

Joint Commonwealth agency submission to the Senate Legal and Constitutional Affairs References Committee Inquiry into Missing and Murdered First Nations Women and Children

Updated submission 7 June 2024 (previous version 6 December 2022)

CONTENT WARNING

This submission discusses violence against women and children, missing and murdered women and children, sexual violence and racism. Free advice and support is available online and via telephone 24/7 through the following services:

- [1800RESPECT](#) (1800 737 732) National Sexual Assault, Domestic and Family Violence Counselling Service
- [13YARN](#) (13 92 76) Aboriginal or Torres Strait Islander Crisis Support
- [Beyond Blue](#) (1300 22 4636)
- [Lifeline crisis support line](#) (13 11 14)
- [Kids Helpline](#) (1800 55 1800)
- [Mensline Australia](#) (1300 78 99 78)
- [Blue Knot Foundation](#) (1300 657 380)
- [Suicide Call Back Service](#) (1300 659 467)
- [Headspace](#)

ACKNOWLEDGEMENT

We acknowledge the First Peoples of this country and recognise their continued connection to the land and seas that make up Australia. Collectively, we pay our respects to Elders, past and present. We also pay our respects to all First Nations people with a lived or living experience of violence, and acknowledge the memory of all missing and murdered First Nations people, and their families, across the country.

It is vital to acknowledge that First Nations cultures differ vastly across Australia, and the reciprocity that exists between First Nations people and physical country of origin, which transforms the ecological landscape to a socio-cultural one; this includes honouring the unique beliefs, identities, histories, values and experiences. With this is the fundamental importance to recognise and respect the unique cultures of First Nations people.

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1. Introduction

The Australian Government (the Government) welcomes the Senate Legal and Constitutional Affairs References Committee's inquiry into Missing and Murdered First Nations Women and Children, and its focus on both the number of First Nations women and children who are missing and murdered, and the systemic drivers of all forms of violence against First Nations women and children – including the underlying socio-economic, systemic and institutional factors contributing to higher rates of violence. We welcomed the opportunity for departmental representatives to appear before the Committee on 5 October 2022, ahead of providing this submission.

This submission was jointly coordinated by the National Indigenous Australians Agency (NIAA) and the Attorney-General's Department (AGD), with input from the Department of the Prime Minister and Cabinet (including Office for Women), Department of Social Services (DSS), Australian Bureau of Statistics (ABS), Australian Institute of Criminology (AIC), Australian Institute of Health and Welfare (AIHW), and the Department of Finance. The submission is structured as follows:

- **Section 2** acknowledges the need for coordinated national responses that centre the voices and views of First Nations women and children.
- **Section 3** provides an overview of the submission, including a high-level overview of the *National Agreement on Closing the Gap*, the *National Plan to End Violence against Women and Children 2022-32*, and the Government's First Nations Justice package.
- **Section 4** outlines Government women and children's safety initiatives to improve First Nations women and children's safety.
- **Section 5** discusses data on First Nations family and domestic violence.

We recommend reading this submission in conjunction with the separate submission provided by the Australian Federal Police (AFP), which addresses law enforcement and operational matters.

1.1 Note on terminology

The terms 'First Nations peoples', 'Indigenous peoples' and 'Aboriginal and Torres Strait Islander peoples' are used interchangeably throughout this submission due to differing past naming conventions across Government policy and programs.

This submission also uses binary language such as 'women' and 'men' in many places. We recognise that gender is socially constructed and does not exist simply in binary categories. However, these categories have been used in data collection and continue to have real effects on the lives of Australians and thus can be useful to frame discussions about gendered violence. We acknowledge that there are people whose experiences are not captured by the use of binary language, including in LGBTQIA+ communities.

2. Centering voices of First Nations women and children

First Nations experiences and culture must be at the centre of our approach to understand and eliminate violence against First Nations women and children. All levels of governments need to understand the five elements that drive cultural strength – Land, Lore, Language, Family and Ceremony¹. These elements operate collectively and work to keep culture and community strong, which in turn empowers First Nations peoples to feel safe and proud of their identity.

Reducing the rates of violence requires community-driven, trauma informed approaches that

¹ Paulson G, & Brett, M, '[Five Smooth Stones: Reading the Bible through Aboriginal Eyes](#)', in abridged version of a paper published in [Colloquium: The Australian and New Zealand Theological Review, November 2013](#). See further, Steven Jampijinpa Patrick, Miles Holmes and Lance Box, Ngurra-kurlu: A Way of Working with Warlpiri People [DKCRC-Report-41-Ngurra-kurlu.pdf \(nintione.com.au\)](#); Alice Springs: Desert Knowledge CRC, 2008

prioritise cultural healing, family restoration and the strength of First Nations families. Solutions must support frontline and prevention services, while also addressing the structural and systemic drivers of violence.

No single, isolated factor contributes to the experience of interpersonal, family and community violence for First Nations people. Rather, multiple intersectional factors, including ongoing impacts of colonisation, racism and intergenerational trauma, compound experiences of violence. It is therefore critical that national policies and plans are responsive to the multifaceted experiences and adaptive to the circumstances of First Nations women and children, including increased availability of services in remote areas of Australia.

The *Wiyi Yani U Thangani (Women's Voices) Report*² emphasises the importance of self-determined and First Nations women-led responses to achieve systemic change. The report encompasses community safety and references First Nations women who have reported the disappearances and deaths of First Nations peoples. They have expressed a lack of urgency, intent and competency during investigations, and consequently many cases remain unsolved. The *Australian Government response to the Wiyi Yani U Thangani (Women's Voices) Report* responds to the report's recommendations in line with National Agreement on Closing the Gap obligations.

In line with the *Wiyi Yani U Thangani (Women's Voices) Report*, the Government recognises any recommendations from this Inquiry will require community-driven responses and must centre the voices and views of First Nations women and children to capture the strength, knowledge and insights of their lived experiences and cultural authority.

3. Overview

The Government acknowledges that action is required to ensure the safety of all First Nations women and children in Australia, including action to address the underlying systemic factors contributing to violence.

First Nations women and children experience disproportionately higher rates of homicide, family, domestic and sexual violence, child removal and incarceration, and poorer outcomes across health, housing, education and employment. In 2021-22, almost 3 in 4 (74%) of assault hospitalisations involving First Nations people were due to family violence³. First Nations women are 33 times more likely to be hospitalised and 6 times more likely to die from family and domestic violence than non-Indigenous women in Australia, with the hospitalisation rate being higher for First Nations women living in remote and very remote areas compared with those living in inner and outer regional areas (6 times higher) and in major cities (7.5 times higher) in Australia. Data from the Australian Domestic and Family Violence Death Review Network indicates that of the 240 female victims of homicide by a male partner, 1 in 4 (25%) were First Nations women⁴. Across jurisdictions with published data (New South Wales, Queensland, South Australia, and the Northern Territory) in 2022, First Nations victims of sexual assault were predominantly female, ranging from 70% in New South Wales to 93% in South Australia⁵.

After the age of 15 women and girls with disability are more likely to experience sexual violence (4 per cent compared with 2.5 per cent of women without disability)⁶ and physical violence (5.8 per

² *Wiyi Yani U Thangani (Women's Voices) Securing Our Rights, Securing Our Future Report: [Wiyi Yani U Thangani Report \(2020\)](#) | [Australian Human Rights Commission](#)*

³ Australian Institute of Health and Welfare 2023. [Aboriginal and Torres Strait Islander people - Australian Institute of Health and Welfare \(aihw.gov.au\)](#)

⁴ ADFVDRN (Australian Domestic and Family Violence Death Review Network) and ANROWS (Australia's National Research Organisation for Women's Safety) (2022) *Australian Domestic and Family Violence Death Review Network data report: intimate partner violence homicides 2010-2018*- external site opens in new window (2nd ed.; Research report 03/2022), ANROWS

⁵ [Recorded Crime - Victims, 2022 | Australian Bureau of Statistics \(abs.gov.au\)](#)

⁶ [Sexual violence, 2021-22 financial year | Australian Bureau of Statistics \(abs.gov.au\)](#)

cent compared with 4.2 per cent of women without disability)⁷. The intersection of disability and gender based violence (perpetuated by individuals of all backgrounds) is an additional risk factor for First Nations women with disability; whose experiences of disability and gender compound, further increasing their risk of experiencing family, domestic or sexual violence and leading to greater disadvantage and victimisation.

Under the United Nations Declaration on the Rights of Indigenous Peoples, all First Nations women and children are entitled to enjoy full protection and guarantees against all forms of violence and discrimination.

Addressing the issue of missing and murdered First Nations women and children requires a concerted effort, involving all governments.

