



Boorndawan Willam
Aboriginal Healing Service

Submission by Boorndawan Willam Aboriginal Healing Service

Senate inquiry into missing and murdered First Nations women and children

12 December 2022



Boorndawan Willam
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Acknowledgement of Country

Boorndawan Willam Aboriginal Healing Service acknowledges and respects the Kulin Nation as the traditional owners of the land on which we work and live. We pay our respects to Elders, past present and emerging.

Further acknowledgements

We acknowledge all the First Nations families that are impacted by the loss of their kin. This inquiry is focused on the loss of First Nations women and children as they have been murdered or gone missing. This loss of kin is felt throughout the community.

About Boorndawan Willam Aboriginal Healing Service

Boorndawan Willam Aboriginal Healing Service (BWAHS) is an Aboriginal Community Controlled Organisation (ACCO) working with families and communities in eastern metropolitan Melbourne

BWAHS was established in 2006, with a focus on the provision of a culturally relevant prevention and post-intervention program to Indigenous people in the Eastern Metropolitan Region (Victoria) who were affected by family violence. We continue to deliver holistic programs to protect, and sustain the recovery and healing of individuals, families and communities.

The name, Boorndawan Willam, derives from the Wathaurong and Woiwurrung languages. Boorndawan (Wathaurong) meaning 'safe' and Willam (Woiwurrung) meaning 'house', combine to create a 'safe house'. The healing service acknowledges the use of these words in the development of the organisations name.

Our 'Vision of Healing' is to provide a culturally safe service that assists Aboriginal and Torres Strait Islander people from the Eastern Metropolitan Region (EMR) in their healing journey to address the impacts of family violence by providing opportunities to become strong individuals and families; live in safe communities and have healthy lives where pathways to recovery for our people can be achieved.

Our Vision determines that:

"Aboriginal and Torres Strait Islander individuals, families and communities to live free from family violence"

BWAHS welcomes the opportunity to provide a submission to this inquiry as a specialist family violence service that provides culturally safe, holistic and trauma informed services.



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Introduction - Truth Telling

To address the alarming number of First Nations women and children who are murdered or go missing every year, truth telling must take place. Both through the sharing and listening to individual stories as well as national truth telling.¹ It would be deeply ignorant and disrespectful to speak of violence experienced by First Nations women today as though it is a new issue. First Nations women and children were murdered, raped, and enslaved during the frontier wars.² When First Nations men tried to protect First Nations women, they were assaulted or shot.³

The violence against First Nations people through colonisation is ongoing and involves overt and systemic violence towards First Nations families. Colonisation denies First Nations peoples of their connection to land, culture, and kin. Cycles of violence are perpetrated through interpersonal and structural racism.⁴ Colonisation creates social discord for First Nations peoples which was not present prior to colonisation. Colonisation denies First Nations peoples self-determination.

First Nations peoples' ways of being and doing are oppressed as Australian law, policies and institutions continue to undermine their worth and demand assimilation. The tension between cultures has resulted in First Nations peoples being overrepresented in the justice system, child protection system and health system.⁵ First Nations peoples' culture is underpinned by the concept of relationality, among others.⁶ Connection to kin and country continues to be disturbed, resulting in a fracturing of belonging and social disadvantage.

Social disadvantage is recognised as a factor that drives family violence.⁷ In turn, family violence is recognised as a causal factor leading to the murder of First Nations women and children.⁸ Family violence experienced by First Nations women and children is predominantly perpetrated by non-Indigenous men.⁹ Violence used by Aboriginal men, women and non-binary people has no place in Aboriginal culture and is not sanctioned by Aboriginal lore. Prior to colonisation, if violence were to occur it was regulated and conflict resolved.¹⁰ The cycles of violence that exist today are a consequence of colonisation.

¹Kate Fitz-Gibbon et al., "National Plan Stakeholder Consultation Final Report," 2022, 58.

² Larissa Behrendt, "Consent in a (Neo)Colonial Society: Aboriginal Women as Sexual and Legal 'Other,'" *Australian Feminist Studies* 15, no. 33 (2000), 353.

³ Behrendt, 354.

⁴ Kathy Prentice, Barbara Blair, and Cathy O'Mullan, "Sexual and Family Violence: Overcoming Barriers to Service Access for Aboriginal and Torres Strait Islander Clients," *Australian Social Work* 70, no. 2 (2017), 242.

