

NATIONAL ABORIGINAL & TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

SUBMISSION

**To the Human Rights Commission on the
Examination of children affected by family and
domestic violence**

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Megan Mitchell
National Children's Commissioner
Australian Human Rights Commission
GPO Box 5218 Sydney NSW 2001

Re: NATSIWA's Submission on the Examination of children affected by family and domestic violence

Dear Ms Mitchell

NATSIWA would like to thank you for the opportunity to provide to you our submission.

This submission was collated after consultations with many of our members around Australia. This submission is a summary of their voices together with noted evidence from reports of key stakeholders and experts.

The nature, history and context of family violence in Aboriginal and Torres Strait Islander communities is different to domestic violence experienced in mainstream communities and populations. Aboriginal and Torres Strait Islander people continue to suffer the intergenerational effects of past welfare practices including the forced removal of their children and dislocation from their communities, country and culture, as well as experiencing higher levels of poverty and social disadvantage compared to other Australians. The combined effects of past practices and current disadvantages present extreme challenges to families.

Aboriginal and Torres Strait Islander women continue to be described as one of the most disadvantaged groups in Australia. In comparison with other Australian women, Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised five times more likely to be victims of homicide than other Australian women. The rates for Aboriginal and Torres Strait Islander Women seeking safe accommodation to escape domestic violence is 13 higher than that of other women seeking safe accommodation. Domestic and Family Violence is the largest contributing factor to homelessness among Aboriginal and Torres Strait Islander women and their children.

There is ample evidence that family violence is under-reported and Aboriginal and Torres Strait Islander victims are often reluctant to seek help from police and non-Aboriginal organisations. Alcohol, drugs and now the "Ice Epidemic" were also noted as contributing factors to the level of violence.

Indigenous family violence contributes to high levels of notification and investigation of maltreatment of Aboriginal and Torres Strait Islander children, and their subsequent removal to out-of-home care.

Physical abuse, emotional abuse, sexual abuse and neglect are all recognized as forms of child abuse and neglect. These are often evident in children who are living in Domestic and Family Violence situations. The number of Aboriginal and Torres Strait Islander Children in 'out of home care' has risen by 9%

At the same time, there is a serious shortage of culturally appropriate placements to accommodate Aboriginal and Torres Strait Islander children, making it increasingly difficult to implement the Aboriginal Child Placement Principle. Currently, there are 3,788 (30%) Indigenous children in out-of-home care; residing with a care-giver other than a relative/kin, other *Indigenous* caregivers or *Indigenous* residential care.

We owe it these children to find a better way of dealing with domestic and family violence.

Ccoordinated intervention from different agencies inside and outside the legal and criminal justice system, such as health, substance misuse and housing, must be prompt, and consistent. The intervention should have a holistic approach to the family as the victim and perpetrator roles are entwined with past traumas.

Without resolution of these problems we will be dealing with these same issues twenty years from now. Approaches need to be collaborative, informed by data and research, and must be developed and delivered in a cultural context.

Kind Regards

Tracey Currie
Chief Executive Officer
National Aboriginal & Torres Strait Islander
Women's Alliance

ABOUT NATSIWA

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) is the peak body representing the interests of Aboriginal and Torres Strait Islander women nationally. The NATSIWA is a membership based, not-for-profit, independent and incorporated organisation.

The NATSIWA strives to be representative of Aboriginal and Torres Strait Islander women in their diverse realities and contexts in Australia.

We recognise that we are only as strong as the women we represent and will continue to be accountable to our members and encourage an open flow of communication across state and territory and national structures.

Our priorities are set by the membership and Board and focus on leadership, safety (especially domestic and family violence), race issues, and gender equality. A broad and regionally dispersed membership base ensures NATSIWA maintains a strategically relevant position within the overall understanding of what issues are of concern to Aboriginal and Torres Strait Islander women locally and nationally, what policies and initiatives are needed and how best to achieve the goals that are prioritised at the time.

NATSIWA promotes women's interests at every platform afforded to us and continue to advocate and lobby for women's rights and especially for the rights of their children.

As sector-based women's groups with a distinct focus and a strong capacity for networking with its statewide affiliates, and advocacy activities NATSIWA's members serve in a voluntary capacity and its office bearers have incorporated this voluntary work into the organisation's key performance areas. NATSIWA proudly works to empower Aboriginal and Torres Strait Islander women to have a strong and effective voice in the domestic and international policy advocacy process.

