

NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

National Family Violence Prevention Legal
Services Forum submission to the Australian
Government Department of Social Services

Development of the Fourth Action Plan (2019-2022) under the *National Plan to Reduce Violence Against Women and their Children 2010-2022*

October 2018

The National FVPLS Forum is the peak body for the 14 Family Violence Prevention Legal Service ('FVPLS') member organisations across the country that provide culturally safe and specialist legal and non-legal assistance and support to Aboriginal and Torres Strait Islander victim/survivors of family violence – predominantly women and children. FVPLSs also design and deliver essential community legal education and early intervention and prevention activities.

The National FVPLS Forum was established in May 2012 and works in collaboration across its member FVPLS services to increase access to justice for Aboriginal and Torres Strait Islander victims/survivors of family violence. Nationally, more than 90% of our clients are women.

National FVPLS Forum members are:

- Aboriginal Family Law Service Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs HO, Tennant Creek)
- Djirra – formerly Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West, Bendigo and shortly also Echuca-Shepparton, La Trobe Valley and Ballarat)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)
- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany, WA)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin HO, Katherine)

KEY RECOMMENDATIONS

Recommendation 1: In this next and final Action Plan, it is crucial to invest substantially in specialist culturally safe services, like FVPLSs, whose core business is women's safety, wellbeing and access to justice.

Recommendation 2: Any Aboriginal and Torres Strait Islander specific initiatives under the Fourth Action Plan must be developed through an authentic co-design process with meaningful engagement by specialist Aboriginal and Torres Strait Islander Organisations (especially FVPLSs), experts and communities (particularly Aboriginal and Torres Strait Islander women)

Recommendation 3: Investment should be via block funding not grant funding to ensure flexibility and capacity of FVPLSs to develop and deliver localised, targeted services in direct response to community need.

Recommendation 4: The Fourth Action Plan must include funding to:

- allow FVPLSs to continue to develop, tailor and embed trauma integrated practices in FVPLS's, in accordance with the individual needs, local context and expertise of each FVPLS, and
- Secretariat support for FVPLSs to embed trauma integrated (and other leading practice) approaches should be permanently funded.

Recommendation 5: A formal mechanism should be established to support Aboriginal and Torres Strait Islander leadership and co-design, under the *National Plan to Reduce Violence against Women and their Children 2010-2022*, similar to the governance structure of the Third Action Plan for the National Framework for Protecting Australia's Children 2009-2020.

Recommendation 6: Under the Fourth Action Plan, there needs to be greater emphasis on culturally safe, community-led, early intervention and prevention funding from the Commonwealth government. FVPLSs are best placed to provide these services to Aboriginal and Torres Strait Islander women and their children, as unique, experienced and specialist culturally safe service providers with expertise in designing and delivering early intervention and prevention programs.

Recommendation 7: Increased funding for prevention and early intervention must be long-term, in recognition that prevention entails sustained activity over a long period to create generational change.

Recommendation 8: The Fourth Action Plan must recognise, wherever possible through dedicated funding streams, that access to justice for Aboriginal and Torres Strait Islander women experiencing violence necessitates access to appropriately resourced and specialised Aboriginal and Torres Strait Islander legal assistance service providers, such as FVPLSs.

Recommendation 9: The Fourth Action Plan must be informed by and developed in consultation with the following:

- the *Wiyi Yani U Thangani* Women's Voices project, being led by Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar

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- the development and implementation of the Fourth Action Plan under the National Framework for the Protection of Australia’s Children, and
- the ongoing Closing the Gap Refresh process.

Recommendation 10: A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) be established to refer Aboriginal and Torres Strait Islander parents and carers in contact with the child protection system to culturally safe, specialist and preventative legal advice at the earliest possible opportunity

- As family violence against women and their children is one of the single biggest drivers of the removal of Aboriginal and Torres Strait Islander children, a priority should be made to ensure mothers experiencing family violence are referred to an FVPLS at the earliest possible opportunity for independent legal advice and referral for ongoing legal and non-legal support

Recommendation 11: The Fourth Action Plan include increased investment in housing and homelessness services for Aboriginal victims/survivors of family violence and implementation of strategies to improve housing affordability more generally.

Recommendation 12: The Fourth Action Plan should include dedicated investment for FVPLSs to provide emergency brokerage and flexible support packages for women and their children escaping family violence to enable women to establish and maintain safety, including safe and secure accommodation.