⁵ Prentice, Blair, and O'Mullan, 242.

⁶ Lauren Tynan, "What Is Relationality? Indigenous Knowledges, Practices and Responsibilities with Kin," *Cultural Geographies* 28, no. 4 (2021); Tamara Blakemore et al., "Deep Listening and Relationality: Cross-Cultural Reflections on Practice With Young Women Who Use Violence," *Australian Social Work* 0, no. 0 (2021), 1–13.

⁷ "What causes family violence?" *Safe & Equal*.

⁸ "Domestic & Family Violence Lethality - The Facts About Intimate Partner Homicide", ANROWS (2022).

⁹ Boni Robertson, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report*, Revised edition, Department of Aboriginal and Torres Strait Islander Policy and Development (2000), xv.

¹⁰ Behrendt, "Consent in a (Neo)Colonial Society", 353.



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It is anticipated that through this inquiry, there will be a focus on existing and non-existing statistics that demonstrate the rate at which First Nations women experience child abuse, family violence, assault (and related hospitalisation) as well as death. Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised due to family violence, 11 times more likely to die due to assault and twice as likely to die from family violence.¹¹ It is possible the rate and lethality of violence experienced by First Nations women is higher than this, as statistics vary due to underreporting.¹² These statistics are alarming, but do not tell the depth of the story. Quantitative data is important, but so is story. First Nations women have been sharing their stories for generations, among mob, the Australian community and directly to Government Officials. These stories have not been honoured as they should. To understand the statistics, you need to first understand the story.

BWAHS foresees there being a desire for more qualitative research to be completed because of this inquiry. We support First Nations voices being captured. But the stories of which have already been shared should not be overlooked. In this submission, we hope to present some of that story, and invite a greater engagement in the future. Just as the violence experienced by First Nations women is not a new issue, this is also not the first time that First Nations women and organisations have spoken up about what action needs to be undertaken to rectify the systemic violence perpetrated in Australia. In 1990, Judy Atkinson, a Jiman and Bundjalung woman, stated in relation to strategies aimed to address Aboriginal family violence:

“... any recommendation for prevention strategies must be based on a clear understanding of the impact of colonisation on a nation of people whose cultural and spiritual values were radically different from the colonisers, and the trauma and injury which followed, within Aboriginal Australia. Any preventative strategies which do not take these factors into account simply would not work.”¹³

A cohesive response needs to occur in response to the violence faced by First Nations peoples. Prevention, early intervention, response and recovery must all co-occur, or the cycle will not be broken. At every stage, the response must be Aboriginal-led, and strength based, for true healing to occur. BWAHS acknowledges the false dichotomy that has been created around family violence responses that privilege the victim/survivor or the user of violence.¹⁴ BWAHS advocates for a truly holistic response to family violence, where risk is assessed and appropriately addressed alongside

¹¹ Australian Human Rights Commission (2020), “Wiyi Yani U Thangani (Women’s Voices): Securing Our Rights, Securing Our Future Report”, AHRC; and Al-Yaman, F, Van Doeland, M, and Wallis, M, “Family violence among Aboriginal and Torres Strait Islander peoples”, AIHW (2006), 17.; And “Our Watch”, (2018).

¹² Marika Guggisberg, “Aboriginal Women’s Experiences With Intimate Partner Sexual Violence and The Dangerous Lives They Live As a Result of Victimization,” *Journal of Aggression, Maltreatment & Trauma* 28, no. 2 (2019): 186–204.

¹³ Judy Atkinson, “Violence in Aboriginal Australia: Colonisation and Gender,” *Aboriginal and Islander Health Worker Journal*, no. 14.2 (1990), 7.

¹⁴ Marcia Langton et al., “Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women” (2020), 34.



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healing of all family members. If there is a focus on long term healing, without adequate resourcing for immediate safety, long term healing will be unable to occur.

Prevention

Family violence is not inherent in Aboriginal or Torres Strait Islander culture. The family violence experienced by Aboriginal and Torres Strait people today is driven by intergenerational trauma, trauma, social disadvantage and disconnect from culture and community. To prevent women and children from being murdered because of family violence, there are gendered considerations to be made but also considerations of Aboriginality.

