

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

**Attention: Committee Secretary**

Senate Legal and Constitutional Affairs Committee

PO Box 6100

Parliament House

Canberra ACT 2600

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**Response to the Inquiry into missing and murdered First Nations women and children**

Dear Committee Secretary,

Australia's National Research Organisation for Women's Safety (ANROWS) thanks you for the opportunity to make a submission in response to the Inquiry into missing and murdered First Nations women and children.

ANROWS is an independent, not-for-profit company established as an initiative under Australia's first *National Plan to Reduce Violence against Women and their Children 2010–2022*. Our primary function is to provide an accessible evidence base for developments in policy and practice design for prevention and response to violence against women, nationally. Every aspect of our work is motivated by the right of women and children to live free from violence and in safe communities. We recognise, respect and respond to diversity among women and children, and we are committed to reconciliation with Aboriginal and Torres Strait Islander Australians. ANROWS will continue to deliver and develop this function under the new *National Plan to End Violence against Women and Children 2022–2032*.

Primary funding for ANROWS is jointly provided by the Commonwealth and all state and territory governments of Australia. ANROWS is also, from time to time, directly commissioned to undertake work for an individual jurisdiction, and successfully tenders for research and evaluation work.

ANROWS is registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profit Commission (ACNC).

This submission is focused on the systemic causes of family violence against First Nations women and children and identifies potential areas for improvement and innovation. It draws on ANROWS research and additional rigorous peer-reviewed evidence.

Yours sincerely



**Padma Raman PSM**  
Chief Executive Officer

12 December 2022

## Overall comments

ANROWS commends the commitment to an inquiry into missing and murdered First Nations women and children. ANROWS notes the Inquiry's focus on missing and murdered First Nations women and children and "all forms of violence" perpetrated against them. In this submission, ANROWS responds to the Inquiry's focus with an emphasis on family violence perpetrated against First Nations women and children. This is underpinned by ANROWS's understanding that any form of family and domestic violence is embedded with a risk of lethality (ADFVDRN & ANROWS, 2022).

ANROWS's submission to this Inquiry focuses on family violence perpetrated against First Nations women and children and highlights evidence on the following terms of reference:

- c) the institutional legislation, policies and practices implemented in response to all forms of violence experienced by First Nations women and children
- d) the systemic causes of all forms of violence, including sexual violence, against First Nations women and children, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of First Nations women and children
- e) the policies, practices and support services that have been effective in reducing violence and increasing safety of First Nations women and children, including self-determined strategies and initiatives
- f) the identification of concrete and effective actions that can be taken to remove systemic causes of violence and to increase the safety of First Nations women and children.

## A note on terminology

Family violence has become the preferred term to use when discussing domestic and family violence for First Nations communities as it captures relationship ties beyond intimate partners and the forms of abuse that can occur across extended family and kinship relations (Blagg et al., 2020; Carlson et al., 2021; Olsen & Lovett, 2016).

Other terms for First Nations peoples (for example, "Aboriginal and/or Torres Strait Islander peoples", "Indigenous peoples") and family violence (for example, "domestic and family violence", "domestic violence", "intimate partner violence") will be used only where it is necessary to ensure consistency with the meaning of an original source.

## The Warawarni-gu Guma Statement

ANROWS is committed to adhering to the statement of principles outlined in the *Warawarni-gu Guma Statement* in our work. The *Warawarni-gu Guma Statement* explains that "it is not okay to compare us and our data to the data from non-Indigenous people" (Douglas et al., 2018). To align with this principle in this submission, we have not included comparative data or discussed over- or under-representations of First Nations peoples.