Recommendation 13: As a key element of the Fourth Action Plan, the foundational work for a separate National Action Plan for Aboriginal and Torres Strait Islander women must be initiated. This should entail:

- An Aboriginal and Torres Strait Islander Leadership Group being established, supported and utilised throughout the design phase to ensure specialist expertise from frontline organisations is incorporated through a process of authentic co-design;
- The National FVPLS Forum being represented on any Leadership Group that develops funding proposals for Aboriginal and Torres Strait Islander victim/survivors of family violence and/or sexual assault.

INTRODUCTION

The disproportionate levels of family violence experienced by Aboriginal and Torres Strait Islander women and their children is a national crisis.

In comparison with other Australian women, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised as a result of family violence,¹ and 10 times more likely to be killed as a result of violent assault.² Aboriginal and Torres Strait Islander people are disproportionately over-represented in contact with the Australian legal system, and Aboriginal and Torres Strait Islander women have been found to be the most legally disadvantaged group in Australia.³ Studies also indicate that as much as 90% of violence against Aboriginal and Torres Strait Islander women goes unreported.⁴

As identified in the *Background and Evidence* paper which informs the consultations on the Fourth Action Plan⁵, Aboriginal and Torres Strait Islander victim/survivors of family violence – predominantly women and their children - face multiple, intersecting forms of disadvantage which compound and impact life outcomes.

Aboriginal and Torres Strait Islander legal assistance service providers with specialist family violence expertise, such as FVPLSs, are best placed to respond to these unique and complex barriers.

FVPLSs have adopted holistic, wrap-around service delivery models that prioritise legal service delivery while recognising and addressing the multitude of interrelated issues that our clients face. The primary function of FVPLSs is to provide legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander adults and children who are victims/survivors of family violence - predominantly women. FVPLSs core areas of practice are family violence intervention orders, child protection, family law and victims of crime assistance. Where resources permit, some FVPLS units also provide additional assistance in other civil law issues arising from family violence such as Centrelink, Child Support, infringements, tenancy and police complaints.

FVPLSs also design and deliver culturally safe community legal education and innovative, early intervention/prevention activities. This includes programs designed by and for Aboriginal and Torres Strait Islander women, as well as broader community-based initiatives and activities to improve outcomes across the legal, justice, family violence and Aboriginal sectors.

Nationally, approximately ninety per cent of FVPLS clients are Aboriginal and Torres Strait Islander women and their children. Our clients live with intergenerational trauma, removal of children, family violence-driven homelessness, racism and discrimination, poverty, mental health issues, disability, lower levels of literacy and numeracy, as well as a range of other cultural, legal and non-legal issues.

¹ The Australian Productivity Commission (2016), *Overcoming Indigenous Disadvantage - Key Indicators 2016*, page 4.98, table 4A.12.13 available at <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>.

² Australian Institute of Health and Welfare, *Family Violence among Aboriginal and Torres Strait Islander people*, 2006, page 66 available at <http://www.aihw.gov.au/publication-detail/?id=6442467912>.

³ Senate Report on Legal Aid and Access to Justice, 2004. Aboriginal and Torres Strait Islander Commission (ATSIC), Submission to the Senate Legal and Constitutional References Committee Inquiry into Legal Aid and Access to Justice, ATSIC Canberra, 13 November 2003, page 4.

⁴ The Australian Productivity Commission (2014) *Overcoming Indigenous Disadvantage - Key Indicators 2014*, 4.91. Accessed online. Permanent URL: <http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators2014/key-indicators-2014-report.pdf>; Willis, M. (2011) *Non-disclosure of violence in Australian Indigenous communities*, Canberra, Australian Institute of Criminology, p.1.

⁵ Australian Government Department of Social Services (2018) *National Plan to Reduce Violence Against Women and their Children, Fourth Action Plan (2019-22) Background and Evidence*. Accessed online. Permanent URL: <https://plan4womenssafety.dss.gov.au/the-national-plan/the-fourth-action-plan-2019-2022/>

The National FVPLS Forum welcomed the increased focus on Aboriginal and Torres Strait Islander women and children in the Third Action Plan, which reflected recognition by the Commonwealth Government that supporting Aboriginal and Torres Strait Islander women must be a national priority.

Through the Third Action Plan, the Commonwealth Government committed to a \$30 million legal assistance package and \$25 million family violence funding. For FVPLSs, the family violence funding package provided funding for intensive case management positions, through internal tender process, and \$850,000 for an external consultant to deliver trauma informed training and \$300,000 over two years as dedicated Secretariat resourcing to coordinate project implementation.