Prevention can be approached by reducing the likelihood violence will be used and increasing the protective factors to minimise the likelihood someone will get in harms way. Prevention may include programs designed to heal intergenerational trauma as well as raise awareness as to what family violence looks like and what supports are available. The prevalence of family violence experienced by First Nations women has led to a community belief that violence is an expected part of life.¹⁵ Too often, mob don't know what supports are available until they have experienced life-threatening abuse.

I am very grateful for the support I received from Boorndawan. I did not know that these types of services existed. I did not realise how much help was out there for women like me. It was when I was hit, knocked unconscious and ended up in hospital that I became aware of the support that was available.

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Aboriginal Community Controlled Organisations (ACCOs) are well positioned to provide programs for community that serve multiple purposes: strengthening connection to culture, healing from intergenerational trauma and raising awareness of the culturally safe services available for mob experiencing, witnessing or at risk of using violence. Holistic family services that work with the whole family, creating strength and belonging address some of the drivers of family violence before they can come to fruition. BWAHS runs programs that promote strength in culture, community, connection, and family. These programs act as a protective factor for families, reducing the likelihood of engaging in behaviours that drive family violence. There is work to be done with First Nations men, who are at risk of using violence. Through colonisation, First Nations men have experienced a loss of purpose, the positive aspects of gendered relations have eroded and in its place violence has spawned.¹⁷

¹⁵ Guggisberg, "Aboriginal Women's Experiences With Intimate Partner Sexual Violence and The Dangerous Lives They Live As a Result of Victimization", 192.

¹⁶ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.

¹⁷ Atkinson, "Violence in Aboriginal Australia", 18.



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BWAHS was great at working with my whole family. My daughter has a neurological disability and the staff at BWAHS went above and beyond to make sure she was able to participate in the programs. My husband was able to come along too, and it was so nice to have some family time away from the stress of work and finances to spend quality time together. My husband has even engaged with the men's team to help him with the stress that he has been feeling and making sure he doesn't bring his anger out on our family. I'm not sure what supports my family might need in future, but I'm so glad that I know I have a place to go to ask for help without shame or being scared that my kids will be taken away from me. Having lots of services involved is overwhelming, so I am glad BWAHS can provide so many services, for the whole family, from the same organisation.

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Recommendation 1: Increase funding for ACCOs to deliver cultural healing and education programs.

Early Intervention

First Nations women continue to experience shame when experiencing family violence, preventing them from seeking support.¹⁹ First Nations women fear that if they report their experiences of family violence, they will be ostracised from their family.²⁰ Work needs to be done to raise awareness among community that seeking support for family violence can be a healing rather than a fracturing experience.

Those who seek to remove themselves from a family violence situation may do so nine times before they extricate themselves fully.²¹ Being able to ask for support is extremely difficult and if an initial disclosure is to be dismissed or poorly responded to, it is likely that the victim/survivor will not seek support again, resulting in a much higher risk of death.

First Nations women and children do not trust mainstream services as there is a long history of services taking a punitive response, removing children, rather than providing supports.²² Early intervention often entails a notification to Child Protection or the police to complete a risk assessment and, in a short amount of time, act to ensure safety. Too often, when First Nations women have sought support from these services for the family violence they are experiencing, they

¹⁸ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.

¹⁹ Prentice, Blair, and O'Mullan, "Sexual and Family Violence", 242.

²⁰ Langton et al., "Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women", 70.

²¹ * There is no current statistic on how many times a First Nations woman may try and remove herself.

²² "National Aboriginal and Torres Strait Islander Social Survey, 2014-15." Australian Bureau of Statistics, Archived Issue (2019).



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have been turned away, misidentified as the perpetrator, had their children removed from them or been charged of unrelated crimes.²³

I tried to go through the system, I got an intervention order out against them. It didn't help at all, if anything it made the situation worse. I spent 3 hours being interviewed about a breach of the intervention order and nothing good came from it. Child Protection got involved and I was made to jump through hoops rather than receive the support I needed.

Recommendation 2: Mainstream family violence intervention services to be better trained to respond appropriately to disclosures of family violence by Aboriginal and Torres Strait Islander people.

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While increased training for these services may help to reduce poor practice in future, rebuilding trust in these services will not be a quick process. While these services continue to be unsafe for Aboriginal and Torres Strait Islander peoples, Aboriginal Community Controlled Organisations (ACCOS) need to be supported to provide alternative services or support community members when accessing these services. Further, it may be unnecessary for child protection or police intervention, but it may be an appropriate time for support from an ACCO to avoid any further intervention being required in the future and reduce future risk.