Under the federal system of government, States and Territories have primary responsibility for child protection and law enforcement, including policing and justice system responses to family and domestic violence. Nevertheless, the Government is committed to increasing the safety of First Nations women and children, and is providing national leadership on a range of important initiatives to respond to discrimination, inequality and gender-based violence, particularly through the *National Agreement on Closing the Gap*, the *National Plan to End Violence against Women and Children 2022-32* (National Plan) and the First Nations Justice package. A First Nations Justice Taskforce is being established within AGD to drive reforms and implement the measures in the First Nations Justice package (outlined at 3.3).

These initiatives are complemented by a range of other frameworks, strategies and action plans, which are outlined throughout this submission.

3.1 National Agreement on Closing the Gap

The National Agreement on Closing the Gap (National Agreement)⁸ holds genuine partnership and shared decision making at its core, and provides a framework to transform the way governments at all levels work with First Nations people. The National Agreement was established in 2020 and centres around four Priority Reforms to transform governments working with First Nations peoples:

1. Partnership and shared decision-making between Aboriginal and Torres Strait Islander people and governments.
2. Building the Aboriginal and Torres Strait Islander community-controlled service sector in agreed outcome areas.
3. Transforming mainstream government services to work better for Aboriginal and Torres Strait Islander people, and
4. Building better data and sharing access to the right data to support Indigenous communities to make informed decisions with us.

The National Agreement includes 19 socio-economic targets, alongside outcomes, that all parties are accountable to meet over the next decade from 2020. The targets and outcomes are interlinked, so the progress and achievement of each target contributes to others. They address key transition points over an individual's life, as well as supports needed at each stage of life. This Inquiry relates to Targets 10 to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent by 2031, Target 11 to reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent by 2031, Target 12 to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031 and Target 13 in particular for the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children to be reduced at least by 50 per cent by 2031, as progress towards zero.

⁷ [Physical violence, 2021-22 financial year | Australian Bureau of Statistics \(abs.gov.au\)](https://abs.gov.au)

⁸ [Closing the Gap Implementation Plan National Agreement on Closing the Gap | Closing the Gap](#)

The National Agreement commits all levels of government to work together with First Nations peoples to address the inequality experienced by First Nations families, and achieve life outcomes equal to all Australians. The architecture of the National Agreement relies on investment from all parties and a coordinated effort from all jurisdictions in partnership with First Nations peoples.

At the Commonwealth level, the NIAA has a lead role in driving implementation of the National Agreement and its Implementation Plans. This work is done in partnership with the Coalition of Peaks, including through a Joint Working Group comprising Coalition of Peaks members and Deputy Secretaries from key Australian Government agencies. The Joint Working Group ensures that the Commonwealth collectively raises ambition to achieve sustained progress over the life of the National Agreement.

A number of Commonwealth Ministers have sole or joint responsibility for achieving National Agreement targets relating to this Inquiry. However, all portfolios are responsible for considering how they can meet the targets of the National Agreement, including the Priority Reforms, and how they can embed partnership and shared decision-making in their work. To this end, the Government funds a range of activities to support and achieve National Agreement targets relevant to this Inquiry, which are set out in section 4.1.

3.2 National Plan to End Violence against Women and Children 2022-32

The *National Plan to End Violence against Women and Children 2022-2032* (the National Plan) is a joint Australian, state and territory government document that sets the national policy agenda for addressing violence against women and children in Australia for the next 10 years.

The National Plan addresses violence across the intersecting domains of prevention, early intervention, response, and recovery and healing. Through the National Plan, the Australian, state and territory governments have collectively committed to the vision of ending gender-based violence in one generation.

The National Plan acknowledges that family violence is a significant factor contributing to the overrepresentation of First Nations children in out-of-home care. Fear of child removal remains one of the greatest deterrents for First Nations women to report violence or seek assistance. This fear may be heightened by the current overrepresentation of First Nations children in out-of-home care, ongoing institutional racism and the history of the Stolen Generations.⁹

The development of the National Plan has drawn from existing evidence such as *Changing the picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children* developed by Our Watch and informed by the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence, which provided guidance, advice and expertise throughout the project¹⁰. *Changing the picture* identifies the specific underlying drivers of violence against Aboriginal and Torres Strait Islander women as the intersection of racism, gendered factors, and the ongoing impacts of colonisation.

The National Plan is directly relevant to Target 13 of the National Agreement, and will be supported by two five-year Action Plans and the *Aboriginal and Torres Strait Islander Action Plan 2023-2025 (the Action Plan)*. The National Plan commits to improving and building capacity in mainstream government institutions, services and responses in line with Priority Reform Three of the National Agreement to ensure they are culturally safe and can better meet the needs of Aboriginal and Torres Strait Islander peoples and communities. The National Plan also simultaneously supports building the community-controlled sector to enable community-driven, strengths-based, localised approaches to preventing violence against Aboriginal and Torres Strait Islander peoples in line with Priority Reform Two.

⁹ [Changing the picture | Resources | Prevention in Action - Our Watch](#)

¹⁰ [Changing the picture – full suite of resources | Suite of resources | Our Watch - Our Watch](#)

The Government has committed a record \$3.4 billion to delivering the National Plan since October 2022 and is strongly focused on implementation of reform and supports.

In recognition of the need to escalate collective efforts to end gender-based violence, the Prime Minister convened a National Cabinet on 1 May 2024, for the Commonwealth and all states and territories are able to come together on this critical issue.

First Ministers agreed to build on and strengthen efforts currently underway under the National Plan, including strengthening accountability and consequences for perpetrators, strengthening and building on prevention work through targeted, evidence-based approaches and maintaining a focus on missing and murdered First Nations women and children.

3.3 The Aboriginal and Torres Strait Islander Action Plan 2023-2025

The Australian Government, together with the Advisory Council and state and territory counterparts, released the Action Plan to drive delivery of the shared commitment under the National Plan to end gender-based violence in a generation. The *Aboriginal and Torres Strait Islander Action Plan 2023-2025*, is specifically for Aboriginal and Torres Strait Islander women and children and acknowledges that additional cultural inclusive and tailored supports are needed.

By listening to community and victim-survivors, the Action Plan includes actions that were created to address current safety needs and set the foundation for longer-term structural change. The Action Plan outlines government initiatives aimed at preventing, addressing and responding to violence against Aboriginal and Torres Strait Islander women and children and is underpinned by the vision “Our people no matter where they live, work and play are culturally safe and strong, and live free from violence.” This 3-year Action Plan is fundamental to addressing Target 13 of the National Agreement on Closing the Gap – that by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50%, as progress towards zero.

The Action Plan sets out five reform areas to achieve its vision: (1) Voice, self-determination and agency, (2) Strength, resilience, and therapeutic healing, (3) Reforming institutions and systems, (4) Inclusion and intersectionality, and (5) Evidence and data eco-systems. In line with Priority Reform 1 (Formal Partnerships and Shared Decision Making) of the National Agreement on Closing the Gap, activities within the Action Plan were developed in partnership with the Advisory Council. They were developed reflecting the principles of self-determination and in response to the voices heard through the National Plan and Action Plan consultation and engagement on the needs of the community.

Recognising that Aboriginal and Torres Strait Islander women and children experience disproportionately high rates of violence, \$262.6 million was committed in the 2023-2024 Federal Budget for the safety of Aboriginal and Torres Strait Islander families, to implement the Action Plan and to provide early investment into a First Nations National Plan.

3.4 First Nations National Plan

Longer term change will be addressed through the First Nations National Plan that will be a signature piece of policy that will guide a whole of society approach to addressing the unacceptable rates of violence against First Nations women and children. The Government has committed \$4.1 million over 2 years from 2023-24 to support the development of the First Nations National Plan, including secretariat, governance arrangements, community engagement and drafting.

On 24 January 2024, the Minister for Social Services announced the First Nations National Plan Steering Committee (Steering Committee) to work in formal partnership to oversee the development of the First Nations National Plan, and to advise on reducing rates of family violence and abuse.

The Steering Committee of 24 members has equal representation of First Nations non-government

and government members. Led by two Co-Chairs, the Steering Committee consists of 12 non-government First Nations representatives, two Commonwealth representatives, eight state and territory representatives, the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Domestic, Family and Sexual Violence Commissioner.

Steering Committee members will develop a governance framework for the First Nations National Plan involving formal partnership with shared decision-making, in line with the strong partnership elements under (Clause 32) the National Agreement on Closing the Gap 2020-2030.

The First Nations National Plan will be supported by a First Nations Secretariat, SNAICC – National Voice for Our Children, who will coordinate a national, public consultation process and will work with the Steering Committee on the development of the Plan. The First Nations National Plan will be finalised by June 2025.

