2020

Wiyi Yani U Thangani

Women's Voices
SECURING OUR RIGHTS
SECURING OUR FUTURE

Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report

Electronic format

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> **Warning:** Aboriginal and Torres Strait Islander peoples should be aware that the Wiyi Yani U Thangani report contains images, names and voices of people who may be deceased.

Please note that the locations for photos throughout this report have been intentionally removed so as not to identify people and place.

Please also be aware that some quotes may contain explicit language.

Australian Human Rights Commission
Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report • 2020

3

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2020

Australian Human Rights Commission

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Commission**

Part One Our women and girls' voices

All of us, mainly all the women, we are the ones that are the backbone of everything … it doesn't matter where. We are the backbone of our families, we are the backbone that everyone depends on to get things done. **Cairns women**

In Part One you will find the following chapters:

About the Aboriginal and Torres Strait Islander Social Justice Commissioner

June Oscar AO is a proud Bunuba woman from the remote town of Fitzroy Crossing in Western Australia's Kimberley region. She is a strong advocate for Indigenous Australian languages, social justice, women's issues, and has worked tirelessly to reduce Fetal Alcohol Spectrum Disorder (FASD).

June has held a raft of influential positions including Deputy Director of the Kimberley Land Council, chair of the Kimberley Language Resource Centre and the Kimberley Interpreting Service and Chief Investigator with WA's Lililwan Project addressing FASD.

She was appointed to the Aboriginal and Torres Strait Islander Commission (1990) and was a winner of the 100 Women of Influence 2013 in the Social Enterprise and Not For Profit category. In 2015 June received the Menzies School of Health Research Medallion for her work with FASD.

June has a Bachelor's Degree in Business from the University of Notre Dame, Broome, Western Australia, and is currently writing her PhD. June is a co-founder of the Yiramalay Wesley Studio School and is a Community member of the Fitzroy Valley Futures Governing Committee.

In February 2017, she was awarded an honorary doctorate from Edith Cowan University. June was also named the NAIDOC Person of the Year at the 2018 National NAIDOC Awards.

June began her five-year term as Australia's Aboriginal and Torres Strait Islander Social Justice Commissioner on 3 April 2017.

Aboriginal and Torres Strait Islander

Social Justice Commissioner

June Oscar AO

9 October 2020

The Hon Christian Porter MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney

Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report 2020

I am pleased to present to you the **Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report 2020**, in accordance with sections 46C(2A), 46C(2B) and 46C(2C) of the Australian Human Rights Commission Act 1986 (Cth) (the Act). The Act provides that the Aboriginal and Torres Strait Islander Social Justice Commissioner may submit reports to the Minister regarding the enjoyment and exercise of human rights by Aboriginal persons and Torres Strait Islanders.

The report is the culmination of a multi-year partnership between the Commission and the National Indigenous Australians Agency. The report elevates the voices of Aboriginal and Torres Strait Islander women and girls and examines their, and their communities', enjoyment and exercise of human rights.

The report lays out what Aboriginal and Torres Strait Islander women and girls consider to be their key strengths and concerns, what principles they think ought to be enshrined in the design of policies, programs and services, and what measures they recommend ought to be taken to effectively promote the enjoyment of their human rights.

We stand at an unprecedented time in history—a time of great challenge but also of great possibility. Now is the time to transform the relationship between Aboriginal and Torres Strait Islander peoples and settler Australia. Our women's and girls' voices are vital to paving the way for a reconciled country, and a future I believe all Australians want, deserve and have a right to.

I look forward to discussing the recommendations and pathways forward identified in the report.

Yours sincerely

June Oscar AO
Aboriginal and Torres Strait Islander Social Justice Commissioner

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Commissioner's foreword

As the first woman to be appointed as Aboriginal and Torres Strait Islander Social Justice Commissioner, I indicated at the start of my term that I would place a strong emphasis on championing the voices of our women, girls, their families and their communities.

I want to promote the efficacy of strengths-based community-driven approaches to addressing Aboriginal and Torres Strait Islander disadvantage, and advocate for the enabling conditions required for women and their communities to exercise agency in decision-making, and in partnering with, and holding government and other parties to account.

This report builds on the legacy of the 1986 *Women's Business Report*: the first time in Australian history that Aboriginal and Torres Strait Islander women were consulted nationally. This was our mob talking to each other about our issues, hopes and aspirations, without the intervention and control of others.

I was a young woman at the time, working in my hometown of Fitzroy Crossing in the heart of the Kimberley, when the Women's Business Task Force set out on their extensive consultations across the nation.

I had been working as a secretary for the Western Australian Aboriginal Legal Service. I had a series of stints on stock camps and was embarking on bringing our Bunuba history together by telling the story of our resistance hero, Jandamarra, through film and story.

In the early 1990s, I was the Chair of our regional resource agency, working with our senior peoples in supporting the establishment and development of remote communities and out-stations on our homelands. Through these experiences, I was becoming very aware of how our work on the ground interfaced with the social, economic and political frameworks of the Australian nation.

The Women's Business Task Force captured and affirmed my enthusiasm and energy that our work at the community-level was important, not just to our local area, but to broader Australian society. I was inspired.

Since then I have never lost that spirit of self-determination: that our women on the ground know what they are talking about, that they are leaders, survivors, teachers and healers. They carry with them a wealth of inherited, lived and learnt expertise.

Now, as the first woman to become the Aboriginal and Torres Strait Islander Social Justice Commissioner, I remain committed to the intentions of the Task Force in 1986, that our women's voices need to be elevated to the spaces of decision-making, because what they know matters in forming meaningful and effective policy and legislation. Their knowledge matters, every day, to ensuring the health and wellbeing of our children, families, and communities.

That is why the *Wiyi Yani U Thangani* engagement process and this report is grounded in the right of Aboriginal and Torres Strait Islander women and girls to self-determination.

A central aim of *Wiyi Yani U Thangani* is to look beyond the cycles of crisis that have come to characterise Aboriginal and Torres Strait Islander lives, and to define our women and girls in their own image, determined by them.

My hope is that the *Wiyi Yani U Thangani* engagements and this report will inspire new and older generations of women and girls today, in the same way the *Women's Business Report* did for me.

What I do not want, for any of us, is to have to wait another 34 years to be listened to and heard.

In the intervening years since the 1986 *Women's Business Report,* our women and girls never met again as a distinct collective.

In 2020, it is certainly time that Aboriginal and Torres Strait Islander women and girls are heard again.

As we finalise this report, all of humanity has been confronted by the COVID-19 pandemic and the global protests for racial reckoning and justice as a part of the Black Lives Matter (BLM) movement.

Coming so soon after the bushfires of 2019–2020, COVID-19 and BLM have caused, I believe, for Indigenous and non-indigenous people, a mass re-evaluation of Australian identity; of our history and the type of nation we want Australia to be. It has helped us to see, in common with one another, what we value most such as the health and wellbeing of our families, communities, the land we live on and our surrounding ecologies.

At the same time, this unprecedented moment in history has exposed systemic failures and deep structural and racial inequalities. These events have shown the extreme vulnerability of those who are most marginalised in our socio-economic systems.

With COVID-19 being transmitted within our national borders, these vulnerabilities were recognised. Australian governments moved rapidly, introducing sweeping measures across our welfare, health and economic systems to protect and save lives across the entire nation.

For the most vulnerable, specific measures and supports were introduced. It was accepted without question that Aboriginal and Torres Strait Islander peoples, at huge risk of a COVID-19 outbreak, needed additional supports.

The decisiveness and rapidity of the response to the COVID-19 pandemic stands in stark contrast to the political inertia and policy incrementalism that Aboriginal and Torres Strait Islander communities have otherwise faced in recent years, despite clear acknowledgement of the scale of challenges faced in our communities.

What the COVID-19 pandemic has proven is that necessary and large-scale change is possible, particularly in moments of crisis.

Whenever we move beyond this time, there is no acceptable 'normal' for Aboriginal and Torres Strait Islander peoples to return to, no viable social and economic systems to just 'snap-back' into.

As Australian governments look toward recovery and reform, we must implement and secure the measures that save, protect and improve lives. We have to grow and enhance our existence and not return to, what the public is increasingly coming to understand through its own experience as, unacceptable and frightening states of crisis.

I know Australians are ready for systemic and social change that embraces and embeds First Nations cultures and knowledge systems.

Now is the time to re-set and enter a transformative relationship between Aboriginal and Torres Strait Islander peoples and settler Australia, as Indigenous and non-Indigenous peoples alike, in the face of crisis, envisage a stronger, more compassionate and caring nation.

Our women and girls' voices are vital to paving the way for a future I believe all Australians want, deserve and have a right to. Read this report, and listen to their voices.

Chapter 1 Background to report and methodology

1.1 Wiyi Yani U Thangani (Women's Voices) project background

In June 2017, the Indigenous Affairs Group of the Commonwealth Department of Prime Minister and Cabinet, now the National Indigenous Australians Agency (NIAA) and the Australian Human Rights Commission partnered on a national conversation to investigate how to best promote the human rights of Aboriginal and Torres Strait Islander women and girls and their communities.

This project was named *Wiyi Yani U Thangani* which translates to 'Women's Voices' in my language, Bunuba.

The key aim of the project has been to elevate the voices of Aboriginal and Torres Strait Islander women and girls, and to reflect the holistic and interconnected nature of their lives. Crucially, the project would also provide recommendations to improve the lives of women and girls across a broad range of subject areas.

The *Wiyi Yani U Thangani* Project fills a major gap in the representation of the voices of our women since the *Women's Business* engagements in 1986, which was the first and only time our voices have been heard as a collective.

The *Women's Business* engagements were also the last national consultation conducted by and for Aboriginal and Torres Strait Islander Women.

The *Women's Business Report* sought to understand what women considered to be their critical needs, and to provide guidance to the Commonwealth Government on suggested measures that might be taken to effectively address these needs.

Wiyi Yani U Thangani has built on the legacy of this work through a strengths-based national engagement process, seeking community reflections on the status of Aboriginal and Torres Strait Islander women and girls' rights over the past 34 years, and into the present day.

Importantly, in the *Wiyi Yani U Thangani* process we also heard directly from our girls (12-17 years old) whose voices are so critical to any conversation about the future of our peoples.

The *Wiyi Yani U Thangani* process captures what communities consider to be their key strengths and concerns, what principles they think ought to be enshrined in the design of policies, programs and services, and what measures they recommend ought to be taken to effectively promote the enjoyment of their human rights into the future.

1.2   Acknowledgements

There are many people whose individual and collective efforts have made the *Wiyi Yani U Thangani* project possible. Members of my team past and present have given their hearts and their minds to this project; building connections and spending time with women and girls, listening to and carrying their stories across far reaches of this continent, and spending countless hours writing the following pages to make sure the voices from the ground are raised to the highest levels.

I would like to give special thanks to - Allyson Campbell, Amber Roberts, Amy Stevens, Anna Lochhead-Sperling, Ariane Dozer, Jane Pedersen, Kimberley Hunter, Kirsten Gray, Lindy Kerin, Lluwannee George, Nick Devereaux, Samantha Webster, Sonia Smallacombe, Sophie Spry and Tamara Shirley. And also many thanks to those who have provided support to my team and have given their time reviewing and editing the report - Catherine Duff, Darren Dick, Eleanor Holden, Gillian Eshman, Joe Tighe, Libby Gunn, Liz Stephens, Maria Katsabanis, Padma Raman, Rosalind Croucher and Sarah Bamford.

Two Ambassadors—Anita Heiss and Magnolia Maymuru—were selected for the project, and a Project Advisory Group of nine expert Aboriginal and Torres Strait Islander women was convened. I thank them all for giving their time, insights and expertise to this work. They have all added significant value. This group comprised:

- Dr Jackie Huggins AM
- Ms Andrea Mason
- Ms Antoinette Braybrook
- Ms Charlee Sue Frail
- Ms Kirstie Parker
- Professor Josephine Bourne
- Ms Kiah Dowell
- Ms Katie Kiss
- Ms Sandra Creamer.

1.3 Engagements and submissions

Initially, the scope of the project envisaged face-to-face engagement in 20-30 locations. However, in order to get the breadth and coverage of voices and issues to do this critically important work justice, we made the decision to expand this number significantly.

Ultimately, my team and I travelled to 50 communities across every state and territory in Australia. We conducted 106 engagements and met with 2,294 women and girls to hear from them about their communities' strengths, challenges, aspirations and solutions.

The engagements were held in a variety of venues ranging from hotels and conference centres to local clubs and camp sites. Wherever we went, a key priority was to ensure that the women and girls felt comfortable in their meeting space. We worked with local organisations and community members to work out the best way to encourage women and girls to meet with us, and we are very thankful to those women and organisations who kindly gave of their time and space in order to make these engagements a success.

In some locations we took the opportunity to hold engagements in and around key events such as the National Native Title Conference and the WOW (Women of the World) Festival where we held separate meetings as part of the program. We also held meetings within institutions such as schools, prisons and juvenile facilities.
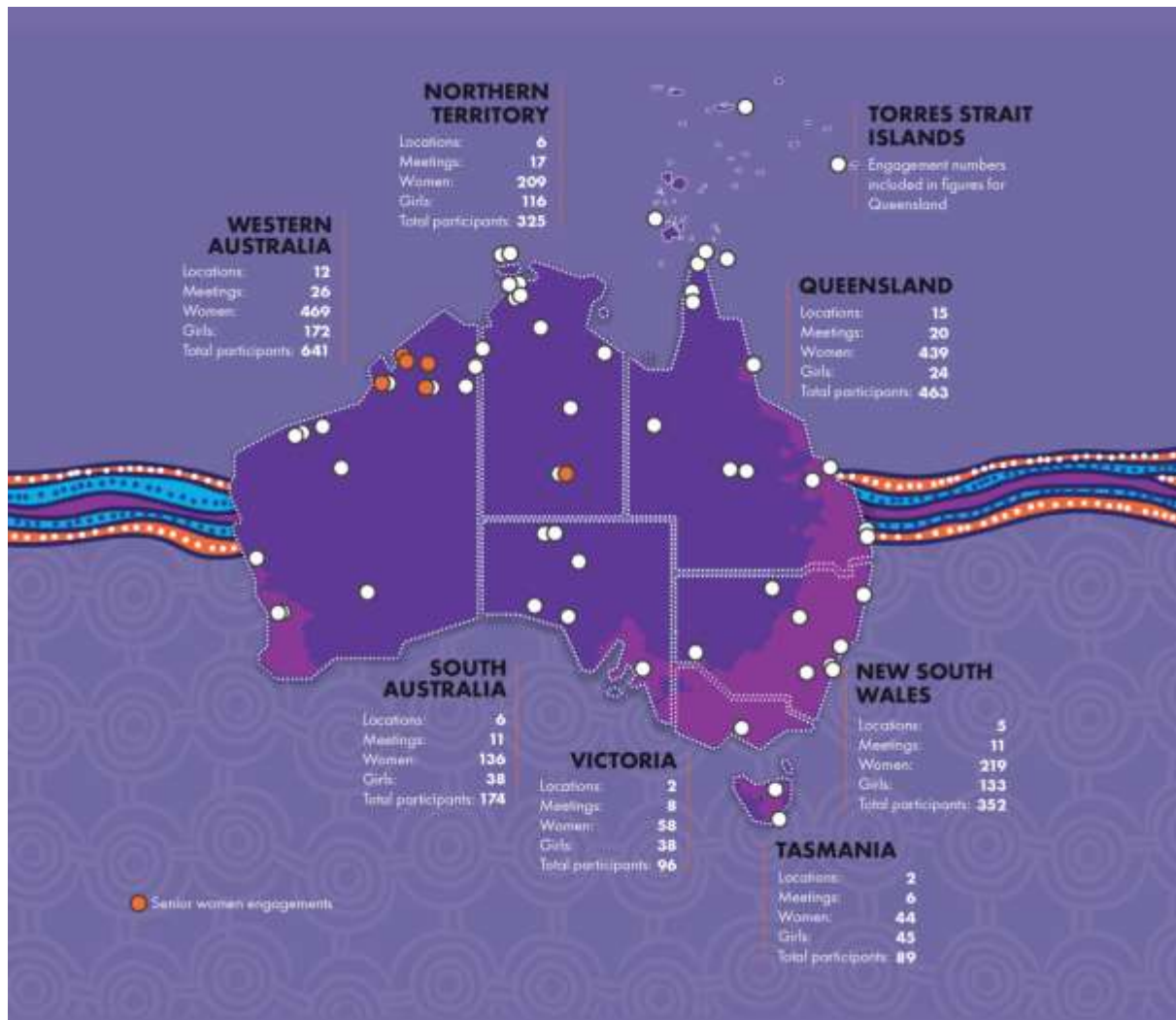
Figure 1.1: Map showing the locations we visited.

106 meetings held across:	**50** (2 VIC, 6 SA, 2 TAS, 15 QLD, 12 WA, 6 NT, 2 ACT, 5 NSW)	Total: **2,294** (1,700 Women and 594 Girls)
• Mildura and Melbourne • Adelaide, Ceduna and Yalata • Launceston and Hobart • Brisbane, Logan and Mount Isa • Perth, Kalgoorlie and Geraldton • Coober Pedy, Mimili and Indulkana • Broome, Fitzroy Crossing, Halls Creek, Turkey Creek and Kununurra • Borroloola, Katherine, Tiwi Islands and Darwin • Sydney • Canberra, Wreck Bay and Nowra • Tennant Creek and Alice Springs • Mapoon, Weipa, Napranum, Yarrabah and Cairns • Thursday Island, Saibai Island, Murray Island • Newman, Port Hedland, Roebourne and Karratha • Kempsey • Dubbo and Brewarrina • Rockhampton, Woorabinda, Barcaldine and Longreach		

Figure 2.1: Table of sites visited.

During the engagements we held meetings including or exclusively with girls aged between 12-17 years old in most locations. We included a separate consent process for girls relating to the recording and use of information. In most instances, either a parent or guardian accompanied the girls.

The information we gathered at the engagements included a combination of verbatim notes taken in real time, transcribed audio recordings, and typed-up notes taking content from butcher's paper used by groups breaking out and talking through challenges and issues and then presenting these to the wider group at each engagement.

1.4   How women felt about being a part of Wiyi Yani U Thangani

We approached these engagements with no set agenda or imposed framework and let the women and girls set the tone and determine the conversation.

Some women expressed 'consultation fatigue' with numerous government processes.

However, the women we met with were very positive about being a part of this long overdue process and appreciated the opportunity to have their voices heard to discuss the challenges facing Aboriginal and Torres Strait Islander women and girls.

We created a survey for women and girls to complete regarding their experience of the engagements and this is what they said:

Evaluation of face-to-face engagements—based on 660 responses

1.5   Website, submissions and survey

A website was created for the project and, among other functions, this provided a platform for information about the project. Included on the website was an online submission and survey process. The Commission received over 100 submissions and over 300 survey responses.

A photo and video exhibition, 'Hear Us, See Us', was also displayed on the website, as well as being exhibited in Geneva at the United Nations Human Rights Council 41st Session between 24 June–12 July 2019.
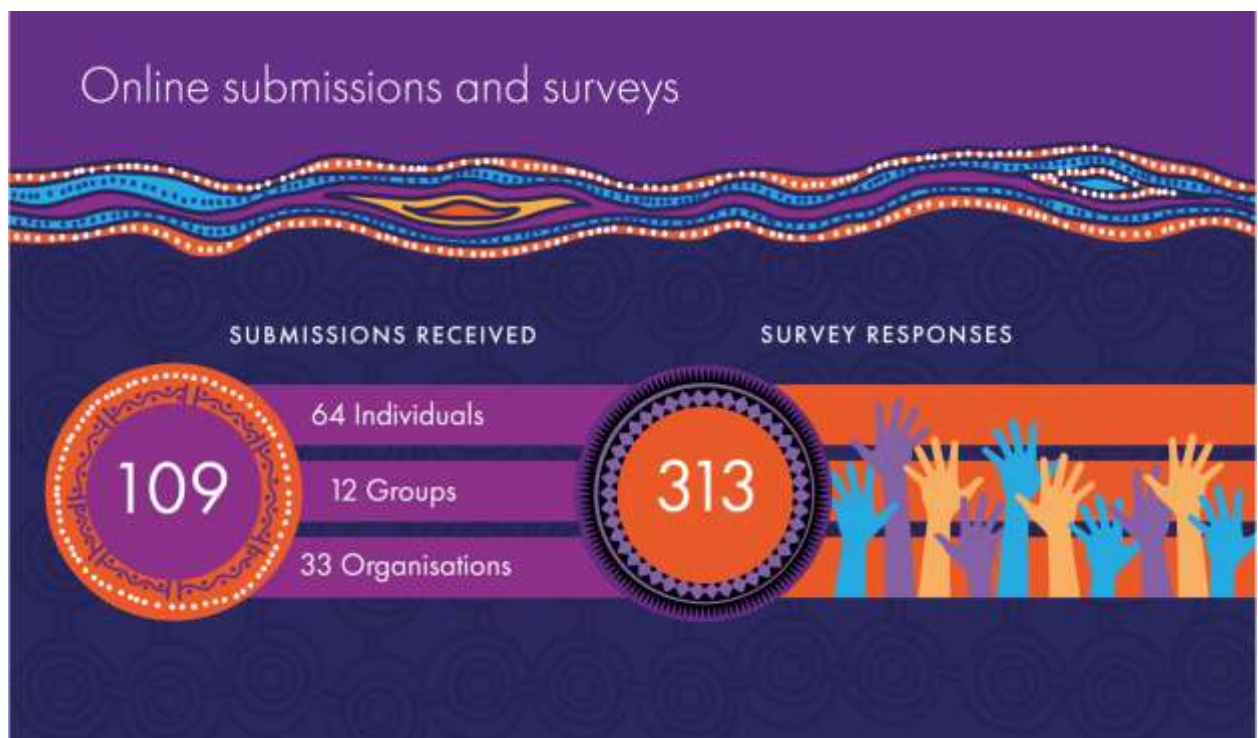
1.6   Report methodology

We designed an approach that is genuinely and clearly reflective of the holistic and interconnected nature of women's lives. This is the direct response to what we heard from women, that we could not meaningfully talk about any one part of a woman's life without explicitly acknowledging the contributing and interconnected factors of every aspect of a woman's life.

The project has been informed by 'grounded theory',[1] which allows for the discovery of emerging patterns in data. As the data from submissions and engagements was reviewed, repeated ideas, concepts or elements emerge, and were tagged with codes. As more data was collected, and re-reviewed, codes could be grouped into concepts, and then into categories which provided the basis for our approach to structuring and drafting the report.

Sections 2–5 of the report are informed by grounded theory—telling the stories of the women and girls in the national consultations. Section 1 contains reflections on this data—drawing it together to identify key pathways forward.

Grounded theory contrasts with traditional models of research, which focused on testing an existing theoretical framework by collecting data to show how the theory does or does not apply. Using an approach informed by grounded theory allowed women's voices to direct and shape the report.

Analysis using grounded theory demonstrated the emergence of holistic methods of analysis which states that part of a whole are in intimate interconnection, such that they cannot exist independently of the whole, or cannot be understood without reference to the whole, which is thus regarded as greater than the sum of its parts. It was clear from the data analysis that we could not look at any one aspect of a woman's life in isolation.

One of the tools we used to analyse and code our data was NVivo. NVivo is a qualitative data analysis software package used to organise, store and retrieve data. This program allows you to import data from any source in order to analyse and discover meaning in texts and is a useful tool for managing large volumes of unstructured data.[2]

De-identification of data was factored into the stories we present in this report. Specifically, we de-identified quotes and case studies of a highly sensitive or personal nature that would pinpoint exactly where the story originated. Quotes and case studies which did not meet this threshold, were identified by location only. Individual women's names have not been used.

Aside from the direct quotes from women and other sources, this report is written in my voice. Throughout, I have used my Bunuba language to express key cultural terms and ideas, many of which have similar counterparts within the hundreds of Aboriginal and Torres Strait Islander languages that span the country.

1.7   Human rights implications

The issues raised by women and girls across the national consultations often had significant human rights implications. They reflect a sense that human rights are often denied to Indigenous women and girls, although the precise language of human rights treaties is not used to describe this.

Throughout the report, Australia's human rights obligations under the seven major treaties that it has ratified are referred to.[3] There is significant guidance as to the content and meaning of the human rights obligations that Australia has entered into—such as in relation to the right to education, health, adequate standard of living, as well as the rights of women and children more broadly.

The recommended way forward in this report is informed by a human rights-based approach, and by the need to better respect, protect and fulfill the human rights of Aboriginal and Torres Strait Islander women and girls.

Common principles to implementing a human rights-based approach are identified below.

(a) A human rights-based approach: The PANEL principles

The human rights principles and standards referred to below provide guidance about *what* should be done to achieve freedom and dignity for all.

A human rights-based approach emphasises *how* human rights are achieved.

Human rights-based approaches are about turning human rights from purely legal instruments into effective policies, practices, and practical realities. The most common description of a human rights-based approach is the PANEL framework.

Text Box 1.1: PANEL Principles: A human rights-based approach

Participation: everyone has the right to participate in decisions which affect their lives. Participation must be active, free, and meaningful, and give attention to issues of accessibility, including access to information in a form and a language which can be understood.

Accountability: accountability requires effective monitoring of compliance with human rights standards and achievement of human rights goals, as well as effective remedies for human rights breaches. For accountability to be effective there must be appropriate laws, policies, institutions, administrative procedures, and mechanisms of redress in order to secure human rights. This also requires the development and use of appropriate human rights indicators.

Non-discrimination and equality: a human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented, and eliminated. It also means that priority should be given to people in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights.

Empowerment: everyone is entitled to claim and exercise their rights and freedoms. Individuals and communities need to be able to understand their rights, and to participate fully in the development of policy and practices which affect their lives.

Legality: a human rights-based approach requires that the law recognises human rights and freedoms as legally enforceable entitlements, and the law itself is consistent with human rights principles.[4]

A human rights-based approach also recognises that Indigenous women and girls experience their human rights, including violations of their rights, in ways that are very different to Indigenous men and boys, and that their status as a particularly vulnerable group within this population requires specific attention.

It is therefore critical that a gendered, human rights-based approach forms the basis of how governments respond to this report, and they seek to address the rights of Aboriginal and Torres Strait Islander women and girls into the future.

(b) Australia's human rights obligations

Australia has voluntarily entered into commitments to protect the human rights of people in Australia by ratifying seven major human rights treaties. These include the two core human rights treaties: the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Cultural and Social Rights (ICESCR).

Other binding international treaties relating to the prevention of the phenomena of racism and torture, through the International Convention on the Elimination of Racial Discrimination (ICERD) and International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and treaties relating to specific groups of people, namely the Convention on the Rights of Persons with Disabilities (CRPD), the United Nations Convention on the Rights of the Child (UNCROC); and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Australia endorsed in 2009, also provides a comprehensive framework for the recognition and protection of Indigenous rights.

The Declaration does not establish new or additional human rights for indigenous peoples. Instead, it elaborates how rights contained in the seven treaties referred to above apply to the specific circumstances of indigenous peoples globally.

There are four sets of principles that the Declaration elaborates on. These are:

- **Self-determination:** Aboriginal and Torres Strait Islander women and girls have a right to shape their own lives, including their economic, social, cultural and political futures.[5]
- **Participation in decision-making:** Aboriginal and Torres Strait Islander women and girls have the right to participate in decision-making in matters that affect their rights and through representatives they choose. This participation must be consistent with the principles of free, prior and informed consent. Aboriginal and Torres Strait Islander women and girls must be respected and treated as key stakeholders in developing, designing, implementing, monitoring and evaluating all policies and legislation that influences their wellbeing.[6]

- **Respect for and protection of culture:** Aboriginal and Torres Strait Islander women and girls have a right to maintain, protect and practise their cultural traditions and cultural heritage. This includes protecting their integrity as distinct cultural peoples, their cultural values, intellectual property and Indigenous languages.[7]
- **Equality and non-discrimination:** Aboriginal and Torres Strait Islander women and girls should be able to enjoy their human rights without discrimination from individuals, governments and/or external stakeholders.[8]

(c) Self-determination

For indigenous peoples globally, many of whom are constantly having to negotiate the recognition of their unique rights as distinct peoples within colonised nations, the right to self-determination is highly significant. Despite the commitment of nations to the right of self-determination, indigenous peoples globally continue to struggle to have their unique and distinct rights recognised.

Self-determination is an outcome as much as it is a process of negotiation. It is about determining, through legitimate dialogues with the nation state, how Aboriginal and Torres Strait Islander peoples are able to pursue our own social, cultural and economic interests, while retaining the right to participate fully in Australian life.

Without pursuing self-determination it is difficult to realise our foundational rights.

Sarah Maddison, reflecting on the work of Stephen Cornell, writes that the latest phase of self-determination for indigenous peoples across the world, including Indigenous Australia is a reclaiming of self-government as an Indigenous right and practice. She states:

> *... Indigenous nations have shifted their focus from a demand for Indigenous recognition and rights from the settler state and towards the actual exercise of those rights, whether recognised or not ... 'it pays less attention to overall patterns of Indigenous rights than to localized assertions of Indigenous decision-making power.'*[9]

We know that enhancing control is a strong correlate with positive wellbeing outcomes and can have significant implications for addressing existing challenges within communities. A self-determining approach is therefore critical for promoting strong and safe communities, where Aboriginal and Torres Strait Islander peoples are better able to transcend challenges and cycles of powerlessness.

(d) Participation in decision-making and free, prior and informed consent

We have a right to participation in decision-making and free, prior and informed consent. When given full effect, this right ensures our meaningful participation in decisions which affect our lives, and gives attention to issues of accessibility, including access to information in a form and language that can be understood.

The principle of free, prior and informed consent can be broken down into the following four elements:

Text Box 1.2: Free, prior and informed consent

i. Free means no force, coercion, intimidation, bullying and/or time pressure.

ii. Prior means that Indigenous peoples have been consulted before the activity begins.

iii. Informed means that Indigenous peoples are provided with all of the available information and are informed when either that information changes or when there is new information. It is the duty of those seeking consent to ensure those giving consent are fully informed. To satisfy this requirement, an interpreter may need to be provided to provide information in the relevant Indigenous language to fully understand the issue and the possible impact of the measure. To satisfy this requirement of the principle, information should be provided that covers (at least) the following aspects:

- the nature, size, pace, reversibility and scope of any proposed project or activity
- the reason(s) or purpose of the project and/or activity
- the duration of the above
- the locality of areas that will be affected
- a preliminary assessment of the likely economic, social, cultural, and environmental impacts, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle
- personnel likely to be involved in the execution of the proposed project (including Indigenous peoples, private sector staff, research institutions, government employees and others)
- procedures that the project may entail.

iv. Consent requires that the people seeking consent allow Indigenous peoples to say 'yes' or 'no' to decisions affecting them according to the decision-making process of their choice. To do this means Indigenous peoples must be consulted and participate in an honest and open process of negotiation that ensures:

- all parties are equal, neither having more power or strength
- Indigenous peoples are able to specify which representative institutions are entitled to express consent on behalf of the affected peoples or communities.[10]

(e) Non-discrimination and equality

Under UNDRIP and the International Convention on the Elimination of Racial Discrimination, 1969 (ICERD), all forms of discrimination in the realisation of rights must be prohibited, prevented, and eliminated.

An important concept when understanding and addressing inequality is that of substantive equality.

> *Substantive equality recognises that policies and practices put in place to suit the majority of clients may appear to be non-discriminatory but may not address the specific needs of certain groups of people. In effect they may be indirectly discriminatory, creating systemic discrimination.*[11]

In promoting principles of non-discrimination and equality, there are circumstances that require some people to be treated differently, compared to others. With respect to this point, a key feature of the ICERD is the taking of 'special measures' to promote equality. Article 1(4) of the Convention allows measures to be taken to promote the enjoyment of human rights by particular groups identified by their race. Article 2 (2) of the ICERD goes further and requires governments to take actions to address inequality through the adoption of special measures.

In order to comply with the terms of the ICERD in good faith, special measures should be informed by the views of the groups in question and be in aid of improving their enjoyment of their rights. It is therefore vital that vulnerable groups such as Aboriginal and Torres Strait Islander women and children are provided with opportunities to be part of decision-making.

(f) Respect for and protection of culture

Aboriginal and Torres Strait Islander people live our lives between two worlds. Participation in mainstream structures can come into conflict with our cultural expression. As noted by Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples in 2015:

> *The progressive achievement the economic, social and cultural rights of indigenous peoples poses a double challenge to the dominant development paradigm: on the one hand, indigenous peoples have the right to be fully included in, and to benefit from, global efforts to achieve an adequate standard of living and to the continuous improvement of their living conditions. On the other, their right to define and pursue their self-determined development path and priorities must be respected in order to safeguard their cultural integrity and strengthen their potential for sustainable development.*[12]

Respect for and protection of culture and identity are a core component of the right to self-determination and plays an important role in promoting the health and wellbeing in Aboriginal and Torres Strait Islander communities. There is significant international evidence about the protective role that culture, identity and connection to land plays in Indigenous communities. Furthermore, the diversity within Aboriginal and Torres Strait Islander communities means that one-size-fits-all approaches are not appropriate in meeting the distinct needs and uniqueness of each community.

These general human rights principles are relevant across this report.

1.8   Three-staged process

The *Wiyi Yani U Thangani* project is envisaged as a staged process. Systemic change will not be achieved through the provision of a report alone.

The next stage of the *Wiyi Yani U Thangani* project has been designed with the explicit intention of empowering Aboriginal and Torres Strait Islander women and girls to be the leaders of the change they want to see within their own communities.

On 5 March 2019, the Government announced that as part of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children, the Commonwealth would fund Stage two of the *Wiyi Yani U Thangani* project ($1.7m).

This will focus on

- Dissemination—significantly increasing access to the report's findings and recommendations in communities, through the development of a community guide, educational resources and an animation that will be translated into a select number of languages.
- Additional consultation on critical elements of Law, knowledge and language which represent key strengths identified by women throughout the national consultations. Targeted consultations with senior women in selected locations took place at the end of 2019 and early 2020. Due to COVID-19, ongoing engagements had to be cancelled. As such, rather than featuring in a subsequent addendum report, these senior women's voices have been included within this report.
- Implementation through systemic change—working with communities, Australian governments and key stakeholders to identify the systemic changes required to significantly enhance the health and wellbeing of women, girls, children and families. The intention is to examine the failures of the current punitive system as identified by women and girls—for example the structural factors that drive contact with the child protection and the criminal justice systems—and how to embed and sustain community-controlled alternative approaches and programs.

Stage three of the *Wiyi Yani U Thangani* project has not yet been confirmed. We are proposing that a national summit be held as a natural progression following all the work in stages one and two. This would:

- prioritise the lived experiences of Indigenous women and girls
- bring together executive-level representatives of all Australian governments and Indigenous peak bodies to collaborate with Aboriginal and Torres Strait Islander women and girls and systematically work through ways of implementing the recommendations of the Report as part of a National Action Plan process.

Chapter 2 Statistical profile of Aboriginal and Torres Strait Islander women and girls

This statistical profile identifies the key social indicators experienced by Aboriginal and Torres Strait Islander peoples in Australia, focusing on women and girls where data is available.

The first half of the statistical profile aims to provide a picture of who we are, where we live and some key statistics about our families and communities.

The second half highlights some of the major inequality trends which exist between Aboriginal and Torres Strait Islander men, women and children and the wider non-Aboriginal and Torres Strait Islander population.

The lived experience of these statistics and how they relate to what women and girls shared with me will be discussed throughout the respective chapters in the report.[13]

Well-documented concerns exist regarding the quality and availability of data on Aboriginal and Torres Strait Islander peoples.[14] It should be noted that the statistics reproduced here are not exhaustive.

It is also important to acknowledge that Aboriginal and Torres Strait Islander societies are not homogenous. Within each group there exists a multitude of nations with unique languages, cultural practices and connections to lands and waters. The richness of this diversity is largely not captured within available data sets.

Building robust and holistic statistical data on Aboriginal and Torres Strait Islander women and girls with specific data relating to Torres Strait Islander women, girls and their experiences is an area requiring further attention. This is a process which must be led and determined by Aboriginal and Torres Strait Islander peoples.

2.1   Who we are

(a) Population

The 2016 census tells us that Aboriginal and Torres Strait Islander peoples make up 3.3% (798,400 people) of the total Australian population.[15] This estimate represents a 19% increase from the previous census (in 2011).[16]

Aboriginal and Torres Strait Islander women comprise 399,952 of this overall number, approximately half of the Aboriginal and Torres Strait Islander population.[17] Aboriginal and Torres Strait Islander children between the ages of 3 and 17 years made up 218,776 of the population count.[18]
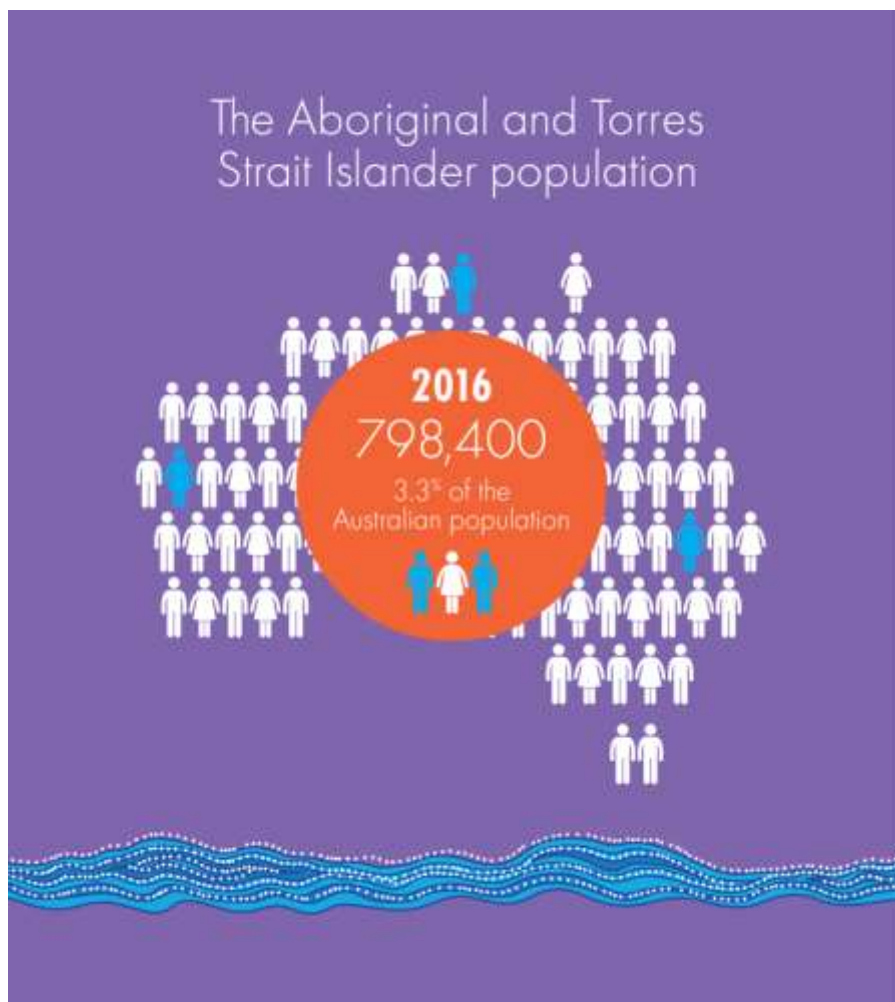
Figure 2.1: Aboriginal and Torres Strait Islander population (Census 2016).

In 2016, New South Wales had the largest population of Aboriginal and Torres Strait Islander peoples (33% of the total Aboriginal and Torres Strait Islander population), followed by Queensland* (28.7%), Western Australia (11.7%), Northern Territory (9%), Victoria (7.4%), South Australia (5.3%), Tasmania (3.6%) and the Australian Capital Territory (1.0%).

* Queensland's population is inclusive of those occupying the Torres Strait Islands. A population of approximately 4,514, of which 91.8% identified as Torres Strait Islander and/or Aboriginal.[19]

Figure 2.2: Aboriginal and Torres Strait Islander population by state and territory.

(b) Aboriginal and Torres Strait Islander peoples by descent

Among the Aboriginal and Torres Strait Islander population, 91% of people (727,500 people) identified as being of Aboriginal origin, 5% (38,700) identified as being of Torres Strait Islander origin, and 4% (32,200) identified as being of both Aboriginal and Torres Strait Islander origin.[20]
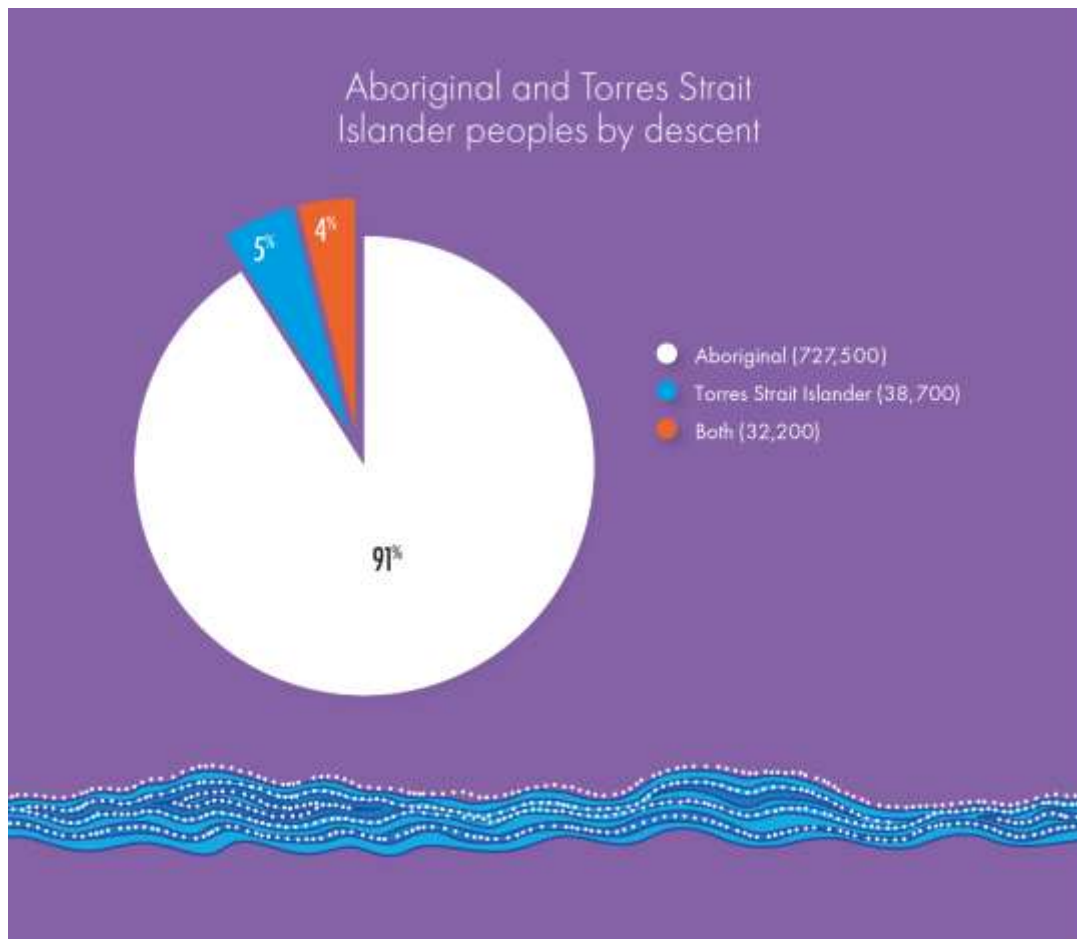
Figure 2.3: Number of Aboriginal and Torres Strait Islander peoples by descent.

In global terms, Aboriginal cultures represent a discrete yet internally diverse cultural bloc and are the oldest continuous cultures on Earth. Following the change of the seasons, we moved across the lands and waters that defined our country singing, dancing, hunting, fishing, gathering, burning, planting and harvesting. Traditionally, Aboriginal peoples lived in small family groups, coming together at certain times of year with neighbouring groups to interact socially and economically and to take part in shared ceremonies.

Torres Strait Islander cultures represent a unique and diverse cultural group occupying defined areas of lands and waters within the Torres Strait to which they hold deep and spiritual connections. Torres Strait Islander societies are distinct, but have been shaped in part and to varying degrees by their location at the confluence of Melanesian, Papuan and Australian Aboriginal cultural influences.

While each island has its own unique identity and sense of nationhood, the Torres Strait region (Zendath Kes) consists of five island clusters: the top western group (Boigu, Dauan and Saibai), the near western group (Badu, Mabuiag and Moa), the central group (Iama, Warraber, Poruma and Masig), the eastern group (Mer, Erub and Ugar), and the TI group (Waibene, Ngurupai, Kiriri, Muralag and Friday islands).[21]

The TI group also includes the lands and waters of the Kaurareg people and the five Aboriginal and Torres Strait Islander communities of Bamaga, Seisia, Injinoo, Umagico and New Mapoon on the Northern Peninsula Area of Cape York.[22]

While we are separate peoples, we have an ancient shared history with songlines extending across lands and the waters of our respective countries, and a significant social, cultural and trading relationship between Torres Strait Islander and local Aboriginal groups which predate the colonisation of the region.

(c) Age structure

The median age of the Aboriginal and Torres Strait Islander population is 23 years old (compared to 37.8 years old for the non-Indigenous population). The Aboriginal and Torres Strait Islander population has a relatively larger proportion of young people and a smaller proportion of older people compared to the non-Indigenous population. This is reflective of higher fertility rates as well as higher mortality rates and lower life expectancy than the non-Indigenous population.[23]

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Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report • 2020

37
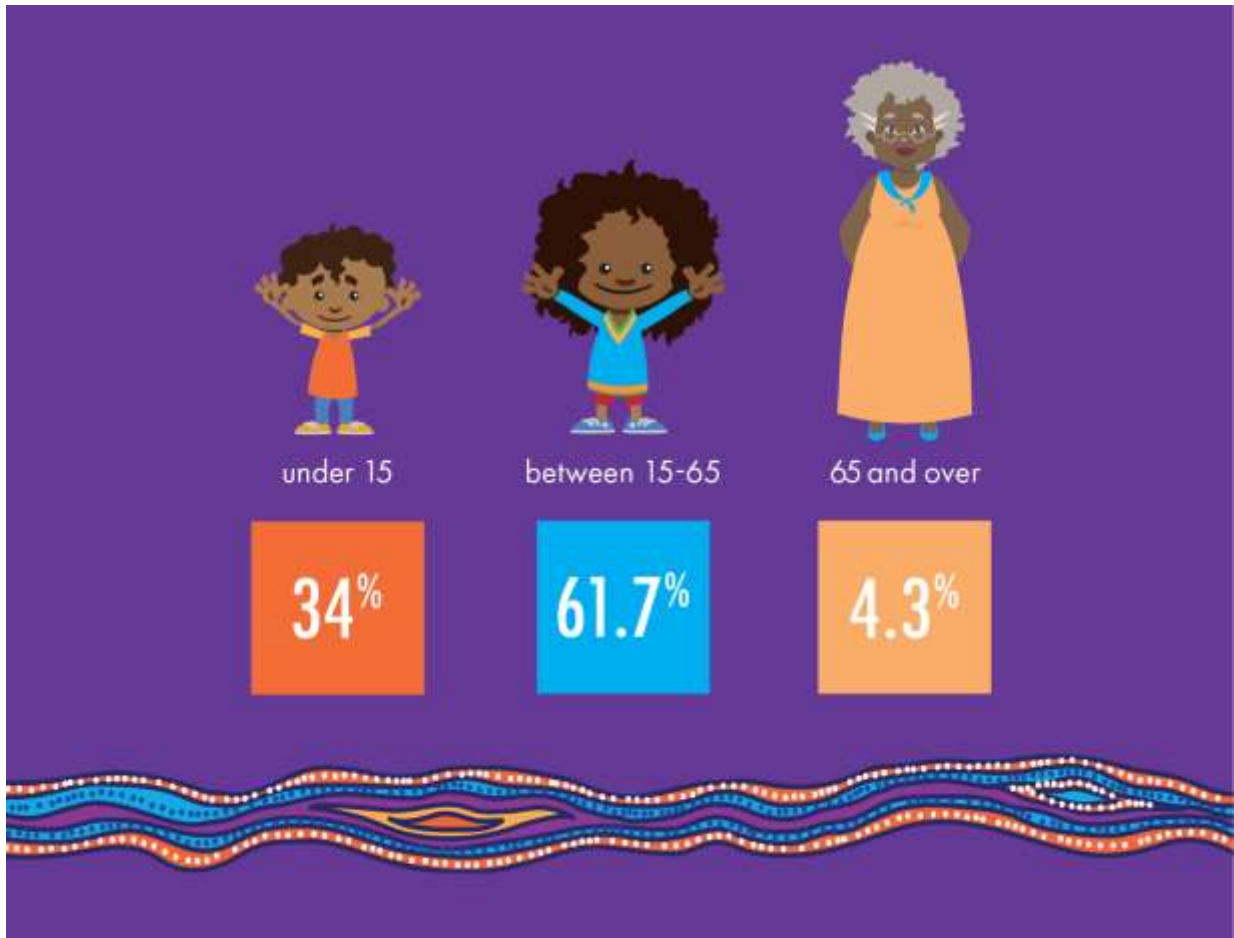
Figure 2.4: Age structure of Aboriginal and Torres Strait Islander peoples.

(d) Life expectancy

For Aboriginal and Torres Strait Islander peoples born 2015–2017, the life expectancy is estimated to be 75.6 years for females and 71.6 years for males. This is 7.8 years less than non-Indigenous females and 8.6 years less than non-Indigenous males.[24] In the 12 years since the Government's Closing the Gap initiative was established, the life expectancy gap between Aboriginal and Torres Strait Islander peoples and other Australians has not narrowed. We talk more specifically about this gap in the Health chapter.

Figure 2.5: Life expectancy gap between Indigenous and non-Indigenous people.

(e) Where we live

Throughout this report, remoteness is measured according to the Australian Statistical Geography Standard (ASGS). The ASGS identified remoteness based on distance from population centres and relative access to services.

According to the 2016 census data, 37.4% of Aboriginal and Torres Strait Islander peoples live in major cities. A further 4% live in regional locations, 11.9% in remote areas and 6.7% live in very remote locations.

Figure 2.6: Where Aboriginal and Torres Strait Islander peoples live.

Although the majority of Aboriginal and Torres Strait Islander peoples live in major cities and regional areas, we make up only 2.3% of the total population in these areas.

Comparatively, we make up 25.3% of the total population in remote areas, with some of our most remote communities being almost exclusively Aboriginal and Torres Strait Islander populations. This means that issues affecting remote and very remote communities disproportionately affect Aboriginal and Torres Strait Islander peoples.

The relative proportion of Aboriginal and Torres Strait Islander populations living remotely varies significantly across the states and territories. The Northern Territory has the highest remote Aboriginal and Torres Strait Islander population, with a majority (78.2%) of Aboriginal and Torres Strait Islander people living in remote and very remote areas. Western Australia has the next highest remote Aboriginal and Torres Strait Islander population, with 38.1% of people living remotely.

Throughout the consultations it was apparent that many Aboriginal and Torres Strait Islander women and girls living remotely are experiencing high levels of disadvantage, an absence of critical service supports and a lack of any practical employment prospects within a reasonable distance of their community.

I often heard of the benefits associated with living in remote Australia, such as better access to traditional lands, widely spoken traditional languages and a strong sense of community and belonging that comes with being part of a significantly higher Aboriginal and Torres Strait Islander demographic within a local population. The cultural and social value of remote communities is often underestimated by those considering the economic viability of remote Aboriginal and Torres Strait Islander communities, but the importance of maintaining these places was echoed by women and girls right across Australia.

(f) Our families and communities

Throughout the report, I reflect on the importance of connecting to culture, sharing knowledge and engaging in traditional practices as raised by women and girls in every engagement. According to the *2014–15 National Aboriginal and Torres Strait Islander Social Survey*, 85% of Aboriginal and Torres Strait Islander women watched, attended or participated in cultural events or activities. Three-quarters (74%) of women aged 15 years and over recognised a geographic area as their homelands or Country and three-fifths (63%) of women identified with clan, tribal or language groups.

Aboriginal and Torres Strait Islander women (59%) also identified hunting, fishing and gathering local foods as important cultural activities, as well as engaging in various forms of art (25%).[25]

Almost two-thirds (65%) of Aboriginal and Torres Strait Islander children aged 0–14 years had a main carer who was an Aboriginal or Torres Strait Islander female.[26]

Three out of ten women (30%) cared for someone in need (with a disability, a long-term health condition or old age). Women in the age group 45–54 years were among the most likely (35%) to have provided care to a person in need.

Women living in remote areas were more likely to provide care than those in other areas (36% compared with 28%), reflecting a combination of factors, such as reduced access to services, closer family networks and strong community relationships.[27]

Three out of five women (61%) provided support to someone living outside of their household. Almost two-thirds (61%) of these women lived in a household with dependent children.[28]
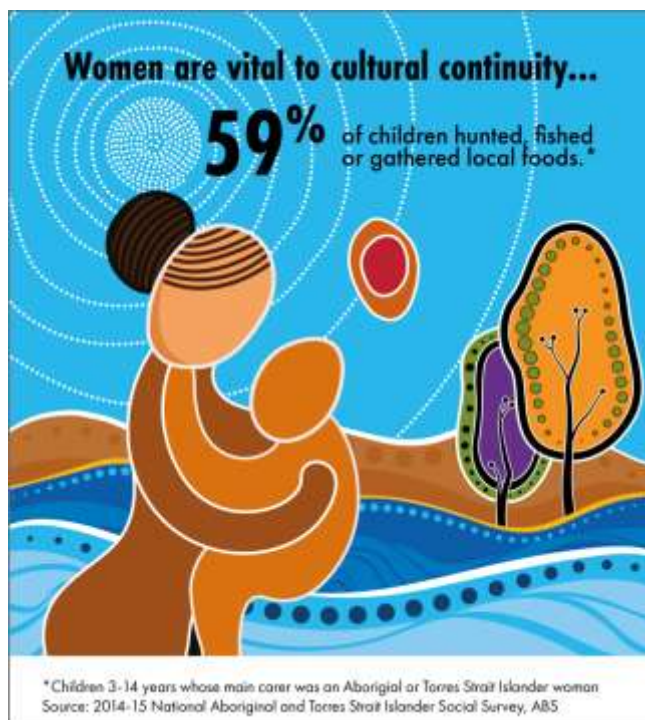
Figure 2.7: Percentage of Aboriginal and Torres Strait Islander children involved in cultural activities.

(g) Languages

In 1788, there were more than 250 Indigenous languages, including 800 dialects, spoken throughout Australia, with each language specific to a particular place and peoples.[29] Of the estimated 250 languages that were once spoken, fewer than half remain in daily use, and only a fraction of these are being transmitted to our children and young people.[30]

Colonisation has significantly affected many of our language groups across the country. It is a testament to the resilience of Aboriginal and Torres Strait Islander peoples that many are continuing to speak the languages of their ancestors.

In 2014–15, 38% of Aboriginal and Torres Strait Islander peoples spoke an Australian Indigenous Language (including those who only spoke some words), with higher rates of speakers in remote areas than in non-remote areas (76% compared with 28%).[31]

Figure 2.8: Australian Indigenous language speakers by age and remoteness 2014–15.

People living in very remote Australia are far less likely than those living in major cities to speak English at home (32% compared to 94%) and are much more likely to speak an Australian Indigenous language at home (58% compared to 1%).[32] This trend has changed very little over the last few censuses and again highlights the very significant role our remote communities play in maintaining languages.

(h) Disability

Almost half (45%) of Aboriginal and Torres Strait Islander peoples aged 15 years and over live with one or more disabilities or restrictive long-term health conditions.[33]

Across all age groups, Aboriginal and Torres Strait Islander peoples experience higher rates of disability than non-Indigenous people.[34]

For Aboriginal and Torres Strait Islander peoples, the rate of co-occurring disabilities is 2.5 disability types per person. This means every person experiencing one disability type will most likely be living with an additional one or two other types of disability.[35] Additionally, rates of mental and psychological distress occur at five times the rate for Aboriginal and Torres Strait Islander peoples with disability compared to other Aboriginal and Torres Strait Islander peoples.[36]

Disability is more prevalent among our women than our men, 47% compared with 43%,[37] whereas the prevalence was similar for the wider Australian population (males (17.6%) and females (17.8%).[38]
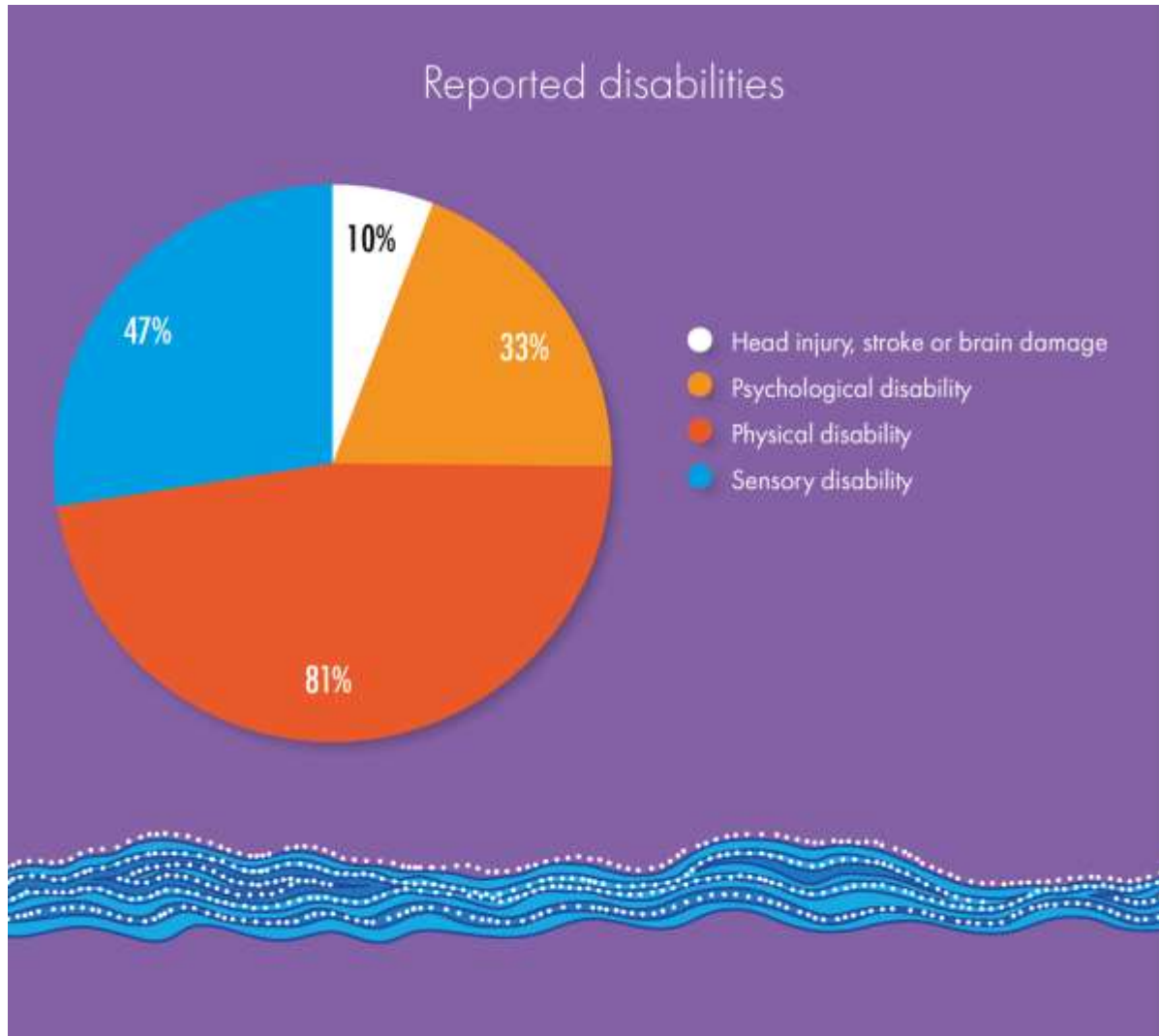
Figure 2.9: Reported disabilities amongst Aboriginal and Torres Strait Islander peoples.[39]

In 2014–15, majority of Aboriginal and Torres Strait Islander people with profound or severe disability had a physical disability (81%). Sensory disability, which includes problems with hearing, sight and speech is the second most common type of disability experienced (47%), followed by psychological disability (33%). A further 10% had experienced a head injury, brain damage or stroke.[40]

The experience of disability for Aboriginal and Torres Strait Islander peoples is often one compounded by the experience of intersectional discrimination and marginalisation, a concept further discussed in the Health chapter.

2.2   Experiences of inequality

The following statistics by no means define who we are as Aboriginal and Torres Strait Islander peoples, but rather captures the structural nature of the disadvantage and discrimination faced by far too many of us.

I have heard from our women and girls that they are living within a system that does not recognise their basic rights to things like housing, education, health and financial security. This ingrained systems deficit perpetuates cycles of discrimination, poverty and trauma in our communities and further entrenches disadvantage and inequality. Women and girls tell me how these unsafe environments undermine and deny the full realisation of their rights and prevent them from breaking cycles of harm.

When we look at statistics highlighting the inequalities our peoples face, we see successive governments failing to address the injustices perpetrated against us, and in many domains, the situation is worsening.

(a) Learning and education

Learning has always been a central element of Aboriginal and Torres Strait Islander people's lives and having access to education is critical to the realisation of all other rights. For thousands of generations, Aboriginal and Torres Strait Islander women and girls have maintained comprehensive bodies of knowledge that provide detailed instruction on every aspect of life. Aboriginal and Torres Strait Islander women and girls are increasingly engaging in formal education and are achieving higher results than ever before.
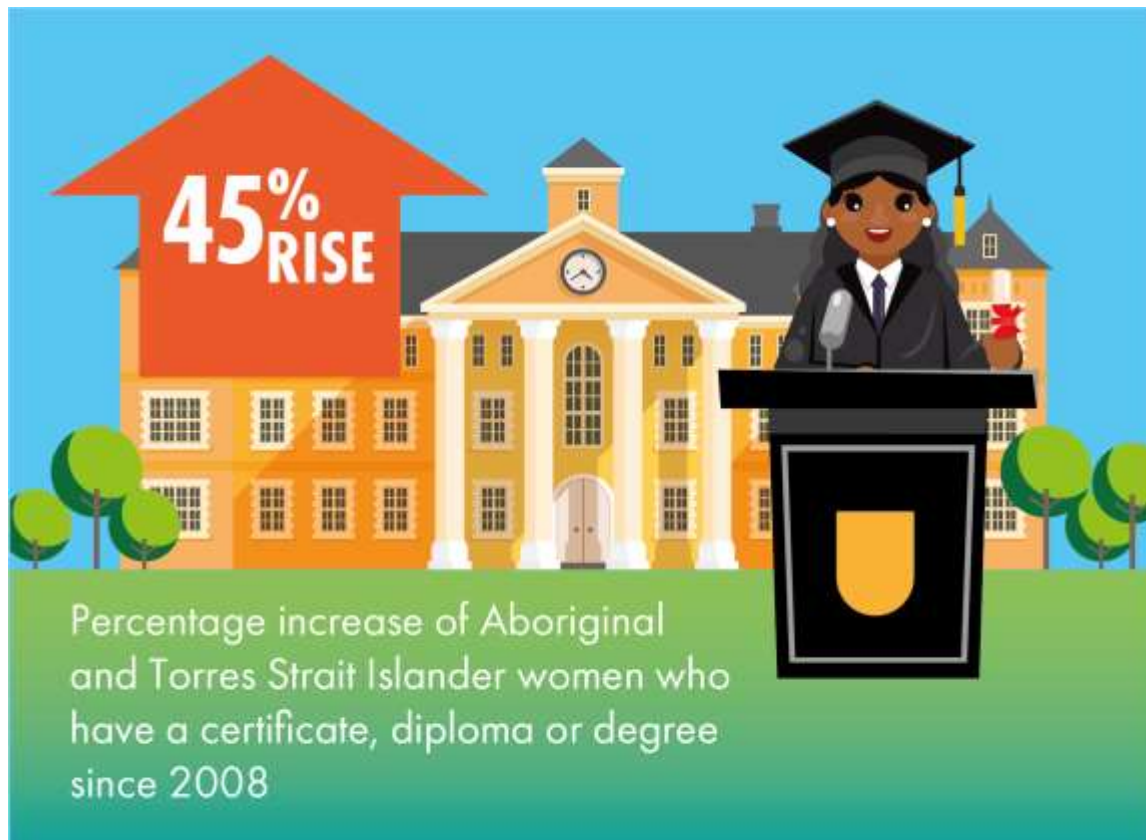
Figure 2.10: Percentage increase of Aboriginal and Torres Strait Islander women who have a certificate, diploma or degree.

In 2014–15, almost half (47%) of Aboriginal and Torres Strait Islander women aged 15 years and over, achieved a certificate, diploma or degree. This is a 45% increase from 2008.[41]

Around 66% of Aboriginal and Torres Strait Islander peoples aged 20–24 years in 2018–2019 had attained Year 12 or equivalent.[42]

The proportion of Aboriginal and Torres Strait Islander peoples aged 20–24 years between 2008 and 2018–19 finishing Year 12 or equivalent increased by around 21%. The gap between Indigenous and non-Indigenous people finishing Year 12 has narrowed by around 15%, as non-Indigenous attainment rates have improved at a slower pace.[43]

Aboriginal and Torres Strait Islander people living in major cities saw the biggest improvement in Year 12 attainment rates where the gap narrowed by around 20 percentage points, from 26 percentage points in 2012–13 to 6 percentage points in 2018–19.[44]

Education attainment across different levels continues to grow, with the number of Aboriginal and Torres Strait Islander persons holding certificate III and IV level qualifications rising from 28,200 in 2006 to 70,900 in 2016, an increase of more than 150%.[45]

In 2019, the national school attendance rate was around 82% for Aboriginal and Torres Strait Islander students, compared to 92% for non-Indigenous students.[46] Nationally, there has been no meaningful change in the attendance rate gap since 2014.[47]

Figure 2.11: National student attendance rates.

In 2019:

- There were 230,677 Aboriginal and Torres Strait Islander students enrolled in Australian schools, a 3.9% increase from 2018.[48]

- Aboriginal and Torres Strait Islander students accounted for 5.8% of all students (there was a total of 3,948,811 students enrolled in 9,503 schools in Australia).[49]

- The majority (83.7%) of Aboriginal and Torres Strait Islander students were enrolled in government schools.[50]

- The Northern Territory had the highest proportion of Aboriginal and Torres Strait Islander students at 39.1%.[51]

- The rest of the states and territories had recorded enrolments ranging from 9.2% in Tasmania to 1.7% in Victoria.[52]

Figure 2.12: Proportion of Aboriginal and Torres Strait Islander student enrolment by state and territory 2019.

(b) Child protection

Aboriginal and Torres Strait Islander children continue to be significantly overrepresented in the child protection system across virtually every decision-making point. Across every jurisdiction, Aboriginal and Torres Strait Islander children are far more likely to be notified, investigated, substantiated, placed on protection orders and placed in out-of-home care, compared to non-Indigenous children.[53]

Statistics presented in the *Family Matters Report 2019*,[54] demonstrate this clearly:
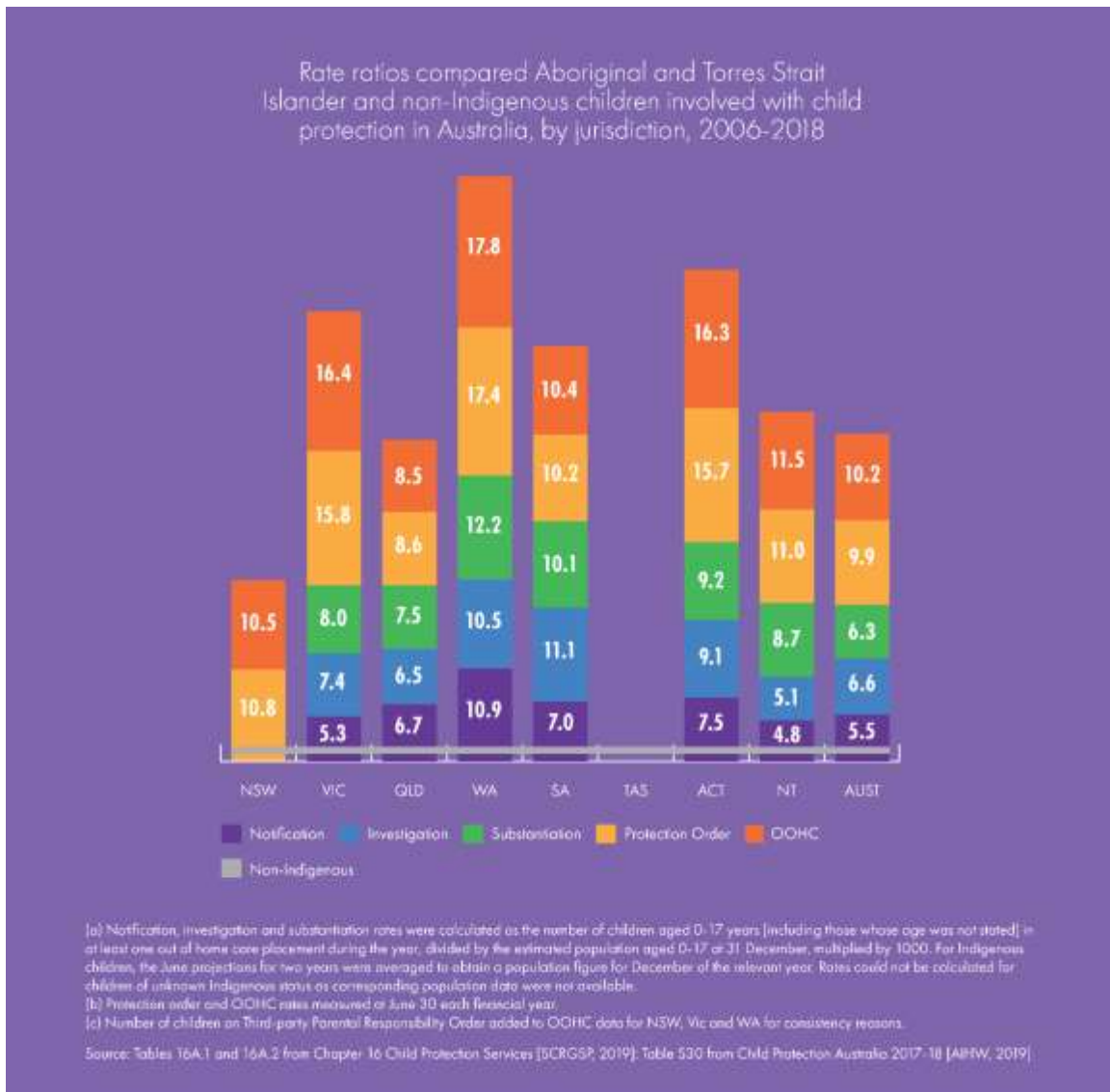
Figure 2.13: Rate ratios comparing Aboriginal and Torres Strait Islander children and non-Indigenous children involved with child protection in Australia, by jurisdiction, 2006–2018.

Nationally, the rate of Aboriginal and Torres Strait Islander children living in out-of-home care is 10.2 times that of non-Indigenous children. The disproportionate overrepresentation will continue to rise with available estimates projecting that the population of Aboriginal and Torres Strait Islander children in out-of-home care will more than double in the next 10 years.[55]

Figure 2.14: Young people in child protection and youth justice in Australia.

(c) Law and justice

The overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is indicative of the entrenched social, economic and cultural disadvantage that we face.

While the vast majority of Aboriginal and Torres Strait Islander women and girls will never come into contact with the criminal justice system, those who do, are likely to have experienced multiple forms of disadvantage.

In 2014–15, approximately one in ten (9%) Aboriginal and Torres Strait Islander peoples aged 15 years and over reported having been incarcerated in their lifetime. Males were almost four times more likely than females to have been incarcerated (15% compared to 4%). Incarceration rates were higher in remote areas (15%) than in non-remote areas (7%).[56]

In 2016, the age standardised imprisonment rate for Aboriginal and Torres Strait Islander peoples was 13 times greater than the imprisonment rate for non-Indigenous persons (2,039 compared to 163).[57]

Aboriginal and Torres Strait Islander women are the fastest growing prison population and are currently 21.2 times more likely to be incarcerated compared to non-Indigenous women.[58]

In 2014–15, approximately one in seven (15%) Aboriginal and Torres Strait Islander peoples aged 15 years and over said they had been arrested in the last five years. Across all age groups, males were significantly more likely than females to have been arrested in the last five years (20% of males compared with 9% of females),[59] see Figure 2.15 below.

Between 2008-2019 there were 153 recorded Aboriginal and Torres Strait Islander deaths in custody. 19 of them were Aboriginal and Torres Strait Islander women.[60]

Since the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) report recommendations, there have been over 430 Aboriginal and Torres Strait Islander deaths in custody.[61]

In 2014–15, approximately one in eight (13%) Aboriginal and Torres Strait Islander people aged 15 years and over, experienced physical violence in the last 12 months, 8% had experienced physical violence on more than one occasion.[62]

Aboriginal and Torres Strait Islander women make up 16% of all female murder victims in Australia[63] and also make up 10% of unsolved missing persons cases.[64]

Imprisonment rates

In 2014-15, approximately **one in 10 (9%)** Aboriginal and Torres Strait Islander peoples aged 15 years and over reported having been incarcerated in their lifetime

Males were almost **four times** more likely than females to have been incarcerated (**15%** compared to **4%**)

15% Males

4% Females

Incarceration rates were higher in remote areas (**15%**) than non-remote areas (**7%**)

15% Remote areas

7% Non-remote areas

In 2016, the age standardised imprisonment rate for Aboriginal and Torres Strait Islander peoples was **13 times** greater than the imprisonment rate for non-Indigenous persons (**2,039** compared to **163**)

2,039 Non-Indigenous persons

163 Aboriginal and Torres Strait Islander peoples

13x GREATER THAN THE IMPRISONMENT RATE FOR NON-INDIGENOUS PERSONS

Aboriginal and Torres Strait Islander women are the fastest growing prison population and are currently **21.2 times** more likely to be incarcerated compared to non-Indigenous women

Non-Indigenous women

Aboriginal and Torres Strait Islander women

21.2x MORE LIKELY TO BE INCARCERATED COMPARED TO NON-INDIGENOUS WOMEN

Figure 2.15: Arrested in last five years(a), by age and sex—2014–15.

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55

Figure 2.16: Physical or sexual violence against Aboriginal and Torres Strait Islander women.[65]

Figure 2.17: Comparison imprisonment rates of Indigenous and non-Indigenous people.
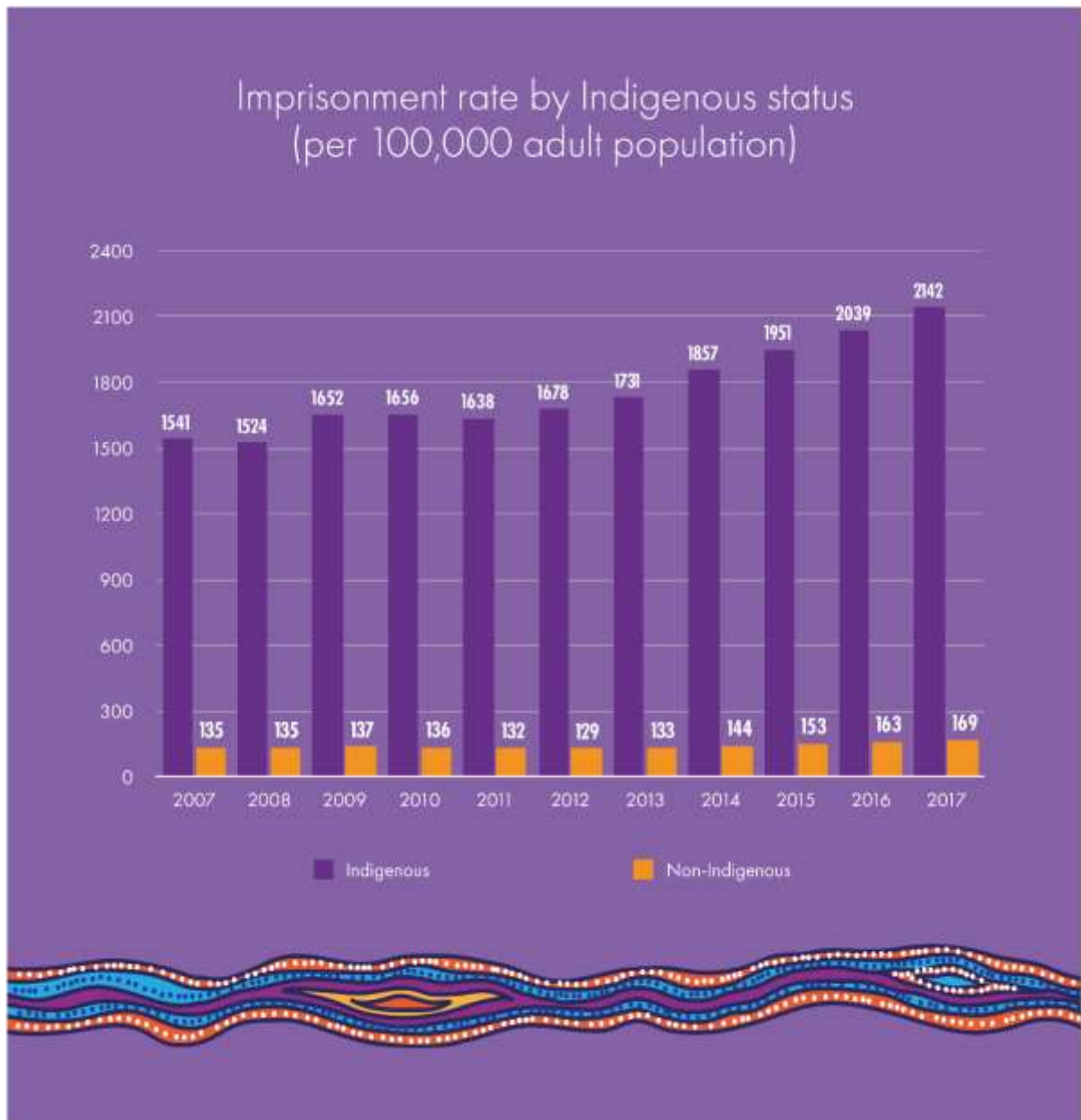
Figure 2.18: Imprisonment rate by Indigenous status from 2007−2017.

(d) Housing and homelessness

Wherever we choose to call home, there are fundamental safety, infrastructure and service needs that must be met in order to live comfortably. Without adequate and appropriate housing, our essential rights to safety, security and privacy are compromised and it becomes difficult to enjoy our rights to health, education and employment.

Aboriginal and Torres Strait Islander peoples are more likely to live in a house with three or more people, and are more than twice as likely to live in a house with six, seven or eight people than the general Australian population.[66] This suggests that the issue of overcrowding in Indigenous households is more likely than in non-Indigenous households.[67]

In 2016, of the 26,400 Aboriginal and Torres Strait Islander households categorised as being overcrowded, 76% were renting, 14% had a mortgage, and 7% owned outright.[68]

It is also more common for Aboriginal and Torres Strait Islander households to have more than one family living together (5.1%) than for non-Aboriginal and Torres Strait Islander households (1.8%).[69]

Aboriginal and Torres Strait Islander peoples are also less likely to live alone (15%) compared with (25%) other Australian households.[70]

Aboriginal and Torres Strait Islander peoples are also 15 times more likely to be staying in improvised dwellings, tents or sleeping rough than non-Aboriginal and Torres Strait Islander people.[71]

We are overrepresented among our homeless population. On the night of the 2011 national Census, there were 105,237 people experiencing homelessness. Of these, 26,744 were Aboriginal and Torres Strait Islander peoples (25%).[72]

There are many reasons why our people experience homelessness. Later in the report we discuss further the issues of housing and homelessness.

Overcrowding in Indigenous households, by remoteness area, 2001, 2006, 2011 and 2016

Remoteness area	% of Indigenous households				Percentage point change between 2001 and 2016
	2001	2006	2011	2016	
Major cities	11.0	9.4	9.7	8.1	-2.9
Inner regional	10.9	10.0	9.5	7.4	-3.5
Outer regional	14.7	13.4	12.2	9.4	-5.3
Remote	21.5	22.3	20.1	14.5	-7.0
Very remote	45.8	40.5	38.9	32.3	-13.5
Remote and very remote	35.5	32.3	30.9	24.6	-10.9
Total (%)	15.7	13.6	12.9	10.0	-5.7
Total Indigenous households (number)	144,493	166,659	209,049	263,036	*

*not applicable.
Note: Refer to Supplementary table S2.6 for explanatory notes.

Figure 2.19: Overcrowded *Indigenous households, by remoteness area, 2001, 2006, 2011 and 2016,* 2014b, AIHW analysis of ABS 2016 Census (using TableBuilder).[73]

(e) Employment and economic participation

Employment represents the key vehicle through which we can emancipate ourselves from entrenched cycles of poverty.

Fewer than half (42%) of Aboriginal and Torres Strait Islander peoples aged 15 years and over were employed (44% of males and 41% of females) in 2016.[74]

In 2018, the Aboriginal and Torres Strait Islander employment rate was around 49% compared to around 75% for non-Indigenous Australians.[75]

The data also tell us that our women are more likely (23%) to be in part-time employment than our men (14%).[76] In comparison, non-Indigenous people are 1.4 times more likely than Aboriginal and Torres Strait Islander peoples to be employed.[77]

Aboriginal and Torres Strait Islander women often have extensive family and community roles, which are rarely recognised.

Even when our women are working tirelessly, many of us are on low incomes or unemployed, and are subject to punitive legal and welfare structures. And the more remote we live, the less likely we are to have a stable job or job opportunities. Almost half (45%) of Aboriginal and Torres Strait Islander people aged 15 years and over in non-remote areas were working, compared with 35% in remote areas.[78]

Aboriginal and Torres Strait Islander people that are employed are likely to work in healthcare and social assistance (14%) or public administration and safety (11%) and most likely to be community and personal service workers (17%) and labourers (15%).[79]

For Aboriginal and Torres Strait Islander people that own a business, they are 100 times more likely than non-Indigenous businesses to hire Indigenous workers.[80] Indigenous-owned businesses are important to increasing Aboriginal and Torres Strait Islander employment.

There are around 12,000–16,000 Indigenous-owned businesses, however this is a small fraction of the 2.1 million businesses in Australia.[81]

Creating opportunities and investing in Indigenous businesses is a way we can bridge the gaps between Indigenous and non-Indigenous wealth, income, employment, educational attainment and wellbeing. More information can be found in the Pathways to Employment and Empowerment and also the Economic Participation chapters of the report.

Figure 2.20: Source: ABS, National Aboriginal and Torres Strait Islander Social Survey, 2014-15, cat. no. 4714.0, persons 15 years and over.[82]

(f) Health

Chronic conditions significantly contribute to the overall burden of disease experienced by Aboriginal and Torres Strait Islander peoples and are responsible for a major part of the life expectancy gap.[83]

In 2018–19, almost half (46%) of Aboriginal and Torres Strait Islander peoples had at least one chronic condition that posed a significant health problem, up from 40% in 2012–13.[84] The proportion between Aboriginal and Torres Strait Islander males and females were similar (44% and 47% respectively).[85]

In 2018, the leading causes of death among Aboriginal and Torres Strait Islander peoples living in NSW, SA, NT and WA were caused by chronic diseases. The leading cause of death was Ischemic heart disease (12% deaths), followed by diabetes (7.2% deaths), chronic lower respiratory diseases (7% deaths) and lung related cancers (6.3% deaths).[86]

Injury by intentional self-harm (5.3% deaths), land transport accidents (2.5%) and poisoning (2.4% deaths), also contributed to a significant amount of deaths in 2018.

Social and emotional wellbeing and mental health conditions encompass a number of chronic conditions and can significantly affect how a person thinks, feels, behaves and interacts with others.

The 2018–19 National Aboriginal and Torres Strait Islander Health Survey found that 31% of Aboriginal and Torres Strait Islander peoples reported high or very high levels of psychological distress.

Anxiety was the most common mental or behavioural condition reported (17%) by those aged two years and over, followed by depression (13%). The proportion of females who reported anxiety and depression was higher than males (21% and 12%; 16% and 10% respectively).[87]

These statistics highlight the absolute need for equitable access to timely, appropriate and effective healthcare, early identification and management.

Addressing the social determinants of health is just as critical to reducing avoidable deaths and improving quality of life for Aboriginal and Torres Strait Islander peoples.

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63

Aboriginal and Torres Strait Islander women and girls ...