We play a vital role in assisting the Commonwealth Government to achieve its aims to improve gender equality and provide support for women's economic empowerment and opportunity, safety, and leadership, and on the more emerging issue of family and domestic violence.

By working with government and the community NATSIWA seeks to advance Aboriginal and Torres Strait Islander women in Australia.

NATSIWA's vision is as follows:

'To protect the health, human rights and fundamental freedoms that are significant to Aboriginal & Torres Strait Islander Women and Children, through cultural preservation, health education and coalition building'.

Our following Guiding Principles are cognisant of the needs, health, wellbeing and development, and aspirations of Aboriginal and Torres Strait Islander Women and Children. They are as follows:

- Aboriginal & Torres Strait Islander strengths;
- Recognition of the centrality of kinship;
- The need for cultural understanding;
- The impact of history in trauma and loss;
- The impact of racism and stigma;
- Recognition of different needs of communities;
- The recognition of human rights and social justice;
- Universal access to basic health care, housing and education; &
- Equitable needs based funding.

Please visit www.natsiwa.org.au to download NATSIWA's Strategic Framework.

OVERARCHING RECOMMENDATIONS

1. In acknowledging the diversity of Aboriginal & Torres Strait Islander communities in Australia, the Council of Australian Governments (COAG) engage and empower all relevant Aboriginal & Torres Strait Islander stakeholders in communities in a process which empowers them to drive the initiatives in: identifying, developing and designing appropriate local responses which are to be implemented by all participating stakeholders, but not limited to child protection, police, health, mental health services, education department, drug and alcohol agencies and *Indigenous* civil society organisations on the issue of ***eliminating all forms of violence***.
2. That COAG identify support for the equal investment into solutions/responses, which supports Aboriginal & Torres Strait Islander Men, and Boys in developing locally identified models to address and ***prevent all forms of violent practices perpetuated against women and children***.
3. That COAG supports a *holistic* strategic policy process of engagement; broad resource allocation; research development and design; implementation, monitoring and evaluation in

assisting service providers and local ***communities towards achieving violent free societies for all Aboriginal & Torres Strait Islander Women and their Children;***

4. Commit to and provide for a budgetary allocation for culturally appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia to assist victims of sexual assault and family violence, in addition to current funding for Aboriginal Legal Services and Family Violence Units;
5. Commit to and provide for a budgetary allocation for culturally safe trauma informed trained workforce
6. Continue to support and strengthen the role of NATSIWA, in policy development, advocacy and accountability especially through gender-balanced representation.
7. Commit to and support the National FVPLS to receive recurrent funding, through direct allocation, to ensure this vital national program can continue its crucial frontline service delivery to Aboriginal and Torres Strait Islander victim-survivors of family violence.

Challenges and concerns

There is a lack of data pertaining to the incidents and effects of Domestic /Family Violence within the Aboriginal & Torres Strait Islander families and communities. Without an 'evidence based' base line it will be difficult for agencies, government and services to gauge effective programs and strategies for accurate evaluations.

OTHER RECOMMENDATIONS

8. Seek the support of NATSIWA to participate or review any implementations to ensure proportional uptake as well as to monitor and evaluate the implementation of any programs or strategies, including the National Action Plan.
9. Support and resource community controlled agencies, State or National such as NATSIWA, to increase the cultural responsiveness of services for Aboriginal & Torres Strait Islander women and children impacted by family violence by developing and implementing cultural competence training specific to family violence with all service providers involved in the National Plan, including: the National Online and 1800 Counselling Service, Child Protection workers, the primary care workforce and specialist services providing Early Intervention Services, Family Relationship Centres, Post Separation Services, Trauma Counselling, Holistic Family counselling.

Support and resource community controlled agencies, state or national, and NATSIWA to track and evaluate progress during the implementation of each of the national plans.

1. What are the definitional issues in relation to family and domestic violence affecting children?

The nature, history and context of family violence in Aboriginal and Torres Strait Islander communities is different to domestic violence experienced in mainstream communities and populations. Aboriginal and Torres Strait Islander people continue to suffer the intergenerational effects of past welfare practices including the forced removal of their children and dislocation from their communities, country and culture, as well as experiencing higher levels of poverty and social disadvantage compared to other Australians. The combined effects of past practices and current disadvantages present extreme challenges to families.

