

Submission to the Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan

About the Women's and Girls' Emergency Centre

Women's and Girls' Emergency Centre (WAGEC) is a Specialist Homelessness Service and feminist not-for-profit organisation that has been supporting women and their children in crisis since 1977. Every night, WAGEC supports over 200 women and children escaping family and domestic violence, homelessness and systemic disadvantage. We do this by providing material aid, case management, wrap-around support, accommodation and crisis response. In addition to our crisis responses we undertake evidence-based programs and activities that seek to prevent, intervene early with people who are more likely to experience or use violence, and to assist long term healing and recovery.

WAGEC operates a drop-in centre, four crisis refuge accommodation sites and 45 transitional properties. Our largest refuge site accommodates up to 15 families at a time, ranging from pregnant women to mothers with five children. Our other refuge sites accommodate single women, women with families and women who are leaving incarceration.

We also deliver:

- **Crisis response and accommodation:** We provide immediate solutions to women and families including crisis response, shelter, material aid and case management.
- **Tailored programs:** Our targeted programs work to break the cycle of violence and social disadvantage by providing tailored support that restores safety and addresses the specific needs of women and children escaping violence.
- **Primary Prevention initiatives:** We seek to stop violence before it starts by addressing the underlying drivers of gender-based violence through advocacy, workplace training, community engagement, partnerships with local government and work with early childhood education centres across NSW.

Our vision is to end gender-based violence in a generation.

Acknowledgement of Country

WAGEC is based in Sydney and operates refuge sites on the unceded lands of the Gadigal, Wangal and Dharawal people of the Eora Nation. We acknowledge the Traditional Custodians of Country and pay our respect to Elders past and present.

WAGEC also recognises the intergenerational trauma and structural racism that colonisation has and continues to inflict on First Nations people. We acknowledge our position within a system and nation whose history is one of genocide, child removal, forced sterilisation, dispossession of lands and oppression of cultures and language, and we respectfully acknowledge the resilience and survival of the world's oldest living culture.

We acknowledge the strength, and Cultural and Intellectual Property of First Nations people. Our organisation commits to listening, learning and continuously improving our allyship in the movement for First Nations safety, self-determination, equality, sovereignty and justice.

First Nations women, children, men, Sistergirls, Brotherboys, 2 Spirit and non-binary people are disproportionately impacted by family, domestic and sexual violence (FDSV), incarceration and child removal as a result of ongoing systemic racism and discrimination. WAGEC acknowledges our responsibility as a non-Indigenous organisation to ensure the culturally responsive delivery of services to First Nations clients and to use our voice and spaces of privilege to amplify the advocacy of generations of Aboriginal and Torres Strait Islander women who have come before us and continue to do this work to make communities safer.

We pay tribute to all First Nations people who have led, and continue to lead, the way in creating safe futures for women and children and safe spaces for the community, many of whom are unrecognised and unpaid for this work.

WAGEC extends our deepest gratitude to the First Nations staff who shared cultural knowledge, expertise and wisdom to make this submission. To make our recommendations we yarned together to talk about our experiences as Aboriginal women who have worked and lived in the FDSV space both in organisations and in communities for many years. We extend a special thanks to:

- Aunty Dixie Link-Gordon, Gooreng Gooreng - *Aunty in Residence, WAGEC*
- Jenny Holmes, Darug Dharawal - *From Now Program Manager, WAGEC*
- Kowana Welsh-Jarrett, Dharawal / Gumbaynggirr & Gamilaraay - *Primary Prevention All In Senior Aboriginal Project Manager, WAGEC*

Recommendation 1: No action without First Nations governance

Real and sustainable change for Aboriginal and Torres Strait Islander families requires First Nations governance

First Nations governance is essential to the genuine self-determination of Aboriginal and Torres Strait Islander families and the development of culturally safe solutions under the Family Safety Plan.

While it is vital and should be standard practice to centre the voices and experiences of First Nations women, children and families in all government policy and community services practice, it is not sufficiently applied and embedded. First Nations leadership is essential to create the real and sustainable change Aboriginal and Torres Strait Islander women and families have been advocating

for. Decisions made and policies developed on behalf of First Nations women and families without genuine engagement, ongoing consultation, leadership and management cannot adequately protect community, kin or culture.