Make up **half** the Indigenous population (400,000)

50%

85% watch or participate in cultural activities

2 out of 3 children have a woman caring for them

Almost half hold a certificate, diploma or degree

Report **higher rates** of anxiety and depression than Aboriginal and Torres Strait Islander men

8 YEAR GAP

21X Australia's fastest growing prison population – **21 times** more likely than non-Indigenous women to be incarcerated

Life expectancy **almost 8 years shorter** than the rest of the female population (75.6 years)

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64

Aboriginal and Torres Strait Islander peoples ...

38% speak a First Nations language

37.8 YEARS

23 YEARS

Average age **23** years (compared to **37.8** non-Aboriginal and Torres Strait Islander)

Child mortality is almost **double** that of other Australian children

10X Out-of-home care more than **10 times** higher than the rest of the population

45% live with disability

82% **92%**

82% attend school compared to **92%** non-Indigenous

1 in 10 aged 15 years or older have been incarcerated

Men **4x** more likely than women

Less than half are employed

A quarter of Australia's homeless are Indigenous (2011) yet account for just **3.3%** of the population

Almost half (46%) of Aboriginal and Torres Strait Islander peoples have at least one chronic health condition

Chapter 3 Key themes: Strengths, confronting the deficit, and ensuring our representation

3.1   Recognising our strengths

I have chosen to commence this report with a detailed overview of the key themes that have constantly arisen throughout the *Wiyi Yani U Thangani* national consultations.

The experiences and issues described in this chapter are fundamental to understanding all of the issues that are raised in the remainder of this report.

What this chapter describes is the need for a fundamental shift in the way that government engages with Aboriginal and Torres Strait Islander women and girls.

The key shifts required are reflected in the three sections of this chapter. They are the need to:

- **move to taking a strengths-based approach** that acknowledges the distinct skills, knowledge and potential of Aboriginal and Torres Strait Islander women and girls, and the centrality of our cultures and identities to our lives
- **move from a deficit-based model** that is based on lingering patriarchal assumptions and racist ideology which continues to perpetuate intergenerational trauma and disadvantage and entrenches intersectional discrimination
- **fully respect and ensure the participation** of Aboriginal and Torres Strait Islander women and girls and embraces our leadership in representative capacities and through processes of truth-telling and agreement-making.

Following this chapter—Chapter 4 Overarching recommendations and pathways forward—then sets out the structural reforms necessary to enable this shift in law, policy and programs.

(a) Adopting a strengths-based approach: The cultures and identities of Aboriginal and Torres Strait Islander women and girls are the key

> *Giving our women confidence to speak up for our people too—it is really good. It is time to listen to our voice now. What we want. They need more knowledge in our ways.* **Indulkana women**

> *What keeps me strong is my grandmothers—they didn't have the power to have a voice and I am bloody determined to make sure my girls have a voice.* **Dubbo women**

I know Aboriginal and Torres Strait Islander women and girls have remarkable skills, knowledge and boundless potential.

Throughout the engagements for this report, women and girls have spoken to the fact that in the face of adversity and cycles of crisis, they are highly capable, resilient, intelligent and courageous. They keep going, and often develop new strengths and insights, no matter what circumstances are thrown their way.

I started each engagement by asking our women and girls what their strengths are and the internal resources they draw upon and use to keep themselves going.

I consistently heard about the behaviours that motivate us to keep going, such as grit, determination, love, humour and resilience, amongst others.

Women and girls were clear that these strengths do not exist in a vacuum. They derive from our culture and society and who we are as Aboriginal and Torres Strait Islander peoples. They are ingrained in our identities.

> *My true strength is my identity, where I'm from and whatever I use from my culture to keep me strong.* **Thursday Island women**

> *Aboriginal—resilience, connection, consideration of country the community bond and links connected, sharing experiences and being from different areas links to ancestors [Recognise them in helping us with country] oral traditions.* **Hobart girls**

Women and girls spoke of a common bond of Aboriginal and Torres Strait Islander womanhood and sisterhood. They spoke with great pride of carrying the knowledge and heritage of matriarchal lines that reach back over millennia.

The other thing is my culture—I've pretty much grown up around elders, all the time, I was always surrounded by elder women who have taught me a lot, taught me discipline and respect and I suppose that gave me the foundation to keep myself in check and to just keep going. So elders are important for me, I grew up around elders. **Yarrabah women**

What makes me strong is six generations of strong women that taught us about country. **National Native Title Conference**

Through this lineage, women and girls have developed a deep sense of belonging and connectedness to this land, which in turn, forms a central part of their shared existence and ways of expressing themselves today.

From the urban to the remote, women described how this knowledge and the responsibility bestowed on them, from elders and senior women, means that they occupy pivotal roles as the backbone of our society.

Everywhere I heard how our women and girls are the nurturers and teachers providing care to children, families and communities. Simultaneously, I heard how this deep commitment to our society drives women to become leaders in fighting for a better existence for all our people.

Women are the social fabric of communities and the glue that holds everything together. More aware and knowledge to stand up. Our women are the head of the family. **Mount Isa women**

All of us, mainly all the women, we are the ones that are the backbone of everything here on the mainland, it doesn't matter where. We are the backbone of our families, we are the backbone that everyone depends on to get things done. **Cairns women**

Because we are the heart and soul of our communities. We have emotional stamina. **Adelaide women**

We put women and families at the centre and we talked about all those things you've already shared because if the women disappear from that centre—once you remove her, that mother, grandmother, the family structure starts to crumble. **Brisbane women WOW session**

The senior women and those taking on senior roles who I spoke with impressed the importance of transferring our knowledge and languages to maintain the health of our people, country and future society.

> *… passing things down, we gotta go in fast pace now, put it into top gear. Because we know it is so important that the future generation of Bunuba kids coming up want to know the things that we've learnt along the way, the values that have been put into us, I want the country, like you said, want the feeling … because we know that is our responsibility and that is what we want the future of our Bunuba women to be, to have that knowledge … That is an identity for them … **Fitzroy Valley senior women's engagements***

> *You know, we trying to learn as much as we can … especially with plants and how women's roles are back long time before Kartiya [white people]. We want to learn as much as we can for the next generation, we been grow up with stories even when we was younger, and that's why we know who we are and where we stand in the world and in our identity and it is important we empower our young women. Our young women gotta start having confidence and carrying these sort of things on. **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements***

Aboriginal and Torres Strait Islander women and girls have a strong solidarity towards each other, forged through our heritage, lived experiences and intergenerational responsibilities. But we also have vastly differing identities.

We come from hundreds of different First Nations, each with traditions, knowledges and languages, spreading across this continent. Each group has experienced colonisation severely, but differently.

Lyn Henderson-Yates captures what I have heard throughout *Wiyi Yani U Thangani*, that our experience of identity is everything, both uniting us and describing our multiplicity of differences:

> *Identity is all encompassing and includes profound understandings about who we are, which family we belong to, which country we come from, a shared history and future, shared cultural understandings and belongingness … Aboriginal people are not all the same; attempts to make us one homogenous group are unacceptable. We have many similarities but, equally, we are also different. **Lyn Henderson-Yates**[88]*

Our women and girls have learnt to expertly navigate and draw together cultural and western realities to form unique intercultural expressions and skills.

These skills and knowledges are being utilised within a wide range of pursuits, from art, academia, across various professions, managing businesses and organisations to music and dance. Like the experiences that form us, the examples of how women and girls express themselves are infinite, too numerous to list. Here are just some examples of how women fuse these strengths together in balancing numerous roles, while fulfilling their responsibilities to kin, families and communities.

> *Our strengths are in the embodiment of women itself is strength … We have good poetry … Strength to want to get up and go to work, you know. When you're in the community and there are lots of organisations. Yeah like, strength like of getting up and going to work—perseverance and resilience. And even family strength you know.* **Borroloola women**

> *… we are more than community members. We need to value the role we play in all these areas—as daughters, mothers, sisters etc. We are teachers, we are leaders, we are dancers, we are singers, we are good yarners.* **Hobart women**

> *My strength in trying to keep my family together and being a family orientated person and that's what keeps our strength in the community and what keeps us strong is our kids and grandchildren and we will pass on our strength and make them strong.* **Alice Springs women**

On several occasions women and girls expressed their frustration that their diverse identities were reduced to simplistic and at times discriminatory Western definitions.

For some women and girls this included the use of the word Indigenous or Aboriginal which they saw as imposed terms with historically racist connotations.

> *We are no Aboriginals. Allow First Nations Peoples of Australia to have their own true authentic identity.* **Brewarrina women**

> *Language terms need to be referred back to Aboriginal and Torres Strait Islander instead of Indigenous.* **Mount Isa women**

I have seen how when women and girls can speak for themselves and define who they are, without fear of discrimination or confined to stereotypes, they are confident to express all of who they are. They can share their interests, sexuality, how they define their gender, culture, heritage and they talk of their hopes and dreams and so much more.

These aspects of our women and girls' identities speak to the types of supports and structures they need to have good self-esteem and confidence, to engage in opportunities and to develop and realise their talents and skills. By supportive structures, I mean everything from the personal and private to public structures such as families, organisations, institutions including schools, universities and workplaces.

I heard the need for such supports most strongly from our LGBTQIA+SB (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Sistergirl and Brotherboy) communities, and young people:

> *You get that sense of self when you've got your identity. I think it's identity whether you're a mixed person or woman, a man or a sistergirl. Once you have that secure feeling, I think that's really wonderful.* **Tiwi Islands, sistergirls engagement**

> *Knowledge and identity with young people teaching it for the young people/ being strong in a sense of identity for young people.* **Perth women**

Without proper supports in place to strengthen identities and condemn all forms of discrimination, women and girls can internalise negative ideas and stereotypes which can all too easily diminish who they are and what they can achieve and bring to this world.

> *Having the identity gives you the strength to be able to connect to the land, to whatever else is around that makes you who you are. You can learn a lot of things, but it's about who you are to be able to do what you need to do … for me it's about having the identity and having the strength to be able to speak out, to be able to share your skills and knowledge and call out a whole lot of things. It's the why. If you don't have your identity then you're actually in this floating, and you're led to do a lot of things. It's knowing what's behind all of that, gives you and tells you who you are and this is where you come from.* **Tennant Creek women**

I know that developing the structures to support the diverse identity of our women and girls can improve life outcomes, while realising potential and enabling possibility.

Throughout this report, I explore the many ways in which our identities and strengths can be enhanced. In consultations, I have heard how our inherent cultural and social values and assets and lived experiences help develop individual and collective strengths and capabilities. These values and assets, as explored in every chapter of this report, are such things as connection to country, culture and language, our spiritual beliefs and religions, our entwined family, social and friendship networks, our leadership, and our ability to navigate multiple social and economic realities.

> *Our personal assets—we are innovative, resilient and our own cultural knowledge—they are fundamental assets rather than instruments. They are the things that, in regards to, how we create change is making them as solid as possible, then making sure we are passing on and supporting … We are sovereign women. We need to do it ourselves … And we are starting to take the power back. Then we become the force to be reckoned with. We don't need big organisations to come in.* **Hobart women**

This report also explores that when these 'assets' are invested in they not only support our individual expression of self but strengthen our entire social fabric.

This was the purpose of *Wiyi Yani U Thangani*, to hear directly from women and girls about their lived realities, what matters to them, and what supports are needed to respond to the issues in their lives and to achieving their aspirations. Ultimately, so they can live the lives they want and have a right to.

(b) The foundational importance of culture

Everywhere we travelled from the north to the south, within urban and remote regions, women and girls spoke of our culture as the foundation of our identity.

Culture is a concept difficult to articulate, because it is, as the women on Murray Island said, 'everything'. Culture is different between mainland Australia, where Law and Culture are practised, and the Torres Strait, where Ailan Lore and Ailan Kastom are practised, but there are commonalities.

Through many different practices today, culture continues to define us as distinct and diverse peoples.

> *Culture is at the heart for us, for everything we do. It's sovereign Law from way back, and we carry that strength with us. We carry that Law when we are talking to our young people and when we are teaching them how to respect the land and all that is contained within it, including animals and plants. We carry it with us when we are teaching respect for family, for ourselves and for who we are. We can connect with others through culture by understanding the links connecting people to country and one part of country to another part of country. Culture connects everything from the river to the birds, and the hills to the trees and all the people that belong to this land. It forms a special connection that you can use like a map.* **Children's Ground submission**

> *Our identity, we need to be building them up and sharing with them our country men, our elders and our culture.* **Brisbane women WOW session**

> *Our identity is everything. Culture is everything. Our relationships with others, who are our elders, are everything, totems, Island dancing, traditional sacred dancing. Respect everyone where they live. Our law—no trespassing and obeying Laws. Family gathering and feasting together, sharing one another, helping each other in different times. When someone passes away, we help them grieve and get them together. Land and sea provides us with food, shelter and clothing.* **Murray Island women**

Culture is the English word used to capture a diverse range of Aboriginal and Torres Strait Islander traditional practices and our many contemporary ways of expressing ourselves, all of which can vary considerably across Australia.

Culture, in this broad and sometimes simplistic usage can hide and diminish the many aspects of our cultural practices, while also making us, as a peoples and societies, seem unchanging.

I use 'culture' throughout this report because our Aboriginal and Torres Strait Islander women and girls have taken ownership of it to express the vibrancy, dynamism, depth and difference of our social and cultural realities today.

This is exactly what I have seen as I have travelled Australia.

I have heard how our women and girls are developing ways to continue the practice and transference of our cultural knowledges and how they are finding ways to reconnect and revitalise languages, Laws, ceremonies and songs.

I have also heard how they are igniting new forms of cultural expression or developing technological innovations so we can record and transfer our knowledge through television, animations, virtual reality, music, dance competitions, social media, in science labs and through the education system.

> *Cultural identity moment, my parents grew up in Cairns and Palm Island and Brisbane, and I grew up in Ipswich. And the mob there accepted us ... I think when I was 18 I decided to take off and find out a bit more about myself and I heard about this dance studio, thought I was a deadly dancer, auditioned and came to Sydney and graduated I think that was a part of my journey finding out my Aboriginality, songs and cultural identity through dance.* **Sydney woman**

> *Share the spirit festival started out for the musos, with about 500 people coming. Now we're up to 20 thousand. It was about bringing Aboriginal women in and the young dancers.* **Melbourne women**

> *Telling our story through protest, Everything in the news ... Resilience and strength of our culture ... Aboriginal women we have led social movements and have driven change.* **Brisbane women WOW session**

> *Musicians keeping things alive—rappers ... Art—pass on our knowledge to youth.* **Adelaide women**

> *... We need social media to be a powerful tool—we need to tell our stories and the arts gives us the power to heal ...* **Brisbane women WOW session**

> *... If you could change something about your own life / community what would it be? Teaching our children that culture is important but also using technology and culture to work together in the future.* **Kimberley Aboriginal Law and Cultural Centre (KALACC) submission**

(c) Law, ceremony, language and women's knowledge systems

Australia—the lands, seas, waters and rivers, islands and skies—are imbued with First Nations' Laws.

Our Laws composed of both women's and men's Laws—often referred to as our separate women's and men's business—provides a form of rule book for how we should live. Our traditional cultural practices and ways of interacting come from our Law. Culture and Law are deeply entwined but can also exist separately to one another. First Nations Law, similar to Western law, tells of what individuals can and cannot do within the society they belong to and has consequences for transgressing those Laws.

However, First Nations' Law encompasses far more than rules and transgressions. Our Law provides the foundation and the structures for our existence and ways of being within and of the world.

In the lessons I have learnt and the Law I carry, I understand that First Nation Law formed when the country was soft, flowing through the veins of this earth as it came into being, shaping animals, plants and humans. Law continued to flow into our bodies, rising into our minds and thoughts in many languages, giving us the words to speak with and for country. Our Laws and languages are ancient, but they are not static. They are alive and translatable to the present.

I am on a continuous journey in learning my Law, on the path to becoming a senior Bunuba woman, but not there yet. Like any legal education, attaining a qualification in Law is an extensive task. Understanding First Nations' Law takes a lifetime of deep listening and immersion within our country, and even then, we can never know the Law in its entirety.

There are different systems of Law for different parts of the country. My Bunuba peoples in the central Kimberley call it Ngarranggani, and the Anangu in central Australia call it Tjukurrpa, in Arnhem Land the Yolngu peoples call it the Madayin system of Law, Mulkutda is the name given by the Adnyamathanha peoples of the Flinders Rangers in South Australia, the Gamilaraay peoples of far north west New South Wales to Southern Queensland call it Dhiriya Gamil.

Systems of Law are composed of totems, kinship, ceremony, songlines and gatherings, which give us social customs and protocols and set-out our relationships. The Law and all its elements govern existence. It is powerful. Some of it is open knowledge, but much of it is sacred and secret and not to be told to the uninitiated.

As I traversed the continent for *Wiyi Yani U Thangani* I heard how the devastating impacts of colonisation has halted the practice of many elements of Law, everywhere.

However, I also heard how women and girls and communities are counteracting loss with a resurgence of ceremony and language and through active practice are reacquiring intimate knowledge of relationships with kin and country.

Women and girls spoke of the importance of engaging with elders as part of this resurgence and re-learning of Law and knowledge across Australia.

> *In community elder men educate boys. Young people are not getting access to the elders enough. We [girls] want that. So let's make it equally available. In our culture men and women [have] different roles but that doesn't mean [we are] not equal.* **Perth women**

> *We need old people to teach the kids about their culture—there are too many kids. For the kids to understand what old people are teaching them. Dancing, our stories, to keep the culture going. We need to show the next generation.* **Indulkana women**

This message was so strong throughout *Wiyi Yani U Thangani* that I embarked on further engagements at the end of 2019 with a particular focus on the voices of senior women Law holders. I wanted to hear directly from them about the depth of knowledge they carry and how it can be better protected and transferred to the next generation, and actively applied to our lives today.

They are a small group of women who over their lifetimes have learnt Law, language, song and ceremony. Their lives have had comparatively fewer Western interventions than others and from a young age they have had significant connection with elders who have taught them language and Law.

These women are sometimes known as the last of our song women—their lives a continuing, relatively unbroken, chain of knowledge transmission with our ancestors.

Women in central Australia said to me that there are only a handful of women left carrying Law and song:

There has been a noticeable downshift in singers. The songs aren't being maintained because there are only a handful of singers left [counts four women on hand] …

Mrs X from Papunya has passed away now, but at that last ceremony, she got up and she sang and she danced, because she was the only one left to have that Tjukurpa, the only one left who had that song. And every time she came to Law and Culture, she would be singing and dancing, because no one else had it. And it just completely broke my heart when that old lady passed away. I just remember the fact that she was SINGING and Dancing the WHOLE time, by herself, and she did that ALL the time. That was strong Papunya language and strong Tjukurpa there, and she was the only one. It is scary to think that when we lose those singers that we have nothing to pass on anymore. **Alice Springs discussion with NPY women, senior women's engagements**

Ongoing engagements with senior women Law holders had to be cancelled because of COVID-19. Of the voices we heard in the Kimberley and in central Australia, they are included here, and are threaded through the report. Their words emphasise the profound importance of our Law and Culture to all of existence, as raised by women, young and old, throughout *Wiyi Yani U Thangani*.

The initial engagements that I did have with women who are learning and carrying the Law were fascinating.

I found myself being embraced by, folded back into, a different and complete way of being. In exploring our women's knowledge, I could sense the interconnectedness with all living things, my ancestors and the spirits. I had an awareness of everyone's purpose in creating life, where the past, present and future is felt and emerges simultaneously within all our actions across space and time.

This is the world I stepped back into as women spoke of: our vast kinship structures and their skin names informing their relationships, who they should marry and who they cannot talk to; their totemic relationships with animals like the kangaroo and goanna, which they cannot eat; the Rai (birth spirits) that can be connected to an ancestor, place, to the water or an animal that came to their fathers or mothers at the time of conception and early during pregnancy and became spiritually connected to them; the junba (dance-song) they sung so the first heavy cloud would release the rain that brought mayi (food); and, how flood waters fatten the junda (bush onion) and a flowering plant signaled the spawning of a fish, and many other phases within the life cycle of everything.

For women, Law contains knowledge essential to supporting families and communities. As discussed by women in central Australia, our Law has many teachings about the extensive, challenging and life-affirming journey of maternal health and birthing and growing children on country:

> *Woman: When I talk to mum about it, I'll ask her 'What is that Tjukurpa?', and she will start from the top and go through that whole songline. And that particular Tjukurpa is all about marriage, having kids, preparing food, becoming a wife and it also deals with birthing and stillborns. And so you have the Tjukurpa, and the Inma, and the dance moves for the Inma.*
> *June: And the other layer to these songs is the layer about living these teachings in our daily lives.*
> *Woman: Uwa [yes], and that is the part that is not getting passed on, that part of it. It is like we have this Tjukurpa, and we have to follow the Tjurkurpa, but we have to apply it today.* **Alice Springs discussion with NPY women, senior women's engagements**

There is, of course, so much more. There is a song for all connections and actions, each one containing layers of knowledge.

This is the Law—including a universe of intricate relationships where we all have roles, responsibilities and obligations to care for and protect one another and the country. For our women these lessons, the transmission of knowledge, teaching us how to be and act, is what sustains societal and environmental health and wellbeing. It gives us protocols, principles and moral guidance, so that we and the environment are not depleted and destroyed but are continually respected and nurtured, in balance with one another.

Senior women discussed how men revere the power of Aboriginal women's Law, which deals with the creation of life and how to sustain societal safety when danger can be a constant force:

> *… they [two senior women in the Fitzroy Valley] were talking about the importance of women's Law and saying that women's Law is very strong and men respect that Law for women and they say that men don't come anywhere near when they are having their business, but we know they [women are] powerful.* **Fitzroy Crossing senior women engagements**

Throughout *Wiyi Yani U Thangani* women and girls across the nation also stressed how our women's place and knowledge within pre-colonial society was of equal worth and importance to men.

The imposition of Western patriarchy at colonisation forced upon our society gendered hierarchies:

> *Aboriginal culture has always been inclusive of its women—there was not a public private divide. It is inclusive of the masculine and feminine. This is why we care for country and did not exploit it. This is why it was hard when we moved into the Western patriarchal frame. We are degraded when we move into this frame because it does not accept that. So, change the frame—do not just say play our game by our rules. Our women of the past would not be voiceless and invisible. They would not be victims and they would not be silent. Because they were practising their culture and integral to it.* **Launceston women**

> *Coolamon—women were the carriers of that. It represents a woman that did all the strong leadership. The women carried this big load, this yamadi, women put a feed in there and even water. That played a role in women's live. Carried a load all that time.* **Halls Creek women**

> *Ours is a matriarchal society and has been such since it first began. As such, women play a critical role in decision-making. However, the role of men in our society has also always been important, but in different ways to women. There is shared decision-making involving many members of our group. Recent external influences have destroyed traditional practices.* **Individual submission**

Pat Dudgeon and Abigail Bray's words[89] capture the central importance of our women's Law and Culture to creating and sustaining healthy existence for all life—for our children, our men and all non-human relations:

> *Prior to colonisation, Aboriginal and Torres Strait Islander women had a strong and respected place within their cultures. The land was often recognised as mother, and women the custodians. Women's Law, or Grandmother Law, was pivotal to the harmonious governance of a land mass twice the size of Europe ...*
>
> *... Women's Law has indeed been subjected to erasure and patriarchal appropriation ...*
>
> *... One of the more powerful Laws is Grandmothers' Law which is a holistic Law governing a whole way of living, an axiology of wellbeing, guiding kinship connections and the spiritual and cultural foundations of families, in particular the sacred women's business of pregnancy, birth, and child-care ... In many ways, the Social Emotional Wellbeing of women, children, indeed the flourishing of communities and the future of those communities was an expression of these Grandmother Laws.[90]*

During our engagements in central and South Australia for *Wiyi Yani U Thangani* women and girls spoke of the importance of Aboriginal women's organisations supporting women and girls to engage in the stories of our Law:

> *Women's council [Ngaanyatjarra Pitjantjatjara Yankunytjatjara, NPY] come here and pick the ladies and they go and camp out. The older people and young ladies go out. Seven sisters—all those stories. That is when the teaching happens. Sometimes land management ... We look at the land and want to know why it is there—what is the dreaming. E.g. the 7 sisters. Where they have travelled around. That one fella that was chasing them around.* **Indulkana women**
>
> *Strength in our dreamtime stories and our connection to land. We're losing it a bit in SA our stories are being lost. We need to see this being taught to our generations so that the connection to land is strong. Cultural revival.* **Adelaide women**

Seven Sisters, a significant songline that traverses the nation is evidence of the power vested in women as a force of creation. Seven Sisters has been recorded and depicted through paintings, film and visual media and recently in a stunning immersive exhibition at the National Museum of Australia.[91]

This work represents the protection and revitalisation efforts of our peoples, communities and elders to ensure that our knowledge is being captured in multimedia, so it is accessible to current and future generations.

These steps are significant to inscribing and practising our women's Law and for the Australian nation to value the worth of our women's knowledge that can contribute greatly to the nation's future.

Professor Irene Watson, who has written of Aboriginal women as remaining full of Law,[92] has raised that reinscribing the places of women's Law is a decolonising approach that enables our women's self-determination. She further states:

> *I am not even attempting to identify what might be reinscribed, for this is a big process in itself. It is a First Nations process that will take time to recover and reclaim … There is a need to go beyond simply the retelling of stories, to journey onto a place where we are able to fulfil our obligations.[93]*

The Law in this sense is not a singular event that can be re-awakened through ceremony alone. Law constructs an entire way of being, with strong principles that safeguard against harms, enable healing and recovery and can effectively mediate and move beyond conflict. This is what I heard from women when we do not follow the Law:

> *And as a woman too, we have big responsibility when we see the country like how it is [referring to the lack of rain and a parched country and dry river], we say to ourselves 'well what we bin do wrong?' you know, we question ourselves, might be we never talk thangani [voice] like that muwayi [country], right across, maybe we never talk in Bunuba, they never hear us talk in Bunuba much, what we did wrong here for the country.* **Fitzroy Valley senior women's engagements**

I have said previously, and it is confirmed by what I have heard throughout *Wiyi Yani U Thangani* and our extended engagements with senior women, that the knowledge we hold as Aboriginal and Torres Strait Islander women and girls is to live and survive by.

It has as much relevance today in determining a positive and healthy future, as it did when our ancestral mothers walked this continent.

(d) A resurgence of our social and cultural values and knowledges—supporting life today and into the future

Aboriginal and Torres Strait Islander knowledge holds immense value and worth to all Indigenous and non-Indigenous peoples. Its application across the sciences, health and welfare and education can provide new and deep insights and much needed innovations now and far into the future.

I have heard from women of how our knowledge reaches beyond our roles and responsibilities and is being applied across diverse sectors and fields, including understanding the impacts of climate change on ecological systems, integrating our healing practices into therapy methods and health systems, to propagating seeds and growing medicinal plants. These different areas of culture-based innovations are explored across this report.

Women and girls have stressed throughout the engagements that restoring our extensive knowledge systems is key to developing our own Aboriginal and Torres Strait Islander social supports, structures and economies, as well as vital to our positive health and wellbeing.

> *Invest in therapeutic economies such as art and healing-based initiatives that support Indigenous women.* **University of Technology Sydney submission**

> *Re-empowering Aboriginal and Torres Strait Islander women means understanding the interconnectedness of country to Aboriginal and Torres Strait Islander communities' and their wellbeing: and wellbeing as the foundation of all social, cultural, economic, political and legal rights.* **Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) submission**

> *Bringing back women's business for the culture we do and teaching girls all sorts of things—stress, sex and important things—If we can have that happen … that would be great.* **Perth women**

> *Add bush medicines and creams. We need a place to sell our designs. We also need a place to make printing our own stuff. Printed and even jewellery.* **Kalgoorlie women**

Despite its evidenced importance, our cultural practices continue to be marginalised by mainstream Western society.

The Healing Foundation submitted that young people, concerned with the competing demands of Western life, are finding it difficult to balance:

> *… work, study and cultural practice in their day to day lives: We want to do cultural practice but it's hard with work and study … and … We still want cultural connection 24/7 but we're in an ever-evolving world.* **The Healing Foundation submission**

During the senior women's conversations, I also heard of the challenges to maintaining Law and the transfer of knowledge, due to the demands of Western life.

It was expressed in a number of conversations that Western companies and institutions are structured around a value system of profit and lack a fundamental understanding of the worth and value of our knowledge systems:

> *Woman: Too much Kartiya [white person] systems, we have to comply to what they want, but not to what we want.*
> *Interviewer: And does that get in the way of that knowledge being passed down?*
> *Woman: Yeah because people have to go to school, go to jobs, these sorts of things, you know, you need to have a balance. Like our workplace need to respect that cultural aspect of gaining this lot knowledge, they don't support that. We are always doing what they want and to the compliance of government. They been thinking about money, money, money, profit, profit, profit. They never think about the people, our people is our biggest asset …* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Women expressed deep concern that with little understanding and minimal supports, our languages are being lost at a rapid rate, and our elders carrying our songs and languages, our vast encyclopedia of oral knowledge, are passing away.

It is estimated that of the more than 250 languages and the hundreds of dialects known to have existed pre-colonisation, fewer than half remain and, of those, 90% are considered endangered.[94]

There is no other way to describe this than a national crisis.

> *Cultural identity is an issue and we see that as a result of loss of culture, our community practices are not happening here anymore. Sense of cultural identity crisis here and happening more in city and regions too.* **Mount Isa women**

> *Want meetings out bush. Losing old women fast. We need to teach it so it doesn't die. There is no time. The old people are going—the most important thing is our identity.* **National Native Title Conference**

Rachel Perkins has said that the loss of our songs, our knowledge systems would be 'a tragedy of enormous proportions'.[95] This cultural eradication that has continued since colonisation must be halted.

There are attempts by Australian governments to support our culture particularly within health where there is increasing realisation that culture is a determinant of positive health outcomes.

This realisation must be fast-tracked across all sectors and practical steps implemented to integrate the many aspects of our culture into current systems.

There are, of course, smaller scale Indigenous-led and controlled programs and initiatives that are vital to supporting culture within regions, including the work of Law and Culture organisations such as the Kimberley Aboriginal Law and Cultural Centre (KALACC) and many Native Title Prescribed Body Corporates and Land Councils.

The work of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is also significant in recording living and dormant languages and songlines across the country. These are all important steps, but they need to be happening on a much larger scale.

For Aboriginal and Torres Strait Islander women and girls, culture is not an adjunct to life, it is integral to our existence. Culture and our knowledge systems therefore need to be integrated across all policies and programs affecting our lives. Women have called for mechanisms that would ensure our culture is recognised and integrated into broader societal structures:

> In Australia we don't recognise our culture what we would like to see is a state board to recognise traditional healers, traditional medicines and bush tucker. I would like to see this board. **Perth women**

Ultimately, I believe the significance of our culture—to our health and wellbeing and what it can provide to the health of this nation—demands the development of a comprehensive national plan to protect, revive and revitalise Aboriginal and Torres Islander knowledges.

I also believe that specific attention needs to be given to revitalising and reinscribing women's Law across the nation by supporting the practice and teaching of women's songlines and enabling women's ceremony.

This is no easy endeavour. The ways in which Aboriginal and Torres Strait Islander peoples, our women and girls continue to practise and apply our culture in their lives provide insight into how this can be done. Culturally-based work and programs, frameworks and solutions are explored in every chapter of this report.

The following case study highlighting a guide prepared by the Lowitja institute is also an excellent example of how policymakers and organisations can support the implementation of cultural determinants of health and wellbeing.

Text Box 3.1: Culturally grounded solutions

An excellent example of a culturally grounded framework is Country Can't Hear English: A Guide Supporting the Implementation of Cultural Determinants of Health and Wellbeing with Aboriginal and Torres Strait Islander peoples[96] prepared by Karabena Consulting on behalf of Lowitja Consulting. The guide proposes a framework to be used as a companion resource to the Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2023. Whilst it provides us with a guide to enhance lifelong health and wellbeing for Aboriginal and Torres Strait Islander peoples, it shares relevance for all Australians seeking to experience widespread positive health outcomes for ourselves and the ecosystems in which we live.

The guide promotes six key cultural determinants necessary for achieving health and wellbeing:

1) Country and care for country: closely related to identity and attachment with the physical environment, this element facilitates a sense of belonging and connection.

2) Knowledge and beliefs: includes relationships, identities and cultural traditions, and incorporates traditional medicine, healing and gendered knowledge systems and practices.

3) Language: includes oral, written and body language as a vehicle for expressing culture and teaching it to others; language is the basis for cultural knowledge, economies and trade.

4) Self-determination: facilitates control over decision-making and resources and assists collective thinking and actions that benefit people influenced by the decisions made.

5) Kinship: knowing and being part of a community and having responsibilities, obligations and duties in extended families, community life, local initiatives and political issues.

6) Cultural expression: actions taken to express attitudes, beliefs, customs and norms often in the form of dances, songs, storytelling, ceremony and the sharing of food, celebrations and the representation of values.

The Guide positions families, home, community and country as central sites in which cultural determinants are lived, expressed and reinforced. Activities supporting the implementation of cultural determinants may support cultural revitalisation, strengthening of connections, and supporting identity development. The Guide emphasises that implementation activities are most effective when they use strengths-based approaches. By beginning with what individuals and families do well, individuals and families are able to focus on their inherent strengths and aspirations rather than needs and deficits.

The Guide follows a theory of emergence process, demonstrating how social innovations built through broader connections can lead to broad-based change. The guide explores four stages of emergence:

Stage 1: Creating change-capable networks—made up of change-capable individuals, working to promote societal change.

Stage 2: Supporting communities of practice—made up of people invested in sharing common work and creating new knowledges of practice.

Stage 3: Harnessing systems of influence—systems that have real power and influence. When practices developed by communities become the accepted standard and people no longer hesitate to adopt these practices.

Stage 4: Illuminating what has been achieved—evidence and approaches are developed and systems transform.

The Guide provides strategies and opportunities for individuals, families, communities, policymakers and programmers to implement cultural determinants of health and wellbeing using localised, strengths-based, life course approaches. The approaches outlined in the Guide require a critical whole-of-system shift from top-down, centrally managed planning procedures to bottom-up participatory, community-driven processes.[97]

(e) Social and cultural determinants of health and wellbeing

In every region of Australia, Aboriginal and Torres Strait Islander women and girls have spoken powerfully about their unique and distinct identities and vibrant and diverse cultures as the source of a wealth of strengths and capabilities.

These wide range of strengths, which when enhanced improve the life outcomes of Aboriginal and Torres Strait Islander peoples, are often referred to as social and cultural determinants of health and wellbeing.[98]

Throughout this report, social and cultural determinants are spoken of in a variety of ways as being fundamental to improving whole-of-life outcomes across all sectors from health to education, justice and economic participation.

Developing policy and programs based on a determinants framework simultaneously enhances life while preventing harms and crisis. For instance, we know that access to affordable housing for women and children improves health and can lower incidences of family and domestic violence. We also know that when we invest in our Indigenous social and cultural strengths we are enabled to reconnect to our culture, to practise and utilise our knowledges in the pursuit of our own scientific, artistic, educational and economic interests.

Wiyi Yani U Thangani has taken a strengths-based approach to delve into the many elements, the underpinning factors, which compose our social and cultural determinants.[99]

Strengths-based approaches have become an umbrella term including several ways of working from psychology and improving mental health to establishing community-led programs and have been used to describe a variety of holistic approaches to health.[100] In general, it is considered to be a shift away from the dominant focus on issues and problems to a broader appreciation of the capabilities and possibilities of peoples and communities.[101]

Its broad application means that, at times, strengths-based approaches have been mistakenly understood and, sometimes, misapplied as simply the assertion of strengths and positivity over negative and detrimental situations.

I consider a strengths-based approach as inherently about structural reform.

Focusing on strengths of an individual and collective can do little to improve our lives, particularly over the long-term, if they are not recognised and supported by the structures and the world around us.

As citizens of Australia, none of us live entirely independent from the social, economic and political context of the nation state. Structures matter when it comes to enhancing or diminishing an individual and collectives' strengths and capabilities.

A recent study by the Lowitja Institute exploring community-driven strengths-based approaches in practice,[102] stated that a key part of a strengths-based approach is that:

> *Strengths always need to be understood in relation to constraints. Otherwise, a narrow focus on strengths risks portraying individuals and communities as responsible for their situations, shading out wider relations of power and socio-economic inequality.*[103]

3.2   Confronting deficit and overcoming structural barriers

We need to confront and overcome the structural barriers that constantly undermine, and constrain the strengths of our Aboriginal and Torres Strait Islander women and girls.

The failure of not recognising women's strengths and capabilities, is the failure to invest in the systems and resources to support our women and girls, children and families.

The lives our women and girls lead, the breadth of the work they do and the significant contribution they make to caring and supporting families and communities is largely unseen and undervalued. As such the structures and mechanisms are not in place to support them.

> *There are only Aboriginal women speaking up for their people. The government think we are invisible. We lift our spirit up as human beings and mothers. We are the locals around here. We grew up here. All our family is here.* **Indulkana women**
>
> *Stereotypes: we have to be a number of roles, all at the same time. There is a lack of acknowledgement, which is exacerbated by the fact that we are Aboriginal and a woman. We are holding so much space for others.* **Hobart women**

I consistently heard from women and girls that where supports are lacking, they feel an obligation to fill the gaps to support each other, while doing the best they can for themselves often in situations of adversity.

Yeah. Because that's also that thing of living your own life, being successful, having a job and getting paid and doing the things you enjoy because you can afford it, but then there's also that expectation and you know in the back of your mind there's poverty. When we look around to our family we see poverty. I don't know how many Black fellas are living in a mansion and can switch off at 4:30 because they got their whole family in the mansion and everyone's alright. I don't know if those people exist, because [for] all of us are—it's just never ending. **Weipa women**

Don't have time for self-care so by holding our families together carrying family … Big burden and that we don't have any self-care. So good [to] yarn amongst us so we are talking outside of our family not burdening with all problems that we are experiencing ourselves … You might be the one in the family that have got it together. So dependent on that. What happens when you fall apart, that is an extra layer of stress that you have got to keep it together and can't fall apart. **Perth women**

I have done a lot of volunteer work. This means that I had to clean houses to pay for stuff and pay kids who rely on me. My whole life I thought I had to keep myself in poverty to protect my own identity and have connection with my culture. This is something that is an expectation on women—that this is our nurturing role and we should do it for free. **Hobart women**

Women have described how they open their homes—many of which are overcrowded—giving shelter, food, and distributing their own income to those in need, while providing counsel to family and kin and friends through hardships and perpetual cycles of grief and loss.

They have said on countless occasions that no matter what they do, without enabling structures, they encounter one hurdle after another and feel trapped in an endless cycle of poverty.

We are the nurturers and in a lot of cases the breadwinners. You are also the family bank. I used to work with a white woman and she only had two kids. Pay day is Thursday and by Monday I was skint. She would always say, how come before pay day your skint? She didn't understand that my money has to go a lot further than yours, [she only has to] wait for pay role to come in. We carry so much and so much is expected of us. We don't mind doing it, that is what we do, but how do you offset that? … all the women in our community are dealing with these same issues and we've got nothing to offset what is happening or to support us. **Rockhampton women**

All the things that women do and deal with: Family, kid, medical side and chronic illness and addiction, and our people face it all the time, and as a woman it is harder, we are belted as women. **Kalgoorlie women**

... so I guess to add to financial issues there is obviously not enough money ... some of the issues behind it like poverty, you can't afford your daily grocery, medication if you need it. I guess that might come under, while you are getting support from Centrelink, it may not necessarily be enough especially if you've got families more than five and on average 10. We put support in the community, you know this community used to be very self-sustainable had the school and the pre-school, had those facilities and the infrastructure but it's not available anymore and everyone from the community has to go to town. Sort of like, why? **Napranum women**

Text Box 3.2: Poverty trap definition

The experience of poverty is not limited to merely issues of access to income, education and health but can also be seen as the deprivation of a person's capabilities to live the life they have reason to value.[104]

The poverty trap can be described as the experience of long-term marginalisation from social, economic and political structures, limiting ones choice of and access to necessary and appropriate supports that reduce the impacts of poverty. Multiple layers and cycles of poverty can co-exist at any one time, often perpetuating new cycles. This makes breaking cycles of poverty difficult for individuals and increases the likelihood of families being trapped in poverty for generations.[105]

The poverty trap experienced by many Aboriginal and Torres Strait Islander peoples is a reflection of their historical treatment as peoples and their ongoing marginalisation from political, social and economic structures.[106]

In this current reality, Aboriginal and Torres Strait Islander peoples are framed in the deficit as if we are the problem to be responded to and resolved.

Countless Closing the Gap reports are the evidenced failure of such an approach. Closing the Gap annually tracks Aboriginal and Torres Strait Islander progress against a limited set of Western socio-economic indicators. Reaching the targets are rarely, and most often never, on track to be achieved. As Sarah Maddison states in her assessment of the failures of the Closing the Gap policy approach:

> *Poor statistical indicators are framed only as an issue of disadvantage, rather than a more profound, systemic problem in which the political relationship between Indigenous peoples and the state continues to shape the social determinants of Indigenous health and wellbeing … This framing directs attention only toward Indigenous lives and behaviour rather than toward the relationship with settlers, and the social environments that relationship has produced …*

> *… statistical evidence of socioeconomic disadvantage and a range of associated harms continues to be used to justify paternalistic policies and interventions into Indigenous lives …*

> *… Focusing only on the 'current calamity' ignores the underlying structural causes of the problem, and the need for a decolonising response that will begin to undo harmful structures and return control to Aboriginal and Torres Strait Islander peoples.*[107]

Similarly, women throughout *Wiyi Yani U Thangani* have discussed how such policy approaches do little more than reduce Aboriginal and Torres Strait Islander women and girls to isolated statistics of victimhood, further limiting their agency and control over their lives.

It is this loss of agency that both undermines our self-determination, while reinforcing government top-down interventions and control over Aboriginal and Torres Strait Islander lives. Women have said to me on countless occasions, that without the mechanisms and platforms to be heard governments fail, time and again, to meet our needs.

> *Ways to communicate is dictated by white man, white man doesn't understand Black Language. Decisions around Aboriginal affairs always seem to be made by non-Indigenous people so there is a loss of autonomy and self-determination.* ***Dubbo women***

Why isn't anything changing? I want to know why we have been talking the same talk. Longer than I have been alive. We have been giving solutions to this government for 30 years and they are not listening … we need to say to government, what are you doing to make it better? You have got the power and you have the resources. How are we in poverty, how are all the kids in care, that is what I am asking the prime minister, it is not like we haven't been telling you, or are you silly … We've been telling you. Why has this not changed? **Kununurra women**

Supporting our women to speak for themselves is a strengths-based self-determining process, where women and girls define their own sense of self and in the process identify the supports and systems which will empower and enable them.

As I have heard throughout *Wiyi Yani U Thangani* these systems, informed by and reflective of our strengths and interconnected society would necessarily be holistic, and not divisive.

When the structures and institutions surrounding us affirm who we are, while providing opportunities and choice, the potential and possibility of all our peoples can be realised in ways currently unimaginable.

Text Box 3.3: Empowered Communities

Empowered Communities is a set of transformational national reforms for an Indigenous empowerment agenda.

Indigenous leaders from nine regions across Australia are working together with government and corporate Australia to reform how Indigenous policies and programs are designed and delivered.

The nine Empowered Communities regions are:

- Cape York, Queensland
- Central Coast, New South Wales
- East Kimberley, Western Australia
- Goulburn-Murray, Victoria
- Inner Sydney, New South Wales
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Lands, central Australia
- North East Arnhem Land (NEAL), Northern Territory
- West Kimberley, Western Australia
- Murray Bridge, South Australia.

The Indigenous empowerment framework is based on the premise that Indigenous Australians have a right to development, which includes our economic, social and cultural development as families, individuals and communities and as Indigenous peoples. It recognises the primacy of the local nature of peoples and places and is aimed at the empowerment of the families and individuals connected to those peoples and places. They recommend that national and regional institutions should support an enabling framework for place-based development agendas.

There are two development goals for Empowered Communities:

1. Close the gap on the social and economic disadvantage of the Indigenous Australians of the Empowered Communities regions.

2. Enable the cultural recognition and determination of Indigenous Australians of the Empowered Communities regions so that we can preserve, maintain, renew and adapt our cultural and linguistic heritage and transmit our heritage to future generations.[108]

(a) The ongoing impacts of colonisation today

Across the country, women and girls told me about the discrimination they and their communities face every day. They told me that the processes set in motion, the institutions created, and the discriminatory attitudes of what we now think of as the colonial era, live with us, not only in memory but as a continuing pattern of structural discrimination against us.

As women and girls have called for throughout *Wiyi Yani U Thangani* we need governments and the Australian public's commitment to truth-telling:

> *We [Australia] don't own our history—'don't keep history a mystery' need cultural awareness. Other colonised countries who have experienced genocide have had Truth Telling Commissions—in this country we want to skip the truth-telling and go straight to reconciliation—you can't just do that; we want the truth told so you can understand … We have a lot of healing to do as well. You can go and get help go back to country get some healing but if you're faced with day to day struggle, you can't heal—it needs to be collective healing.* **Sydney women**

> *… back into the history … They [white people] need to change and accept us as the first people of this country. Sorry is not enough … We live with trauma from the beginning it's not going to go away. It is passed down. As a voice of [this place] we want to get it right, we want to be acknowledged. Acknowledgement and acceptance of past history and policy and impact [has had on us]. The white people need to change.* **Kalgoorlie women**

Without truth of the structural origins of our powerlessness, the intergenerational trauma we suffer, the racism, the multiple inequalities, and poverty, governments will indefinitely respond to these issues as crisis demanding interventions. As if they are a fault of ours, isolated in the present, existing alone without cause.

From what I have heard from women and girls across the nation, the power of truth-telling lies in its potential to heal divisions and restore and form positive and healthy relationships between both Indigenous and non-Indigenous peoples. Together, we can look toward transforming current discriminatory societal and political structures.

> *We can have things like women circles which enables ownership, sovereignty and healing.* **Dubbo women**

> *Healing through truth-telling in schools/ education and awareness of the history. People cannot heal without the truth being told and shared and culturally we can heal and move on.* **Mildura women**

1788 marked the beginning of the British not just transporting human cargo, but transplanting its entire economic, governmental and judicial system onto our lands, which threatened to eradicate the structures, values and knowledge base of Aboriginal and Torres Strait Islander civilisation.

*The impact of colonisation has been traumatic for our people. It has contributed to a loss of connectedness through the destruction of culture and respect … **Kimberley Aboriginal Law and Cultural Centre submission***

*Have you identified—I say it is my culture, land, language, these are the things who tell me who I am. What have they done taking away our land, culture, our children … They have systematically removed those things that give us our cultural identity. We still have elders who know their language, their culture, and their people. **Brisbane women WOW session***

*Genocide: loss of identity, everything cultural. **Perth women***

The collective wounds this period have inflicted on our peoples has been meticulously researched and documented, from the records written by the colonisers themselves, and often captured and retold by our peoples passed down through oral tradition. The truth of colonisation exists in volumes of evidence, it is visible if we choose to see it.

In my personal understanding and journey of investigation into my Bunuba nation's historical experience, I have traced the frontier period of violence and beyond with ongoing discriminatory policies, a history characterised by: heroic resistance; mass killings of men, women and children; extensive transportation and imprisonment to the servitude life of pastoral stations or working on plantations or as pearl divers to name a few; disease; church mission impacts; interaction with the authoritarian colonial state; sexual abuse of women within a patriarchal frontier society; and, the impact of alcohol and the congested living in the post-colonial era.

My years of lived experience, my research and now my travels to meet Aboriginal and Torres Strait Islander women and girls in every reach of Australia, have made me appreciate how all Indigenous nations, all our lives, have been subject to this history within the totality of building the modern Australian nation state.

Throughout the engagements, women and girls referred to the inherited scars of this entire historical period. Families still talk of the ramifications from the oppressive time in which we lived under the 'protection' of the 'Act', when our people were subjected to state surveillance and denied practicing their culture and using language.

My father chose to leave the mission, cause we grew up at Santa Teresa and my father chose to join the army. Hence he got a little card, the honorary white card … So that you were exempt from the 1902 Act, the Aborigines Act … what that then lead to is that he was allowed to feed his family, so he was a fluent language speaker. He was recognised in his community. But we were then not allowed to stay on the mission, because he was exempt from the Act. So he wasn't an Aboriginal really. He was an honorary white. Which was the shit thing you had to pay for, for wanting to be independent. So as a result, I don't have language … Not having my language is the thorn in my side. It's my heart break. And people don't understand, when you don't have language, and you want it more than anything in the world, that's part of the bloody, government's control. Had we been able to stay on the community, I probably … would have picked it up and got it, but then too old, hearing loss and all that sort of thing. But basically, the system made that happen. **Alice Springs women**

At the same time as women and girls discuss the wounds and transmitted grief and pain from these periods, they also talk of our survival and ability to heal and recover.

As women in South Headland discussed, the lived experience of surviving injustice, is also a source of motivation, driving women to do all they can to end the ongoing interventions repeating the injustices of the past, such as the removal of our children:

Because my family was from the stolen generation, they were taken to the mission in Yarrabah, my grandparents grew up in the dorm, when my parents were born they were taken and put in the dormitory and they grew up there. And then when my parents left the mission, we were wards of the state because they believed our parents couldn't care for us. That's my passion is because when we were growing up our grandfather would tell us stories about the day the troopers came and took him and his eldest sister away from his family, and he said the last vision he had of his homeland was of his oldest sister being shot in the back by the troopers. And that's my passion—I want to see these little kids and I want to see these parents take control and fight to get their kids back. **South Hedland women**

I think our resilience at what has happened to our people over the years since colonisation or invasion and the fact that we are still here and our resilience is still surviving … As well as that the government policies that didn't faze us over the years as well. **Sydney women**

Women who are survivors—Stolen Generation 1905, assimilation policy and stolen generation and we are here because of that—survivors. **Perth women**

Women have spoken of how the imposition of Western patriarchy at colonisation drastically re-cast their status within society. We went from having equal worth to our men, to being one of the most subjugated and vulnerable groups to abuse and violence in Australian society, continuing to this day.[109]

Even when they spoke of this living historical truth, they reflected on our inherent strengths and capabilities to support all our peoples to survive beyond the horrors of the frontier.

> *How we as Aboriginal women are read within the community, and that is where the racial profiling comes from, is we need to understand that our position in society has often and always been invisible, so we need to understand that we have been created to be invisible and only used for sex, that is basically it, so that is the history of where our position and our status has come from in terms of white community. In our community it is very different, and that is the walking in two worlds.* **Nowra women and girls**

> *Colonisation happened, they took the men folk and then the women stood up and then had to deal with everything. And I don't know what you ladies think, but that is what makes me so hard headed and it is from the generation that passed down that makes us so strong. If you unleash it, it is so powerful. We don't promote ourselves. This table here [referring to other women sitting around the table] is so powerful.* **Cairns women**

I was constantly reminded through the voices of women and girls of the inherited trauma that each and every one of them expressed, while at the same time demonstrating an extraordinary resilience that is part of belonging to our collective Indigenous identity.

These extensive engagements with women and girls reinforced my deeply held conviction: that it is the sense of identity, underpinned by a quiet triumphant resilience telling a story of surviving the horrors of historical dispossession, that is the necessary basis for overcoming the inherited trauma that inflicts so many of our peoples and communities.

(b) Healing from trauma

There is no doubt our women and girls, our families and communities, have a remarkable capacity to survive.

But we all want more than survival.

Our women and girls want to heal beyond trauma and restore family and community bonds and societal-wide health and wellbeing.

> *Generational trauma. So much hurt and pain that needs to be healed. Safe spaces in our communities … there is so much healing to be done.* **Mount Isa women**

> *Some of the things we spoke about were holistic, therapeutic and culturally safe healing places for our families, because we Aboriginal people just have so much trauma … We did speak about healing firstly and foremost for our elders, they are never really healed and so they can't support their family, because they haven't been able to heal. The trauma, the wellbeing and the lack of government holistic approach that hasn't occurred.* **Dubbo women**

Against our strengths are the manifestations of trauma, transmitted from one generation to the next, shaped by forces that play out differently in each historical period.

These forces are underpinned by a consistent thread of Western cultural dominance denying our Indigenous cultural values, knowledge systems and identity, the very factors which contributed to our resilience and survival in the first instance and remain critical to our healing.

> *No sense of belonging. Intergenerational trauma … unemployment, no job so they are just drinking to get the day passed … lost souls. Loss, grief, sense of not belonging. Low self-esteem, loss of culture, breakdown of family culture and structures …* **Alice Springs women**

Our women and girls know that trauma left unhealed passes between families and generations.

This is increasingly confirmed by the scientific evidence that trauma alters our body and brain, changes our hormones and can transmit through our genes to our children, and grandchildren, through a process known as epigenetics.[110]

This, alongside a legacy of multiple inequalities and poverty, causes a range of harms to arise in the present:

> *A majority of these issues have stemmed from intergenerational trauma that will take more than just a quick fix or solution. These issues may not seem 'normal' to us, but to people who live it these are not issues at all, this is their normality. It is a cycle— they have been entrenched over generations and it may take generations to break this cycle …* **Wunan submission**

> *You can't look at one thing without looking at another thing. So when we talked about issues we talked about multi-generational trauma, and the individual and systemic racism that we all experience. Mental health and wellbeing, whether it is individuals as families or as a community.* **Nowra women and girls**

> *As an educator we see the impacts of trauma on our babies that come to our schools. Kids exposed to domestic violence affects the development of all kids in their development of brains—impacts their engagement in school and how they learn.* **Mount Isa women**

It was in the 1980s that the Native American scholar Dr Maria Yellow Horse Brave Heart defined what I understood our Aboriginal and Torres Strait Islander experience of collective trauma to be: as cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma.[111] She likened the effects of this collective trauma to the experiences of Jewish Holocaust survivors.[112]

Trauma at this scale is not recoverable through individual or piecemeal interventions alone.

Watching how Australian governments are responding to the COVID-19 pandemic is proof of this. A raft of economic, health and social welfare measures have been introduced recognising that supporting the mental health and wellbeing of Australia's entire population is critical to the nation's recovery. A lack of meaningful engagement, loss of jobs and income can see mental health across entire populations rapidly deteriorate, triggering into motion intergenerational issues.

Aboriginal and Torres Strait Islander peoples have been calling for this form of comprehensive recovery for decades. The societal-wide trauma we suffer demands both individual and collective healing alongside the reconstruction of our social and cultural values and knowledge systems.

Women and girls have described how re-engagement with cultural practices, the restoring of family bonds and reconnection to communities is pivotal to healing by strengthening identity and enhancing health and wellbeing.

> *Being culturally denied, and ripple effect into alcohol and drug abuse. My Aboriginality was not allowed to be spoken about at home. So went to the streets for support. This is the year I am turning it all around—'adapt don't assimilate'. They want us to assimilate. It is not going to happen.* **Launceston women**

Land is very healing for us. In our darkest times we go home and get in touch with our land and waters—it is very healing for us. **Perth women**

… and what you said around grief and loss, there should be something around transgenerational trauma, and helping our young people around where we are from and identity and getting our culture back. **Kempsey women**

The Healing Foundation submitted a definition which, for me, captures how Aboriginal and Torres Strait Islander healing works to reconstruct both our individual and collective identity to harness our strengths and overcome trauma on our own terms.

They explain that healing is grounded in empowerment, which enables individuals to have control over their lives, and not feel helpless in the face of trauma. More broadly, through processes of reconnection, we can achieve Aboriginal and Torres Strait Islander self-determination:

Healing refers to the process by which people come to a stronger sense of self-identity and connection and through this are able to address the distress that they experience changing how they are able to interact. Healing involves a holistic and ongoing approach that is deeply rooted in culture and addresses physical, social, emotional, mental, environmental and spiritual wellbeing.

It is vital that healing is recognised as an ongoing and long-term process that requires slow, deliberate and meaningful work. Multiple generations of collective and cumulative trauma cannot be solved through short-term, one-off programs or events. Time is needed to build connections and relationships, to reconnect with culture and to work towards self-determination emerging as a reality for Aboriginal and Torres Strait Islander communities. **The Healing Foundation submission**

The work of the Healing Foundation has been significant in developing these types of healing approaches across Australia. The Healing Foundation has partnered with Aboriginal and Torres Strait Islander communities, organisations and leadership to co-design programs integrating ancient Indigenous healing practices with Western trauma knowledge that can address the specific trauma and healing needs of local populations.

The Healing Foundation is growing a body of evidence showing what works in designing and implementing healing and trauma-informed programs and work-place practices.

In particular, the Healing Foundation stated in its submission that women and girls lived experience and expertise is vital to addressing trauma-related issues such as family violence, drug and alcohol dependence and Fetal Alcohol Spectrum Disorder (FASD). Increasing the capacity of women and girls in leadership positions was identified as necessary to developing community-wide trauma and healing strategies that effectively integrate women's knowledge and insights.

Throughout the engagements women and girls raised that it is these types of community designed empowerment-based healing responses that are needed:

> *You know, and everyone has so much going on, if we had regular groups to come together, youth, elders to come together, that is the healing …* **Alice Springs women**

> *We don't want non-Indigenous non-government organisations coming in and being culturally appropriate and doing stuff for us—own ideas based in own culture and experience. We need the support and funding to go straight to us [for healing and trauma programs].* **Perth women**

There are many other community healing and trauma-informed initiatives and approaches developing across the country, which I explore in greater detail in the Community Safety chapter.

Despite this valuable work and the mounting evidence that trauma has serious long-term detrimental implications for whole populations, an appreciation of generational trauma and healing responses still exists only on the fringes of mainstream public policy concerning Indigenous peoples.

Based on what I have heard from women and girls, trauma is generationally endemic in our society, and it must be overcome to address the impacts on future generations. We must rapidly scale up the trauma and healing work that exists at a community level so principles and practices that we know work can be applied more broadly.

I believe there is a need to develop a national Aboriginal and Torres Strait Islander framework to embed healing and trauma-informed practices and models within all services and institutions responding to trauma related issues and harms in our communities.

The framework should also ensure trauma-informed practice and policy is embedded across all government levels and portfolios.

Facilitate that at a Council of Australian Government level—a national framework implementation plan to help us address the issue of trauma and the aim is that our families and communities are healed so we can be all that we can be. **Perth women**

Supporting and expanding the work of the Healing Foundation is critical to achieving this.

The following is a summary of action areas submitted by the Healing Foundation that can aid in the expansion of healing and trauma work:

- **Co-design:** communities are involved in every aspect of program design and evaluation ensuring that they are safe, accessible and culturally and locally relevant.
- **Developing women as strong leaders:** strategically investing in tailored localised training programs to build the confidence of young women to become future leaders, and enable women to effectively participate in local governance structures to develop healing strategies, while providing supports to limit burn-out and vicarious trauma.
- **Scaling up effective healing solutions:** providing additional supports and funding to assist women in addressing intergenerational trauma and to develop their own priorities, solutions and measures of success.
- **Building an effective and responsive healing workforce:** setting minimum workforce targets for women, providing them with trauma and healing training and qualifications in the workplace, as well as ensuring there are frameworks to promote them into leadership roles.

(c) Intersectional discrimination

Throughout all the discussions for *Wiyi Yani U Thangani*, intersectional discrimination was a major driver of the issues and harms that Aboriginal and Torres Strait Islander women and girls experience.

Intersectional discrimination is not a term used frequently by Aboriginal and Torres Strait Islander peoples. However, the experiences that define intersectional discrimination were described at every engagement across the country.

Aboriginal and Torres Strait Islander women and girls have an embodied understanding of intersectional discrimination, by virtue of who they are, of the various markers—gender, race, culture, class, living with disability, identifying as LGBTQIA+SB and many others—which form their identity.

We know that no one aspect of our identity defines who our women and girls are, but brought together, in many ways, they are the markers of our intersectional strengths.

However, throughout the making of the Australian nation state each one of these identity markers have, in different ways, been marginalised.

Kimberlé Crenshaw, who first coined the term intersectionality in 1989, was recently asked to reflect on its meaning:

> *Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here, and a class or LBGTQ problem there. Many times that framework erases what happens to people who are subject to all of these things.*[113]

Aboriginal and Torres Strait Islander women and girls can feel many hierarchies of power colliding in our lives. Similarly, to Crenshaw's description, multiple and overlapping discriminations are the cause of oppression. The experiences of those who are oppressed can be erased by those who hold power and influence. Too often this results in the policy and legislative frameworks of this nation not recognising Aboriginal and Torres Strait Islander women and girl's lived realities, and as such failing in effectively securing and protecting our rights.

> *The CLC recognises that Aboriginal women face significant barriers to participation in political, social and economic life and to the enjoyment of human rights. These barriers include policies, institutions, and social relations which entrench and normalise gender inequality, as well as direct and indirect discrimination on the basis of gender and violence against women.* **Central Land Council submission**

The following diagram shows the ways in which multiple discriminations at a structural, institutional and interpersonal level cause oppressions which overlap, undermining the many aspects of our identities:
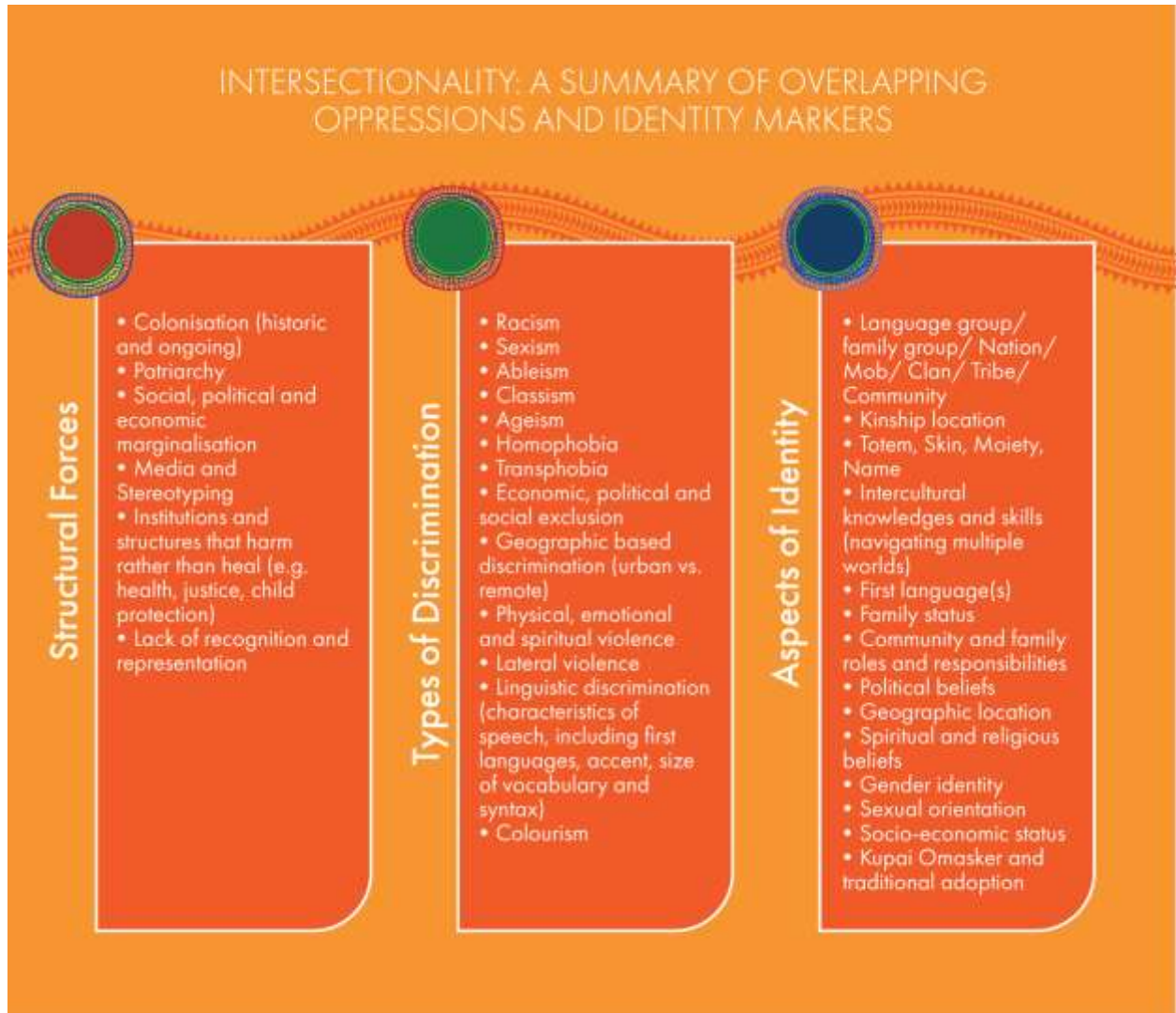
Figure 3.1: Understanding intersectional discrimination and overlapping oppressions in the lives of Aboriginal and Torres Strait Islander women and girls, adapted from: *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.*[114]

I have heard how this overlapping discrimination is all-encompassing, relentless and felt from every angle of our society.

This means that the drivers and sources of discriminations are not easily located and stamped out.

However, it is not just through ideologies that we have experienced marginalisation. Racial discrimination is permitted by the Australian constitution: it is quite literally etched into the governance and institutional fabric of Australian nation building.

In many ways the discriminatory norms and behaviours that exist today have their genesis in our nation's legal and political structures.

In this sense Aboriginal and Torres Strait Islander women and girl's experience of discrimination(s) goes far beyond the essentialising framework of gender inequality. I have been told on several occasions that non-Indigenous white women can frequently silence Indigenous women and girl's experiences and the experience of other culturally diverse women by dominating the public discussion on gender discrimination.

When Indigenous women are confined to the lens of gender inequality alone, their diverse lived realities are too frequently erased by the voices of those more privileged.

The comments I hear from our women tell a much more complex story:

> *I've been labelled an angry, Black woman and I haven't felt empowered to respond to that. I've always just laughed it off, but it's not funny.* **Melbourne women**

> *… understanding violence from the perspective that it is not just physical it is spiritual, it is financial, it is all that power and control and the adoption of white male patriarchy … We talked about toxic masculinity and where do we learn these behaviours where we are all human, and we need to understand particularly with our Indigenous men, what is a healthy masculinity, you know, that is where that role of men comes into this …* **Nowra women and girls**

> *Domestic violence—how we address it, defining how we view it … Aboriginal women and girls are the strongest women on this earth. What we have to carry through with our men because they are still completely oppressed. We have to acknowledge our Black women and how they support everyone in the family and not just themselves.* **Brisbane women WOW session**

> *But now we are doing all of it. And mowing the grass as well. But we are still seen as the emotionally charged women in the crowd. That angry Black woman. How do I step out of the shadow without being disrespectful? How do we get out of that shadow how do we work together?* **Rockhampton women**

Women and girls throughout *Wiyi Yani U Thangani* have described many forms of prejudice and what we often term, 'casual racism and sexism' and harassment. I have also heard how they motivate violent actions such as direct racial and sexual taunts, stalking, attacks, bullying, sexual assault, rape and murder.

My understanding, through my own experiences, what I have witnessed in my community and now affirmed through the accounts of women and girls, is that discrimination at every level, from the personal to the institutional, is violent.

Years ago, I discovered the work of Dr Paul Farmer who developed a theory of 'Structural Violence', which I think is a compelling framework to understand how generations of state-sanctioned discrimination continue to marginalise and harm minority groups today.

Text Box 3.4: Structural violence

Barbara Rylko-Bauer and Paul Farmer describe the structures that form and cause violence against certain groups as:

… broad-scale cultural and political-economic structures such as caste, patriarchy, slavery, apartheid, colonialism, and neoliberalism, as well as poverty and discrimination by race, ethnicity, gender, sexual orientation, and migrant/refugee status. These structures are violent because they result in avoidable deaths, illness and injury; and they reproduce violence by marginalizing people and communities, constraining their capabilities and agency, assaulting their dignity, and sustaining inequalities.[115]

When Aboriginal and Torres Strait Islander women and girls talk about racism, sexism, ableism or any form of discrimination, they are not talking about an innocuous action that they have felt, imagined and dwelled on, as far too many people assume.

They are frequently talking about forms of interpersonal and structural violence.

I have heard how women relate centuries of discrimination to the current failure of Australian governments to provide adequate health care, housing and welfare services to vulnerable Indigenous people.

As a result of these structural failures, the lives of so many women and girls I spoke to are immeasurably diminished by widespread physical and mental illness, premature death, endemic suffering from physical and lateral violence and constant interventions by government through justice and child protection services.

To see an end to discrimination, we must confront and reform the structures, the behaviours, attitudes and norms and the politics that reproduce intersectional discrimination. This begins with listening to and legitimising the diversity of Aboriginal and Torres Islander lives by forming the enabling supports that affirm our multiple and vibrant identities.

> *… my mum showed me that you have a voice as a lady and you don't need someone overlooking you. And so for me—that's what keeps me going. And now that I have a son I want to make sure that he knows that, there's respect, equalness between male and female …* **Weipa women**

(d) Racism

I heard everywhere the debilitating effects of racism on all Aboriginal and Torres Strait Islander peoples, women and men, boys and girls.

Everyone in our community knows the hand of racism.

> *Racism can take on many, many forms, from where people just ignore you to when people walk up to you and tell you to your face exactly what they think about you. So racism can be silent or that very open racism.* **Sydney women**

Racism, in the many ways it manifests and the impacts it has, is discussed in every chapter of this report.

What women and girls have said, is that racism is so prevalent it has become normalised in broader society.

Australian society excuses it under the banner of larrikinism as simply 'casual' remarks, a joke that should not be taken seriously. As a woman in Longreach highlighted in her story:

> *So an [employee] stood up and she said, I only know one joke, she said it is probably politically incorrect, it is an Aboriginal joke. And the first thing I thought was course it is, I am the only Aboriginal person in the room … So she told the joke I just sat there and looked at her. This was to send off [another employee]. So this was the joke: Why did the car run over the boong? To take the wine out of the gin … People don't know where to look. I got up and excused myself and said on that note, I'll take leave and go back to my office.* **Longreach women and girls**

From the numerous anecdotes I heard across the engagements, racism in any shape or form is dangerous. As women and girls have said, it undermines our identity and hurts and damages our physical, mental and spiritual health and wellbeing, it has been associated with illness and suicide.

The following survey results, give some numerical evidence of the impact of racism on our peoples:

> *Almost all (97%) of the 755 Indigenous Victorians surveyed in two rural and two metropolitan areas of Victoria, reported that they experienced racism in the previous 12 months. It should be noted that the non-random sampling method used in this survey means the result may not have represented the experiences of all Indigenous Victorians. Two-thirds of those who reported that they experienced 12 or more incidents of racism reported high or very high levels of psychological distress.[116]*

Women and girls have described how direct and indirect racism manifests as bullying, derogatory jokes, online hate, over-surveillance from the police and from shop owners and the public. It causes biased decision-making which can frequently limit educational and employment opportunities, and in its worst form racism, and the bias it fosters, has been shown to be directly related to deaths in custody.

> *Bullying and social media, Facebook in this town is horrible. There is so much racism on those pages, I can't believe it's possible. Apparently the law is you are not to say things like 'I will shoot that person' but it is allowed on our Facebook. We have police and admin monitoring the pages, it should not be happening. Things about killing our kids, running them over, shooting them.* **South Hedland women**
>
> *I was called 'a black dog' at school.* **Newman girls**

Women and girls have discussed how these multiple forms of racism are caused by and feed into damaging racist stereotypes and discriminatory ideas that have no basis in truth, many of which reflect those first propagated at colonisation; that Aboriginal and Torres Strait Islander peoples are lazy and lack a 'work ethic', simple-minded, given to substance abuse, inherently violent and criminal and that we feel entitled to a 'free ride' and preferential treatment.

> *Labelling us as dole bludgers who get handouts all the time.* **Dubbo women**

Land money—people assume that we don't work for the money they get, they think because it is our land we get free money from the government. Our mums work hard in the mines and stuff, but they work hard for their money, they work hard to send us to school, keep a roof over our heads. **Newman girls**

We get treated like we are dumb, I remember growing up thinking that I was dumb that I didn't know anything at all, all through my schooling, and I still do today, I don't know why, it shouldn't be like that, but I still feel like that today. **Dubbo women**

I have heard on several occasions how the mainstream media has a significant role in reinforcing these false and damaging stereotypes.

We have a long way to go when you look at the entrenched racism in the media. **Broome women**

Australia doesn't really know our rights and issues. They only know what government and media tells them. **Cairns women**

As described above, the most insidious and at times overtly destructive way in which these stereotypes are reproduced and held intact is through Australian legal and political structures.

The Commonwealth Government's Northern Territory Intervention in 2007 saw the suspension of the *Racial Discrimination Act 1975* (Cth), (RDA) on the basis of widespread concern of sexual abuse of children in communities.[117] A review of the intervention found that many communities felt subjected to victimisation and unjustifiably targeted for an issue that is known to be widespread in the general population throughout Australia.[118] The intervention resulted in the proliferation of hurtful stereotypes portrayed widely in the media which damaged our individual and collective self-worth. These stereotypes still have currency in the public imagination.

Excuse me, the intervention started from a child getting sexually abused in one community, and [that is how] the scenario started and now they think it's every community. You know, and they label Aboriginal people as doing that to their children. **Borroloola women**

Racial stereotypes can gain legitimacy in the mainstream consciousness when they are reinforced through an authoritative combination of legal mechanisms, government policy and news coverage.

These attitudes seep into the public mind and, I have no doubt, make acceptable the increased racial profiling of Aboriginal and Torres Strait Islander peoples by bystanders, the police, local services such as supermarkets and venues. This is all confirmed in numerous accounts by women and girls throughout the engagements. These are some examples:

> *Yesterday I witnessed what can only be called racism in the truest sense of the word! I was appalled when lunching at the Kimberley Hotel in Halls creek with work colleagues when a 'crowd controller' greeted local Aboriginal patrons at the gate and subjected them to a breath test … I asked my colleague what was happening and she explained and I then asked why we were not subjected to the test upon entering and her reply was because I was with you we were allowed to come in without it. The only reason I wasn't subjected to the breath test could only be because I don't look Aboriginal despite the fact that I am!* **Individual submission**

> *Security follow Aboriginal people around the shops thinking that we're going to steal.* **Dubbo girls**

> *Child protection intervention by child safety is a major issue for us we are stereotyped.* **Cape York women submission**

> *… you could be standing in line and they will just totally ignore you, serve someone behind you or beside you and you have be like 'hiiii, am I invisible?', so it brings low self-esteem.* **Nowra women and girls**

Time and again I have heard from women and girls how these stereotypes filter into the way they are treated by the public. They have talked about being deliberately ignored by cashiers in shops, avoided by people on the street or commuters not standing or sitting next to them and taxis refusing to take a fare—something I have experienced firsthand.

This is everyday racism, it 'others' you to the point you feel both targeted and invisible.

(e) Lateral violence and racism

I have found it most distressing to hear women and girls internalise the racism that bombards them every day.

I have heard young girls and older women question their identity and the identity of others, and whether being Indigenous is causing the issues they face. This has undoubtedly resulted in the exacerbation of lateral violence, anger and jealousy, which women and girls across the country have discussed as major concerns to the health and wellbeing of individuals and communities, and as causing tension and fragmentation within families.

Women and girls often describe lateral violence as families and communities turning on each other and attacking our identity.

> *Family too can knock you, you know, like 'Who does she think she is?' But I thrived on that, because I thought ... you's had the same opportunity as me.* **Barcaldine women**

Text Box 3.5: Lateral violence

[Lateral violence is] the organised, harmful behaviours that we do to each other collectively as part of an oppressed group: within our families; within our organisations and; within our communities[119] ... It comes from being told you are worthless and treated as being worthless for a long period of time. Naturally you don't want to be at the bottom of the pecking order, so you turn on your own.[120]

There is also a racialised dimension to lateral violence, that is increasingly being called lateral racism.

Aboriginal and Torres Strait Islander peoples exist today on a continuum, stemming from colonisation, of cultural loss, disconnection from country and the fragmentation of our identity as caused by decades of racist and discriminatory policies.

Many of us are living with the legacy of these policies, which attempted to eradicate, or assimilate us, by taking our children to 'breed out the colour', or put us under constant surveillance from the state to ensure we were not practicing our culture and speaking our languages.

Women and girls have spoken to me about how even today they are reeling from the impacts of families feeling like they had no choice but to hide their ancestry to avoid the discrimination of the State. For others, there was an added dimension: the internalisation of racist beliefs toward Aboriginal and Torres Strait Islander peoples specifically made us feel ashamed and to want to hide all of who we are.

In the home, me and my sister were told that we were Indians. So growing up with—growing up thinking that we were Indians you know—then travelling and finding my way back home to Brewarrina in 1970 by my Mum who passed away last Saturday aged 89, yeah, Aunty said to me, you're not Indian, you're a full blood Aboriginal person. **Sydney women**

Families moving a lot to avoid welfare, so a lot of Aboriginal families do get chased up because there is that alcohol and drug abuse, and families still feeling like they need to hide identity due to intergenerational trauma. I have a friend and her family still don't identify as Aboriginal, because they got told growing up that it isn't okay to be Aboriginal, hide it, don't let anyone know, otherwise you will have that sense of shame for the rest of your life, you will get picked on and you won't have opportunities. **Nowra women and girls**

Women and girls speak to how this history of loss continues to fracture identity and connection and can foster feelings within oneself and across families and communities of inclusion versus exclusion and belonging over not belonging to our culture and heritage.

The Healing Foundation submitted examples of lateral violence in communities, that they had been told of:

"You're not as dark as we are"
"I'm more cultural than you because I have dark skin"
"You're only black at work"
"You're a coconut"
"Uptown nigger" (because she had a good job). **The Healing Foundation submission**

Being 'too pale', or not being 'dark-skinned enough', is a part of this historical fracturing that manifests as lateral racism within communities. Once again it is reinforced by stereotypes in the media and government structures that only a dark-skinned traditional person is an 'authentic' Aboriginal and Torres Strait Islander that is worth engaging with.

People judge you for your skin colour especially if you are lighter they don't call you Aboriginal but if you are darker they seek you out when something goes wrong. **Newman girls**

Colour and invisibility—in Tasmania we are lighter so we are invisible. So if you say you are Aboriginal and someone says you are not. This is terrible. There is a lot of fear involved too—I was embarrassed to say I was Aboriginal out of fear that people would say I was not. My brother graduated last year and wore the Indigenous sash and I was worried people would be challenging him on his Aboriginality. **Hobart women**

This could not be further from the truth. Whether we are pale or dark-skinned, whatever our heritage, our stories and the journey we have been on, and however we choose to practise our culture, we are Aboriginal and Torres Strait Islander peoples. Nonetheless, our identities come under constant challenge.

The notion that we and our culture are to blame for the issues we face, or that because of the colour of our skin we are not Indigenous enough, has no basis in truth.

What it highlights is how dangerous simplistic, reductive and racist ideas of our society, culture and identity are. This is particularly the case when they have become entrenched, over generations, in the broader socio-economic and political systems that dominate and determine our existence.

It is well and truly time to end this historically entrenched deficit narrative.

In doing so my hope is that we can break the intergenerational cycles of poverty, inequality, trauma, racism and all forms of discrimination.

3.3 Representation and participation: nothing will change without us

Common to the multitude of voices and diversity of stories that I heard across the country was the message that our women, our girls and our communities are excluded from meaningful participation in the decisions that affect our lives.

Concerns were expressed that while contemporary Australia prides itself on being a fair, just, democratic and multicultural nation, obstacles to the effective representation and participation of Aboriginal and Torres Strait Islander peoples remain largely unaddressed.

Women and girls identified the failure of successive governments to work with us on establishing mechanisms for genuine representation and partnership as a key factor in perpetuating and worsening inequalities between Indigenous and non-Indigenous peoples.

These concerns resonated with me.

I was born in a time when our people did not have citizenship rights. I lived through the era when laws precluding our equal participation in Australia's political, social and economic institutions were abolished. Such milestones were momentous. To have the Australian population rally around us provided hope for what the future might look like.

In some ways that future has come to pass. It is within my lifetime that we have seen the first of our mob graduate with a university degree, sit in the Parliament of Australia, become head of a government department, and to be appointed to the federal court.

While we have every reason to celebrate these individual achievements, we cannot forget that while the policy measures that enabled them were progressive, the full acknowledgement of our rights as First Nations remains unfinished business.

The reality in which we live is still that of many distinct and complex cultures that have no choice but to live within the context of a dominant colonial society.

The overwhelming approach from Australian governments has been to progress our equality through assimilating Aboriginal and Torres Strait Islander peoples into Western structures.

> *Systems all exist within the Western framework. [We] fight for justice for our people within this system … We have great political advocates for social justice, but our issues are continuously framed within the Western framework.* **Perth women**

To invoke the language of human rights, the equality we are provided with under Australian law is *formal* not *substantive*.

This has resulted in a singular focus on our equal treatment under the law which is blind to our inherent cultural difference and the deprivation we have suffered over the past 232 years.

In place of respecting our self-determination as distinct peoples and the provision of restitution for what has been taken from us, we have been afforded the rights and responsibilities of other ethnic minorities entering the Australian citizenry—formal equality under the law.

As noted by Aileen Moreton-Robinson:

> *White Australians voted in overwhelming numbers to endorse the 1967 Referendum believing they were casting a vote for Indigenous people to be included within the nation by being granted full citizenship rights. Within the white imaginary, citizenship represented equality and it was assumed that this status would enable Indigenous people to overcome their poverty and become the same as other Australians.*[121]

It is the pervasiveness of such imaginings that has stood in the way of any genuine negotiation with Aboriginal and Torres Strait Islander peoples in this country over the past 232 years.

To this day, our worldviews have never been taken into consideration in a way that might require any real compromise by Australian governments.

As my predecessor the late Dr William Jonas, wrote in his 2002 Social Justice Report:

> *Self-determination as the centre piece of Indigenous policy has to a large extent been a statement of intention rather than of action. Real self-determination has never been tried.*[122]

This issue sits at the very heart of why attempts by governments to address our disadvantage over the past several decades have continued to fail.

> *Until we blend into the system, we will be alienated but that is our challenge because we don't want to blend in. We can't ever blend in. It affects us generationally. In the here and now. I have just seen this complete change in the whole of Indigenous lifestyle as not even being acknowledged. They don't want to know who we are. We have to be Australian first. I am not Australian first. I am Aboriginal, I am how God made me.* **Cairns women**

Women and girls expressed particular concern about the trajectory of government policy on Indigenous representation over the past two decades, a trajectory which has been underpinned by a broader ideological shift within Western society towards individualism and market-based economic models.

It was this ideological transformation that informed the Howard government's abandonment of Australia's policy of self-determination in favour of what was coined 'practical reconciliation'.

> *I felt like I lost my self-determination. And we all fall back, we fall back on family and our culture that is intrinsic in our family ... And I think part of our challenge is making sure our country understands how hard it is. They just want us to live their way, but we don't want to just live their way. We want to be able to participate, because we are part of this country, but we still have to maintain who we are, we need to be who we are and not lose ourselves in the process.* ***Karratha women***

In the subsequent period, a new bi-partisan Indigenous policy framework emerged driven by the notion that individual responsibility should prevail over the rights of the collective. Not only has this interrupted progress towards self-determination; the all too pervasive notion that the failure of 'self-determination' policy was our failure, or that it was ideologically toxic, or both, has forced it further from our grasp.

> *Public policy no longer requires the imprimatur of the Aboriginal people; Aboriginal participation in the decisions taken about their lives is negligible. It is a distraction, an indulgence even. Desperate pleas for a renewed emphasis on Indigenous design and Indigenous participation is met with the unexamined refrain, 'We tried that, and it didn't work'. A mostly uncritical mainstream media cheers from the sidelines, dutifully promoting prime ministerial remote-community fly-bys as policy and gushingly retweeting images of unnamed natives.* ***Australian Institute of Aboriginal and Torres Strait Islander Studies submission***

The consequences of this shift have been plain to see.

Over the past decade influential non-Indigenous people's views about who our women and girls are and what they need have been privileged above our own. Many of these views have reflected the paternalistic and assimilationist notions of the past: that our ongoing connection to country is nothing but a 'lifestyle choice' and that our continuing disadvantage stems from our struggle to adapt to a more sophisticated culture.

We have seen funding withdrawn from the National Congress—a fledgling elective Indigenous representative structure in need of significant and sustained investment and, in a parallel move, the creation of a Government-appointed Indigenous Advisory Council.

> *Sick of people being appointed to speak for us. Indigenous leaders have to be appointed by Indigenous people, at all levels.* **Alice Springs women**

And we have seen our request for a constitutionally enshrined Voice to Parliament—as had been called for in the Uluru Statement from the Heart—dismissed out of hand.

In short, we have seen a litany of stifled momentum, retrograde measures and missed opportunities.