## Rates of family violence

Rates of family violence against First Nations women and children are concerning. Findings from the *National Aboriginal and Torres Strait Islander Social Survey* in 2014–15 (ABS, 2019) indicated that 1 in 10 Aboriginal and Torres Strait Islander women had experienced an incident of physical family and

domestic violence in the past 12 months. Relationships in which domestic violence occurs, whether through physical or non-physical behaviours and tactics, involve a risk of lethal violence (ADFVDRN & ANROWS, 2022). A study of intimate partner homicide (IPH) between 2010 and 2018 identified that:

- for female victims of IPH killed by a male intimate partner, 22.9 per cent identified as Aboriginal and 1.7 per cent identified as Aboriginal and Torres Strait Islander
- for male perpetrators of IPH who killed a female partner, 22.1 per cent identified as Aboriginal, 0.4 per cent identified as Torres Strait Islander, and 0.8 per cent identified as Aboriginal and Torres Strait Islander (ADFVDRN & ANROWS, 2022 pp. 30-34).<sup>1</sup>

While these statistics provide insights into the rates of family violence against First Nations women, it is difficult to determine the full extent of family violence against First Nations women due to underreporting and unreliable recording practices (Carlson et al., 2021). Criminal justice data on rates of family violence is impacted by underreporting by First Nations victims and survivors, with estimates that up to 90 per cent of incidents of violence perpetrated against Aboriginal and Torres Strait Islander women go undisclosed (Department of Social Services, 2016 as cited in ANROWS, 2020a). This underreporting is driven by a myriad of factors, including distrust of the police and legal system, fears of repercussions from community, cultural norms, and the availability and appropriateness of services (Olsen & Lovett, 2016). There are also issues with the recording of reported violence against First Nations women driven by the incomplete identification of Indigenous status in many survey datasets and in service providers' screening processes (Olsen & Lovett, 2016). Despite the limitations on available data, there is a clear need to urgently address family violence against First Nations women and their children and to ensure that services can respond.

Family violence has significant impacts on First Nations women and children. Intimate partner violence was identified as the primary contributor to the burden of disease for Indigenous women aged 25 to 34 in 2015 (Closing the Gap Clearinghouse, 2016). Family violence also has links to imprisonment of First Nations women and housing vulnerability (please see the “Incarceration” and “Housing” sections of this submission). Family violence perpetrated against a parent or caregiver can have intergenerational impacts on First Nations children, particularly where mothers are imprisoned or where exposure to family violence impacts their health and wellbeing outcomes, risk of future victimisation, and future offending behaviours (please see the “Experiences of children” section for further discussion of the impacts of family violence on First Nations children).

## Systemic causes of all forms of violence against First Nations women and children

*Including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of First Nations women and children*

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<sup>1</sup> The report cautions that these figures must be considered in the context of broader literature and emphasises that domestic and family violence is not part of First Nations cultures (ADFVDRN & ANROWS, 2022).



## **Colonisation and dispossession**

Colonisation and the ongoing dispossession experienced by First Nations peoples contribute to family violence and the vulnerabilities experienced by First Nations women and children. Whilst domestic and family violence (DFV) is broadly understood as a gendered issue, it does not affect all women and children equally (Mitra-Kahn et al., 2016). Family violence in Indigenous communities stems from, and is shaped by, the context of colonisation and the resulting systemic disadvantage, structural violence, cultural disruption and breakdown, forced child removal, excessive use of alcohol and other drugs, and intergenerational trauma (Blagg et al., 2015; Blagg et al., 2018; Blagg et al., 2020). Colonisation and dispossession must be identified as the context for family violence when designing responses to support the safety of First Nations women and children.

## **The legal system**

Addressing family violence against First Nations women and children requires an understanding of underlying systemic distrust of the legal system. Aboriginal and Torres Strait Islander peoples have endured historic and systemic injustices at the hands of the police and legal systems, resulting in low trust and impacting perpetrator and victim and survivor engagement with the legal system (ANROWS, 2020a). The legal system is viewed by many Indigenous peoples as a direct source of harm to themselves, their families and their communities (Nancarrow, 2016 in Day et al., 2018). For example, harm has been caused to Aboriginal and Torres Strait Islander peoples through historic and ongoing child removal practices and Indigenous peoples' deaths in custody (Blagg et al., 2015; Langton et al., 2020a, 2020b). Victims and survivors therefore face the challenge of balancing their need to seek support or report violence to police with the risk of potential consequences for their families and communities (Blagg et al., 2015). Responses to family violence against First Nations women and children must recognise this underlying context of systemic distrust of, and harms stemming from, the legal system.

