



Australian Government

Australian Government response to the
Senate Legal and Constitutional Affairs References Committee report:
Missing and murdered First Nations women and children

NOVEMBER 2024

Help and Support

This response discusses violence against women and children, missing and murdered women and children, sexual violence and racism.

Free advice and support is available online and via telephone through the following services:

- 1800RESPECT (1800 737 732) is available for free, 24 hours a day, 7 days a week to support people impacted by domestic, family or sexual violence.
- 13YARN (13 92 76) Aboriginal or Torres Strait Islander Crisis Support
- Beyond Blue (1300 22 4636)
- Lifeline crisis support line (13 11 14)
- Kids Helpline (1800 55 1800)
- Mensline Australia (1300 78 99 78)
- Blue Knot Foundation (1300 657 380) 9am to-5pm AEST/AEDT 7 days a week to support adult survivors of childhood trauma and abuse, parents, partners, family and friends as well as the professionals who work with them.
- Suicide Call Back Service (1300 659 467)

Acknowledgement

The Australian Government acknowledges and remembers the lives of First Nations women, children and gender-diverse people who have been disproportionately and violently disappeared and murdered. We acknowledge the trauma, grief and pain of survivors and also that of their widespread networks of families, friends and communities of support.

We acknowledge the physical, spiritual, mental, cultural and emotional efforts of those who have spoken out for and advocated for disappeared and murdered loved ones and those currently at risk and needing protection. We also acknowledge First Nations communities' resilience and leadership on this issue and the work of advocates, activists, community leaders and staff.

We acknowledge the intersectional challenges and compounding disadvantage experienced by First Nations women and girls and recognise that their roles in families and communities as caretakers and carrier of culture are central to the development, growth and diversity of Australian society. We acknowledge structural and intersectional challenges that require continued transformation of Government organisations, by requiring mainstream organisations to improve their cultural safety and responsiveness to the needs of First Nations women and girls. We acknowledge the collective effort and action needed to address this crisis and the need for a thorough and considered approach on multiple fronts with the guidance of First Nations people with lived experience.

We acknowledge the First Peoples of this country and recognise their continued connection to the land and seas that make up Australia. Collectively, we pay our respects to Elders, past and present. We also pay our respects to all First Nations people with a lived or living experience of violence and acknowledge the memory of all missing and murdered First Nations people, and their families, across the country.

Introduction

The Australian Government welcomes the Senate Legal and Constitutional Affairs References Committee's Inquiry into Missing and Murdered First Nations women and children report that was tabled on 15 August 2024.

The Australian Government acknowledges that action is required to ensure the safety of all First Nations women and children in Australia, including action to address the underlying systemic factors contributing to violence. First Nations women and children experience disproportionately higher rates of homicide, family, domestic and sexual violence, child removal and incarceration, and poorer outcomes across health, housing, education and employment. According to the Australian Institute of Health and Welfare (AIHW) and Australian Institute of Criminology (AIC) data, First Nations women are 33 times more likely to be hospitalised¹ and up to 7 times more likely to be homicide victims than non-Indigenous women, with almost 3 quarters killed by their current or former intimate partner.²

Addressing the issue of missing and murdered First Nations women and children requires a concerted effort, involving all governments. States and territories have primary responsibility for law enforcement and child protection, including policing and justice system responses to family, domestic and sexual violence.

The Australian Government is committed to the safety of First Nations women and children and is providing national leadership on a range of important initiatives to respond to discrimination, inequality and gender-based violence, particularly through the *National Agreement on Closing the Gap* (National Agreement) and the *National Plan to End Violence against Women and Children 2022-32* (National Plan).

The National Plan is a joint Australian, state and territory government document that sets the national policy agenda for addressing violence against women and children in Australia for the next 10 years. Through the National Plan, the Australian, state and territory governments have collectively committed to the vision of ending gender-based violence in one generation. The National Plan is supported by the dedicated *Aboriginal and Torres Strait Islander Action Plan 2023-25*, the *First Action Plan 2023-2027*, *Activities Addendum to the First Action Plan*, and the *Outcomes Framework*, setting the roadmap for how the Australian Government will work to achieve this vision.

Activities under way to support actions include:

- building the capacity of services and systems to provide trauma-informed, connected and coordinated responses to support victim-survivors, such as through improvements to the Escaping Violence Payment.
- improving police and justice system responses through initiatives aimed to strengthen the legal frameworks to ensure victims and survivors have improved justice outcomes and protections and building justice sector capability to better support and protect victims and survivors.
- improving access to short-term, medium and long-term housing for women and children experiencing violence, including those living in institutional settings, and

¹ [Aboriginal and Torres Strait Islander people - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au)

² [Homicide of Aboriginal and Torres Strait Islander women \(aic.gov.au\)](https://www.aic.gov.au)

support women to stay in their own homes when they choose to do so, such as the national Keeping Women Safe in their Homes initiative which completes risk assessments, safety planning and security upgrades for women and children experiencing family and domestic violence so they can stay in their own homes, or a home of their choice, where it is safe to do so.

- working in formal partnership with First Nations peoples to ensure policies and services genuinely meet their needs.

The National Plan acknowledges there will be emerging areas of need and emerging forms of violence that will be addressed over the life of the National Plan. New initiatives and activities to respond to emerging areas will be captured in annual updates to the First Action Plan Activities Addendum.

