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natsiwa
NATIONAL ABORIGINAL AND
TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

SUBMISSION

NATIONAL ABORIGINAL & TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

SUBMISSION

TO THE

FINANCE AND PUBLIC ADMINISTRATION

COMMITTEE INQUIRY INTO

DOMESTIC VIOLENCE IN AUSTRALIA

31 July 2014

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ABOUT NATSIWA

The National Aboriginal and Torres Strait Islander Women's Alliance is one of six National Women's Alliances, with funding from the Commonwealth Prime Minister and Cabinet's Office for Women.

Established in 2009, and incorporated in March 2013, the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) proudly works to empower Aboriginal and Torres Strait Islander women to have a strong and effective voice in the domestic and international policy advocacy process.

NATSIWA's vision is as follows:

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

Since incorporation NATSIWA's Membership now includes 302 individual Aboriginal & Torres Strait Islander Women and 11 Aboriginal Organisations across Australia.

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

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

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

It is with much pleasure that NATSIWA provide the Senate Standing Committee on Finance and Public Administration, this submission in response to Term:

a.ii *women from Aboriginal and Torres Strait Islander backgrounds.*

INQUIRY TERMS OF REFERENCE

On 26 June 2014, the following matter was referred to the Finance and Public Administration References Committee for inquiry and report by the **27 October 2014**:

- a. the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:
 - i. women living with a disability, and
 - ii. women from Aboriginal and Torres Strait Islander backgrounds;
- b. the factors contributing to the present levels of domestic violence;
- c. the adequacy of policy and community responses to domestic violence;
- d. the effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence;
- e. how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and
- f. any other related matters.

Submissions closing date is 31 July 2014. The reporting date is **27 October 2014**.

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OVERARCHING RECOMMENDATIONS

1. In acknowledging the diversity of Aboriginal & Torres Strait Islander communities in Australia, the Council of Australian Governments (COAG) engage and empower all relevant Aboriginal & Torres Strait Islander stakeholders in communities in a process which empowers them to drive the initiatives in: identifying, developing and designing appropriate local responses which are to be implemented by all participating stakeholders, but not limited to child protection, police, health, mental health services, education department, drug and alcohol agencies and *Indigenous* civil society organisations on the issue of **eliminating all forms of violence**.
2. That COAG identify support for the equal investment into solutions/responses, which supports Aboriginal & Torres Strait Islander Men, and Boys in developing locally identified models to address and **prevent all forms of violent practices perpetuated against women and girls**.
3. That COAG supports a *wholistic* strategic policy process of engagement; broad resource allocation; research development and design; implementation, monitoring and evaluation in assisting service providers and local **communities towards achieving violent free societies for all Aboriginal & Torres Strait Islander Women and their Children**;
4. Commit to and provide for a budgetary allocation for culturally appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia to assist victims of sexual assault and family violence, in addition to current funding for Aboriginal Legal Services and Family Violence Units;
5. Continue to support and strengthen the role of NATSIWA, in policy development, advocacy and accountability especially through gender-balanced representation.

Challenges and concerns

There is a lack of Aboriginal & Torres Strait Islander Womens' input across the plan to note what is working, where the gaps are and where more effort is required, to ensure proportional uptake of all Outcomes by and for Aboriginal & Torres Strait Islander Women.

OTHER RECOMMENDATIONS

6. Support NATSIWA to participate in the implementation of the National Plan to ensure proportional uptake across all Outcomes as well as to monitor and evaluate the implementation of Outcome Three of The Plan.
7. Support and resource NATSIWA to increase the cultural responsiveness of services for Aboriginal women and children impacted by family violence by developing and implementing cultural competence training specific to family violence with all service providers involved in the National Plan, including: the National Online and 1800 Counselling Service, Child Protection workers, the primary care workforce and specialist services providing Early Intervention Services, Family Relationship Centres and Post Separation Services.
8. Support and resource NATSIWA to track and evaluate progress during the implementation of each of the National Plans.

There are a number of other recommendations throughout the document for your consideration.