## **Incarceration**

### **Incarceration as a systemic problem**

Available data highlights that a significant number of First Nations men and women are currently incarcerated. Data from the Australian Bureau of Statistics (June quarter, 2022) from June 2022 identified that the imprisonment rate for Aboriginal and Torres Strait Islander adult men was 4,261 persons per 100,000, and 423 per 100,000 for Aboriginal and Torres Strait Islander adult women. These rates are notable as incarceration can have significant impacts.

Incarceration is linked to the ongoing violence against and vulnerabilities of First Nations women and children. First Nations women can be caught in cycles of imprisonment and victimisation where violence exacerbates the risk of imprisonment and vice versa (ANROWS, 2020c). Research has highlighted a link between experiences of domestic, family and sexual violence and women's imprisonment (ANROWS, 2020b), with prison population studies estimating that approximately 75 to 90 per cent of Aboriginal and Torres Strait Islander women in prison are victims and survivors of sexual, physical and/or emotional abuse (Australian Law Reform Commission, 2017, p. 351; see also ANROWS, 2020c). Imprisonment can be experienced by women as a form of abuse as it can continue the tactics of power and control used by many perpetrators of DFV (ANROWS, 2020c). Aboriginal

women in prison describe experiencing discrimination and judgement across all elements of the law enforcement system (Bevis et al., 2020). After release from prison, many First Nations women experience challenges accessing housing, prompting some to return to unsafe housing with a perpetrator at the risk of experiencing further family violence (please see section on “Housing” for further detail). The imprisonment of First Nations mothers can also have intergenerational impacts on their children, increasing their likelihood of entering the child protection or legal systems (Sherwood & Kendall, 2013 as cited in ANROWS, 2020b; please see section on “Experiences of children” for further detail).

The incarceration of First Nations victims and survivors can occur through the inappropriate application of domestic and family violence legislation. For example, First Nations women can engage in couple fights / chaos violence, which are incident-based and driven by the ongoing impacts of colonisation and dispossession rather than patterns of control and coercion (Nancarrow, 2016). ANROWS research sets out that aggressive physical and non-physical behaviour between couples that is not intended to deny personhood may also be associated with other factors including mental health and complex trauma (Campbell et al., 2020). Domestic and family violence legislation, including protection orders, was specifically designed to address coercive control by giving police extraordinary powers to act in the interests of women’s safety, even without their agreement (ANROWS, 2021; Nancarrow et al., 2020). When the legal system does not distinguish between couple fighting and coercive control in First Nations communities, it risks bringing First Nations women engaging in incident-based violence into the legal system unnecessarily (Nancarrow, 2016).

To avoid the over-incarceration of First Nations women, ANROWS has argued for a consistent definition of DFV across legislative and policy settings Australia-wide that sets the context for how to understand coercive control as a gendered, overarching context for a range of DFV behaviours (ANROWS, 2021). It is vital that this definition makes it clear that physical and non-physical aggression between couples is not necessarily coercive control (ANROWS, 2021). Implementing this definition will require police and legal actors being supported to recognise the context in which violence is occurring between First Nations peoples to respond appropriately, particularly given the significant impacts of incarceration on First Nations peoples (Nancarrow et al., 2020).