The *Aboriginal and Torres Strait Islander Action Plan 2023-2025* (Action Plan), under the National Plan, addresses current safety needs and lays a strong foundation for long-term change. The Action Plan was developed by the Department of Social Services (DSS) in partnership with the Aboriginal and Torres Strait Islander Advisory Council on Family, Domestic and Sexual Violence (Advisory Council).

A new National Aboriginal and Torres Strait Islander Family Safety Plan (Family Safety Plan) will provide direction on the future policy approach to addressing the unacceptable rates of violence against First Nations women and children. A public consultation process is underway, with the Family Safety Plan due to be launched in June 2025.

On 6 September 2024, National Cabinet confirmed its commitment to maintaining a central focus on missing and murdered First Nations women and children and agreed that all governments' commitments on gender-based violence must explicitly consider the needs and experiences of First Nations people and be delivered in genuine partnership with First Nations communities.

The comprehensive \$4.7 billion package announced on 6 September 2024 through National Cabinet harnesses important opportunities to work together to prevent violence and support legal services. It brings together efforts and funding to:

- deliver much needed support for frontline specialist and legal services, including responding to gender based violence.
- better identify and respond to high-risk perpetrators to stop violence escalating.
- address the role that systems and harmful industries play in exacerbating violence.

This investment to end gender-based violence goes towards addressing the recommendations of the Senate Inquiry. This includes:

- \$3.9 billion investment in the National Access to Justice Partnership (NAJP), which includes ongoing funding to the legal assistance sector, including the Family Violence Prevention Legal Services (FVPLS) services.
- \$85 million to respond to high-risk perpetrators to prevent homicide and keep women safe. This includes funding for trials of innovative models to prevent intimate partner violence and homicide.

The Government acknowledges the work of the Committee and thanks the many organisations and individuals who contributed views and evidence throughout the Inquiry.

The Australian Government response to the Report was coordinated by the National Indigenous Australians Agency (NIAA) with input from the Department of the Prime Minister and Cabinet (PMC) (including the Office for Women), the Attorney-General's Department (AGD), DSS, Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA), eSafety Commissioner, the Department of Health and Aged Care (DOHAC), Australian Bureau of Statistics (ABS), AIC, Australian Federal Police (AFP), the Department of Foreign Affairs and Trade (DFAT), the Department of Finance (DOF) and the Australian National Audit Office (ANAO).

As suggested by the Committee, the Australian Government has carefully considered and reflected on the use of terminology in this matter. Throughout this response, the terminology of 'missing' and 'disappeared' is interchangeable to maintain consistency with the terminology of the Inquiry's terms of reference, but also to demonstrate our respect for First Nations' stakeholders who have undertaken outstanding work in relation to the issues considered in the Report.

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Summary of Government response to Recommendations

Recommendation	Response
<p>Recommendation 1</p> <p>The committee recommends that federal, state and territory governments codesign with First Nations families and communities, and on behalf of all Australians, a culturally appropriate and nationally significant way in which to recognise and remember the First Nations women and children who have been murdered or disappeared.</p>	<p>Support in principle</p>
<p>Recommendation 2</p> <p>The committee recommends that the Attorney-General tasks the Police Ministers Council to review existing police practices in each jurisdiction, consider the learnings from each jurisdiction and aim to implement and harmonise best police practices across Australia by no later than 31 December 2025, with the goal of ensuring all interactions with First Nations people are consistent and of a high standard, including standards of cultural awareness and safety. In performing this role, the committee recommends that the following practices and procedures be considered:</p> <ul style="list-style-type: none"> • ongoing and mandatory cultural awareness training for all employees (that is, both sworn and civilian members); • training courses developed and led by First Nations people, including components on lived experience, trauma-informed practice and effective communication; • recruitment, support and promotion of First Nations people, including to senior management positions; and • appropriate guidelines for the review of past cases involving disappeared and murdered First Nations women and children where families are seeking review. These should be replicated through the justice system as recommended by the NSW State Coroner in the inquest into the death of Mona Lisa Smith and Jacinta Rose Smith (referred to in this report). 	<p>Note</p>
<p>Recommendation 3</p> <p>The committee recommends that the Senate Legal and Constitutional Affairs Legislation Committee or the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, or such other appropriate body, monitors progress in meeting Recommendation 2 and the progress of measures to address the issues relating to discernible data gaps (paragraph 7.11).</p>	<p>Note</p>
<p>Recommendation 4</p> <p>The committee recommends that the Commonwealth government appoints a First Nations person with specific responsibility for advocating on behalf of and addressing violence against First Nations</p>	<p>Support in principle</p>