Recommendation 3: Aboriginal and/or Torres Strait Islander person to have option of being linked in with an ACCO at earliest point possible.

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There is insufficient support for First Nations men to engage in programs that encourage healing as well as respectful relationships and emotion regulation. With colonisation has come a disruption to gender roles in the Aboriginal community and toxic masculinity has encroached. The mainstream programs that address toxic masculinity are offered too late in the piece and are not appropriate for First Nations men. Culturally appropriate men's behaviour change programs have the ability to address immediate risk while addressing unresolved trauma.

²³ Langton et al., "Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women", 31.

²⁴ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.

²⁵ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.



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BWAHS has brought me back to life. They have helped me to connect to Elders, connect to other Aboriginal men and my family. When I first got out of prison, I found it hard to fit back in. BWAHS helped me learn more about my emotions and how I can express them in a healthy way. I attended Men's Group which felt like a safe place, and I learnt that its ok to cry.

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Recommendation 4: Invest in creation and implementation of Men's Behaviour Change models specifically designed for First Nations men.

Response

There is a reliance on Intervention Orders to ensure the safety of women and children. Intervention Orders are often inaccessible to First Nations women and children and/or do not serve their purpose.²⁷ The current approach to family violence in Australia focuses on supporting women at the time they are ready, willing, and able to remove themselves from the relationship. There is insufficient support for women who are not able to leave the relationship. There is insufficient support for those who may want to remain in their relationship.

Child Protection got involved and they kept pressuring me to leave my partner. They made me feel like it was my fault for everything. They kept telling me my partner would never change and I would never get my kids back.

BWAHS worked with our whole family to heal. They made sure I was safe and worked with my husband separately. BWAHS made sure that we still had time with our kids. We were able to heal and when we were ready, BWAHS supported our family to come together as a whole again. We are a family now – no drugs and no fighting.

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Recommendation 5: Increase investment into programs designed to support First Nations women and children who are not separated from the user of violence.

For some, Intervention Orders are not appropriate as they require working alongside the police who they do not trust. First Nations women have either experienced racism firsthand from police or someone in their family has so they do not believe they can turn to the police for safety. When First

²⁶ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.

²⁷ Langton et al., "Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women", 70.

²⁸ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.



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Nations women try to use the intervention order system, they are frustrated when they report breaches, and nothing eventuates.²⁹

I have no faith in police as I have made many breach statements and it has got me nowhere. One time I tried to report a breach and the police officer said they had to drug test me. I felt like I wasn't being believed.

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The Intervention Order system has also been used by perpetrators of family violence to further torment First Nations women and children.³¹ Reports of violence are made against them which sets off a chain of events, often including child removal that exacerbates trauma and undermines their attempts to remove themselves from the relationship.

My ex-partner made constant malicious reports to child protection. They investigated, had constant calls, visits and in the end, they worked out that my ex-partner was malicious, and they ended up writing me a support letter supporting the fact that he was abusive. I was glad that child protection worked it out eventually, but it was such a stressful time.

Recommendation 6: Increase amount of training completed by all police officers and child protection staff to reduce malicious reports progressing.

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Recovery

The family violence system has a great focus on reducing risk by physically separating family members. Often this means children placed in out of home care, women in refuge and/or men in prison. When the risk is deemed to be reduced, services remove themselves. BWAHS believes this approach needs to be changed. If healing post-fracture does not occur, there is the potential for further family violence to occur.

²⁹ Langton et al., "Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women."

³⁰ Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.

³¹ "Misidentification Is a Significant Issue That Has Enormous Consequences for the Victim Survivor | Family Violence Reform Implementation Monitor," accessed November 4, 2022, <http://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor-4>.

³² Feedback provided by BWAHS service user in 2021. This is not a direct quote. Wording has been altered to protect the service user's identity.



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Children may grow up to perpetrate family violence after they witnessed or experienced it themselves growing up. Or a woman who has exited a violence relationship may find herself in a violent relationship with a different partner. The cycle of violence experienced by First Nations families will continue to be a cycle unless there is an emphasise on healing. There needs to be a continuum of service provision offered, not to create a reliance on services, but to ensure a “band aid” solution isn’t being provided.³³

Recommendation 7: Remove pressure to close family violence cases before effective referrals to healing services have occurred.