3.5 First Nations justice package

As part of the Government's broader First Nations reform agenda, the 2022-23 Budget included a landmark investment of \$99 million over four years to implement a package of complementary measures to turn the tide on the overrepresentation of First Nations people in the criminal justice system. The funding package includes a justice reinvestment package of \$81.5 million comprising:

- \$69 million over 4 years from 2022-23, and \$20 million per year thereafter (ongoing, from 2026-27), for grants to support up to 30 community-led, place-based justice reinvestment initiatives under the National Justice Reinvestment Program
- funding of \$12.5 million over 4 years from 2022-23, with \$3.1 million per year thereafter (ongoing from 2026-27) to design and establish the independent National Justice Reinvestment Unit.

An additional \$10 million was committed over 4 years for grants to support community-led, place-based crime prevention initiatives under the Justice Reinvestment in Central Australia Program, which also forms part of the Government's broader \$250 million plan for *A Better, Safer Future for Central Australia*.

This package has complemented engagement with states and territories through the Standing Council of Attorneys-General, and through the Police Ministers Council, where improving Indigenous justice outcomes under the Closing the Gap framework is a standing agenda item. The package, (outlined at 4.1.2), includes funding for justice reinvestment initiatives under the National Justice Reinvestment Program and Justice Reinvestment in Central Australia Program, the design and establishment of an independent National Justice Reinvestment Unit, consolidated national real-time reporting on deaths in custody, and additional funding for Aboriginal and Torres Strait Islander Legal Services to provide culturally-appropriate legal assistance to the families of deceased First Nations individuals in coronial inquiries. Ensuring that families have access to legal assistance and are therefore able to fully participate in coronial inquests will also contribute to better, more informed inquests – enabling the identification of much-needed reforms to the justice system.

Justice reinvestment supports community-led, place-based initiatives to address the underlying drivers of crime and systems change, to reduce First Nations peoples incarceration rates and create safer communities. Existing justice reinvestment initiatives, such as the Maranguka justice reinvestment project in Bourke, have a proven record of reducing rates of family and domestic violence, by ensuring communities are resourced to provide prevention and early intervention activities, delivered in a culturally appropriate manner that take into consideration family connections and sensitivities.

The Government has committed to fund up to 30 justice reinvestment initiatives nationally. There have been 20 successful initiatives funded to date, with more than \$38.2 million committed under the National Program for initiatives being delivered in Western Australia, the Northern Territory,

Queensland, New South Wales and South Australia.

3.6 Working for Women: A Strategy for Gender Equality

Working for Women: A Strategy for Gender Equality (Working for Women) outlines the Australian Government's vision for gender equality – an Australia where people are safe, treated with respect, have choices, and have access to resources and equal outcomes no matter their gender. Working for Women sets out a path to work towards the Government's vision for gender equality over the next 10 years, with a focus on gender-based violence; unpaid and paid care; economic equality and security; health; and leadership, representation and decision-making. It also outlines the need for everyone to work together to shift the attitudes and stereotypes that drive gender inequality. Working for Women shows how the Government has already taken action to drive change under these priority areas, and where there are further opportunities to act. It also outlines principles to guide action that have impact.

Under the first priority area for action (gender-based violence), the Government is committed to effective action to improve women's safety, including working with states and territories, examining systems, and challenging gender attitudes and stereotypes. The Government will measure and report on the following outcomes to demonstrate that change is happening:

- All people live free from violence and are safe at home, at school, at work, in the community and online.
- Employers support an end to gender discrimination, and sexual harassment and violence in the workplace.

Working for Women complements the National Plan, *Wiyi Yani U Thangani (Women's Voices)* Report and other Australian Government and state and territory efforts to achieve gender equality.

Ending gender-based violence requires combined and concerted effort from and in all parts of society, including people and families; education settings and communities, businesses and workplaces; the domestic, family and sexual violence sector; frontline workers; media; and all levels of government. Attitudes and behaviours play a vital role in challenging attitudes and stereotypes that help to prevent gender-based violence in relationships, families and communities.

3.7 Data and research

Effective data collection and use of data is required to guide meaningful decision-making and evidence-based policy development. Section 5 of this submission sets out existing data sources on First Nations family and domestic violence, and Government-led initiatives and commitments to improve data collection and facilitate and support better data sharing and linkages.

The Government acknowledges there are data gaps that prevent a complete understanding of the experiences of First Nations women and children. Improving the quality of Indigenous identification across all relevant data sets continues to be a priority in order to provide more complete information about family and domestic violence amongst First Nations Australians¹¹.

While Australian Government policy departments are responsible for delivering programs and policies to improve the lives of all First Nations peoples, they are informed by data collected by State and Territory governments and data collection agencies, particularly the following:

- **Australian Bureau of Statistics (ABS)**, National Centre for Crime and Justice Statistics (NCCJS) – leaders in the production and promotion of national crime, safety and justice statistics to inform policy and service towards a safer Australian community. Primarily, the NCCJS

¹¹ Australian Institute of Health and Welfare, 2018: [2.10 Community safety - AIHW Indigenous HPF](#)

is responsible for compiling nationally consistent and comparable data about people that come into contact with the criminal justice system.

- **Australian Institute of Criminology (AIC)** – Australia’s national research and knowledge centre on crime and justice, compiling trend data and disseminating research and policy advice. The AIC informs crime and justice policy and practice in Australia by undertaking, funding and disseminating policy-relevant research of national significance.
- **Australian Institute of Health and Welfare (AIHW)** – a major national information and statistics Commonwealth agency within the Health portfolio. The AIHW collates and manages data on health and welfare issues; analyses and turns data into useful information and reports to support better policy and service delivery decisions; and makes data available to government agencies, universities, research centres, and non-government organisations.

While different agencies collect, collate and publish data, research institutes and academia play a key role in piecing together the evidence by undertaking research projects to explore issues in more depth. Examples of relevant research and studies are discussed at 5.5.

4. Women and children’s safety initiatives and investment

4.1 Closing the Gap measures

All Government portfolios are responsible for considering how they can meet the targets of the National Agreement, and how they can embed partnership and shared decision-making in their work. To this end, the Government funds a range of activities to support and achieve National Agreement targets relevant to this Inquiry, outlined below.

4.1.1 Increasing the safety of First Nations women and children (Target 13)

Target 13 of the National Agreement calls for the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children to be reduced by at least by 50 per cent, as progress towards zero, by 2031.

Of particular relevance to this Inquiry is the support for Family Violence Prevention Legal Services (FVPLS) providers, and an additional capability development measure to support Indigenous organisations and non-Indigenous organisations that provide services to First Nations clients who have experienced family and domestic violence.

The Government has also committed to a further range of measures to address violence against First Nations women and children. Other signature reforms include:

- a \$3 million package for community safety in Alice Springs to deliver additional safety patrols and associated services, early intervention support for First Nations young people and holistic wrap around services that address the impacts of violence;
- \$2.8 million to deliver the final stage of the *Wiyi Yani U Thangani (Women’s Voices)* Project which included a national summit focused on women’s leadership and decision making and the *Wiyi Yani U Thangani* Change Agenda for First Nations Gender Justice; and \$3 million over four years to establish the *Wiyi Yani U Thangani* Institute for First Nations Gender Justice;
- \$7.7 million to develop cultural awareness and trauma responsiveness of the Indigenous and non-Indigenous child and family sector workforce; and
- \$38.6 million for the Closing the Gap Outcomes and Evidence Fund, which will fund Aboriginal Community Controlled Organisations to deliver projects to people experiencing (or at risk of) child removal and/or family violence, focusing on building an evidence base

for service impacts informed by First Nations-specific reporting and evaluation models.

The Government has also funded key measures under the National Plan that work towards achieving Target 13. These are outlined at 4.2.

These national reforms and coordination efforts build on existing Commonwealth Government initiatives, including: 1800RESPECT, MensLine Australia, Safe Places, Keeping Women Safe in Their Homes, No Interest Loan Scheme, Safe Phones, DV-alert, Specialised Family Violence Services and the Escaping Violence Payment (the Escaping Violence Payment includes an extension to the Aboriginal and Torres Strait Islander place-based trial in the Cairns region, and expansion of the place-based trial into Dubbo, Darwin and Broome to June 2026). As part of Action 7 in the First Action Plan under the National Plan, the department continues to work on building the accessibility and inclusiveness of these and other mainstream initiatives.

4.1.2 Reducing incarceration of First Nations adults and young people (Targets 10 and 11)

Target 10 calls for the rate of Aboriginal and Torres Strait Islander adults held in incarceration to be reduced by at least 15 per cent by 2031. Target 11 calls for the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention to be reduced by at least 30 per cent by 2031.

While State and Territory governments are primarily responsible for criminal justice systems, the Australian Government plays a key leadership role in achieving these Targets.