Recommendation	Response
<p>women and children within the Domestic, Family and Sexual Violence Commission. Detailed consideration should be given to the way in which the position is created within the Domestic, Family and Sexual Violence Commission (for example, should it be Commissioner or Deputy Commissioner level), the powers of such position and the necessary funding for such position to maximise effectiveness.</p>	
<p>Recommendation 5</p> <p>The committee recommends that the Australian government urgently gives effect to the relevant recommendations in the Independent Review of the National Legal Assistance Partnership 2020–2025, in particular Recommendations 2–3, 9 and 11–12, and specifically addresses the need to increase the geographic spread and capacity of Family Violence Prevention Legal Services.</p>	<p>Support in principle</p>
<p>Recommendation 6</p> <p>The committee recommends that the Department of Social Services, the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the National Indigenous Australians Agency develop, for implementation, a sustainable funding mechanism to provide ongoing support services for First Nations people, including women and children, experiencing domestic, family and sexual violence. This funding must prioritise service and program delivery by Aboriginal community-controlled organisations who demonstrate evidence-based primary prevention initiatives that are independently evaluated for efficacy, including for delivery in regional and remote areas.</p>	<p>Support in principle</p>
<p>Recommendation 7</p> <p>The committee recommends that the Australian government empowers First Nations women to lead the design and implementation of services and supports that address violence in their communities, as consistently advocated by the Wiyi Yani U Thangani (Women's Voices) project, and reflecting the principles contained in the United Nations Declaration on the Rights of Indigenous People.</p>	<p>Support</p>
<p>Recommendation 8</p> <p>The committee recommends that:</p> <ul style="list-style-type: none"> • the Australian National Audit Office (ANAO) gives serious consideration to auditing the Attorney-General's Department (noting the independence of the ANAO), as part of its Annual Audit Work Program 2025–2026, to assess whether the department is effectively delivering on the commitments agreed by the Australian government under the: 	<p>Note</p>

Recommendation	Response
<ul style="list-style-type: none"> ○ National Agreement on Closing the Gap (in particular, Target 13); ○ National Plan to End Violence against Women and Children 2022–2032; ○ Aboriginal and Torres Strait Islander Action Plan 2023–25; ○ the First Nations National Plan, once in effect; and ● not later than six months after the conclusion of any ANAO audit, the Senate directs the Legal and Constitutional Affairs References Committee or the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs to consider the ANAO's findings and assess the Attorney-General's Department's response to the audit. In the event that the ANAO declines to undertake the audit, then another independent body should be tasked with conducting the audit on the basis referred to above. 	
<p>Recommendation 9</p> <p>The committee recommends that the Australian Press Council considers and reflects on the evidence given in this inquiry, with regard to how the media portrays cases of murdered and disappeared First Nations women and children, and considers how the concerns of First Nations communities and families can be positively addressed, including through the introduction of additional Standards or Advisory Guidelines or amendment of the existing Standards and Advisory Guidelines.</p>	<p>Note</p>
<p>Recommendation 10</p> <p>The committee recommends that the Australian government systematically considers the many recommendations and suggestions made to this inquiry. This includes recommendations relating to:</p> <ul style="list-style-type: none"> ● trauma informed healing, including the recommendations made by the Healing Foundation and White Ribbon Australia; ● implementation of a violence prevention framework for men and boys; ● development of Aboriginal community-based support programs for men; and ● initiatives which promote a sense of individual and community responsibility for the issue of male violence against Aboriginal women. 	<p>Support in principle</p>
<p>Australian Greens Recommendation 1</p> <p>That the government urgently acts to provide sufficient funding, including through additional National Legal Assistance Partnership support, to deliver and expand First Nations led community services</p>	<p>Note.</p> <p>See Recommendations</p>

Recommendation	Response
that are able to provide advocacy and support services to assist First Nations women to report incidents of violence and threats of violence to police in a way they will be both respected and heard.	5 and 6 of majority report
<p>Australian Greens Recommendation 2</p> <p>That the position on the Domestic, Family and Sexual Violence Commission should be that of a Commissioner.</p>	<p>Note.</p> <p>See Recommendation 4 of majority report.</p>
<p>Australian Greens Recommendation 3</p> <p>That the Australian government works with First Nations communities to develop an Aboriginal and Torres Strait Islander violence prevention framework for men and boys.</p>	<p>Note.</p> <p>See Recommendation 10 of majority report.</p>
<p>Australian Greens Recommendation 4</p> <p>That an alternative body to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs be developed for measuring progress regarding the development of harmonised best police practices across federal, state, and territory police forces (Recommendation 2 in the majority report).</p>	<p>Note.</p> <p>See Recommendations 2 and 3 of majority report.</p>
<p>Australian Greens Recommendation 5</p> <p>That the Australian government works with the United Nations' existing formal mechanisms for gender and Indigenous rights to provide international oversight over Australia's progress on the issue of missing and murdered First Nations women and children.</p>	<p>Note</p>
<p>Australian Greens Recommendation 6</p> <p>That the Australian government develops clear, best practice policies for the timely provision of information, including autopsy results and coroners' reports, to the families of missing and murdered women and children.</p>	<p>Note</p>
<p>Australian Greens Recommendation 7</p> <p>That the Australian government ensures that specialised resources for missing persons cases are used, and that cultural safety and trauma-informed protocols are incorporated into police procedures.</p>	<p>Note</p>
<p>Australian Greens Recommendation 8</p> <p>That the Australian government develops targets around the elimination of racial profiling and the identification of victims and perpetrators.</p>	<p>Note</p>