Indigenous family violence is very different to domestic violence experienced in mainstream settings. The Aboriginal and Torres Strait Islander Social Justice Commissioner has defined family violence as:

'Any use of force, be it physical or non-physical, which is aimed at controlling another family member or community member and which undermines that person's well-being. It can be directed towards an individual, family, community or a particular group. Family violence is not limited to physical forms of abuse, and also includes cultural and spiritual abuse. There are interconnecting and trans-generational experiences of violence within Indigenous communities' (HREOC, 2006, p6).

Family violence is linked to 'social and emotional wellbeing', an *Indigenous* concept that has no equivalent in mainstream society. It 'encompasses mental health, and physical, cultural and spiritual health. Land, family and spirituality are central to wellbeing' (SHRG, 2004).

While systems of law differ among the many Aboriginal and Torres Strait Islander nations, none encourage or condone family violence or abuse against women and children. High rates of family violence are seen to have arisen from the breakdown of family structures brought about by colonization. Restoring respect for customary law is seen to be part of the solution to family violence.

Family violence is an area that overlaps and interacts with the social determinants of health. Aboriginal and Torres Strait Islander peoples remain the most disadvantaged group in Australia and many families and communities live under severe social strain.

As a result, one in three *Indigenous* adults report high levels of psychological distress - two and a half times the rate for non-*Indigenous* adults – and suicide rates are five times that of others (SCRGSP, 2011).

'I know a person who was a child that witnessed DV – she was a round 16-17 at the time. She is now 52 and whenever she hears yelling or fighting coming from her neighbors' house it paralyzes her.'
NATSIWA Member

2. What do we know about the prevalence and incidence of family and domestic violence affecting children, including who is involved in family and domestic violence events?

Indigenous family violence contributes to serious injury and death of women, homelessness of women and children, to high levels of notification and investigation of maltreatment of Aboriginal and Torres Strait Islander children, and their subsequent removal to out-of-home care.

In 2008-2009, Aboriginal & Torres Strait Islander women were 31 times more likely to be admitted to hospital for family violence related assaults compared to other women. In remote areas, this was 36 times more likely (SCRGSP, 2011). It should be noted that Aboriginal & Torres Strait Islander women were 53 times more likely to be hospitalised as a result of assault by a family member other than their spouse or partner (SCRGSP, 2011).

Aboriginal and Torres Strait Islander women are twice as likely (67%) to die as an outcome of family violence compared to other women (34%) (Ibid). Victim and offender were intimate partners in 6 out of 10 homicides. The lack of access to high quality health care following injury is evident in the statistic that *Indigenous* women were 11 times more likely to die following an assault, compared to non-*Indigenous* women (AIHW, 2010).

Alcohol is the primary risk factor for family violence that results in the serious injury and death of Aboriginal and Torres Strait Islander women. While it cannot be said that alcohol causes family violence, when it is involved, serious injury and death are more likely to occur.

'Fear of loss of partner and children growing up without father. A lot of women have low self esteem and have grown up with parents and Family Violence. Some have been through the Child Protection pathways so have a fear or on respect for the process. Fear of homelessness and loss of extended family support or judgment is also a contributing factor. Aboriginal specific programs are hard to access by our own mob, always full or the woman has a past history with the refuge so cannot be referred. But there is no timeframe or information given to the woman about when she can access the service again.'
NATSIWA Member

In 2008-2009, family violence was the main reason Aboriginal and Torres Strait Islander women sought supported accommodation assistance (SAAP) (25%). One in three (34%) had children with them (a rate 13 times higher than others) (SCRGSP, 2011).

The framework presented in *Violence in Indigenous communities* (Memmott et al. 2001) divides the causes of violence in Indigenous communities into the following three broad categories:

1. Precipitating causes—particular events that precede and trigger a violent episode by a perpetrator.
2. Situational factors—circumstances in the social environment of the antagonists.
3. Underlying factors—the historical circumstances of Aboriginal and Torres Strait Islander people, which make them vulnerable to enacting, or becoming a victim of violent behaviour. (AIHW: *Al-Yaman F, Van Doeland M & Wallis M 2006. Family violence among Aboriginal and Torres Strait Islander peoples. Cat. no. IHW 17. Canberra: AIHW*).