(f) Women's representation

Today, Aboriginal and Torres Strait Islander women and girls remain one of the most marginalised and politically disenfranchised groups in Australia, and consequently one of the most vulnerable groups.

While there is no question that self-determination for both our men and our women has been comprehensively and chronically frustrated—in those moments where our people have had the opportunity to participate in decisions—our women's distinct voices have often been conflated with the needs and aspirations of Aboriginal and Torres Strait Islander men.

The historical privileging of male authority has meant that our men's voices have been prioritised in dialogues and negotiations with governments, private bodies, researchers and many others.[123]

As a result, some women, in particular our younger women and girls, reported that they found it hard to build up the courage to speak and that that their voices were sometimes undermined or drowned out.

> *The board is made up of men. Women put their hands up to go on boards but men only vote for men. That is the biggest thing that is missing on the Tiwi Islands is gender equity. The women are scared cause there are too many men. The men try to dominate the meetings. They need to be told, this is an equal world now.* **Tiwi Islands Melville women**
>
> *And that automated response, like if it's a male figure then you naturally just stand back and let them take lead because of that as well. So, you have to really build confidence up to speak*. **Weipa women**

I think the hard thing is nanna, like it's happened to me, because I am obviously younger, you get shut down, by the people who you look up to. It's mainly the ones who are not classed as elders yet, but those who are in the middle function of the family, and I think that is where a lot people who lose that confidence. **Karratha women**

Megan Davis in her 2012 Naarm Oration argued that we must pursue Aboriginal women's self-determination particularly for this reason:

Many Aboriginal women are routinely subjected to violence and high levels of stress, and are regularly positioned by statistical data in the lowest categories of economic and social status. Yet despite the extensive chronicling of these facts over the years, they have not been seriously taken into account in the context of Indigenous peoples' rights and self-determination.[124]

A central message of this report is: Women and girls are provided with the opportunity to take part in decisions that affect their lives and that their voices are respected and heard. As is argued by Karen Whitney:

The only way to prevent the disadvantage suffered by Indigenous women from continuing ad infinitum is to ask Indigenous women what they need to reverse these trends, and to provide them with whatever resources are necessary to accomplish this. Having been the direct victims of multiple forms of discrimination in both Indigenous and non-Indigenous society, Indigenous women are in the best position to know what is necessary to eliminate the 'underclass' and achieve reconciliation.[125]

The women and girls I spoke with were very clear that they want to see representation proportional to their population within both mainstream and Indigenous structures and at all levels.

For example, women talked about changes to their own organisations' terms of reference and rule books to ensure that gender equity is built in.

System changes, like we said in our elections, we could put in a by-law, fifty-fifty representation on council. A transparent process, so we don't get our brothers off-side, good way. **Thursday Island women**

In addition to equity of representation within mainstream and Indigenous structures, women and girls want representative bodies at all levels to carry the distinct voice of Aboriginal and Torres Strait Islander women and girls.

In considering this aspiration, women want governments to ensure that there is adequate resourcing, particularly at the regional and local levels, to ensure that representation at the state and national levels is feasible.

> *But to have that expectation for one person to be across everything across [the state] and to be able to consult and engage across everything is ridiculous … needs to be at the regional level at the minimum, which then inform the state rep, and we actually need to respect that structure and also recognise how much work that takes. When people say they have to do some consultation and engagement across the state with only one person responsible … like how the hell do you do that, inclusively and respectfully? You can't …* **Karratha women**

As Aboriginal and Torres Strait Islander women and girls have told me at engagements across the nation, when you bring our women and girls together, they do not see their lives solely through the prism of victimhood.

They talk of the struggles and challenges in their lives, but they also talk of all the things they know and do, every day, and of the strengths, purpose, potential and capability of their lives.

> *There is strength when we [women] get together, because we all feed off each other. We know that this is the times when ideas happen. When we go 'yes! This is the solutions. This is how we can enact it.' We want to see, you know, it promotes strength. It promotes healing, it promotes self-determination, it builds our self-esteem. It's about solution driven, it's empowering, it's about cultural education and celebrating who we are.* **Cairns women**

Women and girls noted the positive impact of women's groups in the past, many of which no longer exist, and the need to establish new ones. Lack of government funding support was identified as a key factor in preventing the establishment of bodies to represent women separately at the regional and local levels.

> *We did have a women's committee at that stage that carried the struggle on their backs for many years … They worked tirelessly … and they did many things around the community, and so our community always had that base.* **Wreck Bay women**

Women and girls identified a need for support with ongoing opportunities to organise and be heard. For example, a girls group came up with the idea of an annual meeting between the Prime Minister and Indigenous girls. Another example was a group of women who talked about introducing practices from our neighbours in the Pacific.

Out at Fiji, they've got a women's matriarch group. So we want to put in our own bi-laws that when you come to consult, you consult the leaders, you come and sit with the women's group as well and that's something we'd like to see on each and every community. **Thursday Island women**

Women reported that their level of business looking after their communities prevented them from coming together and participating in decision-making as a group, and they are calling on their men to support them.

You know, who's going to help? Our family's going to help. Because we're going to give our children to our husbands or our nephews, or whoever, so that they can look after so that we can go and do this networking ... This is about community leadership, it's about leadership and women. And being active role models, being visible, you know. **Cairns women**

Women and girls also identified a need for capacity-building to encourage broad-based leadership, succession-planning and the skills required to represent at the interface with government and other external parties.

So, we've got to be able to take that step and step into that world. I think for a lot of us, that ability to understand bureaucracy and how it works, we share a lot of our culture with all these people that come into town, but they don't share their knowledge around how bureaucracy works so that our mob become more empowered in talking in that same space, so we're talking as equal partners. **Tennant Creek women**

Significant investments are necessary to build the capacity of Aboriginal and Torres Strait Islander women to understand mainstream systems from a position of strength in their own culture. I noticed how women who were supported in this way, were a part of groups who were able to generate their own policy positions and priorities across a wide range of issues.

This has meant that when government has engaged, these communities have been on the front foot.

There is a critical need of more investment into community-controlled programs that promote this type of learning. The Martu Leadership Program which has both men's and women's programs that operate separately but come together to share their learnings and input into shared decision-making, is a key example.

Text Box 3.6: Martu Leadership Program

The Martu are the traditional owners of a large part of central Western Australia. The Martu Leadership Program combines learning in the 'whitefella' world and learning in the Martu world. The first of these two streams involves building confidence and capacity in areas of Western knowledge including: government structures and processes, native title law, corporations law, trust law, criminal law and sentencing, corporate finances and governance and the operations of not-for-profit and for-profit companies. The learning in Martu world is cultural advancement in Martu Law, which contains sensitive knowledge not publicly discussed. The two streams support Martu people to implement effective Martu-led initiatives and drive vitally needed changes in the way mainstream Australia engages with the Martu world.

"I'm proud, happy—we can change the future for the better." Martu Leadership Program participant.[126]

(g) Community control

Women and girls have told me that their increasing lack of self-determination at the political level is critically undermining their and the communities' ability to participate in decisions at the bureaucratic level.

Women and girls feel that they have not been listened to. They have lost faith in government consultation processes, the vast majority of which they view as tokenistic and a waste of their time. Indeed, the term 'consultation' has lost any currency it might have once had in our communities.

As noted by the Healing Foundation, 'co-design' is a more appropriate descriptor for what is required to uphold our rights to self-determination and free, prior and informed consent.

Text Box 3.7: Co-design

The traditional government approach to community engagement involves 'consultation'. This approach is rigid, has proven to fail over decades of continued disadvantage and over-representation ... In contrast with 'consultation', co-design involves service providers and communities working together from the outset to develop new approaches that are genuinely informed by clients. By working directly with Aboriginal and Torres Strait Islander men, women and children on every aspect of program design and evaluation, communities will ensure that programs are designed to be safe, accessible and culturally and locally relevant. **The Healing Foundation submission**

Despite the rhetoric of 'doing things with us not to us' and the emergence of co-design as a leading policy concept, women are not seeing many examples of applied co-design in their communities.

Indeed, they are worried that this term is already being widely misapplied and in danger of becoming yet another meaningless buzz word.

> *They call it co-design and it is not co-design. They come out and say this is a program that we have, and we will run this program, and we just need your input into it, and we will call it co-design. That is not co-design. Co-design is about going back to the drawing board.* **Kempsey women**

This deficit in the way that governments engage has created a deep sense of mistrust amongst Indigenous communities.

> *There's no genuine consultations, so there is no real, genuine grass roots listening, having a yarn. There is always a purpose, a hidden agenda in those fields we feel.* **Sydney women**

In response to our exclusion from decision-making, many of our communities have rallied to create local and regional structures to encourage coordinated place-based responses to challenges and opportunities and to grow their influence on decision-making.

> *We take it to [our regional forum, who] looks at it and then drives it to the state government, or regional government area … It is really good …* **South Hedland women**

Text Box 3.8: Pilbara Aboriginal Voice (Kakurrka Muri)

The Pilbara Aboriginal Voice (PAV) was established in 2017 by traditional owners of the Pilbara region during the 4th Annual On-Country Bush Meeting at Yule River. The PAV is comprised of recognised community leaders, representing a union of language groups, who are nominated and endorsed by the Pilbara Aboriginal community. The group operates to provide a unified community voice influencing policy reforms and advising relevant political decision-makers on issues affecting Pilbara Aboriginal people. It is PAV's intention to be the 'go-to' regional authority; working with government to address key issues, source funding and resource needs as identified; lobby the government for regional funding; review government reports, holding them to account for shortcomings; and create culturally responsive solutions to the benefit of the Pilbara Aboriginal community. Pilbara Aboriginal people are stepping up to drive change in the region and the groups formation is a unique and powerful demonstration of this.[127]

In my own community, we set up a local governance structure called the Fitzroy Valley Futures Forum, and that there are numerous examples of such structures throughout the country.

It is clear from what women have told me that there is a wide variation in the level of success that such structures have enjoyed in their attempts to attract the attention of government decision-makers, develop new ways of working with governments, and channel government investment into community-identified priorities.

Women observed that while government expected them to attend government-initiated consultations on a myriad of issues at short notice, it was often difficult to get government decision-makers to attend community-instigated meetings.

> *We try to reason with these agencies … Remember Nanna when we invited them to that special meeting and we had all that traditional foods, damper, everything, and we didn't even have a letter from any of them saying apologies that they couldn't come.* **Roebourne women**

Women reported that when their forums were well-attended, they were often at risk of becoming overwhelmed by a barrage of uncoordinated engagement by relatively junior staff from government departments who only wanted to tick-a-box before implementing policies they had no power or intention to alter.

> *My fear is that [our regional forum] is going to be used by every man and his dog, when the core part is to represent the needs of … Aboriginal people.* **Karratha women**

Our communities' negative experiences with government engagement processes in which they are denied a decision-making role is driving a deepening sense of powerlessness. If this does not change, we risk our young people growing up believing that government does not listen, and that engaging with government will not achieve anything.

> *Our people are extremely stressed and hopeless—disempowered and disenfranchised in a society where the term 'democracy' does not appear to apply to us …* **Individual submission**

(h) Towards effective Indigenous representation

Women have told me that we simply cannot go on in this way any longer and they made clear to me that effective Aboriginal and Torres Strait Islander representation is a first-tier priority.

We must have structures at all levels that can represent us on our own terms and provide us with a voice about matters that affect our lives.

> *If we fix [representation] then we can actually start to determine our agenda ... [and] the rest, we will be able to do ...* **Cairns women**

Addressing this need will require Australian society and its political representatives to finally come to terms with our right to self-determination.

While self-determination is currently official policy in some states such as Victoria, no Australian Commonwealth Government has announced a return to the policy of self-determination since its demise in the late 1990s. Nonetheless, the Australian Government's endorsement of UNDRIP in 2009 has implied a commitment to fulfilling this right.

Indigenous self-determination has too often been misrepresented as racial segregation or as a precursor to secessionism. In reality it is nothing of the sort. Article 46 of UNDRIP states that nothing in the Declaration should impair the 'territorial integrity or political unity' of states.

Our right to self-determination can, and must, be fulfilled within a united Australian polity. It will, however, require Australian governments to imagine a future outside of the bounds of rigid Western models: a future in which we are given room to rebuild structures that reflect who we are as distinct peoples; and a future which allows for our structures to be interwoven into the fabric of a reconciled nation.

Women across Australia were broadly supportive of the goals enshrined in the Uluru Statement from the Heart. They are calling for electoral processes to select representatives for a Voice to the Parliament, and are pressing for constitutional enshrinement so that our means for representation cannot be abolished with the stroke of a pen as was done to ATSIC in 2005, a measure which took us back decades.

With respect to state-level Indigenous representative bodies, women and girls spoke positively about the Victorian and ACT models and expressed how important regional and local structures were to the facilitation of a ground-up approach and the effective representation of geographically and culturally diverse groups at the state and federal levels.

> *We need the string that pulls down. We want the local needs to be at the forefront, then comes to regional and that becomes collective because we might think the same. Because often we say that we don't want the top down approach. We want a local voice that feeds into priority issues ... That could lead into a national voice—they have to hear what is happening on the ground ...* ***Cairns women***

Women and girls also want to ensure that Indigenous representative structures are provided with mechanisms to hold government to account.

One mechanism that could improve accountability would be to adopt provisions at the national level similar to those of the ACT Parliament which allow the Indigenous elected representative body members (who are not Parliamentarians) to participate in Estimates proceedings.

Women talked about the various models for Indigenous representation that were developed during the era of Australia's 'self-determination policy' (1972-96) which culminated in the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990 and the Torres Strait Regional Authority (TSRA) in 1994.

The desire to re-create a body similar to ATSIC was raised on a number of occasions throughout the consultations, and there was a clear sense from women that ATSIC represented an important stepping-stone which might have led to greater self-determination into the future, had the opportunity to build upon this foundation not been stolen from us.

With respect to the TSRA, women, girls and their communities in the Torres Strait Islands have identified further progress towards greater autonomy as a key priority.

> *The Torres Strait Regional Authority it was a vehicle for greater autonomy, but this is now 2018, and ... we don't have an autonomous nation ...* ***Thursday Island women***

Within the Islands there is a general consensus on the establishment of a self-governing territory. There is a unanimous decision by the Torres Strait Regional Authority, Torres Shire Council, Torres Strait Island Regional Council and the Northern Peninsula Area Council to pursue a remodelling of the Torres Strait governance model and to bring the vision of 'One Boat'—the unification of governance under one body—into being.

Wherever they are located, women and girls want improved transparency, accountability and Aboriginal and Torres Strait Islander decision-making over Indigenous funding.

> *We still haven't got self-determination. When we do get funding, it is so inadequate, it is ad hoc and I think that is reflected in the Close the Gap initiatives. We don't have a voice in how money is spent.* **Mount Isa women**

Women want to see a reversal of the mainstreaming of services that was initiated by the Howard government, and the re-direction of funding to Indigenous programs and services.

They are united in the belief that the more decision-making power that is devolved to Indigenous structures, the more strategic engagement with government can become, the greater clarity there can be around governance arrangements, and the more effectively service provision can be coordinated around community needs and priorities.

> *We need to have an ATSIC type thing within the government … Then that money that comes from the government goes direct to this group and that's sent out to each different community. It's basically community control …* **Alice Springs women**

Some women and girls have talked about new arrangements with their state governments which have gone some way towards providing for greater community control. Measures such as this are a step in the right direction.

> *It is a legally binding document that holds state government accountable for the priorities that need to be addressed in your community. And they have to then invest in service delivery around the priorities that the community has said needs to be addressed. So, it is quite a powerful process and it needs community to be involved and to drive it.* **Kempsey women**

We are thinking together about what a funding pooling model looks like when it talks about health, justice, law and crime. For example, if there is money for women's health at that forum we decide where it goes. We decide how the money gets distributed in community … There is a contract with the [government] now and there is a memorandum of understanding with the state ready to sign off on the funding model, lots of eyes on [our community] want to make sure it works so it can be replicated for other communities as well. **Yarrabah women**

Text Box 3.9: Yarrabah Aboriginal Shire Council

Yarrabah is located 55 kilometres east of Cairns in Far North Queensland. It is the largest discrete Aboriginal community in Australia with an estimated population of 2,848 persons. The community is governed by the Yarrabah Aboriginal Shire Council (YASC) under the Local Government Act 2009. YASC deliver services for the purposes of furthering the social, economic and cultural development of Aboriginal and Torres Strait Islander community members, using local solutions for the issues they face. YASC's responsibilities extend to include responsibilities for fisheries, alcohol management and employment initiatives. The first Yarrabah community council was established in the mid-1960s primarily as an advisory body for government administrators. Over the years, the council has since taken on many forms but has continued to be an effective pathway for the Yarrabah community to self-determine their futures and demonstrate strong community governance and leadership.[128]

Text Box 3.10: OCHRE a NSW Government plan

OCHRE is the community-focused plan for Aboriginal Affairs in NSW. It stands for Opportunity, Choice, Healing, Responsibility, Empowerment and is symbolic of Aboriginal and Torres Strait Islander communities' deep connection with country. OCHRE aims to support Aboriginal and Torres Strait Islander communities to actively influence and participate fully in social, economic and cultural life. The plan represents a commitment from the NSW Government to embed the voices and aspirations of Aboriginal and Torres Strait Islander people into policy making, implementation and evaluation. One of OCHRE's key initiatives is Local Decision Making, whereby eight Aboriginal and Torres Strait Islander regional alliances have been established across NSW to ensure that Aboriginal and Torres Strait Islander peoples have a genuine voice in determining the design and delivery of services to their communities. Whilst OCHRE provides a pathway to transform the NSW Governments relationship with NSW Aboriginal and Torres Strait Islander communities, it is critical that local decision-making processes are adequately resourced and community priorities are addressed locally and regionally.[129]

While the means for effective representation of our peoples yet eludes us, as we look to the future, there is some cause for hope.

There is significant movement within some jurisdictions such as Victoria, Queensland and the Northern Territory towards providing greater self-determination and the necessary conditions for agreement-making.

At the federal level, we have currently underway a Minister-led process to assist in the formation of national, regional and local Indigenous representative structures (Indigenous voice co-design process).

And we have achieved an unprecedented partnership between the Indigenous Coalition of Peaks (CoP) and the Council of Australian Governments (COAG) (now the National Cabinet) to co-design the refreshed Closing the Gap Strategy.

This is the first time in the history of the Commonwealth that a process at this level has formally incorporated non-government partners in decision-making.

While these developments are nascent and we have a long road ahead in our struggle for self-determination, like the developments of the 70s, 80s and 90s, these are important steppingstones that we need to build on legitimately, lest they too fade into the past as just another era of failed policy.

(i) Truth-telling and Makarrata

The Uluru Statement calls for not only a Voice to Parliament, but for a Makarrata Commission to oversee truth-telling and agreement-making at the local, regional and national levels.

Our women saw truth-telling as a critical step to both allowing healing to take place, and to finding the solid ground upon which to build the foundations of new relationships between our peoples and the Australian nation.

> *Our plan for change is we saw the real need for truth-telling, real, honest truth-telling. This country doesn't own its history; we are constantly having to try educate around us. I guess it's mainly having to try to educate within mainstream Western structures.*
> ***Sydney women***

Societies that do not know and face up to the truth about their histories are likely to repeat the mistakes of the past.

> *Racism has been a big thing, people don't want to hear about it, even our own people don't want to hear about it, even non-Indigenous people don't want to hear about it, but there is still that truth of racism and discrimination. In here, the presence, the presence of the people who are providing the service, like I work hard. When you go to the hospital and you go down there, you can feel it, it is in your spirit, it is in your bones.* **Thursday Island women**

If we are to find the right pathway forward, the facts about Australia's past and continuing mistreatment of our peoples must be fully incorporated into Australia's national narrative.

I know from my own experiences of truth-telling how healing and freeing it can be.

I have seen museums in foreign countries acknowledge that they acquired the remains of our ancestors in violation of our dignity as human beings and return them to us in the spirit of utmost respect and regret.

The goal of truth-telling is not to divide but to unite. Truth-telling shines light in dark places, it expels the falsehoods that sit between us, it creates space for us to come together.

We need only look to the community of Myall Creek to see how the descendants of our peoples have been able to come together to acknowledge the hurt and pain that has transpired and to find in our empathy for one another the humanity that binds us.

That we must tell the truth is not to create a sense of guilt among non-Indigenous people. Truth-telling is necessary so that all Australians receive the information they need to critically assess the past.

Such a shift in thinking is critical if we are to successfully close the gap on Aboriginal and Torres Strait Islander inequality, for we cannot effectively and sustainably address the issues in the absence of broad consensus about the cause.

For truth-telling to be cathartic and healing, our stories must be heard and the pain and frustration we feel acknowledged. But it cannot stop there.

We need governments and society to acknowledge the ongoing systemic harms we face and, with the evidence laid bare, accept that we simply cannot go on with business as usual.

The truth is that addressing Aboriginal and Torres Strait Islander disadvantage will require significant structural reform. There is no way around it. We must see the development of Indigenous frameworks for representation and agreement-making to ensure that we not only have a seat at the table on decisions that affect our lives, but that these tables of governance belong to us and reflect who we are just as much as they do other Australians.

Transformation through truth-telling will require national processes and institutions and when we look around the world, there are a number of international examples from which to draw inspiration.

In Aotearoa/ New Zealand there is the ongoing Waitangi Tribunal process. In South Africa and Canada there have been Truth and Reconciliation Commissions and the establishment of institutions such as the Apartheid museum and Canadian Museum of Human Rights. In the United States there is the National Civil Rights museum.

> *Other colonised countries who have experienced genocide have had Truth-Telling Commissions—in this country we want to skip the truth-telling and go straight to reconciliation—you can't just do that; we want the truth told so you can understand.*
> **Sydney women**

Text Box 3.11: Truth and Reconciliation Commission in Canada

Canada's Truth and Reconciliation Commission (TRC) was initiated in 2007 as part of the Indian Residential Schools Settlement Agreement. Its mandate was 'to facilitate reconciliation among former students, their families, their communities and all Canadians'.

The Canadian Government provided approximately $72 million to support this work over a nine-year period between 2007 and 2015. This involved the Commission engaging with over 6,500 witnesses from Indigenous communities in all parts of the country, and hosting seven events at the national level to engage the general public, provide information about the history and ongoing impacts of the residential schools system, and elevate the voices of those who had been directly affected and their families.

> Part of the TRC's work has been to create a comprehensive historical archive of the residential schools system which is now housed at The National Centre for Truth and Reconciliation at the University of Manitoba.
>
> In 2015, the TRC, released its final report. All Canadians are encouraged to read the summary or the final report which is available to read on the National Centre for Truth and Reconciliation website.[130]

We are long overdue for a similar process to take hold in Australia, and the establishment of Makarrata Commission to guide this work is a critical next step.

As is covered in detail in the Learning and Education chapter, other key requirements for national truth-telling are the incorporation of our culture and our histories into the education system and the roll-out of mandatory Indigenous design, owned and led cultural competency training across the board.

> *I want to see the history of this country told properly, truth-telling in education, racism what is that history, and anywhere I go, whether it is non-Indigenous teachers in the bush or in town, is that they really don't know, and we really need to bridge that.* **Alice Springs women**

(j) Agreement-making

Historically, Australia has a poor record of agreement-making with First Peoples, and throughout the engagements I often heard women and girls raise in anger that, unlike New Zealand, Canada or the United States, we do not even have treaties in place. Our sovereignty and pre-existing right to our lands was never recognised.

Despite talk of treaty, whether it was in the form of the NAC's proposed Makarrata which was considered by the Government in the late 1970s or the idea of a 'Compact of Understanding' in the late 1980s or the Uluru Statement's call for the establishment of a Makarrata Commission in 2017, a framework for agreement-making at the national level has, thus far, failed to manifest.

Women and girls around Australia have told me that they need treaties and that the time for treaty is now.

> *The system is not made to include us as far as society thinks and feels is that we don't exist. Before old man Cook come here, we weren't here, and that is the way they want to keep it. That is what we have to work with and change. We don't have sovereignty rights and we don't get that with constitutional recognition, it will do nothing for us accept put us back even further. We need a treaty. Is it good enough to be recognised in a Westminster white constitution, or do we want a treaty that sets out our rights?*
> **Kalgoorlie women**

The Australian nation should not be unsettled by the term 'treaty'. Treaty is a form of agreement-making, similar to processes which are already entrenched in public policy and practice through the nearly 1200 Indigenous Land Use Agreements (ILUAs) that currently exist across the country.

Disappointingly, despite calls from opposition parties for treaty to be progressed, there has been a continuing lack of momentum at the national level, and in the jurisdictions of New South Wales and Tasmania.

Likewise, while some important steps were taken in South Australia with the signing of the Buthera Agreement with the Narungga nation Yorke Peninsula in 2018, the incoming Marshall government brought the state treaty process to a halt to pursue 'practical outcomes' over 'symbolic action' in Indigenous affairs.[131]

On a more positive note, other jurisdictions have made significant progress towards treaty over recent years.

- The Governments of Victoria, the Northern Territory have both recognised that the Aboriginal peoples of their states never ceded sovereignty and that there is need of treaty to recognise the self-government of our people prior to colonisation, redefine the relationship between Fist Nations and state governments, and to address the injustices we have faced.
- In Victoria, the Treaty Advancement Commissioner, Jill Gallagher AO has been engaging with First Nations peoples about their aspirations and is key to driving forward the state's treaty process. Part of this process is the establishment of First Peoples' Assembly of Victoria which will play a key role in determining the parameters and protocols for treaty negotiations.

> *Self-determination and treaty are part of the government's agenda. Victoria is leading the way.* **Melbourne women**

- In the Northern Territory, the Government has made a commitment to holding treaty discussions through the Barunga Agreement and has appointed a Treaty Commissioner, Professor Mick Dodson, to consult with Aboriginal people in order to shape a framework for treaty negotiations.
- In Queensland, the Government has signed a Joint Statement of Commitment as an element of its Tracks to Treaty - Reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders initiative.
- While Western Australia has no statewide treaty process in place, the South West Native Title Settlement has been signed by the Government and the Noongar People. This is the largest native title settlement in our country's history and has been referred to by some as 'Australia's first treaty'. Importantly, it provides for both compensation, and joint management of national parklands.
- The Government of the Australian Capital Territory has made clear that it is open to discussing treaty and has commenced a dialogue with The ACT Indigenous representative body and traditional custodians.

This level of momentum towards treaty at the state and territory level is very encouraging and, if given the chance to progress, the developments may tip the scales in favour of treaty in other jurisdictions and at the national level.

3.4   Conclusion

This report follows 34 years after the landmark *Women's Business Report* of 1986. Many of the recommendations identified in that report remain as valid today as they were back then.

The intervening 34 years have been characterised by great progress and hope and by major setbacks and disappointment. We have seen the formation and demise of representative bodies, community-controlled organisations, regional agreements, social and economic strategies amongst many other promising initiatives. Such highs and lows have reflected a trajectory of constant struggle and the chopping and changing of policies often made about us, without us.

The recommendations of the *Women's Business Report*[132] belong to this story of possibility, expectation and, ultimately, disappointment: where recommendations that have been given so much consideration by Aboriginal and Torres Strait Islander communities through royal commissions, national inquiries, and numerous sector specific reviews have been disregarded and forgotten.

> *For report after report: I say it crudely, but same shit, different flies and the communities are waiting for the time when they are going to have a real say and real leadership.* **Mount Isa women**

In consideration of the significant and repeated efforts that have been made by our women and their communities this report does not reinvent the wheel by including hundreds of detailed recommendations to address the myriad of inequalities that still remain in Aboriginal and Torres Strait Islander housing, education, employment, justice, land rights and so on.

Women and girls have repeatedly pointed to the comprehensive and exhaustive work **that they have already done** in identifying the need for critical and immediate action in addressing urgent issues. Instead, the recommendations in this report focus on the structural reforms needed across all areas of government activity.

The overarching message from our women and girls is that it is time for us to take control of our lives and our futures.

As Aboriginal and Torres Strait Islander peoples, we live in the knowledge that our peoples governed themselves over tens of thousands of years. We are united in the conviction that colonisation has not broken us.

It is the system that is broken.

Our women, girls and their communities have had enough of being ignored and of taking part in processes that are limited to tweaking fundamentally flawed systems: systems that reflect Australian governments' continuing focus on Aboriginal and Torres Strait Islander assimilation to mainstream values, systems and perspectives.

Women are asking for nothing less than a fundamental change in the way government does business with Aboriginal and Torres Strait Islander peoples and for the transformation of this relationship to be reflected in the design of our governing structures.

It is only through a fundamental shift in the way Aboriginal and Torres Strait Islander people are represented, respected and empowered in this country that we will see the long-term, systemic change that is needed to close the gap in outcomes for our people.

Chapter 4 The way forward: Overarching recommendations and pathways forward

Throughout the consultations for this report, there were common themes that emerged across all areas of life. Whether we were discussing issues relating to health, education, employment, culture, learning or thriving, the same challenges, barriers and solutions were raised.

This chapter captures those systemic issues that apply across multiple areas of life as experienced by Aboriginal and Torres Strait Islander women and girls.

It sets out key elements of a national reform agenda to advance the issues that were raised by Aboriginal and Torres Strait Islander women and girls.

It consists of:

- a series of overarching principles to guide any actions
- recommendations for key reforms at the national level to fundamentally shift the current approach to government service delivery and policy relating to Aboriginal and Torres Strait Islander women and girls
- priority actions on key areas of life (community safety, justice, child protection, service delivery, disability, housing, land, health and wellbeing, education, employment and economic development).

This way forward has been informed by the consultations through this project, which in turn are shaped by our women and girls' lived experience, their knowledge and expertise.

The success of these recommendations depends on governments entering into genuine partnership and ensuring the full participation of our women and girls in the design, delivery and implementation of them. The recommendations are also interrelated.

Genuine partnership requires that Aboriginal and Torres Strait Islander women and girls are able to speak in a representative capacity. The form of this is not a decision for government. It is a matter for Aboriginal and Torres Strait Islander women themselves.

The recommendations and key pathways forward are grounded in the knowledge that:

- our women and girls' capabilities, resilience and inherent social and cultural values are key to combatting and overcoming historical injustice, structural barriers and centuries of transmitted and cumulative trauma

- by undertaking systemic reform that benefits women and girls, we will achieve positive change for everyone in the community. A strong theme that came through the consultations was that the improvements women and girls envision would be of benefit not only to themselves, but their entire community—men and women, boys and girls.

It is clear to me that to move forward and to bring about the structural changes required to improve the lives of Aboriginal and Torres Strait Islander women and girls demands a resetting of the relationships with settler Australia. To do this effectively, Aboriginal and Torres Strait Islander women and girls need to be at the decision-making table.

These themes that were consistently heard during the Wiyi Yani U Thangani consultations are consistent with the Uluru Statement from the Heart (with its call for a Voice to Parliament enshrined within the Australian Constitution, the Makarrata Commission including processes of treaty and agreement-making and a national truth-telling process).

The recommendations of this report should be advanced in conjunction with consideration of new representative structures at the national and regional level. Women and girls must play a key and equal role in designing all the elements of reform set out within the Uluru Statement.

4.1   Principles to guide reform

The following principles underpin the way forward for Aboriginal and Torres Strait Islander women and girls.

4.2   Overarching recommendations

The following recommendations address the overarching, thematic issues that have arisen throughout this report. They set out broad, structural reforms necessary at the national level in order to make an impact on each of the discrete issues discussed in each chapter of the report.

Overarching recommendations

1. **A National Action Plan on advancing the wellbeing of Aboriginal and Torres Strait Islander women and girls**

All Australian governments commit to the introduction of a National Aboriginal and Torres Strait Islander Women and Girls Action Plan to address the challenges, priorities and aspirations of Aboriginal and Torres Strait Islander women and girls as raised throughout this report.

This National Plan should:

- be co-designed with Aboriginal and Torres Strait Islander women and girls

- ensure that policies, programs and service delivery are tailored to meet the distinct experiences of Aboriginal and Torres Strait Islander women and girls, through both mainstream and Indigenous specific programs

- foster an enabling environment so women and girls have the opportunity to thrive, in which the voices of women and girls are respected, that grows and strengthens women and girls as leaders, protects and strengthens culture, and supports women and girls to heal from trauma

- be ambitious and set out benchmarks and targets for achieving equal enjoyment of human rights by Aboriginal and Torres Strait women and girls

- set out a data collection and measurements framework (including resourcing systems reform to ensure adequate disaggregation and nationally consistent data) and monitoring and evaluation processes needed to track progress and ensure accountability

- complement, as well as contribute to, the refinement of existing national frameworks (such as on child protection, family violence, Closing the Gap) to ensure holistic support is provided

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- build on the recommendations of previous reports when developing the national framework

- be reported on annually

- be funded to the level required to achieve its purpose.

2. Conduct a National Summit and establish a National Aboriginal and Torres Strait Islander Women and Girls Advisory Body

The Australian Government fund a National Aboriginal and Torres Strait Islander Women's Summit, to be chaired by the Aboriginal and Torres Strait Islander Social Justice Commissioner, with the Minister for Women and Minister for Indigenous Australians. The Summit would design the key elements of the National Plan on advancing the wellbeing of Aboriginal and Torres Strait Islander women and girls.

The Australian Government similarly fund and support the establishment of a National Aboriginal and Torres Strait Islander Women and Girls Advisory Body to engage with government about the implementation of the recommendations of this report, with a particular responsibility to lead the development of the National Summit and assist in the formulation of the National Action Plan.

The Advisory Body would include Aboriginal and Torres Strait Islander women and girls drawn from across urban, regional and remote areas of Australia, reflecting the diversity of Aboriginal and Torres Strait Islander communities, and in roles from across community organisations, peak bodies and representative bodies, non-government organisations and governments.

The Advisory Body would operate independently of government, with appropriate secretariat support to conduct its business.

The Advisory Body would retain a monitoring function to hold all governments to account in implementing the National Action Plan. Its composition might be superseded or augmented by a National Representative Voice once it is operational.

3. Empowering women's leadership on the ground

That all governments work with Aboriginal and Torres Strait Islander people and organisations, as well as business, non-government organisations (NGO) and education sectors to strengthen Aboriginal and Torres Strait Islander women and girls' leadership.

This includes by:

- setting targets for the representation of Aboriginal and Torres Strait Islander women in advisory and decision-making roles in government,

business and mainstream organisations (especially those that provide services to Indigenous communities). For example, the Indigenous Business Sector Strategy identifies Aboriginal and Torres Strait Islander women as a priority cohort, central to the development, growth and diversity of the Indigenous business sector

- embedding gender equality as a key principle across Aboriginal and Torres Strait Islander community organisations

- empowering Aboriginal and Torres Strait Islander women through strategic investment in leadership and governance support, including through partnerships with key organisations such as the Australian Indigenous Governance Institute, the Australian Institute of Company Directors, The Office of the Registrar of Indigenous Corporations (ORIC), Indigenous Business Australia's (IBA) The Strong Women, Strong Business initiative and the Department of the Prime Minister and Cabinet's (PM&C) Board Candidate Register

- providing government support for broad-based and community-led capacity building programs for Aboriginal and Torres Strait Islander girls' leadership.

4. **Protecting, supporting, and reviving Aboriginal and Torres Strait Islander cultural practices and knowledge systems**

Australian governments should urgently invest in measures to protect, strengthen, and revive Aboriginal and Torres Strait Islander languages and women's cultural practices and knowledge systems.

This includes through supporting Indigenous community-led initiatives that:

- enable women and girls to exercise their cultural rights to practise and transmit traditional knowledge, ensuring the expression and continuation of our Law, language, knowledge and cultural practices

- build resilience and cultural security among Aboriginal and Torres Strait Islander communities

- enable women and girls to protect country through Indigenous cultural management, for the ongoing practice and use of Indigenous knowledges and languages such as the ranger programs across the country and through partnerships with National Parks Associations and their education programs

- enable the conduct of women's ceremonial and cultural gatherings to ensure the ongoing practice and transference of knowledge

- record and archive women's knowledge, including songs and language to be accessible to current and future generations.

This support should be provided in urban locations, as well as regional and remote localities.

5. An urgent focus on healing from intergenerational trauma

The Australian Government recognise the importance of understanding and addressing intergenerational trauma if substantial progress is to be made in closing the gap across all socio-economic and cultural indicators of wellbeing.

Accordingly, substantial investments be made in community-led healing initiatives to address trauma. This includes by:

- adequately funding community-based healing initiatives through the National Healing Foundation

- supporting the development of national healing and trauma-informed accredited training and qualifications, with a workforce development strategy for Aboriginal and Torres Strait Islander women

- all Australian governments to commit to mandatory healing and trauma-informed training for the entire human service sector, both government and organisations that are funded to deliver services to Aboriginal and Torres Strait Islander women, children and families. This should be implemented through a national framework developed in co-design with the National Healing Foundation, Aboriginal and Torres Strait Islander community members and other relevant stakeholders.

6. National action to eradicate racism

The Australian Government commit to action to address racism experienced by Aboriginal and Torres Strait Islander communities, including women and girls. This includes by:

- developing a national framework on anti-racism, including measurable targets and accountability measures

- conducting public awareness activities denouncing racism, as experienced by women and girls, and providing tools for community members to take bystander action when they witness racism

- ensuring adequate data collection across all governments to measure experiences of racism

- supporting independent research and analysis through engagement with organisations such as Australia's National Research Organisation

on Women's Safety (ANROWS) and Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), to identify systemic or institutional racism (and other forms of discrimination that intersect with racism) and bias among key agents in the community, including police, prisons, courts, hospitals, universities, schools, government agencies and non-government organisations.

7. **Local and regional focused engagement**

The Australian Government focus its engagement and service delivery practices with Aboriginal and Torres Strait Islander women and girls and their communities at the local and regional levels. This requires:

- better mapping of need at the local level, to ensure evidence-based approaches

- priority setting to be determined with the full involvement of freely chosen representatives at the community level

- ensuring that funding is directed to addressing the root causes of disadvantage and inequality at the community level rather than simply responding to this inequality, and that mechanisms be developed to monitor and evaluate the impact of funding decisions on Aboriginal and Torres Strait Islander women, girls and their communities

- capacity-building needs are identified to strengthen Indigenous communities, including supporting communities to identify and engage in public, private and philanthropic partnerships to resource community initiatives. Ensuring that culturally safe and tailored engagement processes exist with local communities and at the regional level to improve relationships and partnerships with public, private and philanthropic bodies

- full community involvement in research, monitoring and evaluation practices to identify and learn from best practice approaches.

4.3   Pathways forward—key priority actions across different areas of life

This section identifies the key actions and focal issues identified across the report. It is envisaged that these would provide a starting point for the development of the National Plan referred to in the recommendations above.

Pathways forward—Priority areas

Supporting strong families and communities

Aboriginal and Torres Strait Islander women and girls want to live in strong, healthy and vibrant families and communities. They value inclusiveness, care and respect—values that are inherent to our culture and embedded in our extensive family and kinship networks.

For far too many of our families, multiple forms of discrimination and inequalities, the conditions of poverty, systemic racism and intergenerational trauma have a corrosive effect on our cultural and social fabric.

These issues combine and compound and form the conditions for the high prevalence of family violence, drug and alcohol dependence, abuse and childhood trauma. All of these issues have become key factors in community fragmentation and driving contact with child protection authorities and the criminal justice system.

Aboriginal and Torres Strait Islander women have stressed the need to break the cycles of intergenerational harms, by addressing systemic causes and diverting women, children and families away from punitive interventions.

Aboriginal and Torres Strait Islander women are calling for all Australian governments to significantly refocus and invest in early intervention and prevention supports. They want a system grounded in their self-determination and underpinned by healing and restorative approaches, aimed at supporting individuals and families, while also improving the conditions, and transforming the context, in which people live.

Aboriginal and Torres Strait Islander women and girls are calling for:

All state and territory governments, with the support of the Australian Government, urgently to invest in prevention and early intervention supports. This focus would be significant in impact and reduce the high rates of community harms such as family violence, drug and alcohol dependence, abuse and childhood trauma. Addressing systemic issues of harm and trauma would also reduce unacceptably high rates of Aboriginal and Torres Strait Islander children entering the child protection system and youth detention, as well as reducing the rapidly increasing over-representation of Aboriginal and Torres Strait Islander women in incarceration.

This includes by:

- investing in Aboriginal and Torres Strait Islander community development for prevention and early intervention

- better implementing the principle that detention is a matter of last resort for Aboriginal and Torres Strait Islander children

- expanding the availability and range of diversionary programs for young offenders, including community-controlled and culturally safe programs

- exploring alternative approaches, such as Justice Reinvestment and Social Impact Bonds, to re-orient focuses on preventative measures

- investing in the development of community-controlled culturally-based healing methods and programs and expanding the coverage across Australia of programs enabling cultural reconnection and strengthening identity

- investing in respite and vicarious trauma supports and counselling for women and other community members leading trauma recovery and healing work

- increasing coverage and capacity across Australia of Aboriginal and Torres Strait Islander women, children and family specialist services and community-controlled holistic approaches and programs. This includes, therapeutic and trauma-informed counselling, men's behavioural change programs, healing programs and centres, night patrols and youth centres and support activities

- increasing access to early years services in early childhood education and care, maternal and child health, disability supports and family support, including investing in community-controlled services which integrate early years programs and supports

- developing mechanisms to support women's leadership to address issues of community-wide harms, family violence and those pertaining to child protection.

Investment in diversionary pathways away from the criminal justice system and child protection.

This includes by:

- ensuring sufficient provision of Aboriginal and Torres Strait Islander designed and managed safe houses, transitional housing and safe and affordable long-term housing across urban, regional and remote areas

- ensuring sufficient access for Aboriginal and Torres Strait Islander women and their children to drug and alcohol detox and rehabilitation

facilities, specific to women and children's needs and aimed at empowerment and recovery

- developing safe house and drug and alcohol rehabilitation models as hubs to act as a 'one stop shops' in the provision of holistic supports

- ensuring alternatives to remand, imprisonment for fine defaults and over-policing of minor offences

- expand the use of Aboriginal and Torres Strait Islander sentencing courts, including specialist family violence and trauma-informed courts, while simultaneously ensuring the cultural competency of mainstream court processes

- ensuring women and children have culturally safe, trauma-informed and family violence aware representation within the family law system.

The implementation of mechanisms to keep women and children safe and families together:

- All state and territory governments should implement a Child Protection Notification Referral System (like the Custody Notification system), to refer women and families engaged with the child protection system to culturally safe and preventative legal advice and assistance to reduce matters reaching court and children being apprehended.

- All jurisdictions to replace the legal orders for permanent adoption for Aboriginal and Torres Strait Islander children, with a focus on supporting the permanence of their identity in connection with their kin and culture, and to invest in community-controlled reunification services.

- All jurisdictions to invest in mechanisms that increase the capacity and confidence of victims to disclose violence and abuse, particularly for children who have experienced sexual abuse, limiting the risk of re-traumatisation and to establish crisis support options for children and women and others impacted by child sexual abuse.

- The Australian Government support all jurisdictions to improve access across Australia to, and increase investment year on year, commensurate with need and indexed, to Family Violence and Prevention Legal Services (FVPLS) and to Aboriginal Legal Services (ALS) as culturally safe, trauma-informed specialist supports and legal representation.

- The Australian Government and all jurisdictions support expanding the role of Indigenous peak bodies advocating for the safety and protection of women and children.

A culturally safe and responsive service system:

- All Australian governments to invest in culturally restorative and supportive community-led measures identified by local Aboriginal and Torres Strait Islander communities.

- All Australian governments should implement the priority reforms raised in the SNAICC, the FVPLS's and NATSIL's 2017 family violence policy paper and expand reforms across all sectors responding to family and community harms. This includes the need for whole-of-government reform to provide national coverage of holistic and culturally safe service responses; to empower our people to drive policy and practice change; and to embed our cultural healing and trauma–informed practices across service responses.

- All jurisdictions to design strategies that pursue service and sector integration to improve service responses to ensure the safety and protection of victims of family violence and other forms of harm.

- All Australian governments to develop accountability mechanisms to ensure that authorities must comply with the Aboriginal and Torres Strait Islander Child Placement Principle and provide greater transparency and accountability around placement decision-making, with greater efforts to urgently reunite our children to their families and communities.

- All Australian governments to embed cultural security across the statutory child protection and criminal justice system, with an urgent focus on police as first responders to family and community harms. For example:

    o police recruitment and retention strategies set targets to increase and retain the numbers of Aboriginal and Torres Strait Islander women in leadership roles within the police force, at the local, regional and state and territory levels

    o ensuring Aboriginal and Torres Strait Islander women Police Liaison Officers (PLOs) are available to all police forces across the nation

    o trauma-informed and culturally responsive training, and family violence response training be embedded across all Australian

police departments which include accountability frameworks to address systematic racism.

- Adequate oversight of use of force by police is maintained, including appropriate monitoring of places of detention in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Degrading Treatment and Punishment (OPCAT), including monitoring of police holding cells, transport and detention facilities.

- Independent complaints and investigation mechanisms for police misconduct and use of force are established.

- All Australian governments standardise screening for cognitive disability (including FASD) for:

  o children entering out-of-home care
  o children and adults facing trial and sentences of detention.

- All Australian governments to ensure that all Aboriginal and Torres Strait Islander women in prisons and children in detention have access to a range of rehabilitative, educational, culturally based programs and services to reintegrate them into society beyond incarceration.

- The Australian Government should consider high level reforms to the Justice system that include:

  o increasing non-custodial options for low level offenders
  o pre-charge warnings for minor offences
  o ensuring diversionary options at the earliest contact with police
  o dealing with selected low-level traffic offences as infringements rather than through the court system
  o repealing punitive bail laws and mandatory sentencing laws
  o raising the age of legal criminal responsibility.

- Implement all recommendations from the Royal Commission into Aboriginal Deaths in Custody, the Australian Law Reform Commission's Pathways to Justice Report, the Royal Commission into the Detention and Protection of Children in the Northern Territory, and coronial inquests into the deaths of Aboriginal and Torres Strait Islander women in custody.

Living and belonging

Across all reaches of this land, Aboriginal and Torres Strait Islander women and girls' identity is inextricably and intimately linked to their ancestral country and/or the sacred lands in which they live, grow and age. Whether we live in urban areas or more remote locations, our country and our connection to

place is incredibly significant. It provides us with a sense of identity, a source of strength and is often a place of healing. Our safety, health and wellbeing are found at home, in the places we belong.

In 2020, we have seen the devastating bushfires, the COVID-19 pandemic and the global uprising of the Black Lives Matter movement further expose what we as Australians value in common and what we must invest in while we recover and move forward—our communities, our connectedness and our belonging to this continent.

These events have also placed a spotlight on the failing public policy position: that our peoples and the essential services they rely on, from health to housing, disability supports and aged care, are adequately served through the mainstream. Over close to two decades, this tragic policy discourse has seen our community infrastructure and Indigenous-led organisations suffer systematic underinvestment. It has also seen women and girls pushed into towns and cities, leaving country, in order to gain access to services, housing and economic opportunities.

Across the country, Aboriginal and Torres Strait Islander women and girls echoed calls for place-based, culturally appropriate, trauma-informed, early intervention and strengths-based services, programs, and activities. The Aboriginal and Torres Strait Islander community-controlled sector plays a significant role in achieving the outcomes that women and girls set out to achieve. In order to effect real change, governments must invest and work in genuine, formal partnership with Aboriginal and Torres Strait Islander women and girls and recognise the integral role Aboriginal and Torres Strait Islander peoples play in making the decisions that affect our lives.

I urge all Australian governments to have the courage to reform a raft of policies, agendas and ways of working with Aboriginal and Torres Strait Islander women and girls to provide communities with the tools, resources and mechanisms to create healthy, safe and thriving environments, regardless of whether we live in a major city, rural town or remote community.

Aboriginal and Torres Strait Islander women and girls are calling for:

Fundamental reform to the way services are delivered to Aboriginal and Torres Strait Islander peoples.

- Key elements include:
    - substantially increasing investments to build capacity of Aboriginal and Torres Strait Islander community-controlled service sectors, including with measurable commitments to build

career pathways and leadership opportunities for women and girls

o prioritising Aboriginal and Torres Strait Islander community-controlled organisations as preferred service providers for Aboriginal and Torres Strait Islander funded services and programs. This includes aged care, disability supports, housing, health, and social services

o funding incentives for mainstream service providers to build the capacity of Aboriginal and Torres Strait Islander community-controlled organisations, and to develop transition and exit plans in the medium term

o all service delivery contracts with mainstream organisations providing services to Aboriginal and Torres Strait Islander peoples include Key Performance Indicators on cultural safety and responsiveness, including requirements for ongoing, sustained community engagement and mandatory cultural competency training for all staff

o representation of Aboriginal and Torres Strait Islander women at all levels of decision-making for identifying key priority areas and the type of services and programs funded within communities

o community-controlled data collection, monitoring and evaluation, with a greater focus on program and policy reviews to improve the design and implementation of services and ensure that there is accountability for outcomes and a reduction in the duplication of services

o increasing accessibility for Aboriginal and Torres Strait Islander women and girls to mainstream funding, through a review of funding allocation and tender processes, including investing in transparent, coordinated, and sustainable community-controlled investment approaches, and considering coordinated pooled funding models to advance community-identified priorities

o systemic review of accessibility and availability of services, focusing on accessibility for Aboriginal and Torres Strait Islander women and girls living in rural and remote areas, Aboriginal and Torres Strait Islander women and girls living with disability, those experiencing mental health distress and people who identify as LGBTQIA+SB (Lesbian, Gay, Bisexual, Transgender, Queer and Questioning, Intersex, Asexual + Sistergirls and Brotherboys)

     o ensuring appropriate supports are in place to provide affordable options for women, in particular those with care-giving responsibilities, to enable them to participate in the economy and society.

Early diagnosis and multidisciplinary disability supports, and carer respite supports:

     o All Australian governments invest in culturally safe and responsive disability assessment and diagnosis, with a particular focus on enhancing access to multidisciplinary diagnostic supports in regional and remote areas.

     o All Australian governments invest in community-led approaches to prevention and diagnosis of Fetal Alcohol Spectrum Disorder (FASD) and whole-of-life wrap-around supports for people with FASD and their families.

     o All Australian governments ensure that disability support services and respite services are available, accessible and culturally appropriate for all Aboriginal and Torres Strait Islander peoples, regardless of location.

     o All Australian governments implement the First Peoples Disability Network's (FPDN) ten-point plan for the better implementation of the NDIS for Aboriginal and Torres Strait Islander peoples.

Prioritisation of safety for women and children:

- All Australian governments to urgently invest in culturally appropriate housing models that meet the needs of women experiencing domestic and family violence and housing related harms, in particular rapid rehousing schemes. Women and children must be able to move from transitional housing into safe and secure tenancies rapidly.

Accessible, affordable, and appropriately designed housing:

- All Australian governments to immediately address the chronic shortage of social and affordable housing for Aboriginal and Torres Strait Islander peoples by:

     o building new houses to meet need
     o improving affordability pathways between social housing and affordable housing
     o co-designing a national housing strategy and plan to end homelessness

- All Australian governments to support the establishment and resourcing of an Indigenous housing peak organisation and reinvestment into the Indigenous Community Housing sector.

- The Australian Government to immediately increase Commonwealth Rent Assistance by 30% to address high rental stress, and going forward, payments to be indexed to represent a more realistic measure of rental costs.

- The Australian Government to immediately review Commonwealth Rent Assistance eligibility criteria to increase accessibility for vulnerable households including Aboriginal and Torres Strait Islander women.

- The Australian Government to invest in Aboriginal and Torres Strait Islander led home ownership initiatives such as Yawuru Home Ownership Program.

- The Australian Government to refresh their National Partnership Agreement on Remote Indigenous Housing (NPARIH).

Significant investments into country-based programs and economic opportunities:

- All Australian governments to increase resourcing to support economic opportunities for Aboriginal and Torres Strait Islander women and girls on country. This includes through land management, cultural tourism, art and design, country-based healing, education programs, diversionary and reconnection programs for young people in or at risk of entering the justice system, bush food and health product development.

Urgent action on climate change:

- All Australian governments to recognise the vital role Aboriginal and Torres Strait Islander peoples, knowledge systems and technologies have in finding solutions to cope with impending climate changes and ensuring that their human rights are protected.

- All Australian governments to develop formal mechanisms to support the full and equal participation of Aboriginal and Torres Strait Islander peoples in developing climate change policy, negotiations and mitigation and adaption strategies.

Increased access to services, education and employment opportunities for those living in remote and very remote locations:

- All Australian governments to improve access to services, education and employment opportunities for Aboriginal and Torres Strait Islander

women and girls living in rural and remote Australia. This includes investment in digital infrastructure, and services focused on on-country care, health, healing and education. With particular attention paid to dialysis, detox and substance abuse rehabilitation facilities, aged and child care, disability services and tertiary education.

Expansion of land management programs:

- All Australian governments to demonstrate their practical commitment to Aboriginal and Torres Strait Islander women working on country through the Indigenous rangers program and the Indigenous Protected Areas (IPA) program by significantly increasing annual funding, extending the lengths of contracts and establishing long-term targets.

Reform to the native title system to ensure greater control over and decision-making powers for country:

- The Australian Government ensure that the principle of free, prior, and informed consent is incorporated into the Native Title Act 1993

- greater support be provided to native title holders to understand their rights as title-holders, especially where they face challenges in exercising their co-existing rights

- greater focus on female professionals at all stages of the native title process, to ensure gender sensitive support for women's business as it arises throughout the claims and land management process

- identification of options to support fungibility of title, without requiring the extinguishment of native title, and supporting the development of financial products, such as bonds, to underwrite economic development.

Healthy and engaged lives

Our culture and knowledge have sustained life for tens of thousands of years. We have comprehensive knowledge of history, geography, medicine, and science and have developed skills in survival, resilience and responsibility. Now more than ever, this knowledge and these skills must be valued and woven into the fabric of our Australian society.

For this to happen we need a fundamental shift in the way our education and healthcare systems operate. This shift begins with an acknowledgement that the current systems carry a bias towards a Western set of values, perspectives, and measures of success, and despite many concerted efforts, fails to truly value Aboriginal and Torres Strait Islander culture and knowledge. Recent catastrophic environmental events, such as the 2019-2020 bushfires, have

shown us the importance of valuing different perspectives, experiences, and knowledges. This is essential to ensuring healthy and engaged lives within our communities but also for the benefit of all Australians to enjoy.

Exercising our land and cultural practices, and maintenance and application of traditional knowledge is linked to improving the health circumstances of Aboriginal and Torres Strait Islander peoples in Australia.

Systemic racism and discrimination remain a frequent and recurring experience for Aboriginal and Torres Strait Islander women and girls accessing our current Western healthcare systems. This is one of the fundamental reasons for the access inequalities that we experience today that has a direct effect on our health and wellbeing.

I strongly recommend the following health and education actions be implemented in full consultation with Aboriginal and Torres Strait Islander women and girls, through the National Action Plan co-design process.

Aboriginal and Torres Strait Islander women and girls are calling for:

Culturally responsive service delivery models:

- The Australian Government to implement mandatory cultural responsiveness training for all levels of healthcare workers, healthcare providers and boards, that includes:

    o a commitment to reducing the numbers of healthcare complaints.

- The Australian Government to commit to providing national targets to ensure:

    o more Aboriginal and Torres Strait Islander women become qualified health practitioners

    o representation and leadership pathways for Aboriginal and Torres Strait Islander women in senior roles across all service areas.

- The Australian Government commit to supporting the vision and priorities of the National Health Leadership Forum and their associated member organisations.

- Healthcare systems across Australia incorporate traditional knowledges and methods of healing, therapies, and medicines within Western healthcare models. This includes where appropriate and identified by the community, the inclusion of women traditional healers within the healthcare service.

Holistic and wrap-around services:

- The Australian Government commit to a more comprehensive and holistic approach to the Closing the Gap Framework which reflects the interconnectedness of Indigenous lives and the economic, cultural and social determinants that presently contribute to negative health and wellbeing outcomes, high rates of child removal, and housing and justice issues.

Sexual, maternal and infant health supports:

- All Australian governments to improve access across Australia to culturally responsive early education and preventative health programs for girls and young women that focus on healthy relationships, sexual health and pregnancy.

- All Australian governments to improve access across Australia in the mainstream and community-controlled health sectors to a range of maternal, post-natal and infant health programs.

- All Australian governments engage with Aboriginal and Torres Strait Islander women and girls and their communities to design and invest in culturally responsive maternal and infant models of care. Key elements to include:

  - Aboriginal and Torres Strait Islander maternity workforce
  - birthing on country programs
  - traditional knowledge of birthing, maternal health and parenting
  - continuity of care and in-home supports for women and their babies
  - investment in holistic early years approaches such as First 1000 Days Australia.

Suicide prevention:

- The Australian Government engage with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to develop a National Aboriginal and Torres Strait Islander Suicide Prevention Strategy Implementation Plan.

Support for community-led and community-controlled health services:

- All Australian governments ensure Aboriginal and Torres Strait Islander control over Aboriginal and Torres Strait Islander healthcare and wellbeing services to provide community healthcare as a key resource to community to help close the gap in Indigenous life expectancy. This includes:

- a commitment to adequately resourcing and funding Aboriginal and Torres Strait Islander healthcare and wellbeing services

- funding culturally responsive program supports and services such as women specific services, disability support services, mental health and youth mental health specific services and suicide prevention services to address the social, cultural and economic determinants of wellbeing.

The survival of Indigenous knowledge and languages:

- All Australian governments support and increase funding and resources for schools to incorporate dedicated community-led and controlled programs to continue cultural learning and practice for Aboriginal and Torres Strait Islander students.

- All Australian governments ensure the availability of technology and its resources for education and learning is accessible and affordable for Aboriginal and Torres Strait Islander students living in areas where digital capacity is limited. This includes students having access to the internet, learning equipment and resources such as laptops, computers and software, and access to e-learning material and supports.

- The National Action Plan to include a focus on supporting and preserving traditional knowledge and biological diversity, in accordance with the Australian Government's obligations under *Article 8J* of the Convention on Biological Diversity.

Indigenous culture embedded in our curriculums:

- All Australian governments at all levels incorporate Indigenous languages in the school curriculum in line with the Australian Curriculum Framework for Aboriginal and Torres Strait Islander languages.

Culturally safe and inclusive environments:

- The Australian Government and in particular state, territory and Commonwealth education departments, support and fund the increase of teachers' foundational knowledge of Aboriginal and Torres Strait Islander content through mandatory university units, ongoing professional learning to develop cultural competence and collaboration with local community and Indigenous education officers.

- The Australian Government acknowledge the critical pathway that early childhood services provide into schooling, and accordingly support greater investment in early childhood services for Aboriginal and Torres

Strait Islander children, including Aboriginal and Torres Strait Islander community-controlled child and family centres.

Thriving communities and sustainable economies

Women and girls are calling for enabling and empowering supports and structures from government so their communities can thrive. Women and girls play pivotal caring, nurturing and leadership roles in their families and communities. This undervalued and often unrecognised work greatly benefits the social, economic and political fabric of Aboriginal and Torres Strait Islander life and the life of the Australian nation. Women want a holistic approach that recognises and values the work they do for society. This approach includes working with women to combat poverty, heal from trauma, enable their education and training, facilitate entry into employment, and invest in our businesses.

The COVID-19 pandemic has further exposed the increased social and economic vulnerability of Aboriginal and Torres Strait Islander women and girls. This unprecedented time has created space for policy innovation particularly around health, welfare and the economy which goes beyond what is currently the norm. Addressing the primary needs of our women particularly where mainstream services and programs are not able to meet their needs is essential for sustainable economies and enabling supports.

Aboriginal and Torres Strait Islander women and girls are calling for:

Economic safety and security for all Aboriginal and Torres Strait Islander women and girls:

This includes by:

- a focus in the National Action Plan on combatting poverty and inequality as experienced by Aboriginal and Torres Strait Islander women and girls

- ensuring income support and welfare payments are sufficient to address the cost of living, particularly for women and girls living in regional and remote areas

- ending punitive welfare and income management frameworks

- co-designing a new community development approach to build the skills of Aboriginal and Torres Strait Islander women and to address community-based needs on projects as decided by the community, including programs particularly around financial literacy, superannuation and navigating financial institutions.

Investments into local job creation to fill the gaps in community service delivery and address the scarcity of job opportunities in regional and remote areas:

- All Australian governments invest in filling service gaps with Aboriginal and Torres Strait Islander women through the injection of sustained funding to Indigenous organisations to train and employ local workers.

- All Australian governments target funding to regional and remote Australia in order to stimulate the growth of culture and country-based economies including but not limited to, tourism, arts, ranger initiatives, land management, carbon sequestration, social enterprise amongst other Aboriginal and Torres Strait Islander business initiatives.

Enhance Indigenous-led economic development and employment opportunities through the establishment and growth of Indigenous organisations:

- All Australian governments to develop dedicated strategies at the national, state, and regional levels which increase access to seed funding and support Indigenous-led business models, including those designed and led by Aboriginal and Torres Strait Islander women and girls.

Create accessible and affordable education and training for Aboriginal and Torres Strait Islander women and girls:

- All Australian governments increase scholarships and financial assistance, including for adequate and affordable accommodation for Aboriginal and Torres Strait Islander women and girls to access higher education and training. Where local education and training cannot be provided, assisted online alternatives or travel assistance should be provided

- universities and training institutions to build culturally safe and supportive environments for Aboriginal and Torres Strait Islander people including through increased representation of Indigenous students, academics and staff, and the inclusion of Indigenous culture and knowledge in curriculums.

Address the intersectional barriers impeding the employment of Aboriginal and Torres Strait Islander women and girls:

- All Australian governments, government service providers and large employers commit to targets for Indigenous recruitment, including for Indigenous women and girls, through Reconciliation Action Plans (RAPs). This would include through adopting special measures and identified

positions to increase representation of Aboriginal and Torres Strait Islander women and girls

- All Australian governments and employers to implement proactive measures to ensure Aboriginal and Torres Strait Islander women and girls are safe, respected and not discriminated against in the workplace, their knowledge and skills are valued, and their cultural obligations and protocols are recognised, such as through flexible work practices, leave, cultural awareness training and other arrangements

- All Australian governments to invest in community awareness activities for Aboriginal and Torres Strait Islander women about workplaces rights through community legal centres, Aboriginal Legal Services, Family Violence Prevention Legal Services.

Part One Endnotes

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[4] Mick Gooda, *Social Justice and Native Title Report 2015*, Australian Human Rights Commission (2015) <www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-1> 51.

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Supporting strong families and communities

Part Two Supporting strong families and communities

… better education, awareness, preventive policies and measures rather [than] reactive … System is a barrier … We want culturally appropriate service, non-restrictive service profession. Looking at whole aspects of that women's voices. It needs to be prioritised in a holistic sense. Governance and oversight from leaders, Aboriginal elected body. Solution driven by community with government to drive … **Canberra women**

In Part Two you will find the following chapters:

Summary

Chapter 5 Community safety

Harmful behaviours, arising from the compounding effect of generations of systemic disadvantage, discrimination and trauma, and fuelled by the toxic mix of alcohol and drugs, are threatening the safety and freedoms of Aboriginal and Torres Strait Islander women and girls. Throughout this chapter, women and girls discuss the prevalence of alcohol and drug abuse, addictions such as gambling, family violence, sexual assault and abuse and how they are both a cause and consequence of one another. These harmful behaviours are debilitating and disproportionately impact Aboriginal and Torres Strait Islander women and girls who are often marginalised from decision-making, overwhelmingly carry the responsibility to care for large and extended families, and experience multiple intersecting inequalities including in housing, economic security, employment and education. The clear message in this chapter is that we must urgently address systemic factors to break cycles of trauma, violence and harm in this generation.

This chapter reflects the voices of hundreds of women and girls and their resilience, aspirations, solutions and determination for better outcomes. Women have a long history of driving community-led responses to harms but have identified that these interventions cannot happen in isolation and must be supported by investment in wrap-around supports, safe houses and alcohol and drug rehabilitation services. Ultimately, women envision a holistic system of supports drawing on their inherent cultural and social strengths and grounded in their self-determination. Women, through firsthand experience, know what is required for their children and families to have healthier and safer existences and they must be empowered and enabled to inform the design and implementation of policy and systems addressing the harms in their lives.

Chapter 6 Law and justice

Disadvantage and intergenerational trauma are the main drivers in Aboriginal and Torres Strait Islander women and girls having contact with the criminal justice system. Throughout this chapter, women and girls emphasise the impact of family and sexual violence, poverty and homelessness, and mental health and cognitive impairment as having a significant impact on the likelihood of incarceration. Aboriginal and Torres Strait Islander women and girls are statistically more likely to be the victims of crime and violence than non-Indigenous women, and their offending behaviours are often intimately connected to these experiences and the trauma that has resulted.[1] Women and girls were clear that the system that incarcerates them at 21.2 times the rate of non-Indigenous women,[2] also frequently fails to protect them.

This chapter depicts the current situation of law and justice as experienced by women and girls, including: mistrust and fear of police; police inaction; discrimination and targeting; deaths in custody; conditions in prison; access to services; and the impact of incarceration. The women and girls whose voices are relayed in this chapter see the possibility of a better system. One that is grounded in community-led solutions; constructive relationships with police; proactive diversionary approaches; justice reinvestment; alternative sentencing; stronger resourcing of remote communities; and cultural representation in courts and legal services. Women are determined to break the cycle of offending and re-offending and are clear about the need for institutions and policies to be reconstructed from the ground up, designed and governed by women and communities, and informed by their culture and ancient knowledges.

Chapter 7 Child protection

Aboriginal and Torres Strait Islander children are currently 10 times more likely to be taken away from their families than non-Indigenous children—and this number is predicted to grow.[3] There is a strong sense amongst Aboriginal and Torres Strait Islander women that we are seeing a second Stolen Generation. Throughout this chapter, women shed light on the reality of their interactions with the child protection system and what desperately needs to change. Women emphasise that for every child removed into care, there is a family that did not receive the support they needed, whether it was in relation to poverty and marginalisation, adequate and safe housing, or family violence support.

Throughout this chapter, women clearly articulate the link between the child protection system and poor outcomes in education, health and employment, and the intersection with the criminal justice system. Women also raise their deep concerns for children placed in out-of-home care away from country, family and culture and what this means for the continuation of their culture. Throughout this chapter, women are calling for a system that empowers and enables the self-determination of Aboriginal and Torres Strait Islander families and communities in the care and protection of their children. Culture and community are what keeps children strong and women want a system that acknowledges this and prioritises the reunification of children with families, communities and culture.

The human rights context

All people have the right to live and grow in healthy and safe homes and communities, free from the threat of violence, abuse and discrimination. Guaranteeing basic rights, such as secure housing, education, financial security, health and non-discrimination, as well as maintaining connection to culture, is critical in reducing community-wide harms and interactions with the criminal justice and child protection systems. In recognising these rights, and grounded in our right to culture and self-determination, we can advance the equality, safety and wellbeing of our women and children.

Right to freedom from violence

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[4] requires states to take 'all appropriate measures, including through legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men' (Article 3). Articles 2,5,11,12 and 16 of CEDAW require states to act to protect women against violence of any kind occurring within the family, workplace or any other area of social life. There is a close connection between discrimination against women, gender-based violence, and violations of human rights and freedoms, including:

- The right to life
- The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment
- The right to liberty and security of person
- The right to equal protection under the law
- The right to equality in the family.

Aboriginal and Torres Strait Islander women and girls experience a heightened vulnerability to harm as a result of intergenerational poverty and intersectional discrimination, as well as multiple barriers in securing and realising their rights. The systemic issues of poverty and disempowerment must be addressed to ensure the safety, wellbeing and freedom of Aboriginal and Torres Strait Islander women and girls.

Further, to ensure women and girls enjoy the full rights under international law, CEDAW places a positive obligation on states to 'modify the social and cultural patterns of conduct of men and women' so as to eliminate 'prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women' (Article 5). The Convention provides a positive legal framework to advance gender equality and eliminate norms that perpetuate violence.

Rights of children

The particular vulnerability of children is recognised in the Convention on the Rights of the Child (CRC).[5] Key articles include:

- Article 3: in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

- Article 9: a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

- Article 27: states recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

- Article 30: a child belonging to a minority or who is Indigenous shall not be denied the right to enjoy his or her own culture, or to use his or her own language.

- Article 34: states undertake to protect the child from all forms of sexual exploitation and sexual abuse.

- Article 18: parents and legal guardians for the upbringing and development of the child. States are to ensure appropriate assistance to parents and legal guardians in this role including through supports, institutions, facilities and services.

In General Comment 16, the Committee on the Rights of the Child affirms states have an obligation to protect against infringements of rights guaranteed under the CRC[6] and must take all necessary, appropriate and reasonable measures to prevent abuses of children's rights.

United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)[7] also recognises the following rights in support of strong families and communities. Including the right to:

- Article 5: maintain and strengthen their distinct political, legal, economic, social and cultural institutions.
- Article 11: practise and revitalise cultural traditions and customs.
- Article 13: transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.
- Article 18: participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 19: have governments to consult and cooperate in good faith with indigenous peoples, through their own representative institutions, in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 22(2): have governments take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Chapter 5 Community safety

Aboriginal and Torres Strait Islander women and girls want to live in safe and vibrant communities while being able to access a range of social, educational and economic opportunities. They value inclusiveness, care and respect—values that are inherent to our culture and embedded in our extensive family and kinship networks.

For too many Aboriginal and Torres Strait Islander women and girls that I have heard from, this is not their reality.

Aboriginal and Torres Strait Islander women and girls have raised with me that their security and safety are constantly threatened by harms occurring at structural, institutional and interpersonal levels.

In every state and territory, women and girls discussed how alcohol and drug abuse, addictions such as gambling, family violence, sexual assault and abuse are major causes of personal harm and drivers of family and community breakdown and social fragmentation.

Based on the accounts of women and girls, I consider these harms to be largely inseparable—cause and consequence of one another—together working to trap families and communities in cycles of crisis.

Underpinning this chapter is a clear message from women and girls that these cycles of harmful behaviours do not occur in isolation. They are, as I heard time and again, a manifestation of generations of systemic social, economic and political inequalities, poverty and unresolved trauma.

Women and girls have emphasised that effective resolution of systemic issues will demand large-scale prevention strategies grounded in our self-determination and oriented toward healing and restoration of our social and cultural values.

In this chapter, I explore: the interrelationship of some of the most debilitating harmful behaviours in the lives of our women and girls; the role of systemic discrimination in driving a high prevalence of harms over time and across our communities; and how this has resulted in the pattern of societal-wide intergenerational trauma which has become both a symptom and a cause of the continuing harms impacting our women and girls.

I also explore the systemic and institutional failure of government in addressing harms and their root causes, and how—in the absence of effective supports—harms such as family violence, drug and alcohol addictions and unresolved childhood trauma have gone on to accelerate the rate of our women's incarceration and the removal of our children.

Countless royal commissions and inquiries have made extensive recommendations for governments to invest in addressing the underlying causes of harms that are present in our lives. However, investments remain disproportionately weighted to intervention. This is a long-term failure of policy and practice that is entrenched across Australian governments.

Women and girls want, and urgently need, holistic systems of supports that address their specific needs in responding to this myriad of harms. These supports need to be capable of keeping them and their children safe and protected in the immediate term, whilst simultaneously working to prevent these harms before they irrevocably damage their families and communities.

5.1   Experiences of harmful behaviours: a deep-seated structural issue

> *Because somewhere down the track we all had domestic violence. Nobody can say they had a perfect life. Because domestic violence doesn't only mean—it was always covered up a closet thing there was silence. Some people never say or tell anyone if a woman was/is bashed.* ***Yarrabah women***

This chapter discusses trauma, depression, addictions and many horrific acts of violence against women and children. Although I rarely recount individual stories, just mentioning these harms can be painful and traumatising to read. I acknowledge all Aboriginal and Torres Strait Islander women who are victims/survivors of violence and abuse. Whether you have told your story or not, whatever your lived experience, you are courageous, you matter to us all, and we love and stand with you.

The violence and harm that has occurred, and that for so many continues to occur, is never the fault of victims. Throughout the engagements, women and girls spoke of how they have inherited the pain and trauma of generations of violence against our peoples, and how they continue to experience harms that manifest today through inequality, discrimination and marginalisation.

Our women have shown remarkable resilience. Still, we continue to live with the structural conditions—the systemic factors—which are responsible for reproducing and sustaining the violence and harm in our lives.

Harms associated with, and further perpetuated by, financial, housing, education and employment stressors also weave themselves throughout women's lived realities. Whilst these stressors are predominantly presented in the chapters of this report to which they relate, it is important to note upfront their deep-seated links within this narrative.

Taken as a whole, these structural factors sit at the root of our women and girls' experiences of harm from the individual to the societal level.

Women have emphasised that many of these issues that impact them also affect our men and boys. Under Western patriarchal structures, both our men and women have experienced marginalisation.

The erosion of our men's traditional roles and responsibilities in a society that promotes masculine strength and power can make our men feel particularly powerless. Research shows that violent behaviours can develop as a means for men to reassert control.[8] Consequently, our women, children, men and families feel the disempowerment of inequalities and the harms and violence that arise because of them.

> *… It is a power trip. It is their insecurities isn't it. The women are so smart the way that they treat the men, what they teach is to pick that man up so they build him up so he actually is the man so you are no threat to him. They put him in that position so he feels like the bloke … I reckon a lot of domestic violence is based around the insecurity of the man, you know. Building the man up is probably the best thing to do for your own safety. If the man is insecure and doesn't feel like a man he will fight, hit a woman, growl at the kids so he feels more like a man. He will go out fighting and do what society says is manly.* **Kempsey women**

The ways in which harm takes hold across our interconnected society means that our communities prefer the term 'family violence' instead of 'domestic violence', as the following statement from the 1999 Aboriginal and Torres Strait Islander Women's Task Force makes clear:

A study of violence focusing on the term 'domestic violence' will not lead to full consideration of, and response to, the destructive effects of colonisation on Indigenous culture and social systems. The intersection of race, gender, age and power, and the disruption of the relationship between spiritual, cultural and environmental dimensions, must be considered in order to understand violence in Indigenous communities.[9]

The clear message I have heard from women and girls is that we must urgently address systemic factors to break cycles of trauma, violence and harm in this generation.

I guess my passion is to see, to end the bad cycle that our people are in. I have come full circle myself because my mother was an alcoholic. She would get picked up by the police, and she would fall asleep and pass out and now I am working in [the detoxification service]. **Rockhampton women**

(a) Understanding prevalence

Throughout *Wiyi Yani U Thangani*, women and girls talked of the grim reality of multiple and interacting harms such as trauma, alcohol, drug abuse and family violence impacting their lives.

Women often described how a toxic mix of alcohol and drugs, taken by women, men and—ever more frequently—children, suppresses pain and loss but at the cost of fuelling community fighting, family feuds and violence, and crime; and heightening the likelihood of serious incidences of assault, child abuse, life-threatening accidents and suicides.

… it was a car accident. The son-in-law—he chooses to drink drive and he had drugs in his system. Left my daughter out in the road in the middle of woop woop and drove off with the children. And that is when they had the accident … We lost him and lost the baby, a couple of days after. He left my daughter. It was domestic violence, he left her in the middle of nowhere … My daughter was still running in the darkness coming toward the accident. **Mapoon women**

Third major issues: Suicide, grief and loss—there is no one to talk to, so you don't have to talk to your family—keep it to yourself and then the outcome is suicide. Then they have difficulty in expressing themselves. More responsibility given to the family when something happens—drug and alcohol and suicide. **Perth women**

Substance misuse and abuse. Lot of our mob get put in care for it, makes us feel shame, failure, no self-care, effects our employees, our families, fighting, arguments, monkey see monkey do, families on drugs. **Darwin women**

These are some of the common stories behind statistics of harm that are presented so often to the public.

At the national level, one in four women in Australia have experienced intimate partner violence since the age of 15, amounting to 2.2 million women,[10] and one woman on average dies every week from domestic violence.[11] Against the background of such faceless figures, it is a struggle to comprehend the enormity of the issues and the lives lived, day in day out.

Our nation is not dealing with one-off abnormal incidences of harm. Violence, abuse, the overconsumption of alcohol and drugs are prevalent across Australian society. They are certainly not unique to Aboriginal and Torres Strait Islander peoples. However, on nearly every socio-economic measure, Aboriginal and Torres Strait Islander women and children are worse off than non-Indigenous women and children.

While we know the rates at which these various harms occur are high, we also know they are underreported.[12] This is partly to do with poor and disjointed data collection across Australian jurisdictions alongside multiple barriers to reporting harms, explored throughout this report.

I acknowledge that there are various attempts across jurisdictions to improve data sharing between relevant agencies and sectors.[13] Improvements in this area must be a priority focus if we are to address the harms that are impacting our women and their families.

Although, our women and girls are not defined by statistics of harm, I do present some figures in the following text box to show the endemic nature of what our women and children are dealing with:

Text Box 5.1: The figures

Aboriginal and Torres Strait Islander women experience violence at 3.1 times the rate of non-Indigenous women.[14] The rate of partner homicide for our peoples is two times that of non-Indigenous Australians.[15] Our children are more likely than non-Indigenous children to be victims of abuse, neglect and sexual assault[16] and are hospitalised for assault at more than 5 times the rate for non-Indigenous children.[17] There is evidence suggesting that the rate of family violence-related hospitalisation is as much as 80% greater in regional and remote areas.[18] We are three and a half times more likely to be a victim of sexual assault than non-Indigenous peoples,[19] and our young people are most at risk.[20] Girls aged 10-14 are the greatest number of victims of sexual violence, followed by young women aged 15-24.[21] When it comes to substance use, although more Aboriginal and Torres Strait Islander people abstain from drinking alcohol than non-Indigenous people, for those who do drink, they do so at riskier levels, and Aboriginal and Torres Strait Islander peoples take illicit drugs at higher rates than the non-Indigenous population.[22] It has also been found that 21.3% of Aboriginal and Torres Strait Islander young people aged 15-17 were daily smokers, and for those aged 18-24, 43.8% were daily smokers, compared to 4.1% and 17.3% of non-Indigenous young people, respectively.[23]

Such statistics have led governments at different times to describe alcohol and drug use, domestic and family violence and child abuse as national crises demanding national responses. Consequently, in recent years there has been a proliferation of national frameworks and action plans. Of note was the *Aboriginal and Torres Strait Islander Peoples Drug Strategy 2014–2019*,[24] a sub-strategy of the *National Alcohol Strategy*,[25] and one of the only plans to focus specifically on our peoples. There is also the *Fetal Alcohol Spectrum Disorder Strategic Action Plan 2018–2028*.[26] In response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the National Centre for the Prevention of Child Sexual Abuse was established.[27]

There have also been a multitude of Aboriginal and Torres Strait Islander-specific health plans including the *National Aboriginal and Torres Strait Islander Health Plan 2013–2023*[28] and the *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017–2023*.[29]

The inclusion of Aboriginal and Torres Strait Islander-specific focus in national plans allows for a more culturally inclusive and appropriate response to community needs. This includes the *National Plan to Reduce Violence Against Women and their Children 2010–2022*, and its many state and territory sub-strategies,[30] which has created space and funding for Aboriginal and Torres Strait Islander communities and increased cultural competency throughout mainstream services through its identification and focus on Aboriginal and Torres Strait Islander women and their children as a priority group.

These plans are all important and necessary attempts to reduce the prevalence of harms and minimise their impact. However, with many of the plans close to completion or already ended, the question remains: where to next? Given that reported prevalence for all these harms remains staggeringly high and that their true extent is still not well understood, there is much remaining to be done.

These strategies have worthy ideals, but criticism has been levelled at them for lacking targets and accompanying implementation and reform plans.

Advocates have heralded the Victorian Government's commitment to implementing all 227 recommendations from the 2015 Royal Commission into Family Violence[31] as setting a precedent for how reforms can, and should, be implemented across Australia.[32] The Victorian government has invested $2.7 billion and established an independent statutory Family Violence Implementation Monitor position,[33] holding the Government and agencies to account for implementing the family violence reforms.

It is this type of approach that is needed nationally to address the multitude of harms Aboriginal and Torres Strait Islander women and girls face. Throughout our engagements a number of discussions highlighted that even though our women and girls are disproportionately impacted by all these harms there is no national plan that exclusively focuses on our needs, whether they be related to alcohol and drugs, Fetal Alcohol Spectrum Disorder (FASD) or family violence.

(b) A history of community-led interventions

Throughout our engagements, women and girls frequently raised the concern that alcohol and drug consumption fuels the cycles of harm. It is not that alcohol and drugs are a direct cause of harm, but that they exacerbate already stressful situations and emotions, heightening the likelihood of other harms occurring.

The issues of the destructive impacts of alcohol on already vulnerable populations are distressingly similar to those raised in the 1986 *Women's Business Report*:

- Substance use is one of the most destructive forces across communities,[34] and women are increasingly using substances because they are influenced by family or 'blot out their own burdens'.[35]

- Addictions are commonly stress-related as a result of poor living conditions and overcrowding, women's burden of care and responsibility with little support, all coupled with low income.[36]

- Unemployment due to challenges in obtaining work is a key risk factor in causing depression and addictions, particularly amongst youth.[37]

- Alcohol misuse is directly related to increases in domestic and family violence (although noted as not the only cause of violence),[38] as well as murder and rape.[39]

- Alcohol and drug consumption lead to major health issues.[40]

- Alcohol-related crimes are increasing, particularly amongst young people who have a lack of opportunities.[41]

As was the case in 1986, women today want a circuit breaker, an immediate relief from crisis. Often this will involve measures to stem the flow of alcohol. Throughout *Wiyi Yani U Thangani*, women stressed that interventions cannot happen in isolation but must be accompanied by holistic supports.

There were several discussions, particularly in remote areas, about how community-wide harms can be managed through alcohol restrictions and bans. Measures to limit alcohol accessibility in both rural and urban areas, such as restricting licensed premises' opening hours and higher prices on alcohol[42] are effective in reducing alcohol harms across entire populations.[43]

The key message here is that for urban and remote areas, any form of intervention and ongoing response to harms must be Aboriginal and Torres Strait Islander-led and community-controlled, and should never be a blanket ban imposed by governments.

> *Obviously we've got the alcohol restrictions in town at the moment, 4-7pm Monday to Friday. So, we thought that could be tightened and honed in on a little bit more. And maybe limiting the alcohol restrictions to pubs not opening until those hours as well to 3-7pm. We still think there's still too much of it being sold in town and having access to it on a daily basis. And it's the biggest cause of our problems in town.*
> **Tennant Creek women**

> *More restrictions on alcohol to stop violence and fights.* **Fitzroy Valley Girls**

> *I'll be honest, [I] have seen enough alcohol in my day when I was a kid, I have seen it destroy and deaths in school mates over a long period of time and I have seen the deaths here, maybe not from primary causes of alcohol but alcohol-related stuff … that is why they created the [alcohol management] plan … Because the kids need to go to school, and violence in the community, they wanted to see stats lowered.*
> **Woorabinda women**

I have firsthand experience in my hometown of Fitzroy Crossing of the success of a community-led intervention to limit the supply of alcohol, in breaking cycles of harm.

Many of the discussions across the engagements had a similar starting point: the idea of restoring healthier cycles of life by restricting the sale of full-strength alcohol.

The restrictions in Fitzroy Crossing were never intended as a panacea to the social crisis that had engulfed our community. What we wanted was the breathing space from the chaos and grief so that community leaders could assess the damage wrought by alcohol, respond effectively to the harms that had arisen, and develop the social and economic infrastructure that would enable our community to be healthier and engaged.

This community-led approach to holistic development is not new. It is built on a history of Aboriginal and Torres Strait Islander women's leadership.

The late 1960s saw many discriminatory practices against us change, including allowing Aboriginal and Torres Strait Islander peoples to access alcohol.[44] Our women were at the forefront of dealing with the catastrophe that followed rapid access to alcohol.

Many of our communities were overtaken by alcohol, which coalesced with minimal investment in community infrastructure and services, compounding generations of trauma. Aboriginal and Torres Strait Islander women in all their nurturing capacity and strength addressed these harms head-on. Over the decades they led the introduction of a raft of initiatives from alcohol restrictions, to establishing women's shelters and centres, night patrols, sobering-up facilities, rehabilitation centres, family and youth supports, and language and culture centres.[45]

> *In the late 1980s, throughout the 1990s and into the 2000s, an extraordinary wave of activism over alcohol and drinking rippled through a number of Aboriginal communities in remote Australia. Led largely by Aboriginal women, but often with the support and participation of men …* **Individual submission**

However, in effect, from 1986 to now, despite all our work, we are still yet to see substantial change in many of our communities.

When it comes to the harms we face, rather than the overwhelming support we need for community-controlled, holistic and empowerment-based responses, governments have intervened from the top with limited community involvement.