Background

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

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

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

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

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

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

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

The impact of family violence on Aboriginal and Torres Strait Islander women and children

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

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

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

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

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

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

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

Despite similar prevalence rates for child abuse (if not neglect) among *Indigenous* and non-*Indigenous* populations, each year 14% of Aboriginal and Torres Strait islander children aged 0 to 17yrs are reported to Child Protection authorities as being at risk of maltreatment - a rate four times that of others (SCRGSP, 2011). The most common source of notifications in 2009-10 was police (26%). It should be noted that the majority (60% or 28,198) of notifications that were investigated could not be substantiated (SCRGSP, 2011). Unfortunately, when Aboriginal and Torres Strait Islander children come into contact with the Child Protection system, they are 10 times more likely than other children to be placed in out-of-home care (AIHW, 2011). Between 2008-09 and 2009-10, the number of *Indigenous* children placed in out-of-home care increased by a thousand (9%). At the same time, there is a serious shortage of culturally appropriate placements to accommodate Aboriginal and Torres Strait Islander children, making it increasingly difficult to implement the Aboriginal Child Placement Principle.

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

The National Plan to Reduce Violence Against Women

The *National Plan to Reduce Violence Against Women* has been developed to support all women and their children experiencing domestic and family violence, including *Indigenous* women and their children. The central goals of the *National Plan* are to reduce violence against women and their children by improving how governments work together, increasing support for women and their children, and creating innovative and targeted ways to bring about change. *Outcome 3* of the Plan is focused on *Strengthening Indigenous Communities* and provides some practical measures for Aboriginal and Torres Strait Islander women.

The vision of the National Plan is that Australian women and their children live free from violence in safe communities.

To measure the success of this vision, governments have set the following target for: “a significant and sustained reduction in violence against women and their children” during the next 12 years, from 2010 to 2022.

- | | |
|---------------------|---|
| National Outcome 1: | Communities are safe and free from violence |
| National Outcome 2: | Relationships are respectful |
| National Outcome 3: | <i>Indigenous</i> communities are strengthened |
| National Outcome 4: | Services meet the needs of women and their children experiencing violence |
| National Outcome 5: | Justice responses are effective |
| National Outcome 6: | Perpetrators stop their violence and are held to account |

Measuring Progress

To know whether this target is being achieved, four high-level indicators of change will be used, indicating:

- Reduced prevalence of domestic violence and sexual assault
- Increased proportion of women who feel safe in their communities
- Reduced deaths related to domestic violence and sexual assault
- Reduced proportion of children exposed to their mother's or carer's experience of domestic violence.

First Action Plan (2010–2013) – Building a Strong Foundation

The First Action Plan establishes the groundwork for the National Plan, putting in place the strategic projects and actions that will drive results over the longer term while also implementing high-priority actions in the short term.

Second Action Plan (2013–2016) – Moving Ahead

The Second Action Plan builds on the First Action Plan *by increasing community involvement in actions that will prevent the violent crimes of domestic and family violence and sexual assault... and strengthening and integrating services and systems.*

Other Reform Processes

Evidence documented in the National Framework for Protecting Australia's Children showed that overcrowding in remote Aboriginal and Torres Strait Islander communities contributes to high rates of family violence and that domestic and family violence are significant risk factors for child abuse and neglect. The National Plan to Reduce Violence Against Women builds on COAG's commitments under the Closing The Gap framework to reduce overcrowding, homelessness and housing shortages in remote communities as part of its commitment to close the gap between *Indigenous* and non-*Indigenous* Australians. If this is successful, rates of both family violence and child neglect could be expected to fall.

The Commonwealth recently launched the *Indigenous* Family Safety Program and a supporting Agenda targeted to reduce family violence. A key aim of this Agenda is to tackle alcohol abuse - the primary risk factor for *Indigenous* family violence that leads to serious injury and death - by working with communities to stem the supply of alcohol. Other priorities under the Agenda are to advocate for more effective police protection in remote communities, support community led initiatives that heal trauma and change attitudes, and improve the coordination of services to victims, especially children.

Reforms to the Child Protection system

In April 2009, COAG endorsed Protecting Children is Everyone's Business - National Framework for Protecting Australia's Children 2009-2020. The National Plan and the National Framework for Protecting Australia's Children are designed to work in tandem to bring about positive change.

