



HealingFoundation

Strong Spirit • Strong Culture • Strong People

Inquiry into missing and murdered First Nations women and children

Submission by The Aboriginal and Torres Strait Islander
Healing Foundation

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Contributions: We acknowledge the input of Yokai to this submission



1. Acknowledgements

The Healing Foundation acknowledges Country and the Traditional Owners of the Lands on which we live and work. We also pay our respects to the Elders and Stolen Generations Survivors. We recognise the intergenerational trauma that remains and express our commitment and invite you to join us to build an Australia that can heal. We acknowledge all who will carry the healing spirit into the future.

We also acknowledge the women and children whose stories are behind the work of this inquiry, and the many families and communities who continue to fight for justice and healing.

2. About The Healing Foundation

The Healing Foundation (THF) is a national Aboriginal and Torres Strait Islander organisation that provides a platform to amplify the voices and lived experience of Stolen Generations Survivors and their families.

We work with communities to create a place of safety, providing an environment for Stolen Generations Survivors and their families to speak for themselves, tell their own stories, and be in charge of their own healing.

We promote trauma-aware, healing-informed practice to help government, policymakers, and workforces understand their role in intergenerational healing.

By addressing unresolved trauma in First Nations communities – trauma that was caused by colonisation and actions like the forced removal of children – we are walking alongside communities on the path to healing.

We are governed by a First Nations Board and Executive and guided in our work by our Stolen Generations and Youth Reference Groups.

Our work honours our First Nations ancestors to ensure our future generations can thrive.

3. About Yokaiⁱ

Yokai is a Noongar call to action – enough is enough! In an organisational context it is a significant human rights initiative developed by the Bringing Them Home Committee (WA) and the WA Stolen Generations Alliance (soon to be the WA Stolen Generations Aboriginal Corporation). This has happened through extensive consultation and research on ways to provide a holistic, integrated approach to dealing with the effects of ongoing trauma suffered by the Stolen Generations and their families.

Community based organisations such as Yokai are experts on holistic and integrated approaches to dealing with effects of trauma and offer important expertise and voice to their communities. THF consulted with Yokai on the development of this submission and have included quotes from their input in throughout the submission. Our joining with Yokai in elevating survivor voices, comes at a time where the Noongar peoples (located in Perth where Yokai is based) are mourning for a murdered mother and unborn child, a murdered young person, and two missing children.

4. Introduction

The Healing Foundation welcomes the Senate Legal and Constitutional Affairs Committee (the Committee) Inquiry into missing and murdered First Nations women and children. The recent reporting of the ABC highlighted the systemic failures that resulted in Aboriginal and Torres Strait Islander women and children to be murdered and missing at rates much higher than that of the rest

of the community. This includes at least 315 Aboriginal and Torres Strait Islander women who have gone missing or been murdered since 2000ⁱⁱ.

Based on The Healing Foundation's experience of working on how healing happens, and pointing to the unmet needs of survivors affected today, including experiencing systemic violence, our submission highlights the following points to the inquiry:

- **Historical context.** Colonisation is a major source of violence for Aboriginal and Torres Strait Islander women and children. The impact of harmful structures, systems, policies and practices, that includes cultural disruption and forced removals, continue to manifest in experiences of violence and lack of safety. Recognition of this historical context, and how those experiences continue to undermine safety must be contextualised and addressed appropriately; led by survivors.
- **Healing.** Healing from experiences of trauma, and intergenerational trauma, is an important way to counteract the cycles tied to historical and contemporary violence and increased safety for Aboriginal and Torres Strait Islander families and communities.
- **Systems reform.** The ongoing systemic failures observed through factors such as under-reporting, lack of protection and delays in investigating cases of missing and murdered Aboriginal and Torres Strait Islander women and children highlight the need for urgent systems reform. This must include critical workforce and sector capability change to have healing-responsiveness and the ending of trauma cycles as the standard. Inter-sectorial partnerships, and action on racism is also urgent.
- **The right to self-determination.** It is critical for Aboriginal and Torres Strait Islander peoples to control policy and decision-making processes for their communities. This includes, having the power to choose what services and programs are delivered for their communities. It also requires that funding and resources are directed to Aboriginal and Torres Strait Islander organisations, and investment is made in economic development for communities to develop their own proven solutions.
- **Evidence of what works.** Programs must be designed using evidence on what works, including trauma-aware, healing-informed approaches and collective healing processes. Aboriginal and Torres Strait Islander communities need to be supported to generate their own evidence of what is working in their communities, through community-driven research and evaluation processes.
- **Truth telling and bearing witness.** Truth telling is an important way society can acknowledge wrongdoings, its ongoing impacts and seek to avoid repeating the same mistakes. Done well it can also be a source of healing for those harmed. Truth telling can take many forms from inquiries and commissions, education, and memorials, through to art and music. Feeling heard, and responded to must also happen as part of the healing process. Bearing witness without action or response to follow, perpetuates trauma experiences.
- **Justice and reparation.** Access to justice and reparation services is an important healing mechanism for families and communities and is one way that the systems involved can work to build safety, accountability, and transparency for Aboriginal and Torres Strait Islander peoples.
- **Advocacy and support services for families and loved ones.** Families and communities must have access to tailored support services and advocacy bodies to support their journey towards justice and healing. It is important that these services be trauma-aware and healing-informed.

We provide the following information and examples of practice in support of these points.

5. Systemic causes of all forms of violence against First Nations women and children

‘Deaths in custody of women, non-observance of the Bringing Them Home Report since 1997, the data from the Royal Commission into Institutional Responses to Child Sexual Abuse, Don Dale and Banksia Hill for juvenile offenders, the very low age for culpability of criminality in children (10), the lack of social investment in solutions and real co-design in methods employed to prevent and/or minimise violence and it’s lasting effects.’ (Yokai, 2022)

Aboriginal and Torres Strait Islander cultures have a long and continued history dating back over 60,000 years, across which have existed complex law, lore, and kinship structures that governed behaviours and relationships. The story of colonisation is a story of profound trauma for Aboriginal and Torres Strait Islander peoples, caused by past and ongoing discriminatory and disempowering practices. These include the forcible removal of children from their families, communities, and culture; the denial of language and cultural expression; the introduction of disease, alcohol, and drugs; and violence and abuse.ⁱⁱⁱ

Three significant inquiries provide insight into the trauma faced by Aboriginal and Torres Strait Islander people – the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing Them Home report) and the Royal Commission into Institutional Responses to Child Sexual Abuse. These reports identify past government policies as a major cause of current and ongoing trauma. They also highlight efforts to eradicate culture and the destruction of family and community norms and structures, including through the institutionalisation of children in harsh, inhumane, and abusive conditions.

The *Bringing Them Home* report tabled in Parliament of Australia on 26 May 1997 was the first public documentation of the experiences of Stolen Generations Survivors. It highlighted how the trauma experienced by survivors has passed down through generations, which is now known as ‘*intergenerational trauma*’. Stolen Generations Survivors experiences include but are not limited to substance misuse, mental illness, family violence, removal of children, poor health and social and emotional wellbeing and youth incarceration in contemporary Aboriginal and Torres Strait Islander communities.

In 2017, The Healing Foundation was commissioned to develop an action plan for healing. This plan was launched as the *Make Healing Happen: It’s Time to Act* report in 2021 (ATTACHMENT A). The report provides an in-depth insight into the contemporary experiences of Stolen Generations Survivors, their descendants, and communities as well as the comparable gap to other Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. Compared with other Aboriginal and Torres Strait Islander adults, adult descendants of Stolen Generations Survivors are:

- 2 times as likely to feel discriminated against in the last 12 months
- 1.9 times as likely to have experienced actual or threatened physical violence in the last 12 months
- 1.5 times as likely to have a problem accessing services in the last 12 months
- 1.5 times as likely to have been arrested in the last 5 years
- 1.4 times as likely to have a low level of trust in the general community
- 1.4 times as likely to have ever been formally charged by police
- 1.3 times as likely to have poor mental health^{iv}

Within this context we can begin to understand how the risks of domestic and family violence may be increased by ongoing systematic racism and compounded by historical experience. Stolen Generations Survivors and their descendants continue to face a number of issues with access to

services, including poor cultural safety, a lack of understanding among service providers of the specific needs of survivors, and the difficulty of navigating the service system.