The Justice Policy Partnership (JPP)¹², co-led by AGD and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), is the first of five Policy Partnerships established under the National Agreement. The JPP brings together all levels of government, the Coalition of Peaks, and independent First Nations representatives to take a joined-up approach to Targets 10 and 11.

Issues canvassed at JPP meetings include, but are not limited to: family violence prevention, the misidentification of First Nations women as perpetrators of family and domestic violence, First Nations experiences of coercive control, justice reinvestment investment, overrepresentation of First Nations peoples across justice systems, and eliminating systemic racism in policing and justice system institutions.

The recommendations of the Royal Commission into Aboriginal Deaths in Custody and subsequent Commissions, inquiries and reviews have been a focus and priority of the JPP since its inception. These themes have informed the development of the JPP's Strategic Framework, which includes the need to establish accountability to monitor and implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Strategic Framework also provides for research and co-ordination of development by the JPP of a strengths-based framework to ensure justice systems prioritise help for intersecting groups within Aboriginal and Torres Strait Islander communities, including women, girls and young people.

The JPP is driving a number of priorities, including an anti-racism strategy for the justice system, and reporting to SCAG on options for bail and remand reform, to address Targets 10 and 11. The JPP is also developing an impact assessment process to for governments to assess their legislation and policies against First Nations justice outcomes.

In the 2022-23 Budget, the Government committed \$99 million over four years for a package of measures to improve First Nations justice outcomes, including \$69 million to partner with First Nations communities to establish and expand community-led justice reinvestment activities to address underlying causes of incarceration. The Government committed to fund up to 30 justice reinvestment initiatives nationally. There are currently 20 initiatives with more than \$38 million

¹² [Justice Policy Partnership | Attorney-General's Department \(ag.gov.au\)](https://www.ag.gov.au/justice-policy-partnership)

of funding committed under the National Justice Reinvestment Program, including 2 early investments in Halls Creek (\$100,000) and Alice Springs (\$300,000), funded in 2023. An additional \$10 million was committed over 4 years for the Justice Reinvestment in Central Australia Program as part of its \$250 million plan for A Better, Safer Future for Central Australia.

As recommended by the Australian Law Reform Commission in its 2018 *Pathways to Justice* report, the Government also committed \$12.5 million over 4 years (and \$3.1 million per year ongoing from July 2026) to design and establish an independent National Justice Reinvestment Unit (the Unit) to coordinate and support justice reinvestment initiatives at a national level. Subject to design, the Unit may perform functions such as conducting research, data analysis and evaluation of programs, as well as providing technical expertise and best practice advice to individual communities implementing justice reinvestment initiatives. An interim Unit will be established in the second half of 2024.

Other key measures in the package included \$13.5 million in additional funding for Aboriginal and Torres Strait Islander Legal Services (ATSILS) to provide culturally appropriate legal assistance to First Nations clients in coronial inquiries; \$1 million to build capacity and support the leadership of NATSILS as the peak representative body for ATSILS; \$3 million to support the work of the National Family Violence Prevention and Legal Services Forum; and improving accountability in public reporting of deaths in custody.

On 21 June 2023, the AIC, with support from the AGD, released the national real-time reporting of deaths in custody dashboard. Data published on the real-time reporting platform includes Indigenous status, custody type, sex and age group. Data is published at the national level as an aggregate, real time total for Indigenous and non-Indigenous deaths in custody. National real-time reporting of deaths in custody enables transparency and accountability of all governments' criminal justice systems. Government is discussing timing and delivery of a First Nations Deaths in Custody Working Summit with the JPP.

To support work to transform the justice system, in February 2024, the Government committed a further \$10.7 million over 4 years from 2024-25 for the JPP. This ensures the JPP can continue implementing its Strategic Framework and work to improve justice outcomes for First Nations people.

Through the NIAA Indigenous Advancement Strategy (IAS), the Government also supports youth wellbeing and positive behaviour by funding:

- The delivery of a Youth Through Care program in Queensland, the Northern Territory and Victoria that provides intensive case management to First Nations young people transitioning from detention back into their communities.
- 21 Community Safety Patrol providers which employ First Nations people to patrol their local communities, and offer culturally sensitive assistance and transportation to a safe place for those at risk of harm.
- Custody Notification Services to provide culturally appropriate health and wellbeing checks and basic legal information to all First Nations people brought in to police custody, and help address the risk of First Nations deaths in custody.
- The extension of the Youth Engagement Program, which provides holistic, individualised and flexible support to First Nations young people, supporting them to meet the conditions of their bail and court orders.

4.1.3 Legal assistance funding to support First Nations people

The provision of legal assistance is a key mechanism for the Government to support people to access the justice system. The National Legal Assistance Partnership 2020-2025 (NLAP) is a national partnership agreement between the Australian, State and Territory governments for the delivery of Commonwealth funded legal assistance. It delivers over \$2.4 billion of Commonwealth

funding over five years to legal assistance providers (Legal Aid Commissions (LACs), Community Legal Centres (CLCs) and ATSILS) through States and Territories based on need, capability and service priorities.

First Nations people are also a priority client group for the delivery of legal assistance services by all providers funded through the NLAP, including CLCs and LACs.

ATSILS are First Nations-controlled providers of culturally appropriate legal assistance services. Funding ATSILS is a shared responsibility of the Australian Government and all states and territories. The Australian Government is providing over \$456 million in baseline funding to ATSILS over the life of the NLAP. The includes additional funding for ATSILS provided as part of the 2024-25 Budget of \$3.7 million for a one-off indexation boost and \$11.7 million for workforce stabilisation.

In early 2024, Dr Warren Mundy completed an independent review of the NLAP. The terms of reference for the review required Dr Mundy to evaluate the extent to which the objective, outcomes and outputs of the NLAP had been achieved, and whether the NLAP, including Aboriginal and Torres Strait Islander specific legal services, had been delivered in an efficient, effective and appropriate manner.

The review recommendations included a strong focus on First Nations legal assistance and funding for ATSILS. Commonwealth, state and territory governments are carefully considering the findings of the review, alongside submissions to the review. Further consultation across government and the legal assistance sector will inform negotiations about future legal assistance funding arrangements.

Commonwealth legal assistance funding is provided through various other funding mechanisms, such as grants under the IAS referred to above. In the 2023-24 Budget, the Government invested \$68.6 million in FVPLS through IAS for two years (2023-24 and 2024-25). In the 2024-25 Budget, the Government committed a further \$8.6 million for FVPLS workforce stabilisation.

4.1.4 Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031 (Safe and Supported)

Target 12 of the National Agreement is to reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031.

Safe and Supported sets out Australia's 10 year strategy to reduce the rates of child abuse and neglect and its intergenerational impacts.

Safe and Supported will be delivered by two sets of action plans, including an Aboriginal and Torres Strait Islander specific Action Plan which focuses on disadvantaged and/or vulnerable First Nations children and families. The *Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023-2026* was developed in partnership between Australian, State and Territory governments and the Aboriginal and Torres Strait Islander Leadership Group, in consultation with the non-government sector through the National Coalition on Child Safety and Wellbeing, and was launched in January 2023.

4.2 National Plan to End Violence against Women and Children 2022-32 measures

The National Plan outlines the Government's vision, in partnership with State and Territory governments, to end violence against women and children in one generation. Through the 2024-25 Budget, the Australian Government committed \$1.1 billion to ending violence against women and children (bringing total investment since October 2022 to \$3.4 billion), bringing the total number of funded activities in the national plan to 99.

4.2.1 Support for First Nations victim-survivors of family, domestic and sexual violence

Of particular relevance to this Inquiry, and to the safety of First Nations women and

children, are the following measures.

2022-23 Budget

- \$169.4 million over four years to fund 500 additional frontline service and community workers to support women and children experiencing family, domestic and sexual violence, with support targeted to women and children in rural, regional and remote areas; First Nations peoples; the culturally and linguistically diverse community; women with disability; and the LGBTIQ+ community
- Dedicated funding of \$10.7 million to be provided to the Northern Territory under the Family, Domestic and Sexual Violence National Partnership, recognising the higher rates of violence and increased complexity of remote service delivery
- The extension of funding for four Aboriginal Community Controlled Organisations which provide culturally appropriate Specialised Family Violence Services in the Northern Territory, with a total commitment of \$3.79 million from 2022-23 to 2026-27
- \$87.9 million to extend the Lighthouse Project (a family safety risk screening and specialised case management pilot) to all 15 primary family law registries, and increase the number of Indigenous Family Liaison Officers (IFLOs) and Specialist Indigenous Lists to further enhance culturally responsive support for First Nations Australians accessing the Federal Circuit and Family Court of Australia.

Broader National Plan measures that will support First Nations women and children include \$100 million for crisis and transitional housing options; investing in a First Action Plan Priorities Fund; providing access to 10 days of paid family and domestic violence leave; and expanding the Family and Domestic Violence Primary Health Network Pilot.