The focus has been moved away from 'protecting children' in response to abuse, toward a public health approach and a system that promotes the safety and wellbeing of children and prevents abuse from occurring in the first place. Less focus is on the actions of parents and more on assessing risks and outcomes for the child, using a continuum of interventions, from primary prevention, early intervention, family support and finally statutory intervention.

Convention on the Elimination of All Forms of Discrimination Against Women Concluding Observations

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee noted with concern that *Indigenous* women face the highest levels of violence and have urged the implementation of specific strategies within the National Plan to address violence against Aboriginal and Torres Strait Islander women, including funding culturally-appropriate *Indigenous* women's legal services in urban, rural and remote areas of Australia" (paras 40 and 41).

The Government is required to report back to the CEDAW Committee on what steps it has taken to implement its recommendations on Aboriginal and Torres Strait Islander women.

Action Plan Point 11: By the 2012 CEDAW reporting period, the Federal Government must:

- a) Commit to and provide for a budgetary allocation for culturally appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia to assist victims of sexual assault and family violence, in addition to current funding for Aboriginal Legal Services and Family Violence Units
- b) Continue to support and strengthen the role of NATSIWA, in policy development, advocacy and accountability especially through gender-balanced representation.

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

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

National Outcome 3 – *Indigenous* communities are strengthened

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

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

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

- Strategy 8 - Meet the needs of *Indigenous* women and their children through improving access to information and resources, and providing avenues for advocacy and leadership.
- Strategy 9 - Improve outcomes for *Indigenous* Australians through building community safety.
- Strategy 10 - Gain a better understanding of 'what works' in improving *Indigenous* community safety.

- Strategy 12 - Deliver awareness raising, training and prevention activities and responses to violence that are tailored to meet the needs of (*Indigenous*) women with disability, including based on outcomes from the *Stop the Violence* project, and continuing to build the evidence base.

Aboriginal and Torres Strait Islander Survey

The National Aboriginal and Torres Strait Islander Women's Alliance Board and members together with relevant agencies were surveyed to review the implementation of actions and strategies in Outcome 3 of the National Plan to Reduce Violence against Women and their Children and to make recommendations to improve its implementation.

The survey was conducted via Survey Monkey and also contained generic questions about the respondent and their understanding of NATSIWA and its work.

This report is a summary of the survey feedback.

Survey Respondents

Respondents: The majority of respondents were female. A minority (5%) were male.

Age range: The majority (57%) of respondents were aged 40yrs or older (40-45yrs 25%; 45-50yrs 19%; 55-60yrs 6%; 60+ 8%). Younger respondents were aged 25-35 (19%) and 35-40yrs (19%) and 18-25 (4%).

Location: The majority of respondents lived in ACT (25%), QLD (23%) and NSW (21%).

The remaining respondents were from WA (8%), SA (6%), VIC (6%), NT (6%) and TAS (5%).

The above demographic information should be considered when contextualising the survey responses, and will be a noted factor when making recommendations to improve implementation.

Views of Survey Respondents

When asked if they were aware of the National Plan, two thirds (66%) of respondents said they were aware, while one third (33%) said they were not.

When asked whether they thought the strategies to address violence against Aboriginal and Torres Strait Islander women in the National Plan were sufficient, only 25% of respondents agreed. The majority (75%) registered a neutral response (40%) or disagreed (35%).

When asked whether they believed the National Plan had influenced perceptions of family violence in Indigenous communities, only 11% agreed. The majority (67%) of respondents said it had not and 22% were unsure.

Strategy 3.1: Foster the leadership of *Indigenous* women within communities and broader Australian society

Immediate national initiatives

- Fund the Commonwealth *Indigenous* Women's Program to enhance *Indigenous* women's leadership, representation, safety, wellbeing and economic status.
- Support *Indigenous* women to identify issues and develop their own solutions through enhanced funding for the National Aboriginal and Torres Strait Islander Women's Alliance.
- Fund initiatives to Close the Gap in *Indigenous* housing, health, early childhood, economic participation and remote service delivery and develop new targets to hold Governments to account.