### **Misidentification of the person most in need of protection**

Victims and survivors who use self-defence against perpetrators of domestic and family violence or engage in couple fighting can be misidentified as a perpetrator of family violence by police and the legal system. Inaccurate identification of the person most in need of protection in these cases can result from incident-based policing approaches that focus on individual incidents of abuse (mostly physical) instead of patterns of behaviour in the broader context of the relationship (ANROWS, 2021), and by misconceptions around the stereotypical or “ideal victim” presenting as submissive and powerless (Nancarrow et al., 2020, p. 96). As gendered stereotypes intersect with systemic racism, Aboriginal and Torres Strait Islander women are particularly vulnerable to decisions based on stereotypes around what the ideal victim should look like (Nancarrow et al., 2020). This is particularly evident in the rates of victims of family violence homicide who have been recorded as respondents on protection orders. The Queensland Domestic and Family Violence Death Review and Advisory Board (2017) indicated that this is clearly an issue for Aboriginal and Torres Strait Islander peoples in their *2016–17 Annual Report*. The report highlighted that nearly all Aboriginal victims of family violence

homicide between 2011 and 2016 had a history of being recorded as both respondents and aggrieved parties on protection orders in their current and former relationships (Domestic and Family Violence Death Review and Advisory Board, 2017).

Misidentification of the person most in need of protection contributes to women's imprisonment (Bevis et al., 2020; Nancarrow et al., 2020), undermines women's trust in the legal system, denies them access to appropriate support, and reduces the likelihood that they will report family violence in future (ANROWS 2020b). Misidentification can also increase a victim's and survivor's vulnerability to further manipulation by the perpetrator (Nancarrow, 2019). For example, in cases where a victim and survivor is misidentified, the perpetrator of family violence can engage in systems abuse, including by providing misleading statements to police (Nancarrow et al., 2020), by pursuing a protection order against the victim and survivor (Nancarrow et al., 2020), or by non-compliance with parenting orders (Kaspiew et al., 2022).

### **Experiences of children**

The systemic failures resulting in the incarceration of First Nations women have intergenerational impacts. An estimated 80 per cent of Aboriginal and Torres Strait Islander women in prison are mothers (Sherwood & Kendall, 2013 as cited in ANROWS, 2020b). In a study by Bevis et al. (2020), 85 per cent of Aboriginal women in the Kunga Stopping Violence Program, which works with Aboriginal women incarcerated for alleged violent offences, were mothers (see "Addressing violence against First Nations women and children" section for more information on the program). Imprisonment of First Nations mothers fractures the parent-child relationship (Perry, 2013 as cited in ANROWS 2020b) and can lead to children experiencing poor health, insecure housing, disrupted education, and emotional and behavioural impacts (Sherwood & Kendall, 2013 as cited in ANROWS, 2020b). In turn, these impacts heighten the risk of children entering the child protection or legal systems (Sherwood & Kendall, 2013 as cited in ANROWS, 2020b).

Children are also being acknowledged in policy responses as victims and survivors of family violence in their own right, with recognition that witnessing violence against a parent or caregiver should be understood as a form of victimisation (Commonwealth of Australia. Department of Social Services, 2022). Data from the 2016 *Personal Safety Survey* highlighted that 65 per cent of women who had children in their care when experiencing violence by a current or former partner identified that these children had seen and/or heard the violence (ABS, 2017 as cited in ANROWS, 2018). Children who live with violence are more likely to experience health, developmental and social problems (Campo et al., 2014; Flood & Fergus, 2008; Holt et al., 2008; Humphreys et al., 2008; Richards, 2011 all as cited in Webster, 2016), and are at higher risk of perpetrating and experiencing violence in future (Kaspiew et al., 2017 as cited in ANROWS, 2019). An emerging body of research has highlighted that high numbers of adolescents who use violence in the home and male youths who perpetrate sexual offences have a history of adverse childhood experiences, including witnessing and/or directly experiencing domestic and family violence (Campbell et al., 2020; Fitz-Gibbon et al., 2022; Harris et al., 2022).