However, FVPLSs did not receive any additional funding under the legal assistance package for the pilot and expansion of the specialist domestic violence units under the Women's Safety Package. FVPLSs were overlooked for this funding despite funds being provided to services within the same service region of a number of FVPLSs, with high populations of Aboriginal and Torres Strait Islander people, duplicating service delivery where it would have been more effective to resource existing FVPLSs. Consequently, very little of the additional funding has flown to FVPLSs to meet service gaps and address high levels of unmet need.

It must also be noted that a lack of meaningful consultation meant that the funding which was available to FVPLSs was not what FVPLSs and our client bases would have identified as the most pressing need or the best fit to maximise impact of our unique and specialist service model. For example, while six of the 14 FVPLSs were successful in applying for case management grant funding, it should be noted that a number of FVPLSs chose not to tender for this funding, as the model of service provision under this initiative was not an appropriate fit for their service delivery models, and services felt that it would fail to safely address the complex intersectional disadvantage experienced by Aboriginal and Torres Strait Islander women and children. Some FVPLSs with intensive case management funding have also experienced issues with contract management, and reported inconsistent communication of the requirements and expected deliverables under this funding. In addition, a significant amount of work has been required to align the trauma informed training to the existing strengths and service models of FVPLSs and address emerging risks and challenges. Were FVPLSs and the National FVPLS Forum engaged in a genuine process of consultation and co-design prior to the allocation of these funds, the funds could have been utilised more effectively generating stronger outcomes for Aboriginal and Torres Strait Islander women experiencing or at risk of violence.

For Aboriginal and Torres Strait Islander women who are victims/survivors of family violence, seeking support will often only occur when a culturally safe and trusted service is available. FVPLSs regularly work with Aboriginal and Torres Strait Islander women who have experienced years of serious violence but never before disclosed what they are going through, or indeed received effective support.

Culturally safe and specialist services, such as those provided by FVPLSs, enable Aboriginal and Torres Strait Islander women experiencing high levels of vulnerability to remain engaged in support and legal processes through developing relationships based on deep trust and cultural safety and understanding.

Additionally, the working group that was established by the Department of Social Services for the development of the Third Action Plan did not have adequate Aboriginal and Torres Strait Islander

representation, and the National FVPLS Forum did not receive an invitation to join this working group when it was first established

All FVPLSs have been involved in the delivery of the trauma informed training project, with support from a dedicated role funded through the National Secretariat. The trauma-informed training project received funding over only two of the three years of the Third Action Plan. Ideally, an additional 12 months' consultation time could have been well used, to co-design training and organisational supports that build on the existing strengths in FVPLSs, through a genuine co-design process.

Learnings emerging from the trauma-informed community of practice project include:

- the crucial importance of self-care, access to clinical supervision and peer support, for all FVPLS staff;
- the importance of understanding and aligning any new initiatives or training modules with existing FVPLS service models, practice frameworks and professional obligations;
- one of the highest stress areas for all FVPLSs is short term funding; this places real strain on services not only in their planning but on the mental health of staff, which directly relates to staff retention, and overall service capacity to meet the needs of clients.

Initiatives funded under this next and final Action Plan cannot be one size fits all, and there are many existing initiatives within FVPLSs that could be more substantially funded. There should be a sustained investment and focus on building on these existing strengths, through long term funding allocations.

Recommendation 1: In this next and final Action Plan, it is crucial to invest substantially in specialist culturally safe services, like FVPLSs, whose core business is women's safety, wellbeing and access to justice.

Recommendation 2: Any Aboriginal and Torres Strait Islander specific initiatives under the Fourth Action Plan must be developed through an authentic co-design process with meaningful engagement by specialist Aboriginal Organisations (especially FVPLSs), experts and communities (particularly Aboriginal and Torres Strait Islander women)

Recommendation 3: Investment should be via block funding not grant funding to ensure flexibility and capacity of FVPLSs to develop and deliver localised, targeted services in direct response to community need.

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The National FVPLS Forum welcomes the priority areas outlined in the *Background and Evidence* paper for the development of the Fourth Action Plan. We have separately addressed several, but not all, of the identified priority areas below. As the issues facing Aboriginal and Torres Strait Islander women and their children are complex and often interconnected, we have focused the majority of our commentary here on addressing the impact of family violence in Aboriginal and Torres Strait Islander communities.