The last decade has been dominated by the introduction of punitive policies intended to reduce harms. Predominantly, this has taken effect through the external control and management of welfare payments such as the Cashless Debit Card[46] and the Community Development Program.[47] As with all blanket interventionist policies this has resulted in many damaging issues, which are explored throughout this report.

Our women have never been bystanders to these issues. They are far from the one-dimensional helpless victims portrayed through statistics alone. As they were in 1986, our women are determined to move beyond punitive policy interventions, and to address the full gamut of harms in their lives by re-shaping communities around wellbeing and care.

5.2   A human rights framework

All people have the right to live and grow in healthy and safe homes and communities, free from the threat of violence, abuse and discrimination. This idea is fundamental to a number of human rights frameworks, such as the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW)[48] and, specifically for Aboriginal and Torres Strait Islander peoples, the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).[49]

Guaranteeing basic rights, such as safe and secure housing, education, financial security and health, as well as maintaining connection to culture, is critical in reducing community-wide harms and increasing the safety and protection of women and children. In recognising these rights, and grounded in our right to culture and self-determination, we can advance the equal status of Aboriginal and Torres Strait Islander women and girls to all others in society.

Article 3 of CEDAW states that:

> *States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

Article 4(1) confirms that specific measures and services addressing the needs of women and advancing their equality to men, will not be considered discriminatory.

Whilst existing international instruments provide a comprehensive framework for the protection and promotion of the rights of women, there is increasing recognition of the heightened difficulties faced by indigenous women in securing and realising their rights.

The 2017 UN Committee on the Elimination of Discrimination against Women General Recommendation 35[50] explicitly references indigenous women as disproportionately impacted by discrimination because of factors marking their identity. It states:

> *… because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, the Committee acknowledges that gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed.[51]*

Significantly, submissions to *Wiyi Yani U Thangani* drew attention to the 2017 country visits of Ms Victoria Tauli Corpuz, The Special Rapporteur on the Rights of Indigenous Peoples, and Ms Dubravka Šimonović, United Nations Special Rapporteur on Violence against Women. Both commented that Aboriginal and Torres Strait Islander women face multiple and intersecting forms of discrimination that are structurally and institutionally entrenched, forming conditions of poverty and disempowerment in which vicious cycles of violence can take hold.

Ms Dubravka Šimonović stated:

> *… the prevalence of violence against Aboriginal and Torres Strait Islander women emanates from colonisation, and the dispossession and discrimination that First Nations peoples have been subjected to for more than two centuries and resulted in their exclusion and disadvantaged position.[52]*

She continued,

> *… In addition to sexism and racism, many women also face class-based discrimination due to the low socioeconomic status, as well as social exclusion arising from their regional or remote geographical location. These forms of discrimination and exclusion culminate to create extremely difficult social conditions and manifest themselves in an alarmingly high prevalence of violence against Aboriginal and Torres Strait Islander women.[53]*

It is these same factors of entrenched intergenerational discrimination and poverty that can limit all our women and girls' rights and freedoms and heighten their vulnerability to a multitude of intersecting harms. There is much evidence showing that women and families living in poverty, where conditions of adversity combine, are at an increased risk of sexual abuse and assault, childhood trauma and substance use and addiction.

The issues threatening the safety of Aboriginal and Torres Strait Islander women, girls and communities operate simultaneously and intersect with gender inequality, discrimination and marginalisation.

Government must recognise the intersectionality of Aboriginal and Torres Strait Islander women and girls' rights. Our women and children's safety cannot be guaranteed through the recognition of one right, nor the use of a single mechanism, alone.

5.3   Responding to and healing from intergenerational trauma

Throughout *Wiyi Yani U Thangani*, women and girls in every state and territory saw the intergenerational impacts of trauma as being inseparable from the harmful behaviours discussed throughout this chapter.

Trauma can be many things at the same time. Family violence, sexual abuse and assault, problematic substance use and addictions are behaviours that can be considered traumas in themselves; they can also arise from trauma and cause further trauma.

Hand in hand with discussions about trauma was the need to heal from intergenerational trauma through reconnection to culture, family and accessing spaces of safety.

> *Because domestic violence is a part of a cycle that needs a lot of healing, and there is a lot of trauma that comes from that ... I would love to see something, just a healing space for them to go to reconnect with themselves, and reconnect with country, and reconnect with their children in order to have change to happen in the child protection space.* **Rockhampton women**
>
> *Access a healing place which is culturally appropriate, aims to stop the cycle of intergenerational trauma, building a safe space, the workers are Indigenous.* **Sydney women**

When women and girls discuss trauma in relation to harmful behaviours, they talk about it as an all-encompassing experience: it leaves no Aboriginal and Torres Strait Islander person, family or community unaffected. There is broad consensus that a systems-wide response to addressing and healing from trauma is required.

It is increasingly recognised that diverse sectors, from housing to education, can and should play a pivotal role in responding to trauma and aiding recovery and healing. Emerging evidence shows that ineffective services are a significant driver of re-traumatisation[54] and, sometimes, act as a primary cause of trauma in the lives of women, children and families.

In this respect, the Royal Commission into Institutional Responses to Child Sexual Abuse, and the Royal Commission into the Protection and Detention of Children (RCPDC),[55] both considered the need for national and jurisdictional reforms to embed trauma-informed and therapeutic practices and models within services and institutions.[56]

Australia remains without an overarching national framework to assist with the implementation of such approaches.[57] However, there are many trauma and healing-informed practices and programs being developed on the ground. Aboriginal and Torres Strait Islander peoples have long been using our cultural practices—of being on country, singing, dancing and learning our songs and Law—as methods of healing.

Increasingly research is showing that the rhythm, movement, and spiritual, communal and ecological connections embedded within our cultural practices are physically and emotionally healing.[58]

I discussed with senior women how our Law and ceremony forms safe and caring societies structured around extensive relational supports. In our discussions we also considered how ceremonies themselves brought families together to resolve disagreements, unite us in friendship and marriage to bind our diverse societies, overcome the possible tensions of difference, and to mediate conflicts.

> *Woman 1: But that's good, it brings back families who been hating themselves and who was, you know, they carry grudges—but when the Law time come they together— all that rubbish they chuck it away, they all become one family and they be happy. It's good like that to see that Law bring back families who been having family feuds and all those things—that's deadly.*
> *Woman 2: And when you see that Warlangarri happening, you see them all together now innit—so close, connecting to that skinship.*
> *June: So ceremony helps you to let go of grudges—because when you are in ceremony you can't have that grudge or any ill feeling because you disrupt the ceremony free flowing you know.*

> *Woman 2: That's true aye, because our culture hold that connection to one another, you have what they call that? Mediation, and our ceremonies do that—is the mediation of any conflict.*
> *Woman 1: Yeah that's true.*
> *June: So ceremony has all these layers of meaning, it's not just an expression of culture and dance and song, but underlying that is, it's power to mediate …*
> *Woman 1: They used to come and see our Law and culture on that side, and you can see that, dancing this way and that way, bring the happiness, it's the happiest time… This family came, and I wondered what they were gonna do, they might fight—next thing then we see them chasing each other laughing, they were happy. That is what Law is about …* ***Kimberley Aboriginal Women Rangers' Forum, senior women's engagements***

I had discussions about how ceremonies were specifically intended for healing from, and moving beyond, trauma and grief:

> *Woman 1: And there is also this beautiful part where there is a recognition of the Widows … every year you see more and more young widows joining in, and there is a real support for them in that space to say "it's okay, you're a widow, but so am I and I've got you".*
> *June: It is a healing process, and acceptance but also letting go.*
> *Woman 2: And there are different genres for the Inma, there is the widow one, there is the marriage one, there is the falling in love one.* ***Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara senior women's engagements***

I have also heard how the revitalisation of Law supports communities to address issues of social harms. I have felt in the words of senior women how a reinscribing of our Law creates structure and stability for communities through the reassertion of values such as respect.

> *… so we learn up them young ones, and other ones who might of lost their culture, and learn to get it back by listening and practising with us again. The girls in the dormitory, they didn't grow up with the Law, but as soon as them mob from the islands took them in, that was it, and today everything is going good, and we got to teach our kids. That's why young little kids who go Law, boys, they listen to me, you respect your Law, you respect your family, you respect your community, you respect yourself. There is no need for you mob to humbug, or run amok, steal and all those things that kids in the Kimberley do everywhere.* ***Kimberley Aboriginal Women Rangers' Forum, senior women's engagements***

For years, our community-controlled organisations have been integrating these methods within culturally-based therapeutic programs across a range of service areas, including social enterprise and children and family supports.

Throughout the engagements, women spoke about aspects of healing embedded in program design and service delivery:

> *When dealing with trauma, go back on own country … You find your own mind and heart and spirit when back on county. Country makes you strong—when we lose family we go back and sit down, and it makes us feel better. Also need to think about the trauma kids have experienced, and how we should be talking to them carefully, need to talk in a quiet and good way to them.* **Warmun women**

> *No acknowledgement of Aboriginal spirituality. There is a spiritual understanding and component to the people and that has to be woven into to the design of work.* **Kununurra women**

> *… my life is dedicated to helping myself and other people to connect to country, culture, community and sense of sacredness that we all have to heal and create a better future for us. Masters in Indigenous Health about trauma-informed practices about traditional practices to health.* **Hobart women**

The Healing Foundation submitted four pillars of trauma recovery to inform quality Aboriginal and Torres Strait Islander healing responses, as an example of how trauma and healing work can be implemented and grown within organisational settings:

- *Safety: creating safe spaces, healing places and identifying safe people to support healing*

- *Identity: building a strong cultural identity by reconnecting to our cultural values and practice*

- *Reconnection: rebuilding our relational support systems with family, community and services that can support us*

- *Trauma awareness: learning about the impacts of trauma on our minds, bodies and spirits so we can find paths to healing.*

(a) The ongoing cycle of trauma and its impacts

Aboriginal and Torres Strait Islander peoples and our communities have long understood that we carry trauma and that it has devastating effects on our lives.

Too often we have heard the general public and those in high profiled positions, dismiss trauma as a history that we should just get over. Now, Western science is proving what we have always known, that trauma is not an abstract emotion, it is real and can alter the brain, genetics, hormones and ultimately influences how we think, behave, react and engage with the world.[59]

Recovery from trauma is possible, but it takes time and demands therapeutic interventions and committed processes of healing tailored to individuals, families and communities.

Trauma is certainly not something that can just be swept away as if it never happened. This is how I have heard my own family and community talk about trauma, as inescapable, a deeply unsettling and persistent experience that crushes the mind, body and soul.

The trauma that First Nations peoples experience is often described as an open wound, which, left unhealed, grows worse overtime.

There is much anecdotal evidence that Aboriginal and Torres Strait Islander women who predominantly occupy caring roles are the first in their families and communities to attempt to address and heal intergenerational trauma. Throughout the engagements, we heard how women were at the centre of leading healing work and, as a result, often carried the burden of trauma care.

The Healing Foundation submission raised this as a significant issue.

I believe one of the most severe consequences of trauma is the internalisation of its effects. When root causes of trauma are systemic and historic, such as the Stolen Generations, the source of trauma in our lives can become invisible. In this case, rather than confronting the external cause of trauma, individuals can come to blame themselves and others around them. A common manifestation of this is lateral violence.

Women have said to me on several occasions that when they step into leadership roles and attempt to engage in societal healing, they are in the firing line of the anger that can erupt from family and community hurt and grief.

> *I'd like to be able to help people not to have that lateral violence stuff and learn how we can address that, that's what keeps Aboriginal women and girls, boys down. I want to learn from other women about how they respond to lateral violence. **Mount Isa women***

We don't want to be bringing each other down. Because that's the main thing about Aboriginal people that lateral violence and nobody can succeed without looking at strengths. **Alice Springs women**

Lateral violence—how do we deal with that? We do not want this to be an ongoing legacy for our grandchildren. **Launceston women**

In the absence of trauma-informed and healing supports, women and girls have talked about the incessant experience of harm. Damaging behaviours and incidents feed into one another, all too regularly resulting in the death of our people, often at too young an age. Women and girls have described feeling trapped in a perpetual cycle of loss and grief, which compounds and drives intergenerational trauma:

Our community member has passed on … He could have been a natural leader. That is like a key person in the family who has gone … The flow on effect can lead to that depression. With Sorry Business, you've got trauma, you've got grief, you've got all of that. People who don't get counselling help after these things happen or anything leads to dabbling in that anti-social behaviours. **Yarrabah women**

Younger ones are under a cloud of grief and depression. That's why we can't go above it. I've stopped going to funerals because I couldn't handle the grief. All the stuff our ancestors have gone through is still here today. **Ceduna women**

That accumulation of trauma from high impact deaths, suicide, incarceration, health. Our elders are passing and the constant separation from knowledge, culture and who we are. **Brisbane women WOW session**

There is mounting evidence showing how this cycle of grief is strongly associated with trauma. An area of research exploring adverse experiences has linked cumulative traumas in childhood, such as family violence and sexual abuse, to a heightened risk of lifetime drinking and smoking, depression, chronic disease and adult incarceration.[60] These experiences have been shown to result in premature deaths and, in some cases, a 20-year lower life expectancy.[61] One study has also shown that any adverse childhood experience increased the risk of attempted suicide by 2-5 fold.[62]

Women have been clear that traumas are not just caused by cycles of behaviours but form in a broader context of structural marginalisation, dispossession and disempowerment. I describe this in greater detail in Part One of this report.

It is distressing to hear women describe how punitive interventions, such as child protection and incarceration, continue to fracture families and kinship networks. Interventions that remove women and children from the lives of their families and their communities damage our identities and erode our strengths, causing trauma. These impacts are described throughout this report and particularly within the Child Protection and Law and Justice chapters.

> *We have been ripped from our families and homes. The stories are not being told. There is no human element [in the representation and treatment] of Aboriginal people. It is like we are the problem. We are not the problem, the problem is the system.* **Geraldton women**

> *Dealing with trauma, intergenerational trauma, witnessing family violence in our own lives. As well as the systems trauma.* **Melbourne women**

> *Continued removal of children, it is such a big issue. These mums that have their children at risk are actually recovering from their own trauma. So, you get them to this that and the other and they got to do these things, but there is no way to support them through that.* **Sydney women**

The repetition of punitive interventions over generations has progressively eroded our social and cultural structures and practices—the protective factors that safeguard against trauma and enable healing.

The protective factors that women and girls have spoken to most often are: strength in identity; positive and ongoing connection to cultural practices; knowledge transmission; language learning; positive family and community relationships; and connecting with country.

These elements have been shown to enhance individual and collective resilience and abilities to recover from trauma.[63] Without these factors women and girls have described pervasive feelings of despair, hopelessness and anger, which are also the emotions they describe as underpinning substance use, fighting and violence.

After hearing countless stories, the worst effect of trauma is that it breaks down our intimate bonds which hold so many of the elements of our culture. Harmful behaviours become entrenched in the absence of these connections.

Senior women stressed the need to repair these connections through the practice of Law and culture to strengthen the health, wellbeing and safety of our families and communities:

> *… And we want something like that but with more mainstream and more cultural awareness into that program you know. That is stopping us [not having culturally aware programs] connect with people, and people are the mob that keep us grounded, keep us in line, especially our elders you know, when we go off the rails they are the ones to put us back in line.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

The following diagram shows the constant interplay of increasing trauma impacts versus ever-reducing protective factors in our lives:
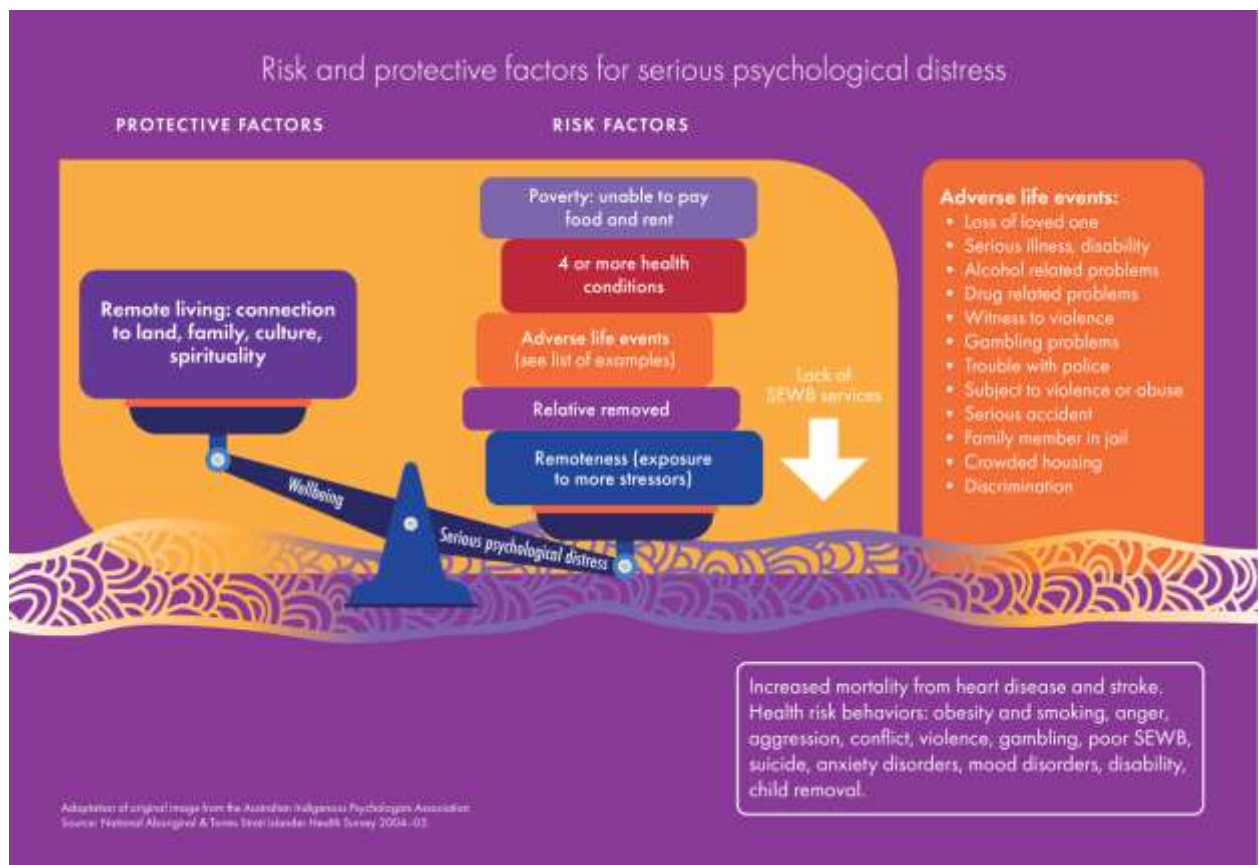
Figure 5.1: *Living on the Edge: Social and Emotional Wellbeing and Risk and Protective Factors for Serious Psychological Distress Among Aboriginal and Torres Strait Islander people*, from the Australian Indigenous Psychologists Association.[64]

It is this combination of structural and interpersonal factors that have led Aboriginal and Torres Strait Islander peoples to experience multiple, compounding and cumulative traumas that are historical, as well as occurring regularly and simultaneously in the present.

This combination of issues is often referred to as complex trauma.

> *The story of trauma has to be from our perspective—Post Traumatic Stress Disorder is important, but not the full story. Lots of impact on our people. Incarceration is one of the impacts of trauma. Every system in our body is impacted by trauma—neuroscientists and biologists say stress hormones impact us at a genetic level—baby in our tummy, baby egg impacted, circulated in our body.* **Perth women**

> *That's right, and when you start to layer it and you have the trauma, and you have families, then you get domestic violence and then how that is actually linked to housing and incarceration to the removal of children.* **Sydney women**

Without the necessary supports to respond to their complex trauma, women have described doing what they can to cope and survive. Frequently they have spoken about turning to substance use as a form of self-medication to numb the effects of unresolved trauma.

> *… lack of acknowledgement and recognition of intergenerational trauma that has been experienced. People are self-medicating [drug and alcohol] because they don't know how to deal with grief.* **Kununurra women**

They have further described how adults and children alike are developing a range of other damaging behavioural responses.

Text Box 5.2: Symptoms of complex PTSD regularly noted by women

Those responses and feelings that relate to what women frequently discuss are: emotional dysregulation, anger, fear, anxiety, shame, risk taking and compulsive and addictive behaviours, suicidal thoughts, helplessness, distrust as well as disengagement from community, society and employment.[65]

Again, there is a growing body of research suggesting that what may appear as abnormal behaviours are normal reactions of the brain and body to cope with trauma.[66]

Women are very worried about our children developing the same behaviours, as well as learning and repeating the harmful actions of adults, which may be trauma responses themselves. Such responses are interrupting our children's learning and engagement at school as well as from our elders, further limiting their ability to draw on cultural strengths and knowledge.

> *They're coming from trauma-based backgrounds because they're exposed to violence regularly and then those kids are most probably the ones that are mucking up in schools because they're trying to deal with their own trauma and acting out and trying to get attention.* **Rockhampton women**

> *Yes, issues like drugs and alcohol, which means that parents have lost the ability to teach children respect whatever trauma that they are going through, is stopping those lessons from being passed on. It is all generational trauma. Parents aren't teaching about respect, a lot of that is not happening because of trauma and what is happening today as a result of trauma.* **Yarrabah women**

These behaviours are increasingly bringing our children and adults into contact with the criminal justice system, youth detention and statutory child protection. Our women's accounts of the judgement and stigma they encounter in these institutions is evidence of the risk of re-traumatisation within these institutions.

When considering some of the most disturbing and distressing cases of harm, such as child sexual abuse, women and girls want it to be exposed. They want children to be safe and the perpetrators removed. However, in the face of ineffective supports, I am aware that women and children will hide abuse, rather than disclose and risk re-traumatisation and further judgement and harm.

An inadequate system is compromising the safety of our women and children.

> *Unless there is a healing pathway, no one will say anything. Everything is about punishment—a learned behaviour from colonisation. Not a way of repair. These were hard conversation to have. Then working with male prisoners—talking about being raped by the mothers. They felt like they can't tell these stories. The denial and suppression of the continued atrocities that happen. Every man I have worked with in jail that has enacted child sex abuse, everyone was violently sexually assaulted as a child. It is so complex. It is not saying it is ok, but there needs to be understanding and that they deserve help.* **Hobart women**

I support the Healing Foundation's position on responding to child sexual abuse within communities:

> *The Healing Foundation strongly advocates for investment in mechanisms that increase the capacity and confidence of victims to disclose abuse and most importantly, the establishment of crisis support options for children, women and those that are directly impacted upon by this horrendous issue at a community level.* The **Healing Foundation submission**

Based on what I have heard from women and girls, systemic change is needed to reduce the occurrence of harms in our lives, to break cycles of trauma and to heal and recover. In the first instance, there needs to be a concerted effort by governments to embed trauma awareness into all services responding to Aboriginal and Torres Strait Islander peoples, as has been suggested by the Healing Foundation.

To do this effectively requires investing in, and learning from, community-controlled organisations that are developing culturally based healing methods which have been proven to work over millennia. These are the practices that need to be integrated into policy frameworks and receive substantial program funding.

Throughout the engagements, I heard of organisations that are embedding these practices into a range of existing services, and establishing new programs specifically focused on trauma and healing.[67]

During the engagements, we visited the Tangentyere Women's Family Violence Prevention Program, which has a number of integrated services responding to and preventing family violence. Its Specialist Children's Service is focused on raising awareness about family violence and its impacts and building the capacity of young people to break intergenerationally embedded cycles of violence. This service offers trauma-informed and culturally-safe therapeutic supports to young people.[68]

Another prominent example that I am aware of is Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC), based in Alice Springs.[69] NPYWC's services have strong cultural foundations, and some programs have grown from, and have a specific focus on, traditional healing. In addition, NPYWC has also done substantial work in integrating trauma-informed practices across its extensive health, social and cultural program areas.

The impressive work of NPYWC in integrating cultural practices and healing methods with Western therapeutic approaches in responding to trauma, and some of the challenges they experience in supporting and sustaining this work, is explored in the following case studies.

Text Box 5.3: Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC)

NPYWC is a non-government, not-for-profit organisation led by women's Law, culture and authority to deliver heath, social and cultural services to all Anangu living in the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) region of Central Australia. NPYWC is directed and governed by Anangu women across 26 desert communities in the tri-state region of South Australia, Western Australia and the Northern Territory, a vast, remote, semi-arid expanse of some 350,000 sq km.

Embedded within the organisation, services and programs are holistic, Anangu-led, strength-based, culturally relevant and trauma-informed. This has seen NPYWC demonstrate unequivocally positive outcomes for their communities. However, like many Aboriginal and Torres Strait Islander incorporated organisations, with grassroot memberships in the NGO sector delivering holistic services, securing long-term sustainable funding is a major challenge.[70]

Image 1: Image courtesy of NPYWC Photo: Rhett Hammerton

Text Box 5.4: NPYWC framework for strengthening community capacity to end violence through cultural and trauma-informed principles of practice

NPYWC and the Australian Childhood Foundation have developed a practice framework for those working in responding to violence which integrates community centred, culturally strong, trauma-informed principles. It contains a strong commitment to resourcing communities with the tools to build and develop their own strategies based in their knowledge systems, stories, ceremonies, healing practices and spiritual beliefs to challenge violence and find safety in their lives.

The Framework is useful in understanding what forms of working practices are considered trauma-informed and appropriate for Indigenous organisations to deliver.

The Framework consists of eleven stages of actions and strategies which should be approached gradually and with care by practitioners in a linear order.

STAGE 1	Assessing preparedness (Developing relationships over time)
STAGE 2	Creating safety (Strengthening respect)
STAGE 3	Starting the dialogue (Acknowledging the impact of violence)
STAGE 4	Listening deeply (Hearing stories of violence and courage)
STAGE 5	Naming the tactics and effects of violence (Talking straight)
STAGE 6	Witnessing resistance (Finding stories about standing against violence)
STAGE 7	Amplifying enactments (Recognising how violence can be challenged)
STAGE 8	Telling and retelling stories of renewal (Sharing our stories)
STAGE 9	Collectivising action (Finding ways to take a stand together)
STAGE 10	Developing solidarity (Coming together to defeat violence)
STAGE 11	Trasforming community (Supporting the community to keep violence away)

Figure 5.2: NPYWC framework for strengthening community capacity to end violence.

Each stage of the Framework has a set of actions, strategies and practical information for the family violence practitioner to guide and evaluate their work.[71]

Text Box 5.5: Walytjapiti Program

The Walytjapiti Program (Intensive Family Support) is one of NPYWC's programs which works intensively and holistically to deliver trauma-informed therapeutic case management for families and children who are at risk of or are experiencing neglect. Walytjapiti works to integrate Anangu worldviews and child-rearing practices to keep children safe, happy and protected within their families and communities. The team also provides support for families to navigate legal services, access visits and reunification when children have been removed. The Walytjapiti team works in close partnership with the Australian Childhood Foundation to imbed trauma-informed practice across all aspects of the program.[72]

5.4   Poverty and inequality: undermining our safety and driving harm

The majority of Aboriginal and Torres Strait Islander peoples live and grow in healthy and safe homes and communities. Still, throughout Wiyi Yani U Thangani, I heard how far too many of our people are living in the unacceptable and debilitating conditions of poverty and inequality.

Women discuss poverty and inequality as major drivers of all harms, as well as intensifying the impact of harms, and making unresolved trauma extremely difficult to recover from.

Even if just a few people are engaging in harmful behaviours within our interconnected communities, harms and issues of poverty are exacerbated and are likely to have far-ranging and severe consequences across entire communities.

It is true that if one person in our extended families feels pain or poor health it is felt and experienced by countless others, but it is also a fact that poverty worsens the impact of harms over the long-term.

Women and girls have talked about how the combination of factors associated with poverty and inequality—such as having limited access to essential services, including quality healthcare and education, living in extremely overcrowded houses and having few employment opportunities—have knock-on effects reverberating throughout communities.

Wherever we are dealing with the same conditions, the same issues are arising:

> *... well this isn't a problem just in Alice Springs, it is all over the place, and the question is that what causes our people to drink—drinking is an off shoot of the problem, the problems are there is lack of housing, low education standards in Alice Springs, there are that many kids running around we are talking about 18-19 years old not in school, so all these issues are affecting these people and that is why they are drinking to drown their problems.* **Alice Springs women**

Research is increasingly confirming our women's experiences that inequalities, marginalisation and discrimination drive and worsen the impacts of harmful behaviours.[73] For instance, evidence shows that even when levels of alcohol consumption are the same, more economically disadvantaged groups will experience higher levels of alcohol-related harms than wealthier groups.[74]

At one level, not having access to health services or being able to afford fresh and nutritious food increases the likelihood of chronic illnesses such as diabetes, compounding the effects of drinking and drug-taking.

At another level, I have heard how the lack of enabling and affirming support for our women and girls to engage meaningfully in the world around them drives feelings of low self-esteem, boredom and powerlessness.

Trapped in poverty and with limited opportunities, women and girls experience diminishing hope and aspirations, which in turn deepens collective despair and leads to problematic drinking and violence, and more severe impacts.

> *We were talking about if you can't see it, then you can't be it, so there is no hope for our communities, and you do, you get the drugs, you get the alcohol, you get the violence in the communities because they can't see any other way.* **Sydney women**

> *The helplessness and shame that people feel when they are unable to find work results in the entrenchment of poverty and money being spent on illicit substances as opposed to basic needs.* **National Aboriginal and Torres Strait Islander Women's Alliance submission**

> *The kids and youth have nothing at home and in the community, some of our kids are disengaged from their education, leads to boredom, helplessness and leads to substance abuse and crime ...* **Wreck Bay women and girls**

Women and girls talked about how the interrelationship between feelings of despair and a lack of educational and employment opportunities creates a strong determinant for substance use, poor mental health and an increased likelihood of involvement in crime. These issues impact the lives of children and adults alike, entrenching a cycle of social dysfunction and community breakdown:

> *High crime in Kempsey—rationale nothing for people to do, probably linked. Had a heap of break-ins, housing being burnt down, families move out and young ones go in and burn it out … Ice and heroin is an issue here, gambling in the home. Young ones affected with parents who are on alcohol and drugs. Hard to find a job—shops shutting down … There is so many businesses shutting down. Makes it's hard for small businesses to stay open.* **Kempsey girls**

> *Boredom in community leads to drug use drinking alcohol and experimenting with drug and alcohol. Addiction leads to crime, jail, mental health, financial difficulties, housing and homelessness and employment problems.* **Cape York women submission**

> *Breaking and entering, stealing, they damage stuff. They're disengaged so they don't go to school, they always on the outer and they turn to a life of crime. Don't go to school they don't learn about rules. And they got broken down parents who were exactly the same, so they don't learn anything.* **Yarrabah women**

Women in South Hedland and Yarrabah alike talked about how the lack of an economy and marginalisation from industry can lead to community members selling and purchasing drugs and alcohol on the black market. At times, this is to earn an income when there are no other options for employment.

> *Drugs, another challenge need to be balanced—look at jobs, selling drugs and being hospitalised. So the selling of drugs and alcohol, they see that as employment and that's their income. It's becoming normalised. Drugs increased since alcohol management plan came in. The economy of the community, there is no economy.* **Yarrabah women**

> *… Unemployment, social barriers, it comes down to drugs and alcohol. Mental health issues, suicide rate is up, physical, chronic diseases, dialysis … Our girls are not safe at night … That cycle again. FIFO, like I said, drugs came in because of the FIFO not because of our people.* **South Hedland women**

Again and again, I have heard how these harms and their associated issues are compounded by poor and overcrowded houses. Overcrowding heightens the likelihood of harms such as violence and sexual abuse and intensifies issues with drinking and partying. These behaviours within the confines of a house disrupt the safety and comfort that a home should provide. They cause trauma, stress, and limited sleep preventing engagement with those opportunities that are available, such as going to school and work.

I describe the challenges of overcrowding in further detail in the Housing and Homelessness chapter.

> *We are expecting families to get into jobs, to do well at school, but how do we do this when we are living in houses full of 16-17 people?* **Fitzroy Crossing women**

> *People from out in communities, cause like overcrowding there and then they bring the people here, and then there's more overcrowding here and then people start fighting and stuff like that ...* **Tennant Creek girls**

> *People probably disagree, but they bring their problems and their violence back home. That's why kids don't feel safe in their home and they run around the streets, you know. To be honest, I think things happen in the homes, behind closed doors, you know, like family doing silly things to kids, you know.* **Kimberley Aboriginal Law & Cultural Centre submission**

A common concern is for the safety of our children in these situations. In several engagements, women and girls talked about how children, in the absence of supports, are avoiding unsafe households by wandering the streets at night-time, unsupervised. Women were worried that children are at further risk of harm while engaging in risky behaviours and contributing to community disruption.

> *Most of the time it's kids breaking in to get food and stuff like that, and [during] weekends kids walk around to get away from people drinking and stuff because they don't feel safe there. And they end up walking around all night tired, but if they go to sleep who knows what happens.* **Tennant Creek girls**

> *What worries me is all of our little ones running around the streets in their little gangs, and you look at the youngest one they look about 5 and the eldest about 12. What are they doing out at night for starters? It is over and over breaking and entering and it is because those little ones they don't want to go home.* **Alice Springs women**

*We see young girls and little boys running around all night. 2-3am in the morning. They hang around on the streets. The boys and the girls get together at night. They are playing. If we pick the kids up off the streets and take them home, there is no one home. Especially bad on the weekends. We can take them to the nearest family and take them home. **Indulkana women***

*Crime, break ins, theft and that, that comes from, there is no safety at home for our girls, they will sit and walk the streets because it's not safe at home, they are running away from the alcohol, the sexual abuse, or they are hungry. Lack of curfews, they up late at night and can't get to school, they are tired and hungry. **South Hedland women***

(a) Early intervention, prevention and holistic supports

*What changes we want—we want to have a drug free community and environment, that is what we long for. That we can just be able to walk the streets, have family events, can play and do the things we normally do with our children and parents, hopefully it can be a miracle in the future but that's what we would like to strive for. **South Hedland women***

Aboriginal and Torres Strait Islander women and girls have clearly articulated a shared vision of living in healthy and safe communities. Throughout *Wiyi Yani U Thangani*, women and girls were clear that to achieve such a vision, cycles of intergenerational harms must be broken, prevented and stopped in this generation.

*Eradicate family and domestic violence cycle—better education, awareness, preventive policies and measures rather [than] reactive … System is a barrier … We want culturally appropriate service, non-restrictive service profession. Looking at whole aspects of that women's voices. It needs to be prioritised in a holistic sense. Governance and oversight from leaders, Aboriginal elected body. Solution driven by community with government to drive … **Canberra women***

As the Fourth National Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010–22* states: 'Prevention is the most effective way to eliminate violence against women and their children'.[75] Despite the recognised need for preventative measures, women and girls were frustrated that mainstream approaches only act as a band-aid on the crisis in their lives.

Prevention, as described in the following discussions, is about 'digging deep' to identify and address the underlying systemic causes of harm, while providing the holistic supports to respond to harm and keep families safe in the immediate.

> *… we can keep digging, that's what we need to do, it's not surface stuff. I can sit here, or stand here and say their agency has been taken away and therefore they're dependent [on alcohol and drugs], but let's dig a little bit more and find out why?* **Alice Springs women**

> *Supporting families involves early prevention, accessing program supports. Support includes around child removal/child safety, addiction support, healing, trauma, cultural, capacity building, family building, parenting young people, mental health … education …* **Logan women**

> *… we have the women's service for domestic violence but no holistic service for women. The things that are fueling alcohol and drug driven jealousy, social issues, overcrowding etc. children are being abused …* **Yarrabah women**

The overarching way in which women discuss prevention is not just about stopping harms from occurring, it is also about considering how strategies can change detrimental behaviours through addressing the context and environments in which they form.

They stress how program supports addressing collective harms need to be able to respond to families and communities. As discussed earlier, healing processes are key to overcoming traumas and changing behaviours through the restoration of individual and collective identity and social and cultural strengths.

The importance of healing to change violent behaviour is captured by Dorinda Cox, Mandy Young and Alison Bairnsfather Scott:

> *If people don't heal, they will not be able to change their behaviours and will continue to be victims and perpetrators of violence. Aboriginal people in Australia must be able to govern their own path of healing, to deal with past injustices, such as colonisation and it effects, in order to move into a future which will sustain their livelihood and foster a just society.*[76]

As is clear from the literature on this topic, a noticeable departure from the Western mainstream response[77] was the consistent call from women that our men need healing.

As men are often the primary perpetrators of harm, women want men's behaviours to be addressed. They recognise that men's violence may itself be a response to their own experiences of sexual abuse, unresolved traumas and the disempowerment that results from loss of identity and traditional roles.

> *We need to protect our menfolk because of their disempowerment but at the same time there is also the impact of family violence—it is generational.* **Hobart women**

> *Trying to delete men out of their life doesn't work. Our men matter. Their trauma doesn't justify what they are doing to us women. We want a holistic family Black family therapy—immediate relationships not the whole community.* **Adelaide women**

> *… But there is nothing for men, nothing for the perpetrator, and they need that support as well. Because a lot of the time, the mum and the kids might leave but dads got nowhere to go, so mum comes back, and there is no place for this man to go get healing for what he is doing. We need to have a men's healing centre for perpetrators … Having something like that in town. That holistic support, somewhere people can go to for support.* **South Hedland women**

I want to make clear that providing these supports is not about excusing violence, or keeping women and children in violent relationships, as stressed vehemenly by the women and girls in Nowra.

Rather, addressing men's behaviour is about stopping men from being violent and breaking the intergenerational transmission of violence and trauma.

> *Domestic Violence. We want it to stop. It is everyone's business … We want to educate women how to say no and that it is never okay, there is no excuse …* **Nowra women and girls**

The case study at the end of this section highlights a men's project for preventing family violence called Uti Kulintjaku Watiku, run by NPYWC Women's Council.

There is no doubt that prevention work is necessary, but it is big and difficult work. Changing the behaviours and conditions that cause harm in our lives demands that we also address the structural inequality, poverty and marginalisation in which many damaging behaviours take hold and develop. Men's behavioural and healing programs must exist alongside concerted efforts by governments to address all forms of inequality and poverty.

Research by the World Health Organization (WHO) has similarly recommended that the best way to address the inequalities in alcohol-related harms is to address inequalities within social determinants of health.[78]

The WHO states that policy interventions should have an overarching focus on reducing poverty through such things as raising levels of education and skills, improving quality and access to early education, improving access to affordable housing and reducing social exclusion.[79]

The WHO states that the people impacted by inequalities need to be included in the design of such interventions. Further exclusion risks perpetuating the same harms generated by the power imbalance of inequality.[80] The following diagram presents the WHO's suggested approach to reducing inequities:

Figure 5.3: Incremental approach to reducing inequities.

Women and girls have asserted that combatting inequalities is fundamentally about self-determination in designing the policies and programs that respond and prevent these harms—harms which have their root causes in exclusion from the spaces of decision-making in the first instance.

Text Box 5.6: Uti Kulintjaku Watiku Project

The Uti Kulintjaku Watiku (UKW) Men's project is an Anangu-led initiative. It brings together a team of respected senior and younger Anangu men and non-Indigenous health professionals to focus on family violence prevention. The UKW project uses a trauma-informed approach to deliver and create innovative, place-based workshops and resources. The UKW project is grounded in a strong belief of Anangu culture and knowledge, and an ability to listen, understand and think clearly to find ways forward. It creates opportunity for a shared bi-cultural understanding of trauma, harmful behaviours, and healing from trauma. The UKW project uses a strength-based approach to position Anangu men's voices within the dialogue and sharing of ideas to prevent family violence. It promotes positive narratives and pathways which support Anangu men's emotional capacity development, personal growth and healing. The UKW project sits alongside an increasing number of innovative community-led, holistic and trauma-informed programs within Aboriginal and Torres Strait Islander communities. Many such programs struggle to obtain sustainable funding, despite being aligned with current national strategies related to Indigenous family violence prevention. The UKW is no exception. While the program has shown much potential, ongoing investment in the UKW project is needed for it to achieve its full potential.[81]

(b) Holistic wrap-around services and supports

Preventative responses to harm in our lives are necessary to address crisis, to provide ongoing supports and to deliver immediate results. The right intervention at the right point can prevent harm and change the course of a person's life for the better.

For instance, consider the importance of a maternal health program helping a woman abstain from alcohol during her pregnancy so that her child is born without FASD; or the building of more affordable houses to reduce overcrowding and family violence, providing women and children with a viable option to escape family violence.

It is a continuum of services, interventions and mechanisms that women have described as the holistic wrap-around supports needed before, during and beyond crisis.

No matter what our women and children are experiencing, our system should be striving to guarantee their safety, prevent further harm and aid in recovery through the provision of ongoing supports.

> *There is too much going on in the community … for example AOD is a big challenge and drugs generally are too available and there needs to be a focus on nutrition and healthy lifestyles … how can our babies get a good start when parents are struggling in the first instance.* **The Healing Foundation submission**

A major barrier to developing a fluid holistic system is the current system's lack of integration across services, responding to issues according to sector-based requirements. Women have described being trapped in the revolving door of constant referral processes onto services that are not equipped or contractually obliged to respond to their multiple and diverse needs, such as family violence, mental health, drug addictions and housing.

> *… it is always out of their area or under another area. Everyone needs it! Like for example you go to the hospitals they are there, you know, you can't even get your own staff in, yeah so rehabilitation is really important.* **Kempsey women**

> *The mental health don't help. The nurses won't see patients unless they have been handcuffed by the cops. That's going to send them more mad. That's the only way to get help. They drug them up in hospital and out the next day.* **Newman women**

In recent years, governments have acknowledged the increased harm caused to women and children who are falling through the gaps of a siloed service system.

Of note, the Fourth National Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010–22* recognises the complex intersectional drivers of family violence, and that these necessitate a cross-sectoral response across sectors such as health, housing, education and the police, as well as informal support networks.[82]

Similar strategies are taking shape at the state and territory levels.[83] For example, the Queensland Government is pursuing service integration to improve the safety of domestic and family violence victims/survivors. This includes a framework that supports Aboriginal and Torres Strait Islander peoples to determine what, when and how family violence services and responses are needed in their communities.[84]

These government strategies are important, certainly because they imply more effective referral processes, but also because they are in a better position to support community-controlled holistic programming, as highlighted by the Queensland strategy. The expansive nature of community-controlled programming, combining interrelated issues, has long been let down by narrow sector-based funding arrangements.

Today women have described how these vital supports to preventing and responding to harms continue to only receive ad-hoc, short-term funding.

I will outline the major areas of holistic supports women have spoken about most frequently, as crucial to responding to the harms discussed throughout this chapter. Healing, family centres, and behavioural change programs are explored throughout this report, as is the urgent need for specialist crisis response services, such as women's and children's family violence shelters, and alcohol and drug detox and rehabilitation facilities, which I discuss separately below.

Other areas of holistic support raised frequently by women and girls include:

- **Counselling and therapeutic supports**: ranging from one-on-one counselling to group yarning circles and family therapy. Counselling is seen as a critical support, recovery and healing process. It can provide benefits for victims and survivors, as well as perpetrators, of harms such as violence, sexual assault, abuse and rape, as well as for extended family who may have witnessed and supported victims/survivors through traumatic circumstances.

  *The sharing of stories is important and holds immense power. **Melbourne women***

  *... we don't have enough embedded services who actually want to change and support change and try and empower our families. And there's not enough therapeutic services wrapped around any of it. If you want to get counselling in Rocky it's like 6-8 week wait ... It's setting our families up for failure ... **Rockhampton women***

> *… Family maintenance programs—couples counselling. While there are some relationships that are not able to be retrieved and should not be encouraged, there are currently no support mechanisms for Anangu in remote communities, who are struggling to continue their relationship after a violent incident, to improve it …* **Anangu women submission**

- **Education, awareness raising and training:** this includes education in schools about healthy relationships and positive behaviours, and public campaigns such as Ochre Ribbon Week. Training is seen as essential for community organisations and service providers across sectors to address harmful behaviours, respond to traumas and assist in identifying, intervening and mediating conflict situations.

  > *Family violence, we need to support and guide and have personal growth and empowerment through it. A lot of the services here but we need an education about how we do things. When to acknowledge it and do something about it.* **Mount Isa women**

  > *… culture awareness training for law enforcement staff and in schools, more education for women and men regarding healthy relationships …* **Nowra women and girls**

- **Family Violence and Prevention Legal Services (FVPLS):** these are critical in providing culturally safe, holistic wrap-around legal supports for victims/survivors and children experiencing family violence. They provide legal assistance in critical areas of family violence law and child protection, assist in other matters such as securing housing, and provide place-based community legal education and early intervention and prevention activities.

- **Night Patrols:** these provide transportation to safe places for young people and those at risk of harm, mediate conflict situations and prevent violence within communities. They provide a culturally appropriate response and are most successful when conducted in a strong and positive relationship with other service providers, and the local police force.

… you're talking about the empowerment of women, that's how night patrol first started. It originated in Tennant Creek, by women, by elderly women, to stop the young ones from fighting. They started with private cars and then applied for funding and then it was successful. To make it work here, because there are four clan groups, we need workers from each clan groups to look after their own mobs … **Borroloola women**

So we see a lot of kids running around, a lot of problems around town. but ever since the night patrol has come on board it has settled a bit. Sent some of the kids back that aren't from around here. We fed a lot of the security workers just to give them a feed because they are up there from 8.30 at night to 4.30 in the morning. **Woorabinda women**

- **Youth activities and entertainment:** this includes access to sports, arts and on-country activities, youth centres, and youth supports delivered by essential services such as the police. They are considered necessary alternatives to engaging in risky and harmful behaviours, such as taking drugs and being involved in crime.

  Murray Island sport complex to minimise the alcohol and drugs intake of our youth and new generation to come. We want a new youth centre for young people to get involved so they won't do drugs and alcohol. **Murray Island women**

  More activities for the kids with late night. All just fight [at night]. Arcade and all that, gives something for them to do. **Geraldton women**

  Youth Centre: Place to play sport—football, basketball, netball; Scouts to take you places—separate one for boys and girls; play music; make jewellery; young Aboriginal mentors; want to go on trips; paint; make things. **Fitzroy Crossing girls**

These initiatives are usually delivered as integrated programs through community-controlled resource centres and organisations.

Djirra's submission detailing the organisation's work in supporting women experiencing, or who have experienced, violence is an excellent example of the holistic reach of community-controlled organisations. It shows how a range of supports are provided through holistic organisations, meeting women and children's diverse needs and preventing punitive interventions.

Djirra submitted the following case study of the work it does in prisons, providing insight into how community organisations integrate holistic programming in responding to harms:

Text Box 5.7: Djirra holistic support in prisons

One client was referred to Djirra while incarcerated and due to give birth in custody. Djirra staff identified legal and non-legal needs and linked her into supports including drug and alcohol support and trauma counselling. It was revealed that her experiences of trauma from sexual violence contributed to the client's subsequent drug addiction and offending behaviours.

Djirra staff supported her through meetings with DHHS in which she was being assessed for her Child in Custody Application. Our staff were able to ensure that the client's progress was acknowledged, and the client felt comfortable speaking and asking questions. She was ultimately allowed to keep her child with her in custody and upon release is still receiving support from Djirra to stay strong and build a safe and loving home for her child.

(c) Safe houses

Across Australia, women and girls talked about the essential purpose of women's and children's shelters, also known as safe houses and family violence refuges, in providing safety at some of the most dangerous and frightening points in their lives.

Shelters are discussed in more detail in the Child Protection and Housing and Homelessness chapters, where there is greater consideration about the barriers to accessing them and of the intersection of family violence, homelessness and child removal.

Overall, women were frustrated that despite the evidenced need for crisis accommodation, and the Australian Government's increased focus on domestic and family violence, Indigenous women's and children's shelters including transitional housing are difficult, if not impossible, to access.[85]

In both urban and remote areas, they said there are too few shelters and that those that do exist are stretched beyond capacity and, at times, turn women and children away. Consequently, on several occasions I heard similarly concerning discussions:

> *We need a safe place, a safe house for women. We have asked for funding time and time again ... my place is the safe house, women ring me and I leave the back door open for them to come and stay the night. But when I'm away there is no one there to help. We have lost two young girls to domestic violence.* **Yalata women**

Throughout the engagements, women's distress at the failure of this system was palpable. This was particularly the case because women knew the types of shelter models that should exist to save lives and change lives for the better in the short and long-term. In general, they spoke of an expansive shelter model responding to the diverse needs of women and children and providing them with the holistic wrap-around supports, as described above, necessary to permanently escape violence and break cycles of harm.

I have firsthand experience of the women's shelter in Fitzroy Crossing operating in this way. Established in the late 1980s, as part of the wave of women's shelters forming across Australia throughout the 70s and 80s,[86] it gave Fitzroy Valley women a much-needed space to gather, to support and empower one another, and to advocate for our rights.

It was a defining moment enabling women to shine a spotlight on the very significant issues we were experiencing and the need for specific women-centred responses.

Today, it is this type of holistic empowerment-based shelter model, designed and controlled by Aboriginal and Torres Strait Islander women, that many of our women and girls are attempting to run or envision having:

> *... Want the refuge to be a family unit so if a woman needs to leave because of violence or sexual problems with children, she should go to a place where she feels like she is with family but she has moral support for herself and her children. So an Indigenous designed, controlled, governed entity that in its response is cognisant of what the needs are for Indigenous women—not someone who makes them feel patronised. E.g. a sister, grandmother, mother—to build their confidence up so they can go back into the community. It is more holistic and for however long the women and children need support.* **Hobart women**

> *We've been … taking them [women] from the crisis centre where there is full on support and applications etc. we take them up to the reflection gardens … talk about going out for camp at the women's group for healing. We got one van for transport. Sounds good, though. We got our bush medicine out there, bush tucker, it's a healing process.* **Katherine women**

> *Back in 2005, before they changed this thing, we had safe houses and they were safe houses to protect from domestic violence. The women got the first priority … We employed all Aboriginal staff. We employed women that were previously victims of domestic and family violence and to see the turnaround of those women in a short space of time was unbelievable in a positive way. We turned nobody away … the refuge was being run fully by Aboriginal women from the local community, and not by people who come in from out of town, we were seeing changes.* **Brewarrina women**

The Special Rapporteur on Violence Against Women recommended that the Australian Government invest in a similar model:

> *… the provision of a sufficient number of shelters, especially needed by Aboriginal communities, that would be run by them and used as a hub for other services needed for recovery and empowerment.*[87]

Women and girls also stressed the importance of establishing similar holistic safe houses for children and young people:

> *… Just about the safe home … where children go 24/7, not just 9-5 sort of thing and weekends, that should be a must. And in the safe home we should be able to have services all in the one place, like youth services, psychologists, mental health workers, cultural competent workers, a GP, so it is kind of like a one stop safe home for everyone.* **Kempsey women**

> *My vision is going to keep trying to get this halfway home to get all children to feel safe where they can go to get a feed … having this one common home for our children to feel safe … When this place gets up and running we are going to role model it in a way … then the first thing is how can we help the parents, it could be the simplest thing no food, no clean clothes, that happens to all of us, or aunty or uncle are there I don't feel safe.* **Roebourne women**

Overall, women and girls want shelters to be able to provide them with safe spaces while responding to their diverse and co-occurring needs, including family violence, but also alcohol and drug issues, mental health, housing and employment. The following case study highlights shelter models that have been designed to meet this purpose.

Text Box 5.8: Wooree Miya Women's Refuge and 'Core and Cluster' models of housing

Wooree Miya is a Women's Refuge providing 24/7 short term crisis accommodation for Aboriginal and Torres Strait Islander women and their children in Perth, WA. In 2017, a joint venture between the Department of Child Protection and Family Support, the Housing Authority, Lotterywest and the Indigenous Land and Sea Corporation supported Wooree Miya to purchase a site and develop purpose-built independent living facilities to accommodate for multiple family groups. Today, Wooree Miya has doubled their capacity in their delivery of holistic, integrated and culturally responsive programs and interventions. The new refurbishment caters up to 10 women and 30 children, offering a suite of on-site specialist services, counselling, childhood development support, health services, training and education.[88]

A Core and Cluster model of crisis accommodation represents a more accessible and responsive option for women and children experiencing a suite of co-occurring needs. The site allows for independent living whilst also offering residents comprehensive support services depending on the level of support required. Core and Cluster models can accommodate multiple households with diverse needs. Following the delivery of Victoria's *Royal Commission into Family Violence Final Report* in 2016, the Victorian Government have committed to upgrading all communal-style family violence refuges to Core and Cluster models by the end of 2020 and have committed to funding two new Aboriginal specific facilities.[89]

(d) Alcohol and drug detox and rehabilitation

Throughout the engagements, in both urban and remote locations, there were discussions about the importance of drug and alcohol detox and rehabilitation facilities which provide:

- vital treatments to recover from addictions

- a circuit-breaker to the chaos and harms women and girls describe as erupting from addictions

- a space of respite and reprieve from family and community-wide addictions and harms.

Importantly, detox and rehabilitation facilities were also considered a necessary diversionary option to reduce the high number of Aboriginal and Torres Strait Islander peoples charged for drug and alcohol related offences.[90]

In many ways, rehabilitations were spoken about similarly to shelters, in that they are a safe space that can provide holistic wrap-around supports, which are otherwise difficult to access.

Unlike shelters, rehabilitations are specifically designed for recovery. While providing specialised evidence-based treatment programs, they simultaneously allow the space and time to progressively access appropriate supports as a part of recovery, such as training and employment programs.

Women stressed that for rehabilitation and recovery approaches to be effective for Aboriginal and Torres Strait Islander peoples, they must be culturally safe. As described throughout this chapter, addictions are often spoken about as arising from a loss of connection to culture, country, family and identity. Therefore, healing through the provision of culturally based programming is an essential part of recovery.

Women and girls discussed how holistic rehabilitative supports must also aim to transform the situations in which addictions have arisen, so as to minimise the risk of relapse and to improve health and wellbeing over the long-term. This includes providing supports that can cater to families as well as individuals.

> *Terminology—instead of rehabilitation, it should be restoration.* **Logan women**

> *… We need to have an Indigenous healing holistic rehab service. Something around town we can have that covers holistic aspect of a person, not just medical. Need that whole. Can't just heal one arm or one leg, need the healing of the whole of us. And a healing centre and a place we can call our own and take our kids or parents and come to for help and support, we need to have more government funding.* **South Hedland women**

> *Flow on effects are disruption of family and kids. The solutions that we thought about that was about rehab and drug and alcohol for parents who are affected, more Aboriginal and Torres Strait Islander carers, healing centres, culture is healing, put this back in Indigenous hands for us to deal with it.* **Sydney women**

> *Respect, Aboriginal and Torres Strait Islander self-determination, Aboriginal and Torres Strait Islander led services, rehabilitation and transition programs, bush tucker garden out bush for the women, Aboriginal workers, justice centres, detox and rehabilitation services for the families, Aboriginal and Torres Strait Islander child care agencies, we should have the right to manage our own cultural safe space, housing, food, poverty—and poverty no more, cultural day out, reconnect back to community, identity, language, police corruption and access to kids.* **Canberra women**

There is increasing appreciation that women's recovery from addictions is key to breaking cycles of intergenerational harms and associated poor life outcomes.[91]

Women are predominantly the primary carers for children, as such their recovery can change and enhance the lives of children and families. They are interventions that can change the course of people's lives. Rehabilitations specifically focusing on women's needs are likely to be child and family-focused, providing maternal wrap-around supports that improve the health of women and children, and can prevent poor pregnancy outcomes such as FASD.[92]

However, it was emphasised on multiple occasions that there are simply not enough supports addressing women-specific alcohol and drug-related issues, anywhere across the service system.

> *The main issue in our community is drugs. That's the core thing and everything comes from that, the violence, our kids, the domestic violence. But we don't have the facilities.* **Mildura women**

> *There are no drug and alcohol services here, or very few, that are addressing the issue that our women have got. Women are the backbone of our families. They've got a men's drug and alcohol place here. But if our women want to get off the drugs because of the history and circumstances forced them there, they've got to go to hospitals and things where they're treated with such disrespect or they can't get in at the time that they need to and there are no other services for them.* **Brewarrina women**

Women, and particularly mothers, using substances are a highly stigmatised population group who are in desperate need of access to safe, strength-based judgement free supports.[93] Overall, women and girls described a severe lack of mainstream and Aboriginal and Torres Strait Islander specific detox and rehabilitation facilities across Australia. Some discussions emphasised the need for better access to detox programs, as detox is usually an eligibility requirement for rehabilitation.

> *One of the big things … is the idea of a rehab centre here but also about a detox centre. People can't really access the rehab centre until they have received some sort of detoxification … We need people to understand what people are going through and so that they can receive the support they need and be a culturally appropriate service.* **Dubbo women**

There are some promising signs that much-needed Aboriginal and Torres Strait Islander women-specific facilities are emerging.

In 2019, the Australian Government committed $9 million to establishing a dedicated Aboriginal and Torres Strait Islander women's drug and alcohol rehabilitation centre at The Glen on the New South Wales Central Coast.[94] It will be the first Aboriginal and Torres Strait Islander women's dedicated rehabilitation centre in the state.[95] The following case study on Orana Haven also highlights the need to expand into providing treatment beds for Aboriginal and Torres Strait Islander women.

Both examples point to the much-needed current gap in holistic recovery supports for women and their children. This is a gap that must be filled to enable women to engage in recovery as part of the process of building healthy lives, for themselves, their children and their families.

Text Box 5.9: Orana Haven (OH) Drug and Alcohol Residential Rehabilitation Service

Orana Haven (OH) is a residential rehabilitation centre located in rural New South Wales, 700km northwest of Sydney. OH is an initiative driven by the Aboriginal communities of this region in response to the need for a safe, culturally responsive healing centre for people struggling with drug and alcohol misuse and addition.[96]

The centre offers a three-month voluntary residential rehabilitation program for Aboriginal males over 18 years. The current service provision is a combination of an integrated 12-step abstinence-based treatment modality and a Therapeutic Community approach, with Aboriginal and Torres Strait Islander knowledges and healing practices weaved throughout. The multi-component program involves:

- two daily group sessions: a morning 'check-in' group and a psycho-educational group

- individual counselling and case management

- undertaking vocational skills-based training courses offered through TAFE and Murrumbidgee College of Agriculture (MC)

- cultural activities including fishing, hunting, wood carving, tool making and painting as part of their rehabilitation program.[97]

Through their local Indigenous partnerships, OH offers a wide range of health and support services. OH works with clients to create lasting change by offering individualised treatment plans and a graded approach to reintegrate back into the general community.

A significant gap remains for women, couples and families seeking drug and alcohol rehabilitation support in NSW. Only eight beds are dedicated to single Aboriginal females in Aboriginal identified AOD Rehabilitation Centres: four in Moree and four in Cowra.[98] In joint consultation with community, OH submitted a proposal to re-purpose the Brewarrina Yetta Dhinnakkal (Right Pathway) site, a former minimum-security facility, to extend its current services to bridge this outstanding gap for women and youth. Adequate investment would enable OH to support the healing and rehabilitation of the family unit as a whole—an urgent need raised by communities and elders in regional NSW and right across Australia. OH also envisions this opportunity would provide employment for up to 15 local females, an investment which would see benefits extend to the whole community.

5.5   Where are the investments going?

Substantial revenue is required both to improve current interventions and to direct investments into Aboriginal and Torres Strait Islander models of development and social reconstruction. The challenge before us is to guarantee long-term investment to those Aboriginal and Torres Strait Islander community organisations that are best placed to respond to the immediate harms experienced by women and families, to enable healing while focusing on prevention and enhancing our social and cultural determinants.

On several occasions during the engagements, it was suggested that harmful behaviours should be addressed through the development of models similar to Justice Reinvestment.[99]

Much expenditure that currently goes into the criminal justice system and child protection that deals with harms once they hit crisis point, could be reinvested into community-based early intervention and prevention work.

Right now, although Australian governments are increasingly showing support for investment into social and cultural determinants, when it comes to responding to alcohol and drug-related harms, family violence, and all forms of abuse, policy and funding arrangements are weighted toward short-term crisis-driven interventions.

The considerable expense of this approach prevents investment into initiatives that could improve conditions over the long-term. This all too common response flies in the face of reason. As women and girls have frequently pointed out, governments are investing in crisis, not in preventing crisis.

Take alcohol taxation as an example. The approximate revenue to the Australian Government is $6 billion.[100] This is a large sum, but it is only a fraction of the huge social, economic and health costs of alcohol-related harms to society:

- A comprehensive analysis of 2004–5 data found that alcohol and other drug use was estimated to cost Australian society $55.2 billion.[101]

- A 2010 study conservatively estimated that alcohol problems cost Australian society $14.3 billion but considered it could be double this figure if indirect effects were included. The direct costs considered by the study were to the criminal justice system, health, work productivity and road accidents.[102] Within these sectors, significant costs were also attributed to child protection and organisations addressing violence.

Although the data has not been disaggregated it is not a far stretch to assume that Aboriginal and Torres Strait Islander peoples make up one of the largest groups in society affected by alcohol. We know that substance use significantly contributes to the health gap between Indigenous and non-Indigenous peoples.[103]

The same is true of the larger costs to society from family and domestic violence. Family violence has been found to contribute five times more to the burden of disease for Indigenous than for non-Indigenous Australians,[104] and is a greater risk factor to health than tobacco, high cholesterol or the use of illicit drugs.[105]

A report by PwC suggests that if no further action is taken to prevent violence against women, health and social welfare costs of violence will accumulate to $323.4 billion over a thirty-year period from 2014–15 to 2044–45.[106]

Despite family violence being one of the greatest threats to women and a significant cost to society, the National FVPLS Forum submitted that 13 of the 14 Family Violence Prevention Legal Services have not received an increase to their core funding since 2013–14.

In addition, they estimate that due to funding not being increased to match Consumer Price Indexation, FVPLS's have experienced a cumulative loss of $9.7 million:

> *… FVPLS services are consistently working beyond their capacity … there is considerable unmet need amongst Aboriginal and Torres Strait Islander communities, particularly for areas that are currently not serviced by FVPLSs. In 2016, some National FVPLS Forum members reported being forced to turn away approximately 30-40% of people seeking assistance due to under-resourcing …* **National Family Violence Prevention Legal Services Forum submission**

Since the National FVPLS submission was made, the Australian Government advised that all 14 FVPLS providers will be receiving a funding increase from 1 July 2020 for frontline services. Additional funding through the Justice Sector Preparedness Package has also been announced to meet the increased demand of FVPLS services during the COVID-19 period.

Necessary funding increases have been made during the COVID-19 crisis to respond to spikes in family violence. These measures should not be reversed when the pandemic subsides. Family violence has long been at crisis point within our nation and has not received the financial support necessary to address the scale or urgency of the matter.

Our governments must commit to annual increases in funding, commensurate with need and indexed, as highlighted in the National FVPLS submission.

A report from the Australian Institute of Criminology has proposed that revenue from alcohol taxation be directed to prevention and diversion strategies to respond to the large-scale societal impacts of alcohol-related harms.[107] Others have suggested that there needs to be a rise in alcohol taxation, simultaneously to prevent overconsumption and increase revenue.[108]

Such proposals can provide the much-needed investment to support the holistic, trauma-informed and healing work of our community-controlled organisations. The models spoken about throughout *Wiyi Yani U Thangani* are highlighted in case studies throughout this report.

5.6   Interventions

Throughout *Wiyi Yani U Thangani*, women and girls spoke about how the lack of holistic supports and prevention responses is prolonging harms in their lives and increasing the likelihood of punitive interventions through the criminal justice system and child protection.

The issues, challenges and alternatives of the child protection and criminal justice systems are explored in detail in the Law and Justice, and Child Protection chapters.

The failure of the current system to provide preventative and holistic supports has become a major deterrent to women and children reporting harms or seeking any form of support.

They know that, without alternative options to the situation they are in, such as safe housing, the all-too-likely outcome is intervention.

Our women and girls are left with an impossible ultimatum: remain in unsafe situations and continue to suffer harms, violence and abuse, which we know can result in serious injury and even death, or face homelessness.

> *If they ring the police, they still get in trouble with the Department [of Family and Community Services] when they did the right thing. If you say anything about the DV they get flagged too. So, they have to be silent about it. You hide it … Then we are running around in circles—so you do shut up—then it builds to problem with kids being in danger … There is not enough support for the mother and family before it gets too bad.* **Sisters Inside women**

> *In our frontline work, Djirra has found that housing unavailability and the prospect of homelessness acts as a dangerous deterrent to victims/survivors leaving violent relationships and accessing safety.* **Djirra submission**

These conditions make our women and children even more vulnerable and, rather than avoiding interventions, can increase the risk. For example, family violence is a leading cause of homelessness, which in turn is a leading cause of women's criminalisation and child removal.

The relationship between family violence and the incarceration of our women is discussed in greater detail in the following chapter on Law and justice.

(a) Police response

Women and girls have discussed the urgent need to improve crisis responses when lives are threatened by harmful behaviours. Most often women have talked about this in the context of police responses to family violence.

Family violence, often the culmination of a range of harmful behaviours, drives contact with the police. Across Australia, on average, the police receive a domestic and family violence call-out every two minutes.[109]

As first responders, police are working in challenging circumstances, often in contexts where other essential services in mental health and family violence, and drug and alcohol supports are under-resourced or non-existent.

In these highly pressurised situations, there are many police across the country who are doing good work and care about keeping communities, women and children safe. Some women have said that the level of harm in their communities demands more police involvement and presence:

> *Our own police station. We need the police to be more involved. To communicate with the people. Have more of a relationship with them. Especially in relation to gambling and with grog runners—but also just more generally involved in the community.* ***Indulkana women***

There are a variety of ways in which women and girls want to work—and in some cases already are working—with police to improve community-based policing. This is explored in greater detail in the Law and Justice chapter.

With a growing appreciation of the time and resources involved in policing family violence,[110] I am aware of various jurisdictional strategies to improve police responses.[111]

However, I am concerned that given the rate at which police respond to family violence, reforming police practices and behaviours is not happening at the pace or scale required. Women and girls have told me that they are distrusting of the police and are not reporting harms, believing that the police response will cause them further harm.

> *The social issues, that is another big impact. Violence, domestic violence, drug and alcohol, child protection, homelessness, sexual abuse, some of the barriers is that people aren't going to the police because some of us don't feel like we have the confidence.* ***Nowra women and girls***

They have raised serious concerns about the discriminatory attitudes of police toward them. They have discussed how these attitudes result in police normalising violence against our women and children, disbelieving or disregarding issues reported, or lacking urgency and failing to intervene in violent incidents.

> *When a Black woman gets bashed in the community, it will take the police four hours or more.* **Mapoon women**

> *One staff member described a situation where the police assumed the victim was getting back together with her abusive partner and offered very little support to her …* **Aboriginal Health Council of Western Australia submission**

> *Aboriginal men are bashing their wives. Police are not believing Aboriginal women. When Aboriginal women do seek help, they're less likely to be treated well.* **Melbourne women**

> *… the Law Reform Commission of Western Australia heard examples of police refusing to take reports of domestic violence, with victims being told that no corroborative evidence was available in order to investigate the complaint …* **Aboriginal Family Law Service WA submission**

I believe that such behaviours today are a manifestation of the failures of the criminal justice system and the police force to effectively address and overcome a historically ingrained culture of racism and sexism. While intersectional discrimination is a systemic issue across Australian society, when it plays out in the behaviours of those wielding the power and authority of law enforcement, it is dangerous.

For our women and children, the discriminatory attitudes of those in authority is particularly harmful as it replicates the control and abuse of family violence. The following case study submitted by the National FVPLS Forum exemplifies how these behaviours result from police negligence, compromising the safety of our women:

> *Ms X … was kicked in the face by her ex-partner resulting in the loss of two teeth. Immediately following the incident, she flagged down a passing police car and reported the assault. The police officer quickly scanned the area. After failing to locate the offender, the police officer accused Ms X of being drunk, of falling over and knocking her own teeth out and of lying to police. He refused to take her statement. The following morning Ms X was assisted to the police station, where the same police officer from the night before called her a liar and refused to take her statement … When police finally questioned the offender about the assault, he made a full confession. National **Family Violence Prevention Legal Services Forum submission***

An emerging issue of police prejudice and disinterest when it comes to violence against our women is shown in ineffective responses to murdered and missing women. As two communities discussed:

> *Woman 1: There has been a lot of horrific domestic violence causing murder. A lot of mothers have died. Relatives. We do not want that to happen again. They need a safe place …*
> *Interviewer: Women going missing?*
> *Woman 1: Yes our girl is still missing.*
> *Interviewer: Police response?*
> *Woman 1: Not much.* **Coober Pedy women***… learn kung fu and boxing—over the years a lot of Black women murdered in this town and they are not solved and that is a real issue, a lot of murders happen.* **Kalgoorlie women**

The Coronial inquest of Kwementyaye Green, who died in Tennant Creek in 2013 from a stab wound to her thigh, exemplifies the issue of police disregard for violence against Aboriginal and Torres Strait Islander women.

The Coroner found the police investigation was carried out in an 'incompetent fashion' and was of 'poor quality'[112]—the police were found to have spent an inordinate amount of time considering whether Ms Green had stabbed herself.[113] In his final report, the Coroner stated that there was no part of the investigation that progressed in a timely manner[114] and that:

> *The many failures were not recognised by senior police. How that could be so is worrying. In fact the lack of urgency, intent and competence in the first investigation is mirrored in the actions of senior police.[115]*

It is urgent that we address intersectional discrimination in the police force to ensure our women and children are provided with the crisis supports that they need. It is also vital that we provide the support and training to the police. Given that they are so often the first responders, women need to be confident in seeking protection from them.

(b) Family courts and domestic violence orders

When women and children make the difficult decision to leave abusive situations and violent relationships, they need a range of immediate supports and protections. Alongside the holistic wrap-around programs described above, women and children often need legal protections to keep them safe from former violent partners or family members.

> *There needs to be additional women's legal services. I was involved in setting up the Aboriginal Legal Service here—the government has taken away funding from vital services for women.* **Hobart women**

Leaving an abusive relationship can be daunting and terrifying, and women and children are likely to have complex traumas, and be in fear of their lives from ex-partners continuing to threaten them:

> *Really hard cycle. Living in constant fear of being tracked down. Men can put tracking locations on your phone. He is able to track down through children's phone on apps to get to the woman.* **Canberra women**

The FVPLS submission highlights that, without culturally safe, trauma-informed and specialist supports, women and children face multiple barriers to reporting harms and can struggle to navigate and access a complex legal system.

Appropriate services are under-resourced and difficult to access. Instead of immediate protection, women and children can become embroiled in a complex family law system without culturally appropriate trauma-informed representation.

> *Many of the time with police in our communities there aren't female police or woman lawyers for them to sit with that woman and assist them. We have to be careful with the women police as they can be judgemental. They are getting better with mental health services especially with suicide.* **Katherine women**

In these situations, I have heard how our women can be judged by lawyers and courts as being overly emotional and reactive. They face the very real possibility of former partners' accounts being believed over their own and losing custody of their children to an abusive ex-partner. In a family law system not specifically designed to respond to the impacts of family violence, abuse and trauma, our women and children's voices can too easily be disregarded. As Jess Hill noted in her research, abusive former partners can use this system as another weapon in controlling women and children.[116]

> *In Alice Springs, Aboriginal women are known as 'non-compliant' and often discouraged from attending court by the prosecutors of domestic violence cases; being regarded as a hindrance to proceedings'.* **Anangu women submission**
>
> *They just, the courts, told me that I was an unfit mother and they came and took my children … I had to live in a refuge, I had no one … My ex got away with everything, he was the person that did this … he was not a good man, so the system failed me again. I got charged and finger printed, I was in and out of the courts, I was in and out of police stations for things he reported that weren't true, I had to go home [to Alice Springs] and get strong and leave my children [in capital city]. But now my children are suffering because of the mental health with him, and its being transferred to my children.* **Alice Springs women**

A high proportion of women and children who enter the family law system and courts have suffered co-occurring harms, including addictions, abuse, violence and poor mental health.

Despite this, 30% of parents in the system in 2014, suggested that they had not been asked by lawyers or the courts about family violence or safety concerns.[117]

There is a need for alternative approaches that can divert from this system and be responsive and sensitive to the needs of our women and children when they are at their most vulnerable. I explore many of these alternatives in the Law and Justice chapter.

One alternative that I believe should be implemented is a Child Protection Notification Referral System (akin to the Custody Notification system), as recommended by the FVPLS Forum submission.

The FVPLS Forum states that such a system would refer women and families engaged with the child protection system to culturally safe and preventative legal advice and assistance, particularly where family violence is a factor. The proposed system would provide early supports rather than wait until the matter reaches court or a child is apprehended, the aim being:

> … *to better support Aboriginal and Torres Strait Islander women to keep children with their families, culture and community.* **Family Violence Prevention Legal Services Forum submission**

Currently, instead of these preventative systems, the most common legal response to domestic and family violence is the issuing of Domestic Violence Orders (DVOs).[118] DVOs are administered as civil orders to keep perpetrators separated from victims, and breaches of DVO conditions can result in criminal charges.[119] Women have raised inadequacies with this form of protection:

> *I am frustrated by all the 'awareness' about domestic violence and see little done to understand the rights of women to live a safe life and raise their children in a safe environment!!! The DVO is not worth the paper it's written on. The rights of the women are not taken seriously and a little piece of paper does not stop an irrational man with anger issues! A DVO should result in taking the victims away to a safe place and enacting a sentence on the man for assault! How many women have died with these DVO orders out against the man? How many have died because they have had to return to the home shared with that man?* **Individual submission**

> *DVOs aren't necessarily practical in a community environment.* **Brisbane women WOW session**

Instead of providing protection, in too many cases DVOs are channelling Aboriginal and Torres Strait Islander peoples toward the criminal justice system. A disproportionate number of Aboriginal and Torres Strait Islander women compared to non-Indigenous women are named on, and subsequently charged for, breaches of DVOs, and are more likely to serve a period of imprisonment.[120]

The case study below, submitted by Sisters Inside, captures the multiple failures of the legal process to protect Aboriginal and Torres Strait Islander women from violence:

Text Box 5.10: Criminalisation of survivors of domestic and family violence

Joyce is a 30-year old woman, from a remote Aboriginal community in Far North Queensland. She has lived with family violence all her life—beginning with a sexual assault at age two which has left her unable to have children. She turned to alcohol and formed a relationship in her teens. She stayed in this relationship with a violent male partner, John, for 10 years.

John has seriously assaulted Joyce on numerous occasions—including one incident where he blinded her in one eye and stabbed her. John was charged, convicted and imprisoned for this incident. Following his release from prison, the relationship continued. Further incidents occurred, including one where both were issued with a Domestic Violence Order (DVO).

Some months later … they had been drinking together for many hours. Joyce went to sleep on a lounge chair and was woken by John shaking her. He bashed her (causing significant injuries), chased her down the street and repeatedly bashed her again. Many neighbours witnessed this. Then, Joyce saw a small knife on the ground. She picked it up and stabbed him, causing limited harm. Someone shouted, 'She's stabbed him'. When the police arrived, she was issued a Domestic Violence Order, charged with Grievous Bodily Harm (GBH) and taken to hospital. Upon release from hospital, she was kept in the cells until being held on remand …

Joyce was allocated a white, male lawyer. She never met her lawyer face-to-face. Much of the legal process occurred in writing: English is not her first language, and Joyce has limited English literacy. She didn't understand the paperwork. When asked 'Did you stab him?' she replied 'Yes'. On this basis, her lawyer advised Joyce to plead guilty, without seeking any further explanation of the incident, the relationship history or her background.

Other women in the prison advised Sisters Inside of this situation. Sisters Inside sourced a woman lawyer, who met with Joyce and asked her to tell the whole story. It became evident that Joyce had every defence in the criminal code and her plea was changed to not guilty. In court, the Prosecutor relied on a single white male witness, who testified that the stabbing was unprovoked. The defence called eight Aboriginal witnesses, all of whom confirmed Joyce's version of the story. Joyce was found not guilty by a jury.

Joyce had spent 18 months in prison on remand. Despite having been found not guilty, she was almost returned to prison—still on remand, due to the outstanding breach of the DVO issued prior to the incident which had not yet been heard by a lower court. Despite police knowledge of his previous violent history, John was never charged with any offence in relation to this incident. **Sisters Inside submission**

Aboriginal and Torres Strait Islander sentencing courts can provide a pathway forward and offer a more meaningful conciliation process for Aboriginal and Torres Strait Islander families. Below is an example of Barndimalgu Court, a specialised domestic and family violence, culturally safe and therapeutic court:

Text Box 5.11: Barndimalgu Court and the Geraldton Family Violence Project

The Barndimalgu Court and Geraldton Family and Domestic Violence Project works to break the cycle of family violence and reduce rates of imprisonment due to family violence related convictions. When an Aboriginal person is arrested on a family violence charge, they are sent to a supervised court process (Barndimalgu Court) and have the opportunity to participate in a 20-week program to address their violent behaviour. On successful completion of the program, perpetrators may be granted a community sentence rather than having to go to prison. The project is supported by the Geraldton Aboriginal Justice Agreement local justice forum, which provides voice from the Geraldton Aboriginal community to the Departments of the Attorney-General and Corrective Services.[121]

The case study below highlights positive outcomes being achieved through the Staying Home Leaving Violence (SHLV) Program offered at WEAVE Youth and Community Services in Redfern NSW:

Text Box 5.12: WEAVE Youth and Community Services and the SHLV program

WEAVE Youth and Community Services is a community-based NGO offering the SHLV program, funded through the NSW Department of Communities and Justice. SHLV supports women and children to leave violent relationships and stay in their own homes or, when this is not possible, relocate to safe accommodation.[122] Through the SHLV program, WEAVE caseworkers provide intensive case management, court-support, safety planning and brokerage to fund security upgrades to keep women safe within their community.[123] In 2016/17 WEAVE supported 46 women and 35 children to leave violent relationships. WEAVE's grassroot community connections and trauma-informed approach to practice is a major driver to the success of the SHLV program within the Redfern community.[124]

5.7   Including our voices

The overarching message throughout the engagements is that Aboriginal and Torres Strait Islander women's lived experience and expertise are critical to overcoming harms and keeping communities safe.

They know, through firsthand experience, what is required for our children and families to have healthier and safer existences. It is our women's knowledge that must inform the design and implementation of policy and systems addressing harms in our lives. Such an approach can support the development of culturally safe, holistic and healing initiatives in communities across the nation.

This call for our women to be in leadership roles in order to deliver effective services on the ground was reflected in the Healing Foundation's submission:

> *Communities have emphasised the importance of supporting women's leadership to address issues pertaining to family violence and child protection issues in particular, due to their complex and sensitive nature, and the role that many women play in creating and nurturing strong families.* **The Healing Foundation submission**

Ultimately, our women envision a holistic system of supports drawing on our inherent cultural and social strengths and grounded in our self-determination.

Everywhere I travelled I heard how our women and girls feel safer and more confident to seek support when it is Aboriginal and Torres Strait Islander women designing, managing and running the services responding to our specific needs.

> *We need consultants and people in leadership roles. Like more of us to do that work. Aboriginal consultants and leaders to walk with us through that journey. Women and children support services to help them get out of domestic violence situations. More Aboriginal women in leadership roles and be a voice for us and make decisions.* **Dubbo women**
>
> *We don't have to accept it. We need to challenge the behaviours. We need more funding in this space. We need culturally appropriate counselling services. Go back to our practices. Go back to our way of fixing things. We need to pressure government agencies ... Our families are all getting fractured ... Communities are not what they used to be.* **Darwin women**

Our women are disproportionately impacted by every harm discussed in this chapter and carry the overwhelming responsibility to support children, family and community members through traumatic experiences. Yet, they have raised, time and again, that their voices and needs are marginalised and frequently disregarded across all sectors responding to harms in their lives from justice to health and child protection.

Over the decades there have been countless reports, research papers, inquiries and inquests exploring each one of these harms in different ways and providing hundreds of recommendations to improve system responses.

Most have addressed these harms in silos and rarely from the unique perspective of our women and girls. Now there are a raft of national plans on family violence, alcohol and drugs and FASD. These are all important. But, once again, women have raised that our needs are being conflated and amalgamated with the dominant perspective of non-Indigenous women and communities.

> *Shining the light on domestic violence and then they would still go home and bash wives. So they have a strategy around domestic violence but what about for Indigenous women, we are the poorest and most disadvantaged. How are you bringing awareness about the women?* ***Kununurra women***

> *What happened to choice, and the social justice principles about access, about choice? I mean, yeah fair enough there are mainstream refuges but it's not working for Black fellas. Black fellas should have the choice if they want to go to a Black service or a mainstream service. That should be their choice.* ***Brewarrina women***

> *When you look at how much money they're rolling over to domestic violence. Most of it goes to white organisations and it doesn't filter down to community. I'll give you one example, the tender was put out for domestic violence funding and it went to NSW Health... their boss tore shreds off them [the staff] for staying in the community. And what they [the staff] tried to explain to the white woman, was that you get more from standing around a BBQ, talking to the men about what's happening in a community than you do sitting in a room with three white women up there. They don't understand and that's where all the funding is going to, white organisations.* ***Brewarrina women***

Our women and girls feel overlooked, their needs unrecognised and unaddressed, while the prevalence of harms in their lives continues to grow, exponentially it seems, in respect to the rest of the Australian population.

The FVPLS Forum recommended to me that:

> *Beyond 2022, the National FVPLS Forum calls for a stand-alone National Action Plan to Reduce Violence Against Aboriginal and Torres Strait Islander Women and their Children, to ensure sufficient prioritisation of the voices, experiences, needs and strengths of Aboriginal and Torres Strait Islander women.* ***Family Violence Prevention Legal Services Forum submission***

I echo the call of SNAICC National Voice for our Children (SNAICC), FVPLS and National Aboriginal and Torres Strait Islander Legal Services (NATSILS) in the 2017 family violence policy paper,[125] for a whole of government reform:

- to provide national coverage of holistic and culturally safe service responses
- to empower our people to drive policy and practice change
- to embed our cultural healing and trauma–informed practices across the family violence sector.

I believe this approach must be broadened across all sectors which are responding to harms in the lives of Aboriginal and Torres Strait Islander peoples.

This includes, but is not limited to, specialist housing; the family law system; mental health, alcohol and drug supports; and child protection.

Accompanying these reforms, there needs to be a range of mechanisms supporting our women and girls to be in leadership roles to design and drive the implementation and ongoing delivery of these reforms.

To do this, we must begin by enabling and expanding the role of our Aboriginal and Torres Strait Islander peak bodies who are advocating for structural change to enhance community-controlled work on the ground.

This includes the Coalition of Peaks who have negotiated the refreshed Closing the Gap agreement with the National Cabinet. It also involves supporting and enhancing the work of the National FVPLS Forum, one of our only mechanisms amplifying the specific needs of our women and children who have and are experiencing family violence.

Although women have stressed the importance of similar forum spaces, they emphasised that they are only effective if governments genuinely engage and respond to our women and communities:

> *The sexual abuse is just rampaging. The domestic violence. But what we were thinking about is you know, if we had a 2 day or 1 day Aboriginal Women's Conference where we could invite senior people from the portfolios … I put on my personal Facebook recently that I'm over this domestic violence and we need to do something about it in this region. And I had 1200 women in this region that I didn't even know respond saying I'm with you sis, when are you having it? And you know I have written to the Minister and didn't make headway and once again they don't get back to you. And you know, your spirit becomes dampened and no-one is listening.* **Brewarrina women**

I believe that the empowerment of our women is one of the most powerful actions we can take in combatting the multiple inequalities of the current system, inequalities which have caused harmful behaviours to take hold, while simultaneously disempowering our women and making them vulnerable to those exact same harmful behaviours.

It is time that governments implement the mechanisms that can enable Aboriginal and Torres Strait Islander women to participate in the decisions affecting their own lives.

Genuinely listening and responding to our women's voices is the key to breaking the cycles of harm in this generation.

5.8   Conclusion

Aboriginal and Torres Strait Islander women and girls want to live in safe and thriving environments where their strengths are valued, and they are enabled to engage fully in broader society.

Too often, and for too many women and girls, this desire is undermined.

Harmful behaviours, arising from the compounding effect of generations of systemic disadvantage, discrimination and trauma, and fuelled by the toxic mix of alcohol and drugs, are threatening the safety and freedoms of Aboriginal and Torres Strait Islander women and girls.

Our women and girls are disproportionately impacted by substance abuse, addictions, family violence, sexual assault and abuse. Women and girls have described how these harms are both cause and consequence of other harms and issues in their lives, and how these harms break and weaken community cohesion.

For too long, systemic factors have reproduced and held intact the violence and harms that affect so many Aboriginal and Torres Strait Islander women and girls. The structural discrimination that has marginalised Aboriginal and Torres Strait Islander women into positions of poverty and inequality has driven and worsened the impact of harmful behaviours. Women and girls spoke often that the lack of employment opportunities, poor and overcrowded housing, and poor access to education were determinants for the continual crisis in their lives.