Aboriginal and Torres Strait Islander communities are now finding more and more violence is happening within and among communities. This is called “lateral violence” a term that is “**a form of bullying** that includes gossip, shaming and blaming others, backstabbing and attempts to socially isolate others” (NIT, *A frank discussion on tackling black lateral violence*, 14/5/2009 p.21). For Aboriginal people in particular, talk of blood quantum - ‘you’re half-blood’. Victims of lateral violence do these “organised, harmful behaviors” to each other collectively as part of an oppressed group, within their families, within their organisations and within their communities (Koori Mail ed 503 *‘Communities warned of ‘lateral violence’*, p.12). It is now becoming more and more far reaching with ease of access to social media, cyber-bullying is becoming very harmful to Aboriginal communities and causing violent reactions in communities that extend across families and affects communities’ well-being. This impacts upon our children, as they may see this as acceptable behavior, and it weakens family structures.

‘I think community needs to be more honest about family violence and domestic violence. Stop portraying it as only happening due to drug and alcohol abuse. It’s happening behind all kinds of closed doors!’

NATSIWA Member

‘It has been stated by women victims who have become perpetrators that the reason they did not seek assistance for fear of their children being placed in out of home care. Racism has also become a fact with law enforcers and service providers therefore not taking the situation seriously.’

NATSIWA Member

3. What are the impacts on children of family and domestic violence?

Physical abuse, emotional abuse, sexual abuse and neglect are all recognized as forms of child abuse and neglect.

Unattended moves to address trauma in Aboriginal communities has a huge impact upon Aboriginal children, as the intergenerational trauma goes from one generation to the next. These traumas are the affects of colonization that has been internalised racism and gender inequality, over the generations.

“The social, emotional and psychological impact on children living in a family violence situation has long term consequences which in turn may result in another generation of dysfunctional families. This is an area that agencies are not working in as there is greater concentration on victims”
NATSIWA Member

As stated by the Aboriginal & Torres Strait Islander Healing Foundation Development Team 2004 ‘Many of the problems prevalent in Aboriginal and Torres Strait Islander communities today – alcohol abuse, mental illness and family violence...have their roots in the failure of Australian governments and society to acknowledge and address the legacy of unresolved trauma still inherent in Aboriginal and Torres Strait Islander communities.

Substantiation rates for physical (20%) and emotional (32%) abuse of *Indigenous* children are similar to non-*Indigenous* children (SCRGSP, 2011). While substantiation rates for physical abuse have decreased from 27% to 20% over the last decade, substantiations for emotional abuse have increased over the same period (from 22% to 32%). The inclusion of witnessing family violence in the definition of emotional abuse is thought to have influenced reporting in this category (AIHW, 2011). Child sexual abuse remains the least frequently substantiated maltreatment type for *Indigenous* children (8.8%), with lower rates than non-*Indigenous* families (15%) (AIHW, 2011). Neglect accounts for 38% of substantiations; (compared to 23% for non- *Indigenous* substantiations) (SCRGSP, 2011). The proportion of substantiations for neglect has remained at a similar level over the last ten years and is consistent with the disadvantaged conditions prevalent in many *Indigenous* communities, such as crowded and inadequate housing, unemployment and a lack of services. Inadequate housing is a major contributing factor to issues of child neglect.

Despite similar prevalence rates for child abuse (if not neglect) among *Indigenous* and non-*Indigenous* populations, each year 14% of Aboriginal and Torres Strait islander children aged 0 to 17yrs are reported to Child Protection authorities as being at risk of maltreatment - a rate four

times that of others (SCRGSP, 2011). The most common source of notifications in 2009-10 was police (26%). It should be noted that the majority (60% or 28,198) of notifications that were investigated could not be substantiated (SCRGSP, 2011). Unfortunately, when Aboriginal and Torres Strait Islander children come into contact with the Child Protection system, they are 10 times more likely than other children to be placed in out-of-home care (AIHW, 2011). Between 2008-09 and 2009-10, the number of *Indigenous* children placed in out-of-home care increased by a thousand (9%). At the same time, there is a serious shortage of culturally appropriate placements to accommodate Aboriginal and Torres Strait Islander children, making it increasingly difficult to implement the Aboriginal Child Placement Principle.

Currently, there are 3,788 (30%) Indigenous children in out-of-home care; residing with a caregiver other than a relative/kin, other *Indigenous* caregivers or *Indigenous* residential care.

4. What are the outcomes for children engaging with services, programs and support?

Statistics show that both men and women are at risk of domestic and family violence, however women are at greater risk than men. The impact this has upon children is compounded as they are also at risk of being placed in out of home care, which brings further trauma into the child's life.