Prevention

The *National Plan to Reduce Violence Against Women and their Children* identifies primary prevention as essential for breaking the cycle of intergenerational violence, particularly through work towards shifting social attitudes, and this fourth and final Action Plan promises a greater emphasis on the need for primary prevention, which is welcomed by the National FVPLS Forum. An increased focus on prevention reflects the holistic nature of FVPLS service delivery, and is inherently connected with the early intervention and prevention work FVPLSs are experts in, which promotes cultural strength, builds resilience and reduces vulnerability to violence for Aboriginal and Torres Strait Islander women and their children.

To date, many FVPLSs receive only ad hoc, project-based funding to deliver prevention and early intervention initiatives – despite many programs being highly successful, well regarded and effective. This means frontline staff with full case-loads are regularly called upon to develop and deliver prevention programs. With increased resourcing, all FVPLSs could dedicate full-time resources and strengthen specialist expertise in prevention. This would enable continuation of proven programs with positive impacts, as well as the ability to develop and tailor additional programs for new regions and cohorts such as, for example, children and young people.

Addressing the impact of violence on women from Aboriginal and Torres Strait Islander communities

It is widely known that Aboriginal and Torres Strait Islander people experience family violence at disproportionately higher rates than other Australians – with women and children representing the overwhelming majority of Aboriginal and Torres Strait Islander victims/survivors. Aboriginal and Torres Strait Islander women have also been found to be the most legally disadvantaged group in Australia.⁶

In comparison with other Australian women, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised as a result of family violence⁷ and 10 times more likely to be killed as a result of violent assault.⁸

⁶ Aboriginal and Torres Strait Islander Commission, Submission to the Senate Legal and Constitutional References Committee, Parliament of Australia, Inquiry into Legal Aid and Access to Justice, 13 November 2003, 4.

⁷ Australian Institute of Health and Welfare, Family, domestic and sexual violence in Australia 2018, page 93, available at <https://www.aihw.gov.au/getmedia/d1a8d479-a39a-48c1-bbe2-4b27c7a321e0/aihw-fdv-02.pdf.aspx?inline=true>

⁸ The Australian Productivity Commission, Overcoming Indigenous Disadvantage – Key Indicators 2014, 2014, page 4.93, table 4A.11.22 available at <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/key-indicators-2014-report.pdf> 2 Australian Institute of Health and Welfare, Family Violence among Aboriginal and Torres Strait Islander people, 2006, page 66 available at <http://www.aihw.gov.au/publication-detail/?id=6442467912>.

Through our direct work with women and our communities, FVPLSs know that many Aboriginal and Torres Strait Islander women do not report their experiences of family violence and sexual assault. Reasons for non-reporting include fear of reprisals or of having children taken away; lack of confidence in police or community support, including experiences of direct and indirect forms of discrimination; language and cultural barriers; and lack of awareness of support services and legal rights.⁹ Researchers have estimated that that up to 90 per cent of violence experienced by Aboriginal and Torres Strait Islander women may not be disclosed to authorities.¹⁰ As noted earlier in this submission, FVPLSs – as culturally safe, trusted and specialist legal assistance providers – play an essential role in addressing these barriers and increasing access to justice and safety for Aboriginal and Torres Strait Islander women.

Yet the *Background and Evidence* paper's section on access to justice positions police and courts as the principal actors in the justice system. It fails to recognise the role of culturally safe and specialist, legal assistance in supporting access to and effective outcomes through the justice system for Aboriginal and Torres Strait Islander women.

Many of the recommendations made above speak to the need for increased investment in FVPLSs as specialist, experienced and culturally safe service providers for Aboriginal and Torres Strait Islander women and their children who are victim/survivors of family violence and sexual assault. Access to Justice for Aboriginal and Torres Strait Islander women experiencing violence necessitates access to appropriately resourced and specialised Aboriginal controlled legal service assistance providers such as FVPLSs.

In addition, the National FVPLS Forum notes that the Fourth Action Plan is being developed at a time of significant change in Aboriginal and Torres Strait Islander Affairs, and in conjunction with several other long-term national initiatives and frameworks.