They also made clear there are just not enough service supports responding to the harms they face and that, in absence of these supports, individuals and families develop certain behaviours to cope. Further, for many women and girls, systemic failures play out in their fear of child removal, incarceration, victim blaming, and shame which prevents them from reporting the harms that are happening to them and forcing them to be hidden and silenced.

The women and girls I spoke to refuse to be defined by this crisis.

They are calling for urgent action and are clear this must involve addressing the systemic causes of harms in our lives. We can no longer apply band-aid solutions to these issues. The longer this interventionist approach is sustained, the further issues cascade out of control.

It is within this dynamic that individuals, families and communities become trapped in vicious cycles of harm. To break these cycles, we must restore cultural strengths as a source of healing and implement a coordinated and holistic approach.

Women were clear that what is needed to bring substantive change is long-term investment to Aboriginal and Torres Strait Islander community organisations and the empowerment of women in the design and delivery of reforms. Through firsthand experience, women know what is required to overcome harms and keep our communities safe. It is our organisations that are best placed to deliver the services required to respond to immediate harms and to enable healing and implement preventative measures. It is time for governments to listen to the voices of Aboriginal and Torres Strait Islander women and girls and work with us in designing and implementing our solutions.

Chapter 6 Law and justice

Aboriginal and Torres Strait Islander women continue to be punished for surviving historic oppression, ongoing violence and severe disadvantage. Systemic racism is evident at all levels of the criminal legal system. Aboriginal and Torres Strait Islander women are more likely to be arrested, charged, detained, imprisoned on remand and sentenced to imprisonment for the same offences; this pattern was recognised in the findings of the Royal Commission into Aboriginal Deaths in Custody. **Sisters Inside submission**

Everything is about punishment—a learned behaviour from colonisation. **Hobart women**

Before European arrival, Aboriginal and Torres Strait Islander societies thrived with sophisticated knowledge systems, intricate kinship networks and rules for our interaction and obligations to all human and non-human beings. These knowledge and governance systems, which continue, have no word for incarceration.

Since this land was pronounced *terra nullius*, these systems and structures have been progressively undermined. Today, the incarceration of Aboriginal and Torres Strait Islander peoples is one of the greatest human rights issues we face.

Hearing the experiences and impact of incarceration on Aboriginal and Torres Strait Islander women, girls, families and communities throughout *Wiyi Yani U Thangani* has been most distressing.

Disadvantage and intergenerational trauma are the main drivers in Aboriginal and Torres Strait Islander women and girls having contact with the criminal justice system. Women reported poverty, domestic and family violence, homelessness, substance abuse and poor mental health as intersecting factors increasing their vulnerability in encountering the system. Fundamentally, too many Aboriginal and Torres Strait Islander women and girls are incarcerated because they do not have the resources to stay out of prison.

Once contact is made with the criminal justice system, it is extremely difficult to escape it. At every stage, the system inflicts further trauma on Aboriginal and Torres Strait Islander women and girls. A lack of effective programs to support their rehabilitation further entrenches inequalities with many left even more disadvantaged than before. A system that should be designed to keep us safe is instead causing us more harm.

During the consultations for this report, many Aboriginal and Torres Strait Islander women and girls also reported experiencing discriminatory treatment from police, including targeting, harassment and even neglect, that ultimately increases their contact with the justice system. This remains a significant area for focus if we are to address the existing unacceptable rates of over-representation in the justice system.

Police have had a significant role in the lives of Aboriginal and Torres Strait Islander peoples since colonisation and the settlement of Australia. The initial role of police was implementing government policies to control and manage Aboriginal and Torres Strait Islander peoples including the forcible removal of children during the Stolen Generation, displacement and segregation, and mission and reserve management.[126]

This history is within living memory: with removal policies not fully dismantled until the early 1970s in some locations, and civil restrictions applying to Aboriginal and Torres Strait Islander peoples in Queensland into the late 1970s.

Given this historical relationship, it is unsurprising that many Aboriginal and Torres Strait Islander peoples have grown up with a mistrust of the police and others in the criminal justice system.

> *The intergenerational context of police violence and mistrust of police by Aboriginal and Torres Strait Islander women and girls, and communities more broadly, is poorly understood in the mainstream community.* **Sisters Inside submission**

> *We talk about the police, we as Aboriginal people are taught to hate the police, but that is because it is within our generation, our past grandparents created that negative opinion about people, of our DCP, of our justice system, etc.* **South Hedland women**

This history continues to influence present relationships and will likely continue to do so until the system is capable of acknowledging previous traumas and the ramifications of those traumas for Aboriginal and Torres Strait Islander peoples.

As women and girls have spoken during these consultations about their experiences of direct discrimination at the hands of the police and in the justice system, I am reminded of comments made in the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in 1991:

> *There is absolutely no doubt in my mind that the antipathy which so many Aboriginal people have towards police is based not just on historical conduct but upon the contemporary experience of contact with many police officers … The challenge for police departments is to accept that there is a basis for Aboriginal resentment and suspicion about police conduct and to consider the Aboriginal perspective when devising policing strategies.*[127] **Commissioner Elliott, Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991)**

It is therefore unsurprising that Aboriginal and Torres Strait Islander women and girls are untrusting and fearful of the criminal justice system.

A system that evokes fear in us can never be one to protect us.

Aboriginal and Torres Strait Islander women are calling for greater cultural competence of police and for a space where equal partnerships between community and police can be developed to create community-led solutions. They want to see creativity and collaboration to develop effective diversionary programs, alternative sentencing options, and justice reinvestment.

I am, however, hopeful that things can change for the better.

There have been many positive first steps made recently, including the introduction of the Australia New Zealand Police Advisory Agency's Anti-Racism and Cultural Diversity Principles in 2018,[128] the introduction of justice reinvestment programs across Australia and Aboriginal and Torres Strait Islander Strategic Plans to address the over-representation of our people in the justice system.

Text Box 6.1: Koori Youth Justice Program

The Koori Youth Justice Program (KYJP) in Victoria was developed in 1992 in response to the findings of the Royal Commission into Aboriginal Deaths in Custody (April 1991).

KYJP operates throughout Victoria in both metropolitan and rural regions and its Koori youth justice workers are located across the state and also within the Parkville and Malmsbury youth justice custodial centres. The Program employs Koori youth justice workers to support young Aboriginal and Torres Strait Islander people who are at risk of offending as well as those on community-based and custodial orders.

The workers assist in providing access to appropriate role models, culturally sensitive support, advocacy and casework.

The Program is operated mainly by Aboriginal community-controlled organisations in the community while Aboriginal custodial workers are employed by youth justice custodial services to work with and support young Aboriginal and Torres Strait Islander people while they are in custody.

The KYJP aims to prevent offending or re-offending behaviours by ensuring that Aboriginal and Torres Strait Islander young people are connected to their families and communities and provided with access to the supports and services they require.[129]

Another example is the Western Australian Police Commissioner's acknowledgement on 12 July 2018 of past actions of police contributing to the suffering of Aboriginal people in Western Australia. This is a significant step forward in reconciling the relationship between police and our mob in Western Australia.[130]

6.1   Drivers of incarceration

(a) Poverty, inequality and interpersonal trauma

> *Every Aboriginal and Torres Strait Islander woman who has ended up within the criminal justice system has been traumatised in some way shape or form, we know that.* **Nowra women and girls**

It is crucial to understand the role of disadvantage, intergenerational trauma and interpersonal trauma in shaping the experience of Aboriginal and Torres Strait Islander women and girls in the criminal justice system.

Intergenerational traumas and inequalities are the main drivers of Aboriginal and Torres Strait Islander women and girls having contact with the justice system in Australia. Once they have made contact, the justice system at every stage, from experience with police, the courts, incarceration in prison and parole, causes additional trauma and further entrenches inequalities, meaning they are frequently even more disadvantaged after contact with the justice system than they were before.

The Australian Law Reform Commission (ALRC) made a number of recommendations in the *Pathways to Justice* report (ALRC Report 133), including that:

> *Programs and services delivered to female Aboriginal and Torres Strait Islander offenders within the criminal justice system, leading up to, during and post-incarceration, should take into account their particular needs so as to improve their chances of rehabilitation, reduce their likelihood of reoffending and decrease their involvement with the criminal justice system. Such programs and services, including those provided by NGOs, police, courts and corrections, must be:*
>
> o *developed with and delivered by Aboriginal and Torres Strait Islander women; and*
> o *trauma-informed and culturally appropriate.*[131]

Our Aboriginal and Torres Strait Islander women are also overwhelmingly more likely to be charged and convicted for minor, non-violent offences which are essentially 'crimes of poverty'. For example, shoplifting or committing minor fraud to feed themselves and their families due to extreme financial insecurity.

The ALRC identified Aboriginal and Torres Strait Islander incarceration as characterised by 'low-level offending including justice procedure offences and failure to pay a fine'.[132] The Report spoke of the racial bias in decisions to charge Aboriginal and Torres Strait Islander people with minor offences, such as drunkenness and offensive language,[133] and highlighted the escalation of criminal charges that can occur from a minor offence.[134]

> *Most of [women get locked up for] drugs and fraud ... I went for driving without a licence.* **Sisters Inside submission**

In 1991 the RCIADIC also noted the apparent connection between police use of minor charges, such as offensive or obscene language, and a conflict of views over 'appropriate behaviour in women',[135] exacerbating these effects for Aboriginal and Torres Strait Islander women and girls.

The punitive approach to fine default, driving penalty notices and minor crimes such as offensive language, public intoxication or disorderly behaviour, ultimately incarcerates only those who do not have the resources to stay out of prison.

> *In terms of incarceration we are seeing an increase—our women are being criminalised for non-payment of a $120 fine they go to jail for 3 months. The damage that that does. We have lost a baby because mum was incarcerated. The damage that caused impacts on the whole community. Those fines—we have to find a way to support them. We have to put together a fund. If a woman is going into jail because of non-payment of fine, we have to help that mother because we know what goes on from that. We have to support that parent.* **Brisbane women**

We are incarcerating more and more Aboriginal and Torres Strait Islander women for these types of crimes, not because of an increase in crime but a national turn toward harsher sentencing, greater police power and people being held on remand and refused parole, simply because they do not have the financial resources to not commit the crime, or to be able to pay their way out of jail.[136]

The women and girls I met with emphasised the significant impact family and sexual violence, homelessness, mental health and cognitive impairment has on the likelihood of incarceration. Women also discussed how incarceration further exacerbates these issues.

> *Once you go into these places, you have got to refer onto somewhere else and that is such a long process. And we get frustrated and we don't have any money, and our sense of pride goes down, and we more than usually go back to the abusive man, because you are kind of stuck.* **Rockhampton women**

Previous Social Justice reports and other research suggests that Aboriginal and Torres Strait Islander women in prison are more likely to:

- be survivors of family violence and/or sexual violence (evidence suggest that 70-90% of women incarcerated have experienced violence or a form of abuse in child and adulthood[137]

- be the primary caregiver for their own children and the children of extended family
- have mental, cognitive or physical disabilities
- to have misused alcohol or drugs
- be incarcerated at a young age
- have completed less schooling
- be homeless, living in public housing or insecure housing
- be unemployed
- have had previous interactions with the justice system.[138]

In particular, women experiencing homelessness are more likely to be incarcerated because they are more likely to come to the attention of police and are significantly more likely to commit public order offences.

> *I was living at home, and my mother kicked me out and so I ended up in the long grass, and then I had a fight and ended up in here.* **Darwin women's prison engagement**

Alcohol and drugs were also highlighted as a coping mechanism to dealing with living in poverty—further contributing to the criminalisation of women.

> *Jobs, if you don't have a job you don't have your own place and space especially when you are young, low income. You turn to drug and alcohol, you are going to end up in jail.* **Yarrabah women**

Imprisonment entrenches the disadvantage and poverty that criminalises Aboriginal and Torres Strait Islander women in the first place.

> *We are seeing the criminalisation of poverty. And someone said earlier about young people, we can play up when we are young and that can impact us for the rest of our lives. And it seems within our communities, when someone turns their lives around, there is no one there to give them a go … They got into trouble when they were 20, or they did this or that, so we are not going to give them a job. So, people are forced into a situation when their poverty … [is further] criminalised.* **Dubbo women**

Perhaps most disheartening was hearing from a small number of women and girls from around the country that incarceration was preferable to freedom when their lives outside prison were characterised by poverty, homelessness and a complete dearth of opportunity to improve their circumstances.

> *Homes West gives you (a house) for three months and then (you're) homeless … so I do crime and then go back to prison … I had a bed in Boulder Prison—three meals a day and bed.* **Kalgoorlie women**

(b) Domestic and family violence

The rate of family violence and sexual abuse experienced by incarcerated Aboriginal and Torres Strait Islander women is exceptionally high.[139] A submission from the National Family Violence and Prevention Legal Services (FVPLS) Forum stated that family violence is a significant precursor to a range of conditions that can lead to imprisonment.

The submission highlights a New South Wales study which found that over 80% of female Aboriginal and Torres Strait Islander prisoners believed their offending was a direct outcome of their victimisation. In every prison and juvenile detention facility I visited, I heard similar stories of violence and abuse leading, indirectly and directly, to an offence, as captured in this young woman's account:

> *Mum left dad, she got with an abusive man. I have three younger sisters and I'd do anything for them—I'd kill to protect them—family is the most important thing. Mum's ex—she's not with him anymore—was a drinker and drug addict. One night he ran out of drugs and went into a rage. He threw the phone through the kitchen window and smashed the window with my little sister on the other side and getting covered in glass. I smashed him with a brick. That's how I ended up in here. I would do anything for my little sisters. I have a huge term. My little sister comes to visit. I've been out of home since 13.* **Reiby Juvenile Justice engagement**

Women have also told me how they have been incarcerated for using violence in acts of self-defense or retaliation after living with abuse for years:

> *Those people in these systems, are just stupid. Pedos get no jail, I stick up for myself with a bloke who bashed me for 15 years, and I go to jail for 6 months. White men abuse us, and we go to jail. If someone hits me I'll stick up for myself, they expect us to just take it, 'she must of deserved it' … 'Black slut'.* **Canberra women's prison engagement**

> *Only thing with that, we found we work very closely with women victims of violence and those women who do go to jail usually for reactive violence. Years and years of being bashed and one day they cut that fella. That happens quite a lot.* **Rockhampton women**

As the Special Rapporteur recently stated regarding family violence:

> *… while being a victim of Domestic Violence is not a direct cause of Indigenous women being incarcerated, it is a precursor to a range of conditions that increase vulnerability to criminalisation and imprisonment. Additionally, some Indigenous women, in the absence of appropriate responses within their community to their therapeutic needs (mental health disorders, disabilities), end up using the criminal justice system as a means of therapy, thus further compounding their trauma. Criminalised women and girls have exceptionally high levels of mental health and cognitive disability compared with the general population. They will have experienced very high rates of sexual and physical violence, most from their childhood or youth, and imprisonment and youth detention exacerbate their trauma.*[140]

When harmful behaviours and underlying causes are left unaddressed, harms such as family violence and substance abuse can escalate, driving offending behaviours:

> *Women experience domestic violence then they self-medicate to numb the pain with drugs and alcohol until they do something to land them in here. Once they get here, the guards make them go cold turkey. It's excruciating to watch. They get no support coming off … I think they test us in here, you know, how far they can push us and then they wonder why they find us trying to end it all hanging off the door [speaking about suicide attempt].* **Darwin women's prison engagement**

Some research suggests that women use violence as a preferred and potentially safer option than contacting authorities.[141] The case of Jody Gore in WA, who was sentenced to life imprisonment for killing her partner, is a prominent example of women's retaliatory violence after sustaining years of abuse.[142] Ms Gore has since been pardoned by the WA State Government on the grounds of 'mercy' due to the extent to which the history of violence against her contributed to her actions.[143]

These stories are not uncommon; they are reflected in the numbers.

Incarcerated Aboriginal and Torres Strait Islander women suffer far higher rates of sexual assault and family violence than the general population. There is evidence suggesting between 70 to 90% of Aboriginal and Torres Strait Islander women in prison have experienced violence.[144]

It is certainly not the case that all our women who experience harms are criminalised. The majority are not, although it is the case that many incarcerated Aboriginal and Torres Strait Islander women have significant histories of abuse, trauma, substance use and high rates of poor mental health.[145] There is also some research suggesting that incarcerated men have significant histories of childhood trauma.[146]

For our men, trauma and poverty are the same risk factors for problematic substance use and violence,[147] which in turn can become the primary drivers of male incarceration.[148] Again, not all men who have experienced abuse become perpetrators, but many male perpetrators are victims of abuse.[149] A Queensland study found that male violent offending was precipitated by several factors related to trauma, including a 'brain snap' and substance use to mask the pain of previous traumas.[150]

It should be inconceivable that for some, the likely outcome of experiencing trauma, abuse and violence is one of punitive interventions. The Australian Law Reform Commission's inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples states that it must be a priority to address family and sexual violence through trauma-informed responses.[151] Others have emphasised that targeting these issues as key underlying drivers will reduce rates of incarceration as well as victimisation.

Another significant intersection of great concern is the relationship between family violence, the incarceration of Aboriginal and Torres Strait Islander mothers and the removal of our children. Children with mothers in incarceration are highly vulnerable. They are likely to be placed in the child protection system, often resulting in a substantial disruption to a child's education and emotional development; their connection to language, culture and community; and their physical, mental and emotional wellbeing.

The incarceration of these women, even for short periods, often results in the loss of stable housing, an increase in the stressors active in households and family members' disengagement with education or employment—all of which increase the risk of children entering the child protection system.

> *Also another thing we discussed was Indigenous incarceration rates, what we see happening more and more is Aboriginal women are the highest growing population of people in our country to be ending up in jail, and this is affecting so many families in our communities and that directly relates back to the removal of children and out-of-home care system. Not only is it a massive financial cost, it is the emotional and social and emotional wellbeing of our community that is suffering. We are seeing the criminalisation of poverty.* **Dubbo women**

The increased difficulty for women in securing stable housing and employment with a criminal record means their children are more likely to remain in the child protection system. Children in the child protection system are significantly more likely to come into contact with the criminal justice system,[152] entrenching the intergenerational experience of poverty, homelessness and incarceration.

> *Woman 1: And they are all interlinked, a lot of the women who are incarcerated are mothers. And where are those children going?*

> *Woman 2: That's right, and when you start to layer it and you have the trauma, and you have families, then you get domestic violence and then how that is actually linked to housing and incarceration to the removal of children.*

> *Woman 3: Exactly—you could almost join them all up and it could become somebody's story, it is a cycle.* **Sydney women**

I further explore the intersection of family violence, childhood trauma and abuse and incarceration of our peoples in the Community Safety chapter.

(c) Mental health and cognitive impairment

Aboriginal and Torres Strait Islander women in incarceration are also significantly more likely to have diagnosed mental and cognitive disabilities compared to men and compared to non-Indigenous women. Approximately 65% of all women in incarceration report a history of a mental health condition.[153]

Text Box 6.2: Beyond Blue study

Queensland research funded by Beyond Blue has found that 86% of Aboriginal and Torres Strait Islander women in prison had a diagnosed mental health disorder over a 12 month period—including substance misuse disorders (69%), anxiety disorders (51%), depressive disorders (29%) and psychotic disorders (23%).

In his oral evidence to the Crime and Corruption Commission, Darryll Fleming highlighted the increasing number of women in prison at Brisbane Women's Correctional Centre (BWCC) as a result of systemic failures, particularly limited access to disability and mental health services:

- BWCC is identifying an increasing proportion of women prisoners flagged for indicators of possible cognitive impairment.
- BWCC has experienced an 80% increase in the number of women prisoners who were already in the (community or prison) mental health system on 23 May 2018, compared with the average number on the same date in 2017 and 2016. ***Sisters Inside submission***

However, assessment of cognitive disability amongst Aboriginal and Torres Strait Islander peoples can be challenging because of different cultural perceptions of disability, inappropriate assessment tools and the complexity of trauma and disadvantage experienced by some Aboriginal and Torres Strait Islander communities. The rate of mental health disorders and cognitive impairment may therefore be much higher than the rate of recorded diagnoses.

> *Intellectual disabilities, fetal alcohol spectrum disorder, autism, mental capacity— mental health and disability is not acknowledged when incarcerated.* ***Geraldton women***

A study of Aboriginal and Torres Strait Islander prisoners in Victoria, for example, found that 92% of Aboriginal and Torres Strait Islander women in incarceration had been previously diagnosed with a mental illness and almost half met the criteria for post-traumatic stress disorder (PTSD).[154]

The prevalence of cognitive impairment is particularly high amongst incarcerated children. A study undertaken of Aboriginal and Torres Strait Islander residents at Banksia Hill Detention Centre demonstrated that 89% of incarcerated youth had at least one severe cognitive disorder and 36 children were diagnosed with fetal alcohol spectrum disorder (FASD).[155] Critically, the majority of these disorders had not been previously identified. Only two of the children diagnosed with FASD had been previously diagnosed.

> *To answer a question about Banksia, it is coming up ... Telethon [Kids' Banksia Hill Project] did a research around FASD and you know what, the statistics are high, and there needs to be more awareness about that ... because you can do all this stuff. But get some knowledge about FASD, because there are diagnoses that are done now ... otherwise our elders are going to be struggling with children with behaviour problems ... and then you can't deal with that. They are really hard. I have worked with those kids, I am telling you I had to do over and longer, the problems that these children had, and it did my head in. It is hard. But if you don't have the right structure ... behaviour then turns into mental health then to alcohol and drugs.* **South Hedland women**

The high rate of undiagnosed FASD amongst Aboriginal and Torres Strait Islander communities has been identified as an issue in the Royal Commission into the Protection and Detention of Children in the Northern Territory.[156]

An inadequate systemic response to addressing the complex needs of people with cognitive disabilities and mental health distress means that the criminal justice system has often become the only intervention provided.

A case study was provided as part of the Sisters Inside submission that detailed how complex trauma and mental health challenges can criminalise young Aboriginal and Torres Strait Islander women.

> *Lucy is a 17-year old young Aboriginal woman who has been connected with Sisters Inside youth programs since she was 11-years old. At the time Lucy was under a Child Safety Order living in residential care. She was placed in care at age 9 after her mother, Tracey, was imprisoned. Lucy was struggling in residential care, with staff members calling the police when she acted out. She was charged with a number of offences such as wilful damage and assault, and also began self-harming.* **Sisters Inside submission**

Despite repeated inquiries, reviews and reports that have highlighted the need to address underlying risk factors for offending, the Australian criminal justice system continues to criminalise and punish the most vulnerable members of our community. The failure to respond to recommendations in RCIADIC and numerous subsequent public inquiries into Aboriginal and Torres Strait Islander incarceration continues to entrench a cycle of disadvantage, incarceration and marginalisation.

6.2   What women want to see

(a) Community-led solutions and constructive relations with police

> *We can't just ignore those sectors that have traditionally had terrible relationships with our communities. So that sector of the police probably has had the worst relationship with our communities, and we can't just ignore that in the process. We actually need to put our hand out and let them hear us too, because if they are going to commit to changes they are going to make the wrong changes unless they hear from us and so they won't hear from us unless we put our hand out.* **Roebourne women**

A critical step towards rebuilding trust between Aboriginal and Torres Strait Islander communities and the police is in the development of equal partnerships. Our communities must be involved in decisions and given opportunities to build productive and respectful relationships with police. Equally, police must commit to meaningful engagement with communities based on cultural understanding and positive interactions.

Throughout the country, I spoke to women and girls who were willing to volunteer their efforts, expertise and community connections to ensure a better relationship between police and Aboriginal and Torres Strait Islander communities.

> *The organisations that we have contact with are good. The police will call us—Instead of picking them up directly. It keeps the relationship with police. We're involved with youth links—the local youth centre—in disco or activities—If they've got too many kids to take home, they'll call us to help out getting them home.* **Jululakari Corporation**

Text Box 6.3: Change the Record

Change the Record is a national Aboriginal and Torres Strait Islander led justice coalition of Aboriginal and Torres Strait Islander peak bodies and non-Indigenous allies which works to end the incarceration of, and family violence against, Aboriginal and Torres Strait Islander peoples.

There has been an increasing number of Aboriginal and Torres Strait Islander peoples ending up in prison, with Aboriginal and Torres Strait Islander peoples now 13 times more likely to be imprisoned than non-Indigenous people. The impact of being in prison can be severe, not just for the individual but also for their family and the whole community.

The Change the Record campaign calls for the development and implementation of strategies that:

- build collaborative relationships between the police and Aboriginal and Torres Strait Islander communities
- establish police policies and programs that promote diversion from the criminal justice system
- implement programs that increase awareness of the impact of disability and mental health on crime
promote community-based initiatives, such as night patrols, that promote public safety and community empowerment.[157]

Aboriginal and Torres Strait Islander peoples, communities and services have many of the solutions already. The Change the Record campaign calls for political will and resourcing to make these solutions a reality.[158]

Where relations with police have been improved this has delivered significant outcomes, proving that positive change is possible.

Police provide an essential service and despite systemic issues, women and girls still see them as essential partners in addressing inequality, disadvantage and disruptive behaviours within our communities. Women equally acknowledge that there needs to be substantial efforts made toward rebuilding positive relationships and establishing broader community confidence in the police force.

It was identified that there needs to be more opportunities for community to meet with police in informal, positive settings.

> *More community engagement in police events. Free, accessible—making it accessible and free. Bringing white and Black community together, interaction and recognition of local history together. Police need to sit down and actively engage on a personal level.* **Kempsey women**

This was considered especially important in building relationships between police and Aboriginal and Torres Strait Islander youth.

> *It's hard to even get the police involved in the programs. You know, to come to the youth centre. Even some services don't like working outside of 5 o'clock because you know, I know everybody has a life afterwards, but sometimes people can make an exception you know.* **Brewarrina women**

In Sydney, I heard about the Clean Slate Without Prejudice (CSWP) mentoring program targeting Aboriginal and Torres Strait Islander youth and the Never Going Back program targeting Aboriginal and Torres Strait Islander prisoners nearing release.

Both programs are run in partnership between Aboriginal and Torres Strait Islander leaders at Tribal Warrior Association and NSW police, and have received Australian Crime and Violence Prevention Awards in 2016. A review undertaken in 2016 found that both programs had contributed to a significant reduction in crime, increased community confidence in police and an improvement in outcomes for 'at risk' groups.[159]

Text Box 6.4: Clean Slate Without Prejudice mentoring program

The Clean Slate Without Prejudice (CSWP) Program began in Redfern, New South Wales, in June 2009. The program was initiated by the Superintendent of the Redfern Police Force in collaboration with local Aboriginal and Torres Strait Islander leaders and organisations, such as the Babana Aboriginal Men's group, the Tribal Warrior Association and also with federal and state government agencies such as Centrelink and Youth Justice NSW.

The program targets Aboriginal and Torres Strait Islander youth at risk of offending. This includes those who have committed a crime but have not yet been sentenced, those incarcerated in Juvenile Justice Centres, and young offenders who have been released back into the community.

CSWP uses a range of strategies including early intervention, developmental crime prevention, positive relationships, support networking and behavioural workshops.

An Aboriginal and or Torres Strait Islander mentor brings the participants to boxing training three days a week and helps them find accommodation, employment, and education or training where needed.

Participation in the program is voluntary and the young person can stay on the program as long as they want.

The Redfern Police Force are also involved, training alongside the young people and working with the judiciary to have the program form part of a suspended sentence. Crime rates relating to robbery offences have dropped in Redfern since the inception of the program in 2009.[160]

Police have a critical role in deciding to divert people from or refer people further through the criminal justice system.

It was consistently raised throughout the *Wiyi Yani U Thangani* consultations that women and girls perceive that police stereotype and racially profile Aboriginal and Torres Strait Islander men, women and children.

> *We looked at that racism and stereotypes—because you're [an] Aboriginal kid walking the street, you're … going to be painted as someone who is going to go and break into someone's house.* **South Hedland women**

Throughout the consultations, women and girls felt our people are treated as second class citizens by the police. They outlined a persistent paternalistic racism, reflective of historic police roles, describing how the police spoke down to them or treated them as though they were children or were stupid.

> *Police treat Aboriginal people as a lower class.* **Kempsey women**

Police today have the main responsibility in implementing imposed alcohol bans or restrictions. This ongoing responsibility of police for regulating the behaviour and conduct of Aboriginal and Torres Strait Islander people in ways that often do not apply to the rest of the population, can create ongoing problems in the overall relationship.

> *Oh makes you feel terrible. They go through your clothes there and your suitcases. Make you feel like you up to no good, but we are there just like everybody else. Except we have to show them our motel room. Why don't they ask other people? Because they think you're going to bring alcohol back into the community. They only check Aboriginal people.* **Borroloola women**

This has a significant impact on the relationship between the police and the Aboriginal and Torres Strait Islander communities in which they work.

A constructive relationship between police and Aboriginal and Torres Strait Islander communities has a significant and positive impact on community safety and crime rates.

Across Australia, I spoke with Aboriginal and Torres Strait Islander women and girls who acknowledged the efforts made by individual police officers and police departments at improving relationships with the communities in which they worked.

> *The relationship between the police and the community [is] based on the police themselves as individuals. One guy who was very rigid and wouldn't budge on anything. The young fella who wanted to work with young fellas and women and changed the statistics… So, the older police officers who left and younger ones came in who were connecting with the community crime went down because of those relationships with positive interactions.* **Newman women**

There has also been a concerted effort recently to transform police culture at a systemic level, such as Police Commissioner Chris Dawson's apology to Western Australian Aboriginal people for WA police 'participation in past wrongful actions that have caused immeasurable pain and suffering.'[161] Dawson further acknowledged the intergenerational aspect of trauma on the communities they police today. 'As the legislated protectors of Aboriginal people, police played a significant role in contributing to a traumatic history, which continues to reverberate today.'

There are women who are cautiously optimistic that this is a critical step forwards in changing the role that police play in the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

> *Chris Dawson in Western Australia is leading the way in that group. It is amazing, for the first time ever he has a KPI around Aboriginal people, or incarceration rates. He has an actual KPI and if you don't reach it then you get the chop, and that is what we need.* **Karratha women**

However, I also heard from many women in far too many locations that relationships with police remain strained and characterised by racism, disrespect and discrimination. There is an ongoing mistrust and fear of police in many communities, often exacerbated by disproportionate targeting and harassment of Aboriginal and Torres Strait Islander people; the use of excessive force; and police apathy towards protecting Aboriginal and Torres Strait Islander peoples.

(b) Cultural competence

The women I met with highlighted the importance of cultural competence across the police force and police liaison officers in rebuilding relationships between police and the communities in which they operate.

Given the significant role that police play in communities it is critical that they have an adequate understanding of the culture, strengths and challenges of the communities they work in. The need for police to develop greater cultural awareness and a better understanding of social and historic impacts on Aboriginal and Torres Strait Islander societies was one of the key recommendations of the RCIADIC.[162]

It was noted particularly in remote and very remote locations that police were often sent into their communities without any understanding of the language, ceremonial Law or significant elders in the area.

> *They all need cultural awareness training. It needs to be compulsory, and ignorance can no longer be an excuse. You prepare people from Australia when you deploy them to other countries where there are other languages, other protocols, other things that have impacted.* ***Karratha women***

> *Why aren't we doing that when we are sending people and posting them to other parts of the country, whether it be saltwater country or desert? People should be inducted or orientated or prepared so that they aren't wasting taxpayer's money or wasting people's time being ineffective.* ***Karratha women***

Regionally specific cultural awareness training was recommended at most of the engagements, including the expectation that newly appointed officers actively engage with the community and make an effort to meet with elders and community leaders.

> *The police need cultural awareness training and basic respect. It is like it is a burden to do their job … The police need to sit down and actively engage on a personal level. And the cultural training for the police needs to be localised so they know what has happened in this area.* ***Kempsey women***

In some remote locations in Queensland and Western Australia, women have suggested that Aboriginal and Torres Strait Islander communities should have a much more active role in assessing the competence of police being introduced to our communities.

> *There needs to be a review of police suitability—community should have input about the people being posted to your community.* **Mount Isa women**

In particular, there is a need for more specific training for police in identifying and appropriately responding to Aboriginal and Torres Strait Islander peoples with learning and cognitive disabilities and mental illness.

> *[I have] a brother with a disability. The police trying to take him to the police station. Kids started throwing stones to stop them from taking him. Kids told them not to take him, 'Can't do that! He is disabled!' But the police did it anyway. The next day the police officer wouldn't look at me. There was a witness to that, and she is being bullied. Fourth time he has been in jail. They lured him in.* **Halls Creek women**

An essential element of cultural awareness training that was raised frequently in remote Australia was to educate incoming police officers about ceremonial places and appropriate ways of interacting with Aboriginal and Torres Strait Islander communities during cultural Law and business.

> *One of the big things is, with cultural awareness, when we have our Law and culture meetings out there, there have been times when police have been going down the river, that's men's business, that is not for them, and they are going down there, to look for people, ask questions, that's not right.* **Roebourne women**

The interruption of cultural events by police was of particular concern in the Torres Strait Islands.

> *But we might have feasting, tomb stone opening, that is cultural for us, some of the elders. Next thing you know there is police officers on the island and security, for I don't know what purpose. The younger generation see this, and they think he got a gun or a taser or something like that, I was reflecting on our younger kids all be frightened ... there is no trouble, why are they here? Can't they respect us for who we are. We are having a funeral or a tomb stone opening on the island and they are here, walking around ... I got a shock when I first saw it. What respect are they giving to this community?* **Thursday Island women**

During engagements with senior women I was also told about the inappropriate interference of police in our Law ceremonies. Senior women explained that due to a lack of understanding of our Law the police intervened in a secret and sacred space, where they had no place. It is these types of actions that cause tension, animosity and mistrust toward the police.

> *Woman: I wasn't too very impressed about after the ceremony when it was ending, you know seeing police officers coming into our Law grounds, especially in the women area in uniforms and stuff like that ... And that wasn't the first time they did that. That was the second time because they did it before ... that officers came looking for someone ... for their fines and stuff like that, to pay because they missed court and things like that really makes me very, very, very ...*
> *June: Disrespectful and insensitive*
> *Woman: Yeah, with the justice system and that sort of stuff.* ***Kimberley senior women's engagements***

Key elements of cultural competence that were raised in the consultations included understanding of the social and historic impact of past policies on Aboriginal and Torres Strait Islander communities; locally specific cultural knowledge of the community in which they operate; respect for cultural Law and Law places; and respectful relationships with the community, elders and community leaders.

(c) Police Liaison Officer positions

Police Liaison Officers (PLOs) were identified as critical in embedding cultural competence within police services and in fostering positive relationships between Aboriginal and Torres Strait Islander communities and non-Indigenous police officers.

The appointment of PLOs, especially in remote communities, can have a significant impact on the relationship between police and the community in which they operate, the crime rate and criminal justice outcomes for Aboriginal and Torres Strait Islander peoples.

However, these roles need to be acknowledged for the value they add to community policing, through adequate recognition and respect within the police services.

For example, in Cairns, women told me that a PLO from the Torres Strait has been bridging the gap in cultural understanding between the police and the Aboriginal and Torres Strait Islander community. The PLO has helped police implement culturally-sensitive protocols, such as ensuring that a female officer speak with Torres Strait Islander women and making police aware that grieving families have a spokesperson to coordinate contact while the family is conducting Sorry Business.[163]

In remote communities, women that I met with told me that crime was lower when there were Aboriginal and Torres Strait Islander PLOs because community police were more likely to understand what was happening in the community and are more likely to understand and address social and economic problems that prevent crime from occurring.

> *Woman 1: We need to bring back the police to here at [community]. Back when we had those community police, people behaved more. We didn't have the same kind of crime that we have now.*
> *Woman 2: You know when they got rid of that police here, there was a murder here only a couple of months later … It wouldn't have [happened if we still had the police here]. It would never have gotten to that point, you see. If we had our own police here and if we had people that were working here, then we could have gone and stopped it from happening.* **Napranum women**

In remote Australia, it was frequently raised that training for PLO positions should be made available to the local community in order to ensure that the PLO has genuine relationships and local cultural and community knowledge.

> *The PLOs are local … There are two when we should have more Police Liaison Officers. The rest are police. We need cadetships and more training around being a Police Liaison Officer.* **Woorabinda women**

These roles are highly specialised, and if PLOs are not adequately supported by their police peers to work in a culturally appropriate manner, there is a risk that a PLO will not be supported by the community.

> *There's a liaison officer there now, but he's not based here. He doesn't come around unless he's looking for someone. That boy, he's a relation of mine, so I can say what I want about him! But he needs to be around here building relationships if he's a liaison officer, not just coming around when he wants something or wants us to help him find someone. But that's probably what the police are making him do too. That's just the way they want that role to work. He might not be the one who's deciding to work like that.* **Napranum women**

In one remote location, it was reported to me that the PLO was intimidated by the rest of the local police force into not speaking out on areas of community concern.

> *You got to follow the rules even if you are a Black police officer—we used to have someone who would go pick up the kids. Police Liaison Officers are funded by state ... [We have] 10–11 [year old] kids locked up. The Police Liaison Officer is too scared to say anything.* **De-identified engagement**

In the same location, women expressed their frustration that the PLO did not have any authority and they called for an expansion of PLO powers.

> *Police Liaison Officer they can't do anything until ... there is a shift with the white police officers. Those Police Liaison Officers should interact with the families, they should be able to take people home on the streets. The Police Liaison Officers don't have any authority. They should be interacting with carers in the community. Police Liaison Officer should take the aggro one home to my house and leave the victim— they don't [do] anything.* **De-identified engagement**

As with many other gaps in the community, Aboriginal and Torres Strait Islander women spoke of volunteering their time in order to ensure that the community is getting the best outcomes.

> *Woman 1: And even like a liaison worker based with the police. Like an Indigenous liaison officer.*
> *Woman 2: We don't have one*
> *Woman 1: They just call me. I do it voluntary and don't get paid. Haven't lately don't know why. Probably new police coming in. It is a training centre. They are sending new ones out here.* **Longreach women and girls**

These issues have been raised in past reports, most recently the ALRC's *Pathways to Justice* report:[164]

Text Box 6.5: Recommendation 14-4 from The Australian Law Reform Commission's Pathways to Justice Inquiry Report

In order to further enhance cultural change within police that will ensure police practices and procedures do not disproportionately contribute to the incarceration of Aboriginal and Torres Strait Islander people, the following initiatives should be considered:

- increasing Aboriginal and Torres Strait Islander employment within police;
- providing specific cultural awareness training for police being deployed to an area with a significant Aboriginal and Torres Strait Islander population;
- providing for lessons from successful cooperation between police and Aboriginal and Torres Strait Islander peoples to be recorded and shared;

- undertaking careful and timely succession planning for the replacement of key personnel with effective relationships with Aboriginal and Torres Strait Islander communities;
- improving public reporting on community engagement initiatives with Aboriginal and Torres Strait Islander peoples; and entering into Reconciliation Action Plans.

(d) A proactive diversionary approach

Aboriginal and Torres Strait Islander women and girls have high levels of recidivism, showing that prisons in Australia are not achieving a rehabilitative purpose for them. A shift to a proactive, preventative approach is needed.

A 2013 study by the Closing the Gap Clearinghouse, on *Diverting Indigenous offenders from the criminal justice system,* reiterates the importance of diversion and diversionary programs. It found that:

- Diversion programs of between 12 and 18 months have better outcomes than those of very short or extended durations.
- On-the-job work experience and other forms of support, such as mentoring, help reduce reoffending and promote reintegration into the community.
- Culturally-appropriate treatment initiatives and rehabilitation boost the participation in and completion of a diversionary program.
- Programs that address the concerns of Indigenous defendants by involving Indigenous Elders or facilitators in delivery work better.[165]

Diversionary programs are designed to divert people from further interaction with the criminal justice system in circumstances where sentencing is unlikely to be effective in preventing further offending. Diversions rather seek to address the cause of offending.

Throughout the consultations, women and girls highlighted the need for diversionary programs for both juveniles and adults entering the criminal justice system. Diversionary programs that address the causes of offending were seen as a critical measure in interrupting the cycle of incarceration, further marginalisation and recidivism.

There was also an emphasis on redirecting funding from the criminal justice system towards the key drivers of criminal behaviour as a measure to prevent offending in the first place.

Across the country, many of the women and girls I met with were keen to see the development of more early diversionary programs available for referral from police that could be alternatives to formal charges and further processing.

Women further highlighted the importance of self-determination and autonomy in designing and delivering diversionary processes. Culturally-safe diversionary programs are likely to be more effective and are likely to encourage greater completion rates amongst Aboriginal and Torres Strait Islander peoples.

> *We are our own subject matter experts. Whether it be work, whether it be personal, whether it be family, we are the experts in what we see will work for our communities, and our families. So, bringing it back to that, we are the subject matter experts and people need to start looking at us in their own terminology. Subject matter expert, you know that is a white man's word. For us, we be calling them elders, our elders are our subject matter experts.* **Sydney women**

Rehabilitation, diversionary and prevention programs must meaningfully engage our women and girls. These programs should help them establish a strong sense of self-worth and encourage them to take control of their own path.

Text Box 6.6: Dilly bag workshop

Dilly Bag is a small group residential workshop which draws on cultural principles and the strength of our Aboriginal heritage in order to promote healing, to motivate and unlock the potential within each participant. Djirra has delivered this to women on Community Corrections Orders, filling an important gap in culturally-safe, Aboriginal-designed and led healing programs for criminalised Aboriginal women. **Djirra submission**

Women identified that there were instances in which the need for diversionary support would need to be targeted specifically to Aboriginal and Torres Strait Islander women.

> *Women and children specific support services to help them get out of domestic violence situations.* **Dubbo women**

A trauma-informed approach and a focus on healing have been emphasised in discussions about successful diversionary programs.

> *We need more healing centres, you know, we've talked about trauma before, the high rates of incarceration is due to our girls and boys not being able to deal with their trauma, so I would like to see a push for change in that area so that we are able to give them that access to that you know when they do get out there, that there is hope at the end of the tunnel.* ***Sydney women***

Healing that is focused on strengthening connection to country and culture was considered to be the most appropriate diversion for Aboriginal and Torres Strait Islander young people in particular.

During engagements with senior women, they emphasised the importance of our young people engaging with our elders, on country, and being connected to our culture as prevention and diversion from coming into contact with the criminal justice system:

> *Yiriman that woman one Nyikina, Mangala, Karajarri and Walmajarri [language groups] they bin all joined up as the neighbours, all the language groups and say 'we want take kids out on country, we want to go back with all the Yiriman woman on country, got all the young girl, we want to learn em but them things' and that is how they bin start … All the young people, and if they have problems, instead of sending them down south to juvenile detention, you know kid for jail, take em out la bush and do cultural teaching with them …* ***Fitzroy Valley, senior women's engagements***

In several locations, women raised the lack of alternative diversionary programs for Aboriginal and Torres Strait Islander people, particularly those with cognitive disabilities and mental health problems.

> *Drug and alcohol there are diversion officers, but there is no one for mental health.* ***Geraldton women***

I also heard of diversionary programs that were only available to men; that were restricted to either juveniles or adults; or were inaccessible due to the complexity of need exhibited by many Aboriginal and Torres Strait Islander peoples in the criminal justice system.

> *Mental health issues that are occurring in our communities. And we spoke about the dual issues, so our people that have both drug and alcohol issues, they can't be accepted in the facilities to help manage that. Can only have one or the other.* ***Dubbo women***

There is an ongoing need for gender-specific and gender-sensitive programs, developed with Aboriginal and Torres Strait Islander women, to address domestic and sexual violence, homelessness and poverty, mental health and cognitive impairment, and substance misuse issues.

A submission by Sisters Inside highlighted the need for effective, holistic programs targeted specifically at Aboriginal and Torres Strait Islander women and girls.

> *In our frontline work we see that Aboriginal and Torres Strait Islander women's experiences of family violence can lead to homelessness, incarceration and the removal of children ... Through our work we also see the strength of Aboriginal and Torres Strait Islander women and our women's potential when supported by culturally safe and specialist services that celebrate their culture and that they can trust. Our legal support and early intervention and prevention services support Aboriginal and Torres Strait Islander women to break the cycle of violence, trauma, imprisonment and isolation.* **Sisters Inside submission**

> *So why aren't we pumping more funding into programs that we can run back on country, an example is many, many moons ago. Uncle used to run a program back on country, so whenever any of the kids were getting into trouble, he used to take them out to Yandeyarra, and a part of it was around hunting and gathering and cultural stuff, you know. We have a lot of ranger programs at the moment being government funded, where instead of sending our kids away, send them back on country, they don't have to be from that area but it goes back to that about identity and feeling of worth, that they respect the culture and the language. A few months back the Martu people met with the high court judges back on country, and that is the direction that they are trying to go is instead of sending Martu kids to Banksia hill, moving them back to country and dealing with things from a cultural perspective because that shame factor it causes more disadvantage, and feeling shame about what they have done.* **South Hedland women**

It is unacceptable that the absence or scarcity of diversionary programs is a determining factor in Aboriginal and Torres Strait Islander people being formally charged or receiving a prison sentence, when a rehabilitative approach would have been a justified and more appropriate response.

A 2007 report of the Standing Committee on Aboriginal and Torres Strait Islander Affairs on its inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system, found that:

> *Current legislation governing diversionary schemes allows police significant discretion in determining whether an individual should be charged and then referred to court or to a conference, or whether they should simply be cautioned. Commenting on the use of diversionary options by New South Wales Police, the Public Interest Advocacy Centre submission noted a 'significant discrepancy in the use of diversionary options amongst individual police and command areas ... [and] regular misuses of police discretion that disadvantage Indigenous juveniles'. This view was echoed by a number of Aboriginal and Torres Strait Islander Legal Services (ATSILS). The combined ATSILS submission noted that 'the entire issue of front-end entry to the criminal justice system as the result of decisions made by police at the point of first contact with Indigenous youth is a deep systemic problem'.*[166]

Diversionary programs play an important part in reducing the number of Aboriginal and Torres Strait Islander peoples entering the justice system. A greater range of diversionary programs that support Aboriginal and Torres Strait Islander peoples to address the key drivers of incarceration may encourage police to utilise existing forms of diversion, such as cautioning and conferencing, with greater confidence that it will deter reoffending.

Programs that are designed to address the underlying causes of offending, that are healing-focused and designed and delivered by Aboriginal and Torres Strait Islander peoples, are also likely to have a far more positive impact on juvenile offenders.

> *They need to be out on country, to get their spirit back. The spirit of the land is there to help those young people and our parents need a chance to take them home. There is more that the family can do with their kids at home than the government can do with our kids in detention. All that money that is spent on keeping kids in detention could be better spent by providing on country traineeships for our youth that will give them hope for their futures.* **Children's Ground submission**

We must do all we can to prevent our young people becoming incarcerated. Alternatives to formal involvement in the justice system through the adoption of community policing approaches and the use of police discretion is equally important to the availability of diversionary alternatives during court processing.

But what they should look at doing, because they are mostly minor offences, rather than sentencing them and those women then losing their kids and their homes and everything. Look at alternative pathways to dealing with our women rather than putting them in prison for these minor offences.

That was what we were speaking about, because our families are breaking up because the system is flawed and all these silly little things, not paying a fine—a new pathway needs to be set in place in this country for alternatives like doing community work in an organisation for four months to help these women get different skills and influence.

This is what we also spoke about because it is also about empowering our women, giving them an opportunity and chance some of them may not have had that. If you have to go to an organisation for 4 months and work there, they then pick up those skills, they can put that on their resume, it makes them a better person, it gives them hope and faith about themselves, that little bit of time working with an organisation, all of you have strong women in each of these organisations in this community. One of you could—you wouldn't believe how empowering that could be for somebody. Just one of you could save somebody's life, somebody's home from being broken or something.

That's what we have to look at in alternative pathways to sentencing for Aboriginal and Torres Strait Islander women in this country. ***Rockhampton women***

Text Box 6.7: Galambany Circle Sentencing Court

The Galambany Circle Sentencing Court is a specialised court within the ACT Magistrates Court established to sentence Aboriginal and Torres Strait Islander offenders who plead guilty to an offence. The name of the court changed to Galambany from the Ngambra Circle Sentencing court in 2010 as recommended by participants in the circle court and agreed to by the ACT Elected Body and Ngunnawal Council of Elders.

The purpose of the Galambany Circle Sentencing Court is to provide a culturally-relevant sentencing option in the ACT Magistrates Court jurisdiction for eligible Aboriginal and Torres Strait Islander people who have offended. The circle sentencing process gives the ACT Indigenous community an opportunity to work collaboratively with the ACT criminal justice system to address over-representation issues and offending behaviour.

The court aims to:

- involve Indigenous communities in the sentencing process
- increase the confidence of Indigenous communities in the sentencing process
- reduce barriers between the courts and the Indigenous communities
- provide culturally relevant and effective sentencing options for Indigenous offenders
- provide offenders with support services that will aim to assist in reducing offending behaviour
- provide support to victims of crime and enhance the rights and place of victims in the sentencing process
- reduce repeat offending in Indigenous communities.

The Galambany Circle Sentencing Court deals with both adult and young offenders.[167]

These alternative programs and court supports should be widely available across Australia, including in remote and very remote locations. Incarceration of Aboriginal and Torres Strait Islander peoples should be a measure of last resort.

(e) Justice reinvestment

Incarceration costs an average of $110,230 per person in 2017–18 (based on a daily amount of $302).[168] Internationally, we spend far more than the average OECD country per prisoner.

Despite spending this much, our prison system does not significantly reduce crime or rehabilitate people. Of the prisoners released in 2015–16, 45.6% returned to prison within two years and 54.2% returned to corrective services.[169]

Notably, these rates have risen since 2015.[170]

By spending more money on incarceration facilities and a 'tough on crime' approach, governments are wasting an opportunity to address the drivers of crime. Justice reinvestment requires an initial outlay of funding but has been shown to result in the long-term reduction of crime rates and costs.

> *The change we want to see is prevention, investment in prevention, we want the dollars there. We need justice reinvestment.* **Geraldton women**

The Special Rapporteur on the rights of Indigenous peoples, in her country report on her visit to Australia, stated that Australia 'urgently needs to move away from detention and punishment towards rehabilitation and reintegration'.[171]

This report was highlighted in the submission from the Aboriginal Family Law Service:

> *Furthermore, locking up people costs vast amounts of money to taxpayers. For instance, I was told that detaining a young person costs between 170,000 and 200,000 AUD per year. Such funds should be allocated towards prevention and reintegration. In this regard, I understand that there have been a number of local diversion initiatives, often referred to as justice reinvestment programs, designed to address the causes of crime in specific communities. I visited Redfern's 'Clean Slate Without Prejudice Program' which is run by an Aboriginal organisation in collaboration with the police and has contributed to a significant drop in the inner Sydney suburb's crime rate over the last few years. I encourage the Government to conduct a comprehensive assessment of existing initiatives and replicate, while adapting these community led initiatives to local conditions, in targeted areas throughout the country.* **Aboriginal Family Law Service WA submission**

It costs a vast amount of tax-payer money to incarcerate people, with detaining children an even higher cost. Funding should be reallocated, at least in greater part, to prevention and reintegration programs, such as justice reinvestment programs, as a way to reduce incarceration rates.[172]

Justice reinvestment provides a good framework to address Aboriginal and Torres Strait Islander incarceration. Rather than focus on an increasingly punitive and reactive approach, justice reinvestment seeks to holistically address the drivers of offending and incarceration. Justice reinvestment would also, in the long-term, deliver a better use of government resources.

> *All the investment is crisis related. There is no prevention.* **Brewarrina women**

Text Box 6.8: The Maranguka project

The Maranguka project in Bourke is the first major justice reinvestment trial in Australia. In the first phase, results included:

- 23% reduction in police recorded domestic violence incidence
- 31% increase in Year 12 student retention rates
- 38% reduction in juvenile charges across the top five offence categories
- 14% reduction in bail breaches
- 42% reduction in days spent in custody.[173]

A recent evaluation estimated that the changes in Bourke during this time had a gross impact of $3.1 million, with two thirds of this impact relating to the justice system and one third to the broader community.[174] The operational costs of the project for this period were only $0.6 million.[175]

Justice reinvestment is a significant move towards addressing the cycle of disadvantage that exists in some communities and contributes to the high levels of imprisonment.

> *Can you flip that round—we don't want jails. We want reinvestment in ourselves before it gets to jails.* **Mount Isa women**

(f) Alternative sentencing options

There are multiple factors affecting a person coming before a court. Courts require full information of all relevant circumstances and mitigating factors if outcomes are to be just.

Mandatory sentencing laws in Western Australia and the Northern Territory have a disproportionate impact on Aboriginal and Torres Strait Islander peoples. The 'three strikes' rule was raised frequently at engagements across these jurisdictions.

> *One of the things we could do is get rid of the three strikes laws. Manifesting racism. Doesn't change anything. It locks these kids up. Not smart on crime locking kids up. There is no justice reinvestment.* **Perth women**

There needs to be greater scope for judicial officers to apply discretion. This discretion must be used in conjunction with strong cultural training and appreciation of historic and current community factors to mitigate against discrimination.

They have issues beyond committing the crime and that is not being addressed. There are underlying issues. The judge and the magistrate is not factoring that in. Yes, what is the real story of the kids. I wrote a letter to the magistrate. They are dealing with the crime and not with the issues, underlying issues for that child. Not looking at their situation. **Geraldton women**

In engagements across Australia, women consistently conveyed frustration that the courts did not take into consideration the impact of sentencing on the family and community. In NSW, it was suggested that there should be a particular focus on diverting women with children from court and incarceration.

Consider diversions away from prison for women with children—our children should not end up in OOHC because mum committed a minor offence. **Dubbo women**

In 2018, the ALRC suggested that sentencing should take into account the impact of incarceration of a primary carer on his or her children.[176] This is especially relevant for Aboriginal and Torres Strait Islander children, whose removal into out-of-home care perpetuates a cycle of disconnection and disadvantage.

Greater support is also needed for those assisting our people with mental illness and cognitive impairment through the court system. This is particularly important where a mental illness or cognitive impairment is identified, and an individual is found to be unfit to stand trial.

A 2012 Report by the then Aboriginal Disability Justice Campaign (ADJC), found that people with cognitive impairment (compared to people without cognitive impairment):

- are more likely to come to the attention of police; are more likely to be charged; and are more likely to be imprisoned
- spend longer in custody than people without cognitive impairment; have far fewer opportunities in terms of program pathways when incarcerated
- are also less likely to be granted parole; and have substantially fewer options in terms of access to programs and treatments, including drug and alcohol support, both in prison, and in the community when released.[177]

This sets a troubling precedent of people being locked up for longer than any maximum sentence they would have otherwise received. This also effectively blocks a court from fulfilling its function of delivering justice by, for example, reducing a sentence. The high rates of cognitive impairment amongst Aboriginal and Torres Strait Islander women and girls in incarceration leaves them far more vulnerable to indefinite detention.[178]

> *Someone was in [regional prison]. In there for years for something he didn't do [because he] had intellectual incapacity. Possibly Fetal Alcohol Spectrum Disorder.* **Geraldton women**

As recommended by the RCIADIC, there remains a need for judicial officers to participate in cross-cultural training and development programs.[179] It was considered that a greater level of cultural awareness and understanding of social and historical influences on Aboriginal and Torres Strait Islander disadvantage would contribute to a more flexible approach by the courts to divert offenders and address the disproportionate rate of Aboriginal and Torres Strait Islander people currently being herded through the criminal justice system.

> *I suppose the thing is that we need more support in the legal system, so that they are given an option, that option is available for a period of 6 months to be able to do some sort of behaviour change and therapeutic interventions because once they get to the sentencing, they can have all the sentencing options in the world. One sentencing option could be ok you are not going to go to jail but you know you might go on a pathway to do training or employment, but the thing is there that there is a conviction and it is the conviction that shows up with the criminal history check and the blue card check. So, it is around working with our judicial systems to look at those bail options so they don't get that conviction. So they don't get the record that is the thing.* **Rockhampton women**

(g) Resourcing of remote communities

Under-resourcing can have a significant effect on the relationships between police and Aboriginal and Torres Strait Islander communities. This is particularly evident in remote and very remote parts of Australia where police are expected to cover large geographic areas, communities do not have a permanent police presence, and police stations are often unstaffed or closed.

Limited staff for large geographic areas limits the ability of police to respond quickly to calls for help. Given the high proportion of Aboriginal and Torres Strait Islander peoples living in remote and very remote areas, this further exacerbates the perception that police do not respond to Aboriginal and Torres Strait Islander matters.

> *Then police take 2 or 3 days to get here. We are worried about our young ones. The kids are looking at us—the problem is continuing. Ernabella have their own police station, Mimili too. We want our own police station. When they do come they do not drive around, they do not come and talk to anyone. If we want to tell our stories, they are already gone.* ***Indulkana women***

> *They should have round the clock police. Our police they knock off at three and we then got to ring to [nearby hub] and it takes them two hours to come to us and get help. We have police in [this community] but they don't work 24-hours.* ***Woorabinda women***

A lack of permanent police presence limits the possibility of developing meaningful relationships with the communities they serve. This was raised in regional locations as often as remote areas.

> *We used to have really good relationships and police used to know the families. It feels like fly in fly out town now, people just come into community and don't really care. Don't live in [regional town], they all live in [regional town <1 hour away], so they don't spend money in the local economy, and don't form that local connection. Do a good job, fantastic job. But hard for them to get to the heart of a crime because they don't live in community and know things. And so stretched.* ***Kempsey women***

In towns and communities that do have a police presence, some of the women and girls I met with highlighted the difficulty of creating relationships with a relatively transient police force. The tendency for police officers to do short-term placements in remote and regional areas means that, without adequate cultural and community training, they are unable to grasp the complexities and relationships within the community.

> *I think they come out onto community to get their stripes. They need to do training and cultural awareness.* ***Woorabinda women***

The RCIADIC identified the importance of stability in police placements and the need for special incentives to encourage longer periods in communities and to identify and recognise officers who are doing good work.[180]

> *When those people come and go, example police be here for 4 years, they might build a relationship, get something up and running whatever, then they have to go.* **South Hedland women**

In remote and regional locations where the police station serves as the point of contact for licensing and registration, an unpredictable police presence means that essential services are unavailable.

> *The police do not really do their job. They answer the calls in [nearby town]. I wanted to register my car, I rang three times, and then no answer. So, I am driving my car around unregistered. I try to do the right thing, register my car, but then I cannot. I go to the station and no one is there. The gate is always locked … Police always are out of town.* **Mimili women**

A small police force also means that there is rarely the gender and cultural representation that allows culturally appropriate and respectful relationships to develop. Women and girls also identified the need for more female officers. Without female officers, some women and girls are reluctant to engage with police.

For some Aboriginal and Torres Strait Islander cultures, where there are strict expectations about the conduct between men and women, it may be considered particularly disrespectful and inappropriate for male police officers to be dealing with women.

> *Yes, should have men and women police. [If women get in trouble], they need a woman to take them away not a man.* **Indulkana women**

Similarly, Aboriginal and Torres Strait Islander police officers can make a significant difference to the relationship between police and communities. A police force comprised entirely of non-Indigenous police officers can leave communities feeling that modern policing is a continuation of historic, oppressive governmental control of Aboriginal and Torres Strait Islander peoples.

> *We want a woman police or community Anangu policeman. We have white police here in [this community]. Women have been asking for a long time. Twenty years. We've had constant issues coming up.* **Yalata women**

(h) Cultural representation in courts and legal services

The court system is a culturally confronting one for many Aboriginal and Torres Strait Islander peoples. Our cultures have been alienated from courts, and they have been previously identified as being concertedly non-Indigenous.[181] One attempt at addressing this alienation has been through the introduction of Murri and Koori Courts.

An evaluation of Victoria's Koori Court found it to be 'more engaging, inclusive and less intimidating than the mainstream court'.[182] Queensland's Murri Court has seen an increase in appearance rates, opportunities to access rehabilitative services and is reportedly highly valued by Aboriginal and Torres Strait Islander peoples.[183] The Aboriginal and Torres Strait Islander women and girls I met with were unanimously supportive of Murri and Koori Courts wherever they existed.

> *The impact that programs like the Koori court, circle sentencing have had is very significant. Through these structures, people feel like they can be part of a process instead of something being done to people. Education also brought in to have a seat at the table because often dislocation with the education system plays a role. It is a holistic way of working with community—this needs to happen more. Aboriginal business needs to happen in the court room.* **Hobart women**

However, Aboriginal and Torres Strait Islander sentencing courts remain limited in number and scope and it is estimated that over 95% of Aboriginal and Torres Strait Islander peoples appearing in court do so in mainstream court settings.[184]

Many women and girls in locations across Australia identified increased Aboriginal and Torres Strait Islander courts as central to improving outcomes for Aboriginal and Torres Strait Islander peoples in the criminal justice system.

> *And the courts here. We used to have [an informal community-led] court that used to happen here in the community. Our elders were important part of making sure that this community stayed out of trouble then, like away from the police and the courts. We could sort stuff out ourselves then and everybody knew that the old fellas would sort it out and then we would just leave it there and it wouldn't just keep on and on. But everyone used to respect that way back then.* **Napranum women**

This was further supported by the report from the Special Rapporteur on the rights of Indigenous peoples, as quoted in a submission from the Aboriginal Family Law Service.

> *Another justice initiative which I visited and was impressed with is the Children's Koorie Court in Melbourne. The Children's Koorie Court involves the participation of elders and respected persons from the Koorie community in the court process and aims to reduce imprisonment and recidivism. The results are so far encouraging and I strongly recommend the use of such process to be extended to other jurisdictions.*
> **Aboriginal Family Law Service WA submission**

It was raised at an engagement in inner regional Queensland that the courts further needed to understand the difference between Aboriginal and Torres Strait Islander cultures. The diversion of Torres Strait Islander people to a Murri court should not be considered a culturally appropriate measure.

> *The courts need to recognise the cultural practice that as the two groups of people we all have different cultural practices. We're different to our Aboriginal brothers and sisters. So, they need to [recognise] it is not all the same things for all of us. Culture.*
> **Rockhampton women**

The proportion of criminal matters involving Aboriginal and Torres Strait Islander peoples in courts across Australia highlights their disproportionate involvement in the criminal justice system. Based on jurisdictions where data is available, Aboriginal and Torres Strait Islander peoples represented between 15.8% (South Australia) and 75.7% (Northern Territory) of proceedings.[185]

> *Available information also suggests that Aboriginal and Torres Strait Islander women and girls are more likely to be imprisoned for minor offences than non-Indigenous women. In our experience, it is common for women to have a significant number of charges for stealing (usually low-level shoplifting), fraud (usually Paypass transactions under $100 for cigarettes, alcohol or food), possession of illicit drugs, and fare evasion, in addition to more 'serious' charges such as assaults.* **Sisters Inside submission**

In several locations, women who had been through a mainstream court experience told me they felt they were pushed through a process that they did not understand.

> *Some of the solutions … Community education about justice, bail sentencing, procedures and laws, systems and changes of law. Justice group needs to be resourced and proactive to support outcomes, and [we'd have] less people ending up in prison.* **Yarrabah women**

The need for better education around law and court processes was raised in several locations.

> *Our mob keeps getting treated differently we have to know how the system works, wanting to beat it so we can stand our ground.* **Napranum women**

It is also essential that Aboriginal and Torres Strait Islander women have access to legal services. Aboriginal Legal Services (ALS) are the preferred representation for the Aboriginal and Torres Strait Islander women and girls that I met with, and there was a general acknowledgement that these services were underfunded and overworked.

At several engagements, women raised the issue of the ALS being unable to represent them due to conflicts of interest. This is especially problematic for Aboriginal and Torres Strait Islander women who have experienced family violence, as their partners have often previously sought representation from the ALS.

> *That happens in the justice system. Because I worked a lot and I know my daughter's experience is the same. She's a young grandmother, and she has experienced the same thing… there needs to be something done, because a lot of [legal] services say, 'It's a conflict of interest', another one say, 'No, we can't take them to court [either]'. You know, where do we go from here?* **Alice Springs women**

(i)   Connection to culture while incarcerated

Women and girls that I met with were particularly concerned about disconnection from culture, community and country while women are incarcerated.

I heard from women and girls in incarceration and in community engagements across the country about the importance of cultural programs and maintaining connection with elders. Given the highly challenging environment faced by women and children in incarceration, strengthening cultural connection was seen as a critical component of wellbeing and rehabilitation.

> *Everybody stuffs up, why aren't there programs with our elders to build up our kids so they come out better.* **Katherine women**

I spoke to a number of girls and young women who were currently or had been in detention and they highlighted the importance of cultural programs and mentors for young people.

In several instances, girls told me that it was the cultural mentorship provided during their incarceration that gave them the most stability and guidance throughout their detention. Three girls who had returned to detention identified the continuation of cultural mentorship to be a critical, but often an overlooked aspect of their release plan.

> *Mentoring program. An Indigenous centre would be better, so you have good people to look up to. Having a cultural mentor like the one we have here on the outside, that you made contact with in here, that would help.* ***Reiby Juvenile Justice engagement***

Several staff members and cultural support officers at both adult and juvenile facilities identified that cultural programs and mentors helped to create bonds between prisoners that provided vital social and emotional support during incarceration.

> *You need someone to go to on the inside who can support you. You talk let it out and calm down… we need to look after each other and keep each other going and finding ways not to let what happens on the outside affect us in here. Other than each other, there is no counselling support.* ***Kalgoorlie women's prison***

Having Aboriginal and Torres Strait Islander staff employed within detention facilities is critical during our girls' formative years. Dedicated Aboriginal and Torres Strait Islander mentors act as positive role models, surrogate family and trusted navigators of a challenging system.

> *Girls come in [to detention] and that's what they like about this place—having staff to yarn with… staff like[Aboriginal mentor]. The Centre said [Aboriginal mentor] shouldn't be in touch with girls after they go, he's not allowed to talk to us on the outside. [Aboriginal mentor] told them to go to hell. If there's an Aboriginal girl that needs his help on the outside, he's going to try and help them. I wish all the workers were like that.* ***Reiby Juvenile Justice engagement***

Access to cultural programs delivered by the local community is equally important. Even for young people who are in detention off their traditional country, local cultural programs allow girls to maintain regular contact with people outside the prison system that understand them and their lives. It is also a culturally safe and familiar opportunity in which to build supportive relationships with other Aboriginal and Torres Strait Islander girls in detention.

All prisoners may apply for leave on compassionate grounds in order to attend funerals. Consideration of compassionate leave is based on the relationship between the prisoner and the person who has passed away, but is often assessed strictly on the basis of Western perspectives of family and social relationships.

> *Also for the prisoners, it is hard to come out of jail, like only white man law if your mum and your dad die, there is no understanding that we all family, that kind of thing. That's about it yeah.* **Roebourne women**

Aboriginal and Torres Strait Islander perspectives on which relationships are important and central to our lives is poorly understood and the importance of Sorry Business is easily dismissed. This includes a lack of acknowledgement that there can be ramifications for missing Sorry Business that will make reintegration into the community unnecessarily more difficult.

> *The officers are unaware of women bringing up many family members and supporting people in community and cultural and skin connections. They don't realise how important it is to attend funerals to pay respect. There are many funerals that women have not been able to attend, and that grief holds them down. If the women miss out on a funeral, then they'll get a hiding from their family. It is seen as very disrespectful.* **Geraldton women's prison**

The importance of prisons employing more Aboriginal and Torres Strait Islander staff was also raised in respect of creating an environment that was more culturally informed, supportive of women's cultural identity and respectful of their right to maintain cultural and community connections.

> *Need to change the whole structure of the prison. Employ more Indigenous staff. Have Indigenous supports and counsellors.* **Kalgoorlie women's prison**

6.3   The Current Situation

(a) Mistrust and fear

The relationship of mutual respect and collaboration, most of the women I spoke to would like to see, was often far from the situation being experienced on the ground.

Instead, I heard story after story expressing fear and mistrust of the police in their region. This was of genuine concern. I was particularly disturbed to hear that in an unsafe situation, our children do not consider the police to be a safe point of contact.

> *Don't trust the police. They look scary. Don't know what they might do to you or where they might take you.* **Fitzroy Valley girls**

Aboriginal and Torres Strait Islander women and girls spoke to me of a genuine fear of engaging with the police. This is often a fear that any appeal will be met with a disproportionately aggressive or heavy-handed response. Neither is unfounded, the use of excessive force is both well-documented and a relatively common complaint from Aboriginal and Torres Strait Islander peoples.

> *Police come in straight away, 30-40 police for one man, and tore the house apart. Blocked all traffic—like prisoners. Kids traumatised by that. We are all frightened of guns.* **Kempsey women**

The Healing Foundation submission highlighted a summary of the most common reasons women fail to report violence in Aboriginal and Torres Strait Islander communities, several of which were directly related to their fear of police and the criminal justice response:

- *A reluctance to report because of fear of the police, the perpetrator and perpetrator's kin.*
- *Fear of 'payback' by the offender's family if he is jailed.*
- *Concerns the offender might become 'a death in custody'*
- *Negative experiences of contact with the police when previously attempting to report violence (such as being arrested on outstanding warrants).* **The Healing Foundation submission**

There are documented tragedies that speak to this fear.

In 2019 in Geraldton, police responded to a call from the family of Yamatji woman, Ms Clarke. After being discharged from a mental institution, Ms Clarke was having difficulty and her family called police to assist them getting her to hospital. In the ensuing exchange, Ms Clarke was fatally shot, and the family's spokesperson, Sandy Davies, has relayed that the family had decided that regardless of the circumstances, they would never phone the police for help again.[186]

> *Really early in their life they experience trauma at the hands of police, school, children's services, they have a sense of distrust, resistance or resentment. When they later might need help they won't access it.* **Brisbane women WOW session**

In 2016, the Federal Court of Australia found that police officers in Palm Island had breached the Racial Discrimination Act on nine occasions.[187] In particular, the judgment outlined that police had acted in an excessive and disproportionate manner when declaring a state of emergency and raiding family homes, and that this was because they were dealing with an Aboriginal and Torres Strait Islander community. The court found that the police showed attitudes of impunity, disregard, lack of care and a wish to retaliate against the community.[188]

Across Australia, I heard many stories of police continuing to act with similar attitudes of impunity and disregard for Aboriginal and Torres Strait Islander communities. These stories were certainly more prevalent in the remote and very remote locations I visited.

> *They used to take kids off the street and flog them. [The police] have been running amok for too long.* **Geraldton women**

A number of women and girls in all states and territories spoke of verbal abuse they would experience from police. They shared stories of being spoken down to, being spoken to in a humiliating or degrading manner, and being referred to with profane and racist terms.

> *When I first came up here, I found it to be a real racist place. Even the police are disgusting, the things that they say to our Black women yeah man they get away with fucking murder.* **Mapoon women**

> *Police system is shitty. Too much power. They can say or do anything. They need to do the right thing.* **Broome girls**

In two locations women reported that police were planting evidence on Aboriginal and Torres Strait Islander people in order to justify arresting them and locking them up. In one case, women reported that it was children being targeted.

> *I saw them the other night. I saw three kids and they all looked clean. The policemen are planting stuff on kids and bringing them to court. That sort of thing goes on.* **De-identified engagement**

In a regional NSW location, police are reportedly condoning the targeting of Aboriginal and Torres Strait Islander children by people not associated with law enforcement.

> *Aboriginal kids are getting kidnapped—'citizen arrest'. Police don't show up until later. They said that the men trying to kidnap had every right to take the kids.* **De-identified engagement**

I heard frequent allegations of physical abuse by police.

> *Because we had a son that was bashed by the police. They tried to kill him. We have photos and everything. I have the photo. It doesn't stop there. Our family was bullied by the police. We get told the police hate our family and they come to our house.* **De-identified engagement**

In South Australia, New South Wales and Victoria, women made allegations of sexual assault perpetrated by police.

> *The police are a big issue. The police sexually assaulted young girls. They need to be educated on their rights.* **De-identified engagement**

This was also identified as a reason Aboriginal and Torres Strait Islander girls may not want to engage with the police if they are in need of help.

> *Hesitant to report incidents as a girl was raped by a local police officer.* **De-identified engagement**

In South Australia, women also said that police were using their positions to coerce young girls into sexual encounters.

> *They are taking young girls out bush. Give them $10. Take advantage of us. The young ones when they get drunk. They don't take them home. They take them out bush and give them $10. They then point out the policeman that gives you money … not local girls, they are vulnerable girls from [remote location].* **De-identified engagement**

Many women spoke of the burden of responsibility to protect their family from negative interactions with police.

> *I've been brought up with my mum, she's a strong woman, she's always taught me that you have rights, in this, you know, you have rights. She's always shown me through different stages throughout my life, you don't have to you know—sit down and shut up—you can voice your opinion, you know, and the police or government, you have rights there.* **Sydney women**

There needs to be strong structures for police accountability to protect against the abuse of increasing police discretionary power, which has a direct impact on the over-representation of Aboriginal and Torres Strait Islander women in justice processes.[189] Otherwise, there is potential for more extreme outcomes and ongoing trauma for Aboriginal and Torres Strait Islander peoples.

> *We're not owning and making the police accountable for the jobs that they do. They're there to protect and serve, but they're actually doing a lot of the wrong things themselves.* **Tennant Creek women**

(b) Police inaction

Throughout the *Wiyi Yani U Thangani* consultations, many women expressed their concern and frustration over police inaction to protect them from crime and violence.

Chronic under-policing and poor response times were considered to be reflective of racism in the police force and an associated apathy towards the lives and safety of Aboriginal and Torres Strait Islander peoples.

It was particularly noticeable in police response times and the attitude of police in responding to domestic violence, fighting and complaints about bullying, discrimination and racially charged threats to Aboriginal and Torres Strait Islander peoples.

> *All those racists and cops working together. White privileged system. So entrenched here.* **Kalgoorlie women**

> *There is a lack of policing. The police are telling everyone that crime rates are down but that is not true. Response is too slow or non-existent for Black on Black issues.* **Kempsey women**

There was a pervasive perception that police did not consider the protection or safety of Aboriginal and Torres Strait Islander peoples to be equal to that of other Australians.

> *Each and every one of us have our own little stories, my son … he was walking with his mate and was tried to get run down by a white man from Queensland, and the police did nothing about that. People think it is okay to do those things, they think it is okay to murder our kids, and we—our hands are tied as women, but we know it is wrong.* **South Hedland women**

The most common complaint regarding police inaction was with respect to discriminatory behaviour from police when it involved interactions between Aboriginal and Torres Strait Islander people and non-Indigenous people.

> *They chased my grandson and then they [tried] to run him over. They were assuming that my grandson had stolen from his property. If he would have fallen over, he would have run him over. [That white person] took the law in to his own hands. It terrified my grandson. It was the biggest fight for me to get this bloke charged. This police officer sat on his hands and didn't believe this boy. He chased my grandson and he is not allowed to do that—that's not right. You can't just do that. We need the justice system to work for these little kids.* **Geraldton women**

In Alice Springs and Kalgoorlie, I heard women say that the disappearances and deaths of Aboriginal and Torres Strait Islander peoples were not properly investigated and remained unsolved.

> *I have a really important issue, I tried to get the Minister to meet with me, but he wouldn't. I brought my niece over for a holiday and 2 hours after she got here, she disappeared and never been seen since. I done investigations myself and I think what may have happened to her, several Aboriginal women and men, have disappeared from Alice Springs without a trace and the police have hardly done any investigations … I think the youngest one was about 16, going back about 20-years ago. And so there are quite a lot and there really should be an investigation about disappearing, missing and murdering of women in Alice Springs.* **Alice Springs women**

The inaction of police in dealing with racially motivated harassment, bullying and threats was raised often throughout the consultation process, most frequently by girls who were experiencing direct harassment in public and by women who were concerned about frequent threats to children made on public social media accounts.

> *Bullying and social media, Facebook in this town is horrible. There is so much racism on those pages, I can't believe it's possible. Apparently, the law is you are not to say things like 'I will shoot that person' but it is allowed on our Facebook. We have police and admin monitoring the pages, it should not be happening. Things about killing our kids, running them over, shooting them.* **South Hedland women**

It was clear to me during some of these engagements that women and girls were living in genuine fear of some of these threats being carried out. It is a pervasive fear for mothers especially, who spoke about wanting to keep their children from school, from public places and away from the police. And yet there was a consistent message that police fail to act on any harassment or threats of violence towards Aboriginal and Torres Strait Islander peoples.

> *Physical violence—police don't respond they just let people bash each other.*
> ***Kempsey girls***

The ALRC and the Victorian Office of Police Integrity, amongst others, report that under-policing is often experienced disproportionately by women and girls facing domestic and family violence.[190] This presents a critical risk to Aboriginal and Torres Strait Islander women and children who are left vulnerable in dangerous situations where response time is crucial.

> *There was this other couple and police here told us 'We don't want to hear any phone calls. Don't ring unless you see blood.' That's what they said to us.* ***Borroloola women***

(c) Discrimination, harassment, targeting and stereotyping

Discriminatory treatment by police was identified as a determinant in the overincarceration of young people in the RCIADIC report and several studies and reports since.[191]

During the consultations for *Wiyi Yani U Thangani,* I heard many reports of over-policing of children and young people. A submission from Sisters Inside highlighted the nature and impact of this kind of over-policing on young Aboriginal and Torres Strait Islander women.

> *It has been widely recognised that Aboriginal and Torres Strait Islander communities are overpoliced. Women and girls routinely report harassment by police including police stopping them on the street for no reason. These interactions often lead to criminal charges. The intergenerational context of police violence and mistrust of police by Aboriginal and Torres Strait Islander women and girls, and communities more broadly, is poorly understood in the mainstream community.*

> *Aboriginal and Torres Strait Islander women and girls also experience high levels of surveillance by other community members in public spaces, which may also increase their contact with police. For example, surveillance in shops, at train stations or in hospitals can often trigger community members to call police to respond to perceived 'anti-social behaviour' or situations that involve significant distress for women or girls. The experience of being 'targeted' in this manner is very detrimental to young women's confidence.* **Sisters Inside submission**

Many of the girls that I met with spoke of being followed around the shops by police and security officers.

> *Yeah, racism is here … in the supermarket get followed by the cops.* **Newman girls**

There were numerous accounts of children being stopped by police in public for behaviour that would likely not draw attention if they were not Aboriginal or Torres Strait Islander.

> *My brother got pulled up by the cops because he was running to catch a bus and they assumed he was running because he'd done something wrong and [the police] stereotyped him, and questioned, 'Why are you running?' That then plays on my mind. We are telling our boys and girls that you need to watch how you behave in public. And we shouldn't be doing that. Shouldn't have to change our behaviour.* **Cairns women**

This is supported by recent research that documents the discriminatory practice of targeting Aboriginal and Torres Strait Islander youth in the New South Wales Suspect Target Management Program (STMP).

The STMP is a police policy that aims to prevent future crime by calculating future risk of offending and actively encourages police harassment of individuals that have been placed on the STMP. Children as young as 10 years of age have been targeted for monitoring, with 48.8% aged under 25 years. Young people who have been placed on the STMP report oppressive over-policing, including being stopped and searched in public several times a week, and visited at home by police for no reason, sometimes very late at night.[192] For the 2015 financial year, 44.1% of those identified by the program were Aboriginal and Torres Strait Islander.[193]

Women and girls across Australia have reported similarly discriminatory and deliberate targeting of Aboriginal and Torres Strait Islander children.[194]

Even with the kids when they are on the street, the police are just keeping an eye on them, bang straight away. And if one of them white kids are doing something wrong making trouble, you don't see the police. **Longreach women and girls**

Text Box 6.9: Over-policing and racism

Myall (17) has been involved with Sisters Inside since childhood. His strong relationships with several generations of his family have been reinforced and supported by our youth workers. He lives with an aunty who describes him as a good boy … not looking to get into trouble.

Many of the men in Myall's family have a criminal history and his aunt's house is known to the police from the past. Despite sharing a family name, Myall has only ever been charged with a single minor offence at age 14 or 15, which was compounded by his failure to appear in court. He reports that on 5 occasions during his 6 months on the run, his aunt's house was raided by 4–8 police officers searching for him due, solely, to his failure to appear. Meanwhile, he was watching the process hiding behind bins up the road. He was already too scared to turn himself in to the police (due to family reports of being bashed by police) and these raids added to his fear. As a result, his charges escalated … police behaviour indicated that they thought it wasn't sufficient for him to get a youth prison sentence. Myall reports having been bashed and called a little black dog (and similar) by police.

Within a few days of dealing with his outstanding legal matters with the support of Sisters Inside workers, Myall had got his driver's licence, taken a part-time job and returned to school. He now has a permanent fulltime job. Myall reports that he is continuing to be pulled over by the police constantly (at least weekly) and having his record checked, being asked for his name and details of what he's doing and having his personal belongings searched. Despite this, Myall's resilience is demonstrated by the fact that he has stayed out of trouble for several years. **Sisters Inside submission**

Women and girls told me that police harassment of youth included unjustified strip searching. The humiliation and intimidation of strip searches conducted on children has been documented in recent research conducted in NSW.[195]

The police relationship with young people is terrible. The kids are getting targeted for crimes that they didn't do. They are getting stripped searched in the streets. **Kempsey women**

In one remote Queensland location, women told me that children were being photographed by police.

> *We need to talk about police in this community. They target us because of the colour of our skin. They follow us around in shops and they stop our people like my young ones on the street and take photos of them, they say so they can know who is in the community. I told them to tell the police that only paedophiles take photos of kids.*
> **Mount Isa women**

It was also reported that Aboriginal and Torres Strait Islander children with complex learning and mental health difficulties are being targeted by police for behaviour that is directly related to their illness or disability. This is supported by evidence that Aboriginal and Torres Strait Islander children in prison are overwhelmingly presenting with complex trauma histories and untreated, and often undiagnosed, mental health problems.[196]

(d) Deaths in custody

The 2020 Black Lives Matter protests in Australia reflect what I have heard from women—of the urgent need to reform the criminal justice system and to end Black deaths in custody.

Since the RCIADIC, it is understood that over 430 Aboriginal and Torres Strait Islander people have died in custody.[197] A report from the Australian Institute of Criminology reported on 393 Indigenous deaths in custody between 1991–92 and 2015–16 and found that Aboriginal and Torres Strait Islander people accounted for 20% of all deaths in custody. As was the case according to the RCIADIC report, Aboriginal and Torres Strait Islander people today are not more likely to die in custody, although they remain significantly more likely to be arrested and imprisoned.[198]

The regularity with which these deaths occur, and the publicity that attaches to them, especially when the death has been the result of misconduct, neglect or other egregious behaviours, breeds a deep fear of incarceration in the community.

This fear can have the effect of amplifying disruptive behaviours within communities because women may choose not to report abuse, violence or substance misuse out of fear that they, or a family member, will die in custody.

> *Women, in particular, take on a burden of guilt that they cannot report because they don't want our people to go into prison. The deaths in custody report showed the impact of being in prison. Women are afraid about what would happen to their menfolk. This is a real issue.* **Hobart women**

> *Deaths in custody, my niece was the one in Hedland. The cops get away with it. They don't get charged … We have had two deaths in custody. The Kalgoorlie boy was one of mine too.* **Newman women**

The women and girls I met with were conscious of the continuing failure of successive governments to act on the recommendations of the RCIADIC and subsequent coronial inquests.

A Deloitte 2018 review verified these concerns. It found that after 28 years, over a third of the recommendations from the RCIADIC are yet to be fully implemented.[199] Recommendations from mandatory coronial inquests into specific deaths in custody also remain largely ignored.[200]

> *Police need to be held accountable. Those [RCIADIC] recommendations still not implemented.* **Canberra women**

> *The other one was that case of the young girl who went to jail for minor offence and she died in prison. So Western Australia has just put two big recommendations down on that alternative pathway. So, what you could do when you are talking about these things is just [implement] those recommendations.* **Rockhampton women**

Throughout the *Wiyi Yani U Thangani* consultations women spoke with me about the death in custody of loved ones, all of which were considered avoidable if only recommendations already made had been implemented.

The tragic death of Ms Dhu in Port Hedland, Western Australia, is a devastating example of this:

Text Box 6.10: Ms Dhu case study

Ms Dhu's death in 2014 while in police custody for unpaid fines is one of the most well-known examples of systemic failures of the justice system. Ms Dhu was arrested for unpaid fines. Less than 48 hours after being taken into custody she died from septicaemia related to a previous domestic violence injury. The coronial inquest found that the treatment she received from medical staff and police officers was 'unprofessional' and 'inhumane'.[201]

The Coroner commented on the power imbalance between Ms Dhu and the police which increased her dependency on them and, in turn, heightened their duty of care for her. A duty of care which was affected by 'underlying preconceptions'[202] about Ms Dhu, which led police officers and medical staff to believe she was feigning and exaggerating her symptoms. The assumptions and working practices and processes of staff meant that Ms Dhu's welfare and right to humane and dignified treatment was disregarded.[203]

The Coroner stated:

> *At the inquest, it was profoundly disturbing to witness CCTV evidence of Ms Dhu being treated, by some of the police officers, as if she were an object, as if she were invisible, and without regard for her dignity as a fellow human being.*[204]

The coronial inquest into Ms Dhu's death reinforced several of the RCIADIC key recommendations that there be an end to the imprisonment of people for unpaid fines and the introduction of a custody notification system.[205] Successive inquiries have also recommended an end to the offence of public drunkenness.[206]

(e) Notification

Custody notification is designed to ensure that Aboriginal and Torres Strait Islander peoples brought into custody have immediate legal advice and support from the Aboriginal Legal Service.