### **Housing**

Challenges with access to housing can increase the risk of family violence and serve as a barrier for victims and survivors to seek help or escape family violence safely. For example, there is a lack of public housing stock, supported accommodation and transitional housing in Central Australia, with



waits of up to 10 years for housing (Bevis et al., 2020). Overcrowding and poor housing conditions in rural and remote Aboriginal communities have been identified as causes for family violence, exposing women and children to a range of potential perpetrators in the home (Blagg et al., 2018).

Overcrowding and housing shortages also restrict victims' and survivors' ability to escape family violence (Blagg et al., 2018; Langton et al., 2020a). Victims and survivors may be less likely to leave a perpetrator as they face limited alternative accommodation options and are at risk of experiencing homelessness and financial insecurity (Blagg et al., 2018; Langton et al., 2020a).

Bevis and colleagues (2020), in their study of incarcerated Aboriginal women in Central Australia, identified that the majority of women and their children in the study had experienced homelessness and/or were living in overcrowded homes of extended family prior to incarceration. Housing issues also serve as a barrier to safety for incarcerated First Nations women following their release from prison. Aboriginal and Torres Strait Islander women, particularly those with dependent children, are the least likely of any prison population to gain access to appropriate accommodation following release from prison (Australian Law Reform Commission, 2017). This can place these women at risk of returning to perpetrators of violence to secure accommodation (Blagg et al., 2018; Breckenridge et al., 2016; Langton et al., 2020a), and can also put women at risk of breaching their parole conditions (Bevis et al., 2020). Service providers have identified that the success of any attempts to help victims and survivors is dependent on victims and survivors first having access to appropriate and safe accommodation options (Langton, 2020a).

## **Connections to Country and community**

Connections to Country and community and familial ties can influence First Nations victims' and survivors' willingness and ability to report family violence and to seek support. In the ANROWS-funded report by Langton et al. (2020a), *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women*, women disclosed reasons why they had disengaged with or refused to seek help from services. A common theme was the fear of isolation, ostracisation and shame from family and community (Langton et al., 2020a). Many women described the significant and damaging impacts of social isolation, including ongoing harassment from family members and the perpetrator, and identified that staying with a perpetrator of family violence could be easier than facing the consequences of reporting violence (Langton et al., 2020a). Aboriginal and Torres Strait Islander women may also be hesitant to report family violence or seek help due to the risk of service providers having kinship allegiances to perpetrators of violence (Langton et al., 2020a). This can create conflicts of interest and risks to confidentiality and is a particular concern in regional and remote areas (Langton et al., 2020a). As such, a number of participants in Langton et al.'s (2020a) study expressed a preference for accessing mainstream services, even where these weren't culturally safe, due to the perception that their anonymity and confidentiality would be better protected.

Connections to Country and community can also influence the type of supports that First Nations women seek. Research suggests that some Aboriginal and Torres Strait Islander women may prefer to seek supports that allow them to stay in their communities, which is not commonly supported by current responses to family violence (Blagg et al., 2015 as cited in ANROWS, 2019). In their study, *Understanding the role of Law and Culture in Aboriginal and Torres Strait Islander communities in responding to and preventing family violence*, Blagg et al. (2020) spoke to community members,

including Elders and cultural leaders, from Tiwi Island, Darwin, Kununurra, Martu country, Mornington Island and Fitzroy Crossing. These participants expressed the universal belief that current government policies on family and domestic violence were designed to “break up” Aboriginal families (Blagg et al., 2020, p. 45). Participants emphasised that Aboriginal peoples’ stories are different to those non-First Nations people and therefore require a different response that is underpinned by working closely with Aboriginal peoples (Blagg et al., 2020). Responses to family violence must therefore recognise the intersecting influence of connection to Country, community and family, and ensure that services are available that meet the needs of First Nations victims and survivors.