2024-25 Budget

- \$44.1 million additional funding for the NLAP (see 4.1.3). Of this, \$24.0 million funding uplift in 2024-25 for First Nations legal services, including ATSILS [NLAP administered] and FVPLS [IAS administered] to address workforce stabilization.
- \$11.7 million to extend the First Nations Family Dispute Resolution pilot to support Aboriginal Community Controlled Organisations to deliver culturally-safe family dispute resolution services.
- \$925.2 million over five years (2023-24 to 2027-28) to permanently establish the Leaving Violence Program to help people experiencing intimate partner violence with the costs of leaving that relationship. The Leaving Violence Program is based on the learnings from the Escaping Violence Payment trial, which will transition into the Leaving Violence Program in mid-2025.

2023-24 Budget

- \$159 million additional funding to extend the National Partnership for another two years. This includes funding for states and territories to work in partnership to apply innovative approaches to address perpetrator behaviour.
- Escaping Violence Payment trial funding through 2022-23 and 2023-24 Budgets, including for place-based trials.

The national measures for First Nations peoples being delivered under the Aboriginal and Torres Strait Islander Action Plan as part of the 2023-24 Budget include:

- \$28.522 million for Increasing capacity of crisis accommodation services, over 3 years from 2023-24 to 2025-26.
- \$14.023 million for Family, domestic and sexual violence programs in Aboriginal and

Torres Strait Islander Community-Controlled Organisations, over 4 years from 2023–24 to 2026–27.

- \$37.493 million for Community-led Aboriginal and Torres Strait Islander men’s wellness centres, over 4 years from 2023-24 to 2026-27.
- \$10.998 million for Community-led prevention services, programs and campaigns for Aboriginal and Torres Strait Islander children, over 3 years from 2023-24 to 2025-26.
- \$31.678 million for the expansion of the Escaping Violence Payment place-based trial into Dubbo, Darwin and Broome, over 2 years from 2024-25 to 2025-26. \$7.7 million for the establishment of a First Nations Family, Domestic and Sexual Violence National Peak Body, over 3 years from 2023-24 to 2025-26.
- \$3.2 million over 2 years to establish up to 5 community networks to improve collaboration and service integration across the family safety sector, including through service mapping, gaps analysis and community needs assessment.
- \$13.4 million in the 2024-25 financial year to maintain base funding for critical family violence service provision, including funding programs under the third and fourth action plans under the National Plan to Reduce Violence against Women and their Children- 2010-2022-.
- \$23.2 million over 4 years to support First Nations children and families impacted by family violence and at risk of engaging in the child protection system, through the establishment of trauma-aware, place--based- healing programs, in up to 7 locations.
- \$68.6 million over 2 years to 2025--26 to maintain existing funding base for the Family Violence Prevention Legal Service (FVPLS), which provides services for First Nations families, predominately women and children, experiencing family, domestic and sexual violence.

4.2.2 Prevention, early intervention and response initiatives

The 2022-23 Budget provided funding for prevention activities and campaigns to change attitudes and behaviours around violence against women and children. This includes \$83.5 million over six years for high-quality and age-appropriate consent and respectful relationships education to be taught in schools, as well as funding for additional phases of the Stop It at the Start campaign and a national consent campaign. The Stop it at the Start campaign is adapted to reach First Nations audiences. Specialist First Nations suppliers are engaged to deliver culturally appropriate information and to undertake community outreach activities. Furthermore, \$104.4 million over five years has been provided to support the national primary prevention organisation, Our Watch, to implement its mission to prevent violence, deliver on key priorities under the National Plan, boost efforts in prevention for LGBTIQ+ people, women with disability and migrant women, and educate young people about consent.

The Government also funds services for perpetrators seeking to change their behaviour. This includes \$10.8 million to continue funding No To Violence for a Men’s Referral Service, confidential telephone counselling and referrals for perpetrators of family and domestic violence to help change their behaviour, the Brief Intervention Service (which provides multi-session telephone counselling to men seeking support to change their violence or controlling behaviour), and \$25.0 million to partner with States and Territories to apply innovative approaches to address family and domestic violence perpetrator behaviour. \$34.8 million has also been provided for a new early intervention trial for young men and adolescent boys aged 12 to 18 years who present with adverse childhood experiences including family or domestic violence, and who are at risk of perpetrating family, domestic or sexual violence.

4.2.3 Building justice sector capability

The Government is providing \$12.6 million over five years from 2022-23 to support a nationally coordinated approach to education and training on family, domestic and sexual violence for community frontline workers, health professionals, and the justice sector. This includes funding for continued judicial education on family and domestic violence through the National Domestic and Family Violence Bench Book (Bench Book) and the Family Violence in the Court (FViC) training program, as well as development of new training for legal practitioners on coercive control. The grant agreements to provide the Commonwealth's contribution for the ongoing maintenance of the Bench Book and continued delivery of the FViC training program are in place and will conclude on 30 June 2027. In June 2023, the department released a discussion paper seeking stakeholder feedback to inform the design of a potential grant opportunity to develop the training for legal practitioners on coercive control. The department has analysed the submissions received through the consultation process and is considering appropriate next steps.

The Government has also committed \$4.1 million over four years from 2022-23 to enhance the effectiveness of police responses to family, domestic and sexual violence through the development and delivery of a national law enforcement training package. The package will build on training that exists in the states and territories; seeking to enhance law enforcement's response through increasing awareness of coercive control as a dynamic that almost always underpins family and domestic violence, and improving recognition of indicators to identify the more subtle behaviours of FDSV, including through the use of technology facilitated abuse. The delivery of the package will enhance women and children's safety by equipping law enforcement across Australia to effectively identify and support victim-survivors of FDSV, with a focus on First Nations and Culturally and Linguistically Diverse women, respective cultural sensitivities and the impact on their families and children more broadly.

These training measures complement the five-year *Work Plan to Strengthen Criminal Justice Responses to Sexual Assault 2022-27*, endorsed by all Australian Attorneys-General on 12 August 2022, under which the Australian, State and Territory governments will take collective and individual action to improve the experiences of victim-survivors of sexual assault, including First Nations victim-survivors, in the criminal justice system. The Government has also provided funding in the 2022-23 Budget for a range of measures to bolster criminal justice responses to sexual assault and promote consistent outcomes for all victim-survivors of gendered violence.

4.2.4 Sector strengthening measures

The Government is working to strengthen the family safety sector by improving the capability of service providers to deliver accessible, integrated, trauma informed, and culturally safe services for First Nations peoples through a number of initiatives. These include:

- The \$3.2 million Connected Family Safety Services initiative, an action item in the Aboriginal and Torres Strait Islander Action Plan, that aims to address these barriers by empowering remote First Nations communities and organisations to map family safety services and identify gaps, together with Government, and develop a community plan that suits them.
- Project B.I.R.D (Believe, Inquire, and Respond to Disclose), a \$3.8 million investment to train both mainstream and Aboriginal and Torres Strait Islander health workers to improve early disclosure conversations and access to specialist services for victim survivors of child sexual abuse.
- Strengthening the capability of eligible IAS funded family safety service providers is also being targeted through the Stronger Family Safety Services Project. This provides targeted supports to address self-identified gaps and build on organisational strengths.

4.3 Children's safety and wellbeing measures

The Government recognises that all children and young people should be able to grow up safe, supported and connected to family, community and culture. The National Plan recognises children and young people as victim-survivors of gender-based violence in their own right. The Government is committed to promoting the safety and wellbeing of children, including through Safe and Supported. To support the goal of Safe and Supported, the Government is implementing a \$30 million package involving five initiatives, including:

- \$10 million over five years to collaboratively develop a National Child and Family Investment Strategy to target early intervention to support children and families experiencing disadvantage and vulnerability, by better coordinating and reducing duplication between Commonwealth and State and Territory early support services.
- \$8 million over five years to establish an Aboriginal and Torres Strait Islander Centre of Excellence in child and family support to provide a central point to bring evidence-based and outcomes-focused approaches to the development and delivery of policies and programs affecting vulnerable and disadvantaged First Nations children and young people, including those at risk of, or who have experienced, family and domestic violence, abuse or neglect.

This package originally included \$2 million over four years to co-design and commence the role of a National Advocate for Aboriginal and Torres Strait Islander Children and Young People. This measure is superseded by the Government's announcement in the 2024-25 Budget that \$5.9 million over 2 years from 2024-25 will be provided to establish an interim National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, as a first step towards a legislated, independent and empowered National Commissioner.

The interim National Commissioner will undertake consultations with First Nations communities, children and young people, and other stakeholders, to inform advice to Government on the full suite of functions for the ongoing National Commissioner and an independent Office of the National Commissioner, both of which will be established under legislation.