Stopping the cycle of domestic and family violence requires coordinated intervention from different agencies inside and outside the legal and criminal justice system, such as health, substance misuse and housing. In Aboriginal communities a good majority of victims and perpetrators utilise Aboriginal Community Controlled Organisations such as Aboriginal Medical Services/Aboriginal Community Controlled Health Services, Co-operatives that have a range of services and programs that incorporate the above, as well as justice, housing, early childhood programs, and family services. These hubs are sometimes funded for domestic and family violence programs but in the main, are not funded for this activity. The victim is absorbed in the current service provision not capturing the statistical data required that details his or her involvement with domestic and family violence.

There are also the Aboriginal Family Violence Prevention Legal Services (FVPLS) that actively develop and implement programs that suit the cultural environment and address issues within the service delivery area. These programs range from family violence initiative's implemented in schools, community healing days, corrective services (prisons) and general community awareness throughout the service delivery area; some provide telephone and/or face to face legal advice to victims/survivors of family violence and sexual assault. Counselling is also made available from FVPLS'.

The State and Territory Aboriginal Legal Services also assist victims and perpetrators.

'I think it is a huge problem for Aboriginal community is so family orientated and the idea of calling the police on a family matter and getting the courts system involved doesn't fit with the Aboriginal family ideal no matter how badly the violence escalates. Let alone go into the levels of incarceration in the Aboriginal and Torres Strait Islander community and death in custody. Is it really a surprise that people don't want police intervention?'

NATSIWA Member

The outcomes for children and their families accessing the above supports, services and programs are piecemeal, as they are often times addressing the secondary issues. For example, organising temporary housing when forced to move from their family home by the perpetrator; or seeing a therapist when they can't cope at home due to the ongoing family violence. Attending an organisations homework centre to catch up on school work. Attending a legal service after a serious crime has been committed to the child/and or family member who has been exposed to a family or domestic violence incident.

The concern is that ongoing exposure to domestic and family violence and the secondary problems associated with this can lead to post traumatic syndrome for the child. This has affected previous generations of Aboriginal and Torres Strait Islander peoples and has been passed down through the years from the unresolved trauma of colonization, past policies that have taken children away from families and the racism associated with being an Aboriginal in Australia. We want to stop the intergenerational abuses.

Mainstream community sector organisations such as Red Cross, Salvation Army, Mission Australia, Supported Accommodation Programs, Women's refuges or shelters and others, also run programs that support Aboriginal children and their families these are sometimes only as good as the person who runs them. As to whether or not they have links into the community, as some Aboriginal people are fearful of these organisations as in the past some of these organisations were the ones that took their children away. This legacy still remains to this day. There are of course excellent mainstream programs supporting Aboriginal people. These organisations need to ensure that they are culturally safe and work closely and collaboratively with Aboriginal organisations.

'Lack of information of support (security) no cultural competency within the system to help women feel safe and supported within their community and sometime women sacrifice themselves for the sake of their children. A strong family community support goes a long way but it needs a strong cultural leader male or female to make that stand and work forward helping both parents to understand that domestic violence is not in our culture.'

NATSIWA Member

Aboriginal run programs and non-Aboriginal programs that address this client group include:

- **Ochre Ribbon campaign** is a national campaign to raise awareness of the devastating impacts and spark real action to end family violence against Aboriginal people – especially our women and children.
- QIFVLS provides clients and the broader community with educational workshops and information sessions on Sexual Assault Awareness, Domestic and Family Violence Awareness, Personal Development, Healthy and Unhealthy Relationships, Legal and community information covering: family violence, family law.
- The Sisters Day Out program is a one day workshop that engages with Koori women, and in particular young Koori women, for the purpose of preventing family violence by facilitating community networks to reduce social isolation, raising awareness of family violence and its underlying cause and impacts, and by providing information and tools to promote community safety.
- The Dilly Bag Workshop is a two-day intensive personal development workshop to assist Koori women to make choices in their own lives that will reduce vulnerability to family violence, and enhance their capacity to take on a leadership role in their community regarding family violence prevention.
- The Sisters Serenity Retreat (the Retreat) provides a sanctuary for up to 25 Koori women to have some respite from life stressors within a drug and alcohol free environment while providing activities to strengthen resolve so that they can continue to make positive choices in their own lives and continue to lead the community on family violence prevention. FVPLS
- The Women's Law Centre provides legal assistance and community legal education to women at Bandyup Women's Prison and Boronia Pre-Release Centre for Women through the support of the Public Purposes Trust of the Law Society of Western Australia.
- Network of FRCs partnering with CLCs
- The Women's Law Centre hosts the Network Coordinator of WA CLCs partnering with Family Relationship Centres (FRCs). The purpose of the Network is to facilitate collaboration among CLCs and FRCs.
- The CLCs who are partnered with FRCs ensure that legal services are available to FRC clients. Legal services are delivered in partnership with FRCs in ways that enhance separating parents' options and ability to resolve family law issues safely and in the children's best interests.
- Waburton Outreach
- In partnership with the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, solicitors from the Women's Law Centre travel to Waburton and surrounding area every 6 weeks to provide legal services and community legal education for the women in the area.
- Domestic Violence Legal Workers' Network
- The Women's Law Centre (with the support of other community legal centres) hosts the Coordinator of the Domestic Violence Legal Workers' Network (DVLWN).
- As well as undertaking policy and law reform, the DVLW Network provides training, network opportunities, regular sector updates and other resources to solicitors and other workers who assist victims of domestic and family violence.

It may be too early to understand the outcomes of the above programs as some are fairly new programs. Again we want to ensure that there are good evaluative mechanisms built in to all programs.

Whilst working with families with multiple problems, a complex set of interventions have to be considered and designed by and with Aboriginal people. As mentioned above understanding and addressing trauma of the Aboriginal family needs to be a priority. There needs to be more community sector organisations and agencies that have access to trauma informed training to combat domestic and family violence in Aboriginal communities. Emeritus Professor Judy Atkinson says that “Australia needs to promote trauma-informed approaches to understand the needs of Aboriginal children. These approaches include a trained workforce that combines culturally apt Aboriginal healing ways and existing theory regarding complex trauma”.

Evidence shows that victims and perpetrators in family violence situations have multiple unmet needs. When it comes to measuring the impacts upon children it can be challenging to measure each separate intervention, as information systems are not always easy to bring together.

But if impact is measured by the number of domestic and family violence convictions, how should intermediate outcomes like improved mental health or securing stable accommodation be measured?

The potential savings to the taxpayer generated by better-coordinated services are considerable – in the order of \$13 billion per year - as identified by The National Council to Reduce Violence against Women and Their Children.

Developing a better understanding of joint impact, and how to evidence it, should be high on the government agenda.

5. What are the outcomes for children of public policy approaches and educational campaigns targeting family and domestic violence?

In terms of the mainstream public policy approaches, there are also the Aboriginal specific public approaches such as the 97 recommendations that come directly from the **Report of the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse**. It is of vital importance that when an inquiry is conducted to that level by a Chief Minister there should be some follow up, as “The Federal Government’s justification for the Intervention was said to be the NT Government’s failure to respond to the 2007 report of its own Board of Inquiry into the protection of Aboriginal children from sexual abuse. That Inquiry had made 45 community visits; held more than 260 meetings, and received 65 written submissions.

Its report was titled *Ampe Akelyernemane Meke Mekarle: Little Children are Sacred*.

Little Children are Sacred contained 97 detailed recommendations, none of which – despite the government’s rhetoric – were actually implemented by the Intervention. According to the authors, the Inquiry’s findings were encapsulated by the first two recommendations:

- (a) To consult and work collaboratively with the local communities; and
- (b) To place children’s interests at the forefront in all policy and decision-making.

Both these recommendations were ignored by the Liberal-National Federal Government in 2007, and by subsequent Labor governments.

We recommend that this report be pulled up and those recommendations be reviewed again for implementation. The issue regarding this piece of public policy is that the alternate measure the Northern Territory Intervention did not directly address child abuse; the intervention was far reaching and had to be adopted by all members of the community who were in receipt of Centrelink benefits. (Accessed 19 June 2015, Eva Cox article;

<http://www.austlii.edu.au/au/journals/JlIndigP/2011/21.pdf>).

Some States and Territories have developed special justice initiatives such as the **Aboriginal Justice Agreement** that has a multi-layered partnership structure between the Aboriginal community and the Victorian Government (accessed June 10 2015,

<http://www.justice.vic.gov.au/home/your+rights/aboriginal+justice+agreement>).

