlying trauma related issues. We cannot dismiss this nor their lived experience issues, these are the reality.

Triage for underlying issues and holistic, trauma based and culturally appropriate support is required for all of those who perpetrate violence. This is required in all situations whether they have been charged, imprisoned, placed on orders or remain in the community.

Though controversial to say, we are told there are women who fight with men and women, who are the aggressors and in relationships where the man is afraid of the woman.^{xiii} This is also demonstrated in the numbers of Aboriginal women in prison for assault type charges.^{xiv} This, too, is a result of ongoing dispossession, stolen generation, past experience of abuse, violence and trauma. We are told that we have to stop looking through a white woman's lens about the issues surrounding family and domestic violence.

Aboriginal women hold a lot of trauma, resulting in self-medication with drugs or alcohol which sometimes leads to escalation and violence towards men or women. It is a lived reality. When both partners suffer this way, one can commence violence and the other can retaliate or could walk away. Even when one walks away, the other may follow or chase, resulting in more violence. For families where this is the case, acknowledgement and trauma support along with strengths-based solutions are needed.

We are also told of men who have been through programs, where they learned to walk away, but women follow and want to continue the argument. This is because both have suffered trauma in their lives, both cannot handle the trauma, and one has learned a technique to prevent violence but the other has not. Both need support and strategies to avoid continuing the cycle of violence. We are told by our workers that sometimes men call them feeling very challenged by being yelled at or chased down the street. Our workers talk for hours with them until they are away in a safe place and no violence occurs. At times the relationship needs support and at other times it needs to end.

Proposed Action 2: Review the effectiveness of punitive police responses

Punitive responses to men can prevent women from reporting violence. Women care and worry for their partner and even if they want the relationship to end, they prefer their partner was given support rather than punishment – while having the opportunity themselves to stay safe.

Many women tell us they fear police and they fear what will happen to the person they love, who is violent to them, if the police are involved. Women also fear being arrested themselves or questioned as if they are the accused. The latter is currently the subject of a Coronial Inquest into the death of Dolly (Chanel) Treloar.

There are deaths in custody, suicides, harsh treatment by police, and prison staff waiting if women report to the police. If women could trust that their partner would be fairly and appropriately dealt with, they may be more willing to go to police and go through the criminal justice system. That is not the case now and the increase in sentences is not helping.

In fact, increases in sentence lengths is making life worse for many families. For example, new legislation in South Australia, making bail^{xv} and parole impossible without being able to wear a monitoring device has meant that people living in remote Aboriginal communities cannot be released. This is because the State will not or cannot (due to a lack of reception) monitor them in their communities or in certain areas.

The requirements for perpetrators to complete courses before discharge from prison is also preventing Aboriginal people being released on parole or results in them having sentences extended using Extended Supervision Orders and Continuing Detention Orders. This is because there are not enough courses offered in prisons or are not offered at the prison where the prisoners are placed. It is also due to the courses themselves being so culturally inappropriate as to be impossible to engage in or complete. For example, it is not culturally appropriate for some topics to be discussed in a group setting. These are some of the harsh differences in treatment by the justice system for Aboriginal people, in comparison to non-Aboriginal people.

Proposed Action 3: ACCOs leading the way to work with people who use violence

We need ACCOs to lead the way to support people who use violence to heal, reintegrate and be supported to desist violence in the future. There needs to be provision of culturally appropriate services, programming and counselling for perpetrators who are incarcerated and released from incarceration (both on remand and when sentenced) for any change to be made. The impact of short custodial stays (in which Aboriginal people are grossly over-represented) and their exacerbating effect on domestic and family violence is echoed in recent research by the Centre for Social Impact.^{xvi}

For those remanded in custody and then released for being not found guilty or because the sentence was effectively completed on remand, services, counselling and programs have not been available. If sentences are short due to length of time served on remand, courses are missed. This means time in custody is not used for any benefit for the community, family or the accused.