‘After a long pause a Yokai founding member in her seventies spoke... a former hospital matron from the Stolen Generations and now an amazing part-time Yokai employee Her response was supported by others there and it was that they have no safe places to go to – safe because of self-sufficiency, dignity, secure housing, financial security, freedom from humbugging from family and payback, understanding their rights under law, vicarious trauma issues and feuding .’ (Yokai, 2022)

6. Policies, practices, and support services in reducing violence and increasing safety

As outlined above, experiences of violence by Aboriginal and Torres Strait Islander peoples is closely linked to historical and contemporary issues such as, colonialism, systemic racism, cultural disruption, forced removal of children and intergenerational trauma. It is important that services and initiatives designed to build safety operate with awareness of this context and centre healing and protective factors, such as culture, collectivism, and self-determination. By implementing and strengthening services in this way, Aboriginal and Torres Strait women would be more likely to report violence against them. This also reduces risk factors for First Nations women when reporting by reducing the likelihood of children being removed, being arrested for unrelated criminal issues and reducing likelihood of being misidentified as the perpetrator. Below we submit examples of resources, initiatives, and services that support services in reducing violence and increasing safety.

6.1 Support Collective Healing Initiatives

Collective healing programs have the ability to strengthen Aboriginal and Torres Strait Islander communities through holistic, trauma-aware and healing-informed approaches that are evidence-based, community-led, and empower and support Aboriginal and Torres Strait Islander peoples to create a better future. In the period of 2012-2020, The Healing Foundation delivered six funding rounds, supporting 42 organisations to deliver more than 92 projects with over 8,700 participants and 600 Aboriginal and Torres Strait Islander people employed. From this work we were able to support findings of four essential elements of creating a healing environment:

- Coming together with other survivors and sharing stories of pain, hope and renewal,
- Reconnecting and strengthening culture and cultural identity,
- Trauma-aware and healing-informed services and responses,
- Healing solutions led and developed by survivors.

The scale of trauma in communities requires greater investment to build the capacity of Aboriginal and Torres Strait Islander peoples to understand trauma, intergenerational trauma, and its impacts.

‘The community collective healing programs we have initiated has led inevitably to Elder cultural interactions with youth at risk but it’s difficult to put into practice currently – small groups with high inputs are needed in some cases and these don’t have the favour of funders.’ (Yokai, 2022)

6.2 Men’s Healing Programs and Initiatives

6.2.1. Dardi Munwurro’s Men’s Healing Programs^v

Domestic and/or family violence represents a large challenge for the Aboriginal and Torres Strait Islander communities, including men. Aboriginal and Torres Strait Islander men experience poor physical, social, and emotional wellbeing, low self-esteem, poverty and unemployment, substance misuse, family and community violence, sexual abuse, offending, incarceration, and suicide.

In 2014-15, 63% of Aboriginal and Torres Strait Islander women and 35% of Aboriginal and Torres Strait Islander men who had experienced physical violence reported that the perpetrator of the most recent incident was a family member. Dardi Munwurro is an organisation that provides a variety of men's healing and behaviour change programs and services to the Victorian Aboriginal community and was established in 2000. Their aim is to break the cycle of intergenerational trauma in the Aboriginal community and disrupt the patterns of behaviour that can result in domestic violence.