## **Access to services**

The research demonstrates that a range of other barriers and factors can influence First Nations victims’ and survivors’ ability to seek help and access services. Bevis et al. (2020) identified that communication disconnect can serve as a barrier, with many women speaking an Aboriginal language as their first language while communication from police, legal services and service providers occurs in English. Bevis et al. (2020) identified the need to allocate more time to communicating with, and listening to, Aboriginal women in the legal system. In interviews with clients in the Kunga Stopping Violence Program, this was applied in practice by allowing women time to respond to prompts, to provide information at any level of detail, and to respond in ways of their choosing (see section on “Addressing violence against First Nations women and children” below for more information on this program). This approach placed control in the hands of the woman instead of the researcher (Bevis et al., 2020).

Aboriginal and Torres Strait Islander women living in regional and remote areas are at higher risk of experiencing family violence (see DSS, 2016 as cited in ANROWS, 2020a), but face barriers to service access. Indigenous-led initiatives and service providers in remote areas may be able to provide support for Indigenous women facing communication disconnect, but these services face funding shortfalls and cuts to services (Blagg et al., 2018). Other additional challenges faced by Aboriginal and Torres Strait Islander women in rural and remote areas include confidentiality concerns, limited availability and accessibility of services and information, and familial and kinship demands that make it challenging to report or escape family violence (Langton et al., 2020a). The need for improved access to broader supports has also been identified, including the need for mental health services and access to supports and diagnosis for women living with disability, particularly when this is a result of sustained violence (see Bevis et al., 2020). Understanding the broader range of barriers and factors that influence First Nations victims’ and survivors’ experiences of family violence and access to services is essential to support effective responses.

Ensuring that First Nations male perpetrators have access to suitable legal and support services is critical to reducing rates of family violence. Langton et al. (2020b) discuss current barriers to service access and suitability for Aboriginal and Torres Strait Islander male perpetrators in their report *Family violence policies, legislation and services: Improving access and suitability for Aboriginal and Torres Strait Islander men*. The report identifies that there is an under-resourcing of long-term, evidence-based, and Aboriginal and Torres Strait Islander-led and culturally safe services for male perpetrators (Langton et al., 2020b). This is particularly an issue in rural and remote areas (Langton et



al., 2020b). For example, Langton et al. (2020b) highlight that men's behaviour change programs (MBCPs) have long waiting lists and are not culturally safe. Langton et al. (2020b) suggest that men's healing programs, which are run by Aboriginal and Torres Strait Islander organisations and focus on yarning, camping, and speaking with Elders to empower men to prevent perpetration of family violence, can function as an alternative to mainstream MBCPs. However, these programs do not meet the minimum standards for MBCPs and this may impact whether Aboriginal and Torres Strait Islander perpetrators are referred to the programs, and whether the programs themselves receive resourcing (Langton et al., 2020b). Aboriginal and Torres Strait Islander male perpetrators of family violence also need increased access to support services to address substance use, mental illness and neurological disability (Langton et al., 2020b). These issues are associated with increased severity of family violence (predominantly physical), barriers to service access, higher rates of incarceration and increased interaction with the legal system (Langton et al., 2020b). Addressing barriers to First Nations male perpetrators of family violence accessing holistic support services is critical to reducing rates of family violence against First Nations women and children.

## Addressing violence against First Nations women and children

*Including:*

- *institutional legislation, policies and practices implemented in response to all forms of violence experienced by First Nations women and children*
- *the policies, practices and support services that have been effective in reducing violence and increasing safety of First Nations women and children*
- *the identification of concrete and effective actions that can be taken to remove systemic causes of violence and to increase the safety of First Nations women and children*

Aboriginal and Torres Strait Islander peoples have consistently called for increased access to culturally safe, strengths-based and community-led responses to family violence that include Aboriginal justice models and Law and Culture (see Blagg et al., 2020). Responses to family violence should always be led in partnership with victims and survivors. ANROWS is committed to the *Warawarni-gu Guma Statement* that emphasises the need for a way to address family violence in communities that recognises the impact of intergenerational trauma and the importance of cultural knowledge and kinship and skin group relationships (Douglas et al., 2018). The *Warawarni-gu Guma Statement* call for “nothing about our mob, without our mob” should underpin all responses to family violence against First Nations women and children (Douglas et al., 2018, n.p.).