At ALRM, we are told of a prisoner released after a sentence for domestic violence, returning home and committing further acts of violence. We are told this is because the men are not empowered in their own roles including their cultural responsibilities. Further, families are not prepared for the return of a prisoner when they are released to a family as they no longer have a clear role.

As mentioned earlier, we are told that many of the prevention programs offered in prison or by the Department for Correctional Services are shame-based, group-based and have rules that people admit what they did and who their victims were in front of a group. These are culturally inappropriate and have caused more harm than good.

Approaches that work are strengths based, trauma informed and culturally appropriate with an understanding of how to talk about the harm and how to prevent it moving forward. Some programs that could be considered are:

- Change em Ways Men's Behavioural Change Program (Kimberley Western Australia).^{xvii}
- KKY Aboriginal Corporation (SA) which provide Aboriginal-led responses for families addressing health, wellbeing, and safety. This service initially focused on men's behaviour change but is now working holistically with women, children and the community to address these issues.^{xviii}
- Aboriginal Family Support Services (AFSS) protects and supports Aboriginal children, young people and families through foster care, kinship care, family reunification, youth crisis accommodation and community wellbeing programs.
- Cross Borders program is a family violence perpetrator program that operates primarily within the Ngaanyatjarra Pitjanjatjara Yankunytjatjara (NPY) Lands and is delivered over a 4 week period. However, this model could be improved by increasing its availability, extending it to women (as both need counselling, support, education and ways to work through), providing through care for support when families resume or return to community though separated and to have follow up men's and women's groups and regular check ins. If all sides of the family don't learn, the cycle will resume.^{xix}
- Barndimalgu Court in Geraldton, Western Australia is a court that hears family and domestic violence matters and provides offenders with the opportunity to complete programs to address their violent behaviour before their final sentence is delivered.^{xx}

Proposed Action 4: Reviewing the effectiveness of Intervention Orders

Our community have expressed that the Intervention Order is just a 'piece of paper' worth nothing.

Both Aboriginal women and men, and those who experience and those who perpetrate violence, require legal supports as well as options for restorative justice. This could include family led meetings with rules set by Elders and community leaders, attending counselling or programs that are holistic. These people need legal services with a deep understanding that each person involved has experienced trauma as well as other adverse experiences.

Culturally appropriate legal advice and representation needs to be provided through an Aboriginal and Torres Strait Islander Legal Service or Aboriginal Family Prevention Legal Service that is available to all involved in family violence. These services understand the complex issues that affect safety and well-being for the whole family (where appropriate) and the need for self-determination.

At times, those who experience violence want Intervention Orders, charges and sentences to keep them safe. ALRM respects this as a protective measure.

Both parties will need advice on what this means: For example, many do not understand that final Intervention Orders are lifelong or the boundaries where they can or cannot go. Distances such as 200 metres or landmarks are misunderstood by Aboriginal people where English is not their first spoken language or when they are from towns or communities where these concepts mean little. This leads to breaches and further imprisonment. Interpreters and careful pictorial explanations in terms that can be understood are needed.

At times, women would like Intervention Orders dropped. They may have been required for a short time only, or a long time has elapsed since it was ordered and life has changed so much that the order is no longer needed. They do not know how to go about resolving this and feel shame at explaining why it should be dropped. They need to be empowered and educated in how to go about this process and that the hefty court fees involved can be waived.

Proposed Action 5: Implementing community led responses in remote and regional communities

ALRM supports the creation of a network of regionally based Aboriginal and Torres Strait Islander family violence strategies owned and managed by Indigenous people and linked to initiatives around; alcohol reduction, intergenerational trauma, social and emotional wellbeing, and alternatives to custody.