This was a key recommendation of the RCIADIC,[207] and has resulted in a demonstrated reduction in deaths in custody as well as reducing sentencing rates.[208]

Despite the fact that most states and territories now have some form of custody notification system, either legislated or detailed in police operation manuals, Aboriginal and Torres Strait Islander women in Queensland and the Northern Territory spoke of several instances in which children were kept in watch houses or transferred between facilities without anyone being notified.

Women shared with me the extreme distress of not knowing where their children are, only to find out they have been locked up.

> *That simple thing of when young people are put into detention and they're moved from Alice to Darwin and they don't tell the families. They don't tell the families. People often come up to me and they say do you know what's happened to so and so and they say, 'I didn't know that, we never got told'. How bad is that? How bloody bad is that, these are young people, whatever they've done they still have rights.* **Alice Springs women**

In one remote Queensland location, women stated that the Safe Custody Memorandum of Understanding between the Queensland Police Service and Aboriginal Legal Services (QLD) was rarely adhered to and children were frequently locked up in watchhouses without notification. In fact, the failure of custody notification procedures was so commonplace that there was a dedicated person nominated to check daily whether there were children in the watch house and notify families.

> *They've got children in the watch house locked up with adults. We have a Torres Strait Islander man go down every day to watch house and tell all the parents know who's down there. My niece had her grandson locked up there but didn't even know … We assume that the kids are with family, but they are locked up down there with nobody knowing for days. It's illegal but it happens.* **Mount Isa Aunty Dolly group**

Through the 2017 Royal Commission into the Protection and Detention of Children in the Northern Territory[209] and recent investigations into the treatment of children held in Queensland's police watch houses,[210] we have seen that the rights of children are being consistently violated while in custody.

> *The after-hours stuff when women are sitting up in those police cells with kids and things that have been taken into custody and the coppers and things are still questioning them with no adult person in the room.* **Brewarrina women**

Text Box 6.11: Royal Commission into the Detention and Protection of Children in the Northern Territory

The Royal Commission into the Protection and Detention of Children in the Northern Territory delivered its report to the Commonwealth and Northern Territory Governments on 17 November 2017.

This Royal Commission was specifically created to look at how children were treated in detention centres in the Northern Territory and to also look into the welfare system in the Northern Territory.

The Royal Commission was given more than 400 submissions and had over 480 witness statements including from former government ministers, Northern Territory government officials, current and former managers and staff members of youth detention centres, case workers, foster carers, principals and teachers, lawyers, healthcare workers, Australian and overseas experts, vulnerable witnesses and relatives and family of vulnerable witnesses.

The Report found that:

- youth detention centres were not fit for accommodating, let alone rehabilitating, children and young people
- children were subject to verbal abuse, physical control and humiliation, including being denied access to basic human needs such as water, food and the use of toilets
- children were dared or bribed to carry out degrading and humiliating acts, or to commit acts of violence on each other
- youth justice officers restrained children using force to their head and neck areas, ground stabilised children by throwing them forcefully onto the ground, and applied pressure or body weight to their 'window of safety', being their torso area
- isolation has continued to be used inappropriately, punitively and inconsistently with the Youth Justice Act (NT) which has caused suffering to many children and young people and, very likely in some cases, lasting psychological damage.

It also found that:

- the Northern Territory Government failed to comply with the statutory requirements that all children in out-of-home care have timely care plans
- there is a major shortage of available foster and kinship care placements
- Territory Families and its predecessors failed to provide the support needed to some children in care to assist them to avoid pathways likely to lead into the youth justice system
- the Office of the Children's Commissioner is under-resourced to perform its full range of statutory functions in relation to the care and protection of vulnerable children in the Northern Territory.

There were a number of recommendations and reforms that came out of the Report including:

1. closing the current Don Dale Youth Detention Centre and High Security Unit
2. raising the age of criminal responsibility to 12 and only allowing children under 14 years to be detained for serious crimes
3. developing a 10-year Generational Strategy for Families and Children to address child protection and prevention of harm to children
4. establishing a network of Family Support Centres to provide place-based services to families across the Northern Territory
5. a paradigm shift in youth justice to increase diversion and therapeutic approaches
6. developing a new model of bail and secure detention accommodation
7. increasing engagement with and involvement of Aboriginal and Torres Strait Islander organisations in child protection, youth justice and detention.[211]

An investigation by Amnesty International found 2,655 breaches of international standards, state regulations and police procedures in the Brisbane City Watch House against children, with some as young as 10.[212] During their investigation, there were 89 children in the Brisbane City Watch House and at least half of which were Aboriginal and Torres Strait Islander.[213] Another concerning report involving the same watch house was the detention of an Aboriginal and Torres Strait Islander boy with a neurodevelopmental disability and FASD. He was kept naked with only a blanket for days after refusing to get changed into an anti-suicide smock, being subsequently pinned down by multiple officers and undressed.[214]

(f) Children and young people in detention

As was the case in the 1986 *Women's Business Report*, the women and girls I met with were concerned about the number of young Aboriginal and Torres Strait Islander people with a criminal record. Today, there remains a distressing sense that incarceration is almost unavoidable for the most marginalised within our communities.[215]

> [Our children] are seeing jail as the norm—our old fellas fought hard for our freedom.
> **Perth women**

Young people do not belong in prison. As stated in one of Change the Record's key principles, punitive 'tough on crime' approaches to youth offending and misbehaviour fail to recognise that young people are still developing and that far more appropriate opportunities for support and positive reinforcement exist than putting children behind bars.

The detention of children should be a measure of last resort and for the shortest appropriate period, and no child should be held in detention on remand.[216] However, this is not the case for Aboriginal and Torres Strait Islander children in Australia.

Aboriginal and Torres Strait Islander children account for 58% of young people being held on remand and 48% of young people in sentenced detention, making them 26 times more likely than non-Indigenous children to be incarcerated.[217]

> *About 6 years ago I went for a job in Juvenile Justice for the female detention centre out at [location]. 100% women locked up were Aboriginal, 26 beds, that's 26 young Aboriginal women taken away off country, out of community, away from family and locked up, and that was for 6 weeks that number stat, 6 weeks, 100%.* **Sydney women**

The Special Rapporteur on the Rights of Indigenous peoples found the routine detention of young Indigenous children the most distressing aspect of her visit when she visited Australia in 2017. The accompanying report highlighted significant concern regarding the cycle of youth transitioning between out-of-home care and custody and a failure to use diversionary and community programs, recognising that these matters disproportionately affect Aboriginal and Torres Strait Islander youth. The visit report noted:

> *Several sources, including judges, informed the Special Rapporteur that, in the majority of instances, the initial offences committed by children were minor and nonviolent. In such cases, it is wholly inappropriate to detain children in punitive, rather than rehabilitative, conditions. Aboriginal and Torres Strait Islander children are essentially being punished for being poor and, in most cases, prison will only perpetuate the cycle of violence, intergenerational trauma, poverty and crime. The Special Rapporteur was alarmed that several of the young children she spoke to in detention did not see any future prospects for themselves.[218]*

The age of criminal responsibility in Australia remains at 10 years old, well below the internationally acceptable standard.

In 2019, the Committee on the Rights of the Child urged the Australian Government to raise the age of criminal responsibility to at least the global median age of 14.[219]

The Committee also highlighted neuroscientific evidence that shows adolescent brains are vulnerable and continue to develop into adulthood, and that states should consider a higher minimum age than 14.[220]

Women and girls were clear that children of any age do not belong in prison and as is consistent with international law, detention should only be used as a measure of last resort.

We know that putting children in detention does little more than form a lifetime cycle of imprisonment. The evidence also clearly shows how damaging it is to the development of a child's brain and mind in the meantime.

Despite uncovering clear evidence of abuse during the 2017 Royal Commission into the Protection and Detention of Children in the Northern Territory, including strip-searches, verbal and physical assault, teargassing, hooding and prolonged isolation,[221] we are yet to see national reform.

I found it distressing to hear, in Western Australia and Queensland, that our children were being held in watch houses and adult prisons.

> *Kartiya and Black fella law is different. At 18, kids are still kids, they shouldn't suddenly be able to go drinking. Then kids are [being sent] to big people prison.*
> **Warmun women**

At one location in Queensland I heard that facilities were overcrowded, overheated and that children were sleeping on concrete beds.

The effects of incarceration are considerable during the formative years of childhood and adolescence. I cannot imagine the fear and distress, the anger and hurt our children experience when they are in detention. Beyond the harm of the physical environment—the disruption to education, family attachments and connection to language and culture compounds trauma and re-traumatises them.[222] Youth detention increases the likelihood of lifelong negative health, education, justice and employment outcomes.

> *Don't arrest young people and throw them in prison. They are going through trauma … Don't ruin their little lives. They are going to experience more trauma and do more trouble like burning buildings.* **Sisters Inside submission**

On several occasions women and girls spoke about Aboriginal and Torres Strait Islander children being racially profiled by police, resulting in their disproportionate criminalisation.

> *The biggest issue facing our community is that our kids are being locked up and taken away from their families. Our kids need to be given a chance and not just locked up or becoming a part of the welfare system. The police just walk in and out of our homes, to search for our kids even when they are sleeping. The police just walk in and wake them up, there is no respect and it's disgraceful. Our kids face racism daily, they are not criminals but they get treated that way. They can get locked up for months when they are just walking around town with friends. It breaks our hearts, our youth should be given a chance. We need a better solution from the government. The structure needs to be changed, the sooner, the better.* **Children's Ground submission**

This disproportionate targeting and escalation of interventions further marginalises our children by burdening them with a criminal record, and increases the likelihood of targeted surveillance and further interactions with police and the criminal justice system.

Similar to broader trends in Australian incarceration rates, young Aboriginal and Torres Strait Islander girls are spending long periods of time in incarceration on remand. Despite obligations to keep accused persons separate from convicted offenders,[223] many of the incarcerated girls I met with were being held on remand.

> *I've been here for over a year because they keep adjourning my matter. They tried to convict me without me being there so it's being overturned. Fresh charges for B&E [break and enter] since then. I was in jail when it happened, but my fingerprints were in the house. It was my friend's place. But they charging me too. It'll be overturned because they had me in custody at the time, but it's still a charge against me now. I haven't mucked up in 12 months. All my co-offenders were dealt with quickly, all the boys … I'm the only one still here.* **Reiby Juvenile Justice engagement**

We desperately need alternatives to youth detention to provide our children experiencing vulnerability with the supports they need to address and recover from trauma and engage effectively with opportunities, such as education.

Police can divert children from further criminal proceedings via community conference, diversionary conference, formal cautioning by police, family conference or diversionary programs. Yet Aboriginal and Torres Strait Islander children are less likely to be diverted from further proceedings compared to non-Indigenous children.[224]

However, while reducing the number of children detained is critical, there will always be some children who are detained. The supports that exist within this system must reflect the high duty of care required for children.

It is of particular importance that our children experiencing vulnerability and who may be living with trauma and complex needs, encounter trauma-informed responses from the police and detention staff and are provided with necessary additional supports.

It was very concerning to hear from girls in youth detention in New South Wales that this level of care and supports were not always available.

I found this particularly troubling when the lack of supports resulted in significant disruption to our girls' education. I heard how one young girl who had been transferred to the detention facility several weeks before my visit was yet to be placed in a school program because of a high demand on staff time dealing with disciplinary matters. Many of the Aboriginal and Torres Strait Islander girls I met with in juvenile detention have requested more support and resources to complete their education:

> *Two of the girls came across from [another juvenile justice facility]. They have better programs here. But the set up was better there, especially for the older girls. There was a privileged wing [named wing] and you had to be good to go to [named wing]. The school was heaps better. We're not allowed the internet here. I'm trying to do year twelve here and it's so hard without the internet.* **Reiby Juvenile Justice engagement**

> *[Doing year twelve] through distance education. [The staff] sort of support me. They do the best they can, but they've never had anyone do their year twelve before, so they don't really have much support for me.* **Reiby Juvenile Justice engagement**

It was also reported in New South Wales that there was a lengthy wait for nursing and medical staff. Girls explained that health services were delayed because of excessive disruption from some of their peers.

> *Refusals hold up everything. The nurse is three weeks behind. It's much more 'lax here. For fights, a punch on, you get maybe 2.5 hours confinement.* **Reiby Juvenile Justice engagement**

Girls and women did express how some staff are doing their best with minimal resourcing. I heard of the importance of supportive Aboriginal and Torres Strait Islander staff within juvenile justice facilities. Some girls said that these staff members provide them with the first stable positive relationship with an authority figure.

> *I've been here a long time and it's those workers that I have to thank. They're like family to me. And then they expect you to just cut off that contact … We see these people more than their own families, they teach us right from wrong.* **Reiby Juvenile Justice engagement**

Girls also spoke about the importance of staff having a flexible and age-appropriate approach to their behaviours in youth detention. Such an approach can be considered trauma-informed in that children can learn to self-regulate their behaviour.

> *You're allowed to take time-outs here. If you start to feel like you need to walk away and get yourself back under control they'll let you go to your room for five minutes or so. They'll come and check on you and if you still need more time then they'll let you.* **Reiby Juvenile Justice engagement**

(g) The impact of incarceration

Trauma is both a key factor in Aboriginal and Torres Strait Islander people coming into contact with the criminal justice system, and also a product of their contact with it.

Many previous reports have spoken of the additional traumatisation experienced by women through abusive and further punitive treatment in incarceration.[225] This was certainly reflective of what I heard from women and girls in the consultations, as well as numerous submissions that also drew attention to the limited capacity of incarceration to effect successful rehabilitation.

> *Common practices in police watch houses and prisons such as strip searching and solitary confinement re-traumatise women with a history of abuse.* **Sisters Inside submission**

Given the significantly high rate of women in prison having experienced sexual violence, the routine use of strip searches in prisons can contribute to the re-traumatisation of women. Sisters Inside submitted:

> *At Sisters Inside, we consider strip searching to be sexual assault by the State. Women in police custody and in prison are denied the right to consent and their bodies are violated as a matter of 'standard operating procedure'. The main justification for strip searches is to prevent illicit drugs and other prohibited items from entering prisons. In Queensland, women are routinely strip searched upon entry into watch houses, at reception into prison and after contact visits with their children, family members and loved ones, and after returning from court. Women in detention units, mental health units or other 'specialised' units within the prison are often subject to additional strip searches.*
>
> *Data requested from QCS indicates that in 2017 women in Queensland prisons were strip searched 16,258 times. It appears that contraband was recorded on fewer than 200 occasions (i.e. in 0.01% of cases). Some of the records which indicate items were found, state the following:*
>
> - *19.05.2017 S6 Suspicious behaviour non-compliant*
> - *20.07.2017 S6 cuts to forearm supervisor advised*
> - *28.07.2017 S6 hair clips and non-compliant with directions*
> - *23.08.2017 S6 New tatoos [sic]*
> - *18.04.2018 S1 tatoos [sic] not listed on IOMS*
> - *23.11.2017 S1 conttraband [sic]*
>
> *A three-year pilot by Corrections Victoria between 2002 and 2005 found that despite (or arguably, because of) a reduction in strip searches (from 21,000 to 14,000 annually) there was a 40% reduction in urine positives and a reduction in the number of 'refusals' to urine tests. Additionally, the same amount of contraband was seized. This is in marked contrast to the higher rates of positive drug tests in BWCC than other Queensland prisons.* **Sisters Inside submission**

Isolation can increase or exacerbate trauma, contribute to the deterioration of mental health and limit participation in rehabilitative programs, all of which increase the likelihood of prisoners struggling in prison and on their release. These effects are particularly felt by those that are vulnerable or have mental illnesses or cognitive disabilities.

We only go to H-Block when we are naughty—It makes your mind play games with you … It's a cell with no sunlight, no nothing, used as punishment … I tried to hang myself off the door but was found before I could die. **Darwin women's prison engagements**

Prisons impose rigid rules and absolute obedience enforced by authority figures; allow only controlled and supervised access to family, services and support networks; and create environments in which criticism and belittling of prisoners is normalised.

There's lots of bullying from officers. You have to build self-esteem in here otherwise others will pick up on it. You've got to find your supports to survive jail. The officers will pick up on those women with low self-esteem and pick on them. The officers bully the women sometimes, so you have to learn to be ahead of them. They speak down to us. They swear at us and tell us to 'shut your holes'. Officers punish women on a daily basis for no reason, for minor things that the white girls get away with. When an officer has a bad day on the outside, they take it out on us. We are vulnerable to their feelings. Male officers open doors without knocking and curtains have been taken off windows, so there's no privacy. It's because they wanted to stop women getting together. We started writing letters to the ombudsman and the officer said to me that there is no point. Nothing is going to happen. 'They are not going to listen to you', he says. **Geraldton women's prison engagement**

The feeling of vulnerability and powerlessness that women reported in prison is traumatising itself.

There is no privacy to use the toilet, the communal area can see into my cells. **Canberra women's prison engagement**

Many of the women I met in prisons reported physical, verbal and emotional abuse that only served to further destroy their confidence and mental health.

Woman 1: There is a real issue with male officers in here restraining women. There was an officer who flipped and [senior prison officer] couldn't find the footage of the event. They always lose the footage of what happens when you try to bring a case against them.

Woman 2: I have seen officers tell women to kill themselves, they taunt women until they do try to kill themselves. We had a woman who actually did take her own life after officers kept on her.

> *Woman 3: I got bashed—they threw me on the floor and hit me repeatedly and then put a boot on my head to keep me down—this can't be right! How can they treat us like this? We are human beings.* **Darwin women's prison engagement**

The separation of women from their children and the removal of babies that are born in custody contributes significantly to the traumatisation of women in incarceration. Most women in prison are mothers with dependent children; and approximately 2% are pregnant.[226] In many cases babies and children are put into foster care, perpetuating a cycle of family separation and trauma that is a well-documented key driver of criminal offending and incarceration. Feeling responsible for their own children ending up in the same system that let them down only compounds the trauma of incarceration for mothers.

> *I'm pregnant and you can't have a baby in here. I only found out when I got here. The baby will go straight to family if I'm still here and that'll be too much pain.* **Reiby Juvenile Justice engagement**

Although there are prisons in most states and territories that can accommodate children living with their mothers, they are limited in number and several of the women I met with felt that non-Indigenous women were more likely to be given the limited places.

> *Women don't get to keep their babies inside especially Indigenous women. They will just take them to hospital to express or a give them a hand pump to feed them. There's only a few women can fit in the bubs unit.* **Sisters Inside submission**

(h) Conditions in prison

The physical condition of prison facilities, cells, provisions and services are required to meet minimum standards to ensure that incarceration does not aggravate the suffering of prisoners beyond the deprivation of liberty as a result of their sentencing.[227]

Yet many of the women and girls I met with shared stories of poor facilities, unacceptable conditions and the denial of essential health and hygiene supplies.

Overcrowding in Australia's prisons is a direct result of the dramatic increase in incarceration over the past four decades. States and territories have responded to high population numbers by doubling and tripling the number of beds in cells, reactivating decommissioned prisons, and investing significantly in the construction of new prisons.[228]

> *There are 2 to 3 people in each cell … I think they test us in here, you know, how far they can push us and then they wonder why they find us trying to end it all hanging off the door.* **Darwin women's prison engagement**

It was occasionally reported that facilities and amenities were overcrowded and rundown. Women spoke of cells with broken windows, broken toilets and shower facilities and cells in which they could smell the sewerage systems.

> *The prison is at full capacity and women are living in run down cells. Some cells' windows will not open and on hot days women feel that they will faint.* **Geraldton women's prison engagement**

In some locations, women expressed concern about the cleanliness of their cells and poor hygienic practices, especially over towels and bed linen.

> *We given old towels [to use, that have been] used to wipe the ground. Every two months change the sheets.* **Geraldton women's prison engagement**

Women reported to me that they were often provided with clothing that was ill-fitting or so old and worn that it did not provide sufficient protection or coverage. Most frequently, women spoke about not having enough clothing to maintain basic health and hygiene.

> *We don't have bras that fit the women in here … We don't have the hygienic stuff we need—we only get 3 underwear that's it.* **Darwin women's prison engagement**

I repeatedly heard from women who did not have access to essential hygiene and sanitary items. There were also multiple accounts from women about being taunted by guards and deliberately denied menstrual hygiene products or access to showers during their period.

> *When I first came in, I got my period. They put me in H-block where there is no sanitary items. I asked to have some and was told by the guard to just bleed. I wasn't allowed to change my shorts either. I had to sit in my period blood for 3 days. I wasn't allowed to shower either.* **Darwin women's prison engagement**

Understaffing was raised frequently at both adult prisons and juvenile detention centres across Australia. Most critical, health, mental health and rehabilitation supports within prison were insufficient to meet the demand of the prison populations that I visited. This was relayed to me by both incarcerated women and prison staff.

> *The department needs a kick to start doing something. We need professionals to come in and do counselling. Not having it effects their wellbeing. It is also not just about prevention it also effects their parole. If they do not have counselling or rehabilitation, then it is harder to get parole. There are two positions and they are not being filled. There is 1 person here for 300 [prisoners]. She is now taking leave and we'll have nobody.* **Kalgoorlie women's prison engagement**

There were consistent calls for increased numbers of female and Aboriginal and Torres Strait Islander staff.

> *Woman 1: There are no Indigenous workers in here.*
> *Woman 2: We want more female workers in here—at least they would get the hygiene issues even if they are racists sometimes.* **Darwin women's prison engagement**

Many of the women I met with also expressed their understanding that increased Aboriginal and Torres Strait Islander representation within the prison system would increase the capacity of staff to form productive and respectful relationships with women.

> *It needs to be someone with lived experience that understands the burden that we carry. Need someone to help us make the changes that we want to make.* **Kalgoorlie women's prison engagement**

(i) Access to services

Aboriginal and Torres Strait Islander women in prison are entitled to access services and programs that support their right to education, legal advice, the highest attainable standard of physical and mental health, and the enjoyment of culture.[229]

Throughout the *Wiyi Yani U Thangani* consultations, many women and girls in incarceration reported a lack of available services, restricted access to existing services and a substandard level of care provided by services within prisons and detention centres.

Although there is some level of healthcare access at all prisons within Australia, women reported that they often experienced long waiting times to see health and medical staff.

> *Women are at risk in here—crying out for medication 1–3 months to see a doctor or you have to pretend to have a chest infection to get on the priority list. I have 2 lumps in my breast. It has been 4 months since I told them, and I still haven't had a biopsy.*
> **Darwin women's prison engagement**

In one case, a woman was threatened with essential medication being restricted as a form of punishment for being late to collect it.

> *The woman had to beg and said she was a diabetic. [They said that] for missing the time frame [for collection], her 'privilege of being on her medication was taken away'.*
> **Geraldton women's prison engagement**

Mental health services were severely limited, culturally inappropriate and of varying quality in all of the prisons I visited. Given the high rate of previous trauma experienced by Aboriginal and Torres Strait Islander women in prison and the increased level of mental health distress that is caused by detention, mental health services are critical to the safety and rehabilitation of women in prison and to lessen recidivism.

> *There is no supports to process what happened. The counsellor inside said I should have had counselling before court. I was in remand for 8 months without counselling.*
> **Darwin women's prison engagement**

Women entering prison are more likely to report a history of self-harm than their male counterparts, and more likely to be dispensed mental health related medication while inside.[230] A lack of effective mental health support during incarceration can worsen mental health distress and illness significantly.

> *I came in with anxiety, and I was told 'If you want to act like a little bitch, I'll treat you like a little bitch'. You can't see someone here about mental health unless you're complete crazy.* **Canberra women's prison engagement**

Aboriginal and Torres Strait Islander people are less likely to report an improvement in their mental health during their time in prison than their non-Indigenous counterparts,[231] suggesting that the existing services are culturally biased and of limited value to Aboriginal and Torres Strait Islander people in incarceration.

> *I was going to the rehabilitation offered here, but it is not for Indigenous people. Couldn't understand what they were talking about and it was lonely. I couldn't read or write properly and I didn't understand any of the information they gave to me.*
> **Kalgoorlie women's prison engagement**

A lack of treatment programs for addiction and substance abuse was also raised frequently.

> *Once they get here the guards make them go cold turkey. It's excruciating to watch. They get no support coming off.* **Darwin women's prison engagement**

Aboriginal and Torres Strait Islander women in prison are more likely to also be engaged in civil legal issues exacerbated by their incarceration, requiring comprehensive and specific legal advice. Women told me that they find it difficult to understand and navigate the legal system without legal assistance.

> *I can't get a lawyer because after going back and forth with so many over the last five years, they are all so convoluted. No lawyers want to pick up my case because they are all interconnected. I tried having video link ups with other ones outside of the Territory, but obstructive measures were occurring. I felt that the prison was obstructing those conversations. I've just been told I should have access to the number of a community visitor, but nobody seems to know about this. Their number isn't on our list of contacts we are able to call.* **Darwin women's prison engagement**

There was a consistent call for more meaningful programs that would provide Aboriginal and Torres Strait Islander women with the skills and supports they will need to successfully reintegrate into society after their incarceration. This was also discussed frequently in relation to a lack of available courses and counselling services that were required in order to get parole.

> *Access to better programs, not 'interpersonal' programs they run now … means nothing to us in the real world, when we leave here. These programs don't help rehab.* **Canberra women's prison engagement**

Women are conscious of the barriers they will continue to face once they are released from incarceration. They identified the importance of education, skill development and employment opportunities throughout their incarceration that would provide practical skills or employment opportunities upon release.

> *Could train up the women and put one as a cook but the officers and prison staff do not think like that. They won't ask Aboriginal people.* **Geraldton women's prison engagement**

At several locations, women expressed frustration about having fewer opportunities than male prisoners.

> *There's no women's jobs [in land management] … We can work, but everyone goes through a risk assessment, not everyone gets jobs. The boys take most of the jobs in here.* **Canberra women's prison engagement**

At one engagement, it was reported that women are paid less than men.

> *It happens all the time in prison—men get paid more wages than women inside … Men get paid more than women working in the prison across Queensland. The amount women get paid quite a few less dollars then the men do. You get wages when you're in there you get paid to work. If men doing the same job in the kitchen women get paid less. It doesn't matter what job. They get more for the same job.* **Sisters Inside Brisbane women's session**

(j) Parole

The risk of suicide for women recently released from prison is 14 times higher than the general population.[232]

Having adequate support and wrap-around care is crucial to the lives and wellbeing of Aboriginal and Torres Strait Islander women and girls leaving incarceration. Ensuring that they are equipped with the supports that they need to succeed is further likely to have a dramatic impact on the rate of recidivism.

In a recent review of Aboriginal and Torres Strait Islander access to parole, Community Corrections Orders and parole programs, it was found that Aboriginal and Torres Strait Islander peoples have greater difficulty in obtaining and completing parole.[233] Aboriginal and Torres Strait Islander prisoners are therefore spending more of their sentence in prison than is necessary, contributing to the overpopulation of prisons and reducing the support available upon their release.

> *As soon as you are sentenced, they recommend a course that you need to do to get parole. Most of the time the women do not understand what is being talked about.* **Geraldton women's prison engagement**

Supporting Aboriginal and Torres Strait Islander women through their reintegration may include a supervised, non-custodial parole period as a part of their sentence. Parole is designed to encourage good behaviour and rehabilitation during incarceration and to facilitate reintegration back into community.

However, the process of parole and the pathway required to be eligible for parole is occasionally not well understood, and some women expressed concern about how they could navigate the requirements to be eligible for parole throughout their incarceration.

> *Woman 1: We haven't been able to talk to anyone about parole and haven't been assigned a case manager.*
> *Woman 2: I have been inside for 13 months on remand and no one has come to talk to me about parole.* ***Kalgoorlie women's prison engagement***

The availability and accessibility of program options to qualify for parole also present challenges in some locations.

> *Some [parole] programs are here but some are in Perth. We keep moving up and down for different programs. Some girls here for 22 months and never get parole. Women have not been told what they are entitled to.* ***Geraldton women's prison engagement***

The conditions of parole often include a requirement for ongoing participation in programs upon release from prison. When these programs are not conducted within their home communities, women may make the decision to stay in prison rather than pursue parole. The prioritisation of rebuilding connection to country and community as a part of parole programs are likely to contribute to a greater uptake of parole and better success rates.

> *Some women are doing full sentences without parole. They do not want to do courses on other peoples' country.* ***Kalgoorlie women's prison engagement***

Aboriginal and Torres Strait Islander women and girls need programs that are gender-specific, strength-based, trauma-informed and culturally safe.[234]

> *The services that they say are outside need to be here. But the people that come here need to talk in a way that we understand. Like you are, now. Indigenous women need to come in and help. White women come and talk in a way that we don't understand. And can't talk to them openly about women's issues in the way that we can talk to you.* ***Geraldton women's prison engagement***

Many of the Aboriginal and Torres Strait Islander women that I met with in prisons expressed concern that being deliberately targeted by prison officers during incarceration meant that they would not meet the behavioural expectations to be eligible for parole.

The women talk about doing small things like arguments and getting punished and that doesn't happen to the white women. **Kalgoorlie women's prison engagement**

For many of the women and girls I met with, the requirement for a permanent residential address and that they not be released into a household where family members have a criminal record created issues when seeking parole.

They [parole board] see that there are people in the household with a criminal record and they won't let women have parole, or they assess that there is too much alcohol or drugs. This is the reality with big extended families, and it has to be taken into account and understood. **Kalgoorlie women's prison engagement**

Aboriginal and Torres Strait Islander people who have been incarcerated face an additional level of discrimination upon their release into the general community, compounding their political, social and economic vulnerability.

Moreover, parole decisions do not take into consideration the impact of a woman's continued absence from her family as a caregiver.

I needed parole because my sister is in a wheelchair and she needed support because we lost everything. She is in [mental health inpatient facility] and I want to get out to support her. I don't know what she is going to do on the outside. For parole all the other parts of the family situation need to be considered. **Kalgoorlie women's prison engagement**

Release on parole does ensure that prisoners receive pre and post-release contact with parole officers. Given the additional challenges that Aboriginal and Torres Strait Islander women with a criminal record face in obtaining housing, employment and services, parole officers have a significant role in helping women to navigate the complexities of reintegration. Without comprehensive and meaningful support structures, there is a high likelihood of recidivism when women feel that they are powerless to succeed outside of incarceration.

How can people going in and out of the system be adapted to the outside world if there is no support? How do you re-enter the community? Has the problem been addressed with the way that person is thinking? Have the [parole officers] supported that person to make a good choice. **Kalgoorlie women**

(k) Exiting detention and reintegrating into community

Throughcare is designed to support the successful reintegration of prisoners into their community at the end of their sentence. The delivery of throughcare services is critical to supporting Aboriginal and Torres Strait Islander women exiting the prison system.

> *When you leave, after being in here you get bad anxiety sometimes, I've never felt it before and never known it before. When you've been in here so long, everything gets too much outside.* **Canberra women's prison engagement**

However, women and girls have told me that the delivery of throughcare services is highly variable across Australia and often lacking in resources, duration and the nature of support required.

> *Once we get out, we are on our own. We are told we are going to be given tools, but we are not given anything to get on with our lives.* **Geraldton women's prison engagement**

Throughcare should include individualised and comprehensive case management to identify what supports women require upon their release, such as addressing barriers to employment—like a lack of identification or tax file numbers, and support in lining up employment before they are released.

> *Women coming out of prisons, they are not supported, they don't have pathways to get money or an ID.* **Nowra women and girls**

The most challenging obstacles for Aboriginal and Torres Strait Islander women leaving prison is finding stable accommodation and employment. All of the women that I met with in incarceration identified that this was where they needed significant support as part of a throughcare service.

Text Box 6.12: Building on women's strengths (BOWS) program

The Building on Women's Strengths (BOWS) program delivered by Sisters Inside provides support for women (both Indigenous and non-Indigenous) in Queensland who are being released from prison and are primary care givers.

There are three stages to the program, which include:

- pre-release:
    - liaison with Department of Child Safety for access visits with children
    - liaison with area offices for access visits with children
    - pre-release case plan development
    - accommodation referral
    - 'living skills after prison workshop'
        - finances
        - parole
        - transport
        - employment and training
- post-release intensive support:
    - counselling and support
    - development of household management skills
    - family mediation
    - individual advocacy
    - outreach support to other family support agencies
- post-release minimal support:
    - monitoring and further development of post-release case plan
    - any other activity listed in stage two on a needs-basis
    - developing exit plan from program and referral to relevant support agencies.[235]

More than half of those leaving prison expect to be homeless or do not know where they are going to stay when released, and Aboriginal and Torres Strait Islander people are more likely than non-Indigenous people to plan to stay in emergency or short-term accommodation.[236] Women have highlighted that ending up homeless after prison increases the likelihood that they will be incarcerated again.

> *Repeat offenders need housing. But they end up homeless and then back inside. They need restraining orders put on partner while they are inside otherwise they go back out and are back in the same situation and the same home ... No supports [to find a job] when leaving, we just looking at papers and women return to drinking and smoking.* ***Geraldton women's prison engagement***

A lack of secure accommodation on release also places women who have experienced family and sexual violence at further risk. Women and girls expressed concern that a lack of independent housing options can leave women with no choice but to return to violent or unhealthy relationships. It was also reported to me that women have been turned away from some family violence services because of their criminal record.

> *At a systemic level, non-government organisations routinely deny, or limit women's access to, family violence services on the basis of a criminal history which includes violent offences—further exacerbating women's vulnerability to further victimisation or criminalisation, and diminishing women's ability to reunite with their children.* **Sisters Inside submission**

A submission from University of Technology Sydney (UTS) on the employment of Aboriginal and Torres Strait Islander women speaks to the significance of prison as a barrier to employment and the importance of developing an appropriate response:

> *Finding and retaining employment is a significant issue, with unemployment itself a major driver of incarceration. As such, addressing issues that drive the imprisonment of Indigenous women, as well as the supports that are available to them after their release are critical. Research tends to suggest that people who have been incarcerated require a significant amount of additional support upon release and that a focus on 'job skills training, job readiness and job placements' alone will not have a sustained impact on their employment outcomes or their prospects of reoffending.*

> *These factors are in addition to the general stigmas and biases for Indigenous women who seek to engage in the workforce, including requirements that they undergo a criminal history check. It goes without saying that the pathway to employment for Aboriginal and Torres Strait Islander women who have previously been imprisoned is a key site for future reform.* **University of Technology Sydney submission**

The Aboriginal and Torres Strait Islander women and girls I spoke to highlighted mental health and drug and alcohol support services as critical when they leave prison. This includes the need for detox and rehabilitation centres that will take people directly from prison. Of the facilities that do exist, services are often too expensive for women to access, only offer short-term placements, or have substantial waiting periods.

> *A lot of the drug issues is self-medication before prison happens and intensifies after.* **Sisters Inside Brisbane women's session**

Women have also emphasised the importance of social and cultural support networks upon their release. It can be very isolating transitioning from prison to a normal life. Aboriginal and Torres Strait Islander women are often trying to rebuild relationships with family and children, struggling to find employment and dealing with the stigma of a criminal record when building new relationships.

> *We are angry with the prison system. There is no counselling when they get out. No psychologists. They go to Port Augusta, Port Lincoln or Yalata prisons. We need family counselling. Where women and their kids can safely let them, know what they did to us. We have to have a way to break the circle of violence.* **Yalata women**

> *I don't have any friends on the outside, I'm lonely, I have no support group on the outside. We need to set up trees of support for people. Most agencies are only open 9 to 5 and not on the weekend, or at Christmas time.* **Canberra women's prison engagement**

Young people exiting detention face many of the same challenges as adults exiting prison. However, children have a lower social status compared to adults; they are more vulnerable to being exploited; they have less independence and experience in navigating the world outside of incarceration and they have underdeveloped communication, negotiation and decision-making skills.

The experience of children navigating the physical, practical and emotional challenges of reintegration is therefore vastly different.

Children in incarceration often have greater need for developing basic life skills compared to adults. The majority of girls in detention that I met with reported that they were unlikely to be placed back with their family or with any significant support network upon their release. This means that many of them will be expected to look after themselves to a far greater extent compared to other children their age.

Several girls shared their previous experience in being released into their own care and struggling with essential daily tasks such as shopping, cooking and budgeting. These tasks can become overwhelming for young people exiting detention without support, which increases the likelihood of recidivism.

> *They get upset and want to come back. They get excited to see us. We send lots of kids back ... and there's no services, no supports and they come back worse.* **Reiby Juvenile Justice engagement**

There was a lack of appropriate programs to help develop these skillsets for girls in incarceration, despite there being similar programs for boys at some of the locations I visited. At the very least, girls must have access to comparable pre-release programs that are available for boys in the same facility.

> *We should have a centre like [pre-release unit for boys]. We don't want to do bad things. You look up to people in here, but outside you go straight back to where you started. Skills we need are things like cooking, getting a bank account, getting a license, budgeting.* **Reiby Juvenile Justice engagement**

It was also suggested that programs in detention be supported by a post-release program that provides girls with stable accommodation and a mentor to help them develop essential skillsets.

> *They should have a house that you go to straight after here to work on things while you're still in there. And a worker in each house to show you what to do when you have your own house—take you out shopping, cooking, that kind of thing.* **Reiby Juvenile Justice engagement**

For many Aboriginal and Torres Strait Islander girls in detention, the factors that contributed to their offending have not been addressed during their incarceration. Exacerbating factors can often include issues around family domestic violence, substance abuse and the intervention of child services that can preclude returning to their families or their existing support networks.

> *We have all these young people coming back into our community, factors unresolved. [They] come back into the same environment, no one is working to resolve what put them in there in the first place.* **Perth women**

In one case, a 16-year old girl was released into temporary accommodation at a motel and was then re-incarcerated on breach of bail conditions for returning to live with her family.

> *They are so bad at getting everything organised for us when we leave here. Look at [name]. She was really clear on what she wanted—a house, school, a gym, something to keep her busy on the weekends, and none of it was done. She was released into a motel and got sick of it and left. Then she got in trouble for going to live with her dad and is back in for breaking parole. And now they're doing the same thing this time.* **Reiby Juvenile Justice engagement**

At the time of the consultations, the same girl was due to be re-released and had been asking to stay in detention rather than be released on parole, because she was worried that she would not have the necessary supports in place to succeed.

> *She really was saying 'I'm doing my part'. She's working really hard, she doesn't want to do the wrong thing, but she's got no house. FACS are still not sure where she's going. She's been here for three months now, they've had all that time to figure it out.* **Reiby Juvenile Justice engagement**

Without the encouragement that most children get from a stable home and family environment, pursuing education on their own is challenging.

> *When we're out there, there's no support for school. I might do it in here, but not out there.* **Reiby Juvenile Justice engagement**

Girls emphasised the importance of having structured social opportunities and cultural support, as well as counselling, rehabilitation and mental health support.

> *Someone to call up and speak to anytime. Girls come in and that's what they like about this place—having staff to yarn with. We need access to an Indigenous person in our area.* **Reiby Juvenile Justice**

> *Something like having a mentor/elder at a learning circle every Friday night so we can learn about culture instead of the PCYC. You can make it part of parole or bail conditions.* **Reiby Juvenile Justice engagement**

Juvenile justice caseworkers are perhaps one of the most important components of the reintegration process for Aboriginal and Torres Strait Islander girls exiting detention. This is often the only regular point of contact between girls and the system that manages their parole and reintegration. In the absence of reliable and appropriate supports to help them navigate the process, girls rely heavily on caseworkers.

> *I got a good [caseworker] who helped me get my L's, my birth certificate, a gym [membership]. They can, they just don't want to. My aunty rode them hard to get all this stuff though, because she knew everything that they could help with. Even like having a gym membership—you go to the gym and it keeps you busy, keeps you away from the junkies.* **Reiby Juvenile Justice engagemet**

However, throughout the consultations with girls in detention, I heard that the level of interest and engagement from caseworkers was highly variable. Girls reported that they often felt that caseworkers saw them as just another client.

> *I've had some really bad experience with my JJ [juvenile justice caseworker] outside. I got no support from him whatsoever. I only found out through [case worker] that my JJ caseworker should be doing stuff to help me—things like help with my birth certificate and get me programs and that kind of thing, because he said he was just there for me to report twice a week and that was it.* ***Reiby Juvenile Justice engagement***

This perception was reflected in an interview with a former juvenile justice caseworker, who confirmed that it was often a systemic failure to support girls on parole that saw them returned to detention for breach of conditions.

> *[A juvenile justice officer] is the lynchpin, the key personnel that is the contact for these kids... There should be accountability for case managers who are not making sure mechanisms are in place to support reintegration. Case plans need to be looked at every time to ascertain what fell over the last time.* ***Reiby Juvenile Justice engagement***

Without adequate support to find stable accommodation, employment, social and emotional support and necessary services, we are setting up young girls to fail within a system that failed to keep them out of detention in the first place.

6.4   Conclusion

Poverty, domestic and family violence, trauma, and poor mental health are leading Aboriginal and Torres Strait Islander women and girls into incarceration.

These symptoms of disadvantage, combined with the trauma of encountering the criminal justice system, are entrenching Aboriginal and Torres Strait Islander women and girls into cycles of re-offending and further marginalisation.

Aboriginal and Torres Strait Islander women and girls want investment in culturally-informed and community-led solutions for early intervention and diversion. They want all governments to look to justice reinvestment initiatives and alternative sentencing options over the criminalisation of Aboriginal and Torres Strait Islander women and girls for minor crimes. Overall, they want, and have the right to, a trauma-informed and safe system to prevent further trauma of Aboriginal and Torres Strait Islander women and girls and to break the cycle of re-offending.

We must also acknowledge the role of racial bias in the over-incarceration of Aboriginal and Torres Strait Islander women and girls. Many Aboriginal and Torres Strait Islander women and girls shared experiences of targeting, stereotyping and harassment, resulting in their involvement with the criminal justice system. At the same time, this bias manifests in police inaction and neglect, undermining the protection and safety of Aboriginal and Torres Strait Islander women and girls.

The continued failure to respond appropriately to the many inquiries and reports on the situation of Aboriginal and Torres Strait Islander people in the criminal justice system is of great concern. The factors contributing to the over-representation of Aboriginal and Torres Strait Islander women and girls is well known and preventable. The ongoing impact of this inaction is causing significant harm to the structures and functioning of Aboriginal and Torres Strait Islander communities.

Chapter 7 Child Protection

> *First Nations families are suffering. Our kids are locked up or in care and I hope more than anything for them to be back with their families on their country. While there is always talk of change … We are going around in a circle and we need to break this cycle, particularly for our young people who are our future. For the cycle to be broken, change needs to come from the top; the Government needs to change the structures that have facilitated this cycle.* **Children's Ground submission**

Aboriginal and Torres Strait Islander women want to raise their children in safe, healthy and positive environments, connected to their family, country and culture.

The structural discrimination in existing systems is undermining this, with disproportionate numbers of Aboriginal and Torres Strait Islander children subject to child protection interventions and removal. The women and girls I spoke with across the country described it as another Stolen Generation.

Removal of our children leads to poor outcomes in a range of areas, including health, education and employment, as well as an increased vulnerability of ending up in the juvenile or adult criminal justice systems. The system severs ties to country, kin and culture and devastates our communities through the trauma it brings to the individuals and families.

The marginalisation, disadvantage and trauma faced by many Aboriginal and Torres Strait Islander peoples combine and compound to create the conditions for a high prevalence of family violence; a key factor driving contact with child protection authorities.

Aboriginal and Torres Strait Islander women shared frustrations with the lack of available support services and poor housing that exacerbate the impacts of family violence and further threaten the safety of their children. Many Aboriginal and Torres Strait Islander women also shared that they are reluctant to access the services that are meant to support them due to fears their children will be taken from them.

Aboriginal and Torres Strait Islander women are frustrated with the current system that refuses to acknowledge and address the disadvantage and inequality that threatens the safety of our children in the first place.

Instead, the system preferences escalating intervention over preventative, diversionary, and supportive measures. Women experienced discriminatory decision-making from authorities with little knowledge, comprehension, or empathy in their life-changing actions.

Aboriginal and Torres Strait Islander women are calling for a significant refocus and reinvestment, away from child removal into out-of-home care, to preventative and empowering structures and services to support families to keep children home and safe.

Women want a system that enables self-determination in child welfare matters, acknowledges the importance of children remaining connected to family, country, and culture, and prioritises reunification of children with their families. These are all principles established in the Aboriginal and Torres Strait Islander Child Placement Principle (Principle),[237] introduced in policy and legislation but too often not complied with.

It was devastating to hear from women that the challenges they face are now so entrenched that intervention by welfare authorities is an inevitable reality. The system has failed too many Aboriginal and Torres Strait Islander women, children and families. This crisis must end.

7.1   What the statistics tell us

Aboriginal and Torres Strait Islander children continue to be the subject of child protection interventions at disproportionate levels, with over-representation growing in every jurisdiction.

Statistics presented in the *Family Matters Report 2019,*[238] show that the disproportionate impact of statutory systems on Aboriginal and Torres Strait Islander children and families have continued to grow in every jurisdiction over the last decade since the National Apology in 2008. Figure 2.13 (in chapter 2) captures the rate ratios comparing Aboriginal and Torres Strait Islander children and non-Indigenous children involved with child protection in Australia. At the highest end of the range, Aboriginal and Torres Strait Islander children in Western Australia were almost 18 times more likely to be placed in out-of-home care than a non-Indigenous child. At the lowest end of the range Aboriginal and Torres Strait Islander children in Queensland were still 8.5 times more likely to be placed in out-of-home care than non-Indigenous children.

Disproportionate increases have been system-wide, spanning from notifications, through substantiations, and into orders and out-of-home care. This presents the picture that, not only are our kids more likely to come to the attention of statutory systems, but that statutory systems respond less effectively, and are significantly more likely to escalate their intervention, rather than divert families to preventative and other family support systems.

A comparison of the rates of removal at the time of the *Bringing them Home Report*[239] in 1997, compared with contemporary figures, paints a concerning picture, as was highlighted to me in a submission by the University of Technology, Sydney:

> *Figures from the Productivity Commission show that at 30 June 1997, the year of Bringing them Home,*[240] *2785 Aboriginal and Torres Strait Islander children were in out-of-home care. At 30 June 2012, there were 13,299—almost a five-fold increase. For each of the last five years, approximately a thousand Aboriginal and Torres Strait Islander children have been coming into the 'out-of-home care' system long-term. This is a higher number than were removed during any time in the twentieth century. Half of the children have not been placed with kin or relatives.*
>
> *We are fast approaching the Stolen Generations removal rate cited by Rudd: between 10 and 30% of all Indigenous children. A 2011 annual report from the Department of Family and Community Services found that 9.6% of Aboriginal and Torres Strait Islander children in NSW were in out-of-home care. Across Australia, nearly 6% of Indigenous children are in out-of-home care. If current trends continue, the figure will exceed 10% by the end of the decade.*[241] **University of Technology Sydney Jumbunna submission**

While these numbers are disturbing, they should not be surprising given the continued focus of investment in out-of-home care, and the systemic failure to implement numerous recommendations and reforms from previous reviews. *Bringing them Home,* released in 1997, proposed an approach grounded in self-determination and intended to reshape the system from one grounded in intervention and removal, to one focused on prevention and family support.[242]

The recent *Family Matters Report,*[243] quoting figures from the Productivity Commission's Report on Government Services, tells us that in 2017–18 over $5.8bn was spent on child protection services, including family support, intensive family supports, protective interventions and out-of-home care.

This figure has been steadily rising annually (see Figure 7.1, from *Family Matters Report 2019*).[244] However, less than $1bn of this was directed to family support and intensive family supports; or about 17% of overall expenditure.[245]

Disturbingly, the proportion of overall recurrent expenditure directed to family supports has been falling, down from 19% of expenditure in 2011–12.[246] In 2017–18, more than three times as much was spent on out-of-home care as was invested in supports for families experiencing vulnerability.[247]

JURISDICTION	PIS Unit $'000	%	OOHC Unit $'000	%	IFSS Unit $'000	%	FSS Unit $'000	%	TOTAL %
NSW	540619	26.6	1201499	59.1	176413	8.7	114423	5.6	2 032 954
VIC	296636.6	22.9	646050	50.0	137363	10.6	212765.2	16.5	1 292 815
QLD	286983.6	26.8	607861.1	56.8	97466	9.1	77656.7	7.3	1 069 968
WA	193592	39.1	277539	56.1	11065	2.2	12632	2.6	494 828
SA	44121	8.0	425016	76.6	34435	6.2	51040	9.2	554 612
TAS	23150	20.6	74335	66.3	8073	7.2	6629	5.9	112 187
ACT	13602.0	20.9	42659.8	65.7	5693	8.8	2991.3	4.6	64 946
NT	24675	11.6	137389	64.6	4879	2.3	45869	21.6	212 812
AUSTRALIA	1423379.3	24.4	3412348.9	58.5	475387	8.1	524006.2	9.0	5835121

Source: Table 16A.7 (SCRGSP, 2019)

Figure 7.1: Real recurrent expenditure for child protection services—protective intervention services (PIS), out-of-home care (OOHC), intensive family support services (IFSS), and family support services (FSS) by state and territory governments, 2017–18.[248]

Throughout the consultations, women and girls asked: If money can be found to remove children from their families and keep them in out-of-home care, why can it not be found to invest in the support's families need to address risks early?

Governments are spending a greater proportion of their budgets on interventions that are not delivering for Aboriginal and Torres Strait Islander children and families. Indeed, many women that I spoke with raised the extent to which the only 'support' they 'received' from welfare authorities occurred in the form of removal itself.

It is clear from the growing number of Aboriginal and Torres Strait Islander children in care, the many recommendations and reports, and from my conversation with women and girls, that greater investment is needed at the preventative—not reactive—end of the spectrum, in order to better support families.

An equitable investment of funding into preventative based and early intervention supports is urgently needed.

There are currently 20,421 Aboriginal and Torres Strait Islander children and young people in out-of-home care, a number that is projected to double in the next decade if governments do not significantly change their approach.[249]

However, as pointed out by the *Family Matters Report 2019,*[250] these figures exclude a number of our children across various jurisdictions who, despite being removed from their family through the intervention of the statutory child protection system, are excluded from the 'count' of children in out-of-home care due to revised counting rules which exclude children for whom third-party parental orders have been made (a form of permanent care).

These rules concerning adoption and guardianship orders were strongly opposed during the engagement process with Aboriginal and Torres Strait Islander women and will be explored further throughout this chapter.

These changes to the way out-of-home care is counted serve to further reduce transparency on an issue where government accountability is already seriously lacking. It unnecessarily complicates an otherwise straightforward issue. In my view, children who have been removed through the intervention of the statutory system should be considered, to be in out-of-home care.

The true number of our children removed from their families by statutory child protection systems must be revealed, as must the true extent of the over-representation of Aboriginal and Torres Strait Islander children that have been the subject of removal and intervention.

7.2   Human rights framework

All people have a right to grow up happy and healthy, free from the threat of violence or abuse, and in a manner that meets their basic needs to thrive. These rights also extend to the right to know, maintain and practise one's own culture and cultural identity.

These rights are found in various human rights instruments, such as the *United Nations Convention on the Rights of the Child* (CRC),[251] the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD)[252] and, more specifically for Aboriginal and Torres Strait Islander peoples, the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).[253]

Whilst women who attended the sessions raised situations where intervention was necessary, they were increasingly worried about children who had been removed and who were living interstate or overseas, not being placed with family and becoming completely severed from their culture:

> *I had to deal with the sister yesterday, had a little boy same age as my daughter he's been taken away to Switzerland. She needs to go to a lawyer. A lot of kids are overseas at the moment, or in Queensland. It's another Stolen Generation. This has to end. My grandchild was going to go into care.* **Katherine women**

Authorities must do more to uphold the rights of Aboriginal and Torres Strait Islander children to live safe and healthy lives, nurtured by family and connected to their culture, their country and their kin. However, throughout my term as Commissioner, and through this process of spending a year talking to Aboriginal and Torres Strait Islander women and girls, I am concerned that we are really not getting the balance right.

Throughout the engagement process I was concerned to hear from our women and girls that the notion of rights does not form part of their lived reality, but rather were abstract notions that have little meaning in their day to day existence.

Parents and families are the cornerstone to our children's development, providing a nurturing environment where our children can grow and thrive. It is not as simple as balancing the right to safety with the right to culture. States have an obligation to support families in this work, minimising the need for intervention in the first place.

The *UN Convention on the Rights of the Child* is the single most comprehensive international statement of children's rights and was ratified by Australia in December 1990. Article 18 (1) and (2)[254] states that:

> *1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.*
>
> *2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.*

Article 19[255] emphasises the importance of effective systems to protect children and young people from harm, including social programs for the prevention, identification, investigation, treatment and follow up of instances of child abuse.

However, the clear message from Aboriginal and Torres Strait Islander women and girls, and supported by the available evidence, is that existing systems are failing in this duty.

Such approaches must actively promote and uphold the best interests of Aboriginal and Torres Strait Islander children, including their right to safety, to family, to community, and to culture.

Too often it seems statutory child protection systems expect our children to relinquish some of their rights, particularly rights to culture and identity, as a result of receiving the dubious 'protection' of statutory systems. Acting in the best interests of children requires systems to actively promote the full enjoyment of all their rights contained in the Convention, not just those that seem convenient.

(a) Committee on the Rights of the Child Concluding Observations (2019)

The United Nations Committee on the Rights of the Child (the Committee) has expressed its concern about the action of the Australian Government in relation to the situation of Aboriginal and Torres Strait Islander children.

Following Australia's appearance before the Committee in September 2019, the Committee handed down its Concluding Observations and recommendations about steps the Government could take towards improving these circumstances.[256]

Many of these emphasise existing recommendations made throughout a number of decades by Aboriginal and Torres Strait Islander agencies:

- *Strengthening its support to Aboriginal and Torres Strait Islander organisations, including through capacity-building initiatives and increased resource allocation, and that it prioritizes them as service providers; (para. 30(f)).*
- *Greater investment in building the capacity of Aboriginal and Torres Strait Islander services and prioritising them in service delivery (para. 15(a)).*
- *Better data collection in relation to all areas of the Convention on the Rights of the Child (para. 11(d)).*
- *Prioritising the mental health support available to Aboriginal and Torres Strait Islander children in care (para. 38(b)).*
- *Addressing the disparities in access to services for Aboriginal and Torres Strait Islander children in care (para. 19(a)).*
- *Ensure greater involvement of Aboriginal and Torres Strait Islander children and communities in the design, implementation and evaluation of policies that affect them (para. 46(a)).*
- *Regular assessments of the distributional impact of investment in sectors supporting the realization of children's rights and addressing disparities, particularly for Aboriginal and Torres Strait Islander children (para. 10(b)).*
- *Increase steps to protect the right of Aboriginal and Torres Strait Islander children to their identity (para. 24(a)).*
- *Provide greater access to family violence services (para. 30(f)) and other family supports (para. 32(a)).*

It is disappointing that, despite decades of persistent emphasis in both the national and international arena, very little is being done to address the serious deficiencies within the current child protection system.

I urge all governments to heed these recommendations, alongside those expressed later in this chapter.

7.3   Voices of women and girls

The statistics outlined above provide a broad overview of the situation facing Aboriginal and Torres Strait Islander peoples when it comes to their engagement with welfare authorities. However, numbers alone are not enough to describe this reality, especially when it comes to interaction with authorities, receiving support, and keeping children strong and safe.

For every child removed into care, there are siblings, parents, aunties, uncles and grandparents that are all affected and carry the corresponding trauma of removal forward.

For every child removed, there is a family that did not receive needed support until it was too late, who may have been separated from their sibling, or who may be living off country, out of state, and with non-Aboriginal and Torres Strait Islander families, disconnected from their community, culture and identity.

This is the human experience of too many of our children that statistics alone cannot tell us.

This section will therefore focus on highlighting the perspectives and experiences of Aboriginal and Torres Strait Islander women and girls with respect to contemporary child protection systems. In doing so, it seeks to shed light on the reality of these interactions, key areas of concern and opportunities for change that are so desperately needed.

Text Box 7.1: SNAICC National Voice for our Children

SNAICC is the national peak body representing the interests of Aboriginal and Torres Strait Islander children. SNAICC works for the fulfilment of the rights of Aboriginal and Torres Strait Islander children to ensure their safety, development and wellbeing. SNAICC conducts culturally responsive research, writes policy and provides advice to government; acts as a collective advocacy voice for member organisations, lobbying for change and equality; provides advice and undertakes joint partnerships with NGOs, including mainstream agencies, to improve their cultural competence and service delivery to Aboriginal and Torres Strait Islander children.

SNAICC is a small organisation with a powerful voice, their goal is to ensure Aboriginal and Torres Strait Islander children are strong, safe, healthy, self-determined and grow up connected to family and culture. To achieve this, SNAICC focuses on the following three priority areas:

- improve the cultural safety and responsiveness of child protection systems

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> - strengthen the safety and wellbeing of Aboriginal and Torres Strait Islander children, raised within family and culture
> - increase access to quality early childhood development.
>
> SNAICC has identified key reforms and initiatives needed to achieve these priorities and is committed to pursuing these in partnership with local services, state and national Indigenous bodies, governments and non-government organisations to have them implemented.[257]

(a) A second Stolen Generation

Everywhere I went, Aboriginal and Torres Strait Islander women and girls told me that the manner of removals may have changed, but that the act itself and its effect is still the same. There was the feeling amongst women that they were a part of a second Stolen Generation:

> *You know we are still fighting, there is another Stolen Generation, but in a different format. So, we try to get it through to them. How are you going to work for us if you don't listen to us? So that is the main thing in our community, it has been going for a long, long time and I think when is it going to stop? It has to stop*. **Roebourne women**

> *There is a lot of institutional racism and that goes on in every department. The removal of our children from families and it continues today. When I am doing my [cultural education training] to my students I always tell them: the biggest thing that goes on here in Australia, in Cairns, here, in Townsville is the removal of our kids through DOCS. And I always say that that is the Stolen Generation. I have seen many Indigenous kids removed from their families and there is nothing wrong with the families. It is only because Mr Jones next door says there is a lot of screaming, and they walk in and they take the kids out and that is more traumatising for our children than it is anything else.* **Townsville women**

> *You've got Stolen Generation. It is still happening.* **Mapoon women**

> *Our kids are getting taken away. It's like another Stolen Generation. These kids get put into homes and we don't know the history of the families they're going to. When kids get taken away, I see the mothers and families struggling.* **Tiwi Islands Bathurst women**

> *It feels like a Stolen Generation again.* **Warmun women**

> *Another challenge was this new legislation they are trying to bring in about adoption orders, children in the child protection system and we spoke about our concerns, because we know too like the Grandmothers Against Removal, that it is creating another Stolen Generation.* **Dubbo women**

We had family issues —Dad took me and my sister away. Mum said we were new Stolen Generation. **Hobart girls**

They take the kids away to non-Indigenous people. That's all that they do … Same as the Stolen Generation they are still doing it to us. **Martu women**

… three little ones taken away to Perth recently. The mum knows where they were. Family was devastated. They didn't tell them they were taking them they just rocked up. Just like the Stolen Generation. **Newman women**

Another Stolen Generation is happening here. **Yalata women**

The second issue we raised was the high rates of out-of-home care and the fact of how that is impacting on us is that it is creating a second Stolen Generation. **Sydney women**

It affects future generations, it affects all of Australia because we haven't even dealt with the last Stolen Generation and the impacts of the last Stolen Generation, us as a community let alone mainstream society and yet we've got this other wave of this coming at us, and no conversation about it or no negotiation with Aboriginal communities about it, so more marginalisation, more kids potentially getting abused mistreated in systems that aren't structured or supportive of them, more overcrowding, kids come out of systems and they feel like they haven't necessarily got the same functioning skills that they need to be part of our community and welcomed and loved and feel like they belong. **Sydney women**

In sharing these experiences, women and girls were in no way seeking to diminish the experiences of Stolen Generations survivors. On the contrary, they were trying to emphasise the day to day reality that they live with as well as the enduring effect that child protection authorities continue to have on the lives of Aboriginal and Torres Strait Islander peoples across the country.

(b) The need for early intervention

Aboriginal and Torres Strait Islander women and girls consistently raised the extent to which existing approaches to child welfare are focused on judging and policing our families, as opposed to supporting and working with them.

Whether it was in relation to poverty and marginalisation, inadequate housing, lack of safe houses, or family violence support, Aboriginal and Torres Strait Islander women and girls told me over and over again that there was insufficient focus on early intervention to help keep families together.

The women and girls that I spoke with were certainly not shying away from the challenges that they saw in their communities. However, they were realistic that these challenges were generally not helped by coming to the attention of child protection authorities, who were likely to offer 'support' in ways that undermined and further traumatised families rather than promoting healing.

I formed the view throughout the engagement process that many communities see the act of removal as an inevitable outcome for too many children and families. This must change, and families must be better equipped and supported to raise their children at home.

It was clear from the picture that women and girls were painting for me that removal was viewed as an option of first, rather than last resort. A shift in the mentality of child protection authorities was desperately needed, away from a risk averse culture of removals at any cost, to one of early intervention and support.

A number of women summed up what is needed in completely reorienting the current approach of welfare systems, stating:

> *If I was the worker, I would say 'what can I do for you today?' It is a very simple thing, I would go to her, to her house I am going to take the time to get to know this woman and her family and I would be going, 'how can we work through these issues, what are they?'* ***Roebourne women***

It is sad that the culture of authorities and their evidence-gathering function means that, instead of looking at ways to help, they begin from the premise of trying to find fault.

(c) The intersection with family violence

Family violence is a key factor driving the contact of all families with child protection authorities, but particularly Aboriginal and Torres Strait Islander families. In 2017–18, emotional abuse, which includes family violence, was again the commonest form of harm identified by authorities.[258]

We know that family violence is particularly prevalent in Aboriginal and Torres Strait Islander communities. Our women are 32 times more likely to be hospitalised because of violence, we also know that the rates of such violence are significantly underreported.[259]

Aboriginal and Torres Strait Islander women raised the issue of family violence, and the interrelated nature of it to child welfare interventions and child removals, throughout the engagement process.

Many women were frustrated by the lack of available supports to them in relation to family violence, and the particularly gendered experience of such violence which seemed to demonise, as opposed to support, women:

> *Domestic violence in the space that I work in is a huge thing that impacts not only our mums but our families. But what happens is, domestic violence sets mums up to fail. It doesn't set dad's up to fail.*
>
> *What happens is, when they do their assessments and stuff, they look at mums and they put all the pressure on mums. So, when we go and have conversations with mums and dads, they're two different conversations. Dads are just like 'I didn't do it, I didn't do it, I didn't do it' and mums are saying what happened and all this pressure and the expectations of mums to keep kids safe is really high and the expectations on dads is really low. And then what happens is, because mum keeps taking dad back, she's stuck in that system of domestic violence because if you take him out of the equation there's the isolation, the financial control and all the other types of control elements. There's disillusion with family because he's put her in a situation where her family doesn't want to deal with that issue and also, she's by herself and the only thing she's got is her kids.*
>
> *And then the department sits there and goes well, you took him back and then another incident happened so you couldn't keep the kids safe. They don't turn it around and actually go, actually dad your behaviour, and the fact that you went and flogged mum means that you put the kids at risk. Because it wasn't mum. That's a safety net for mum.*
>
> *For me, there aren't enough systems in place to support our mums because we know we have services here in Rocky but they're at capacity all the time. The waitlists are huge. DV Connect just go and dumps people elsewhere. [Town] is a hotspot too. Lots of housing commission out there but no services. You're pretty much setting people up to fail within the domestic violence system because we don't have enough embedded services who actually want to change and support change and try and empower our families. And there's not enough therapeutic services wrapped around any of it.* **Rockhampton Women**

The lack of available supports was a recurring theme, with few available shelters or safe houses available:

> *As a single mum, say I had to go to hospital or somewhere and I had no family support. If there was a safe house my kids could go and stay at a safe house. Because we don't have that and nowhere for our kids to go that doubles up with parents feeling stressed. If they couldn't cope then they could go in there, the safe house, those young people. With the safe house, there would be role models for the young people and they would help for how to get them into a routine and budgeting and other life skills, they go into the house and help like that instead of parents feeling overwhelmed.* **Woorabinda women**

> *We are the only crisis accommodation in Katherine—25 beds. There is nowhere else for women and children to escape family and domestic violence. We often offer them swag mattresses, lounges and anything we can do off the record to help them. We feel disempowered as staff. We have some off-site housing as a plan B at a motel for the night.* **Katherine women**

Aboriginal and Torres Strait Islander women working in shelters, refuges and safe houses described the difficulties associated with this role, not only for the women and children who accessed it, but their staff who themselves were becoming exposed to trauma through this work:

> *Other challenges come from ... judgements and assumptions regarding access.*

> *Vicarious trauma of the team and staff and the families and people getting access for their loved ones in a crisis. We try to refer them to services. They then become homeless and they are vulnerable. Territory families then become involved, case workers come to our services ... You come and stay at the crisis service or we take the children away ...* **Katherine women**

> *The other big one is transport. Sometimes we find women and children in a paddy wagon being transferred to the service. It's not dignity. Would you rather them be removed from the situation or for them to stay there. Makes me wild and shame that they come to the centre battered and bruised and they come out of the paddy wagon. It adds to the trauma they've already experience. Makes no trust with policy. It makes them historically untrusted. Many of the time with police in our communities, there aren't female polices or woman lawyers for them to sit with that woman and assist them.* **Katherine women**

Aboriginal and Torres Strait Islander women also discussed with me the difficulties often associated with police response times and what this meant for the safety of themselves and their children:

> *I think we need to do more about our police, like it takes them up to a half an hour to an hour to get to a scene, like if somebody has gone through domestic violence. We have women that have been through domestic violence and we have men still walking around in our communities, pass the police playing football and they haven't been picked up yet. You know we are still putting our women in danger. They should have round the clock police. Our police they knock off at 3 and we then got to ring to Rocky and it takes them two hours to come to us and get help. We have police in Woori but they don't work 24 hours. They got to get up get ready and come out to us. And when we do ring the police station it gets diverted to Rocky.* **Woorabinda women**

I heard firsthand from women living in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands that police response times were also an issue, despite having their own police stations in communities. Women were concerned that help was not always available when it was needed, and this meant that their calls would be diverted to places such as Port Augusta, over 1,000kms away.

Some women who attended the engagements also spoke about the extent to which Aboriginal and Torres Strait Islander women were fighting back to protect themselves, and increasingly becoming the subject of legal intervention in family violence matters:

> *Many Aboriginal and Torres Strait Islander women in prison have experienced high levels of ongoing family violence which have been connected to their offences. Increasing numbers of women are in prison for 'domestic violence offences', including reactive violence offences or contraventions of domestic violence orders. Domestic and family violence is also a key reason that children are removed from the care of their mothers and families. This policy and practice effectively positions women as responsible for the violence of their male partners and leaves very few options for women to raise issues in the future.* **Sisters Inside submission**

Such circumstances place Aboriginal and Torres Strait Islander women in particularly difficult situations, and many described the bind of risking their children being removed if they did seek help:

> *… if they ring the police, they still get in trouble with DOCS when they did the right thing. If you say anything about the DV they get flagged too. So, they have to be silent about it. You hide it.* **Dubbo women**

> *In our frontline work, we have found that one of the biggest deterrents preventing Aboriginal and Torres Strait Islander women from reporting family violence is the fear of child protection intervention and losing one's children. Family violence is a primary driver of the disproportionate and escalating rates of Aboriginal and Torres Strait Islander child removal. However, FVPLS clients frequently report being discouraged by child protection workers (either implicitly or overtly) from seeking legal advice. Additionally, FVPLS clients frequently experience inappropriately punitive responses from child protection workers which punish or blame Aboriginal and Torres Strait Islander women for the actions of those who perpetrate violence against them, instead of supporting women to safely maintain the care of their children in a home free from violence.* **National Family Violence Prevention Legal Services Forum submission**

A submission made by the Healing Foundation also highlighted the additional factors at play for Aboriginal and Torres Strait Islander women that discouraged them from seeking help. Many of these issues were also directly raised with me during the engagement process, including:

- *a reluctance to report because of fear of the police, the perpetrator and perpetrator's kin*
- *fear of 'payback' by the offender's family if he is jailed*
- *concerns the offender might become 'a death in custody'*
- *a cultural reluctance to become involved with non-Indigenous justice systems, particularly a system viewed as an instrument of dispossession by many people in the Indigenous community*
- *a degree of normalisation of violence in some families and a degree of fatalism about change*
- *the impact of 'lateral violence' which makes victims subject to intimidation and community denunciation for reporting offenders, in Indigenous communities*
- *negative experiences of contact with the police when previously attempting to report violence (such as being arrested on outstanding warrants)*
- *fears that their children will be removed if they are seen as being part of an abusive household*
- *lack of transport on rural and remote communities*
- *a general lack of culturally secure services.*[260]

(d) Service delivery and advocacy

Given what we know about the prevalence of family violence in our communities, and its devastating impact on the lives of Aboriginal and Torres Strait Islander women and girls, it is distressing to hear that the necessity of such services is not always understood or responded to by Government.

The Committee on the Rights of the Child recently noted the importance of ensuring that culturally-appropriate services were available to support Aboriginal and Torres Strait Islander women suffering from situations of violence. They urged the Australian Government to:

> *Substantially increase family violence prevention and responses related to Aboriginal and Torres Strait Islander children, including through the Indigenous Family Safety Program.*[261]

The announcement by Minister Wyatt on 11 December 2019 of $3 million in additional family violence funding was an important investment in Family Violence Prevention Legal Services (FVPLS) providers to address situations involving Aboriginal and Torres Strait Islander peoples.[262]

FVPLS undertake critical front-line work with Aboriginal and Torres Strait Islander women and children, many of whom I heard from throughout this engagement process. However, front-line services alone, are not enough to manage the issues raised by Aboriginal and Torres Strait Islander women and girls. I heard too often from women that there simply were not enough available services to support them to escape violence and to keep their children safe from harm in their care.

Women and girls have made it clear throughout this process of engagement that their voices are critical. In this respect, there is a significant need for a body such as the National FVPLS Forum to continue to advocate for the needs of Aboriginal and Torres Strait Islander women and their families. To do this, governments must ensure the continuation of their support and funding to the National FVPLS Forum for their key work to continue.

Text Box 7.2: The National Family Violence Prevention Legal Services Forum

Established in 2012, the National FVPLS Forum is the peak advocacy body representing the needs and voices of Aboriginal and Torres Strait Islander women and girls who have survived family violence and assault. The Forum is made up of 13 FVPLS member organisations who work on the front line with Aboriginal and Torres Strait Islander communities. The Forum provides specialist policy, program and service support to its member organisations with the aim of increasing access to justice for Aboriginal and Torres Strait Islander victims/survivors of violence. The Forum also provides advice to Government, ensuing a unified FVPLS response to addressing family violence.[263]

(e) Housing

Housing was a key issue emphasised by the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, during her visit to Australia in 2017. During this statement, she emphasised the way in which poor housing was exacerbating issues faced by Aboriginal and Torres Strait Islander people in relation to their entry into child protection or youth detention systems:

> *Housing remains in short supply in many Indigenous communities, and low levels of income have forced people into overcrowded or dilapidated housing.*[264]

Many women described their frustration about the lack of support available when they needed help getting housing for their families, and the double standard of welfare authorities that they were often met with:

> *When I first came to this place, I came here for a court order for my son, I got told if we came here it would only take us 4 months to get a house. We was here for 2.5 years moving from house to house. I went to all the different places I could here and on the phone. Went to the Department of Child Protection for help, they put me down and put me and my kids down, all our details down and then got told they couldn't help me because none of my kids were under their care. Then maybe 6–7 months because I was trying to teach my son a lesson and not bail him out of jail. He was 15. I said, "no I'm not going to bail you out this time, you stay there", and 3 days later, I had DCP asking why I didn't want to bail him out, and I told her the reason why. She said "your grandmother had bailed him out, she came for him and he is going to go stay with her in Karratha", I said "no I didn't allow that, I am his mother I didn't allow anyone to go and bail him out". Now you want to come and knock on my door, when I was there asking for help when we was homeless, none of you mob wanted to help me then. But when it's in their shoes it is different. It is that reacting to a crisis, we got all the money for response, but we need to look at prevention.* **Roebourne women**

The issues for Aboriginal and Torres Strait Islander women and girls in relation to housing are discussed more fully in the chapter on Housing and Homelessness. The extent of current housing challenges, whether in terms of size, affordability, availability or adequacy, exacerbates women's likely contact with child welfare authorities.

It is clear to me that housing must be a clear priority for all governments to improve the health, welfare and wellbeing of all Aboriginal and Torres Strait Islander peoples, but particularly those experiencing the most vulnerability.

(f) Incarceration and juvenile detention

I deal at length with the views of women and girls on both adult and juvenile justice systems in the Law and Justice chapter. However, it's worth raising here that many women and girls who attended the engagement sessions repeatedly raised the intersection between child protection and those who had contact with the adult or juvenile justice systems.

We already know that contact with the child protection system significantly increases the likelihood of contact with the criminal justice system and vice versa. However, I heard all too often in my discussions with women about the extent to which children are a common casualty when it came to imprisonment:

> *We had a discussion about women in prisons and the things that go wrong. So man-handling, numbers are climbing, there is no rehabilitation stuff in there for those women, they are just set up to fail, family breakdowns, visitations as well— they can't see their families often, there is no individual rules for women in the prison compared to the males, the effect of trauma, inter-generational support, support services, punishment. And the flow on effect is going on to the children and the family, going on to their grannies as well.* **Canberra women**

> *Our women who have baby in prison have the Department of Children Services (DOCS) there and they are waiting at the hospital to take them off them. There was a young woman that showed the Department of Children Services (DOCS) forms showed that the decision was made to take the baby before she even had it when you see the signed date.* **Sisters Inside Brisbane**

> *We need to come together and talk about this. Our prisons are full. Our women's prisons are busting at the seams. Where are their children? With other people. 99% of Don Dale are Aboriginal kids even from Alice Springs they send their kids up here. Majority of the kids in Don Dale are from care. Tell everybody.* **Darwin women**

Throughout the engagement sessions, women and girls were pointing to the circumstances which were increasingly bringing more and more women in contact with the justice system and the cycles of trauma that were being perpetuated in this process:

> *Over the past 20 years, Sisters Inside has engaged with up to four generations of some criminalised families. Many of these families have members involved in the child protection system, the youth justice system and the criminal legal system. With every new generation of children removed from their families and women in prison, the effects of intergenerational trauma worsen.* **Sisters Inside submission**

> *In terms of incarceration we are seeing an increase—our women are being criminalised for non-payment of a $120 fine they go to jail for 3 months. The damage that that does. We have lost a baby because mum was incarcerated. The damage that caused impacts on the whole community. Those fines, we have to find a way to support them. We have to put together a fund. Hypothetically, 160k to keep one child in care, imagine what we could do if we had those funds—goes to non-Indigenous families keeping those children in care. If we can reverse it, we could put it towards in home care not out-of-home care.* **Brisbane women WOW session**

The trajectory of young women in particular was often one that started in care and ended with entering the juvenile justice systems. Many shared their stories of hardship and resilience and the lack of support often available to them.

> *We need one place that has everything we need. Have the JJ [juvenile justice], Centrelink, Housing, Jobseek. It's not fair that you expect a 14 or 15-year old girl to be able to get around the whole city from one place to another for all these things, with no money, no ride. The only way we know how to get these places is to jump a train with no ticket. A one stop shop would be better.* **Reiby Juvenile Justice engagement**

> *Last time I was out my JJ [caseworker] said he wouldn't do home visits. I asked him if he would come to me every second appointment to help me when I couldn't get there, and he just said that he wasn't allowed to. I know that's bullshit because my old JJ [caseworker] used to come and see me at home all the time.* **Reiby Juvenile Justice engagement**

> *We need a lot more support on the outside to stop getting on the gear. A stable place to live, not DOCS moving you around all the time. Yeah, I can't live with carers anymore, I have to live at resi.* **Reiby Juvenile Justice engagement**

> *She's working really hard, she doesn't want to do the wrong thing, but she's got no house. FACS are still not sure where she's going. She's been here for three months now, they've had all that time to figure it out. There's no services. [Name] isn't the only one. DOCS are fucking girls over again and again. DOCS girls come here and they love it because they have reliable housing, food, meds, everything. It's sad.* **Reiby Juvenile Justice engagement**

As CEO of the Victorian Aboriginal Child Care Agency (VACCA), Muriel Bamblett, emphasised in her submission to this process, many young Aboriginal and Torres Strait Islander peoples become entangled in these systems as a result of ongoing trauma, disconnection and loss:

> *If you are an Indigenous child and you have been brought up outside of the Aboriginal community, you don't know where you come from, you don't know your heritage, you don't know anything about your country and then all of a sudden at 18 you no longer belong to the family that's raised you, so you start looking for where you come from. We find that a lot of young people that are in the juvenile justice system have a history of being in non-Aboriginal out-of-home care, and not knowing where they come from. Huge amounts of trauma, huge amounts of grief and loss. It's a trajectory to the criminal justice system. If you look at the criminal justice system, it's full of people that have been raised in out-of-home care and don't have strong links to family or community.*

The young women that I spoke with were clear about what was needed to support their transition out of detention, including what would have helped prevent them from entering detention in the first place:

> *Structure. Support to get houses. Routine. This kind of support but on the outside.* **Reiby Juvenile Justice engagement**

> *Money. Help not to get back on drugs.* **Reiby Juvenile Justice engagement**

> *Someone to call up and speak to anytime. Girls come in and that's what they like about this place—having staff to yarn with. We need access to an Indigenous person in our area.* **Reiby Juvenile Justice engagement**

> *Motivation. Just someone to support you and keep you on track. Especially for those kids who come in and out with no family—just someone to call up and see how they're going. Someone who could be in that support place.* **Reiby Juvenile Justice engagement**

> *How do you talk to or trust DOCS when they're the ones who won't let you near your family? Someone who is there to go in and bat for you. Someone who really cares.* **Reiby Juvenile Justice engagement**

Young Aboriginal and Torres Strait Islander women and girls are significantly underrepresented in policy discussions on child protection matters, even though the evidence of the pipeline between the care and the criminal justice system is well known. Research from the Australian Institute of Health and Welfare emphasises that, compared to the general population:

- young people who were the subject of care and protection orders were also 27 times more likely to be under youth justice supervision
- young people who were receiving child protection services were also 23 times more likely to be under youth detention.[265]

We know that the future that these young people face will be wrought with challenges, including the likelihood that any children that they have will be 10 times more likely to be removed, given their own experiences in care.[266] Reform processes need to be alive to the width and breadth of the child protection processes facing Aboriginal and Torres Strait Islander peoples.

7.4   Identity, connection and placement

As outlined above, various international mechanisms emphasise our rights to our culture and our identity. However, we know that these rights are immediately strained once child protection authorities get involved.

One of the main issues raised by all women in relation to their contact with child protection authorities was the ongoing implications this had for children knowing who they are and maintaining their connections to their family and culture.

Many spoke about their experiences growing up in the system and not knowing about or having any means of maintaining their culture or connections with their family.

Young women expressed their frustrations with the system and what this meant for their identity, with some even talking about the tensions within families and having to choose between their 'black' and 'white' sides:

> *I know I am Black, but they are telling me that I am not but that I am also not white—where does that leave me? This is maybe why we don't stand up and say that something is wrong—flight or fight. But it affects you inside. You have a right to be and to know who you are. We worry about children in care not having ongoing connection to community.* **Launceston young women**

The white side of my family wouldn't let me go and spend time with the Aboriginal side of my family. I don't blame myself for it, I wanted to know my family and the other side of my family, so I'd have to run away and go and see them that way. The white side of my family are a bit up themselves and thought I shouldn't have anything to do with the black side. I'm starting to get a bit out of their lives now. I love my nan, but maybe we can't forgive each other. I went to stay with my mum's side all the time. One day my sister and I argued with my nan and we went down the road and went to my other nan's house. I started running away to spend time with my cousins then and I would stay there, and the police used to get called on me all the time to go home. **Reiby Juvenile Justice engagement**

Kids in out-of-home care, sometimes their cultural identity is taken from them, because they are made to live in white families and white communities and they don't know who they are or where they come from, and that is really upsetting. **Nowra women**

These concerns were further echoed by women at the sessions who were particularly worried about the placement of young people once they had been removed, away from their families, off country and sometimes, interstate. Many women reported not knowing where their family members had been placed, once they had been removed or being unable to see them.

An 11-year old boy was sent from Wyndham in the Kimberley to Banksia hill—human rights issue. No one in the community knew that he had gone. **Perth women**

Getting children transferred back from Queensland to New South Wales to live with their families. Children in out-of-home care that is, foster care in Queensland, to get them back to New South Wales is a really hard slog, there is a lot of red tape there to get children back. **Dubbo women**

Aboriginal and Torres Strait Islander women I spoke with also raised concerns about the impact of current approaches on those children who were removed including what this meant for the continuation of culture:

… [removal] is continuing to break down our family structure and our cultural protocols are being lost. **Brisbane women WOW session**

Removals are breaking our matrilineal lines of knowledge, learning, parenting from parents who were raised by others. **Adelaide women**

These kids got nothing here in town. So, everyone blaming the kids, but not looking at where these kids are coming from. The kids go to court themselves, then they go into care, and they are there until they about 20 and its 14,15,16-years old when these boys are supposed to go through Law, but they can't if they are in care. **Alice Springs women**

(a) Carer assessment processes

Deeply linked to these discussions were frustrations around current processes to place Aboriginal and Torres Strait Islander children. Increasingly, women were saying that they were being excluded through carer assessment processes, either to be considered as full-time or respite carers because of processes such as the Blue Card system in Queensland, which created standards of appropriateness that were almost impossible to meet:

> *Only a few registered carers in community and it is really hard to get registered as a carer with getting a Blue Card and doing all the workshops and accredited training and someone said that you have to jump through so many hoops just to become one, and even when you do there are still so many barriers like you've got your own kids and other financial problems, it's hard.* **Woorabinda women**

> *Children need to be back on country. Blue Cards need to be made easier for people to get. Respite care needs to be in community, so people were saying that they get it in Rocky or outside but when they come in [back to Woorabinda] there is a big gap.* **Woorabinda women**

> *Even in situations where women or girls recognise they are not in a position to care for their children, their preferences about family or kinship care arrangements are often ignored or unavailable due to systemic discrimination based on criminal history.*

> *The Blue Card process is very stringent and represents a systemic barrier for Aboriginal and Torres Strait Islander people—often women—who would otherwise be willing to care for family members.* **Sisters Inside submission**

Women shared with me the extent to which such processes presented further barriers for Aboriginal and Torres Strait Islander peoples to overcome, when families are already struggling to stay together:

> *They don't give us the chance to become a carer. They look at our records from 10 years ago and say that they can't care for them.* **Canberra women**

The Blue Card system also represents a barrier for Aboriginal and Torres Strait Islander women to leave prison and return to the family home. For example, we are currently supporting an 18-year old young woman in prison, who has a history of involvement with the child protection system. The young woman would like to return to live with her grandmother, who is supportive of having her home. However, the young woman cannot live with her grandmother unless she has a Blue Card because her grandmother is currently caring for several children, including the young woman's siblings, as an approved foster carer. **Sisters Inside submission**

We have grandparents and aunties and sisters that will willingly take these children if they can't be at home at this point in time but the red tape and the bureaucracy can be so hard and overwhelming for grandparents and relatives and kin, and those little ones are ending up in a system with multiple placements when they could be with family. **Dubbo women**

Even when a local woman is a carer they get bypassed in the system. They don't want to give the kids to community. **Tiwi Islands Melville women**

Many times, one of my workers sitting next to me on the iPad linked into Facebook, would find kin for children, of which child protection hasn't been able to find for years. **Commissioner for Aboriginal Children and Young People, Victoria submission**

One woman raised the often arbitrary and contradictory nature of such assessment processes, which identified her as 'appropriate' on the one hand, but 'inappropriate' on the other:

Trying to get a Blue Card to be a foster parent [foster mum] because I have a record. Kids like to be around my children. The Department of Children Services (DOCS) comes to me and asks to leave children with me over the weekend sometimes in an emergency but I can't get a card. What am I? Am I a good mum or a bad mum? **Sisters Inside Brisbane women**

Whilst it is important to have systems in place to help determine appropriate care providers for all children, I am concerned that current approaches disproportionately exclude Aboriginal and Torres Strait Islander peoples based on inconsistent and largely Western standards. In this regard, I believe that more needs to be done to assist our families to become carers and to ensure that authorities are complying with the placement element of the Aboriginal and Torres Strait Islander Child Placement Principle, ensuring that Aboriginal and Torres Strait Islander children entering care are placed with family and remain connected to community and culture. As a starting point, I believe that this must include greater transparency and accountability around placement decision making, and greater efforts to urgently reunite our children to their families and communities.