Views of Survey Respondents

While some respondents (11%) reported knowing about the National *Indigenous* Women's Program and its focus, most (66%) reported they knew little (55%) or nothing (11%) about it.

Most respondents (77%) believed there had been no increase in the representation of *Indigenous* Women at a national level in the in the past 5 years. Only 10% believed there had been an increase, while one third (33%) were unsure.

Respondents identified three areas that required national representation and leadership by *Indigenous* women: violence against women (33%), leadership (33%) and human rights (33%).

When asked whether NATSIWA was an appropriate body to provide leadership for the implementation of the National Plan, the majority (71%) of respondents agreed while 29% were unsure. None disagreed.

When asked to identify possible leadership roles for NATSIWA in the implementation of the National Plan, replies from respondents were collated into the following themes:

- Provide national leadership for the development of gender equality policies, for communities, and government;
- Use NATSIWA networks to develop *Indigenous*-specific strategies for the National Plan;
- Provide a representative voice for Aboriginal and Torres Strait Islander women across The National Plan;
- NATSIWA to lead the development of strategies to implement the 'special measures' outlined in the CEDAW concluding observations around paragraph 41 and 27;
- Lobby, advocate, and collaborate with others to identify and set priorities;
- Maintain a national data base of contacts, programs and services to increase the sector's capacity for networking and lobbying;
- Empower *Indigenous* women to engage with the system to access their rights;
- Act as a resource for communities to build capacity, develop networks and skills.

Recommendations

When asked to identify strategies to improve the implementation of the National Plan, the following themes emerged from participant's responses:

- Broader, more direct consultation processes. For example:
 - A national consultation process for *Indigenous* women to advise Government on the National Plan, rather than utilizing organisations, universities and National Congress;
 - Brokerage arrangements to support women directly affected by family violence to have a voice;
 - Governments at all levels should consult widely about this topic - including offender's views to find ways to help women.
- More *Indigenous*-specific programs. For example:
 - More targeted and culturally specific programs and less 'mainstreaming' of strategies;

- Services meeting the needs of Aboriginal and Torres Strait Islander women should receive additional funding;
- *Indigenous* run programs by *Indigenous* women;
- Allow Aboriginal communities to determine their own strategies;
- Supporting evidence based community initiatives for the long term;
- *Indigenous* counselling.
- Increased number and accessibility of services/refuges/shelters and safe houses. For example:
 - Transport options to assist families escaping family violence so they are not dependent on the perpetrator;
 - More accessible services for women in need of safe places;
 - Fund more women's & children's services such as refuges;
 - Fund services specifically for women with disabilities & women with children with disabilities;
 - A range of services and programs need to be accessible to women in all communities, both urban, rural and remote;
 - Have more help available as many women experiencing family violence don't have family support available to them;
 - More refuges and emergency housing.
- Better targeting of services. For example:
 - Put resources toward areas where evidence shows greatest need;
- A greater focus on primary prevention. For example:
 - Greater education of female students at secondary college re family violence
 - Prevention programs;
 - More preventative programs in communities & schools;
 - Deal with alcohol in our communities;
 - Self esteem workshops.
- Include men in strategies to address family violence. For example:
 - Allow men and women to determine strategies;
 - Working with Men's groups/ local football organisations and clubs to promote healthy living, how to seek help, anger management etc;
- Programs to prevent re-offending. For example:
 - Recidivist programs.

- There is a need for targeted training and mentoring of younger women to take up leadership roles on boards and committees within both community and larger organisations so participation is encouraged and fostered by more *Indigenous* Women.
- Specific affirmative action policies should be developed and endorsed across sectors to encourage participation by *Indigenous* women. More funding should be made available for scholarship to foster leadership for *Indigenous* women, along with equal ratio of male to female board / committee members.