Aboriginal and Torres Strait Islander led family violence initiatives share a number of the following common features:

- a commitment to Indigenous leadership;
- the necessity of working alongside men;
- a holistic, place-based approach;
- a focus on prevention and capacity building;

- linking of family violence work with other issues, such as alcohol reduction strategies, housing overcrowding, and mental health services;
- building of structures that are culturally, as well as physically, secure for women escaping violence and for those working within the family violence organisation;
- recognition that there is no clear boundary between Aboriginal women as family violence workers and family violence victims (working practices and work with victims needs to be based on a healing approach);
- development of policies and protocols intended to prevent lateral violence in the workplace;
- consideration of forms of violence that are not just “domestic” in nature;
- decentralisation of the male power model, and a greater emphasis on collective, intergenerational trauma awareness in interventions;
- a re-centring of Indigenous structures and processes; and
- factoring in of issues such as cognitive disabilities, acquired brain injuries, and foetal alcohol spectrum disorders in violent behaviours, rather than a need to coercively control.^{xxi}

Priority Area 5: System Integration and Workforce

Any system integration, information sharing, collaboration and building workforce capability should be looked at through a cultural lens and address institutional and systemic racism. It is important that any changes to responses for Aboriginal women, children and their families are informed through truth-telling and honest reflection about the service or organisation itself.

The reality for Aboriginal women is that warm referrals and relationship building are required and time in hospital or with police/ homeless/other services can be the perfect time to establish that link. Aboriginal people who discuss their experience of violence with police/health workers/ homeless services and others and are not given follow up support nor pathways to support.

Proposed Action 1: Review police responses, behaviours, policies and practices to develop culturally safe and restorative responses

Police and government need to work with the Aboriginal community to develop culturally safe and appropriate responses in domestic and family violence situations. There needs to be groundbreaking reform in police responses nationally, as the systemic and institutionalised racism is pervasive and results in Aboriginal women and children and their families being further harmed.^{xxii} ^{xxiii} There can be racist attitudes in police responses, which are neither culturally safe and result in further harm. The courage it takes for an Aboriginal woman to walk into a police station or call police is deep and real. This can be difficult for non-Aboriginal people to understand.

Those who report violence need to be respected and believed as well as given self-determination in the way forward. There are so many barriers to reporting to police including; the historical and present nature of police, Aboriginal community relations, the experience of police interventions with their own family, deaths in custody and, their own reputation within family/community for reporting their partner. After facing these barriers, the police response is often not helpful. We acknowledge that policing family violence is complex, difficult and dangerous for police. We also acknowledge the many times police provide brave and caring assistance. Sadly, however, there remain ongoing deep

problems with police responses to Aboriginal people which need to be addressed with an empathetic and listening approach.

We are told of Aboriginal women and children who report violence to police but are not believed, or police attend and see an alleged perpetrator as calm and fail to assist, despite being begged to do so by women and children present. We were told by one child, how he and his brothers begged police to help as they knew their father was violent but acted differently when police arrived, resulting in the police refusing to provide assistance. When their call for help was ignored by police, the despairing children ran away from their home.

We are told that women drink to numb the pain, with one woman injured so badly she turned to alcohol for immediate self-medication. By the time she had the courage to call the police she was under the influence. She nevertheless asked for help, but the answer was 'you are intoxicated' and no assistance was offered. Women may drink or use drugs to numb the pain; this should not be a reason to refuse them assistance.

Likewise, we are told of women who are loud and appear aggressive, having just experienced violence. They are shocked, traumatised, in pain and express that differently to non-Aboriginal women. Again, they are labelled and no assistance is offered.

We are told of one person who was questioned by police about the violence, while the person who was the perpetrator sat with her, he said he was a cousin and the woman could not otherwise say what had occurred due to being in fear.

Calling police can also be very risky but when it is done and when the perpetrator is removed, women report they are not informed of what happens next.

At times, the woman considers a risk of imminent but not ongoing violence and needs the man removed to a safe place for one night. However, he is charged, imprisoned and not released for many months. This prevents women calling police for the support they need to keep them safe for that one night. This situation underscores the need for respite options to be provided, as we call for above.

At other times police take over beyond what is wanted, such as by imposing an ongoing Intervention Order which prevents more than is warranted or wanted and then cannot be overturned easily. If an Intervention Order is made, this needs careful explanation to both parties and victim input into what it should restrain and for how long. We have heard of non-Aboriginal female police implementing an Intervention Order for Aboriginal women in the APY Lands despite not being requested and being told to go to Adelaide to seek their withdrawal. In these instances, the Aboriginal women are being subordinated by the mainstream feminist approach, which is not appropriate for Aboriginal women.