Recommendation	Response
<p>Australian Greens Recommendation 9</p> <p>That the Australian government provides support for First Nations community services, to provide advocacy to assist First Nations women to report violence and threats.</p>	<p>Note</p>
<p>Australian Greens Recommendation 10</p> <p>That the Australian government clearly defines the data-points that we expect from each jurisdiction and places targets on their effective collection and availability across the network.</p>	<p>Note.</p> <p>See Recommendation 3 of majority report.</p>
<p>Australian Greens Recommendation 11</p> <p>That the Australian government develops a stand-alone national plan of action, including best practice policing processes and measurement against Target 13 of the Closing the Gap agenda.</p>	<p>Note</p>
<p>Australian Greens Recommendation 12</p> <p>That the Australian government reviews and tables a comprehensive report detailing the connection between missing and murdered First Nations women and children and the failure to implement the outstanding recommendation of the <i>Royal Commission into Aboriginal Deaths in Custody and Bringing Them Home</i> report.</p>	<p>Note</p>
<p>Australian Greens Recommendation 13</p> <p>That the Australian government publicly commits to fully implementing the recommendations of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs on the UN Declaration for the Rights of Indigenous People.</p>	<p>Note</p>

Abbreviations

Abbreviation	Definition
Action Plan	Aboriginal and Torres Strait Islander Action Plan 2023-2025
Advisory Council	Aboriginal and Torres Strait Islander Advisory Council on Family, Domestic and Sexual Violence
ABS	Australian Bureau of Statistics
ACCO	Aboriginal Community Controlled Organisation
ACT	Australian Capital Territory
AFP	Australian Federal Police
AGD	Attorney-General's Department
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
ANAO	Australian National Audit Office
ANZPAA	Australia New Zealand Policing Advisory Agency
Convention	Convention on the Elimination of All Forms of Discrimination against Women
DFAT	Department of Foreign Affairs and Trade
DDMM	Data and Digital Ministers Meeting
DOF	Department of Finance
DOHAC	Department of Health and Aged Care
DITRDCA	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
DSS	Department of Social Services
FDSV	Family, Domestic and Sexual Violence
FVPLS	Family Violence Prevention Legal Services
IAS	Indigenous Advancement Strategy
NACCHO	National Aboriginal Community Controlled Health Organisation
NAJP	National Access to Justice Partnership
Family Safety Plan	National Aboriginal and Torres Strait Islander Family Safety Plan
NATSIWA	National Aboriginal and Torres Strait Islander Women's Alliance
National Agreement	National Agreement on Closing the Gap
NIAA	National Indigenous Australians Agency

Investment Strategy	National Child and Family Investment Strategy
NLAP	National Legal Assistance Partnership
NSW	New South Wales
NT	Northern Territory
National Plan	National Plan to End Violence against Women and Children 2022-32
OFW	Office for Women
PMC	Department of the Prime Minister and Cabinet
SA	South Australia
SBS	Special Broadcasting Service
SNAICC	Secretariat of National Aboriginal and Islander Child Care
UNDRIP	United Nations Declaration on the Rights of Indigenous People
VACCA	Victorian Aboriginal Child and Community Agency
WA	Western Australia
Working for Women	Working for Women: A Strategy for Gender Equality

Australian Government Response to Recommendations

Recommendation 1

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

Support in principle

The Australian Government supports actions to respectfully recognise and remember First Nations women and children that have been murdered or disappeared in Australia and understands its importance. The Australian Government acknowledges the means of commemoration may be unique to each grieving family.

The Inquiry heard many ways in which missing and murdered First Nations women and children could be recognised and remembered, including honouring and commemorating those loved ones by addressing the systemic causes of violence to ensure that no more First Nations women and children are murdered or disappeared. The measures discussed in this response outline the Government's commitment to action in addressing the systemic causes of violence.

Recommendation 2

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

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

Note

The Australian Government recognises the importance of best practice in policing and acknowledges that the AFP, and state and territory police have progressed reforms to improve policing systems for First Nations people, including through a range of cultural awareness training programs for police employees (both sworn and non-sworn).

Whilst the Australian Government does not have responsibility for state and territory police, including jurisdictional training, recruitment and case review practices and procedures, the Australian Government is pursuing a range of measures that seek to support states and territories to promote and implement best practice in policing across all jurisdictions. This includes working with the states and territories to develop a national training and education package, to enhance the effectiveness of state and territory police responses to family, domestic and sexual violence. The AFP also provides ongoing cultural awareness training to its employees, through programs such as the Core Leadership Continuum and SBS Inclusion Program and is currently developing a Cultural Inclusion Learning Continuum, which will include a First Nations learning framework to enhance and scale cultural awareness learning for the organisation.

The Justice Policy Partnership, one of 5 policy partnerships established under the National Agreement on Closing the Gap, is in the early stages of developing an anti-racism strategy for the justice system, which is one of its four strategic initiatives.

Through the Police Consultative Group on Missing Persons, the Australian Government has always and will continue to identify issues where harmonisation of best police practices can be applied.

The Australian Government will raise this recommendation and work with the states and territories through the Police Ministerial Council forum but notes that any further action by jurisdictions requires the agreement of each state and territory.

Recommendation 3

The committee recommends that the Senate Legal and Constitutional Affairs Legislation Committee or the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, or such other appropriate body, monitors progress in meeting Recommendation 2 and the progress of measures to address the issues relating to discernible data gaps (paragraph 7.11).