We commend the prioritisation of First Nations voices, however, we also demand genuine action and responses to FDSV that are community led, designed, delivered, measured and evaluated.

First Nations governance is prevention

Governance of solutions delivered under the Family Safety Plan that are led or managed by non-Aboriginal bodies will only continue to inflict trauma, discrimination and harm on First Nations people. This, in turn, will continue to perpetuate cycles of trauma, violence and interaction with the juvenile and adult criminal systems and other agencies that continue to remove Aboriginal and Torres Strait Islander children and young people from their communities. First Nations women and girls hold the solutions to FDSV that can counteract cultural loss and displacement and build culturally responsive systems and services that will provide generational healing, prevention and safety. By facilitating and safe-guarding First Nations governance, FDSV will be reduced and prevented. Communities already have the cultural solutions and should be resourced to flexibly design and deliver solutions that will work.

The Family Safety Plan will not work unless it is actually implemented

Over decades, we have seen multiple reports, inquiries and commissions that provide plans, recommendations and actions that can assist in the response to and prevention of FDSV in First Nations communities. Of these plans, very few have been successfully or fully implemented. According to the Productivity Commission, as of March 2024 only five of the 19 Closing the Gap recommendations were 'on track', four were getting worse and the remainder showed little to no progress.¹

While we support ongoing recognition of the need for change, the development of a new standalone national plan does not constitute sufficient action without tangible and urgent implementation and accountability across all agencies and services working across the nation. Aboriginal and Torres Strait Islander families have been asking for urgent and meaningful action for many years, not further inquiries or frameworks. Our hope is that the Family Safety Plan, supported by First Nations governance, will implement the principles of self-determination and detailed cultural guidance that has already been established in *Wiyi Yani U Thangani*, the *Royal Commission Into Aboriginal Deaths In Custody*, the *Bringing Them Home Report* and the *NSW Family is Culture Review*.

Key actions recommended by these reports that should be prioritised include:

- Prioritisation of safety for women and children by investing in housing models that meet the needs of women experiencing domestic and family violence (*Wiyi Yani U Thangani, Part 3 Recommendation 4*). This includes greater investment in and access to culturally safe housing for First Nations families, including larger-sized houses, to prevent family homelessness.

¹ 'Why isn't the gap closed', Romlie Mokak and Natalie Siegel-Brown, *Australian Government Productivity Commission* (2024) <<https://www.pc.gov.au/media-speeches/articles/why-isnt-the-gap-closed>>.

- Fundamental reforms to the way services are delivered to Aboriginal and Torres Strait Islander people through increased investment to community-controlled service sectors; cultural responsiveness key performance indicators for mainstream services; representation of First Nations women at all levels of decision-making; and a review of accessibility and availability of services (*Wiyi Yani U Thangani, Part 3 Recommendation 2*).
- Investment in diversionary pathways away from the criminal system and child protection through sufficient provision of community-led safe houses, drug and alcohol rehabilitation, alternative sentencing options, and improved cultural representation in the justice system (*Wiyi Yani U Thangani, Part 2 Recommendation 2*).
- The implementation of mechanisms to keep First Nations women and children safe and families together through implementing a Child Protection Notification Referral System, increasing accessibility to legal services, and expanding the role of peak bodies to advocate for the safety and protection of women and children (*Wiyi Yani U Thangani, Part 2 Recommendation 3*).
- The implementation of culturally responsive service delivery models through mandatory cultural training; national targets to increase First Nations women health practitioners; commitment to the priorities of the National Health Leadership Forum; and integration of traditional knowledges and healing into healthcare models. (*Wiyi Yani U Thangani, Part 4 Recommendation 1*).
- The provision of holistic and wrap-around services to respond to the economic and social determinants that contribute to negative health and wellbeing outcomes (*Wiyi Yani U Thangani, Part 4 Recommendation 2*).
- Economic safety and security for all First Nations women and girls through sufficient welfare payments to meet the cost of living; ending punitive income management; and co-designing a new approach to community development (*Wiyi Yani U Thangani, Part 5 Recommendation 1*).
- Increased financial investment in early intervention support as a long-term investment to prevent more Aboriginal children entering the out-of-home care system (*NSW Family Is Culture Review, Recommendation 21*).
- The roll out and resourcing of Staying Home Leaving Violence across the whole of NSW (*NSW Family Is Culture Review, Recommendation 32*).
- The increase of availability of short-term refuges suitable to the needs of Aboriginal women escaping violence (*NSW Family Is Culture Review, Recommendation 34*).