Other times women genuinely fear for their lives and need the perpetrator removed and to stay away. They voice this but are shocked and terrified when police arrest him and he then returns a few hours later without warning.

Some women tell us they need to ensure the perpetrator leaves the home for long enough to make herself safe, perhaps two days to pack up and leave or take other action. The woman herself will know what needs to be done. In some cases, she may need to leave the area, change schools for children and even change her name. Others will not

consider that is required. At the very least she needs to be kept fully informed of where he is and when he will be released and consulted about how this is done. This does not happen.

ALRM also recommends legal assistance from an ACCO for both the person experiencing and the person allegedly perpetrating violence, as soon as possible, to assist in navigating the systems that follows the police intervention.

Proposed Action 2: Government Departments and services must work with Aboriginal women, children and their families to ensure their children are kept safely at home and in culture and out of Child Protection

Child Protection services all over the country need to be reset and recentred to be a service that keeps children safe at home with their families, connected with culture, education and community. Despite numerous Royal Commissions, including the Royal Commission into Institutionalised Responses to Sexual Abuse recommending early intervention, this has not occurred. In fact, research suggests that children living in non-parental care have poorer outcomes, when compared with the broader population, for:

- educational attainment
- physical and mental health
- cultural identity
- appropriate attachment behaviours and
- community connections, when compared with the broader population.^{xxiv}

So many women are told by Police, Department for Child Protection (DCP) and other services, that if there is violence and parents do not separate, children will be removed.

Police and DCP workers tell our clients if they do not report violence, do not follow through with charges or Intervention Orders or go back to partners, their children will be removed for 'failing to protect'. They are pressured to go through a system they do not wish to go through. This is cruel and victim blaming.^{xxv xxvi}

We are also told that Aboriginal women will often not open up to psychologists or health workers knowing that DCP will be notified if violence is disclosed. This is a huge barrier to accessing services. The mention of DCP to an Aboriginal women means their children will be removed, the experience and statistics make this very real.

Likewise, we are told that in many Aboriginal homes, children know they could be removed if they speak to DCP and will not share their experiences with school, professionals or DCP.

When DCP are involved, the experience is they do not work with a family who wants to be together safely, excluding fathers with no pathway to return. In the same way, they do not empathise with a woman who returns for various reasons. We are told this often leads to hopelessness; both parents turn to alcohol or drugs for lack of a way through. We have sadly seen a suicide by a man who understood he would be excluded from family life ongoing if the mother was to have her children with her.

We must find another way to support families than to take children. Current practices are not protective and only make children more unsafe. If children are removed, therapeutic

support is required in a way that is culturally appropriate and ongoing family support provided, so that they can quickly return home. Longitudinal studies show removal is not a good outcome for a child.

Finally, as mentioned, there are a high proportion of women in prison charged with assault type offences and for breach of intervention or other orders. These are women who have been victims of violence. If harsh laws are made for perpetrators, it must be remembered that these Aboriginal women who have experienced violence will themselves be caught up in them. Another way must be found.

Proposed Action 3: Culturally safe health services

Health services need to develop with the Aboriginal community culturally safe strategies and policies, which also address systemic and individual racism.

We are told of women who go into hospital to have a baby or for treatment after a violent incident who ask that their former partner be excluded from visiting – but he is allowed in, sometimes with serious consequences. Women who ask for safety need to be protected; for example, part of the hospital could be secured with doors locked and visitors only allowed in if the women can look on a camera and see the person is a safe person to be let in.

Proposed Action 4: Culturally safe legal services

There are issues too with Courts. We find that in regional areas especially, Intervention Order lists are at a similar time to criminal lists. This means that families for both accused and alleged victim are present. This is not safe nor helpful. Courts need to talk with Aboriginal communities about how best to plan Court sittings in their area.