Note

The Australian Government acknowledges the importance of ensuring any progress in response to Recommendation 2 is appropriately monitored, noting this is a matter for the Senate.

The ABS will continue working with state and territory police departments and criminal justice sector more broadly, to enhance the statistics about First Nations peoples in alignment with Closing the Gap Targets 10, 11 and 13.

The Australian Government has committed to investing \$15 million in a First Nations-led family, domestic and sexual violence data collection to address the current data gaps in

understanding the prevalence of all types of violence experienced by First Nations women and children. This will provide new data to report progress on Target 13 of the National Agreement.

The Performance Measurement Plan of the National Plan identifies key performance indicators to measure and report on progress over the life of the National Plan. It includes measures related to police and justice system interactions with First Nations peoples within the context of responding to family, domestic and sexual violence. Work is being undertaken to fill data gaps in these measures.

In 2024-25, the AIHW commenced a 2-year program of work on Child Protection National Minimum Data Set data development with jurisdictions. This work will consider a range of possible enhancements and development opportunities, including the capture of information related to family and domestic violence.

The Data and Digital Ministers Meeting (DDMM) oversees implementation of National Cabinet's Intergovernmental Agreement on data sharing between the Australian Government and states and territories, which commits all jurisdictions to share public sector data by default where it is safe, secure, lawful and ethical to do so. DOF supports DDMM and provides support to PMC, AGD, DSS and other relevant agencies, with advice on best practice data sharing between the Australian Government and states and territories.

Recommendation 4

The committee recommends that the Commonwealth government appoints a First Nations person with specific responsibility for advocating on behalf of and addressing violence against First Nations women and children within the Domestic, Family and Sexual Violence Commission. Detailed consideration should be given to the way in which the position is created within the Domestic, Family and Sexual Violence Commission (for example, should it be Commissioner or Deputy Commissioner level), the powers of such position and the necessary funding for such position to maximise effectiveness.

Support in principle

Reform Area One of the Action Plan includes the action to investigate the potential for a scoping and feasibility study for an Aboriginal and Torres Strait Islander Family, Domestic and Sexual Violence Commissioner. This scoping will be progressed as part of the development of the Family Safety Plan, in the context of the First Nations Family, Domestic and Sexual Violence Peak (a funded action under the Action Plan) and Sector Strengthening Plan.

The Assistant Domestic, Family and Sexual Violence Commissioner is an identified role, and is currently responsible for engaging and working alongside First Nations communities in supporting the role of the Domestic, Family and Sexual Violence Commissioner in the monitoring and oversight of the National Plan. Monitoring of the progress of the National Plan includes the Action Plan and will include the Family Safety Plan once completed.

Recommendation 5

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

Support in principle

On 6 September 2024, the Australian Government announced an investment of \$3.9 billion for frontline legal assistance services to be delivered through the NAJP, including a critical increase of nearly \$800 million over five years, with a focus on uplifting legal services responding to gender-based violence. The NAJP will commence on 1 July 2025, on the expiry of the current National Legal Assistance Partnership (NLAP), and will include, for the first time, Family Violence Prevention Legal Services (FVPLS).

Under the NAJP, FVPLS providers will receive quarantined and additional funding to deliver critical frontline services to First Nations women and children. The Heads of Agreement also contains a commitment from all governments to work in partnership over the first 2 years to develop a Closing the Gap schedule (or similar) with ACCOs.

Final details of the NAJP are being finalised between the Australian Government, states and territories, in close consultation with the sector.

Recommendation 6

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

Support in principle

All parties to the National Agreement (Commonwealth, states & territories, the Coalition of the Peaks and the Australian Local Government Association) have acknowledged that Aboriginal and Torres Strait Islander community-controlled led services are better for First Nations peoples, achieve better results, employ more First Nations peoples and are often preferred over mainstream services.

This has been supported by the Productivity Commission in its Review of the National Agreement on Closing the Gap (February 2024) which highlighted services delivered by ACCOs lead to better outcomes for First Nations peoples.

As announced on 6 September 2024, the Australian Government is investing \$3.9 billion in support for frontline legal assistance services to be delivered through the NAJP, including a

critical increase of nearly \$800 million over five years from 2025-26, with a focus on uplifting legal services responding to gender-based violence.

The NAJP will continue to include quarantined funding for Aboriginal and Torres Strait Islander Legal Services and, for the first time, will include a quarantined funding stream for FVPLS. This represents an ongoing funding mechanism for the FVPLS, providing certainty for these critical ACCOs.

In the 2023-24 Budget, the Australian Government committed \$262.6 million to support the dedicated Aboriginal and Torres Strait Islander Action Plan and early investment into a standalone National Aboriginal and Torres Strait Islander Family Safety Plan. This included \$103.4 million of funding through 4 immediate priority grant rounds for crisis accommodation services, family, domestic and sexual violence programs in ACCOs, men's wellness centres, and community prevention campaigns for children that will be delivered by Aboriginal and Torres Strait Islander Organisations around Australia. This supports the longer term of objective of building the ACCO sector.

The DSS *National Child and Family Investment Strategy* (Investment Strategy) is supporting the shift towards adequate and coordinated funding of early, targeted, healing-informed culturally safe support services that are effective in supporting children and families and delivered by ACCOs. The Investment Strategy is Activity 2(a) of the *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2025* and aims to build the ACCO child and family sector through commissioning investment strategies.