The ongoing National Commissioner, once established, will be dedicated to protecting and promoting the rights, interests and wellbeing of First Nations children and young people. They will advocate for the innate strength and value of First Nations children and young people and amplify their voices, including their strengths, sense of hope and ideas for change.

4.3.1 Preventing and responding to child sexual abuse

The Government's efforts to address child sexual abuse may also be of interest to this Inquiry, noting the Committee is examining the systemic causes of all forms of violence – including sexual violence – against First Nations women and children, and actions to remove those systemic causes.¹³

First Nations people are a priority group under the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*. The Strategy, which is being developed and implemented by the National Office for Child Safety (National Office), has two measures specifically designed to support and empower First Nations communities. These measures are led by the NIAA:

- Delivering a trauma-aware, healing-informed and culturally appropriate, training package to improve early disclosure experiences of, and access to specialist services for First Nations victims and survivors; and
- Developing First Nations-led healing models for First Nations individuals, families and communities impacted by child sexual abuse in five locations in partnership with First Nations experts.

¹³ As per terms of reference (d) and (e).

The National Office has also developed the *Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations* resource to help organisations that engage with First Nations children, young people and communities to become more child safe in a culturally safe way.

Further, the Government has committed \$22.5 million to establish the National Centre for Action on Child Sexual Abuse, which has established a dedicated First Nations College as an advisory body, to provide insights, knowledge and expertise from lived experience from their communities.

4.4 Other relevant measures

The Government is also leading on a range of other national responses to issues concerning justice, legal systems and the safety of women and children, outlined below.

4.4.1 National Cabinet on gender-based violence

The Prime Minister convened a National Cabinet meeting to discuss gender-based violence on 1 May 2024. At this meeting, First Ministers agreed to a number of priorities and outcomes for the Australian, state and territory governments, building on efforts underway under the National Plan, including:

- Strengthening prevention efforts through targeted, evidence-based approaches to build on the current universal approaches to ending gender-based violence. The Government committed \$1.3 million in the 2024-25 Budget to establish an independent expert panel to undertake a rapid review of the approach to violence prevention and advise Government on additional efforts to end the cycle of violence.
- Improving police responses to high risk and serial perpetrators, including considering use of focused deterrence and fixated threat strategies, led by Police Ministers and Attorneys-General.
- Strengthening national consistency and driving best practice approaches across jurisdictions, including relating to risk assessment of high risk perpetrators and responses to sexual assault, led by the Council for the Australian Federation.
- Improving information and data sharing about perpetrators across systems and jurisdictions, led by Data and Digital Ministers and Women and Women's Safety Ministers.
- Maintaining a focus on missing and murdered First Nations people throughout this work.

First Ministers will report back to National Cabinet on this work in the third quarter of 2024.

4.4.2 Coercive control

The *National Principles to Address Coercive Control in Family and Domestic Violence* (National Principles) were released in September 2023 by the Commonwealth and State and Territory Governments. The National Principles establish a shared national understanding of coercive control and its impacts. Improved awareness of coercive control will inform more effective responses to family and domestic violence and promote more consistent and safer outcomes for victim-survivors. The National Principles recognise that coercive control is almost always an underpinning dynamic of family and domestic violence and is a pressing issue that requires a coordinated, national approach. Coercive control involves perpetrators using abusive behaviours in a pattern over time in a way that creates fear and denies liberty and autonomy. Perpetrators may use physical or non-physical abusive behaviours, or a combination of both.

The National Principles recognise that understanding the experience of coercive control for Aboriginal and Torres Strait Islander communities requires considering the context of colonisation, intergenerational trauma, systems abuse and racist policy and practice. The unique experiences of First Nations communities are integrated throughout the National Principles. For example, the National Principles recognise that the misidentification of First Nations women as perpetrators of family and domestic violence is a significant issue, and that responses to coercive control must

not exacerbate discrimination and inequality for First Nations peoples. The National Principles also acknowledge that First Nations victims-survivors have unique lived experiences and perspectives on coercive control, which should inform tailored and culturally safe initiatives.

The National Principles were informed by broad consultation, including culturally safe, trauma-aware and healing informed roundtable discussions with First Nations participants. First Nations people were also represented on the stakeholder Advisory Group.

A range of materials have been released to support the implementation of the National Principles, including a fact sheet and video tailored for First Nations communities. The resources were developed by a First Nations supplier and tested with First Nations stakeholders as part of their development.

4.4.3 Ensuring the family law system is equipped to support the safety of users

The Government is committed to restoring the family law system so that it is accessible, safe, properly resourced, simpler to use, and delivers justice and fairness for all Australian families. The Government understands that many of the practices and requirements of Australian legal systems are not responsive or culturally appropriate to the needs and strengths of First Nations people, and that they can face a number of barriers to accessing justice.

A number of reforms have been put in place to enhance the ability of Commonwealth, State and Territory authorities to ensure the safety of users of the family law system, including improved information-sharing following the commencement of the *Family Law Amendment (Information Sharing) Act 2023* on 6 May 2024, and through the co-location of State and Territory child protection and policing officials in family law courts, culturally sensitive dispute resolution, and joined-up services (including Domestic Violence Units and Health Justice Partnerships).

In addition to the National Domestic and Family Violence Bench Book noted at 4.2.3, the Government is funding the development of a National Bench Book on Aboriginal and Torres Strait Islander Peoples and the Legal System. This Bench Book intends to improve access to and delivery of quality, culturally appropriate justice and legal assistance services to First Nations peoples, by better informing judicial officers and legal professionals about the cultural and legal issues faced by First Nations peoples in the justice system and promoting best practice.

4.4.4 Territories Stolen Generations Redress Scheme

The Territories Stolen Generations Redress Scheme (the Scheme) is a financial and wellbeing package for Stolen Generations survivors who were removed as children from their families or communities, and whose removal took place in the Northern Territory or the Australian Capital Territory prior to self-government, or the Jervis Bay Territory (collectively known as the territories). The Scheme has been funded \$378.6 million over five years as part of the Closing the Gap Commonwealth Implementation Plan and seeks to recognise the harm and trauma experienced by Stolen Generations survivors.

The Scheme offers a:

- Redress payment of up to \$75,000
- Healing assistance payment of \$7,000
- Personal Acknowledgment (Direct Personal Response).

4.4.5 Online Safety initiatives

The Australian Government has provided \$3 million over 4 years (2021-22 to 2024-25) for the eSafety Commissioner to provide targeted support for children experiencing Technology Facilitated Abuse. This includes resources to help adults, such as frontline workers and educators, work with children to identify early warning signs of technology-facilitated abuse, and develop and implement strategies to manage the effects of abuse and assist them to seek support. It also includes resources

for the children and young people affected.

In addition, the Government has allocated:

- \$10 million over 5 years for the Preventing Tech-Based Abuse of Women Grants Program, led by eSafety.
- \$16.6 million over 4 years to develop a support service relating to technology-facilitated family, domestic and sexual violence for victim-survivors and frontline workers. This is in addition to ongoing training of frontline workers by eSafety to recognise and respond to technology-facilitated family, domestic and sexual violence, with over 20,000 workers trained since 2015.
- \$6.5 million for a trial of age assurance technologies to protect children from harmful content, like pornography and other age-restricted online services.

5. Data on First Nations family and domestic violence

Government agencies use and rely on data in different ways. Policy departments are informed by data when conducting their work, while specialist agencies have a range of data collection and analysis functions.

The following section provides an overview of key data sources relevant to this Inquiry, and initiatives the Government is leading to improve data collection and facilitate and support better data sharing and linkages.

5.1 Data collection

A range of data sources contribute to the evidence base to support policy and programs regarding First Nations community safety, assault, homicide, violence prevention, child protection, and juvenile and adult contact with (and outcomes of) the criminal justice system. Australian and State and Territory governments have also made a number of commitments to improve future data collection in these areas. Examples of these sources and commitments are outlined below. A list of the main data resources on Indigenous safety, protection, violence and justice used by the Government is provided at **Attachment A**.

5.1.1 National Missing Persons Coordination Centre

The National Missing Persons Coordination Centre (NMPCC) is funded by the Government through the AFP. Its mission is to reduce the incidence and impact of missing persons and to educate the Australian community about this significant issue. The NMPCC is committed to driving and coordinating national research in relation to missing persons. Understanding why people go missing is essential for identifying preventative strategies and establishing a coordinated approach across the sector to reduce the incidence and impact of missing persons. There is a strong need for research in the missing persons sector, with only a handful of research reports dedicated to the issue in Australia. Research requires access to jurisdictional police records on missing persons.