(b) Adoption and permanency

Throughout the engagement process with Aboriginal and Torres Strait Islander women and girls, women told me of their concerns about current pushes towards adoption and 'permanency' for children and young people in out-of-home care.

Aboriginal and Torres Strait Islander women and girls did not see permanent removals such as these as part of a 'solution' to the crisis of out-of-home care, but as an ongoing part of the problem.

Policy discussion on this issue at the time of this engagement process centered around permanent legal orders for children, who are considered by statutory authorities as being unable to safely remain with their parents. The recent *Family Matters Report 2019*[267] discussed many of these issues, including the push towards permanent legal orders including adoption, and the potential impact for Aboriginal and Torres Strait Islander children and young people, their families and communities.

In speaking with Aboriginal and Torres Strait Islander women and girls across Australia, it was striking that very few invoked the concept or terminology of 'permanency'. Rather, Aboriginal and Torres Strait Islander women and girls spoke about the importance of culture, of cultural and community belonging, and of strength in identity and connectedness for their children. It is clear from my engagements that this is how our communities understand issues of permanency.

Similarly, the *Family Matters Report 2019*, noted:

> *… permanence for Aboriginal and Torres Strait Islander children is developed from a communal sense of belonging; experiences of cultural connection; and a stable sense of identity including knowing where they are from, and their place in relation to family, mob, community, land and culture.*[268]

Similar approaches have been emphasised by various Aboriginal and Torres Strait Islander community organisations and peak bodies, that have likewise stressed the central role of connection and belonging for the wellbeing of Aboriginal and Torres Strait Islander children and young people in out-of-home care.

In my engagements, Aboriginal and Torres Strait Islander women and girls explicitly rejected approaches such as those in NSW, that were seen as imposing adoption and other permanent orders on children and young people in out-of-home care:

> *We don't want the adoption policy that has been introduced that means adoption after two years.* **Kempsey women**

Other women specifically noted the persistence of governments deciding what was best for our families and the decision to permanently sever their familial and cultural connections as an extension of this paternalism:

> *I think one of the challenges is with Family and Community Services is saying they know what is right for our kids. And then having the government turn around now and say that after two years they will adopt them out. They are just going to cut off funds to support families after two years and adopt them out and cut off culture.* **Kempsey women**

Aboriginal and Torres Strait Islander families and communities must remain as decision makers in the wellbeing of their children. Permanent care orders, particularly adoption, undermine the opportunity for Aboriginal and Torres Strait Islander families and communities to make decisions about their children, our future generations. This is contrary to our most fundamental rights, and threatens, as it always has, our very existence.

Bringing them Home[269] foresaw this issue, and emphasised the importance of restoring jurisdiction to Aboriginal and Torres Strait Islander communities themselves. The need for our own systems as measures of self-determination were often raised throughout the engagement process as an antidote to these efforts to further disempower Aboriginal and Torres Strait Islander peoples:

> *We need our own services, we need to be able to run these things ourselves so that we do help all the family, the whole family. I really do believe strongly that that is what needs to happen. Aboriginal children are best cared for by Aboriginal people.* **Female Indigenous Community leader and former FACS worker**

The importance of self-determination, was also raised with me in the submission process:

> *Self-determination is about that capacity to be able to contribute, to be able to make the best lives that you can for themselves and their children and families. All the evidence suggests that children do much better when they are in their own family, growing up in their own homes.* **Muriel Bamblett, CEO VACCA**

Now, more than 20 years later, this remains an outstanding issue that must be urgently addressed. We must understand 'permanency' from an Aboriginal and Torres Strait Islander perspective and empower our communities to administer the appropriate systems to promote 'permanency' for our children.

> *As a foster carer, I just want to bring this up. I get children in my care that belong to this community, and I ask when mum will get these babies back. But they say no they can't because there are no flushing toilets in the home, no running water in the home and until that happens the children stay in foster care.* **Borroloola women**

> *One of the things we did is march on parliament with Grandmothers Against Removals (GMAR). And you know, it's getting worse and worse. And they've just legislated, whatever it is, the rules that the kids in care can be adopted after 2 years. I mean that's so wrong. That's just another way of stealing our kids.* **Brewarrina women**

(c) Accountability of government

A key point of discussion during my sessions with women and girls was the extent to which there was a general lack of accountability on the part of child welfare departments throughout the removal process and thereafter.

Of course, there is certainly a very prominent risk-averse culture that drives the contact of Aboriginal and Torres Strait Islander peoples with this system, and which many could point to as evidence of the seriousness with which this issue is treated.[270]

However, my year-long discussions with women identified that there is significant room for improvement in the way welfare systems operate, the manner in which officers conduct themselves and the general investment by all governments, State and Federal, to take on a greater responsibility for an issue that has already surpassed crisis levels.

I met with Aboriginal and Torres Strait Islander women working in child protection services who told me they were having to remove children from their families, even instances where they have been found to be safe:

> *… there many times we sent out as Aboriginal case workers, picked because you're Aboriginal and it is an Aboriginal community. No matter how busy you are—it's a directive, send us out to do removals. Even if you've done a safety plan and these kids are ok—still send you out to do removal. They would give us a directive, they weren't there, didn't see what we saw, that child was safe with the grandmother at that time. Can't remove a child if they're safe, but they'd tell us to do it. Lot of contentious removals … and I still live with that.* **Child Protection Practitioner meeting**

> *We need to listen to Aboriginal ways, and don't remove children that are safe.* **Child Protection Practitioner meeting**

I am concerned about what these directives mean for our peoples and how widespread such practices might be throughout the country where we know the level of preventative supports are wholly inadequate.

The removal of children from a parent's care is never going to be an easy situation, however, many women reported the extent to which their children were taken without notice, with very little information, and often in situations that were unacceptable. The following statements say something about the heartbreak endured by Aboriginal and Torres Strait Islander families:

> *For the last 4 years I've been fighting for my 11 grandchildren and I just want to tell you about the way child safety came in and took our little kids. It just opened up old wounds of past. They just came in one day without any warning. They took them all in one fell swoop, those kids. They handcuffed my family. And they were sitting there on the ground screaming and crying for their families, handcuffed. And this young woman just threw a piece of paper at them and said 'here's your papers'. That was it. No more explanation, no care about how much trauma they were causing. This is another Stolen Generation. It is.* **De-identified engagement**

> *I was in the shop, I come out of the shop and a white woman walked over to this Black woman ... a child safety officer at Woolies. Makes me angry because... my kids and my grandkids are in that same cycle. They walked into the shops, snatched her kids out of her in front of the whole public arena and took the baby screaming. How professional is that? And we are in the new millennia and you are still treating us like that ... Where are their protocols?* **Mapoon women**

I am concerned about what these perspectives say about broader child welfare practices in our society; not just towards Aboriginal and Torres Strait Islander families, but all people experiencing vulnerability and who are at risk of losing their children.

I understand that there may be times when the police need to attend to help remove a child from a harmful environment, particularly if there is risk of violence. However, it seems that these situations of heavy handedness and disregard for basic dignity are the norm, and the conduct of these removals defeats the very logic that they are intended to address.

The following submission from Aboriginal Legal Service of Western Australia (ALSWA) raises disturbing questions about the level of power caseworkers have, particularly in relation to decisions about placement and contact:

> *It is, in our experience, already too easy for contact to be reduced/denied on the whim on certain caseworkers and for decisions to be made that reflect convenience for the Department and not what is in the best interests of children and their families.* **Aboriginal Legal Service of Western Australia submission**

A common talking point across the sessions also arose regarding the lack of transparency around funding, duplication of services and preference for non-Aboriginal and Torres Strait Islander service providers in the child welfare space but also across all service areas.

We talk about all of these programs, but there is no measurement or monitoring and all of that. Did it work? Results, outcomes and accountability, we get that shoved down our throats, but who is actually looking? White organisations are still getting huge amounts of funding and incarceration rates are going up ... the removal of children ... all of these things are happening. Yet there are multi-million dollars going into programs that no one is actually measuring. They talk about result based accountability, but who is actually measuring it? **Brewarrina women**

The other things that we brought up is services coming out and duplicating. There is like half a million dollars that goes through our community every year and they duplicate it ... they come and sit here for one day and then they go back home. We've had roundtable meetings over and over again with services for the last couple of years and nothing has come out of it, and they say their hands are tied but they are not listening to us ... Stop bringing in other services. Stop the outer services from flicking and ticking [the box]. We don't see the money, we don't see nothing. They don't give anything to the community. **Yalata women**

While the collective picture provided by these perspectives do not give us the whole view, they certainly raise serious concerns about the power imbalance between Aboriginal and Torres Strait Islander peoples and the system.

The findings of Professor Megan Davis, in relation to her recent review of the NSW system have national significance. In many of her findings, I can hear the voices, frustrations and fears of Aboriginal and Torres Strait Islander women and girls across the country. This is especially the case in relation to the poor practices of child protection officers or 'caseworkers':

Better scrutiny of decision making that ensures there are substantive consequences for lazy or poor practice would inevitably improve practice. It is simply not acceptable to say that the workforce is underfunded and overworked. It may be factual, but it is not an acceptable explanation for poor practice in 2019. The decision to remove a child without a proper risk assessment applied or even recorded, the decision to not find family, the decision to not return the call of anxious, loving and willing Aboriginal family carers, the decision to allocate disempowered and struggling parents restoration goals of Sisyphean proportion; these and many more that we uncovered in our deep dive, have had irreversible impact upon the Aboriginal child or young person.[271]

Our people have many hoops that they must jump through in their engagement with child protection services whether it is in the course of getting their children restored to their care, establishing meaningful and regular contact, ensuring that their children are placed together, and where possible, to remain with their family and extended networks. Unfortunately, we know that even when our families comply, they are still at significant risk of losing their children to the system.

As a number of women raised throughout the engagement sessions:

> *They make our women do all of these courses to get our children back and they are still not allowed to get them back. Why is that?* **Dubbo women**
>
> *Yes, that's how many are taken. When they take the children and make parents do their courses … child safety is not keeping up their end of the bargain. Them people need to come back down the stairs and have a good look at what they're doing. They are actually doing it to our people but in a newer way, that are stealing our children.* **Dubbo women**

Noting that her Inquiry was specifically about the situation in NSW, I endorse the calls by Professor Davis to regulate the child protection sector in the same way that any other professional agency would be. This includes creating mechanisms to improve systems of oversight and accountability such as through an independent agency to perform the following functions:[272]

- complaints handling about those involved in the operation of the child protection system
- accreditation and monitoring of out-of-home care providers
- oversight of cases involving abuse or death in care
- reviews regarding circumstances of children in out-of-home care
- monitoring compliance regarding Aboriginal and Torres Strait Islander case management, child placement and engagement with Aboriginal and Torres Strait Islander families and agencies
- efforts to reduce the cross over cohort of children in the care and juvenile justice systems
- conducting regular case file reviews
- ability to undertake reviews into systemic issues in the child protection system.

Text Box 7.3: Family is Culture Review Report

The Family is Culture Report captures the findings of the Independent Review into Aboriginal and Torres Strait Islander children and young people in OOHC in NSW chaired by Professor Megan Davis. The review was commissioned in response to the political advocacy and campaigning of Grandmothers Against Removals and is unique for several reasons. First, it is the only review to date specifically examining the interaction of Aboriginal and Torres Strait Islander children and families with the child protection system. Second, the review is independently led by a team of Aboriginal women and is guided by a predominantly Aboriginal Reference Group. Third, it is the first desktop review in NSW of a large cohort of children and finally, the review is the first to address the significant structural change and accountability mechanisms in this area.[273]

The review contains a detailed examination of the circumstances of the 1,144 Aboriginal and Torres Strait Islander children who entered OOHC in NSW between 1 July 2015 and 30 June 2016. The voices, stories and important recommendations contained within this review are the result of the courageous Aboriginal and Torres Strait Islander men, women, aunties, uncles, grandmothers and grandfathers whose children, relatives and kin have been removed.

The findings and the 125 recommendations for reform were presented to the Minister for Families and Community Services and Justice in October 2019 detailing the structural change necessary to reduce entries into care, increase exits out of care and improve proper implementation of the Aboriginal Child Placement Principle. The Review has concluded that the Department of Families and Community Services and Justice should track, monitor and publicly report on the implementation of the Review's recommendations within 12 months of the final report being delivered. Whilst the review focused on NSW, it has national significance and relevance.[274]

7.5 Promising practice

Text Box 7.4: Family Matters: Strong communities, strong culture, stronger children

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Family Matters is Australia's national campaign to ensure Aboriginal and Torres Strait Islander children and young people group up safe and cared for in family, community and culture. Family Matters is led by SNAICC and is supported by a strategic alliance of over 150 Aboriginal and Torres Strait Islander and non-Indigenous organisations, educational institutions and leading academics.

Family Matters' target is to eliminate the over-representation of Aboriginal and Torres Strait Islander children in Australia's child protection systems by 2040. Each year the Family Matters Campaign releases an annual report, measuring the trends on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care and suggests ways forward to turn this around.

The 2019 Report presents a Report Card, identifying how states and territories measure up with the Family Matters Roadmap Building Blocks. The four building blocks are underpinned by evidence, ethics and detail the systemic changes needed to achieve their aim. Below is a snapshot of the Report Card. Although little improvement is observable in the overall outcomes data, the Report Card highlights where states and territories have demonstrated improvements and commitment, this year, Victoria and Queensland scored comparatively high. See the 2019 *Family Matters Report* for the full Report Card.[275]
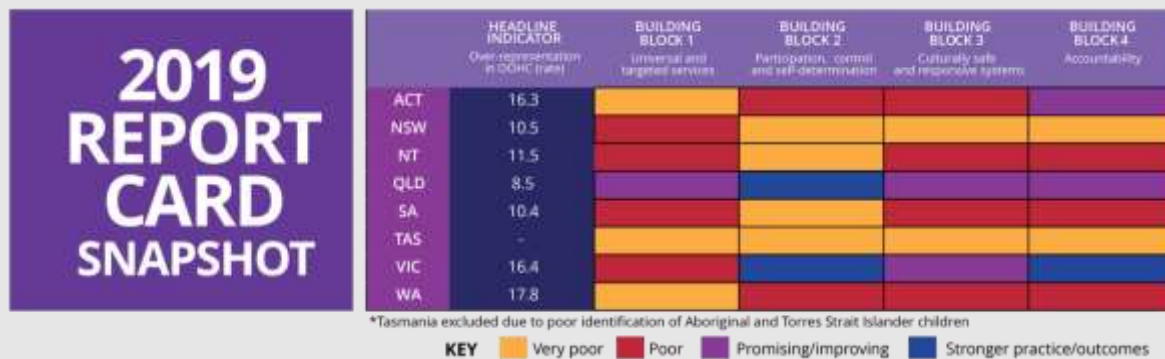

Figure 7.2: Family Matters 2019 Report Card Snapshot.[276]

Despite the countless stories I heard about a system in crisis, there are a number of areas showing signs of promise across the country. As the examples below demonstrate, this is generally in cases where Aboriginal and Torres Strait Islander peoples have an opportunity to have a greater say in child welfare matters.

The Victorian Government has recently taken greater steps to invest in the self-determination of Aboriginal and Torres Strait Islander peoples in Victoria, particularly through the delegation of statutory powers usually performed by the Secretary to Aboriginal and Torres Strait Islander agencies, including the care and case management of Aboriginal and Torres Strait Islander children.[277] Early indicators show that children in these arrangements are doing well by being placed with their kin or reunified with their families, with an estimated 220 Aboriginal and Torres Strait Islander children likely to be authorised under the same measures by mid-2020.[278]

In New South Wales in 2017, the Aboriginal child and family peak, AbSec (Aboriginal Child, Family and Community Care State Secretariat NSW), developed a case management policy (ACMP), which was commissioned by the Department of Communities and Justice. The policy was formally endorsed in 2019 and provides important guidance to practitioners working with Aboriginal and Torres Strait Islander families in that state.[279] Based on extensive consultation with Aboriginal and Torres Strait people in NSW, the ACMP provides a practical approach to implementing the Aboriginal and Torres Strait Islander Child Placement Principle.[280]

The implementation of the *Our Way* strategy in Queensland, is an important example of investment in community control in service delivery and design. The annual $33.34 million of funding to the 33 Aboriginal and Torres Strait Islander community-controlled child and family organisations demonstrates the importance of investing in preventative supports. For those organisations delivering early intervention services, data has shown that they have achieved half the rate of re-notification to the Department compared with mainstream non-Indigenous organisations.[281]

The State's legislation also remains the most comprehensive throughout Australia in terms of the meaningful participation of Aboriginal and Torres Strait Islander children and families.[282]

Recent investment in the Aboriginal family and kin care models in the Northern Territory are also important developments. Established by the Tangentyere Council Aboriginal Corporation with the support of the Victorian Aboriginal Child Care Agency, the model underscores the importance of placing Aboriginal and Torres Strait Islander children with their families. The pilot programs have to date placed 42 Aboriginal and Torres Strait Islander children with Aboriginal and Torres Strait Islander carers, an increase of 18% on the previous year.[283]

Legislative mechanisms such as those identified above in states such as Queensland and Victoria are good first steps but are only meaningful if they are followed and agencies held accountable when they are not. Likewise, policies developed in partnership with Aboriginal and Torres Strait Islander peoples are also significant, but only if they are properly implemented and not if they find themselves on the heap of policies in the waste-bin of 'pilot' initiatives. Aboriginal and Torres Strait Islander women and girls made it clear to me that initiatives that empower families and communities are the exception and not the norm.

Collectively, the initiatives highlighted above offer a glimpse into what could be achieved with greater investment in Aboriginal and Torres Strait Islander peoples, both in terms of money and power. However, they fall far short of the transfer of power to Aboriginal and Torres Strait Islander peoples and the expression of self-determination that was envisioned by the *Bringing them Home Report*.[284]

As the Report sets out:

> *Self-determination requires more than consultation because consultation alone does not confer any decision-making authority or control over outcomes. Self-determination also requires more than participation in service delivery because in a participation model the nature of the service and the ways in which the service is provided have not been determined by Indigenous peoples. Inherent in the right of self-determination is Indigenous decision-making carried through into implementation.[285]*

Text Box 7.5: Ko Te Wā Whakawhiti—**It's Time For Change, a Māori Inquiry into Oranga Tamariki**

Internationally, Indigenous children and families experience comparable systemic issues of disempowerment and voicelessness around State delivered care and protection for their children and young people. As of 30 June 2019, 68% of children and young people in Care and Protection custody of the Chief Executive of Oranga Tamariki (State Care) identified as being of either Māori or Māori and Pacific ethnicity.[286]

Ko Te Wā Whakawhiti—It's Time For Change was an inquiry led by the Whānau Ora Commissioning Agency, with the support of the South Island Commissioning Agency Te Pūtahitanga o Te Waipounamu (Te Pūtahitanga) and under the guidance of renowned Māori leadership. The Māori Inquiry focused on giving voice to whānau (family) with lived experience of Oranga Tamariki (State Care) policies and practices. While the Māori Inquiry stands strong as an Independent review, it works in concord with other inquiries in New Zealand to create the whole picture, which together, can now drive the momentum for real change.[287]

The process involved gathering voices of whānau (1,100 people in total) from 1 September 2019 to 30 October 2019. The Inquiry heard from Kin Caregivers, State Care Survivors, those directly impacted by removals of Oranga Tamariki, non-kin Caregivers, health professionals and Whānau Ora Providers.

The key themes that emerged from engagements with whānau were: Whakapapa (Intergenerational) Trauma; Discrimination and Prejudice; Uplifts (removals) and placement practices; Whānau Access, Communication and trying to 'navigate the system'; and Oranga Tamariki Workforce: Competency, Capacity and Behaviour.

Whānau clearly articulated solutions to the systemic challenges they are faced with and provided a clear vision around their aspirations for child welfare. Their vision is centred around three key areas: Tino Rangatiratanga (By Māori—For Māori—With Māori); Connecting back to who we are: Hapū, Iwi, Whānau and lastly, Wrap-around support. Whānau also outlined four key principles for action: Whānau centred; Systems focused; Kaupapa Māori aligned; and Māturanga Māori informed.

The overwhelming conclusion from this Inquiry is that the State care of Māori, in particular practices of uplifts, are never appropriate for the long-term wellbeing of Māori.[288]

Many of the same themes in this report similarly appear repeatedly throughout the history of State engagement with Indigenous children and families worldwide.

The evidence of structural and institutional abuse is emerging right across the world and it is clear we need a new way of doing things. Through our connections as sovereign peoples from our respective lands, together we can tell our stories and our histories, and begin to rewrite national narratives to include our voices, so our global history, is bigger, richer and more truthful. When we reconcile like this we do not turn away in fear. We learn to hear, to share truths and ultimately transform.

7.6   Conclusion

Too many Aboriginal and Torres Strait Islander children, families and communities have been devastated by the interventions of child protection authorities.

If we do not act now, we risk even more generations being stolen from us, the erosion of our culture, and cycles of trauma to continue.

We must look at the structural injustices making Aboriginal and Torres Strait Islander children more likely to be subject to child protection interventions than non-Indigenous children. Investments must focus on supports to our families as well as addressing poverty, marginalisation, poor mental health and family violence that influence the disproportionate numbers of Aboriginal and Torres Strait Islander children in out-of-home care. No longer can we ignore this crisis.

The system requires urgent and total reform.

It must shift focus from intervention and removal—to prevention, support and empowerment.

Reunification and maintaining connection to family, country and culture must be central to all processes and Aboriginal and Torres Strait Islanders families and communities must be involved in decision-making on child welfare matters. It is through increasing levels of self-determination of Aboriginal and Torres Strait Islander peoples that we will be able to reduce representation of Aboriginal and Torres Strait Islander children in the child protection system.

Authorities must not dwell on lack of evidence of what is working well and acknowledge the evidence of the failing current approaches, of which there is no shortage.

We must invest in community-led solutions. Governments must support knowledge sharing and collaboration to replicate and adopt these practices across communities, with the involvement and decision-making of Aboriginal and Torres Strait Islander stakeholders at every stage.

There is a wealth of reports and recommendations setting out the fundamental changes required to halt the current trajectory of removals of children from their families, communities and culture.

Tinkering around the edges is no longer an option for the state of child welfare in this country. All of the many recommendations in countless reports, inquiries and reviews that I have alluded to throughout this chapter must be heeded. In particular, I echo the 2019 *Family Matters Report* recommendations outlined in Text Box 7.6 from our national Aboriginal and Torres Strait Islander child welfare peak, SNAICC.

Text Box 7.6: SNAICC, The Family Matters Report 2019: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children: Recommendations

Recommendation 1

Develop a national comprehensive Aboriginal and Torres Strait Islander children's strategy that includes generational targets to eliminate over-representation and address the causes of Aboriginal and Torres Strait Islander child removal.

Recommendation 2

Establish a target and strategy to increase investment in universal and targeted early intervention and prevention services, including family support and reunification services, with a focus on community-led initiatives.

Recommendation 3

Establish a target and strategy to increase access to preventative early years services in early childhood education and care (ECEC), maternal and child health, and family support, including investing in quality Aboriginal and Torres Strait Islander community-controlled integrated early years services through a specific program with targets to increase coverage in areas of high Aboriginal and Torres Strait Islander population and high levels of disadvantage.

Recommendation 4

Prioritise investment in service delivery by community-controlled organisations in line with self-determination. Investment should reflect need and be proportionate to the engagement of Aboriginal and Torres Strait Islander families within child protection systems.

Recommendation 5

An end to legal orders for permanent care and adoption for Aboriginal and Torres Strait Islander children, replaced by a focus on supporting the permanence of their identity in connection with their kin and culture.

Recommendation 6

Adopt national standards to ensure family support and child protection legislation, policy and practices are in adherence to all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle, including requirements for:

a. increased representation of families, children and communities at each stage of the decision-making process
b. increased investment in reunification
c. increased efforts to connect children in out-of-home care to family and culture.

Recommendation 8

Development and publication of data to better measure the situation of the over-representation of Aboriginal and Torres Strait Islander children in child protection systems.

We must keep children with their families and communities. No longer can we allow history to repeat itself.

Part Two Pathways forward

Supporting strong families and communities
Aboriginal and Torres Strait Islander women and girls want to live in strong, healthy and vibrant families and communities. They value inclusiveness, care and respect—values that are inherent to our culture and embedded in our extensive family and kinship networks. For far too many of our families, multiple forms of discrimination and inequalities, the conditions of poverty, systemic racism and intergenerational trauma have a corrosive effect on our cultural and social fabric. These issues combine and compound and form the conditions for the high prevalence of family violence, drug and alcohol dependence, abuse and childhood trauma. All of these issues have become key factors in community fragmentation and driving contact with child protection authorities and the criminal justice system. Aboriginal and Torres Strait Islander women have stressed the need to break the cycles of intergenerational harms, by addressing systemic causes and diverting women, children and families away from punitive interventions. Aboriginal and Torres Strait Islander women are calling for all Australian governments to significantly refocus and invest in early intervention and prevention supports. They want a system grounded in their self-determination and underpinned by healing and restorative approaches, aimed at supporting individuals and families, while also improving the conditions, and transforming the context, in which people live. **Aboriginal and Torres Strait Islander women and girls are calling for:**

All state and territory governments, with the support of the Australian Government, urgently to invest in prevention and early intervention supports. This focus would be significant in impact and reduce the high rates of community harms such as family violence, drug and alcohol dependence, abuse and childhood trauma. Addressing systemic issues of harm and trauma would also reduce unacceptably high rates of Aboriginal and Torres Strait Islander children entering the child protection system and youth detention, as well as reducing the rapidly increasing over-representation of Aboriginal and Torres Strait Islander women in incarceration.

This includes by:

- investing in Aboriginal and Torres Strait Islander community development for prevention and early intervention
- better implementing the principle that detention is a matter of last resort for Aboriginal and Torres Strait Islander children
- expanding the availability and range of diversionary programs for young offenders, including community-controlled and culturally safe programs
- exploring alternative approaches, such as Justice Reinvestment and Social Impact Bonds, to re-orient focuses on preventative measures
- investing in the development of community-controlled culturally-based healing methods and programs and expanding the coverage across Australia of programs enabling cultural reconnection and strengthening identity
- investing in respite and vicarious trauma supports and counselling for women and other community members leading trauma recovery and healing work
- increasing coverage and capacity across Australia of Aboriginal and Torres Strait Islander women, children and family specialist services and community-controlled holistic approaches and programs. This includes, therapeutic and trauma-informed counselling, men's behavioural change programs, healing programs and centres, night patrols and youth centres and support activities
- increasing access to early years services in early childhood education and care, maternal and child health, disability and family support, including investing in community-controlled services which integrate early years programs and supports

- developing mechanisms to support women's leadership to address issues of community-wide harms, family violence and those pertaining to child protection.

Investment in diversionary pathways away from the criminal justice system and child protection.

This includes by:

- ensuring sufficient provision of Aboriginal and Torres Strait Islander designed and managed safe houses, transitional housing and safe and affordable long-term housing across urban, regional and remote areas
- ensuring sufficient access for Aboriginal and Torres Strait Islander women and their children to drug and alcohol detox and rehabilitation facilities, specific to women and children's needs and aimed at empowerment and recovery
- developing safe house and drug and alcohol rehabilitation models as hubs to act as a 'one stop shop' in the provision of holistic supports
- ensuring alternatives to remand, imprisonment for fine defaults and over-policing of minor offences
- expand the use of Aboriginal and Torres Strait Islander sentencing courts, including specialist family violence and trauma-informed courts, while simultaneously ensuring the cultural competency of mainstream court processes
- ensuring women and children have culturally safe, trauma-informed and family violence aware representation within the family law system.

The implementation of mechanisms to keep women and children safe and families together:

- All state and territory governments should implement a Child Protection Notification Referral System (like the Custody Notification system), to refer women and families engaged with the child protection system to culturally safe and preventative legal advice and assistance to reduce matters reaching court and children being apprehended.
- All jurisdictions to replace the legal orders for permanent adoption for Aboriginal and Torres Strait Islander children, with a focus on supporting the permanence of their identity in connection with their kin and culture, and to invest in community-controlled reunification services.

- All jurisdictions to invest in mechanisms that increase the capacity and confidence of victims to disclose violence and abuse, particularly for children who have experienced sexual abuse, limiting the risk of re-traumatisation and to establish crisis support options for children and women and others impacted by child sexual abuse.
- The Australian Government support all jurisdictions to improve access across Australia to, and increase investment year on year, commensurate with need and indexed, to Family Violence and Prevention Legal Services (FVPLS) and to Aboriginal Legal Services (ALS) as culturally safe, trauma-informed specialist supports and legal representation.
- The Australian Government and all jurisdictions support expanding the role of Aboriginal and Torres Strait Islander peak bodies advocating for the safety and protection of women and children.

A culturally safe and responsive service system:

- All Australian governments to invest in culturally restorative and supportive community-led measures identified by local Aboriginal and Torres Strait Islander communities.

- All Australian governments should implement the priority reforms raised in the SNAICC, the FVPLS's and NATSIL's 2017 family violence policy paper and expand reforms across all sectors responding to family and community harms. This includes the need for whole-of-government reform to provide national coverage of holistic and culturally safe service responses; to empower our people to drive policy and practice change; and to embed our cultural healing and trauma-informed practices across service responses.

- All jurisdictions to design strategies that pursue service and sector integration to improve service responses to ensure the safety and protection of victims of family violence and other forms of harm.
- All Australian governments to develop accountability mechanisms to ensure that authorities must comply with the Aboriginal and Torres Strait Islander Child Placement Principle and provide greater transparency and accountability around placement decision-making, with greater efforts to urgently reunite our children to their families and communities.

- All Australian governments to embed cultural security across the statutory child protection and criminal justice system, with an urgent focus on police as first responders to family and community harms. For example:
  - police recruitment and retention strategies set targets to increase and retain the numbers of Aboriginal and Torres Strait Islander women in leadership roles within the police force, at the local, regional and state and territory levels
  - ensuring Aboriginal and Torres Strait Islander women Police Liaison Officers (PLOs) are available to all police forces across the nation
  - trauma-informed and culturally responsive training, and family violence response training be embedded across all Australian police departments which include accountability frameworks to address systematic racism.
- Adequate oversight of use of force by police is maintained, including appropriate monitoring of places of detention in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Degrading Treatment and Punishment (OPCAT), including monitoring of police holding cells, transport and detention facilities.
- Independent complaints and investigation mechanisms for police misconduct and use of force are established.
- All Australian governments standardise screening for cognitive disability (including FASD) for:
  - children entering out-of-home care
  - children and adults facing trial and sentences of detention.
- All Australian governments to ensure that all Aboriginal and Torres Strait Islander women in prisons and children in detention have access to a range of rehabilitative, educational, culturally based programs and services to reintegrate them into society beyond incarceration.
- The Australian Government should consider high level reforms to the justice system that include:
  - increasing non-custodial options for low level offenders
  - pre-charge warnings for minor offences
  - ensuring diversionary options at the earliest contact with police
  - dealing with selected low-level traffic offences as infringements rather than through the court system
  - repealing punitive bail laws and mandatory sentencing laws

- o raising the age of legal criminal responsibility.
- Implement all recommendations from the Royal Commission into Aboriginal Deaths in Custody, the Australian Law Reform Commission's Pathways to Justice Report, the Royal Commission into the Detention and Protection of Children in the Northern Territory, and coronial inquests into the deaths of Aboriginal and Torres Strait Islander women in custody.

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Australian Human Rights Commission
Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report • 2020

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Living and belonging

Part Three Living and belonging

Don't you think that there is something drastically wrong when we're in the year 2018 and the deterioration of our people has just tripled? We're missing something somewhere along the line … [we need to be] putting preventative measures in place and really educating our people with empowerment to be able to lend to their own understanding of directing their own futures. **Brewarrina women**

In Part Three you will find the following chapters:

Summary

Chapter 8 Service delivery

Throughout all engagements and submissions for the *Wiyi Yani U Thangani* project, and across all themes from health, to housing and education, women and girls raised the need for structural reform to the way services are delivered in their communities. Throughout this chapter, women and girls describe a broken system where poorly coordinated mainstream funding bodies cause fractured and duplicated services. Women and girls shared that they often feel abandoned when it comes to accessible and suitable services, particularly in areas of family violence, child removal, homelessness, substance abuse, poor mental health, and suicide. This chapter captures the key concerns raised by women and girls with the current service provision dynamic, including accountability and funding, reform in the most vulnerable sectors, staffing, service transparency and coordination, and accessibility.

Women describe throughout this chapter the need for policies, programs and services to focus on prevention and early intervention. Current responses not only fail to address the root causes of disadvantage experienced by Aboriginal and Torres Strait Islander communities, but also fail to aid the symptoms. Community-controlled services are essential to addressing inequality and the needs of communities, as is the inclusion of women and girls in decisions about what investments are made into their communities and how services are designed, delivered and evaluated.

Chapter 9 Housing and homelessness

Safe, secure and stable housing is critical to health, education and employment, and is key to improving outcomes for people in entrenched disadvantage. Aboriginal and Torres Strait Islander women face multiple, intersecting barriers to realising the right to housing, including a greater likelihood of experiencing economic disadvantage, greater responsibility for caring for family, higher levels of gendered violence, stereotyping, racism and discrimination. Throughout this chapter, women and girls highlight housing as a major priority issue and identify the need to address availability, overcrowding, discriminatory housing access, affordability, social housing, and homelessness.

This chapter captures women's urgent calls to increase housing stocks, ensure affordability of housing, provide culturally appropriate supports to address overcrowding, and prevent housing insecurity and homelessness. Women want a system that is responsive to their unique needs, including higher rates of mobility and significant kinship obligations. They were clear that there needs to be greater investment in community-controlled organisations to ensure the housing sector is better designed to suit Aboriginal and Torres Strait Islander women, families and communities.

Chapter 10 Disability

This chapter relays the experiences of women and girls with disability and as carers. The overwhelming message from women and girls was that the Western perspective of disability has created significant barriers impeding the equal participation of Aboriginal and Torres Strait Islander people with disability in all aspects of life.

Aboriginal and Torres Strait Islander women with disability face the intersection of race, gender and disability, making them one of the most disadvantaged groups in Australia. The marginalisation of Aboriginal and Torres Strait Islander women with disability is reflected in their experience of poorer health and social and emotional wellbeing outcomes, substance misuse, suicidal behaviour, lower life expectancy, insecure housing, insecure employment, and intergenerational disengagement with education.

Women and girls, especially those who are carers, emphasised the failures of services and supports for Aboriginal and Torres Strait Islander people with disability, including the NDIS, and the need for significant reforms that recognise our knowledge and expertise and empowers community-control over disability support services.

Chapter 11 Land and country

Country plays a critical role in the lives of Aboriginal and Torres Strait Islander women and girls. Country provides women and girls with a sense of identity, a source of strength and a place for healing. Throughout this chapter, women and girls raise their deep concerns about their ongoing connection to country, including contemporary barriers to accessing country such as: financial costs, loss of access due to mining, and living away from country. Women spoke mournfully of a piecemeal yet cumulative loss of cultural knowledge since colonisation, and of the loss of country due to from the impacts of climate change.

This chapter also relays the hopes women and girls have for country, and highlights how innovative and resourceful Aboriginal and Torres Strait Islander women are. Women and girls share their aspirations and solutions to reconnect to country, live and work on country—including through heritage and Indigenous ranger programs—and for economic development. Women have varied opinions and perspectives when it comes to land and country. However, they were very clear that they need to be supported to maintain and strengthen their connection to country, in whatever way they chose.

The human rights context

All people have the right to lead fulfilled lives, to participate in decisions affecting their lives, and to non-discrimination and equality. Aboriginal and Torres Strait Islander peoples' identity is inextricably linked to country. For our mob, safety, health, and wellbeing are found at home. Nonetheless, too often, Aboriginal and Torres Strait Islander women and girls who live on country are not provided with readily accessible and suitable services, including services for women and girls with disability. This lack of adequate support is undermining women and girls' sense of place and belonging and presents an obstacle to the realisation of a range of economic, social, and cultural rights.

Progressive realisation

The International Convention on Economic, Social and Cultural Rights (ICESCR)[1] requires states to undertake all appropriate measures to progressively achieve the full realisation of the rights in the ICESCR, and to do so to the maximum of their available resources. This 'progressive realisation' principle acknowledges that the realisation of economic, social and cultural rights can only be achieved over time. Accordingly, governments must take positive steps to progressively achieve the full realisation of rights without delay. Steps must be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognised in the Convention.[2]

This requires that governments identify indicators, in relation to which they should set ambitious but achievable benchmarks, so that the rate of progress can be monitored. Such benchmarks should be:

- Specific, time bound and verifiable
- Set with the participation of the people whose rights are affected, to agree on what is an adequate rate of progress and to prevent the target from being set too low
- Reassessed independently at their target date, with accountability for performance.[3]

The right to an adequate standard of living, including housing

ICESCR recognises the 'right of everyone to an adequate standard of living', which includes the right to housing (Article 11). Access to safe and secure housing is one of the most basic human rights and is fundamental to the enjoyment of a range of rights, including an adequate standard of living, the right to education, and the right to privacy. The right to housing is more than a right to shelter. It is dependent on a range of elements including:

- **Security of tenure:** There must be a degree of tenure security to guarantee legal protection.
- **Availability of services and infrastructure**: This includes safe drinking water, sanitation, energy for cooking, heating, lighting, and food storage.
- **Affordability:** The cost must not compromise the enjoyment of other rights.
- **Habitability:** It must guarantee physical safety, provide adequate space, and protect against health and structural hazards.
- **Accessibility:** The specific needs of peoples experiencing disadvantage and marginalisation must be considered.
- **Location:** It must not be cut off from employment opportunities, healthcare, schools, childcare centres, and other social facilities.
- **Cultural adequacy:** Cultural identity must be taken into account.[4]

Indigenous women are more likely than other groups to live in inadequate housing conditions and to experience systemic discrimination in the housing sector. Frameworks for their protection are found in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[5] and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[6]

The rights of persons with disability

Indigenous women and girls with disability are at the intersection of race, gender, and disability, making them one of the most marginalised groups globally. Alongside CEDAW and UNDRIP, the Convention on the Rights of Persons with Disabilities (CRPD) provides protection for the economic, social, and cultural rights of persons with disabilities.[7] These rights are underpinned by eight guiding principles including:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disability as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women.

The right to country, culture, and knowledge

The enjoyment of economic, social, and cultural rights for Aboriginal and Torres Strait Islander peoples is intimately connected to the rights of Indigenous people to maintain, practise, and teach their culture. These rights are articulated in various international human rights frameworks, including ICCPR Article 27 and the Convention on the Rights of the Child (CRC) Article 30: Indigenous persons are not to be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.[8]

The Committee on the Elimination of Racial Discrimination (ICERD) has also indicated that the obligations in the ICERD requiring governments to:

- Recognise and respect indigenous distinct culture, history, language, and way of life as an enrichment of the state's cultural identity and to promote its preservation
- Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent
- Ensure that indigenous communities can exercise their rights to practise and revitalise their cultural traditions and customs and to preserve and to practise their languages
- Recognise and protect the rights of indigenous peoples to own, develop, control, and use their communal lands, territories and resources.[9]

The UNDRIP also sets out how these rights apply in protecting indigenous peoples' cultural identity, connection to country, and cultural knowledge:

- Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories.
- Article 12(1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites.
- Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- Article 26: Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired, and to the right to own, use, develop and control the lands.
- Article 27: States shall establish and implement a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognise and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies, and cultures. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Chapter 8 Service delivery

8.1   The need for significant structural change

Aboriginal and Torres Strait Islander women and girls want to lead fulfilling lives. Throughout the *Wiyi Yani U Thangani* consultations, I heard too often that the unavailability and inefficacy of services is impeding women and girls from realising this aspiration. Some women even shared that they felt abandoned when it came to accessible and suitable services in their communities.

The current service delivery model is one built around crisis response. The 'one size fits all' approach is failing to deliver outcomes to meet communities' needs, and arguably causing harm. This model fails to address the root causes of Aboriginal and Torres Strait Islander disadvantage and, subsequently, the services are not effective when it comes to addressing the symptoms. In turn, unaddressed issues compound and cause further trauma.

Aboriginal and Torres Strait Islander women and girls want early interventions, and culturally appropriate, trauma-informed and strengths-based services for the prevention of the traumas that affect their lives.

Women raised issues such as domestic violence, child removal, incarceration, homelessness, substance abuse, poor mental health, and suicide. They spoke about the need for more community-controlled organisations and the involvement of community in decision-making at all levels. This is crucial for effective service delivery. Too often, we see well-intended investments fail due to lack of genuine community consultation and shared decision-making.
We must provide more agency for Aboriginal and Torres Strait Islander women and girls to take control of the type and quality of services they receive. The lack of effective consultation mechanisms and opportunities for women and girls' involvement in decision-making has left them in a state of vulnerability where they are frustrated in their efforts to bring about proactive measures to affect long-term positive change. This further disadvantages and disempowers their lives.

8.2   The change that women and girls want to see

(a) Early Intervention rather than crisis response

> *You have to be busted up to come here … You cannot come to the service unless you are choked by a man. That is shame job. Makes me feel no good inside*. **Coober Pedy women**

As Aboriginal and Torres Strait Islander peoples, we have a remarkable living history. For 60,000 years plus, we have sustained a cohesive and resilient society. We have the most sophisticated kinship network in the world and, through a system of Law, ceremony and song, we have transferred a huge body of knowledge—including important principles of collective and common humanity—from generation to generation. Aboriginal and Torres Strait Islander peoples have many strengths, which should be celebrated.

The incapacity or refusal to recognise our strengths has led, historically, to paternalistic and punitive interventions towards Aboriginal and Torres Strait Islander communities. Still today, this makes many women wary of accessing the very services that are meant to support them.

The women and girls I met during the *Wiyi Yani U Thangani* engagements talked frankly about the impact of living in a state of constant reaction to crisis, where each wave of trauma further impedes their communities' capacity to initiate and engage in proactive efforts to address the causes of crises before they develop. This creates a generalised state of vulnerability that can only be addressed at the community level through programs, activities and services which support women and their families before harm takes place.

> *People are so fatigued. Crisis and chaos; people just react. We currently have a system that does not have capacity to respond on the ground.* **Kununurra women**

> *Prevention is more effective than interventions designed to prevent the recurrence of maltreatment or to help children overcome its consequence.* **Aboriginal Family Law Services WA submission**

Text Box 8.1: Child Family Community Australia (CFCA)

Child Family Community Australia (CFCA) have incorporated methods to support Indigenous families and communities that include:

- working *with* rather than working *on* Indigenous communities
- ensuring services are culturally competent
- focusing on attracting and retaining the right staff
- cultivating networks and relationships
- adopting an action research approach.[10]

Action based research is a collaborative and participatory approach between researchers and those engaged in the research. Researchers work with community stakeholders and organisations to design, deliver and evaluate research throughout the life of a research project. An action research methodology is designed to generate findings through applied practice where relevant problems and issues are identified and solutions considered by research participants as research is being conducted.[11]

Service providers are often criticised for not involving the community in service delivery. Programs, activities and services that impact Aboriginal and Torres Strait Islander people will most certainly be more effective when elders, community members, and other key local initiatives and services are engaged and involved in both the planning and implementation stages.[12]

This allows for forward preventative planning rather than unhealthy crisis mode service delivery models that are often implemented without community involvement.

We know from research that programs, interventions, activities and services fail when they:

- do not integrate and actively engage with local Aboriginal and Torres Strait Islander people at all stages, including development, implementation and evaluation

- do not take into account and/or target multilayered and complex issues with a holistic approach, for example, alcohol and substance misuse, unemployment, and lack of education

- are underfunded and under-resourced, which can limit their reach and effectiveness.[13]

Many of the submissions I received for *Wiyi Yani U Thangani* highlighted that—despite all of the work by Australian governments, Aboriginal and Torres Strait Islander leaders and national campaigns such as Close the Gap to highlight the importance of social determinants—investment remains focused on resourcing crisis response rather than prevention and early intervention.

This is failing Aboriginal and Torres Strait Islander women and girls.

> *[There is a] paucity of culturally appropriate services for Aboriginal women. Particularly programs that address the social determinants of health, and fundamentally focus upon early intervention and prevention.* **Aboriginal Health Council of Western Australia submission**

> *The individualisation of poverty has led to piecemeal programs predicated on the assumption of individual change, rather than structural changes and services to address the poverty which underlies most women's imprisonment.* **Sisters Inside submission**

Some women expressed concern that Indigenous disadvantage has become an industry built around applying crisis response models to Indigenous communities. Such measures not only fail to address the root causes of disadvantage, many also lack efficacy in addressing its symptoms. During the consultations, I heard numerous accounts from women and girls of ineffective service provision and of provider behaviour being driven by the need to record a statistic against their key performance indicators, regardless of whether or not they had delivered any value to the community.

> *[Providers are] just focused on ticking the box and getting the money and not real outcomes for our people* **Mount Isa women**

Many women and girls described how they had sought help from service providers to secure housing and other supports required to ensure basic needs were being met and risk factors were being effectively mitigated. Time and time again, these stories highlighted experiences of rigid and unresponsive bureaucracies, and a lack of available supports in place to reduce the prevalence of major crises.

The women and girls I spoke with want early intervention measures that are culturally appropriate, strengths-based, and trauma-informed. The women and girls who attended our engagements and who made submissions called for supports that they can access early that do not stigmatise them or bring them under surveillance as a problem to be managed.

> *We don't necessarily need to be dependent on services to raise our kids, we just need services to support the process rather than, 'you have a problem, we need to fix you'. We don't need fixing, we need support, and we need services to not be discriminatory, not racist but to acknowledge that you just need support and stop writing about what is wrong with us.* **Roebourne women**

Effective prevention and early intervention requires governments and service providers to take a proactive approach or 'upstream methodology'. **Kimberley Aboriginal Law and Cultural Centre submission**

Women and girls want to see effective prevention and early intervention services that help prevent or mitigate key traumas such as domestic violence, child removal, incarceration, homelessness, substance addiction, poor mental health and suicide. They raised the urgent need for locally available programs, activities and services which provide:

- parenting skills
- protective behaviours
- 'out on country' experiences for children
- respite for carers
- life skills
- information on laws, rules and systems
- anger management
- counselling (including relationship counselling)
- rehabilitation
- transition back to community (from prison)
- understanding lateral violence
- positive engagement with local police
- youth activities at night and on weekends
- safe spaces.

Text Box 8.2: Cape York Partnership (CYP)

The Cape York regional organisations have been operating in partnership with the people of Cape York for more than 20 years to radically improve outcomes for Indigenous people in the region.

CYP leads a comprehensive reform agenda to ensure that Indigenous rights and responsibilities exist in proper balance, with a strong focus on economic engagement being central to individual and social wellbeing.

The CYP partners with governments, corporates and philanthropists, as well as

with individuals, families and communities as they strive for lives of value, freedom and prosperity.

The key focus areas of CYP are to:

- rebuild social norms
- restore Indigenous authority
- address the welfare pedestal through changing the incentive
- support engagement in the real economy
- move from welfare housing to home ownership
- enable children to make full use of their talents, creativity and to enjoy the best of both worlds.[14]

Women talked enthusiastically about existing early intervention initiatives, where they do exist, such as subsidised fresh food, community gatherings, family centres, education programs, youth programs, and therapeutic economic models and programs. Broadly, therapeutic economies have a financial and healing component and are known by a variety of terms. They usually include social enterprises, or culture and country-based employment and traditional economic activities where the work involved feels meaningful and provides a form of income, while also being of benefit to an individual's health and wellbeing. These models of work can also be designed to provide social and ecological benefits to families, communities, and surrounding environments. Work that can include therapeutic methods ranges from art production to sewing, gardening and caring for country.[15]

Text Box 8.3: Mudgin-gal Aboriginal Women's Centre in Redfern

'Mudgin-gal' is essentially a women's place. It's a language name from the south coast of NSW and we have a number of programs that support Aboriginal women through early intervention, child protection issues, and we have instigated—since the Women's Voices project—a yarning circle, which has been going for the last four months …

The yarning circle we're trying to develop, is a community of women, a community of Aboriginal women in the local area for decision-making and for raising our voices as a group. The power of the group, the power of women together, is really important to us and the power of looking for solutions and deciding on solutions. **Sydney women**

(b) Community-controlled and co-designed services

Community-controlled organisations play an essential role in many Aboriginal and Torres Strait Islander communities. They provide advocacy, culturally-informed spaces and guidance to mainstream organisations on cultural matters, and are uniquely placed to lead culturally-informed, all-of-community solutions that reflect community priorities and ways of working.

> *In Lockhart River they have made up a women's group who advocate for the families whenever Child Safety come in and now Child Safety has to go through that women's group to access those kids for the families and they coordinate services.* **Woorabinda women**

Text Box 8.4: Yoonthalla Services, a community-owned organisation

An example though of what is working, is Yoonthalla, Woorabinda's new community-owned organisation. **Rockhampton women**

Yoonthalla Services in Woorabinda is the first community-based non-government corporation in Woorabinda. Yoonthalla's motto 'strong hands, strong minds our way' provides holistic community wellbeing services and programs for the local community.

Yoonthalla run a cultural awareness program called the Woorabinda Passport which has helped break down barriers between services and the community. The three-day program is run by the Woorabinda elders and other community members so outside agencies and organisations can understand the history and the 'Woori Way'.

This program has helped bridge a few gaps, it is also helping out local businesses.[16]

The women and girls who attended the engagements and made submissions to the *Wiyi Yani U Thangani* project sent a clear message that community-control over services, activities and programs is essential to providing for self-determination and addressing inequality.

> *Aboriginal and Torres Strait Islander Community Controlled Organisations are best placed to achieve long term, beneficial outcomes for their communities, and dedicated services for Aboriginal and Torres Strait Islander women and children experiencing family violence, such as FVPLSs, are particularly vital. Aboriginal and Torres Strait Islander communities know and trust our staff and services. We are unique, experienced and specialist service providers delivering culturally safe legal and non-legal services within which Aboriginal and Torres Strait Islander culture is not only acknowledged and celebrated but embedded within the organisational structures and operations.* **Aboriginal Family Law Services WA submission**

Text Box 8.5: Baabayn Aboriginal Corporation

I just love the fact that Baabayn is a big community organisation, we're here for the community, we're not here to make money or profit or anything, we're just here for the community … we probably do more for mental health than we do anything else. People can come here and feel comfortable and be part of our organisation. **Sydney women**

Baabayn Aboriginal Corporation was founded by five Aboriginal elders from Western Sydney. Their purpose is to connect with individuals and families in a welcoming environment, providing them supports and links to services that help them heal from the past and nurture their sense of confidence and pride in the future.

The group has strong knowledge of the community and has built contacts within and outside the community. Their programs include family gatherings, the Kurung Homework Club, and the Wirringa and Booris (mums and bubs) Groups.

In speaking to people working in service provision, it became clear to me that the vital role of Indigenous-led services is two-fold. As well as providing the services, they act as a conduit, advocating on behalf of clients who are not equipped to navigate complicated and changeable mainstream service systems, which often lack an appreciation of Indigenous needs and perspectives.

> *My role as advocate, I have to ring up for resources and sometimes you run into brick walls and you have to use your voice to make them understand what your client is going through and that they have the services to get an outcome.* **South Hedland women**

Nowhere was this clearer than when I spoke to women from inner regional Queensland and very remote Western Australia about aged care service provision. These women told me specifically about the difficulties they encountered in navigating the government funded aged care services through the Australian Government's *My Aged Care* system.[17]

In 2012, reforms to the financing and provision of aged care services resulted in the mainstreaming of the aged care system. The reforms were intended to improve access, quality, and consumer choice of aged care services.[18] However, in a similar manner to the mainstreaming of housing policy, the removal of community decision-making and flexible choices has reportedly made the system harder to navigate and less adaptable to individual circumstances.

Without any services or locally based liaison officers to help elderly residents access *My Aged Care*, the eligibility requirements and access processes have been overwhelming.

> *For the Centrelink one I can link up; with Aged Care and Medicare, (but) how do I get her on the system? This grannie needed the kids' dates of birth, CRM numbers and the exact amount she gets for those kids, just so she could get services. But she doesn't even know her own birthday ... All of our team really struggle in assisting them even though we aren't even allowed to do this.* **Newman women**

Having a centralised assessment process creates additional conflicts of understanding about the social and cultural context of aged care needs, the nature of services available, and the distance and practical inaccessibility of aged care services in regional and remote locations. It also creates an unnecessary and unacceptable lengthy eligibility referral process that results in delayed access to vital supports and services.

> *When our senior people want to go into a program, they have to have an assessment done. The assessment is done by Canberra ... [they] do about a 30-page interview over the phone ... and then wait two years for that person to be put on a portal before they're referred back to us ... It used to be done by community health but not anymore. We used to have them done [here]. Our coordinator used to ask us, and we were right. Now this bloody mob in Canberra stepped in and that's what they're doing. And then because we're losing elders, because we can't give people a place, our numbers are going down and then we're not making our money. You don't know if you're going to have a program or not because it all depends on Canberra. And in that time, families are struggling to look after their loved ones. So, we need our own local aged care facility ... We need a local aged care facility.* **Rockhampton women**

However, many women cautioned that just because community-controlled organisations are important, it should not be misconstrued that they are the only service delivery mechanism that should be made available to Aboriginal and Torres Strait Islander communities.

Mainstream services often provided needed services, but there is a need for advocates to help women and girls access them. The key thing for most of the women and girls I spoke to was to have a choice of services.

> There are mainstream refuges but it's not working for Black fellas. Black fellas should have the choice if they want to go to a Black service or a mainstream service. That should be their choice. **Brewarrina women**

Having a choice of services was particularly important for some women and girls who reported that they did not use Indigenous-specific services because of community politics, or because of issues with nepotism, personal relationships with staff, and the observance of cultural protocols.

Many women also expressed concerns about privacy breaches from local Indigenous-specific services.

> Same thing with our health service, if the person behind the counter who you go and make your bookings through is a person who you culturally cannot be in the same spaces or speak to, then you cannot access that service. **Karratha women**
> There is no confidentiality in agencies. They gossip so we go to the white services. **Mount Isa women**

However, other women highlighted that such concerns should not be misconstrued by government to justify cutting community-controlled services.

> They had a story. Just one story of a family that didn't want to be referred to certain mob because we got relations out there. From that one story they made statements at state level forums ... [saying] Indigenous people don't want to use Black organisations. **Rockhampton women**

Many women emphasised that they do not want to foster a dependence on programs, activities and services which ultimately fail to empower and build self-determination and instead perpetuate an industry predicated on ongoing Indigenous disadvantage.

When I travel around and I ask women, 'what are your issues?', and people say we can't do that because there's no program … I say, 'hang on, we've been doing this before we had a program'. I know how a program can assist, but our motivation shouldn't be [determined by whether or not there is a program]. **Tennant Creek women**

Women talked about a need to overcome what has become an over-reliance on programmatic responses, a reliance that has been created largely through the gradual erosion of community agency and local decision-making.

What's happened to our mob is that agency has been taken from them … My family in the community used to do things. When I was a little kid going out to Papunya, they did a lot of things for themselves. They were somewhat self-sufficient. **Alice Springs women**

Increasing the capacity of community-controlled organisations is critical to building genuine self-determination, rather than fostering the continuation of an increasingly large sector profiting from Aboriginal and Torres Strait Islander disadvantage.

Text Box 8.6: Wunan Aboriginal Foundation

The Wunan Foundation was established in 1997 with a purpose to ensure that Aboriginal people in the East Kimberley enjoy the capabilities and opportunities necessary to make positive choices that lead to independent and fulfilling lives.

The East Kimberley enjoys burgeoning social and economic opportunities, but the challenges and barriers faced by Aboriginal people in sharing the benefits are daunting, particularly for children and young people.

Wunan focuses on using education, employment and accommodation to strengthen the capabilities of Aboriginal people and their families to unlock these choices and opportunities.

Set in 2006, a key objective for Wunan is to shift the balance of dependence of Aboriginal people on welfare from 80% to 20% over 20 years. This objective is based on a clear guiding philosophy that Aboriginal success grows from investing in people's ability, real opportunity, and reward for effort. Wunan facilitates long-term and sustainable change by focusing on the following strategic priorities:

- education
- employment
- accommodation and housing
- welfare reform
- leadership
- health.[19]

In circumstances where women and girls were choosing to access mainstream services, they emphasised the importance of mainstream services being trauma-informed and culturally safe environments.

> *Culturally safe environments for us to walk into, to enable access to mainstream services, education to what we are all about, our voices need to be heard, educate people that racism still exists, we want equity.* ***Nowra women and girls***

(c) Decision-making and consultation

The women and girls I spoke to want governments to recognise their right to self-determination, not only in exercising personal choice in what service providers they use but also a greater decision-making role, including around investment into key priority areas and the type of services and programs funded.

> *When it comes to funding, it should be community needs-based—go to the community and ask how to do it, community should not be told how to do it.* **Perth women**

Disappointingly, many women said that they now have even less power and influence over programs, activities and services in their communities than twenty years ago. They consider that they and their communities are not listened to and continue to have decisions made on their behalf, often with little or no consultation.

> *It was just a bustling community, my old community ... there was laughter everywhere, kids laughing and playing, family having fun, along came CDP and the amalgamation of little communities into a bigger community organisation and the community lost the power to control their own wealth, their own power and responsibility to achieve their own goals for their community and the future of their kids.* **Kimberley Aboriginal Law and Cultural Centre submission**

> *Lack of consultation with community before implementing. No community ownership, that's why they fail.* **Mount Isa women**

For programs and services to be genuinely responsive to community needs, Aboriginal and Torres Strait Islander communities must play a key decision-making role in setting priorities for investment and in co-design, implementation, monitoring and evaluation.

> *Not one service provider comes around that [community] governance structure ... I don't know who is responsible to say that it is mandatory that you put your backside at that table.* **Brewarrina women**

The women I spoke to called for place-based approaches with greater transparency and community involvement in decision-making at all levels and stages of service delivery, not only because communities want greater agency over their own affairs, but because community input and feedback is critical to informing effective services.

> *There's no like focus group stuff that gives community the opportunity to give feedback about what's working and what isn't and that's where the gap is. And then what happens is, it's just overlooked and then crisis hits. There should be something in those contracts.* **Brewarrina women**

The need for more rigorous data collection, monitoring and evaluation came up regularly in the engagements and submissions for *Wiyi Yani U Thangani*. Aboriginal and Torres Strait Islander peoples are calling for a greater focus on program and policy reviews to improve the design and implementation of services and ensure that there is accountability for outcomes.[20]

> *The services that are in the community … are not responsible to anybody. They get big dollars … and nobody is responsible to deliver any kind of evaluation back or monitoring and evaluation back to the [community] governance structure.*
> **Brewarrina women**

8.3   The current service provision dynamic

> *Community members … reported that there were not enough services available to meet demand and that the services that do exist are not responsive or culturally appropriate in their service delivery. This was especially concerning considering that Western Sydney is significantly more resourced than other regional and remote areas of New South Wales, and indeed Australia.* **The Healing Foundation submission**

(a) Accountability and funding

A strong call from many of the women I spoke to was for accountability at a government level. There is a perception amongst some Aboriginal and Torres Strait Islander communities that government has become far too lenient with mainstream organisations that fail to deliver successful programs.

> *Something that I find that frustrates the hell out of me, is that this country has accepted a mentality that failure is okay in Aboriginal affairs, and it is really infuriating when you know a service has funding to deliver outcomes, and they fail terribly, but they get funded again, and they just keep going.* **Karratha women**

Women expressed widespread discontent about the lack of accountability for the funding and implementation of programs, activities and services, many of which are not delivering outcomes that meet their communities' needs.

> *Transparency and accountability of services is a big one and a challenge, a challenge on its own. How come Closing the Gap [has] only one recommendation on track. How come? It is not good enough.* **Kalgoorlie women**

Text Box 8.7: Effective evaluation example

In October 2012, the Productivity Commission looked at the critical role of effective evaluation in Aboriginal and Torres Strait Islander policy. Participants at the meeting stressed the importance of having a 'coherent framework for evaluating Indigenous policies and programs and that evaluation plans should be embedded (and funded) in the design of programs'.[21]

They also noted that this should be a common practice in policy making but due to the lack of assessment or evaluation, not only has this 'resulted in significant gaps in the Australian evidence base but has also contributed to a litany of poor policies being recycled'.[22]

Some women raised concerns about money wasted on 'white elephant projects' that had arisen out of a lack of coordination between governments and departments.

> *Government put money to building it but left it to the community to fund operations … It has never been opened.* ***Warmun women***

Women want to see real consequences and effective remedies when governments and other service providers fail to align programs with community-identified needs and deliver on outcomes.

> *Part of their KPIs should actually be achieving minimum outcomes and if they don't, then they should never receive that funding again. Or it also needs to shift to, if you achieve these outcomes, then you will get paid or there should be some kind of incentive to actually achieve it … And I say to people, 'if you're not achieving outcomes in those spaces, then get the hell out of it' because your failure means more people dying, more and more people die, and it's like people don't understand that.* ***Karratha women***

Women and girls identified the reduction in Indigenous-specific funding and the associated mainstreaming of services as a concerning trend, which has seen funding go to non-Indigenous service providers for services that were previously delivered by Indigenous organisations.

This has encouraged 'one size fits all' approaches which are inadequate in responding to the levels of trauma in many Indigenous communities. Such approaches are often culturally inappropriate and, as a result, lack the trust and buy-in of Indigenous communities.

Given the limitations of the mainstream service model, the reduction in Indigenous-specific funding is widely viewed by our women as a false economy and the result of uninformed and short-sighted policy.

> *Changes to funding arrangements since the 1990s have progressively favoured for-profit providers and a few large, mainly church-based, non-government organisations (NGOs) over a wider variety of smaller, community-based organisations … Over recent years, Aboriginal and Torres Strait Islander communities have been further disempowered through the Commonwealth Government's re-direction of Aboriginal and/or Torres Strait Islander-controlled community funding to non-Indigenous NGOs. This has further diminished the capacity of communities to respond to the challenges they face.* **Sisters Inside submission**

> *[Under the first round of the IAS] around 55% of the tenders were awarded to non-Indigenous organisations, which shifted implementation [away from] Aboriginal and Torres Strait Islander organisations [which] were forced to close or drastically downsize and reduce the basic services they were providing to their community in areas of health, housing and legal services.* **Aboriginal Family Law Services WA submission**

The impact of this 'one size fits all' approach to policy was really brought home to me during my engagements in the Torres Strait Islands where older women shared their distress over recent policy changes that prevented families from bringing food into aged care facilities. As well as impacting on elders' ability to share in traditionally sourced and prepared foods, the sharing of food in the Torres Strait Islands is a critical element of familial and social interaction.

Even small changes to traditional cultural practices and dynamics, arguably influenced by the good intentions of distant and disconnected policy makers, can have far broader-reaching impacts than might be anticipated.

> *Our culture is dying and changing due to government laws. For instance, the HACC [Home and Community Care Program], when our families used to bring in food into the service, now you need the food and safety regulations, which prevents … family interactions.* **Thursday Island women**

The provision of services by non-Indigenous organisations based outside of communities was seen as a key issue driving sub-standard and/or effectively inaccessible services for people living in remote areas. This was also seen to drive the need for those services based in—or closer to—these communities, to fill the resulting gaps.

> *While there are numerous organisations that provide services to young Aboriginal people in the Kimberley, their presence is rarely seen outside of the town boundaries of Broome … Their presence is rarely felt in smaller towns and Aboriginal communities. Subsequently, the Aboriginal organisations are under or unfunded but still end up providing the services that the non-Aboriginal organisations are funded to provide.* **Aboriginal Family Law Services WA submission**

The continued funding of mainstream organisations to deliver services and programs, when there are local, community-controlled delivery options available, has compounding impacts on the self-determination of Aboriginal and Torres Strait Islander peoples.

> *It is a well-established fact that frameworks, policies and services which are not initiated by Aboriginal people, or co-designed and/or provided by Aboriginal led organisations are unlikely to gain traction or have a positive effect in the communities these are intended to support.* **Aboriginal Family Law Services WA submission**

> *It is well recognised that Aboriginal-led solutions to issues in Aboriginal communities far outperform solutions designed by [the] non-Aboriginal sector. [We want] commitment to Aboriginal-led initiatives through actions and investments that empower our communities to address these challenges.* **AbSec submission**

Attracting mainstream funding is often difficult or problematic for Indigenous organisations which specialise in delivering tailored services to their own communities exclusively and lack the economies of scale of non-Indigenous providers who cater to larger populations.

By requiring prospective providers to demonstrate their capacity to work with Aboriginal and Torres Strait Islander populations, recent mainstream open tender processes are driving groups of organisations to form consortia that include Indigenous organisations, by requiring prospective providers to demonstrate their capacity to work with Indigenous populations. Nonetheless, in comparison to targeted funding of identified Indigenous providers, women often saw these processes as over-complicated, disempowering, and ineffective.

> *You have big organisations that can demonstrate the economies of scale, they are the ones getting that funding. They are getting it because they know how to come together as a really big organisation and deliver services or demonstrate that they can save the government money.* **Rockhampton women**

> *What happens in this community is that we have organisations [non-Indigenous] that want to come and speak to organisations about Aboriginal people. They take that information and use it as part of the tender.* **Geraldton women**

> *We have all our Indigenous organisations … going by the rules that the government has put in there, even though it's against our ways, but we have to follow suit. How do we get away from that conformity—so that we can stand tall as Aboriginal and Torres Strait Islander people and say, 'I don't see this fitting.'* **Cairns women**

> *Need funding to match up with cultural ways of doing and being. There needs to be a cultural mind shift in how government and non-government organisations work.* **Perth women**

There were also concerns raised about the opportunity cost of funding mainstream organisations to provide inadequate programs and services when this could be redirected to community organisations and to the development and delivery of more holistic services. The reliability of programs is often intrinsically linked to insecure and unreliable funding, regardless of proven results or effectiveness.

> *As one participant put it … it's just that programs do come up and running and then they get shut down.* **Literacy for Life submission**

Women see the absence, withdrawal and insufficiency of funding to their communities as being evidence of a lack of confidence in their capacity, and this is perpetuating feelings of hopelessness.

> *When we see our communities attacked and disrespected, funding taken away, services reduced and our governance structures without support, this tells us the government doesn't value us and respect us or our wishes for us to lead our communities.* **Alice Springs women**

An issue raised by women living in major cities such as Canberra, Perth and Sydney was that the relatively small Aboriginal and Torres Strait Islander populations, as a percentage of the total population in those areas, rendered them relatively invisible. This relative invisibility can affect the level of funding and services that are dedicated for Aboriginal and Torres Strait Islander people living in major cities.

> *Population survey and identify Aboriginal population to better disperse funds and services in Canberra.* **Canberra women**

A submission to *Wiyi Yani U Thangani* by Djirra identifies the risk of policy and funding approaches which solely focus on Indigenous-led family violence services in remote regions, without giving proper consideration to the need for these services in urban environments as well:

Text Box 8.8: Access to family violence services

Family violence is a national emergency and should be treated as such by the Federal Government. Successive Commonwealth policies have prioritised funding for rural and remote Aboriginal populations to the detriment of Aboriginal people, particularly women, living in regional and urban environments. This policy approach stems from a misapprehension that need is solely concentrated in rural and remote locations. Remote Aboriginal communities undoubtedly experience high levels of isolation, family violence and service need. However, approximately two thirds of Australia's Aboriginal population live in regional and urban environments and around one third live in major cities and their needs must also be addressed. In Victoria, over half of the Aboriginal population live in Melbourne.

While Djirra has successfully attracted Victorian Government funding to address key areas of unmet need, Federal funding is limited to servicing discrete regional areas of Mildura, Gippsland and Warrnambool and has remained at 2013–14 levels without CPI indexation despite evidence of high need and considerable Aboriginal populations across metropolitan Melbourne and numerous other regional areas in Victoria.

… Without access to a trusted, culturally safe and specialist service such as Djirra, many Aboriginal women will not feel safe to disclose violence and access support. **Djirra submission**

Women are calling for greater control and stability of programs and for a coordinated investment approach from government that provides for sustainable funding into their communities, and for communities to play a decision-making role in how funding is allocated.

> *To design the community solutions, we need a funding pooling model.* **Yarrabah women**

To address Indigenous disadvantage, we need sustainably funded, co-designed solutions. Our organisations should not be forced into the role of marginalised adjunct providers of superficially adapted mainstream service offerings that do not adequately address our needs. Nor should our communities be expected to carry out the unpaid work of easing the access of external providers who lack the capability to work with us to deliver outcomes with and for our communities.

Many women, particularly in rural and remote locations, wanted to better understand what the total government spend on their community equates to, and to be at the decision-making table about how those funds are allocated into the future.

> *How about finding out how much of the funding is coming in. We need transparency about what agencies are doing and what their outcomes are.* ***Kalgoorlie women***

> *A lot of the time we know that government fund all these different agencies but we … don't know who's getting that funding for that service … even if it was just a forum, or some type of resource … and see that this organisation has been provided funding for this.* ***South Hedland women***

While many women and girls reported that some organisations refused to assist them with matters outside of their contractual obligations, this was not true of all organisations. Many of the organisational submissions we received provided examples of how organisations performed beyond scope to meet community needs.

> *There is a lack of programs to help young women, especially young mothers, with various issues (sexual assault/abuse, postnatal depression, trauma, dealing with loss etc.). In a way, Literacy for Life Foundation tries to fill in the gaps that exist, and it has become the proxy program which deals with some of these issues.* ***Literacy for Life submission***

Text Box 8.9: The necessity of a holistic approach

The needs of Aboriginal and Torres Strait Islander women when it comes to family violence mean more than addressing immediate safety concerns. When working with one client, a number of legal and socioeconomic issues were identified. This included the breach of an intervention order by her partner and a history of victimisation as a child. This client also had no cultural support and communication barriers.

This Family Violence Prevention Legal Service (FVPLS) identified a number of service gaps. They assisted her with accessing emergency relief in the form of food, clothing, crisis accommodation and funds to relocate her family to leave the city after her partner had escaped from prison. ***National Family Violence Prevention and Legal Services Forum submission***

Funding for Aboriginal and Torres Strait Islander healthcare needs, particularly those related to an increase in our ageing population, was a specific issue raised across the country.

Aboriginal and Torres Strait Islander life expectancy at birth is higher now than it has ever been.[23] However, as our elderly population increases, there is a growing demand for formal aged care services, both in the home and in residential facilities.

Our elders have higher rates of dementia and chronic disease,[24] and use aged care services at a younger age and have more intensive care needs in their old age compared to non-Indigenous Australians.[25] We have a greater burden of chronic disease than non-Indigenous populations and aged care funding and service provision should reflect that.

Due to the very high level of need in many communities, organisations often end up squeezing in additional people or literally going the extra mile to transport people to and from their communities as well as delivering an unofficial stratum of services for which no funding is provided.

> *We turned nobody away. We were told we were to take only a certain quota of people. We were in a 3-bedroom house at the time.* **Brewarrina women**

While these organisations are to be commended, governments must acknowledge that this dynamic is unsustainable. It also contributes to confusion and falsehoods about causality of outcomes on the ground. This is particularly with respect to the sufficiency of funding levels, the absence of service gaps, and where positive trends caused by unfunded efforts are erroneously attributed to funded activities.

The absence of critical services, programs and supports forces Aboriginal and Torres Strait Islander people to fill the gaps in a voluntary capacity.

> *There is an expectation that Aboriginal people do stuff for free—it is great if people want to volunteer but there shouldn't be an expectation.* **Hobart women**

(b) Reform in our most vulnerable sectors

Across the country, concerns were expressed about the extent to which the inadequacies of funded programs and services in communities require organisations, individual employees and community members to contribute their own time and resources to compensate for these shortcomings.

Many Aboriginal and Torres Strait Islander women working within mainstream organisations reported that they task themselves with making up the deficit in service provision, often in their own time and at their own risk.

> *Local staff go out of our way to try and help them. If [the company] find out, we get into trouble. That is another barrier for Indigenous people working in [the] department.* **Halls Creek women**

> *We don't wait for funding. We just go in there and get the job done … we have to do all these things on a shoestring budget. Emergency crisis and everything and we are right there the next day to do it all again … we just do it for the love of family and our children.* **Perth women**

This culturally obligatory response to a crisis of insufficient service has the effect of masking the gap, perpetuating the need for Aboriginal and Torres Strait Islander people and services to perform beyond their remit.

> *And even like a liaison worker based with the police … We don't have one. They just call me. I do it voluntary and don't get paid.* **Longreach women and girls**

This was particularly spoken of in regard to the aged care sector. Women frequently reported to me that Aboriginal and Torres Strait Islander family obligations to caring for elders is frequently seen as a substitute for the provision of adequate and accessible aged care services, including residential facilities.

The care of our elders needs to shift from a crisis of housing and carer support, that is only adding to our women's burden of care, to a secure suite of options based on embedded, supported cultural practices.

An essential component of a holistic and comprehensive aged care system includes the design and development of Aboriginal and Torres Strait Islander community-controlled residential facilities.

> *… we are trying to lobby with the state senators as well, you know, just to get our voices heard about good facilities for seniors. And with NDIS coming, we need to make sure that [the] area is looking after people.* **Thursday Island women**

(c) Non-government funding

Another issue masking the gap in adequate funding for services for Aboriginal and Torres Strait Islander women was mining and philanthropic revenue funding services. Many women, particularly those living in areas where intensive mineral extraction takes place, expressed a mixed reaction about funding from mining companies and other non-government sources.

There were clear examples of royalties and philanthropic funds being channelled through sound Indigenous-led governance processes and applied to community-defined priority areas and initiatives.

> *In 2005, the Warlpiri Education and Training Trust (WETT) was established. To date, the WETT has allocated almost $32 million to training and education programs for Warlpiri people. The Kurra Aboriginal Corporation, traditional owners for the mine site, is the Trustee for WETT. In November 2018, WETT received national recognition for its work at the Indigenous Governance Awards, winning the award for the non-incorporated organisations category for its 'outstanding bilingual and bicultural education and lifelong learning programs'.* **Central Land Council submission**

> *Granites Mine Affected Area Aboriginal Corporation (GMAAAC) receives compensation money for the benefit of nine communities in the Tanami that are affected by Newmont's Granites gold mine. GMAAAC projects aim to improve health, education, essential services, employment and training, as well as strengthening Aboriginal self-determination.* **Central Land Council submission**

In the absence of government funding for community-identified priorities, women in many communities found that partnerships with non-government entities were necessary in order to pilot and demonstrate the efficacy of these initiatives to government.

> *In 2002 the mums and bubs program was financially supported by a partnership led by Rio Tinto and the Telethon Institute for Child Health Research. The partnership managed to persuade COAG to commit financially to the various programs—illustrating the challenges ATSICHSs [Aboriginal and Torres Strait Islander Community Health Services] faced with securing funding for community-driven and impactful projects.* **Queensland Aboriginal Islander Health Council submission**

There is a significant leadership role for the philanthropic sector to play in mobilising this recognition by government; and, the philanthropic sector, Commonwealth and State governments should immediately begin a major injection of funds and capacity building over the long-term ... timeframe into the Indigenous festivals sector.
Kimberley Aboriginal Law and Cultural Centre submission

Text Box 8.10: Grameen Australia Microfinance Social Business

The Grameen model is a good example of a sustainable business model that allows for local enterprises to become self-sustaining.

Unlike a traditional bank, Grameen is a social bank which lends small amounts of working capital, called microfinance, not just to one borrower, but to a group of borrowers who are *collectively* responsible for each repaying their loans. This is called social collateral.

Borrowers are supported through mentoring, training and business education. The program is based on a Social Development Agenda and a code of conduct to instil discipline and accountability into the group.

Unlike transactional banking, the model has a built-in savings component which requires clients to save and promotes asset-building. It is not just a lending program, it is a social transformation program.

The Grameen model is intended to become a self-sustaining social business where 100% of the capital invested gets paid back, and all profits get reinvested to help more borrowers out of hardship.[26]

Community development-based initiatives such as local government grants and localised small grants enable the community to design and deliver the programs, services and projects they need to support their needs. There is a clear need to fund more locally based initiatives, rather than getting communities to tap into larger pools of funding where many miss out to larger mainstream organisations and service providers.

Women reported that non-government funding sometimes provided a pathway to government funding. They also expressed concerns about government relinquishing its responsibilities for providing adequate infrastructure and services, and encouraging private entities to fill the gap. They also expressed concerns about imposed conditions on expending royalties and funding from mining companies, and about the benefits of economic development not reaching local communities.

A report said each of our heads are worth $800,000. But where does it go? We don't get any of that, goes to Karratha. **Roebourne women**

> *People make the assumption that being a mining town that everyone has money, but they don't dedicate jobs to local people, to traditional owners.* **Napranum women**

Women were very clear that adequate government services in their communities should be provided as a right, and that they should not be coerced into providing consent for mining tenements in order to receive basic services.

(d) Staffing

Where mainstream organisations are charged with delivering services to Aboriginal and Torres Strait Islander communities, male and female Indigenous liaison staff with existing community networks play a pivotal role facilitating communication both ways. As well as assisting service providers in navigating community dynamics, they are fundamental in helping communities to navigate mainstream service systems.

> *There is too much red tape and hoops to jump through and if you don't know the system, which I did not, it is very difficult to navigate on your own.* **Individual submission**

The women and girls I have met with have further identified that Aboriginal and Torres Strait Islander roles in mainstream organisations must be supported across executive, professional and community facing roles in order to ensure that our expertise and lived experience is influencing the designs and delivery of services and programs at every level.

We cannot have a situation where only non-Indigenous people guide the strategy of service provision organisations and Aboriginal and Torres Strait Islander staff are tasked with implementing it.

> *The corporation I work in is pretty much influenced by non-Indigenous women, although we have an all Aboriginal board, whom we are also not allowed to have contact with, but these women also attend most community meetings and are a part of [decision making] on any issues that affect all Aboriginal people.* **Individual submission**

There was a general view by women that more of these positions in mainstream organisations that deliver services to Aboriginal and Torres Strait Islander people are required to promote better utilisation of services, and that cultural adviser roles should be valued through designation at more senior levels.

> *Local Indigenous workers … Without them we wouldn't be here today … don't have enough but the ones we have make it work. If they weren't there nothing would be working here in the community.* **Mount Isa women**

In order for Aboriginal and Torres Strait Islander staff to be effective in building trust and encouraging engagement between services and the community, they must be respected for their expertise regarding local expectations and cultural norms.

> *I have also been told about how to consult with Aboriginal people … I was told to set a time limit … I don't do that anymore. I have a yarn on the street. And then I am told how you do yarning with them … to be transactional … to get what we need off that person. That is not how I build relationships, it is a two-way process. Working holistically with Aboriginal people—I don't just tell. Understanding the whole dynamic of what is happening. That is the sort of cultural awareness that I think a lot of agencies need to understand.* **Kalgoorlie women**

Women and girls talked often about mainstream organisations relying on individual Aboriginal and Torres Strait Islander staff members to use their personal, informal networks to disseminate information and fill knowledge gaps for services without any local capacity.

Although women have consistently expressed their willingness to fill gaps in cultural competency across mainstream organisations, this should not be at their own risk or at the expense of dedicated liaison officers who are adequately compensated for their local knowledge and skills.

> *We carry so much and so much is expected of us. We don't mind doing it, that is what we do, but how do you offset that? … we need an offset. Without those formal structures, all the women in our community are dealing with these same issues and we've got nothing to offset what is happening or to support us.* **Rockhampton women**

Women spoke frequently about the importance of community-controlled organisations in providing reliable, consistent, responsible delivery of services through a grounded local presence and the employment of local community. The high rate of turnover of staff in mainstream and government organisations requires significant investment of local communities.

> *White people are overlooking and taking over all the time. So, when the rotation of government employees coming into town, so you're forever re-educating all the bureaucrats that come into town.* **Tennant Creek women**

Community-controlled organisations are approximately 100 times more likely to hire Aboriginal and Torres Strait Islander people.[27] Many of the women and girls I met with saw community-controlled organisations as being far more likely to provide training and employment opportunities for the local Aboriginal and Torres Strait Islander community.

> *We want the grass roots level to be able to make the change and have community-led mentoring programs for our youth, more education, apprenticeships and trainee ships for our people, and supported employment. Not just within our own organisations but within mainstream organisations and for them to have acknowledgement and understanding of us and the way that we are.* ***Nowra women and girls***

A lack of consistency and longevity in programs, services and staff undermines community confidence in those services that are available.

> *Building sustainable programs and having ownership of these programs is critical for the morale and viability of the community. As one participant put it: 'We need to do something that's gonna stay in our community, that we're gonna bring employment to our community. And then you know, keep everything like cash flow and everything within our own community'.* ***Literacy for Life submission***

In remote regions especially, this encourages FIFO (fly-in, fly-out) arrangements which undermine capacity-building within organisations and communities.

> *Many women spoke about the Kartiya coming in and departing after a short amount of time, leaving them to deal with the daily hardships. Whilst they acknowledged that the help from Kartiya was both welcomed and completed with good intentions, it rendered them powerless. It brought them nowhere closer to resolving these extremely complex issues, which will take generations to resolve. Whilst the women highlighted the need for time, funding and respite, sustainability of such resources is paramount to progress towards resolution.* ***Kimberley Aboriginal Law and Cultural Centre submission***

This is especially disempowering for Indigenous organisations and employees, and has had a major flow-on effect to the consumers of services in the community who are faced with a constant churn of programs and staff. In these situations, community are also impacted by the discontinuation of effective services and programs, with no acknowledgement of the positive change their own organisations and people have led, and no transition to alternative supports.

> *We don't really have a lot of permanent services. That would make a difference to people getting more involved, I think. To have organisations here that were not just coming in and out.* **Yarrabah women**

(e) Service transparency and coordination

A lack of coordination between governments, departments and services was raised as a major issue affecting service performance across all states and territories. Women talked at length about competition for funding, the siloing, gaps, and duplication of services.

> *There is no coordinated approach in the delivery of services. Everyone is doing their own thing here … Everyone guards their own patch with their own dollars and they're not open to anything.* **Brewarrina women**

> *Funding is one of the largest problems in our community, without funding there can't be a starting point on [the] ground. Everybody got good ideas but there's nowhere to fit the bill.* **Kimberley Aboriginal Law and Cultural Centre submission**

Text Box 8.11: Funding Aboriginal programs and initiatives

If we want change, we need to be able to develop our own policies and programs and also protocols … This advisory group could be that group that government has to negotiate with about what Aboriginal funding goes to. When we are talking about Aboriginal advisory groups and programs, I will also mention that a lot of our Aboriginal funding goes to organisations that are not Aboriginal-run. So, if we want some of our programs to run more effectively, the money needs to go to our own people. And that is where we need to look at tightening criteria for Aboriginal funding, [provided] to other agencies [to serve] Aboriginal and Torres Strait Islander people [specifically]. A lot of [the] time, they bring up the stats and say they're going to help Aboriginal people but in the long run the money doesn't go to our people, so if we're going to give funding to an organisation, they have to be [an] Aboriginal organisation or they have to be Aboriginal-led. **South Hedland women**

Women identified the fracturing and duplication of services caused by poorly coordinated mainstream funding bodies as a major issue driving up the nominal investment into each of their communities but, perversely, contributing to deepening scarcity of resources for the programs, activities and services that they want in their communities.

> *State, national level, we think there needs to be accountability on funding bodies, there needs to be sharing of financial spending. Where does it go? Is it being spent in the appropriate places?* **Perth women**

In one very remote location, women spoke of a multi-million-dollar aged care facility that sits empty because, despite a high need for aged care and significant government investment in construction, there are no resources to operate aged care services in the community.

> *Need the age care to be opened up. The age care building is just sitting there obsolete. It was built after the flood in 2012. Its operations are not being funded. Government put money to building it but left it to the community to fund operations. It has never been opened. It could provide job opportunities.* **Warmun women**

A major element of this struggle is a fractured service provision landscape consisting of multiple departments at federal, state and local levels which operate in an uncoordinated manner prone to gaps and duplication of services, and short-term funding cycles.

This dynamic necessitates an endless cycle of 'mapping and gapping' of services, the documentation of which becomes out of date almost immediately.