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) is one of the National Women's Alliances funded under the Working for Women Program to advocate for women and advise Australian Government policymakers on policies that affect women.

NATSIWA's key functions include engaging with First Nations women, community and organisations; providing advice to government including through input to government inquiries, consultations and policy papers; and collaborating with other Alliances on intersecting policy issues of priority to First Nations women including family, domestic and sexual violence. On 29 October 2024, the Minister for Women announced that NATSIWA will continue to receive funding until 2028-29 as a National Women's Alliance.

Through the eSafety Commissioner, First Nations organisations have been funded to design and develop culturally appropriate resources, including videos, to help First Nations individuals and communities recognise, report and respond to tech-based abuse in a variety of situations, including in family, domestic and sexual violence.

The Preventing Tech-based Abuse of Women Grants Program, implemented by the eSafety Commissioner, delivers a total of \$10 million in grant funding over at least three rounds. The intent of the program is to fund projects that focus on the prevention of online harms and enhanced safety for women and children. This may include projects that target people who perpetrate tech-based abuse and/or changing norms, attitudes and behaviours in the broader community.

In 2023, the first round of funding awarded \$3 million, and the second round of funding will be opened in late 2024. Of the \$3.5 million in total funding available in Round 2, up to \$600,000 has been set aside to support priority funding of projects that directly target tech-based abuse of women in First Nations communities. This recognises that First Nations

people are more at risk of online hate and serious online harm than non-Indigenous people and that First Nations women have a higher risk of experiencing family violence.

The Preventing Tech-based Abuse of Women Grants Program and the First Nations funding stream will also contribute to Recommendation 10 and initiatives which promote a sense of individual and community responsibility for the issue of male violence against First Nations women.

Recommendation 7

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

Support

The Australian Government is committed to progressing meaningful programs and policies that empower all First Nations peoples and is committed to listening and working in partnership with First Nations peoples and communities on policies that impact them.

The Australian Government supports the principles underlying the United Nations Declaration on the Rights of Indigenous People (UNDRIP), which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples.

The complexity of family, domestic and sexual violence in First Nations communities requires the inclusion of all community voices, led by First Nations women. This is supported through Action 7 of the *First Action Plan 2023-2027* as well as the Action Plan. The work of the *Wiyi Yani U Thangani (Women's Voices) Project* is a key input that informed the context, principles and targets of the Action Plan.

The Action Plan was developed through a formal partnership between the Australian Government and the Advisory Council. The Advisory Council was established in July 2021 and consists of First Nations women and men with expertise in family, domestic and sexual violence from established First Nations organisations including Victorian Aboriginal Child and Community Agency (VACCA), SNAICC – National Voice for our Children (SNAICC) and National Aboriginal Community Controlled Health Organisation (NACCHO).

Similarly, an expert Steering Committee which includes 12 First Nations members with expertise and experience in addressing family and domestic violence, and government representatives are leading the development of the Family Safety Plan which will be the first standalone First Nations National Plan to address family, domestic and sexual violence and a sister-document to the National Plan. SNAICC is providing secretariat support to the Steering Committee.

The development of the Action Plan and Family Safety Plan have been guided by the voices and findings of extensive consultation with community that has been led by First Nations researchers.

The Australian Government released *Working for Women: A Strategy for Gender Equality* (Working for Women) on 7 March 2024. Working for Women outlines the Australian Government’s vision for gender equality – an Australia where people are safe, treated with respect, have choices, and have access to resources and equal outcomes no matter their gender.

The Australian Government’s implementation of this Strategy will be guided by six principles, including a principle that efforts to drive gender equality must be inclusive and intersectional, and a principle that First Nations Australians must lead efforts to achieve gender equality for their communities.

There are specific areas identified for action for women that experience heightened barriers to equality. This includes considering improvements to how the family law system responds to victim-survivors, including ensuring cultural safety for First Nations victim-survivors.

This Strategy integrates and complements existing efforts across each of its priority areas and seeks to respond to the needs of First Nations women and girls, while working alongside actions and frameworks for First Nations gender justice.

The Australian Government commits to ensuring First Nations women are central to the design and implementation of services and supports to address violence in their communities. This includes, through DOHAC, the implementation of culturally safe, trauma informed, First Nations led designed and delivered maternal health activities such as Birthing on Country models of care which provide holistic wrap around services for First Nations women and infants (which are often inclusive of domestic and family violence support or referral pathways).

Recommendation 8

The committee recommends that:

- the Australian National Audit Office (ANAO) gives serious consideration to auditing the Attorney-General’s Department (noting the independence of the ANAO), as part of its Annual Audit Work Program 2025–2026, to assess whether the department is effectively delivering on the commitments agreed by the Australian government under the:
 - National Agreement (in particular, Target 13);
 - National Plan to End Violence against Women and Children 2022–2032;
 - Aboriginal and Torres Strait Islander Action Plan 2023–25;
 - the First Nations National Plan, once in effect; and
- not later than six months after the conclusion of any ANAO audit, the Senate directs the Legal and Constitutional Affairs References Committee or the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs to consider the ANAO's findings and assess the Attorney-General's Department's response to the audit. In the event that the ANAO declines to undertake the audit, then another independent body should be tasked with conducting the audit on the basis referred to above.