5.1.2 National Homicide Monitoring Program

Long-term data collections, such as the National Homicide Monitoring Program (NHMP), provide critical information on the prevalence and patterns of homicide victimisation among First Nations women and children. The NHMP compiles data on all incidents, victims and offenders of homicide recorded by Australian State and Territory police. It includes data on Indigenous status of victims and offenders, the relationship between victim and offender as well offender history of family and domestic violence (whether as a perpetrator, victim or both).

The NHMP is Australia's only national system with the capacity to monitor homicide incidents, victims and offenders and facilitate detailed analysis of homicide types and trends. NHMP data and its analysis provides an important foundation for the development and implementation of evidence-based policy, including the Government's response to violence against women and

children.

A new intimate partner homicide dashboard due to be released mid-2024. The dashboard will provide accurate, verified and closer to real-time data with cumulative, quarterly updates on incidents of intimate partner homicide. This will allow police, governments and policymakers a better understanding of the scale and detail of violence and drive action to end gender-based violence

5.1.3 Closing the Gap Data Development Plan

The National Agreement committed all Australian, State and Territory governments to establish a Data Development Plan (DDP) to identify appropriate contextual indicators and information to aid reporting. The DDP outlines and prioritises the data development actions under each target of the National Agreement. It is intended to facilitate a richer array of high-quality data sources attached to all targets over the life of the National Agreement.

The final DDP was agreed by the Joint Council in August 2022 and included agreement that all parties develop data to inform progress against the Priority Reforms and Targets. The Commonwealth and jurisdictions will work together to achieve suitable and consistent data to inform on outcomes.

As part of the National Agreement, the Productivity Commission has also developed and maintains a live dashboard of data on all the National Agreement targets and indicators at a national, State and Territory level, available at <https://www.pc.gov.au/closing-the-gap-data/dashboard>.

5.1.4 First Nations Data Collection Project

On 7 November 2023, Minister Rishworth announced a \$15 million investment in First Nations-led research on FDSV.

- Reform Area 4 in the dedicated *Aboriginal and Torres Strait Islander Action Plan 2023-2025* under the *National Plan to End Violence Against Women and Children 2022-2032* focuses specifically on improving the evidence and data eco-system and promotes shared access to data and information at the regional level. This reform area aims to achieve local, culturally informed evidence that is collected and maintained by Aboriginal and Torres Strait Islander researchers, or Aboriginal owned or led research organisations, and used to develop solutions.
- The measure addresses the need for community-led projects to assess FDSV in a culturally-safe and sensitive manner. Research projects under this measure will consider information beyond prevalence statistics to provide insights into the causes of different types of violence experienced.
- Successful projects will provide both the community and government with guidance to build appropriate prevention, early intervention, response, and recovery and healing efforts to reduce prevalence of violence against Aboriginal and Torres Strait Islander women and children.
- The measure will be delivered in formal partnership and shared decision-making (Priority Reform 1) and will build access to data and information at the regional level (Priority Reform 4) as outlined in Closing the Gap.

5.1.5 Family, domestic and sexual violence data in Australia

The AIHW in November 2023 released an enhanced reporting dashboard containing key measures on family, domestic and sexual violence. This reporting website will be updated to provide an overview of measures and targets tracked through the Performance Measurement Plan under the Outcomes Framework of the National Plan to End Violence against Women and Children 2022- 2032.

The Government acknowledges there are gaps and deficiencies with the quality and availability of data on First Nations family and domestic violence.

For example, while previous iterations of the Personal Safety Survey provide a general population level view of violence, it is not designed to collect the unique experiences and prevalence rates of family violence in First Nations communities. Specifically, the survey does not include a nationally representative sample of Indigenous people nor people living in very remote communities.¹⁴

While some national prevalence data are available through the National Aboriginal and Torres Strait Islander Health Survey (NATSIHS)¹⁵ and ABS releases such as *Recorded Crime – Victims*¹⁶, and some data are available from individual jurisdictions, these sources do not provide a complete picture of First Nations people's experience of family, domestic and sexual violence.

Gaps in data collection are exacerbated by significant and complex barriers experienced by First Nations women in regard to reporting violence to police. Barriers to reporting identified in the 2017 National Community Attitudes towards violence against women Survey included: fear of institutional racism, lack of cultural safety, reluctance to access the criminal justice system in response to family violence because of the ways in which Indigenous people have been negatively treated in the past, fear that their children will be forcibly removed, and fear of homelessness.¹⁷

Further, there is no nationally consistent approach or requirement for the recording of gender and Indigenous status of people reported missing, and Indigenous identification across all datasets remains incomplete, of poor quality, or not collected. Additionally, it is often difficult to compare existing datasets due to differences in collection methods. Improving the quality of Indigenous identification across all relevant datasets continues to be a priority in order to provide more complete information about family and domestic violence among First Nations peoples.¹⁸ The Government is also working to address these issues through improved data sharing and linkages, discussed below.

5.2 Data sharing

The Government facilitates and supports inter-jurisdictional data sharing. For example, the Data and Digital Ministers Meeting (DDMM), brings together leaders at the Commonwealth and State and Territory level to collaborate on data and digital transformation. The Intergovernmental Agreement on Data Sharing (IGA) was signed by National Cabinet on 9 July 2021 and reviewed by Data and Digital Ministers in September 2023. The IGA commits all jurisdictions to share public sector data by default, where it can be done securely, safely, lawfully and ethically. The IGA is implemented through the DDMM) and is supported by the National Data Sharing Work Program¹⁹.

The Government recognises that data should be shared as default, where appropriate, between government agencies, non-government organisations and community organisations for collaborative purposes. In this spirit, the *Data Availability and Transparency Act 2022* (Cth) establishes a scheme for the sharing of Australian Government data between agencies, States and Territories, and certain other institutions such as universities. Appropriately, the scheme precludes the sharing of data by or with Government law enforcement and intelligence entities.

Under the first National Data Sharing Work Program, the DDMM supported a scoping project on family, domestic and sexual violence. Scoping was completed in February 2022 and included a stocktake of projects across jurisdictions and data sharing approaches, processes and barriers. The DDMM agreed to consider future data sharing priority areas in early 2023 in support of the National

¹⁴ [Personal Safety, Australia methodology, 2016 | Australian Bureau of Statistics \(abs.gov.au\)](#)

¹⁵ [National Aboriginal and Torres Strait Islander Health Survey, 2018-19 financial year | Australian Bureau of Statistics \(abs.gov.au\)](#)

¹⁶ [Recorded Crime - Victims, 2021 | Australian Bureau of Statistics \(abs.gov.au\)](#) and [National Aboriginal and Torres Strait Islander Health Survey, 2018-19 financial year | Australian Bureau of Statistics \(abs.gov.au\)](#)

¹⁷ [ANROWS: National Community Attitudes towards Violence against Women Survey \(NCAS\) - ANROWS - Australia's National Research Organisation for Women's Safety](#)

¹⁸ Australian Institute of Health and Welfare, 2018: [2.10 Community safety - AIHW Indigenous HPF](#)

¹⁹ [Intergovernmental agreement on data sharing fact sheet | Department of the Prime Minister and Cabinet \(pmc.gov.au\)](#)

Plan, which has a key focus on improved data collection, coordination and consistency.

Priority Reform 4 of the National Agreement recognises that shared access to location specific data and information enables Aboriginal and Torres Strait Islander organisations and communities to obtain a comprehensive picture of what is happening in their communities and make decisions about their future. To facilitate this, the Government has a number of partnerships with Aboriginal and Torres Strait Islander organisations to support data access and use by First Nations communities, and strategies to make data more transparent. For example, the ABS Round Table for Aboriginal and Torres Strait Islander Statistics advises the Government on relevant activities including the Census, surveys, data integration and data governance. The Government also supports Engagement Managers, who are Aboriginal and Torres Strait Islander officers, to work directly with communities across Australia to improve Aboriginal and Torres Strait Islander access and use of ABS data.

The National Cabinet meeting on gender-based violence on 1 May 2024 (see section 4.4.1) agreed to improve information sharing about perpetrators of gender-based violence across systems and jurisdictions. This will be led through the Data and Digital Ministers Meeting and Women and Women's Safety Ministerial Council.

5.3 Data linkage

Data linkage/integration is a burgeoning field of analysis and research to assist in building the evidence base to support policy development when there is a strong public benefit in doing so. Linkage projects can provide longitudinal analysis of individuals across various engagements with services, and build understanding of relationships between key drivers of outcomes filling important knowledge gaps on challenging social issues. It is important to note that data linkage projects require rigorous assessment of privacy impacts and approvals for each custodian of the data.

The AIHW is investigating relationships between child protection and youth justice datasets and is also working with the ABS linking criminal justice datasets, but this linkage is not yet a feature of ongoing reporting.