These programs support Aboriginal men to recognise their emotions, strengths, and their own responsibility by using traditional Aboriginal healing practices. One of the primary goals of Dardi Munwurro's programs is to address the factors that lead to violent behaviour. A study funded by The Healing Foundation and conducted by Deloitte Access Economics, demonstrates the clear benefits from investment in Dardi Munwurro's men's healing programs. A cost-benefit analysis indicated that for each dollar invested into Dardi Munwurro there was an estimated return on investment of 50%-190%.

6.2.2. The NAAJA Healing Program^{vi}

The NAAJA Healing Program was part of a national funding round provided by The Healing Foundation that specifically aimed to address intergenerational trauma. Accordingly, the NAAJA Healing Program provided a trauma-aware and healing-informed program for children and young people who have, or have had contact with the NT criminal justice system. NAAJA Youth Support Worker(s) were key drivers of the project and activities. Young fathers were given the opportunity to take part in a parenting program. The parents of young people in detention were supported to care for their children's trauma and to re-establish positive relationships following their release. These changes are often seen to have reached positively into the young person's family as well. More than 70 young people participated in the project, with participants reporting a 90% satisfaction rating with the project. Key themes emerged: sense of belonging and connection to culture, resilience and decision-making, reconnection to self and family, and collaboration and coordination.

6.2.3. Towards an Aboriginal and Torres Strait Islander violence prevention framework for men and boys^{vii}

The Healing Foundation through a partnership with White Ribbon Australia, explores the essential principles required for the development of an effective violence prevention framework for Aboriginal and Torres Strait Islander men and boys, to reduce and prevent violence against women and children. It highlighted that strategies to reduce disproportionate levels of violence in Aboriginal and Torres Strait Islander communities have predominately relied on the culturalisation of western violence prevention programs. This approach assumes that the factors associated with violence against women are fundamentally the same in both Indigenous and non-Indigenous communities.

An approach that failed to recognise the impacts of founding violence, structural violence and cultural breakdown, intergenerational trauma, disempowerment, and alcohol and other drugs. Resulting in policies that emphasised punishment over therapeutic intervention and, until recently, often excluded men from efforts that sought to change their behaviour.

Knowledge circle members consulted in the development of the report emphasised the importance of an Aboriginal and Torres Strait Islander framework, with a cultural basis, that is owned by community. As opposed to current 'culturally appropriate' models which offer a supposedly culturalised adaption of a western program model. Based on the findings of the report The Healing Foundation is currently working on a reviewed and revised Men's healing and violence prevention framework which will be launched in 2023.

6.3 Build Sector Capability

6.3.1. WorkUP Queensland^{viii}

Led by The Healing Foundation in partnership with the Australian National Research Organisation on Women's Safety (ANROWS), WorkUP Queensland is the sexual violence, women's health, and domestic and family violence sector's partner in building a strong and skilled workforce. Funded through the Queensland Department of Justice and Attorney WorkUP Queensland. Leading this mainstream workforce project, The Healing Foundation brings to the forefront responses to Aboriginal and Torres Strait Islander workers and organisations and peoples.

Together, WorkUP Queensland and the sector have created a plan to grow, retain, develop, support, connect, and sustain the workforce. Learning approaches designed to support transformational are underpinned by the following principles: sector driven, leverage practice wisdom, culturally safe, experiential, evidence based and facilitate reflective practice.

WorkUP Queensland provides workforce planning, professional development, practice studios, mentoring programs and knowledge circles. A recent evaluation of WorkUP found that at the two-year mark there is some evidence of early outcomes, especially engagement, knowledge and skills, and collaboration. It recommended that WorkUP continue to build on the aspects of the approach that have contributed to project outcomes and stakeholder satisfaction to facilitate more complex longer-term outcomes.

WorkUP Queensland recently undertook a separate project, Working Together for a Culturally Safe DFV Court Service System. Focussing on the five Specialist DFV Courts in Queensland, this project aims to develop a court system that is responsive, welcoming, and safe for Aboriginal and Torres Strait Islander people.