The urgency of the requirement for genuine, well-resourced and tangible action cannot be understated. First Nations women are experiencing violence at over three times the rate of non-Indigenous women and 11 times more likely to die as a consequence of experiencing assault.²

Rediverting the investment made in reports, inquiries and commissions towards funding First Nations governance and delivering the actions recommended in those reports is an investment in the survival of Aboriginal and Torres Strait Islander women and families that cannot be postponed.

Recommendation 2: Identify and embed good and wise practice

Wise practice principles are essential to the design of culturally safe services

Wise practice is an approach to care and service delivery that acknowledges and prioritises traditional ways of knowing, being and doing. The implementation of Wise practice and respecting the self-determination, authority and capacity of Aboriginal and Torres Strait Islander people to identify what they need, will ensure the culturally sensitive, safe and effective delivery of programs developed under the Family Safety Plan.

Colonial systems create multiple barriers that prevent First Nations women and communities from delivering services that are based on Wise practice and old ways. By dismantling Western structures that remove and incarcerate Aboriginal and Torres Strait Islander children, young people and parents, and those with family and cultural responsibilities, First Nations communities will have better opportunities to identify and implement Wise practice, including lifting up and sharing traditional practices of collective child rearing and kinship, in their communities and with non-Aboriginal families too.

Designing systems of support around what Aboriginal women and families say they need is the only way to deliver services that work. Effective solutions for responding to and preventing FDSV already exist and are actively practiced in First Nations communities – it is the job of government to make space for and invest in these solutions.

Wise practice is prevention. First Nations governance is prevention. Both need to be embedded in the design, delivery and management of services and actions delivered under the Family Safety Plan.

The need to move away from deficit-focused data collection

First Nations women are continually creating and delivering effective solutions to FDSV independent of government reports and plans. However, in the absence of strength-based data collection the success of these solutions has gone unrecognised and therefore unfunded by systems and decision-makers.

Currently, data collection for funding requirements is largely based on documenting deficits in First Nations communities and families. Data that focuses on what is working is a more effective way of informing and documenting Wise and promising practice frameworks. In building a strengths-based

² Changing the picture: a national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children, *Our Watch* (2018).

evidence database based on family and communities successes, and respecting the resilience and cultural expertise of First Nations people, a clearer path to safety will emerge that will benefit everyone in this country.

In order for this to be effective, as with all actions taken under the Family Safety Plan, data collection, design, management and data sovereignty needs to be led and owned by community. There also needs to be a shift away from centring non-Aboriginal ideals of what successful service delivery looks like. Communities have the right to decide what solutions and services are creating the most positive change for them. Even in service settings where there are attempts to embed data sovereignty practices, government funding requirements often conflict with the core principles of Indigenous Cultural and Intellectual Property.

We recommend data collection that demonstrates what works, what good practice looks like, what's successful and what can be improved. In capturing the essence of valid solutions that are already working, core structures and models of care that are effective can be shared and adapted by different communities to meet their unique circumstances. The investment in and construction of a positive, solutions-based evidence base will drive progress towards Outcome 13 under the Closing the Gap Implementation Plan as well as other important national frameworks such as the National Plan to End Violence Against Women, the National Framework for Protecting Australia's Children and state and territory policies.³

Recommendation 3 : Invest in solutions and build a safe and equitable workforce for First Nations women delivering services.

First Nations women can lead and design the policies and services that shape their lives – but they need investment to do so safely, sustainably and successfully.

First Nations women have always driven community-led responses to DFSV. They hold the solutions, and are already doing the work we expect will be proposed under the Family Safety Plan. Investment in First Nations women is not only a necessary investment in the safety of communities, but is key in building a future that is free from FDSV.

It is necessary to acknowledge that it is not the sole responsibility of First Nations women to deliver culturally safe services that respond to experiences of FDSV experienced by Aboriginal and Torres Strait Islander women and families. All services, especially non-Indigenous services, have a responsibility to ensure culturally safe and holistic care and responses to FDSV.