The National FVPLS Forum recommends that the Fourth Action Plan be developed in consultation and close engagement with the following:

- the *Wiyi Yani U Thangani Women's Voices* project, being led by Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar - listening to Aboriginal and Torres Strait Islander women's voices as a primary resource in development of the Fourth Action Plan is crucial;
- the development and implementation of the Fourth Action Plan under the National Framework for the Protection of Australia's Children - for Aboriginal and Torres Strait Islander women and their families, there are multiple and complex intersections between experiences of family violence and contact with child protection systems, indeed fear of child removal is one of the most profound disincentives for Aboriginal and Torres Strait Islander women to report violence and access supports;
- the ongoing Closing the Gap Refresh process – the National FVPLS Forum, alongside other national Aboriginal and Torres Strait Islander peak organisations, is calling for an expansion of Closing the Gap targets, including generational targets to reduce the rates of family violence experience by Aboriginal and Torres Strait Islander women and children.

⁹Willis, M. (2011) Non-disclosure of violence in Australian Indigenous communities, Canberra, Australian Institute of Criminology, p.4-8.

¹⁰Willis, M. (2011) Non-disclosure of violence in Australian Indigenous communities, Canberra, Australian Institute of Criminology, p.1.

Developing workforce capability

The National Plan has focused on service integration and improved information sharing to enhance support for victims and connect vulnerable women and children with the right services at the right time to prevent a crisis.

Initiatives to improve police and child protection responses for Aboriginal and Torres Strait Islander women are crucial and should be crucial components of the Fourth Action Plan. This includes mandatory training, systems and process to transform practice, improving cultural competence, and strengthening understanding of the dynamics of family violence and the specific barriers faced by Aboriginal and Torres Strait Islander women. In some states, such as Victoria, FVPLSs have played a key role in contributing to the development of such training and holding police, child protection and other systems to account in the interests of the safety and rights of Aboriginal and Torres Strait Islander women. This work is a fundamental prerequisite to any increased information sharing initiatives, given the risk of serious unintended, adverse impacts of increased information sharing on Aboriginal and Torres Strait Islander women. Such risks include, for example, Aboriginal and Torres Strait Islander women becoming alienated from services and further deterred from disclosing violence due to the fear of increased child protection notifications; decreased control over one's own personal information and life choices; and/or discriminatory treatment as a (perceived or actual) result of their personal information being shared without their consent.

Responding to the impact of family and domestic violence on children

The Fourth Action Plan will consider how to best implement “child-centred” approaches to family violence in specialist family and domestic violence services.

Family violence is one of the primary drivers of the disproportionate and escalating rates of Aboriginal and Torres Strait Islander child removal and out of home care placement. Access to independent, culturally safe, preventative legal services at the earliest possible stage would support parents and carers experiencing family violence to understand their legal rights and take proactive action to avoid or minimise Aboriginal and Torres Strait Islander children being removed from families and placed in out-of-home care.

Protecting Aboriginal and Torres Strait Islander women who have experienced or are experiencing family violence is therefore foundational to protecting their children from harm.

At a national level, it is fundamental to develop and implement the National FVPLS's Forum's call for a national child protection notification and referral system to be included in the Fourth Action Plan. The National FVPLS Forum has repeatedly made this call, in concert with other Aboriginal and Torres Strait Islander national peaks including SNAICC and NATSILs.¹¹

¹¹ See, for example, SNAICC, NFVPLS & NATSILS (2017) *Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families*. Permanent URL:

http://www.nationalfvpls.org/images/files/SNAICC-NATSILS-NFVPLS_Strong_Families_Safe_Kids-Sep_2017.pdf

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A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) should be established to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to preventative, culturally safe and specialist legal advice from an FVPLS and allied supports and services at the earliest possible opportunity, especially where family violence is a factor in potential child removal. With appropriate resourcing, FVPLSs would be best placed to deliver such a system. Such a system is proposed to recognise and respond to both high rates of Aboriginal and Torres Strait Islander children in out of home care and the magnitude of family violence as one of the leading drivers of Aboriginal and Torres Strait Islander children's forced removal from their families and communities.

Adequate crisis accommodation

Aboriginal and Torres Strait Islander women are 15 times more likely to seek assistance from crisis homelessness services than non-Aboriginal people. Housing unavailability and the prospect of homelessness acts as a dangerous deterrent to victims/survivors leaving violent relationships. This can be especially so for Aboriginal and Torres Strait Islander victims/survivors – predominantly women - with children for whom both homelessness and family violence become catalysts for child protection intervention and child removal.

FVPLSs support increased investment in housing and homelessness services for Aboriginal victims/survivors of family violence and implementation of strategies to improve housing affordability more generally.