Build community capacity at the local level

Immediate national initiatives

- The Healing Foundation to address trauma and aid healing in *Indigenous* communities, with a particular focus on the Stolen Generations.
- Invest in initiatives under the *Indigenous* Family Safety Program to work with communities to develop local skills and life-skills education to prevent violence, train local leaders as community change agents and strengthen local governance.
- Provide a flexible funding pool for quick and flexible responses to high priority needs identified by communities in the 29 Remote Service Delivery priority locations.
- Support community-led solutions for addressing alcohol and substance abuse
- Develop and trial new models and approaches to improve police responses and community planning for *Indigenous* family safety.
- Develop community safety plans in 29 Remote Service Delivery sites.
- Governments will support communities to develop and implement local solutions across all areas of the National Plan.

Views of Survey Respondents

When asked if they were aware of or had been involved in the development of community safety plans, 38% of respondents replied they had, while 62% had not. Some identified the need for stakeholders such as Police and Child Protection agencies to be involved if safety plans are to be successful.

Others reported being involved in earlier community-led movements, which led to sustainable long-term outcomes such as Night Patrols.

While respondents were aware of the Healing Foundation, most (56%) were unaware of and could not name any healing initiatives being conducted within *Indigenous* communities.

When asked to comment on Police response to *Indigenous* family violence, the majority (77%) of respondents reported that police responses were inadequate to protect *Indigenous* women. Reasons offered were police indifference to or lack of understanding of, and inappropriate 'normalisation' of *Indigenous* family violence. Where police responses were provided, they tended to be inappropriate or inadequate and often victimised women being subjected to violence.

In recognition of the links between family violence and incarceration, particularly in remote areas, a small number of Aboriginal and Torres Strait Islander women's legal services were established. Despite the recommendations of the CEDAW committee, in the past few years there has been no expansion to the number of services available, despite demand on these services continuing to grow. Recently these services were defunded.

Recommendations:

- There is a need to map policing services, match resources against need, for police to engage in community consultation strategies and to better engage with communities in relation to understanding and responding to family violence.

Strategy 3.3: Improve access to appropriate services

Immediate national initiatives

- Through the *Indigenous* Family Safety Program fund initiatives that create better links and information sharing between local police and service providers focused on preventing and protecting families against violence; and research on appropriate tools for the states and territories to use when allocating police resources.

- Provide incentives and support payments for practice nurses and *Indigenous* health workers in regional and rural areas to undertake training on domestic violence.
- Provide 22 safe houses, a mobile child protection team and remote family and community support workers in the Northern Territory as part of Closing the Gap.

Views of Survey Respondents

When asked about the training being provided to practice nurses and Aboriginal Health Workers to better recognise and respond to domestic and family violence, the majority (78%) of respondents reported they were not aware of any training occurring in their local areas.

When asked whether safe houses were an effective response to *Indigenous* family violence, the majority (44%) were unsure, 33% agreed and 22% disagreed.

When asked to identify the main issues influencing decisions to remove children to out-of-home care, the following issues were identified: Lack of suitable alternative care arrangements, parents/carers reluctant to work with Child Protection agencies; and parents/carers being young, isolated and some having learning disabilities.

When asked whether they believed Child Protection authorities adhered to the Child Placement Principle when placing children in out-of-home care, only 20% believed this often happened, with the remainder saying sometimes (30%), not often (40%) and not at all (10%).

Challenges and concerns: unintended consequences of changing the definition of emotional abuse to include ‘witnessing family violence’

To achieve “a significant and sustained reduction in violence against women and their children” and to achieve progress against the high-level indicator ‘reduced proportion of children exposed to their mother’s or carer’s experience of domestic violence’ Recommendation Nine of the National Council’s Plan for Australia to Reduce Violence against Women and their Children was for ‘the Australian Government work with State and Territory governments to ensure the National Framework for Protecting Australia’s Children meets the needs of children *who witness* and/or experience domestic and family violence’ (NCRVWC 2009: 27).

A child 'witnessing' domestic violence has increasingly been accepted as a form of child abuse in Australia (Richards, 2011). This is broadly defined as a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member's violent behaviour (Price-Robertson & Bromfield, 2009).