The NIAA is working in partnership with the AIHW, ABS and AGD to develop the Criminal Justice Data Asset (CJDA), which is a longitudinal and enduring national data asset linking police recorded criminal offenders and defendants in Australia's criminal courts with adult prisoners in the corrective services systems. The CJDA will show how people move and interact within and across the justice system nationally, and has potential to be linked to other Commonwealth and State/Territory held datasets for deeper analysis of the characteristics of criminal offenders. If endorsed by data custodians, it is expected to be available for use by approved researchers and policymakers in 2025 and will enable analysis of patterns of offending and policies to reduce recidivism.

The AIHW is also developing an Australian Child Wellbeing Data Asset (ACWDA) under the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*. The ACWDA is a data linkage project that will incorporate data on all aspects of a child's wellbeing and improve our understanding of the interaction between wellbeing factors and a child's journey through the service system. The ACWDA will consider how the conceptualisation of First Nations wellbeing may be unique, and how to account for that in the ACWDA.

5.4 Research and studies

Individual datasets provide a snapshot of populations engaging with services, but are usually not linked, and are thus unable to follow an individual across multiple interactions with services.

Research and studies from organisations such as the AIC assist to piece together the known evidence about missing and murdered Australians, including First Nations women and children.

For example, the 2020 Family and Community Safety for Aboriginal and Torres Strait Islander

Peoples (FaCtS) Study²⁰, led and governed by Aboriginal and Torres Strait Islander people in collaboration with urban, rural and remote communities, considered what is needed to reduce family violence and generate evidence into its origins. The FaCtS study found that family and community violence are significant causes of morbidity and mortality in First Nations communities and populations, and that colonisation and related violence enacted on First Nations peoples and communities, perpetuated by intergenerational trauma and the undermining of traditional gender structures, is at the root of this violence. The study also found that the catalysts of violence are housing problems, racism, financial stress, alcohol and other drug use, poor physical health, poor social and emotional wellbeing – including poor mental health – unemployment, contact with and lack of support from the policing and justice systems, and incarceration.

Another example is the *Aboriginal and Torres Strait Islander Health Performance Framework* (HPF) report²¹ series, which provides a valuable evidence resource for high level population outcomes on health, social determinants and health system performance including measures of community safety, child protection and contact with the criminal justice system. This resource provides evidence across many datasets by sex, jurisdiction and sometimes remoteness, including on homicide, hospitalisation for assault, experiences of physical and threatened violence, and draws upon published research and evaluations. The HPF has not, as yet, included analysis of missing persons, although this could be explored.

The Australian Child Maltreatment Study (ACMS) is another important project, being the first high-quality, nationally representative study of all five forms of child maltreatment (sexual abuse, physical abuse, emotional abuse, neglect, and exposure to family and domestic violence), including the long-term mental and physical health outcomes and the burden of disease related to child maltreatment²². The ACMS was publicly released in April 2023 and did not include disaggregated data for First Nations people. Under the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*, the National Office of Child Safety has funded a second wave of the ACMS which will include estimates for key groups – including First Nations people – who require differing methodology to ensure the study findings are culturally safe, accessible, and that systemic bias is not embedded into the research design and findings. Work on the scoping study for the wave 2 is commencing now, with results expected to be available 2026-27.

The AIC is also undertaking a number of public surveys focused on the use of internet pornography and social media/dating applications, and their role in sexual violence. The AIC surveys will canvass the experiences of violence within a nationally representative sample of respondents, including First Nations women, in relation to these forms of technology. This information will help address a lack of understanding of how technology intersects with the systemic causes of violence against First Nations women and children, and of the prevalence of technology-facilitated violence victimisation within this population. Emergent research points to the various ways that social media and dating applications can facilitate sexual and other forms of violence²³.

In addition, research into the experiences of technology facilitated abuse of Aboriginal and Torres Strait Islander women from regional and remote communities was released in August 2021 under the Fourth Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010-2022*, and the eSafety Commissioner provided grants to Aboriginal Community Controlled Organisations for the development of resources and training to support First Nations women and children experiencing technology-facilitated abuse.

²⁰ [Family and Community Safety for Aboriginal and Torres Strait Islander Peoples \(FaCtS\) Study \(Guthrie et al 2020\)](#)

²¹ www.indigenoushpf.gov.au/

²² [The Australian Child Maltreatment Study \(ACMS\)](#)

²³ [Sexual harassment, aggression and violence victimisation among mobile dating app and website users in Australia | Australian Institute of Criminology \(aic.gov.au\)](#)

Attachment A

Main data sources on Indigenous safety, protection, violence and justice

| Data Source | Indigenous status collected? | Collected by | Coordinating Agency | Comment |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Missing Persons | Variable quality. Data reported for NSW, Vic, SA, NT | States & Territories | National Missing Persons Coordination Centre, AFP | Routine quantitative analysis is not done. Analysis requires research into data held by jurisdictional police |
| National Child Protection Data Collection e.g. out-of-home care | Yes | States & Territories | AIHW | Tasmanian Indigenous status data requires caution as status is no longer cross-checked with other databases |
| National Hospital Morbidity Data e.g. assault hospitalisations | Yes | States & Territories | AIHW | Can yield family violence related assault when relationship to perpetrator is a family member – however, this is likely under-reported. |
| National Aboriginal and Torres Strait Islander Social Survey 2014-15, National Aboriginal and Torres Strait Islander Health Survey 2018-19 | Yes | ABS | ABS | Self-reported experience of physical or threatened violence in last 12 months and relationship to perpetrator. Significant limitations, potential under-reporting/self-censoring of experiences of violence as surveys are conducted in face to face interviews in the respondents' home. |
| National Homicide Monitoring Program | Yes | States & Territories police data and National Coronial Information System | AIC | The National Homicide Monitoring Program (NHMP) collates data from police services, the National Coronial Information System and court documents on homicide (murder, manslaughter, infanticide) incidents, victims and offenders. AIC provided the Committee with a detailed submission to this Inquiry. |

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| Police administrative data | NSW, Qld, SA and NT. ACT for Recorded Crime – Offenders only | States & Territories, data extracts provided to the ABS. | ABS | <p>Recorded Crime – Victims – police administrative data collection presenting national data about victims of a range of personal, household and family and domestic violence offences.</p> <p>Recorded Crime – Offenders – police administrative data collection presenting national data about offenders proceeded against by police, including demographic information, most serious offences, and family and domestic violence statistics.</p> |
| Criminal Courts | NSW, Qld, SA and NT | States & Territories, data extracts provided to the ABS. | ABS | Criminal Courts, Australia - courts administrative data collection presenting national data about defendants dealt with by criminal courts including demographic information, offence, outcome and sentence information, and experimental family and domestic violence statistics. |
| National Prisoner Census | Yes – note there may be some differences in the collection of Indigenous status data for WA | States & Territories, data extracts provided to the ABS. | ABS | Prisoners in Australia - corrective services administrative data collection presenting national data about prisoners in the legal custody of adult corrective services agencies at 30 June each year, including demographic information, imprisonment rates and most serious offence |

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| National Corrective Services | Yes – note there may be some differences in the collection of Indigenous status data for WA | States & Territories, data extracts provided to the ABS. | | Corrective Services, Australia - corrective services administrative data collection released quarterly and presenting national data about persons either held in adult corrective services custody or who are serving adult community-based orders, including demographic information, custody/order type and statistics on prisoner receptions and releases. |
| Youth Justice National Minimum Dataset | Yes | States & Territories | AIHW | |
| Legal Assistance Services, 2022-23 | Yes | States & Territories | ABS | Legal Assistance Services – experimental national statistics about NLAP funded legal assistance services and clients who received these services. Includes demographic and service information, and data about clients and services completed by ATSILs. |
| Specialist Homelessness Services Collection | Yes | States & Territory services funded under the National Housing and Homelessness Agreement | AIHW | |
| National Community Mental Health Care Database mental health service contacts | Varying quality of Indigenous identification across jurisdictions, Indigenous status missing in 5% of contacts | States & Territories | AIHW | |
| Alcohol and other drug (AOD) treatment services | Yes | States & Territories (publicly funded services), but not all Indigenous specific AOD services are included | AIHW | |
| Population and Housing Census – Homelessness data | Yes | ABS | ABS | |

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|------------------------------|-------------------------|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Personal Safety Survey (PSS) | Not able to be reported | ABS | ABS | <p>Personal Safety Survey (ABS) - A nationally representative cross-sectional survey about the nature and extent of violence experienced since age 15. Including, sexual assault; sexual harassment, staking, family and domestic violence; partner emotional and economic abuse. It also measures physical/sexual abuse and witnessing parental violence before age 15.</p> <p>\$15 million funding over 5 years will be used to develop a culturally appropriate data set that can show a national picture for First Nations women and children to report progress on Target 13 of the National Agreement on Closing the Gap (by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50 per cent, as progress towards zero).</p> |
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