Building a community sector that can provide high quality and culturally safe FDSV services to First Nations women and families, including non-Indigenous organisations, aligns with the Priority Reforms outlined under Outcome 13 of the National Agreement and we encourage urgent action in this regard.⁴

³ Outcome 13: Aboriginal and Torres Strait Islander families and households are safe, *Commonwealth Closing the Gap Implementation Plan* (2023) <

⁴ Ibid.

Pay parity and recognition of unpaid work

Aboriginal and Torres Strait Islander women are already doing the work to respond to, heal from and prevent family violence in communities, often without recognition or compensation. The pay gap for First Nations women is up to 21%, and Indigenous women experience the highest burden of unpaid labour and cultural load in the workplace.⁵

In every community, there are safe Aunties, sisters and daughters who are doing this work outside the context of employment. For this work to be sustainable, fair and equitable, First Nations women need pay parity and recognition of the value of this unpaid work. Cultural knowledge and expertise is an invaluable asset, and needs to be respected, valued and compensated as such. Substantial cultural knowledge packages in non-Aboriginal organisations should be the bare minimum.

First Nations ways of working, being and doing also need to be respected in all workplaces delivering services under the Family Safety Plan, including non-Aboriginal organisations. We also encourage commitment and further investments in learning and employment pathways in both Aboriginal organisations and non-Aboriginal organisations to ensure the continued improvement of the workforce.

Sustainability and safeguarding psychological wellbeing

First Nations women require significant investment in their wellbeing to ensure actions provided under the Family Safety Plan can be delivered sustainably and safely. Acknowledging that many First Nations women continue doing this work in their personal lives is essential to establishing mechanisms to prevent burnout. Women in this space are often dealing with disclosures of FDSV from their community on an ongoing basis. The safeguarding and implementation of wellbeing initiatives, such as decolonised supervision, must be prioritised in the provision of services that respond to FDSV under the Family Safety Plan. Investment in the wellbeing of First Nations women in the sector is investment in succession planning and the healthy development of the next generation of healers, community and support workers and prevention practitioners.

There is also significant opportunity and obligation for non-Indigenous organisations and allies to play a role in supporting the wellbeing of First Nations women and sharing the load.

Identified positions

Identified positions in identified services are important but not necessarily safe or the preferred option for all First Nations women. Aboriginal and Torres Strait Islander women should get to identify the roles that are needed within their communities, regardless of the type of organisation, funding model, levels and structures of government. To achieve this, funding should be directed towards communities rather than programs, models and pilots.

⁵ Chapter 1: Gender and Aboriginal and Torres Strait Islander Employees, Intersectionality at work: building a baseline on compounded gender inequality in the Victorian public sector, *Gender Equality Commission Victoria* (2023) < <https://www.genderequalitycommission.vic.gov.au/intersectionality-work/chapter-1-gender-and-aboriginal-and-torres-strait-islander-employees>>.

Move away from strict requirements for formal qualifications

The requirement of formal qualifications can present a structural barrier to Aboriginal and Torres Strait Islander women who are already working to respond to and prevent FDSV outside of employment engagements. Organisations often have strict requirements like degrees and experience that do not necessarily indicate knowledge and skills and ability to do the work. Traditional Western academic paths exclude recognition of cultural and generational knowledge. First Nations women with an interest and aptitude to work in the FDSV sector should not be discriminated against by requiring formal qualifications.

In addition, criminal record checks can obstruct women with lived experience from getting roles in a range of sectors, including the sector responding to FDSV. Most women in Australian prisons have experiences of FDSV, and their criminalisation should not prevent them from working in the sector.⁶

Recommendation 4: Support the self-determination and the right of First Nations women to choose services by embedding a mandatory standard of cultural safety in all organisations responding to FDSV

The need for culturally appropriate and holistic services

Where First Nations women and families are safe, everyone will be safe. Where supports have been designed to wrap around a family this is a model that will work for non-Indigenous families and communities too. By implementing a culture of safety that upholds the dignity of Aboriginal and Torres Strait Islander women, all women, children and families will be held safely in that space. First Nations people have an inherent right to choice, respect and safety. This right must be protected in all services and organisations, but especially those responding to FDSV under the Family Safety Plan.