As an independent officer of the Parliament the Auditor-General's responses to parliamentary committee recommendations directed to the ANAO are not included as part of the government response. The ANAO has provided a response to this recommendation directly to the Senate Legal and Constitutional Affairs References Committee.

Recommendation 9

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

Note

The Australian Press Council is an independent organisation. The Minister for Indigenous Australians, Senator the Hon Malarndirri McCarthy, will write, copying the Minister for Communications, the Hon Michelle Rowland MP, to the Australian Press Council to ensure it is aware of this recommendation in the Report.

Recommendation 10

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

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

Support in principle

The Australian Government welcomes the recommendations and suggestions made by the inquiry and will consider their implications for policy and program development including in the development of the standalone Aboriginal and Torres Strait Islander Family Safety Plan.

On 6 September 2024, National Cabinet agreed several initiatives to better identify high-risk perpetrators, share information about them across systems and state boundaries, and intervene earlier to stop violence escalating.

This included development of new national best-practice family and domestic violence risk assessment principles and a model best-practice risk assessment framework. DSS is leading delivery of this initiative which involves working in close consultation with a range of stakeholders. This includes First Nations people and communities, to support specific

consideration of the application of project outputs to this cohort, recognising the unique, complex and intersecting nature of the ways in which family and domestic violence is experienced by First Nations peoples.

The Supporting Adolescent Boys Trial is an early intervention program that seeks to provide tailored support to young men and adolescent boys who have experienced family and domestic violence to help them recover, heal and avoid choosing to use violence themselves. One trial site in Broome, Western Australia will be focused on supporting First Nations young men and boys. A second First Nations dedicated trial site will be established in the Northern Territory in early 2025. In establishing the trial, providers are encouraged to conduct consultation within the first 3 months of the grant activity period with local community members, Elders and cultural authorities, partners and other service organisation to ensure the trial is delivered in an appropriate way within the trial site.

This approach is aligned with the Action Plan, which recognises that actions to address gender-based violence should include all men; to create better emotional, spiritual and cultural wellbeing for men, their families and the community. In addition, First Nations men must be supported to lead healing work with men and boys, empowering them to regain their dignity, determination, health and wellbeing, and engagement as positive community role models.

The Australian Government committed \$27 million over 5 years (2022-23 to 2026-27) to work in partnership with state and territory governments to apply innovative approaches to address family, domestic and sexual violence perpetrator behaviour. Six states and territories (ACT, NSW, NT, SA, Victoria and WA) are undertaking at least one project (scoping study or trial) with a focus on Aboriginal and Torres Strait Islander populations. Projects include dedicated consideration of the needs and experiences of First Nations communities and are being developed in collaboration with or led by ACCOs.

Australian Greens Recommendation 1

That the government urgently acts to provide sufficient funding, including through additional National Legal Assistance Partnership support, to deliver and expand First Nations led community services that are able to provide advocacy and support services to assist First Nations women to report incidents of violence and threats of violence to police in a way they will be both respected and heard.

Note

Please see the Government Response to Recommendation 5 and 6 of the majority report.

Australian Greens Recommendation 2

That the position on the Domestic, Family and Sexual Violence Commission should be that of a Commissioner.

Note

Please see the Government Response to Recommendation 4 of the majority report.

Australian Greens Recommendation 3

That the Australian government works with First Nations communities to develop an Aboriginal and Torres Strait Islander violence prevention framework for men and boys.

Note

Please see the Government Response to Recommendation 10 of the majority report.

Australian Greens Recommendation 4

That an alternative body to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs be developed for measuring progress regarding the development of harmonised best police practices across federal, state, and territory police forces (Recommendation 2 in the majority report).

Note

Please see the Government Response to Recommendations 2 and 3 of the majority report.

Australian Greens Recommendation 5

That the Australian government works with the United Nations' existing formal mechanisms for gender and Indigenous rights to provide international oversight over Australia's progress on the issue of missing and murdered First Nations women and children.

Note

As stated in UNDRIP, all First Nations women and children are entitled to enjoy full protection and guarantees against all forms of violence and discrimination.

As a party to the Convention on the Elimination of All Forms of Discrimination against Women (Convention), Australia has an obligation to periodically report on the legislative, judicial, administrative or other measures adopted in the implementation of the Convention. Periodic reporting occurs every 4 years and Australia will submit its ninth periodic report to the Committee on the Elimination of Discrimination against Women (Committee) in 2024.

Following submission of the report, Australia will be invited to appear before the Committee who will seek clarification or elaboration of any issue referred to in the report.

The Australian Government and state and territory governments provide input into the report, in addition to the Australian Government conducting a public consultation period prior to submitting the report to the Committee.

Australia engages bilaterally with key countries including the United States and Canada to discuss these issues in United Nations mechanisms including at the United Nations Permanent Forum for Indigenous Issues.

Australian Greens Recommendation 6

That the Australian government develops clear, best practice policies for the timely provision of information, including autopsy results and coroners' reports, to the families of missing and murdered women and children.

Note

The Australian Government recognises the importance of autopsy results and coroners' reports being provided in a timely, culturally safe and trauma informed manner, to support the families of missing and murdered women and children engage in the justice system.