These initiatives provide a platform for community and government to discuss issues of child safety in domestic and family violence. This system provides for koori courts, support programs for family violence victims and offenders.

From another perspective are the **Aboriginal Family Violence Legal Services** that also provide child protection to victims and other family violence support programs and initiative’s.

The National Plan to Reduce Violence against Women and Children highlights that *Indigenous* women and children are to be considered in all elements of the National Plan. National Outcome 3 is specifically related to Aboriginal and Torres Strait Islander people.

The first three years of the National Plan set a strong foundation for reducing violence against women and their children and acknowledged that more needs to be done to reduce violence in particular groups. Consequently, the **Second Action Plan** focuses on deepening our understanding of diverse experiences of violence, including the experiences of *Indigenous* women, and their needs are again considered across all National Priorities in the **Second Action Plan**. Governments will also work with diverse communities to prevent violence and meet the needs of women who can be more vulnerable to violence, recognising that these women may require a range of targeted responses.

National Outcome 3 – *Indigenous* communities are strengthened.

Outcome 3 is designed to work in parallel with other government efforts to strengthen *Indigenous* communities and prioritises broader work to close the gap for *Indigenous* people to reduce disadvantage in life expectancy, child mortality, access to early childhood education, educational achievement, employment and community safety outcomes.

The National Plan seeks to support *Indigenous* communities to create, and build on, their own solutions to preventing violence. This includes encouraging women to have a stronger voice as community leaders.

National Priority 2: Understanding diverse experiences of violence has a number of specific strategies, such as:

- **Strategy 8** - Meet the needs of *Indigenous* women and their children through improving access to information and resources, and providing avenues for advocacy and leadership.
- **Strategy 9** - Improve outcomes for *Indigenous* Australians through building community safety.
- **Strategy 10** - Gain a better understanding of ‘what works’ in improving *Indigenous* community safety.
- **Strategy 12** - Deliver awareness raising, training and prevention activities and responses to violence that are tailored to meet the needs of (*Indigenous*) women with disability, including based on outcomes from the *Stop the Violence* project, and continuing to build the evidence base.

Some of these strategies are new and in order for these strategies to get the outcomes for Aboriginal children it is important to have proper measures in place to evaluate program effectiveness. On inception of new strategies evaluative methods need to be in-built.

“Funding has changed and therefore quality work that was once done with women and children cannot be provided. There are not enough services for youth or the young, what minimal services there were are diminishing...not enough specialist counselors or case workers to deal with this. Government must respond to this with a bi-partisan approach to the policy”

NATSIWA Organisation Member

6. What are the surveillance and data gaps/needs in relation to children affected by family and domestic violence?

Good data is essential if we are to influence designated funding streams that are vital to achieving any real significant changes in the approach and outcomes for Children experiencing Domestic/Family Violence.

The data we collect must be disaggregated, and a matrix must be developed whereby we can be sure that the data we are collecting identifies key elements, similarities, gaps and strengths. Data collection concerning outcomes must be qualitative as well as a quantitative. We need to ensure that we are collecting individual data and not counting the same children/families over and over because of inadequate reporting templates or lack of training in the collection of data at key crisis first entry points.

Disaggregated data will identify high areas of need, under servicing, access problems and gaps. We must be mindful though that this data is not used against women victims who are already reluctant to report Domestic Violence for fear of losing their children; nor should it be framed in reports or a program that disparages any Community's, areas or Cultures, thus further compounding the issues.

A well-developed Matrix data collection will assist in identifying the impacts of Domestic /Family Violence on individual children thus identifying the gamut of resources and/or specialists that must be implemented to assist these children in reaching their full potential. Disaggregated data will also indicate the workforce and training required to address this issue. The data we have available to us at the moment at its best is piecemeal and already outdated.

It is imperative that the collection of Domestic/Family Violence data is addressed in an inclusive manner with local community organisations that understand the complexities within their own community and culture. They have the ability to effectively engage with members of the communities they represent. Without them one cannot be sure that the data collected is a true indication of the Domestic/Family Violence issue for that community.

Some would argue that there needs to be extensive consultation, but many communities are feeling overload from consultations and are calling out for implementation of recommendations from previous reviews and inquiries such as the *Aboriginal Deaths In Custody*.

Good data will ensure that services and trained specialist can target key problem areas, whether that is on a National level through education and media or specific communities, towns or suburbs. Attitudinal change will only occur if you have buy in from the community or targeted group.