Aboriginal and Torres Strait Islander women are entitled to decide where they go to seek support. They cannot, and should not, be confined to only feel safe in Aboriginal specific services. Culturally safe responses to gender-based violence are possible in both Aboriginal and non-Aboriginal organisations. As such, we call for a mandatory standard of cultural knowledge to be required for all services and solutions that respond to FDSV implemented under the Family Safety Plan. In non-Aboriginal organisations where this work is being led by First Nations staff, greater commitment and investment in those staff is essential to scaling and building the organisational capacity for cultural responsiveness.

Decolonising mental health approaches

Mental health must be understood through a cultural lens. Not every presentation of mental illness is clinical and requires treatment by medication. For example, when a person presents with psychosis, it could be because they are a Dreaming person and should be responded to with cultural therapies and healing. Culturally safe care for First Nations clients, requires cultural and relational approaches to mental health presentations.

⁶ Women's imprisonment and domestic, family, and sexual violence: Research synthesis, ANROWS (2020)

The need for genuine trauma-informed care

While WAGEC support the delivery of care and services that are trauma-informed, we note that many of the practices are based on a Western understanding of trauma.

Genuine trauma-informed care for First Nations women must be based on an understanding that the ongoing detrimental impacts of colonisation are present and compound with experiences of transgenerational trauma and trauma in the current day.⁷ This care must also recognise that interacting with Western systems, including police, legal and health care systems, can be traumatising due to the racism that exists within these structures.⁸

Work needs to be done to embed culturally trauma-informed care across all touch points of government and non-government services and systems responding to FDSV.

Recommendation 5: Divert First Nations women from incarceration

Dismantling the drivers of criminalisation and diverting First Nations women from incarceration

Aboriginal and Torres Strait Islander women are the fastest growing demographic of people being incarcerated in Australia, with four out of ten women in Australian prisons identifying as First Nations despite making up less than three per cent of the adult female population.⁹ First Nations women are imprisoned at 21.2 times the rate of non-Indigenous women due to the ongoing detrimental impacts of Colonisation and systemic racism that criminalises them.¹⁰ Aboriginal and Torres Strait Islander women are more likely to be convicted for minor offences and serve longer sentences.¹¹ They are also more likely to be misidentified as the perpetrator of violence than other women.¹² The systemic discrimination and racism that unjustly incarcerates First Nations women must be addressed and dismantled as a matter of national urgency.

This ongoing contact with the criminal system drives recidivism, and can contribute to family cycles of incarceration. Diverting First Nations women from incarceration is essential to breaking cycles of imprisonment, preventing children from being removed from their families, and to granting Aboriginal and Torres Strait Islander women their inherent right to liberty.

⁷ The First Response Project: Trauma and culturally informed approaches to primary health care for women who experience violence, The Lowitja Institute (2019) < https://www.lowitja.org.au/wp-content/uploads/migrate/First%20_Response_FINAL_WEB.pdf >.

⁸ Ibid.

⁹ 'First Nations women are the fastest-growing group of people being sent to prison', Brooke Fryer, ABC (2024) < <https://www.abc.net.au/news/2024-07-22/first-nations-women-fastest-growing-group-in-prison/104118174> >.

¹⁰ Wiyi Yani U Thangani (Women's Voices) Report, Australian Human Rights Commission (2020)

¹¹ Ibid.

¹² 'Accurately identifying the "person most in need of protection" in domestic and family violence law', ANROWS (2020) < <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2020/11/25063655/ANROWS-RtPP-Nancarrow-PMINOP.pdf> >.

Establishing safe spaces as alternatives to the prison system for First Nations women should be prioritised under the Family Safety Plan. This is already well established in *Wiyi Yani U Thangani* and the *Bringing Them Home* report.

Between 70-90% of First Nations women who are incarcerated as survivors of FDSV.¹³ Where diversion from incarceration is not possible, First Nations women who are serving custodial sentences should be given access to cultural care while in custody to facilitate their recovery, healing and rehabilitation.