The duties, procedures and reporting requirements of coroners are legislated in each state and territory. Any reform to legislation or related policies would be a matter for state and territory governments.

Australian Greens Recommendation 7

That the Australian government ensures that specialised resources for missing persons cases are used, and that cultural safety and trauma-informed protocols are incorporated into police procedures.

Note

The Australian Government acknowledges that states and territories have primary responsibility for missing person cases. Incorporating cultural safety and trauma-informed protocols into police practices would be a matter for state and territory police, as outlined in the Government Response to Recommendations 2 and 3 of the majority report.

At the Commonwealth level, the AGD has engaged the Australia New Zealand Policing Advisory Agency (ANZPAA) as project manager responsible for the development and implementation of the Family, Domestic and Sexual Violence Law Enforcement Training Measure. ANZPAA's 'Anti-Racism and Cultural Diversity Principles' will inform both the development and content of the training.

Australian Greens Recommendation 8

That the Australian government develops targets around the elimination of racial profiling and the identification of victims and perpetrators.

Note

The Australian Government is developing the Family, Domestic and Sexual Violence Law Enforcement Training Measure, which will help address identifying both the person in most need of protection and the primary aggressor to reduce instances of misidentification. Additionally, the training will address unconscious bias and its impact on policing, and identifying and managing personal, organisational and societal biases and perceptions. There is also work underway through the Justice Policy Partnership to develop a national Anti-Racism Strategy for the justice sector, focused on addressing racism against First Nations peoples.

Australian Greens Recommendation 9

That the Australian government provides support for First Nations community services, to provide advocacy to assist First Nations women to report violence and threats.

Note

Please see the Government Response to Recommendation 6 of the majority report.

Australian Greens Recommendation 10

That the Australian government clearly defines the data-points that we expect from each jurisdiction and places targets on their effective collection and availability across the network.

Note

The Australian Government is consulting with states and territories to determine priorities for addressing gaps, including state and territory level data that can be supplied to establish a national picture.

Through the AFP led National Missing Persons Coordination Centre there is a continued commitment to standard data collection on missing persons from states and territory jurisdictions and the use of that data to derive insights to better inform agency responses.

Please see the Government Response to Recommendation 3 of the majority report.

Australian Greens Recommendation 11

That the Australian government develops a stand-alone national plan of action, including best practice policing processes and measurement against Target 13 of the Closing the Gap agenda.

Note

To address Target 13 of the National Agreement, including measures to combat the prevalence of missing and murdered First Nations women and children, the Australian Government is committed to delivering the Family Safety Plan. Once delivered in June 2025,

the Family Safety Plan will be a signature piece of policy that will guide a whole of society approach to addressing the unacceptable rates of violence against First Nations women and children. Targeted engagement with key Commonwealth agencies will begin shortly to ensure that achievable actions to implement best practice policing processes and measurement against Target 13 of the National Agreement are incorporated into the Family Safety Plan.

The AGD is currently working with the states and territories to develop the Family, Domestic and Sexual Violence Law Enforcement Training Measure for police across all jurisdictions. The Training Measure will work towards implementing best practice policing processes and measures against Target 13 of the National Agreement. Where appropriate the Australian Government will incorporate activities planned for the Training Measure within the Family Safety Plan, to actively support its development and implementation.

Australian Greens Recommendation 12

That the Australian government reviews and tables a comprehensive report detailing the connection between missing and murdered First Nations women and children and the failure to implement the outstanding recommendation of the *Royal Commission into Aboriginal Deaths in Custody and Bringing Them Home* report.

Note

Consistent with the central finding of the Royal Commission, the Australian Government is taking a system-wide approach to reducing the unacceptably high number of First Nations peoples entering prison and youth detention, including through its justice reinvestment programs.

In the 2022-23 Budget, the Australian Government committed \$81.5 million to expand and establish justice reinvestment initiatives to improve justice outcomes for First Nations peoples. An additional \$10 million over four years was committed in the 2023-24 Budget for the Justice Reinvestment in Central Australia Program. These investments will enable communities to design and implement initiatives to reduce contact with the criminal justice system through prevention, early intervention and rehabilitation.

In addition to the commitment to justice reinvestment, on 21 June 2023, the Australian Government established a national real-time reporting of deaths in custody dashboard, to bring additional transparency and accountability to this serious issue. The dashboard can be accessed on the Australian Institute of Criminology's website.

The 2018 Deloitte Access Economics Review of the implementation of the Royal Commission into Aboriginal Deaths in Custody, found that the Commonwealth had fully or partially implemented 222 of the 223 recommendations for which it was responsible (including where there was shared responsibility with jurisdictions), with 91 per cent mostly implemented, and 74 per cent fully implemented.

The Australian Government accepts these findings, and the NIAA continues to work with partners through its policy and programs to address issues raised by the Royal Commission relating to reforming the justice system, self-determination, empowerment and the socio-economic drivers of crime (housing, jobs, education and health).

Australian Greens Recommendation 13

That the Australian government publicly commits to fully implementing the recommendations of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs on the UN Declaration for the Rights of Indigenous People.

Note

The Australian Government is carefully considering the report and recommendations of the Inquiry into the application of the UNDRIP in Australia.