



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

MEDIA RELEASE

15 August 2024

Senate committee calls for harmonisation of police best practices, First Nations role at Domestic, Family and Sexual Violence Commission, changes to media reporting

On 15 August 2024, the Senate Legal and Constitutional Affairs References Committee delivered its final report on missing and murdered First Nations women and children.

At the conclusion of its two-year inquiry, the committee is humbled and indebted to the families who relived their experiences and discussed the abuse, violence and trauma they have suffered, and the failure of institutions and systems tasked with protecting them. Their strength and resilience, as well as their fight for justice—in some cases over decades—is inspiring.

For many First Nations women and children who have been murdered or disappeared, there has been little, if any, justice. In too many instances, perpetrators have not been held to account for their shocking crime. In the cases considered by the committee, what happened to these women and children is reprehensible. Often, it was predictable and preventable.

Whilst there have been reforms by some government agencies and police services in recent years, the evidence received by the committee particularly underlined the importance of police practices, including from the time of initial reporting.

Accordingly, the committee has recommended that the Attorney-General tasks the Police Ministers Council to conduct a review of ‘existing police practices in each jurisdiction, consider the learnings from each jurisdiction and aim to implement and harmonise best police practices across Australia by no later than 31 December 2025, with the goal of ensuring all interactions with First Nations people are consistent and of a high standard, including standards of cultural awareness and safety’.

The committee has also called for:

- culturally appropriate and nationally significant recognition and remembrance of murdered and disappeared First Nations women and children;
- the appointment of a First Nations person at the Domestic, Family and Sexual Violence Commission with responsibility for advocating on behalf of and addressing violence against First Nations women and children;

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- urgently giving effect to the relevant recommendations in the Independent Review of the National Legal Assistance Partnership so support longer-term needs-based funding for women’s legal service and First Nations women’s legal services;
- at a federal level, the development and implementation of a sustainable funding mechanism to provide ongoing support services for First Nations people, including women and children, experiencing domestic, family and sexual violence; and
- given the deep concerns of First Nations families, the Australian Press Council to consider how the media portrays cases of murdered and disappeared First Nations women and children, including consideration of additional Australian Press Council Standards or Advisory Guidelines or amendment of the existing Standards and Advisory Guidelines.

The committee’s full recommendations are attached at **Appendix 1**.

Further information about the inquiry, including the full final report, is available at:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/FirstNationswomenchildren.

For media comment, contact the office of Senator Paul Scarr, Committee Chair, on 02 6277 3712. For information about the inquiry process, please contact the committee secretariat on 02 6277 3560 or email legcon.sen@aph.gov.au.

Attachment 1: Recommendations

Recommendation 1

The committee recommends that federal, state and territory governments codesign with First Nations families and communities, and on behalf of all Australians, a culturally appropriate and nationally significant way in which to recognise and remember the First Nations women and children who have been murdered or disappeared.

Recommendation 2

The committee recommends that the Attorney-General tasks the Police Ministers Council to review existing police practices in each jurisdiction, consider the learnings from each jurisdiction and aim to implement and harmonise best police practices across Australia by no later than 31 December 2025, with the goal of ensuring all interactions with First Nations people are consistent and of a high standard, including standards of cultural awareness and safety. In performing this role, the committee recommends that the following practices and procedures be considered:

- ongoing and mandatory cultural awareness training for all employees (that is, both sworn and civilian members);
- training courses developed and led by First Nations people, including components on lived experience, trauma-informed practice and effective communication;
- recruitment, support and promotion of First Nations people, including to senior management positions; and
- appropriate guidelines for the review of past cases involving disappeared and murdered First Nations women and children where families are seeking review. These should be replicated through the justice system as recommended by the NSW State Coroner in the inquest into the death of Mona Lisa Smith and Jacinta Rose Smith.

Recommendation 3

The committee recommends that the Senate Legal and Constitutional Affairs Legislation Committee or the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, or such other appropriate body, monitors progress in meeting Recommendation 2 and the progress of measures to address the issues relating to discernible data gaps.

Recommendation 4

The committee recommends that the Australian government appoints a First Nations person with specific responsibility for advocating on behalf of and addressing violence against First Nations women and children within the Domestic, Family and Sexual Violence Commission. Detailed consideration should be given to the way in which the position is created within the Domestic, Family and Sexual Violence Commission (for example, should it be

Commissioner or Deputy Commissioner level), the powers of such position and the necessary funding for such position to maximise effectiveness.

Recommendation 5

The committee recommends that the Australian government urgently gives effect to the relevant recommendations in the Independent Review of the National Legal Assistance Partnership 2020–2025, in particular Recommendations 2–3, 9 and 11–12, and specifically addresses the need to increase the geographic spread and capacity of Family Violence Prevention Legal Services.

Recommendation 6

The committee recommends that the Department of Social Services, the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the National Indigenous Australians Agency develop, for implementation, a sustainable funding mechanism to provide ongoing support services for First Nations people, including women and children, experiencing domestic, family and sexual violence. This funding must prioritise service and program delivery by Aboriginal community-controlled organisations who demonstrate evidence-based primary prevention initiatives that are independently evaluated for efficacy, including for delivery in regional and remote areas.

Recommendation 7

The committee recommends that the Australian government empowers First Nations women to lead the design and implementation of services and supports that address violence in their communities, as consistently advocated by the *Wiyi Yani U Thangani (Women's Voices)* project, and reflecting the principles contained in the United Nations Declaration on the Rights of Indigenous People.

Recommendation 8

The committee recommends that:

- the Australian National Audit Office (ANAO) gives serious consideration to auditing the Attorney-General's Department (noting the independence of the ANAO), as part of its Annual Audit Work Program 2025–2026, to assess whether the department is effectively delivering on the commitments agreed by the Australian government under the:
 - National Agreement on Closing the Gap (in particular, Target 13);
 - National Plan to End Violence against Women and Children 2022–2032;
 - Aboriginal and Torres Strait Islander Action Plan 2023–25;
 - the First Nations National Plan, once in effect; and
- not later than six months after the conclusion of any ANAO audit, the Senate directs the Legal and Constitutional Affairs References Committee or the Joint Standing

Committee on Aboriginal and Torres Strait Islander Affairs to consider the ANAO's findings and assess the Attorney-General's Department's response to the audit. In the event that the ANAO declines to undertake the audit, then another independent body should be tasked with conducting the audit on the basis referred to above.

Recommendation 9

The committee recommends that the Australian Press Council considers and reflects on the evidence given in this inquiry, with regard to how the media portrays cases of murdered and disappeared First Nations women and children, and considers how the concerns of First Nations communities and families can be positively addressed, including through the introduction of additional Standards or Advisory Guidelines or amendment of the existing Standards and Advisory Guidelines.

Recommendation 10

The committee recommends that the Australian government systematically considers the many recommendations and suggestions made to this inquiry. This includes recommendations relating to:

- trauma informed healing, including the recommendations made by the Healing Foundation and White Ribbon Australia;
- implementation of a violence prevention framework for men and boys;
- development of Aboriginal community-based support programs for men; and
- initiatives which promote a sense of individual and community responsibility for the issue of male violence against Aboriginal women.