As demonstrated above, significant systemic social, economic, cultural, institutional and historical factors contribute to family violence against First Nations women and children. Actions to address systemic issues within the legal system, housing, help-seeking and access to services are fundamental to reducing violence and increasing the safety of First Nations women and children. There is a need for primary prevention and programs to divert people from the legal system (ANROWS, 2020d); perpetrator accountability underpinned by support services and tailored to Aboriginal and Torres Strait Islander peoples and communities (Langton et al., 2020a, 2020b); pre- and post-release support for incarcerated Aboriginal women (Bevis et al., 2020); and services to support health and address

trauma for perpetrators, victims and survivors, and broader Aboriginal and Torres Strait Islander communities (ANROWS, 2020d).

There are promising case studies that highlight opportunities for effective responses to family violence against First Nations women and children. For example, healing approaches differ from a traditional legal approach by focusing on pathways to collective and family healing that recognise the impact of intergenerational trauma on Aboriginal and Torres Strait Islander communities (Blagg et al., 2020; Carlson et al., 2021), and involve the use of traditional cultural practices, cultural knowledge and being on Country (Blagg et al., 2020). Carlson et al.'s (2021) literature review of "what works" in Aboriginal and Torres Strait Islander healing programs identified that effective healing programs were locally specific, sustainable and holistic, and were underpinned by self-determination, collaborative partnerships between Aboriginal and non-Aboriginal organisations, and respect and cultural competence (for the full list of characteristics, see Carlson et al., 2021). Healing programs that take a whole-of-family or community approach can support women who want to stay in their communities or on Country (see Blagg et al., 2020).

Alternative justice approaches can also be appropriate responses to family violence that avoid the traditional legal system. For example, the Koori Court in Victoria operates as a specialist sentencing court for Aboriginal and Torres Strait Islander clients that employs therapeutic justice and involves the community in achieving outcomes beyond punishment, while still retaining the same range of sentencing options as the Magistrates' Court (Langton et al., 2020b). Bringing their strong community networks, Elders and Respected Persons are appointed to serve with the presiding magistrate to hear cases, counsel perpetrators and victims and survivors, and advise on support services and solutions (Langton et al., 2020b). Evidence from interviews during research by Langton et al. (2020b) indicated that the Koori Court in Mildura was an effective engagement mechanism for Aboriginal and Torres Strait Islander perpetrators, their families, their communities, and service providers. In particular, the involvement of Elders and Respected Persons and the related shame felt by perpetrators when appearing before the Koori Court were key enablers of effective impact (Langton et al., 2020b). One participant explained that this shame was felt because perpetrators had to confront the fact that their behaviours had been disrespectful to both their Elders and their culture, and that this confrontation of the impact of their behaviours occurred in front of Elders (Langton et al., 2020b).

Support programs for incarcerated First Nations women may also help to address the impacts of systemic rates of incarceration. The Kunga Stopping Violence Program, which has been discussed throughout this submission, delivers support for Aboriginal women who have been incarcerated for alleged violent offences in Central Australia (Bevis et al., 2020). The program provides pre-release support, comprised of a four-week violence reduction and trauma-specific course, and post-release support for 12 months (Bevis et al., 2020). Case management for the program is conducted by local Aboriginal women (Bevis et al., 2020), and the course is underpinned by an "educaring" approach that is a "trauma-specific blend of Aboriginal traditional healing activities and Western therapeutic processes ... [and] uses experiential learning to enable participants to explore their individual and community transgenerational trauma" (Atkinson et al., 2014 in Bevis et al., 2020, p. 8). Research has demonstrated that the Kunga Stopping Violence Program's educational package is a uniquely culturally safe program that worked effectively with Aboriginal women (Bevis et al., 2020).

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