6.3.2. Improving the social and emotional wellbeing of Aboriginal and Torres Strait Islander children

Emerging Minds and The Healing Foundation have partnered to develop resources for Aboriginal and Torres Strait Islander service providers working with children and families. The aim is to improve the mental health and social and emotional wellbeing and reframe the narrative of intergenerational healing for children and young people aged 0-18 years old. The resources include an e-learning module, factsheets, and an animation.

6.4 Action on Child Sexual Abuse

6.4.1. National Centre for Action on Child Sexual Abuse^{ix}

The National Centre for Action on Child Sexual Abuse (the National Centre) is an independent, not-for-profit organisation established to increase understanding of child sexual abuse, promote effective ways for protecting children, guide best practice responses and pathways to healing for survivors, and reduce the harm it causes. It is a joint venture between the Blue Knot Foundation, The Healing Foundation, and the Australian Childhood Foundation. The three organisations have united to form an Australian-first partnership that will commission critical research, evaluate interventions and therapeutic programs, raise community awareness, reduce stigma, and provide training.

The National Centre has developed a *Draft Five-year Strategy*^x that sets the starting point for what the National Centre intends to do and accomplish. It represents the start of a committed journey to transform the way that child sexual abuse is understood and responded to in Australia. It describes a collective ambition to work together to:

- empower, educate, and enable families, communities, and service providers to better meet the needs of collective victims and survivors of child sexual abuse across their life course; and,
- inspire community, policy, and practice change to stop sexual abuse from occurring.

The National Centre is currently looking to fund a range of short-medium and long-term projects on the research to quality improvement continuum which align with the critical challenges that must be addressed to achieve change. Successful projects will be announced in early 2023.

6.4.2. Looking Where the Light Is: creating and restoring safety and healing – A cultural framework for addressing child sexual abuse in Aboriginal and Torres Strait Islander communities^{xi}

Developed by The Healing Foundation in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, and in partnership with a Knowledge Circle of key Aboriginal and Torres Strait Islander service providers and survivors, and non-Indigenous practitioners and researchers. *Looking Where the Light Is* sets out a culturally based practice framework for understanding and responding to child sexual abuse. The framework is designed to create and restore safety and healing for Aboriginal and Torres Strait Islander children, families, and communities. It takes a holistic view of sexual abuse in terms of its causes and impacts on children, families, perpetrators, and communities and proposes an integrated response to the complex challenges of those causes and impacts.

The framework addresses:

- the context of child sexual abuse and gaps in current approaches to addressing it,
- values led approaches; and,
- key elements and strategies for creating and restoring safety and healing.

6.5 Action on Racism – System Reforms

‘Regretfully people are quite hesitant to deal with the munarch (police) because of historical and continuing racism fears, cultural shaming, wrong way pregnancies/relationships, minor crimes (outstanding fines and infringements) and unwanted intervention by child protection agencies and therefore not report missing people. In more than one incident local communities may be convinced police may be the perpetrators because of conflicting information.’ (Yokai, 2022)

Under-reporting is a major factor when it comes to violence against First Nations peoples, specifically women, and is linked to experiences of racism. Racism is still prevalent in Australia and occurs in many settings, for instance, hospital systems, educational systems, media, and in relation to police behaviour. Racism impacts victims of violence whose situations or circumstances are not taken seriously or with concern, therefore, not protected by authority members.^{xixiii}

One way to counteract racism is by building capability and services to embed a trauma-aware, healing-informed approach that acknowledges past government policies, intergenerational trauma, and risk factors stemming from past traumas. Changing workplace and sector culture can also be achieved through inter-sectional partnerships, in particular, with Aboriginal and Torres Strait Islander Community-Controlled Organisations. Finally, Aboriginal and Torres Strait Islander organisation must be funded to lead solutions for their communities.