Impact on Aboriginal and Torres Strait Islander Families

Crowded and inadequate housing in *Indigenous* communities leave Aboriginal and Torres Strait Islander children more vulnerable to the witnessing of family violence, and to being subjected to notifications of child abuse as a consequence. Given the current over-representation of *Indigenous* children in out-of-home care, there is a need to investigate whether this change has contributed to what appears to be sharp increase in the number of *Indigenous* children coming to the attention of the Child Protection system and being placed in out-of-home care. The following factors suggest that there may be unintended consequences, with a deepening of the inequity experienced by *Indigenous* families as a result of this change: increased notifications and investigations; police being the main source of notifications; increased substantiations of emotional abuse and a 9% increase in children being placed in out-of-home care in 2009-2010 (SCRGSP, 2011). Even if notifications are not substantiated when investigated, and children are not removed, the impact of increasing numbers of notifications and investigations on the stability and functioning of Aboriginal and Torres Strait Islander families - many of whom have been affected by policies of forcible removal (Stolen Generations) – requires further investigation.

Recommendations:

- The domestic and family violence training for practice nurses and Aboriginal Health Workers needs to be more widely promoted and to deliver training locally too so people are trained where they live and skills are fostered where they are needed.

- All service providers involved in the National Plan need to have cultural competence training to enable them to better identify, respond and refer those affected by *Indigenous* family violence.
- Child Protection agencies need to develop cultural competence in order to work more effectively with Aboriginal and Torres Strait Islander families within the National Framework for Protecting Australia's Children 2009-2020 to assess risks and outcomes for children using a continuum of interventions, from primary prevention, early intervention, family support and statutory intervention.

Challenges and concerns

There is a lack of Aboriginal & Torres Strait Islander Womens' input across the plan to note what is working, where the gaps are and where more effort is required, to ensure proportional *Indigenous* uptake of all Outcomes.

Recommendation

- Support NATSIWA to participate in the implementation of the National Plan to ensure proportional uptake across all Outcomes as well as to monitor and evaluate the implementation of Outcome Three of The Plan.
- Support and resource NATSIWA to increase the cultural responsiveness of services for Aboriginal women and children impacted by family violence by developing and implementing cultural competence training specific to family violence with all service providers involved in the National Plan, including: the National Online and 1800 Counselling Service, Child Protection workers, the primary care workforce and specialist services providing Early Intervention Services, Family Relationship Centres and Post Separation Services.
- Support and resource NATSIWA to track and evaluate progress during the implementation of each of the National Plans

References

1. HREOC - Aboriginal and Torres Strait Islander Social Justice Commissioner, Ending family violence and abuse in Aboriginal and Torres Strait Islander communities, HREOC, Sydney, 2006, p6;
2. AIHW - Australian Institute of Health and Welfare (AIHW), 2010, Government-funded Specialist Homelessness Services - SAAP National Data Collection Annual Report 2008-09, Canberra;
3. AIHW - Australian Institute of Health and Welfare (AIHW) 2011. *Aboriginal and Torres Strait Islander child safety. Cat. no. IHW 50.* Canberra;
4. NCRVWC - National Council to Reduce Violence Against Women and their Children 2009. *Time for action: The national council's plan for Australia to reduce violence against women and their children, 2009–2021.* Canberra: Commonwealth of Australia;
5. NCPC - Price-Robertson, R., & Bromfield, L. (2009). *What is Child Abuse and Neglect?* (Resource Sheet). Retrieved from <http://www.aifs.gov.au/nch/pubs/sheets/rs6/rs6.html>
6. SHRG - Social Health Reference Group (2004). *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Well Being 2004-2009.* Australian Department of Health and Ageing, Canberra;
7. SCRGSP - Steering Committee for the Review of Government Service Provision 2011, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission, Canberra.
8. Richards, K. *Trends & issues in crime and criminal justice no.419. ISSN 1836-2206 Canberra: Australian Institute of Criminology, June 2011;*
9. Price-Robertson, Rhys; Smart, Diana and Bromfield, Leah. Family Is for Life Connections between Childhood Family Experiences and Wellbeing in Early Adulthood [online]. Family Matters, No. 85, 2010: 7-17. Availability: <http://search.informit.com.au/documentSummary;dn=242676799280817;res=IELAPA> ISSN: 1030-2646. [cited 31 Jul 14].