From Now: Contributing to a positive evidence base

From Now is a program delivered by WAGEC in partnership with the Judith Neilson Foundation that provides safe accommodation and access to education and employment pathways to women with children and pregnant women leaving incarceration. All the women currently involved in the program are First Nations mothers who have had interactions with the criminal system and served custodial sentences.

The program aims to prevent recidivism by keeping children connected to their mothers, and reconnecting mothers with their community and culture. Despite being delivered by a non-Indigenous organisation, WAGEC ensures that the refuge accommodation is restorative and culturally sensitive to prevent First Nations women from re-entering the prison system. Participants in the program report an increase in their confidence to live independently and an increase in contact with their children.

By tracking these increases in confidence, contact and independence, WAGEC are constructing an evidence base that is not based on deficit and documents effective solutions to recidivism, homelessness and FDSV.

Recommendation 6: Greater investment in safety for First Nations children and young people

First Nations children and young people are removed from their homes and placed into out-of-home care at over 10 times the rate of their non-Indigenous peers. Family violence is one of the leading reasons for Aboriginal and Torres Strait Islander children being removed from their families.¹⁴

Western legal and child protection interventions perpetuate intergenerational cycles of incarceration and disconnect First Nations children and young from their kin, community and culture. Aboriginal women are also more likely to be misidentified as the perpetrators of violence than other women, leading to the state intervention, incarceration and subsequent removal of children.¹⁵

¹³ Wiyi Yani U Thangani (Women's Voices) Report, Australian Human Rights Commission (2020)

¹⁴ Above n 2. (Our Watch changing the picture

¹⁵ 'Accurately identifying the "person most in need of protection" in domestic and family violence law', ANROWS (2020)< <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2020/11/25063655/ANROWS-RtPP-Nancarrow-PMINOP.pdf>>

Investment in culturally safe, community controlled pathways that divert children and young people from the criminal system are essential to disrupt this cycle and promote generational healing and wellbeing in communities.

Exposure to FDSV and the criminal system can have a lasting impact on a child's development. It's essential that First Nations children and young people are recognised as survivors in their own right and given culturally appropriate services and solutions to assist their recovery from trauma and to support their healthy development.

Summary of recommendations

- **Recommendation 1: No action without First Nations governance**

First Nations governance is essential to the genuine self-determination of Aboriginal and Torres Strait Islander families and the development of culturally safe solutions under the Family Safety Plan. An investment in First Nations governance is an investment in the survival of Aboriginal and Torres Strait Islander women and families.

- **Recommendation 2: Identify and embed good and Wise practice**

Colonial systems create multiple barriers that prevent First Nations women and communities from delivering services that are based on Wise practice and old ways. The implementation of Wise practice and respecting the self-determination, authority and capacity of Aboriginal and Torres Strait Islander people to identify what they need, will ensure the culturally sensitive, safe and effective delivery of programs developed under the Family Safety Plan.

- **Recommendation 3 : Invest in solutions and build a safe and equitable workforce for First Nations women delivering services.**

Investment in First Nations women is not only a necessary investment in the safety of communities, but is key in building a future that is free from FDSV. This investment includes recognition of unpaid work that First Nations are already doing in response to FDSV, and ensuring pay parity.

- **Recommendation 4: Support the self-determination and the right of First Nations women to choose services by embedding a mandatory standard of cultural safety in all organisations responding to FDSV**

First Nations people have an inherent right to choice, respect and safety and are entitled to decide where they go to seek support. They cannot, and should not, be confined to only feel safe in Aboriginal specific services. We call for a mandatory standard of cultural knowledge to be required in all services and solutions that are implemented under the Family Safety Plan.

- **Recommendation 5: Divert First Nations women from incarceration**

Diverting First Nations women from incarceration is essential to breaking cycles of imprisonment, preventing children from being removed from their families, and to granting Aboriginal and Torres Strait Islander women their inherent right to liberty. Where diversion from incarceration is not possible, First Nations women who are serving custodial sentences should be given access to cultural care while in custody to facilitate their recovery, healing and rehabilitation.

- **Recommendation 6: Greater investment in safety for First Nations children and young people**

Exposure to FDSV and the criminal system can have a lasting impact on a child's development. Investment in culturally safe, community-controlled pathways that divert children and young people from the criminal system are essential to disrupt this cycle and promote generational healing and wellbeing in communities.

Contact

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