In the 2000s, ALRM and the Aboriginal Family Violence Legal Services in Ceduna cooperated in a client centered model to ensure that if a victim of family violence had reported violence to police but no longer wanted to pursue that, she would be represented by the family violence legal service for advice and assistance and the accused would be represented by ALRM. We named this the Julia Lansley model after the lawyer who commenced this. ALRM suggest incorporating the recommendations from the Julia Lansley model or a similar model in which both parties have early legal intervention and representation. This type of representation is needed before, during/after police and court involvement to enable responses which incorporate restorative justice, ongoing holistic safety and supports for the family.

ALRM has long experience in the broader issues underlying violence and assisting communities. In the 1980s, ALRM were well aware of the family violence resulting from alcohol use in Yalata and were involved in the Licensing Court applications to reduce violence and the effects of alcohol. We refer here to an article by Brady, Byrne and Henderson in the Australian Aboriginal Studies report of 2003 which gave a detailed account of this.^{xxvii}

ALRM considers the way forward is restorative justice as punitive measures have been tried and failed. There are many ways of ensuring restorative justice is fair – starting with legal representation for each party. There have been many studies, trials and reports – we recommend, for example John Tregenza's Scoping study in the APY lands^{xxviii}. In the end, this is an issue of self-determination – culturally designed and led in each place.

ALRM remain available to assist in the planning of this and representation when appropriate.

Finally, we need Aboriginal designed and led programs with restorative justice options and ways of doing court that include a triage of needs that are holistic. Innovative Courts that should be considered by an Aboriginal led committee include Nunga Courts in SA, the Specialist Indigenous Lists in the Federal Circuit Court and Family Court of Australia, Barndimalgu Court in WA and Marram Ngala Ganbu in Victoria.

Action 5: Access to Safe Places

As discussed previously, women and men need safe places within an easy distance from their community to go to when they need to escape violence or perpetrating it. This extends to bail houses, safe houses for women and safe houses for men when they either want to escape violence or leave before they experience or perpetrate it.

We need to invest in safe places for women and children, even if it is for a temporary period. We also need to address what happens when men return to the regional towns, especially when there are Intervention Orders in place. It is often very hard to remain away from an ex-partner when there is only one shop or one park, community club, etc. There needs to be a place out of town where men can stay and get the services and the support they require so that they can reconcile safely back to their children, family and community.

We thank you for considering ALRM's submission to the Consultation on the Second Action Plan under the National Plan to End Violence against Women and Children 2022 – 2032. ALRM remains available to discuss any aspect of this submission via the Legal Policy and Advocacy Team and can be contacted via email at

[REDACTED]

Kind regards

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Aboriginal Legal Rights Movement

ⁱ Understanding the role of Law and Culture in Aboriginal and Torres Strait Islander communities in responding to and preventing family violence: Key findings and future directions (Research to policy and practice, 19/2020), Sydney: ANROWS pg 2 & 4).

ⁱⁱ Government of Australia, The Senate Legal and Constitutional Affairs Reference Committee, *Missing and murdered First Nations women and children*, [Missing and murdered First Nations women and children](#), p44.

ⁱⁱⁱ Blake, J.A., Thomas, H.J., Mathews, B. *et al.* Experiences of Domestic Violence and Other Adversities in Australian Children, *J Fam Viol* (2025). <https://doi.org/10.1007/s10896-025-00999-7>

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- iv Footsteps Road to Recovery. Residential Rehabilitation. <https://adac.org.au/our-initiatives/footsteps/>.
- v Aboriginal Sobriety Group. <https://asg.org.au/>.
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- vii Government of Australia, The Senate Legal and Constitutional Affairs Reference Committee, *Missing and murdered First Nations women and children*, [Missing and murdered First Nations women and children](#).
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- xv Bail Act (Conditions) Amendment Act 2024 which commenced on 1 October 2024
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- xviii Aboriginal Family Support Services. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiPwKzJs4OWAxUQHhAIHcDzJSUQFnoECBoQAQ&url=https%3A%2F%2Fwww.afss.com.au%2F&usq=AOvVaw072QwKwsyj7w--Tfn7zB7Q&opi=89978449>.
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