Recommendation 8: Increase funding for First Nations healing services to provide ongoing healing support after risk of family violence has reduced.

Aboriginal Family Violence Policy

BWAHS echoes the words of Mr Ben Burdon (NIAA), that there must be an investment in a first nations national plan and that its success hinges on First Nations women being positioned to lead this piece of work.³⁴

Recommendation 9: First Nations women to lead design and implementation of First Nations National Plan to end family violence and violence against women and children.

We acknowledge the immense amount of work contributed to past government inquiries and reports pertaining to First Nations disadvantage. Of relevance to the current inquiry the *Bringing Them Home* report³⁵ and the *Royal Commission Aboriginal Deaths in Custody*³⁶ report.

Recommendation 10: Recommendations in past reports to be completed, in essence and in intent.

³³ Prentice, Blair, and O’Mullan, “Sexual and Family Violence,” 246.

³⁴ “Legal and Constitutional Affairs References Committee_2022_10_05.Pdf,” accessed October 7, 2022, https://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/26009/toc_pdf/Legal%20and%20Constitutional%20Affairs%20References%20Committee_2022_10_05.pdf;fileType=application%2Fpdf#search=%22committees/commsen/26009/0000%22.

³⁵ Australia and Meredith Wilkie, eds., *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Parliamentary Paper, no. 128 of 1997 (Sydney: Human Rights and Equal Opportunity Commission, 1997).

³⁶ Elliott Johnston, “Royal Commission into Aboriginal Deaths in Custody,” accessed November 16, 2022, <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/>.



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Aboriginal Family Violence Data Collection

The National Homicide Monitoring Program relies on police officers to assess certain conduct to constitute the murder of a First Nations person. This leads to miscalculation due to the lack of cultural competency within the police force, structural violence within the police force and difficulty in discerning the Aboriginality of those before them.

While there continues to be a gross underreporting of violence experienced by First Nations women and children, as the authorities remain inaccessible to community, there needs to be alternate ways of capturing impact. Qualitative data may supplement the data captured through federal and state statutory bodies. “Qualitative data” is a term in and of itself which requires decolonising. We encourage any plan to seek out story to do so following Indigenous research methodologies.

The way in which story is captured should be culturally safe and custodianship considered. If story is to be captured and held the custodians of those stories should be ACCOs. To adhere to principles of self-determination and data sovereignty, story custodianship must be honoured.

ACCOs are already places where story is shared and held. First Nations peoples who experience family violence, including men, women, non-binary people, and children, are seeking the cultural safety of ACCOs to share their stories and seek support. This may be at a family violence specialist service or may be an ACCO with a different purpose. ACCOs have these stories. To decrease the burden on community, these stories could be better held and shared if ACCOs are to be financially supported to feed this story into evaluation processes and contribute to government service delivery.

Recommendation 11: Data collection processes informed by Aboriginal ways of being and doing. Decolonise data collection practices.

Recommendation 12: ACCOs funded and supported to complete qualitative research

Conclusion

One of the causes of First Nations women and children being murdered and/or going missing is family violence relationships. There is no quick fix for family violence as its drivers are deeply embedded in Australian culture today and require bold social change model that commences with truth telling. This submission has provided recommendations for how the deep-rooted drivers can be addressed while recognising the need to provide safety for our women and children now.



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Summary of Recommendations

1. Increase funding for ACCOs to deliver cultural healing and education programs.
2. Mainstream family violence intervention services to be better trained to respond appropriately to disclosures of family violence by Aboriginal and Torres Strait Islander people.
3. Aboriginal and/or Torres Strait Islander person to have option of being linked in with an ACCO at earliest point possible.
4. Invest in creation and implementation of Men's Behaviour Change models specifically designed for First Nations men.
5. Increase investment into programs designed to support First Nations women and children who are not separated from the user of violence.
6. Increase amount of cultural competency training completed by all police members and medical professionals.
7. Remove pressure to close family violence cases before effective referrals to healing services have occurred.
8. Increase funding for First Nations healing services to provide ongoing healing support after risk of family violence has reduced.
9. First Nations women to lead design and implementation of First Nations National Plan to end family violence and violence against women and children.
10. Recommendations in past reports to be completed, in essence and in intent.
11. Data collection processes informed by Aboriginal ways of being and doing. Decolonise data collection practices.
12. ACCOs funded and supported to complete qualitative research



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