‘We know what’s wrong, what doesn’t work, it’s our problems requiring our own solutions, why do we get asked this all the time, if government was fair dinkum about doing something it would have begun in the 1970’s and we wouldn’t have the same problems as now.’ (Yokai, 2022)

7. The ways in which missing and murdered First Nations women and children and their families can be honoured and commemorated

7.1. Truth Telling and Bearing Witness

Truth involves bearing witness to wrongdoing and seeking acknowledgement, reparation, and restoration at an individual or collective level. It is about acknowledging and recognising suffering and survival. It can be in relation to an individual whose rights have been violated, or the individuals, groups, and communities whose human rights have been violated as a result of colonisation. It is

about hearing them, standing alongside them, and taking action to ensure their protection and safety from further harm and promote healing. Truth telling can be important in restoring the individual, family, and collective narrative.^{xiv}

7.2. Improving access to records

Poor data recording and reporting by government agencies practices within, and across jurisdictions, is one of the systematic failures contributing to the high number of missing First Nations women and children. For families of missing women and children access to records is important for justice and healing. The *Bringing Them Home* report showed that access to individual and family Stolen Generations records was fundamental to locating and reunifying families, but problems in accessing still persist.

Records are managed under different legislation in each State and territory and are administered differently by individual churches and other non-government agencies. Stolen Generations Survivors and their families have faced multiple and inconsistent processes when seeking their own or their family records, especially as searches often extend across multiple jurisdictions. It is important that governments and relevant organisations learn from these lessons and play a leading role in establishing standards and improving access for families of murdered and missing women and children.

The Healing Foundations Historical Records Taskforce is one example of policies and practices relevant to the considerations of the inquiry. The Stolen Generations Historical Records Taskforce was formed to promote healing for Stolen Generations Survivors and descendants by collaborating to improve access to and management and preservation of Stolen Generations. Key work of the Taskforce includes advocating for records processes that are nationally consistent, trauma-aware and healing-informed, advised by evolving national and international practice and building sector capability and cross-sectorial partnerships.

Relevant initiatives include:

- the *Better Access to Stolen Generations Records* an online learning module developed in a partnership between The Healing Foundation and the Australian Society of Archivists^{xv}. The training package is designed around trauma-aware, healing-informed principles with a view to support Aboriginal and Torres Strait Islander peoples on a healing journey, and accessing family records^{xvi}.
- Principles for nationally consistent approaches to accessing Stolen Generations records – Joint statement by Australian Information Access Commissioners and Privacy Authorities^{xvii}.

Concluding remarks

The recent reporting on the matter of missing and murdered First Nations women and children is an important matter that calls for urgent action. Throughout our submission we have highlighted factors that must be considered when identifying ways in which to prevent further harm to First Nations women and children, and their families. We identified that historical impacts of colonisation, policies of removal of children from families, dispossession of land, culture, and Country has a detrimental effect on the safety, and experiences of violence by Aboriginal and Torres Strait Islander communities.

We highlighted how systemic failures must be addressed by reform to right past wrongs done to Aboriginal and Torres Strait Islander peoples, including Stolen Generations Survivors and their descendants. Continued failure to address the issues of cultural safety and access across mainstream institutions including the police, judiciary, health systems, and community services has contributed to the experiences of violence by Aboriginal and Torres Strait Islander women and children.

Urgent action on healing, including breaking the cycle of intergenerational trauma, is urgently needed to increase the experience of safety. The Healing Foundation presented examples of healing initiatives that work within communities by being trauma-aware and healing-informed. We also identified that building workforce capabilities is vital and services must walk alongside, or be guided by First Nations peoples, in particular women and children to which this issue effects.

Finally, ways to honour and commemorate First Nations missing and murdered women and children is important. Truth telling and bearing witness to the stories, experiences, and acknowledgement of First Nations knowledge systems is important to healing. So is ACTION. The matter of missing and murdered First Nations women and children cannot be treated as an Aboriginal and Torres Strait Islander issue, responsibility for action must reside with all Australians and urgency is required. Health, law, and enforcement services must work in partnership with First Nations peoples and be open to urgently adopting a trauma-aware, healing-informed approach. By working together, prevention of violence against First Nations women and children, and healing for the families and communities left behind, is possible.

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