More specifically, there is a vital need for FVPLSs to be resourced to provide emergency brokerage funds to cater for emergency accommodation, relocation expenses and travel costs for victims/survivors and their children. The provision of specific funds administered by FVPLSs could, for example, enable on-the-spot crisis support through provision of immediate assistance such as overnight accommodation pending shelter assistance, food packages, and assistance with extraordinary costs such as paying petrol money for travel interstate to escape violence and other such costs for food and out-of-pocket expenses along the way. By way of example, in 2016-17, following the Victorian Royal Commission into Family Violence, the Victorian Government commenced funding Family Violence Flexible Support Packages. The National FVPLS Forum's Victorian member, Djirra (formerly known as the Aboriginal Family Violence Prevention and Legal Service Victoria) became the state-wide provider of flexible support packages for Aboriginal and Torres Strait Islander victims/survivors providing vital packages to support Aboriginal and Torres Strait Islander women fleeing violence and establishing safety for themselves and their families. These packages have provided critical assistance enabling women to find and maintain safe and secure accommodation, re-establish their lives, maintain ongoing safe care of their children and recover from family violence. Provision of such funding at a national level would be an essential and complementary mechanism to support Aboriginal and Torres Strait Islander women and their children to live safely and reduce vulnerability to ongoing violence, homelessness, child removal and hardship.

Recommendation 6: Under the Fourth Action Plan, there needs to be greater emphasis on culturally safe, community-led, early intervention and prevention funding from the Commonwealth government. FVPLSs are best placed to provide these services to Aboriginal and Torres Strait Islander women and their children, as unique, experienced and specialist culturally safe service providers with expertise in designing and delivering early intervention and prevention programs.

Recommendation 7: Increased funding for prevention and early intervention must be long-term, in recognition that prevention entails sustained activity over a long period to create generational change.

Recommendation 8: The Fourth Action Plan must recognise, wherever possible through dedicated funding streams, that access to justice for Aboriginal and Torres Strait Islander women experiencing violence necessitates access to appropriately resourced and specialised Aboriginal and Torres Strait Islander legal assistance service providers, such as FVPLSs.

Recommendation 9: The Fourth Action Plan must be informed by and developed in consultation with the following:

- the *Wiyi Yani U Thangani* Women's Voices project, being led by Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar
- the development and implementation of the Fourth Action Plan under the National Framework for the Protection of Australia's Children, and
- the ongoing Closing the Gap Refresh process.

Recommendation 10: A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) be established to refer Aboriginal and Torres Strait Islander parents and carers in contact with the child protection system to culturally safe, specialist and preventative legal advice at the earliest possible opportunity

- As family violence against women and their children is one of the single biggest drivers of the removal of Aboriginal and Torres Strait Islander children, a priority should be made to ensure mothers experiencing family violence are referred to an FVPLS at the earliest possible opportunity for independent legal advice and referral for ongoing legal and non-legal support

Recommendation 11: The Fourth Action Plan include increased investment in housing and homelessness services for Aboriginal victims/survivors of family violence and implementation of strategies to improve housing affordability more generally.

Recommendation 12: The Fourth Action Plan should include dedicated investment for FVPLSs to provide emergency brokerage and flexible support packages for women and their children escaping family violence to enable women to establish and maintain safety, including safe and secure accommodation.

Supporting the medium to long-term safety, wellbeing and independence of women and their children

Beyond 2022, the National FVPLS Forum calls for a stand-alone National Action Plan to Reduce Violence Against Aboriginal and Torres Strait Islander Women and their Children, to ensure sufficient prioritisation of the voices, experiences, needs and strengths of Aboriginal and Torres Strait Islander women. Strong governance structures and linkages with other key plans on reducing violence against women and children more broadly will be essential.

The development and planning for this new National Plan could be led by the Aboriginal and Torres Strait Islander leadership group proposed in **Recommendation 5**, above.

Recommendation 13: As a key element of the Fourth Action Plan, the foundational work for a separate National Action Plan for Aboriginal and Torres Strait Islander women must be initiated.

This should entail:

- An Aboriginal and Torres Strait Islander Leadership Group being established, supported and utilised throughout the design phase to ensure specialist expertise from frontline organisations is incorporated through a process of authentic co-design;
- The National FVPLS Forum being represented on any Leadership Group that develops funding proposals for Aboriginal and Torres Strait Islander victim/survivors of family violence and/or sexual assault.