> *We have a population of 1,750 we have 97 funded corporations, non-Aboriginal corporations … We have a duplication of services.* **Roebourne women**

For example, the Australian Government has released an action plan to support Aboriginal and Torres Strait Islander peoples as part of the Aged Care Diversity Framework.[28] The plan acknowledges the importance of a culturally-safe aged care system, including many of the aspects identified here. It proposes a range of outcomes and required actions to develop an effective model of aged care for Aboriginal and Torres Strait Islander peoples.[29] However, it lacks an accompanying implementation plan and, at this time, does not include timeframes and funding commitments to show how such necessary outcomes will be achieved.

Compounding this is a general paucity of effective service promotion and culturally appropriate, easy-to-understand information about services and how they relate to one another, often coupled with a lack of focus on relationship building with communities.

> *People don't know the system well enough to know that there are systems in place to get the ball rolling. There are ways and means but it is about having understanding.* **Hobart women**

The result is an opaque and confusing environment which places an onus on vulnerable people to navigate their way to supports, often at moments in their lives when they are least able to do so.

> *I'm a mother of two boys who have autism … When I went to the AMS, they didn't help … There were so many services that we weren't aware of. It wasn't their focus.* **Mildura women**

A lack of cooperation, streamlining and promotion of pathways between services and agencies creates additional barriers to accessing supports. For example, women have pointed out that culturally appropriate wrap-around services are key to investing in better service delivery for our people.

> *… We should be able to have services all in the one place, like youth services, psychologists, mental health workers, cultural competent workers, a GP, so it is kind of like a one stop safe home for everyone.* **Kempsey women**

When there is a lack of holistic wrap-around services, it can become even more challenging and difficult for Aboriginal and Torres Strait Islander peoples with complex support needs.

> *The less siloed the services systems, the easier it will be for families to access services and be directed to the services they require.* **Aboriginal Family Law Services WA submission**

Throughout the country, women reported that they and their communities often experience significant struggles understanding what services are available through each organisation, what each service involves, and information about their rights and how to assert them before, during and after their interaction with a service.

> *I think it is actually knowing about what people do, you almost need a roadmap to know where you can go if you need help, or to ask for help. Or not feeling shame to ask for help if you don't know the right direction. So, basically knowing what support services are in the community.* **Cairns women**

A submission from the Healing Foundation places the onus on services and programs to proactively engage with Aboriginal and Torres Strait Islander populations in order to ensure that their service is understood and accessible:

> *Government funded services need to reframe their thinking of Aboriginal and Torres Strait Islander clients as 'hard to reach' and instead recognise their failure to build trust and safety with clients as 'a symptom of problematic service delivery'.* **The Healing Foundation submission**

In some regions, communities have addressed the gap in services by working together through the establishment of formal networks.

Text Box 8.12: Julalikari Council Aboriginal Corporation—Youth Patrol pilot program

Julalikari Council Aboriginal Corporation has a long and proud record of community service delivery in Tennant Creek and the broader Barkly region. The Corporation grew out of the Warumungu Papula organisation, formed in 1974. Its primary purpose then, as it remains today, was to alleviate poverty and improve the wellbeing of the Aboriginal people of Tennant Creek and surrounding homeland communities.[30]

The Youth patrol pilot program has been flat out [since] it started in March 2019.

The day patrol staff follows up the next day with parents about why kids were out on the street. Then we work with them about referrals. Night patrol refers to our day patrol— sometimes we've referred to AOD programs. We're in the process of doing an MOU with Territory Families.

We start at 6pm and finish at 2 o'clock in the morning. Local people are running the patrols—men and women.

Youth patrol—we keep 8 young people working with them—two over 20 and the rest are under 20. They start at 6pm and go to 2am. We give them a feed in the bus—it's a 12-seater bus.

The organisations that we have contact with are good. The police will call us—instead of picking them up directly. It keeps the relationship with police. We're involved with Youth Links—the local youth centre—in disco or activities—if they've got too many kids to take home, they'll call us to help out getting them home.

We sit down and talk to the parents and inform them about the avenues they can get help—like stronger families—sometimes they don't know if there are service providers that can give them a hand. Some of the families take it up, but others don't. There are a lot of service providers. [There are] more women than men working at Julalikari Corporation— about 20% [are] male. **Julalikari interview**

The best examples of service coordination involve community voice, participation and decision-making at every level. This can be facilitated through formal community governance structures and action plans, and the incorporation of a pooled funding model to advance community-identified priorities.

> *The forum is there for anyone to come and put up their ideas ... we develop a community action plan and it's meant to be supported by Council so that we're not overlapping and doing duplications of services, so that it's all shared.* **Brewarrina women**

Text Box 8.13: Murdi Paaki Regional Assembly (MPRA)

The Murdi Paaki Regional Assembly (MPRA) is the peak representative structure that represents the interest of Aboriginal and Torres Strait Islander people in 16 communities across Western NSW.

MPRA which consists of Community Working Parties (CWPs), forms the governance framework that provides strategic engagement and co-ordination with the Australian and NSW Governments and service providers for the delivery of services and programs against priorities determined by Aboriginal people through a comprehensive planning process.

MPRA's governance model promotes the practice of good governance, responsible leadership and empowerment.

Their governance model focuses on eight key action areas:

- Action Area 1: Heritage and Culture
- Action Area 2: Regional Resourcing and Capability
- Action Area 3: Democracy, Leadership and Citizenship
- Action Area 4: Economic Development
- Action Area 5: Law and Justice
- Action Area 6: Early Childhood and School Education
- Action Area 7: Housing and Infrastructure
- Action Area 8: Wellbeing.

These action areas guide their activities and programs.[31]

Women emphasised that these examples of successful regional and local coordination are pulled together largely in spite of the mechanics of the policy and funding environment, and that structural reforms could dramatically reduce the level of effort and resources required to bring overall service provision up to standard. Some suggested that a body be set up to quantify the extent and cost of poor service coordination.

> *We need an independent body, not part of government, to stop the silos.* **Thursday Island women**

(f) Accessibility

Even when services are locally available, there are often practical and cultural barriers to accessing services that limit their usefulness to Aboriginal and Torres Strait Islander communities. This is often, but not always, attributable to a lack of understanding of community need, the absence of community control, under-resourcing, eligibility, and concern over cultural safety.

The most frequently discussed barriers to accessing available services were:

- opening hours
- the need for referrals
- waiting lists
- overcrowding of services
- distance
- geographic and environmental barriers, for example, flooding
- transport.

For heavily traumatised communities, standard service hours of Monday to Friday, 9am to 5pm are insufficient to provide for the safety of community members, in particular women and children vulnerable to family violence, and associated homelessness, who lack access to safe spaces.

In engagements and submissions to *Wiyi Yani U Thangani*, women identified the need to be able to self-refer to key services. This would encourage more women to access supports, and to access them early before crises develop or worsen.

> *And the self-referral idea rather than the police with the referral system. There are many times when I have been on the streets and I know lots of other women who have been as well. You just want somewhere safe to sleep and you don't really want to go to the police or getting people in trouble, but you also want to go somewhere safe.* **Dubbo women**

Throughout the consultations, women identified unacceptably long waiting lists to access detox, rehabilitation and mental health services. Given the time-sensitive nature of interventions in mental health and alcohol and other drug crises, women reported the lack of timely access to services as a major issue. Delay impedes the ability to prevent or intervene early, allows for more harm to occur and heightens the likelihood that more serious interventions will be required in the future.

> *Mental health is a big problem here. People can wait 8 months to get an appointment. And the way they deliver their service, the psychiatrist only comes in once every 8 weeks. So, you would only see him every 8 months.* **Barcaldine women**

> *We have clients that come in and say I want to go to rehab now, and so we run around like crazy, and they say there's a waiting period, you have to go here or go there so it is like who is going to help us. We want the Government to change that policy for our clients so that when they are ready, we send them.* **South Hedland women**

There are also a number of locations throughout Australia which are prone to population spikes due to a variety of changing conditions, whether they be seasonal, economic or event related. This dynamic is particularly relevant to Indigenous populations who have a relatively high level of geographic mobility. At these times, non-locals present to services, often making already scarce resources even less accessible to local populations.

> *The service is only funded for [this town] but with out-of-towners, services get overwhelmed with servicing all the people.* **Coober Pedy women**

The issue of non-locals overwhelming local services was identified as an acute issue on Saibai in the Torres Strait Islands, where the treaty with Papua New Guinea allows Papua New Guineans to access the clinic. If they are found to have a communicable disease, this puts the clinic into quarantine and prevents locals from accessing the health service.

> *Should have a doctor living here. We need them because people come from PNG—come with emergencies. The clinic shuts down and we cannot access it.* **Saibai Island women**

Access to existing services can be further restricted by distance, transport and cost of travel. Being remote from the major population centres in Australia can mean that some services, whilst technically available, are so distant that they become practically inaccessible.

> *Due to limited funding, there are a number of areas throughout regional, remote and urban Australia where Aboriginal and Torres Strait Islander victims/ survivors have no access to a culturally safe Family Violence Prevention Legal Service, despite high rates of family violence.* **National Family Violence Prevention and Legal Services Forum submission**

Distance was often cited as a growing problem caused by the defunding of more proximate service centres in or around their communities.

> *Community members can operate the dialysis machines but now they have to go to Perth or South Hedland. A lot of people are away from family and country.* **Newman women**

In practice, regional areas, especially inner regional locations, offer a balance of services and opportunities that means they outperform major cities according to key indicators of educational attainment, lesser experiences of discriminatory treatment and higher rates of home ownership.[32] However, regional communities also share challenges faced by remote communities such as availability of transport, specialist medical services, adequate employment opportunities and infrastructure.

> *We picked isolation as our main topic. So, cultural isolation, isolation from public transport, isolation from information and technology … no access to emergency relief funds [such as] electricity vouchers and things to help, and isolation for our kids —not having youth activities and lack of funding for it.* **Wreck Bay women and girls**

Throughout the *Wiyi Yani U Thangani* consultations, women and girls in regional locations conveyed the pressure they felt to move closer to main population centres in order to have access to adequate services and opportunities.

> *We are desperate grandmothers in need of practical help, financial and logistical support. Some of us want the kids to go to school but don't have transport, some of [us] know these kids are struggling and need counselling but we live in regional or remote areas and don't have access to that type of professional expertise, some of us don't live down the road from the local supermarket and can buy health food fresh and weekly. We need support***. Individual submission***

Fear of isolation and disconnection is very real for many elderly people who are considering moving into an aged care home or are already residents in care homes. For Aboriginal and Torres Strait Islander peoples this fear, and the consequences of moving, can be worse, because our spirits and identity are inseparable from our country and family. Having to move away to access aged care and leaving our ancestral homes can cause great mental, spiritual and physical pain and anguish.

> *No old people's home in [our] community. Do not want old people to be taken away.* ***Newman women***

Having to relocate from traditional land in order to access residential aged care facilities also means that our elders are more likely to pass away on someone else's country, further disrupting traditional norms and practices.

> *No aged care unit—worried that old people are not dying on their country but on someone else's country.* ***Warmun women***

In many regional areas I visited, lack of accessibility compounded the difficulty in keeping children in school, finding employment, maintaining social and cultural connections and managing health.

> *Distance and remoteness is a problem, with some children travelling 1.5hrs a day to school.* ***Mildura girls***

> *Transport and employment, and with employment you have to get out of the town.* ***Kempsey women***

Transport and transport infrastructure are vital to ensuring that people have access to services and resources that are available. In regional locations, Aboriginal and Torres Strait Islander people may be within reasonable range of services, but a lack of safe, reliable transport renders them practically inaccessible.

> *We walk. I get dropped off and then walk. There is no transport.* ***Kempsey girls***

Women consistently identified distance and lack of free or low-cost transport as a significant obstacle to accessing services, particularly for those living in rural and remote locations.

> *Not everyone has a car to travel … to access these services, and a lot of people don't have any money to stay over there to feed themselves.* **Kempsey women**

Essential services other than health services, such as education, emergency services, justice and legal services, social security and family safety services, are often located at regional hubs within remote and very remote locations. Access to shops, banks, post and licensing and registration services may also be restricted by significant distance and travel time.

Given the high rates of poverty and disadvantage experienced in remote and very remote locations, the availability of safe, affordable and reliable transportation is critical to ensuring that Aboriginal and Torres Strait Islander people living remotely are able to engage in society.

> *Getting all those important documents that you need, your birth certificate, your ochre card, your bank card, all those things you need access to, like I said earlier you have to go 700km to Katherine. It's hard to get those important documents.* **Borroloola women**

A consistent theme in the consultations in remote areas was that Aboriginal and Torres Strait Islander women and their families living in remote communities feel abandoned without essential government supports for an adequate standard of living.

> *No one cares about us. This has been a big problem. We live in the desert. We love it here. This is our home.* **Coober Pedy women**

> *We are being left out by the Government because we in the bush.* **Katherine women**

Aboriginal and Torres Strait Islander people who experience additional aspects of discrimination can be especially vulnerable to a lack of support in remote and very remote communities. Throughout the consultations, this was identified as a particular issue for Aboriginal and Torres Strait Islander people with disability, those experiencing mental health distress, and people who identify as LGBTQIA+SB (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Sistergirl and Brotherboy).

> *We have known some Sistergirls that have relocated to the big city to access services like hormone treatment. Because it's very hard to access it on the remote community.*
> **Sistergirls submission**

The increasing reliability and applications of technology has the potential to address many of the accessibility issues experienced by remote and very remote communities. In some places, we heard of technology being used in innovative ways to fill critical service gaps, including remote access to education, vocational, health, mental health and justice services.

Text Box 8.14: Telehealth

Telehealth is a service that incorporates the use of video conferencing equipment that allows patients in remote areas to connect with healthcare service providers in major centres.

Specifically, Telehealth NT aims to develop innovative, quality, evidence-based access to video-enabled healthcare to support remote communities in the Northern Territory but, due to issues such as inadequate access to broadband internet, the use of Telehealth NT has been limited.[33]

The services that are provided by Telehealth NT include:

- Tele-Critical Care—improving quality and timely access to critical care skills, and advice for remote patients
- Tele-Specialist Clinics—improving logistics and access to ambulatory care services
- Tele-Workforce Support—enhancing clinical service delivery including education, training, clinical supervision and procedural support
- Tele-Complex Case Management—multi-disciplinary interventions that support advocacy, communication, and effective resource management.
- Tele-Inpatient Care—inpatient care enhanced by access to specialists across the NT.
- Tele-Family Support and Virtual Visitations—patient and family meetings strengthen outcomes by increasing participation in decision-making while reducing anxiety experienced from being away from home and loved ones.
- Tele-Sonography—real time connections to specialists required for diagnosis of conditions across video conference including ultrasound and other imagery.

Multiple organisations such as the Northern Institute, the Aboriginal Medical Services Alliance NT, Laynhapuy Aboriginal Community-Controlled Health Services , eMerge (a local information and communications technology company), Telstra Health, and Broadband for the Bush Alliance, have come together and obtained funding from the Regional Economic Infrastructure Fund (NT Government) to provide access to reliable broadband for three very remote Aboriginal communities. This will allow these communities to access to essential health services through Telehealth.[34]

The benefits of Telehealth in these remote Aboriginal communities allow for:

- less patient travel and costs
- less time away from family and community
- shorter periods of time away from work
- access to follow up appointments (e.g. post-surgery).

However, the use of technology to help bridge the gap in access to services and opportunities is dependent on a strong, reliable telecommunications system.

> *Internet services in remote communities [have] very poor access—for accessing online courses, training online.* **Cape York women submission**

In remote areas that would benefit the most from substantial telecommunications infrastructure, women and girls have reported unreliable telephone and internet access and limited access to computers.

> *One of the problems here is technology—phone, Wi-Fi. It is still hard now. You don't get to access computers every day. The network constantly goes down. Still waiting for our 4G [network].* **Sabai Island women**

For example, access to the *My Aged Care* system, including information about available services and eligibility is available through a dedicated phone line or website,[35] but women at one location in very remote Western Australia reported that elderly Aboriginal and Torres Strait Islander people in the region had limited access or experience with phone or internet services.

> *They now have to log-in on the internet and see what they have. There is no computers and if they have them they are from out bush and don't understand.* **Newman women**

Several remote and very remote locations in South Australia, Western Australian and the Northern Territory highlighted the difficulty in accessing and maintaining driver licences and vehicle registrations when services are beyond the reasonable access of many residents.

In South Australia, women identified the critical importance of programs that come into remote communities to help Aboriginal and Torres Strait Islander residents with the process of getting a driver licence and registering vehicles.

> *Have to go to Marla to register the car, so they are stuck. Same with licences. Someone comes here to do it—Rightrack program comes down every month to teach people how to drive and get licenses.* **Mimili women**

A lack of public transport in remote areas further isolates an already secluded population. The available transport options are often extremely limited, and those that exist are often overpriced and unaffordable for many people. Where essential travel is not supported, people from remote communities are forced to find alternative means to access the services and infrastructure that they need.

> *We have no courthouse, that has been taken into Karratha. And again, problem with the school, it comes back to us, our kids. Transportation, they have to hitchhike into Karratha. Mum and dad are on the side of the road hitchhiking, trying to get their kids to the courthouse. So that creates more problems for us as well, it is just a cycle.* **Roebourne women**

For some Aboriginal and Torres Strait Islander peoples, even relatively short distances were seen as effective barriers without access to transport. In order to ease the practical barrier of transport, there was often much support for the co-location of key services.

> *It's not fair that you expect a 14 or 15-year-old girl to be able to get around the whole city from one place to another for all these things, with no money, no ride. The only way we know how to get these places is to jump a train with no ticket. A one-stop shop would be better.* **Reiby Juvenile Justice engagement**

Text Box 8.15: Patient Assisted Travel Schemes

Patient Assisted Travel Schemes (PATS) operate in each state and territory to alleviate some of the financial burden of transport and accommodation for remote residents who need to travel in order to access medical care. The schemes are a vital component of ensuring equitable access to health services for people in remote areas.

In many remote locations, women and girls expressed frustration with the limitations of the subsidy schemes. They identified concerns about the limited eligibility of specialist treatments, suitability and affordability of accommodation, a lack of support to travel between accommodation and appointments, approval and adequate accommodation support of escorts, the need for patients to pay for travel and seek reimbursement, and an inability to manage travel plans.

> *Patient Assisted Travel Scheme is a joke—it needs an overhaul. When I had to go for treatment, every time my travel wouldn't be booked until the day before. They just put me in a room in an office because we had nowhere to live. They were talking to my partner, but he is very traditional and said not to talk about health and women's issues just to support her. They got angry. When he came down with me, he couldn't stay with family because of cultural relationships. Patient Assisted Travel Scheme wouldn't understand that. Some people have had to sleep in a park because they have no way of getting back to the hospital. When they can't get to the appointment their flight gets cancelled. No phone and they can't call so can't get to the accommodation.* **Kununurra women**

In Queensland and in the Torres Strait Islands, many women and girls expressed concerns that dental health was not an eligible service under Queensland's Patient Travel Subsidy Scheme (PTSS).

> *Access to health services, for example, dental, because the patient travel scheme, covers you for everything else, but dental. As we all know, when you have something for dental, you have to pay your fares and accommodation. So, if we could expand the patient travel scheme and include dental onto it as well.* **Murray Island women**

These schemes should be reviewed and expanded to cover the full range of medical needs given the critical role they play in making healthcare accessible and in reducing regional inequality. Without adequate resources to address access issues, the health and safety of Aboriginal and Torres Strait Islander peoples living in remote communities may be compromised.

> *My biggest concern being a midwife is the access to culturally safe maternity services in remote areas and the concerns about travelling three weeks before due date and sometimes months if high risk, isolated in Alice Springs from culture, country and family supports. The services are an injustice to pregnant mothers. As we know, a program that's not culturally safe and lack of services means women will not engage. Therefore, they put their babies at risk for illness late in their life.* **Individual submission**

8.4   Conclusion

With the legacy of past policies and persistent structural discrimination, Aboriginal and Torres Strait Islander women continue to face significant marginalisation and disadvantage. Aboriginal and Torres Strait Islander women and girls need adequate services, programs and activities, not only to address traumas that affect their lives, but to support them to thrive.

Aboriginal and Torres Strait Islander women are frequently left out when it comes to accessible and suitable services, leaving many in a state of vulnerability where the impacts of trauma compound and cause further trauma.

The fragmented nature of service delivery between governments, departments and services results in duplication and gaps in service provision as well as a confusing environment for vulnerable people to navigate. Aboriginal and Torres Strait Islander women want this addressed and are calling for more transparency when it comes to service delivery and coordination.

There are some excellent examples of community-led programs that are addressing the needs of communities. However, a lack of stable funding means many community-led and owned organisations are operating unsustainably to deliver services or are forced to adapt to mainstream offerings that no longer address community need.

We need sustainably funded, co-designed solutions with a greater degree of control and decision-making by Aboriginal and Torres Strait Islander communities in order to address this disadvantage.

Governments must recognise our right to self-determination. For too long, Aboriginal and Torres Strait Islander peoples have been living in a state where reactive policies are brought in to address a crisis, often causing further harm and impeding their communities' capacity to drive long-term change.

Aboriginal and Torres Strait Islander women are calling for greater community consultation and involvement in decision-making on the services designed to address the issues that affect their lives. We need to ensure Aboriginal and Torres Strait Islander women and girls have more agency over their own affairs in line with their right to self-determination. In denying this, we are further disempowering and disadvantaging Aboriginal and Torres Strait Islander women and girls.

Chapter 9 Housing and homelessness

Aboriginal and Torres Strait Islander women and girls have a right to safe and secure housing, not only as a place where they can live, but as a place where they can thrive. Housing can have a powerful effect on health, education, employment and income, and it is critical to improving outcomes for people in entrenched disadvantage.

Through the consultations for this report, women reported housing as a major priority issue. They are frustrated with the lack of consultation when it comes to housing and how the current mainstream approach is delivering poor outcomes to the detriment of the welfare of women. Women reported that more investment is needed in community-controlled organisations to ensure Aboriginal and Torres Strait Islander people are in control of their own housing circumstances.

In addition to an overall chronic shortage of housing and a decline in housing affordability, too many women reported direct and systemic discrimination when it came to private and social housing. Women with large families, single mothers or women on social welfare were often victims of systemic discrimination in the housing sector, which preferences a Western-centric idea of a household and disregards Aboriginal and Torres Strait Islander cultural norms.

Women reported direct discrimination from neighbours, landlords and real estate agents who assumed they would be disruptive tenants and unable to pay rent. Women expressed their frustrations with the structures limiting their agency to protect themselves from this.

For many Aboriginal and Torres Strait Islander women in housing, significant challenges continue to impede their enjoyment of a safe and empowering environment. Designs inconsistent with Aboriginal and Torres Strait Islander familial structures and ways of life undermine individual security, health and wellbeing. Women highlighted overcrowding as a factor increasing their vulnerability to violence and abuse, and exacerbating trauma and conflict.

Women were particularly concerned with the impact overcrowding has on the development of their children. Children need space to learn, sleep and play. Overcrowding is minimising these tools needed for success. Overcrowding also adds significant pressure to housing infrastructure, with many social and affordable houses built to poor standards. Overcrowding increases deterioration and the requirement for maintenance and repairs. Repair work is often subject to delay or unavailable for Aboriginal and Torres Strait Islander households, particularly in remote areas.

With unavailable, unsuitable and unaffordable housing, Aboriginal and Torres Strait Islander women's vulnerability to violence, drug and alcohol abuse, poor health and intervention from child welfare agencies is heightened. Aboriginal and Torres Strait Islander women are also more likely to experience homelessness than other Australians, both compounding and causing further harm. Without addressing the housing crisis, Aboriginal and Torres Strait Islander people—and disproportionately women—will be left marginalised and disempowered, perpetuating vicious cycles of violence, abuse and homelessness.

9.1 Barriers to realising the right to housing

The right to housing and an adequate standard of living is set out in a number of international human rights instruments.[36] The United Nations Committee on Economic, Social and Cultural Rights has clarified that housing should not be interpreted in a narrow or restrictive way but should be considered in a broader sense as 'the right to live somewhere in security, peace and dignity'.[37]

In 1986, the *Women's Business Report*[38] identified a number of key issues and barriers frustrating Aboriginal and Torres Strait Islander women's realisation of their human right to housing in Australia. These included:

- a chronic shortage of housing and severe overcrowding[39]
- racism, discrimination and stereotypes in accessing private housing[40]
- inappropriate design and size of houses for Aboriginal and Torres Strait Islander families[41]
- low standards of maintenance on existing housing[42]
- unaffordable housing and utilities,[43] and long waiting lists for social housing[44]

- the need for self-determination and women's involvement in decisions about matters that affect their lives, and those of their families.

It was clear from our women and girls that those barriers remain the same more than 30 years later. The intersectional nature and impacts of these barriers are discussed in the subsections below in more detail.

Since the 1986 *Women's Business Report*, and especially over the last two decades, Australian governments have attempted to develop a unified housing policy that improves outcomes across all states and territories. A series of housing reforms were driven through the Council of Australian Governments (COAG)[45] and resulted in the development of interconnected partnership agreements and frameworks.

Although states and territories have always had responsibility for funding and managing social housing, the Australian Government's investment in remote housing supported a large and diverse sector of Indigenous Community Housing Organisations (ICHO)s from the 1970s until the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005.[46]

With the abolition of ATSIC, some of the essential structures supporting the Indigenous-controlled housing sector were disbanded, and Aboriginal and Torres Strait Islander housing policy moved away from self-determination and towards a mainstream approach. Mainstreaming has seen the large-scale transfer of housing stock and housing management services away from community-controlled organisations to the management of state and territory-owned housing bodies.[47] The resulting decline in ICHOs is a significant loss in community-controlled decision making and self-management in the housing space.

> One of the things we brought up was housing, and housing policy in our community is not really good. We [did] have a housing committee, but no longer, [what] we did have was really good. **Woorabinda Women**

These changes were informed by the notion that competition from mainstream services would improve housing outcomes,[48] and lead to more effective, efficient and cost-effective service delivery. However, many women and girls reported that mainstream services have failed to adapt their service model or their housing stock to be reflective of Aboriginal and Torres Strait Islander needs. This is supported by the results of recent reviews into the delivery of housing services in remote and regional Australia.[49] Despite significant investment into safe, clean and secure housing as part of the Australian Government's priority Closing the Gap agenda, many women and girls I met with feel that their housing situation remains unchanged.

Addressing housing disadvantage is a critical step in closing the gap in Aboriginal and Torres Strait Islander outcomes across a range of indicators. There are currently several major national frameworks that provide the basis of recent and current policy for Aboriginal and Torres Strait Islander housing in urban and remote areas, including:

- the National Affordable Housing Agreement 2018–19 (NAHA)
- the National Housing and Homelessness Agreement 2019–2023 (NHHA)
- the National Partnership Agreement on Remote Indigenous Housing 2008 (NPARIH)
- the National Partnership on Remote Housing 2016-18.

As is often the case with big investment, some communities are left feeling that they have been made big promises but that they have seen no results.

> *They say they building house, but when? … We have $25 million about 10 years ago for housing, and then it disappeared … now we asking the question, where did the money go? They say so and so is getting a house, but when? [Another community] already got their housing. [Our community] still waiting.* ***Borroloola women***

Without control over the implementation of housing policy, there is a lack of transparency about how housing funding is being spent and how Australian governments are targeting communities for investment. This was leaving some of the women and girls I met with in remote communities increasingly disillusioned.

> *What is this Closing the Gap, is it about housing, or what is it? I just want to know … Now I remember in the last Closing the Gap thing, there was money for housing. How is that allocated in the [region]? Because there are some communities that you can see have no housing, they have nothing. They didn't get any of that money that was allocated to the [region] for housing. There are some communities that have really old housing, how is that allocated? And how do these women that live in these houses find that out? Where that money is going and where the priority areas in our community are?* **Fitzroy Crossing women**

The partnership between National Cabinet and the Coalition of (Indigenous) Peaks on the refreshed Closing the Gap framework provides an important opportunity for governments to work with Aboriginal and Torres Strait Islander communities and organisations to remove barriers, improve transparency, and increase the accessibility and affordability of housing for Aboriginal and Torres Strait Islander women and girls.

(a) Availability

According to the most recent census data, 38.1% of Indigenous households are homeowners, 32.4% of Indigenous householders rent privately, and 21.5% of Indigenous households rent social housing. This is an increase in home ownership and private renting compared to previous years and a decrease in social housing renters. However, Aboriginal and Torres Strait Islander households still remain almost twice as likely to be renting compared to other Australian households and are almost six times as likely to be in social housing.[50]

With rising house prices, private rental prices and a reduction in social housing stock, many Aboriginal and Torres Strait Islander people, who would otherwise have had secure tenure in either the private or social housing market, are in increasingly precarious housing situations. It was clear from the *Wiyi Yani U Thangani* consultations and submissions that many Aboriginal and Torres Strait Islander women and girls consider housing availability now to be at a crisis point for our peoples.

> *Yes, main number one issue is housing. Priority, main issue is housing. Overcrowding.* **Borroloola women**

> *Lack of housing—third world circumstances.* **Canberra women**

Women have reported that the pace of housing construction is simply not keeping up with growth and community need. Based on rental stress numbers revealed in the 2016 census, it is estimated that there is an existing deficit of 651,300 social and affordable homes across Australia, and that the deficit may reach 1,024,000 by 2036.[51] In 2011, it was estimated that Aboriginal and Torres Strait Islander peoples were experiencing a shortage of 20,000 affordable and appropriate houses.[52] It has also been estimated that an additional 5,500 dwellings will be needed in remote communities by 2028.[53] Furthermore, these estimates are likely to underrepresent actual need given the underrepresentation of Aboriginal and Torres Strait Islander peoples in census data and the difficulty in assessing need in very remote homeland and outstation communities.[54]

> *We need more housing. That's a challenge, all the houses here are overcrowded. There is no normal flow of Northern Territory housing. There could be a family here, waiting years and years, a women with 5–6 kids waiting to get that house. Then all of a sudden, a house goes up in the suburb there and it goes to a Northern Territory worker. There is no normal steady flow of housing for this community.* **Borroloola women**

While there has been considerable investment in housing construction and maintenance since 2008, with the COAG commitment to a national strategy reducing overcrowding, poor housing conditions and severe housing shortages in remote communities, women have reported that much of this investment did not meet their needs. Much of the housing and infrastructure that has been funded has failed to consider the social and cultural issues that influence how housing and infrastructure is used by Aboriginal and Torres Strait Islander families.

> *The housing department within itself, has taken the people from the village, put them into houses. [We] knew the issues that were involved like overcrowding, we are not white people, we don't live just like mum and dad and kids, we got extended families. That is what needs to be set in people's minds, especially in Roebourne. These agencies don't ever have forums, like this and listen. Nothing.* **Roebourne women**

In two remote locations, I heard examples of communities being denied new housing because they would not agree to 99-year township leases or to the conditions of new housing management arrangements. There was a sense amongst the women of these communities that they were being held hostage to government demands that they cede land to governmental control before they would get any essential infrastructure. There was also concern that families would not be able to afford the proposed rent increases that came with the new housing management.

> *Still waiting [for housing]. Government is trying to blackmail [this community] for the lease thing. When they get that lease thing, the fixture on that is that it's you pay more coverage on the rent, don't you?* **Borroloola women**

A submission provided by the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) drew on the 2017 End of Mission Statement by the Special Rapporteur on the Rights of Indigenous Peoples to note that *'Housing remains in short supply in many Indigenous communities, and low levels of income have forced people into overcrowded or dilapidated housing',*[55] to emphasise the vulnerability of Aboriginal and Torres Strait Islander women in these circumstances.

> *Aboriginal and Torres Strait Islander people are suffering due to the lack of access to safe, secure affordable housing. This can cause women and girls to be particularly vulnerable to abuse within these poor socio-economic conditions … then high rates of homelessness, overcrowding and poor housing have a high impact on Aboriginal and Torres Strait Islander health indicators and fuel the disproportionately high rates of Aboriginal children entering child protection.* **National Aboriginal and Torres Strait Islander Women's Alliance submission**

This is reflective of what women have shared about the increased vulnerability they feel for themselves and their children when there is insufficient housing to meet demand.

So, with the housing situation where everybody's now [got] no more house going to come for country, to any community. Then that means more families gonna end up [with nothing]. More babies being born every day.… With the families everywhere, you're going to have your alcohol, your drug. And when you're alcohol and drug-stuffed you don't know what you're doing in your life. There could be all kinds of destruction coming for that family and all those families and it's gonna be a spiral effect. It's gonna gather the whole lot, and it's gonna ruin their whole life. So, these are serious, serious things. When you've more, more overcrowding, you got more problems and you've got that same cycle that's gonna keep going. And there's gonna be no way to squash that. **Fitzroy Crossing women**

The lived reality for Aboriginal and Torres Strait Islander women is that, in the absence of adequate government planning and investment, we are often the ones who have to fill the gap. The overcrowding and poor conditions that result from a systemic failure to keep up with housing demand entrench disadvantage in families that would otherwise have much improved social and economic outcomes.

I think the big issue with all this, and maybe this is something you can take back to the Prime Minister, is that the forward planning for Aboriginal people in housing … is appalling. They're not doing any forward planning to produce more housing to put these people in. Otherwise, of course it is going to turn to overcrowding, and kids don't want to stay in these houses. Because there is physical abuse, sexual abuse, no food, all that kind of stuff you know. So, it is forward planning that needs to be addressed. **Alice Springs women**

(b) The types of houses we need

When assessing the availability of housing, we must also consider the suitability of accommodation. Aboriginal and Torres Strait Islander people often have social and cultural needs that differ from the needs of other Australians. When this is not responded to, it results in an even greater shortage of appropriate housing stock.

The houses … they are not being built for communities. Not for Aboriginal standard family … The living rooms (are) too small, it's not appropriate to what [we] need. **Katherine women**

In the simplest terms, Aboriginal and Torres Strait Islander peoples typically have larger families and there is a shortage of larger sized houses both in social housing and in the private rental market.[56] Family homelessness is a significant problem in Australia and a shortage in houses that can accommodate large families exacerbates the risk for Aboriginal and Torres Strait Islander families.

> *We don't have houses with five, six beds. We don't come with two children.* **Perth women**

Aboriginal and Torres Strait Islander communities also have a far greater number of households comprised of multiple generations, extended family members, and often people with special needs related to their age, health or disability.

> *We need a mix of more appropriate housing to meet family needs. So, at the moment, we've got a whole lot of old people living in with their kids. Or the kids have moved in with the old people and 3 or 4 families are living in that. So [they're] in 2-3-bedroom, 1-bedroom houses.* **Tennant Creek women**
>
> *... in Aboriginal families, it is not overcrowding, it is about supporting family members. Trying to change the views, that Western philosophy, to recognise cultural safety.* **Logan women**

Many of the women and girls I heard from were not asking for separate accommodation for their extended family, they would prefer more appropriate housing that reflects their family kinship ties and preferred way of living.

> *Government comes in saying you can't have extended families living in one house. We have been living with extended families for years, we put mattress on the floor or with mat and pillow, or with nothing. But now they come in and put their own policies over us.* **Thursday Island women**

It is through ensuring that housing and infrastructure is appropriate for the size, structure and preferences of Aboriginal and Torres Strait Islander households, that we have the best chance of breaking a cycle of disadvantage in which inadequate housing is both a symptom and a cause of the entrenched disadvantage affecting some of our most vulnerable families.

In some communities, women reported that government and mainstream organisations have not consulted with Aboriginal and Torres Strait Islander communities about what they want or need in their housing. In remote areas, this has resulted in an inconsistent, ad hoc and confusing approach to housing construction, upgrades and maintenance.

> *We don't know what's going on, because you've got agencies and organisations that are doing their business, but nobody is actually telling the community.* **Tennant Creek women**

> *I think that is the challenge, housing do not listen to local people's voices of what we need.* **Borroloola women**

The loss of self-determination and control over housing has left communities feeling marginalised and disempowered.

> *I don't know how many times [government man] comes here, but I've been trying to get his attention for 2 years. And I can never get it and he comes to town and speaks with all these white groups. And when we really want to see him, we can't see him. And that housing is one of the major issues.* **Alice Springs women**

The location of housing also has a significant impact on its appropriateness for Aboriginal and Torres Strait Islander peoples. A safe and adequately resourced surrounding environment is critical to ensuring that housing fits within the social, economic and cultural reality of the way we live.

> *Shire is not looking after a gazetted road. They come in as a dominating force. Putting down baits to kill dogs just outside your house.* **Halls Creek women**

A reliable, well-functioning infrastructure system connecting our communities is equally important to the type of housing we need. Roads, streetlights, power and communication networks and transport require investment in community housing and infrastructure.

> *Yeah um, roads are wrecking our cars. The [regional council] been in charge of that for the last 5 years and they don't do nothing. They don't release the money.* **Borroloola women**

(c) Overcrowding

Overcrowding is defined as dwellings needing one or more bedrooms.[57] Despite declining rates of overcrowding in all remote areas, overcrowding is still disproportionately experienced by Aboriginal and Torres Strait Islander peoples. In the Northern Territory and Western Australia, the rate of overcrowding in Aboriginal and Torres Strait Islander households is up to ten times that of other Australians.[58]

Overcrowding in Aboriginal and Torres Strait Islander housing is more complex than just having too many members of a single family living in a house too small for their needs. The sharing of space with multiple families and generations means that household members use the space and infrastructure differently to many non-Indigenous groups, and have different needs in terms of privacy, adaptable space for visitors and the designation of shared space.

> *I want newer houses in our communities so we can have smaller numbers of people living in each house. Ideal house would have four bedrooms, three showers, two toilets, a big lounge room, have a big fence instead of little fence to stop people throwing rubbish. More space and rooms because we have big mob family. Would make us feel prouder. We would have better sleep because it wouldn't be so noisy. If we have visitors come, we could have a place for them to stay.* **Alice Springs girls**

In 2016, Aboriginal and Torres Strait Islander households were more than twice as likely to need one or more extra bedrooms than other households.[59] The Northern Territory has the worst rates of overcrowding in Australia, with an estimated 15,124 additional bedrooms needed between now and 2028 for remote communities.[60]

The consequences of overcrowding are well-documented and are generally related to reduced space and privacy, greater risk to health and wellbeing, overburdened 'health hardware' (such as hot water, taps, toilets, showers, cold food storage, safe food preparation and temperature control),[61] and exacerbated stress levels created by the minor and major pressures of multiple household members.

Overcrowding presents major challenges for the security and development of children, personal and domestic hygiene, the maintenance and condition of the home and the management of conflict between household members. There is evidence to demonstrate that overcrowded housing has a significantly negative impact on children's social and emotional wellbeing, and particularly their learning outcomes.[62] Women expressed concern that overcrowding and subsequent lack of personal space to study, sleep and socialise would set children on a lifetime trajectory of poor outcomes.

> *I've looked after my sister's kids. I've had up to 13 kids in my house at one time, we're facing a future where our kids are being labelled, further disadvantaged and disempowered, without the tools that they need.* **Mildura women**

Women have also highlighted overcrowding as leaving themselves and their children more vulnerable to all forms of violence and abuse. The increased number of adults in the household who may be struggling with unresolved trauma or substance abuse issues erodes the control we have over our personal space.

> *The challenges that she had as a single parent being put in a house, the only time we had luxury in that house was the first night we got there, the second night there was 50 of our bush family standing there with their grog and that was the end of that. Had every window smashed, never had a safe bed to sleep in.* **Alice Springs women**

Overcrowding can further exacerbate trauma and conflict, causing people to self-medicate with alcohol and drugs, which in turn exacerbates trauma and conflict within the household, perpetuating a cycle of poor health, substance abuse, adult and youth criminalisation, child protection, violence, poverty and homelessness. The lack of physical space, the stress of no privacy or personal time, combined with multiple pressures and traumas can and does fuel aggressive and violent behaviours.

> *We got major issues with housing too…. overcrowding. Big issues that [we] need to take to the government … But they think if you've got a family you can live with, then you can just stay there. And they don't think about how crowded we get that way. And a lot of these issues start from overcrowding. That's why people start doing drinking and drugs, just to deal with the stress of living on top of each other.* **Yarrabah women**

A lack of financial support and overcrowding in houses. A lot of families in one house. 30 people in one house. There are risk factors around that overcrowding. Domestic violence and sexual abuse. Anything that comes with domestic violence. **Napranum women**

The high rates of homelessness, overcrowding and poor housing have a high impact on Aboriginal and Torres Strait [Islander] health indicators and fuels the disproportionately high rates of Aboriginal … children entering child protection and youth detention systems. **National Aboriginal and Torres Strait Islander Women's Alliance submission**

Child removal, as a response to issues that come about due to overcrowding, is an unacceptably punitive approach to a problem over which our women have little control in the absence of acceptable alternatives.

Countless women cited the generational issues their communities faced in terms of poor housing and the flow-on effect that this had in terms of contact with child welfare agencies. Many expressed frustration that they were often residing in government houses that were in short supply and which were not undergoing any kind of maintenance.

Yeah, because of housing. And those issues probably already been in the house before those kids been born. Nothing is being done to rectify the home so that the mothers are able to get their children back. The living conditions that the parents are living in are not up to standard, so the children are unable to return home …

So, housing again, it's not just building more housing but it's rectifying the existing homes so that mothers can get their kids back. Because those kids probably were born with the houses already like that, then they turn around and say, 'oh you're not fit to live in that house', when that kid been lived and born in there …

In towns, like you get a house from Housing Commission, you can't have boys and girls sleeping in the same room, but here, in a community, they just put everyone in the one room. You got like 3,4,5 all sleeping in the same room maybe more, because of lack of housing. People are living in lounge room or tents in the back yard. **Borroloola women**

Is there overcrowded housing? I have been to so many homes around this community and honestly it is a big mess, broken windows, no flushing toilets, no taps running and the government charging them $500 a week for rent. Territory Housing. This is why kids are in the streets, because they can't go home. I am really angry with people who have all these meetings on the side, looking after these kids. There is no entertainment for kids here. These kids got nothing here in town. **Alice Springs women**

Overcrowding within our communities is not only a symptom of disadvantage, it is also evidence that Aboriginal and Torres Strait Islander families are sacrificing their own financial, social and personal security in order to fill essential service gaps in the current housing system and avoid their extended families experiencing homelessness.

The issues that we have with overcrowding … it causes burdens on families and those that are actually living in the house. Because one of our strengths is families and the last thing, we want to do is kick our families out of the house because of overcrowding. **Thursday Island women**

The absence of alternative and affordable aged care facilities for older people frequently means that elderly Aboriginal and Torres Strait Islander people can be forced to live with extended family, exacerbating the chronic overcrowding facing many of our communities and leaving elders with inadequate conditions or homelessness.

The majority of our homeless is elderly—a lot of our housing has 15–20 people per night every night. A lot of housing doesn't feel safe. A lot of food security issues with that many people, toilets not working, things being broken. **Katherine women**

The lack of alternative aged care facilities places an overwhelming responsibility on Aboriginal and Torres Strait Islander women to fill the gaps.

[We are the ones] supporting our elder generation. A lot of our mothers have worked all their life and moved from job to job but might not have super that they can fall back on. So how do we support them in their elder years in terms of affordable housing, [because] their pension does not cover the cost of living here in [capital city]. **Canberra women**

*I went looking for my mother's family ... and people said oh they been living down there in the river and I thought huh, don't they have houses. So, I went looking for them all, gathered them all up, brought them back to my place and put them up in my big shed, so I looked after them all for years and years until they all died. The last one I looked after was 89. I looked after all the old people and a houseful of kids, and, raised 3–4 kids one after another, and other people's kids, and my daughter who had a disability. Then I got really sick and I couldn't do anything for a year or two. **Alice Springs women***

For other women, there was a clear preference for keeping elders at home and supported by family, but that this was becoming increasingly unviable due to the severe overcrowding and inaccessibility of housing stock.

Text Box 9.1: Kapululangu Aboriginal Women's Law and Culture Centre

Located in the very remote desert community of Balgo in the South-eastern Kimberley region of Western Australia is the Kapululangu Aboriginal Women's Law and Culture Centre (KAWLCC), a not-for-profit organisation established by senior women. KAWLCC supports women elders to remain living on country so that they can fulfil their obligations as senior Law women, healers, protectors and providers for their families and communities. KAWLCC recognises the importance of keeping senior Aboriginal people on country, and the far-reaching community benefits of doing so. However, limited aged care resources in rural and remote areas often make this near impossible.[63]

An ongoing challenge for KAWLCC is their lack of funding. KAWLCC relies heavily on the support of volunteers to provide ongoing full-time care for the region's two to four senior elders who live at the Women's House. KAWLCC holds multiple annual Law and culture ceremonies, camps and activities for the women and children of the Kutjungka region. Aboriginal and Torres Strait Islander women and non-Indigenous women from anywhere in Australia are also invited to attend. External participants financially cover the costs of their attendance and remaining funds go towards continuing to support senior women to live on country, practise their Law and pass on their cultural knowledge to younger generations.

While KAWLCC is mandated to work with women elders, aged care and disability support are not originating aims of the organisation. This is something KAWLCC provides in lieu of properly constituted aged care and disability support in Balgo. KAWLCC continue to advocate for their critical work to be recognised and appropriately funded to ensure the sustainability of the organisation and women's Law in the region.[64]

(d) The Indigenous housing sector

There was a consistent message from Aboriginal and Torres Strait Islander women and girls across Australia that they need more control over policy and decision-making to ensure that the Indigenous housing sector is better designed to suit us. This was particularly prevalent in areas where the abolition of ATSIC had resulted in the defunding and termination of ICHOs in remote and regional locations.

A current lack of investment in community-controlled organisations continues to undermine Indigenous capacity to be in control of our own housing circumstances. National Shelter has stated that this loss of community control to mainstream organisations must be acknowledged as a failure to uphold the principles of self-determination.[65]

> *When you talk about that ATSIC stuff, for us, being out there at the time, that was with ATSIC then. They were giving us funding, you know, and we ended up with a land trust incorporated and then that's what I'm saying, that's what it was about, setting up as accountable people for the money that was spend on the housing out there. And that's what ATSIC was about. But look at us know. It's not there no more. **Alice Springs women***

There is a recent trend in state, territory and federal bilateral affordable housing agreements to integrate public and affordable housing into a service delivery system that delivers more people-centred and place-based outcomes.[66] To achieve this, there needs to be a transfer of mainstream public housing to the community housing sector.[67] This is directly responsive to the call I have heard from women for Indigenous community-controlled organisations to be designing and driving a system that works for us.

The ICHO sector is considered a significant component towards developing self-determination in the housing system because it:

- ensures that Aboriginal and Torres Strait Islander peoples are directly engaged in decision-making about their housing needs and priorities
- supports housing services to be flexible, appropriate, locally focused and responsive
- is more likely to have a more holistic understanding of the key gaps around housing
- builds capacity in the local community and supports the development of a community workforce.

Text Box 9.2: Mununjali Housing and Development Company Ltd

Based in South East Queensland, Mununjali Housing and Development Company Ltd is a community-owned and operated organisation built over the past 44 years to improve the standard of living for Aboriginal and Torres Strait Islander peoples.

Mununjali Housing provides holistic support which is focused and responsive to the needs of the community. Mununjali Housing employs 72 local employees. Many community members, both Indigenous and non-Indigenous, also volunteer their time to support the operation of activities and programs operating under the Mununjali Housing and Development umbrella. The housing program is the core function of the company, providing affordable long-term accommodation to Aboriginal and Torres Strait Islander community members residing in the Beaudesert and Logan areas.

Employees attribute the success of Mununjali Housing to its strong governance, stable service delivery, demonstration of transparency, and community control. Challenges to the operation of the company include regular changes in government funding streams, an increasing compliance burden impacting on service delivery, and the closure of the Aboriginal and Torres Strait Island Commission (ATSIC).[68]

Investing in ICHOs provides Aboriginal and Torres Strait Islander people with the opportunity for greater participation and control over local housing policy and implementation. Many women reported feeling that their solutions were easily ignored by mainstream organisations who make a show of community consultation and then make decisions based on their own interests and values.

> *So, the decisions need to be flowing back into the community living areas, those sorts of things. That doesn't happen and you know, we can talk about housing, we can talk about education, all of that. We've got everybody out there, man and his dog talking about how you fix that. But nobody is really listening.* **Tennant Creek women**

Ensuring that Aboriginal and Torres Strait Islander peoples' voices are heard, and that we have the structural supports to enable choice and control over housing, is the only way to ensure that the housing system is designed by people with lived experience of the systemic and interconnected issues that need to be addressed.

> *There's a disconnect between government and community decision-makers and what's really going on in the community.* **Tennant Creek women**

Aboriginal and Torres Strait Islander women told me that when housing services are informed and controlled by our own communities, services are more effective. ICHOs can be far more responsive to community needs, adapting mainstream commercial approaches to focus on community capacity, ensuring that housing is constructed where people need it, and removing cultural and language barriers.

> *The houses went to [another community] … because a person came here for housing, asking, and saying 'Who needs houses?' But there was no interpreter, so no one knew what the guy was saying. Some of the houses that were supposed to be [here] went to [other communities]. [We] still living in houses that old people have passed down.* ***Mimili women***

In several communities, ICHOs were—and still are, to varying degrees—the primary resource agencies delivering interconnected social services.[69] Many ICHOs provide wraparound services such as tenancy support, advocacy, and financial supports for rent and utility payments.

Several women raised that under the administration of ATSIC, some ICHOs had further integrated programs such as Community Development Employment Projects (CDEP) into their service delivery model, supporting local community into employment in labouring, repairs and ongoing maintenance of ICHO housing stock.

> *It was mad when the CDEP [ended]. Everybody had appeared the same, took pride in the community, cleaning and doing maintenance. Soon that was taken, and everybody went down and nothing to do.* ***Literacy for Life submission***

The women I spoke to identified the capacity of ICHOs to train local Aboriginal and Torres Strait Islander people as builders and skilled tradespeople in order to meet local demand and provide a broader range of employment options in remote and regional areas.

Building capacity also requires redressing the policy disruption, government under-resourcing and erosion of trust that has diminished the sector's readiness.

> *When our community registered, [we were] not consulted as stakeholders. Roads, power, and sewerage, everything done without consultation … Prime Minister and Cabinet had funding to build houses. They wouldn't give it to us as an Aboriginal Corporation. They didn't trust us.* ***Halls Creek Women***

Revitalisation of the ICHO sector is dependent on government recognising the importance of self-determination for Aboriginal and Torres Strait Islander peoples and being willing to invest in building local capacity rather than relying on a one-size-fits-all model operated by mainstream organisations.

> *Yeah, the grass roots people. Invest in us. They want to give it to [non-Indigenous organisation] and community housing … They set an Aboriginal housing up and no consultation with Aboriginal people. Because they say the little Black housing company couldn't do it, so they find the big white body to do it for us.* ***Kempsey women***

A transfer of administration to ICHOs, however, cannot be seen as an excuse to reduce government funding. Reviews of the former ATSIC-managed Community Housing and Infrastructure Programme (CHIP)[70] and the subsequent National Partnership Agreement on Remote Indigenous Housing (NPARIH)[71] found that ICHOs would need to be well supported and adequately funded in both capital expenditure for increasing housing stock and recurrent funding for asset management to prevent the deterioration of properties.

(e) Discriminatory housing access

A critical factor in the accessibility of existing housing stock is that it be equally available to Aboriginal and Torres Strait Islander peoples without discrimination. However, some women and girls reported that they continued to experience direct and indirect discrimination in attempting to access housing in the private market and in social housing.

Much of the discrimination I heard about was systemic. Women and girls reported that they were discriminated against in applying for private and social housing because of the size of their families, being a single mother, having inadequate references, or for being on social welfare.

> *Buckley's [chance] to get a house in town because they only want people that are white, two-person family and both work, 1-2 kids … you are not going to get it because of who you are.* ***Kempsey women***

Previous research has documented the nature of systemic discrimination in the housing system.[72] This research demonstrates how seemingly neutral policies are discriminatory against Aboriginal and Torres Strait Islander families because they are based on Western-centric ideas of what a family household should be. Some of the women I met with continue to be adversely affected by policies that fail to give regard to Aboriginal and Torres Strait Islander cultural norms.

> *My problem is that housing came up, but when I spoke to the people they asked if I would have a lot of people coming over. And I said, 'Yeah, I'm Aboriginal, it's likely with a big family'. But the neighbours don't want it. They don't want too many people coming and going.* **Sisters Inside submission**

Women told me they often experience discrimination because neighbours, landlords, real estate agents and housing management bodies assume they will be anti-social or disruptive tenants; will not be able to pay rent; will have family members staying all the time; or will abuse addictive substances and damage the property.

> *The CEO from [organisation] said to my daughter. 'You Aboriginal people should not be living in these houses if they cannot afford to pay electricity'.* **Coober Pedy women**

The current state of tenancy laws in every state and territory, except for Tasmania, allows for 'no grounds evictions' after the fixed term, meaning that landlords and housing management bodies can terminate leases and remove tenants without cause or reason.[73] This makes it exceptionally difficult for women to protect themselves against direct and systemic discrimination.

In March 2020, the Australian Prime Minister Scott Morrison announced a number of measures, agreed to by the National Cabinet (the body representing the Federal Government, territories and states), to protect the rights and welfare of Australians at the onset of the COVID-19 pandemic. The Prime Minister stated that the most significant of these measures was a moratorium on evictions for commercial and residential tenancies in financial distress.[74] All states and territories have since enacted laws with a range of measures protecting tenants impacted by COVID-19 and restricting landlords from increasing rents and evictions due to rental arrears. The national moratorium is set to expire at the end of September 2020; however, Victoria has extended their moratorium laws until the end of 2020.[75]

Tenancy advocates are encouraging all governments to extend the moratorium and to keep in place the range of mechanisms introduced to support tenants most impacted by COVID-19 and experiencing financial difficulties.[76] I am very concerned that once the moratorium is lifted, individuals and families, who may have lost work during this period, could face eviction.

Throughout the *Wiyi Yani U Thangani* consultations, women expressed their fear of being evicted because of discrimination. For example, one woman reported that her neighbours had filed a noise complaint about her children crying, and that she feared she could lose her house as a result. Discrimination within the housing sector can leave vulnerable groups of people within our population with insure tenancies. Many of the mechanisms introduced to support vulnerable tenants during COVID-19 are necessary to support many of our people and families to find, and remain in, secure housing.

Women with additional vulnerability factors, such as young mothers, women with a criminal record and women living in poverty, are even more likely to experience greater impacts from structural discrimination. A submission from Sisters Inside detailed a case study from Queensland in which a temporary, involuntary absence from social housing breached tenancy protections and nearly resulted in a permanent loss of housing.

> *Recently, Sisters Inside supported an Aboriginal woman from a regional community to maintain her public housing. The woman was being evicted for under $400 in rent arrears as well as a policy that women cannot be 'absent' from their homes for a period of more than 8 weeks in 12 months (even if the absence is involuntary, as a result of imprisonment). Loss of housing would have trapped this woman in prison and caused loss of her children from her care.* **Sisters Inside submission**

Aboriginal and Torres Strait Islander women are understandably frustrated at the lack of legal protections for marginal renters and those in social housing. At one major city engagement, women highlighted the importance of tenancy advocates and support services in helping women to understand their rights.

I am helping a niece in [place] with six kids. [Got a] termination notice and the department of housing there, instead of addressing the issue—court order and get her out. They said she consented, but [she was] pushed. Lodged an appeal. Second court order—evicted. First hearing, magistrate says 'yes, terminate'. I helped her file an appeal in the district court. She goes along and stands up in court and speaks her mind. Two appeal[s] to terminate a residential notice. I am teaching her to be strong. I read the law. I know what it says, and I am teaching her. Technicalities. You can file appeal notices, and you don't need a lawyer ... Still in the house because she has appealed. **Perth women**

In some locations, women felt that real estate agents were discriminating against Aboriginal and Torres Strait Islander applicants without directly saying so, but through the constant awarding of successful applications to non-Aboriginal applicants. Some women told me they felt that the only way to secure a lease was not to identify as Aboriginal or Torres Strait Islander.

Racism is an issue in our community, definitely with real estate and housing. There is judgement. I think they lie to you, they say, 'yeah, yeah, yeah, it's going through'. And then another family comes in, and they give them the house. **Kempsey women**

Renting is also really hard. When people know you are Aboriginal, they won't want to rent to you. Me and my friend used to rent, and we never told the real estate that we were Aboriginal ... because we had trouble with that in the past. **Nowra women and girls**

Acknowledging the different cultural and social needs of Aboriginal and Torres Strait Islander families is critical to ensuring that Australia is fulfilling its obligations to provide an equal standard of living to the most vulnerable members of our society.

Text Box 9.3: Yumba-Meta Limited

Yumba-Meta Limited is a not-for-profit organisation providing short-term, medium-term and long-term secure and affordable housing throughout Townsville, North Queensland. Managing over 193 tenancies, Yumba-Meta support disadvantaged groups, in particular, Aboriginal and Torres Strait Islander people, experiencing difficulty securing accommodation through the private rental market.[77]

Yumba-Meta is an example of an Indigenous housing provider which has managed to retain its cultural identity, whilst integrating to operate within the mainstream housing service system post abolition of ATSIC.[78] Yumba-Meta's long-term viability through this transition has been supported by the organisation's strong governance, and its integration of mainstream accountability standards. It strives to provide high quality, culturally appropriate services for tenants and ongoing engagement with mainstream housing networks.[79] Yumba-Meta does more than just provide social housing assistance, it supports people to take control of their own lives and break cycles of homelessness for good.[80]

There are major shortcomings within the urban social housing service system with regards to Indigenous needs and values. However, Yumba-Meta is a positive example of a local organisation that continues to adapt to high levels of Indigenous need in innovative ways.[81]

(f) Maintenance of housing

Throughout the consultations, women and girls expressed significant concerns about the maintenance and repair of housing. This was most often a problem encountered by women in social housing and was predominantly an issue in remote and very remote locations. In 2016, 31.4% of social housing for Aboriginal and Torres Strait Islander families did not meet agreed minimum acceptable standards compared to 19.3% of all households.[82]

A lack of power and continuing discrimination within housing management services, leaves Aboriginal and Torres Strait Islander peoples vulnerable to systemic inequality that entrenches disadvantage. In one major city, a woman spoke of living in a house with significant safety concerns but was worried about pressing for maintenance in case she lost her housing.

> *Maintenance is run down and can be dangerous. Electrocuted from housing. [But] three strikes and you're out.* **Perth women**

Inadequate housing conditions and poor maintenance leaves Aboriginal and Torres Strait Islander women and their families vulnerable to living in dangerous environments.

When I came down, I had children then, so I had to stay here. Me and my family. So, we couldn't fit in any of them house. Too many crowds. We're crowded … We've got no proper house. We just sleeping like that now. Waiting for house. I don't know. We've got a big drain there beside the shed. We've got mosquitoes and all that, you know. I used to buy those mosquito coils and put them on every night … Flood come through, you know, when it gets real high, the flood goes over the drain and the road, we got big dam there, that filled up again you know, this is all flooded. Yeah. When the big gutter, the big drain, that's full, sometimes we have big centipedes and snakes you know … at least I am not camping in the scrub. Anyway, I've got something to, you know, a few beds, you know, and my grandkids they come. That gives me lots of strength, you know, and happy, you know. **Fitzroy Crossing women**

Adequate housing is more than the minimum physical shelter required to protect people from environmental risk. Adequate, appropriate and well-maintained housing provides safety, security and privacy and fosters the development of self-empowerment, identity and social inclusion. When housing is not maintained to an acceptable standard, the security and stability of Aboriginal and Torres Strait Islander peoples is compromised beyond their physical safety.

Inadequate repairs and infrequent maintenance services are causing the limited housing stock to fall into further disrepair, decreasing the amount of social housing available. This places increased stress on existing housing and the infrastructure within these dwellings, worsening the condition of housing until they also become uninhabitable. Damaged and old housing poses many risks to women and their families. In remote and very remote locations across Australia, women and girls talked about living in social housing without working toilets, running water, lights, electricity, kitchens and air conditioning.

… some of our community housing is absolutely disgusting. They've had people sleeping on floors [with] sewage. **Karratha women**

Despite the urgency of maintenance requests, some women reported unacceptably long delays in repairs being undertaken, with some women reporting getting no response at all from housing managers. They are just expected to keep paying rent for accommodations that are unmaintained, unacceptable and unsafe.

If you pay rent, maintenance should come and fix things. Been waiting four months to have broken taps fixed. **Mimili women**

It was most frequently women in remote and very remote areas that raised significant problems with housing standards. However, some of these remote areas are relatively large, well-serviced locations with a sizeable resource base of maintenance and repair workers. It is not an issue that can be accounted for by the remote delivery of services or a lack of skilled tradesmen. Women and girls in regional and urban areas have also expressed concern about the maintenance of social housing and community housing.

> They have sewage problems, a plumber doesn't rock up, they get told from the people they pay the rent to, 'oh it cost too much'. **Roebourne women**

> Maintenance of housing does not exist. Sewage is coming out of pipes. There is hardly any funding for upkeep. The Aboriginal Land Council has not released any money since April. If you're not at home when they turn up for repairs, they won't come back for another month. **Kempsey women**

There was a perception amongst some women that housing management hold a different standard for Aboriginal and Torres Strait Islander homes compared to other Australians. Women at several locations reported that they felt service providers were less likely to arrange repairs for Aboriginal and Torres Strait Islander homes and that there was a greater expectation that they fix damage themselves. This is often based on a pervasive perception that damage to Aboriginal and Torres Strait Islander homes is caused by a lack of care.

> [Our houses] are not built to a standard … that a white person would come into and live in because everything is so cheap and it can break and they don't come back in and fix it, they don't maintain things. **Kimberley Aboriginal Law and Cultural Centre submission**

> If you want a lock on your door, you have to pay $90 for a deadlock out of your pocket for that. You pay rent but if you want to feel safe, you know I got children. **Borroloola women**

> And you've got a lot of people in housing as well who are boss people and you take your complaints about your house, whatever breakdown you've got in your house and they'll say, 'oh well, you know, that's lack of care' … that's really bad when they got to do things like. If it's broken, fix it. Them people need that, they deserve that. Everybody got broken down houses. **Fitzroy Crossing women**

A recent review of the National Partnership Agreement on Remote Indigenous Housing affirmed that deterioration of houses is more often caused by a lack of ongoing maintenance and repairs.[83] A previous review of the Community Housing and Infrastructure Programme (CHIP) in 2012 similarly found that, despite the misperception that Aboriginal and Torres Strait Islander families cause the majority of damage to remote Indigenous housing, intentional or accidental damage was the cause of faults in only 9% of cases.[84]

> *Most of the houses need renovating too. e.g., some houses have holes in the walls. There are cockroaches. We know how to look after houses. But we are worried about our houses getting damaged.* **Mimili women**

Text Box 9.4: Santa Teresa residents successfully lead class action against Northern Territory Government

In February 2019, Santa Teresa residents of the Central Australian community successfully won a class action against the Northern Territory Government over dilapidated public housing. This case was the first of its kind, opening the door for other communities to consider similar class actions. In recognition of her significant contributions towards the class action and her continued activism towards dignified housing conditions for rural and remote communities, Jasmine Cavanagh was awarded the 2019 Australian Human Rights 'Tony Fitzgerald Memorial Community Individual Award'.

Whilst the outcome of the class action was welcomed, the community have since filed an appeal to the Supreme Court to further argue that tenants have the right to housing that is more than simply 'not hazardous' but is 'humane' and allows them to live with dignity and a reasonable level of comfort. A successful appeal will have far-reaching impacts on the standard of housing in remote Northern Territory communities.[85]

As part of the investment in Closing the Gap, the Australian Government has acknowledged the critical importance of housing to health, education and employment outcomes. Research has demonstrated that it is not only access to housing, but the standard of housing that has an impact on the health, learning and social outcomes for our people, in particular children.[86] This has been reported in numerous recent reviews and reports.[87] As part of a comprehensive suite of recommendations made by the National Aboriginal and Torres Strait Islander Housing Authority (NATSIHA) to Closing the Gap Refresh, several recommendations directly addressed standards for Aboriginal and Torres Strait Islander housing:

Text Box 9.5: Recommendations 15–18 from NATSIHA Submission on the Closing the Gap Refresh Targeting Housing and Homelessness

Summary of recommendations and associated strategies:

- Commit funds for an audit to accurately document the number of Aboriginal housing properties in each state and territory so that properties and portfolios can be properly managed, maintained, developed, leveraged and divested to grow the portfolio and to provide Aboriginal housing.

- Continue funding to improve the standard of housing in remote communities for a further 10 years.

- Lead the implementation of a community housing infrastructure needs survey which collects data on housing need, condition of stock, and identifies any urgent maintenance, modifications and accessibility issues. Funds for identified urgent maintenance are to be released without delay to enable the upgrade of substandard housing.

- Undertake an audit of the quantum of need to provide additional capital funding to address overcrowding and poor housing quality in social housing.[88]

(g) Affordability

Adding to the issue of general availability of housing, accessing adequate housing is made more difficult with increased prices of property and rentals, putting much of the existing housing stock well out of reach for many Aboriginal and Torres Strait Islander families. Across Australia I have met with many women who have spoken of the debilitating pressure and worry of having to find a way to pay unaffordable housing costs.

> We don't want to pay rent that—you know, my rent is $570. You know I nearly cried— I nearly cried, because I didn't have any money. **Thursday Island women**

The decline in housing affordability in Australia is driven predominantly by market mechanisms.[89] When housing is valued solely as an asset and is controlled by an unregulated housing market, housing can quickly lose its status as an essential human right and become accessible only to those who can afford it. Without sufficient investment in social housing and policy reform to curb excessive property prices and market volatility, families living on low and moderate incomes are often priced out of the housing market.

Housing becomes unaffordable when households are paying more in housing costs than is manageable whilst also meeting the cost of essential living expenses. It is estimated that 1.3 million households in Australia are in a state of rental stress,[90] which means that they are spending more than 30% of their gross household income on housing costs. There is a significant and increasing proportion of people within Australia who are struggling to find affordable housing. According to the most recent census data, 21% of Aboriginal and Torres Strait Islander households with a mortgage were living in mortgage stress, and 39% of Aboriginal and Torres Strait Islander renting householders were in rental stress.

Increasing levels of financial stress are being experienced alongside income poverty. In 2016, 31% of Aboriginal and Torres Strait Islander peoples, and more than 50% of those in remote areas, were earning salaries of less than 50% of median equivalised disposable household income.[91] The combination of rental stress and income poverty means that housing becomes completely unaffordable. It leaves women struggling to find a way to pay for utilities, food, clothing and essential items for themselves and their families. For many of our women, it limits the life they can have and what they can provide for their children.

> *Poverty is a big issue among our women. A lot of our women are struggling with pay day loans, Centrelink debts, and a lot of our women are on single parent payments.* ***Melbourne women***
>
> *They ask for simple things like cordial or bread, and I have to tell them that I haven't got any money. They don't understand, because they see me go to work.* ***Roebourne women***

Many of the women I met with have become well-practised at making sacrifices in order to keep the rent paid. When housing becomes unaffordable, it means that sometimes families go without food, power, air conditioning, transport or health appointments. The inadequacy of housing supports, and the shortage of social housing, means that the most disadvantaged and vulnerable members of our communities are disproportionately affected. Aboriginal and Torres Strait Islander people in need of income support are at significant risk, including single mothers, young people, women in carer roles, those with complex needs or disability, the unemployed, and anyone with a criminal record.

> *Most women leaving prison are only eligible for the Newstart Allowance or Youth Allowance (for young women under 21 years old); it is very rare for women to have access directly to the Disability Support Pension. Centrelink payments are generally not available for girls under 15 years old, even if they are in the child protection system and placed in residential care. This means girls under 15 years old who 'self-place' (stay in accommodation that is not approved by Child Safety) have no independent finances to find safe accommodation.* **Sisters Inside submission**

The National Anglicare Housing Affordability Snapshot 2019 confirmed the unaffordability of housing for people on income support, finding that on the snapshot weekend:

- one property was affordable for those receiving youth allowance
- two properties were available for a single person on Newstart
- 0.8% of properties were affordable for single parents on parenting payments with one child aged less than five
- 0.5% of properties were affordable for single parents on a parenting payment with two children, one aged under five and the other over 10.[92]

Across Australia, women and girls expressed concerns about people being forced off their traditional or adopted country due to the influx of industry or tourism.

> *Industry and outside workers pushing up prices, it is an unfair inflation. ... The local people couldn't afford it, so they were getting turfed out ... The possibility of [the mine]) happening pushing up land prices ... Because of the threat, rent and land prices have gone up 300%. There are rent issues. What justifies it for the community that live in [this town]?* **Barcaldine women**

Under such conditions, I heard that some women and girls were living in a state of technical homelessness so they could remain on their country and within reach of their family and community. I also heard women, living in major cities and regional areas away from their traditional country, convey similar experiences of being dislocated from their homes and lives by being priced out of dwellings close to the social and economic opportunities that had drawn them there in the first place.

> *The houses are expensive here. Dad keeps saying we're never get a house here because it's so expensive. So, we live in a bus or a donga. Which is good, because not everyone lives in a bus or a caravan.* **Tennant Creek girls**

> *Cannot get a house for under $300 a week in [this city]. You are lucky if you can get one for $300. Usually $300, $400 or more. All the places in the city for our people are now being moved out.* **Sisters Inside submission**

9.2   Social housing

In 2017, 24.7% of Aboriginal and Torres Strait Islander households rented in social housing compared to approximately 3.2% of other Australian households.[93] As the affordability of the private rental market declines, the number of people who can compete for private rental properties falls and people become increasingly dependent on social housing.

There are four main types of social housing available to eligible Australians:

- public housing
- Indigenous community housing
- State Owned/Managed Indigenous Housing (SOMIH)
- community housing.

Amongst Aboriginal and Torres Strait Islander social housing tenants, approximately 50% live in public housing, 26.9% live in Indigenous community housing, 14.4% live in SOMIH and 8.7% live in community housing. The vast majority of social housing is found in major cities and regional locations, where 81% of Aboriginal and Torres Strait Islander people live. In contrast, the majority of Indigenous community housing is located in remote areas where social and community housing dominates due to small or non-existent housing markets.[94]

Although there has been an increase in the total number of houses provided through social housing programs,[95] construction has not kept up with population growth and recent research suggests that only 46% of Australian households in need of social housing are receiving it.[96] This gives further clarity to the staggering level of housing insecurity that people must be experiencing in the private rental market. In 2016–17, 58% of clients waited more than three months for social housing and 17% waited more than two years. I also heard from women that had waited substantially longer than that.

> *The waiting list is ridiculous [for housing]. There is a waiting list. I have waited for four years now and we still haven't got a house … up to 15 living in the same house. Five or six kids, probably two or three families living in one house.* ***Woorabinda women***

The chronic shortage of social housing stock across Australia has left Aboriginal and Torres Strait Islander women and their families struggling in overcrowded and inadequate living conditions, unable to keep themselves and their families safe and secure, and with the constant threat of homelessness if they cannot find a way to make ends meet.

> *Our community is growing but the community is not growing to accommodate all these people. We are told there will be houses come, will it be this year or will it be next year, we don't know … and we still need more housing, you know.* ***Borroloola women***

- Eligibility and income-based rent

The restrictive criteria for social housing, combined with a lack of rental subsidies, is a substantial gap in our present social welfare system. Eligibility for social housing and for social security benefits is typically assessed on the basis of employment status and income. However, we are hearing that women in full-time employment are finding it increasingly difficult to afford secure housing on the private market. In circumstances where women are earning too much to qualify for social housing but can still not afford to cover rent and the essential cost of living, eligibility criteria act as a disincentive to employment. Similarly, I heard from women living in social housing who were too scared to take up employment in case they would lose their housing and not be able to afford to pay rent elsewhere.

We have young girls come into our organisation and work, and they are earning good money. They want to move out of community, they want to get a house in town, but they can't get on the wait list because they earn too much, which isn't much. Which means they have to quit their jobs just to get on the wait list just to get a house in town. So, what do we do about the housing situation in our community? **Fitzroy Crossing women**

Jobs affect eligibility for benefits ... get kicked out of state housing [because you] earn too much money. **Perth Women**

An adequate system of social security supports is needed for low to moderate income earners who are unable to keep up with the increasingly unaffordable cost of housing. The right to housing and an adequate standard of living must include appropriate support that does not further entrench disadvantage within populations already experiencing vulnerability.

The calculation for rent payable on social housing is typically between 25% to 30% of the total household income. The unaffordability of housing means that children, grandchildren and other family members have no choice but to remain in the family home. However, this can place women at risk of losing their homes if any members of the household begin to earn above the threshold for social housing eligibility.

Young people living with their parents, if they get a job, they will be charged so much percentage and if you know, if there's 3 kids living at home and they've all got good jobs, and they're all earning well, their rent goes up and the mother or grandmother who has lived in the house for so long, like that's the family home, has to get out, because they're earning too much to be in the social housing. Like that is just mad. **Thursday Island girls**

A calculation of rent based on income also creates a significant disparity in the relative value of housing, and women can end up paying far more than a property is worth.

[It's 25% regardless]. Whether you on a concession, whether you working. So, for me, myself, I am on Carers [for] my grandson with disability. We have two children on tax benefit, which is $200 each child. Then my 16-year-old don't get any money at all, she go to boarding, she go to school. Abstudy pay for the boarding, but she gets no money, because at 16 you are not entitled to any money. So, we are really struggling in our home. So, we look at my rent is about $570 a fortnight [for] two bedroom. Accommodate me and 4 boys and the granddaughter, makes six. I mean, I am tired of sleeping on the floor. **Thursday Island women**

For many of the Aboriginal and Torres Strait Islander women who are supporting large and extended families, income-based rent is putting them under increasing financial pressure. When a single income has to cover food, clothing, transport and essentials for a large number of people, 25% can be a significant contribution.

> It's like, you try and teach your kids that it is better to work than to be on the dole. But it is hard. I am at the point, I am doing all the hard work, but I am only making $100-200 more than if I just stayed at (CDEP) and just sit on my arse. So, they are just punishing you … I am paying out more, my husband is only getting $50, Centrelink. I don't get no dole money because I am doing a traineeship. I get my kids money, but of course that all adds up. Housing takes 25% of your whole income, and then you've got electricity, and I've got 5 kids to look after, and just the high costs. So, every week I struggle, and I try to teach my kids a better way of living, but they see their mother struggling every day to keep food in the fridge … they don't understand, because they see me go to work. **Roebourne women**

This is reflective of recent findings reported by the Productivity Commission. Means-based rent testing was designed as a mainstream model to increase rent collection and improve maintenance on community housing. However, despite being designed to meet people's income circumstances, the broad application of mainstream rent modelling can put people in financially stressful positions.[97]

A recent review of the NPARIH has detailed some of the complexities in applying the income-based rent model in contexts so different from what it was designed for.[98] Complications arise in ensuring the social housing policy objectives of fairness and affordability in a small housing market with no choice beyond social housing, few employment opportunities, high living costs, overcrowded housing, cultural obligations to extended kinship networks, and a high rate of dependants with complex needs and disabilities. Rather, the review suggests that community-wide levies and property-based rents are more appropriate to regional circumstances.[99]

9.3   Home ownership

The rate of Aboriginal and Torres Strait Islander home ownership has increased steadily in recent years, to 38.1% of Aboriginal and Torres Strait Islander households. This is still significantly below the rate of home ownership for other Australians at 66.3%. Home ownership is lower in remote and very remote areas, where there are substantially smaller housing markets.

The high rate of mortgage stress indicates that having a mortgage does not necessarily indicate financial or housing security. However, it is considered a critical step in broaching the generational wealth divide between Aboriginal and Torres Strait Islander people and other Australians. The difficulty for Aboriginal and Torres Strait Islander peoples buying into the property market is compounded by higher rates of unemployment, low incomes and the financial burden of being responsible for the welfare of extended family and kinship networks. Previous discriminatory practices and loss of generational wealth has contributed to the difficulty for Aboriginal and Torres Strait Islander people to buy into the housing market.

> *Housing, the challenge for us is owning our own homes still, even though we are out there working. Because we have all these other challenges, looking after family, we can't even save.* **Dubbo women**

> *Young people in crisis that do not have a roof over their head. [They] cannot afford to rent. The next age group up cannot afford to buy a house. Then next age group … Aboriginal people are locked out of housing by being locked out in the past. If parents own a house, more likely that you will own one too.* **Launceston women**

In a major city location in Queensland, women spoke about the current social housing system driving a cycle of wealth disparity, trapping women in insecure living arrangements and social housing with no chance to transition between social housing to secure tenancies on the private market.

> *Previously you could pass the homes through the generations, but now you can't get a home, and young ones are … stuck.* **Logan women**

This was exacerbated by the limited private housing stock in remote locations, where a limited housing market inflates land value, and fewer employment opportunities puts home ownership out of reach for the local community. In these locations, it is perceived that limited private housing is only affordable to temporary residents that are employed by government, service providers and private companies.

> *We can't get a house, whereas if you're white, you fly in and get a house.* **Borroloola women**

In remote locations where industry or government investment has created a significant economy, employment opportunities and an increased stock of housing, local Aboriginal and Torres Strait Islander people are not seeing any improvement in their living circumstances. I heard from women in many remote and regional locations that economic growth benefits a transient workforce of FIFO employees and undermines housing stability in local communities through inflating the housing market and putting families in competition with organisations and businesses for limited housing stock.

> *In this town, [the] economy is growing, but it's growing the organisations, you need to be working for that organisation in a big high position to get a house, the normal people down here on this level that live in the community are not getting a house. People wait for housing and you don't get anything.* **Brewarrina women**

> *The impact of regional development is that we should have had more ownership in this, [our] people should have had the opportunity to buy these shitty old houses, this is not working. We need to be supported to do it.* **Roebourne women**

This artificially inflated commercial value of land fails to acknowledge or provide for Aboriginal and Torres Strait Islander peoples' cultural value of land. The inability to secure stable housing in places where we have social, cultural and community connections dislocates people from their homes and contributes to an ongoing disruption of connection to country.

> *[It's] almost like a second wave of colonisation in Australia in that you get places like this beautiful country where Aboriginal people can't even buy something. They can't buy a house here because property prices have gone through the roof ... It affects our women and our families, and all of our communities ... At the end of the day the Australian government needs to pay rent to the sovereign peoples of this land, and that is our answer to that.* **Sydney women**

Economic growth and an unregulated housing market do not provide the necessary pathways to home ownership for Aboriginal and Torres Strait Islander women and their families. Given disproportionate rates of Indigenous unemployment, poverty and a relative lack of generational wealth transfer, an unregulated private housing market perpetuates and exacerbates inequality between those who can afford housing and those who cannot.

In recognition of this highly inequitable system, there are established and emerging Indigenous-led and community-controlled initiatives across the country to support Aboriginal and Torres Strait Islander people to enter the private housing market. Of note is the Yawuru Home Ownership Program and Indigenous Business Australia's (IBA) long-standing home loan program.

Text Box 9.6: Yawuru home ownership program

Nyamba Buru Yawuru Limited (NBY) is a not-for-profit company owned by Yawuru Native Title Holders in the Kimberley Region of northern Western Australia. NBY is committed to creating inclusive and sustainable ventures which support Yawuru to become active and prosperous participants in the regional economy. In 2015, NBY partnered with the Kimberley Development Commission (KDC) to establish the Yawuru Home Ownership Program (YHOP). The YHOP is a first of its kind in Australia, supporting Yawuru first homeowners to enter the housing market through a shared-equity purchase arrangement whereby NBY retains up to 50% equity in the house and land package. The homeowner and NBY then pay the mortgage off together.

YHOP has created eight home ownership opportunities for low to moderate income Yawuru families and continues to offer financial counselling to support homeowners manage their long-term investment. For some, YHOP has meant achieving accessible housing finance for the first time, providing Yawuru with a foundation for a secure future.[100]

Text Box 9.7: Indigenous Business Australia's housing solutions program

IBA's program supports Aboriginal and Torres Strait Islander peoples who have difficulty accessing housing finance through commercial lenders to obtain a range of affordable home loans to purchase affordable housing.[101] Over the course of the program's existence, it has delivered thousands of accessible home loans to Indigenous families and changed the trajectory of their lives. Year-on-year, IBA works to improve their services and support for Aboriginal and Torres Strait Islander families to have access to stable and secure housing and build intergenerational wealth.[102]

Indigenous targeted home ownership schemes are a proven success for many Indigenous Australians. However, these schemes remain largely out of reach for Aboriginal and Torres Strait Islander peoples on low incomes and those living in regions where there is a limited housing market. For example, a 2015 audit by the Australian National Audit Office (ANAO) highlighted several issues with IBA Home Ownership Program's management and implementation. In particular, ANAO found that lending does not fully align with the program objective, as lending is not directed 'at low income earners who form an important segment of the program's target customers', nor has it targeted areas where 'there is high need for homeownership assistance'.[103]

For affordable housing to be within the purchasing power of more Aboriginal and Torres Strait Islander women and families, schemes such as these need to be expanded and support increased for low income earners, as well as targeting the specific needs of our women. The issue of Indigenous home ownership is also addressed in the Economic Participation chapter.

9.4   Utility Bills

A critical aspect of housing affordability for many of the women I met with was the associated cost of utility bills. The rising and unaffordable cost of power and water was often raised in remote and very remote locations and on several occasions in major cities and regional locations. This is reflective of what was found in a study by the Public Interest Advocacy Centre (PIAC) in 2013, where it was shown that 15% of Aboriginal and Torres Strait Islander peoples were likely to be disconnected from utilities compared to 3% of non-Indigenous people.[104]

Over the last decade, Australia's average household bills, which include energy costs, have gone up 44%, while over the same period, real wages have only gone up by 6%.[105] Whilst increasingly unaffordable for all Australians, for those of us living in remote locations, with no reliable employment and supporting large families, it is an unmanageable expense. Aboriginal and Torres Strait Islander women have expressed their distress at having no way to cope with high living costs. I met with many women in all parts of Australia who had received bills that they could not pay. In remote Australia, the non-payment of bills has resulted in crippling debt and the disconnection of essential services.

> *We have to stop housing putting these debts on us. You cannot pay. **Halls Creek women***

> *Electricity—I got a bill for $1100. Nothing in comparison to others. We have a number of companies cutting off electricity and water to families. Some people have debts to $12-24-48,000. People are on Centrepay paying consistently. Most of people in houses, over Christmas electricity is through the roof.* **Coober Pedy women**

Being disconnected from water or power, and thus having no access to essential health hardware (essential household amenities), has an immediate impact on health and safety. However, women have also identified significant safety risks in the way that Aboriginal and Torres Strait Islander communities try to adapt to the absence of essential infrastructure and services.

> *… because they can't afford (to pay bills), or they go on a payment plan and they can't sustain it, what happens is they end up having no electricity so instead they use candles. There's been house fires and fatalities because of that.* **Brewarrina women**

In some of the remote communities I visited, women were conscious of a significant change in the increase in utility bills with the transfer of housing management to mainstream organisations. In places where ICHOs or community-controlled bodies had previously been responsible for the administration of housing, both rent and bills were lower,[106] and many Aboriginal and Torres Strait Islander people in remote communities are struggling under the new arrangements.

> *Cost of living. Outside agencies coming into our community and taking up all funding initiatives when we have got our own local agencies that can stand up and maintain that.* **Yarrabah women**

Women have further identified the lack of control they have over mainstream organisations taking control over construction, administration and management of housing when they have no understanding of local needs and preferences and no investment in the impact of poor decisions on the communities in which they work.

Aboriginal and Torres Strait Islander women who are struggling with the cost of living, supporting large families, or who live remotely, are being left increasingly vulnerable without any financial control or freedom of choice over essential services. Without appropriate financial and service support, women are increasingly finding that the most basic utility infrastructure within their homes is creating an untenable cost of living.

Electricity need a subsidy. Water, no subsidy. Our families are on Centrelink and we can't afford to boil the water. **Thursday Island women**

Increasing levels of debt and the inability to control their living environments leaves Aboriginal and Torres Strait Islander women and their families at increased risk of economic exclusion, housing instability and homelessness. It affects our eligibility for future home loans, the viability of existing living arrangements and future applications for rental properties. Uncontrolled and unreasonable debt associated with essential household utilities feels beyond the control of our women and yet it can entrench disadvantage for a lifetime and across generations.

Housing affordability and utility affordability are inextricably linked and fundamental to an adequate standard of living. If Australia is committed to closing the gap in Aboriginal and Torres Strait Islander outcomes, then we need a system that sets people up to succeed. Affordable bills, reasonable payment plans, and adequate financial supports are critical to creating such a system.

9.5   Homelessness

A combination of housing unavailability, unsuitable conditions and unaffordability has driven a dramatic increase in the rate of homelessness in Australia. Between 2011 and 2016, there was a 13.7% increase in homelessness in Australia.[107] According to the 2016 census data, Aboriginal and Torres Strait Islander people are ten times more likely to be homeless than other Australians, accounting for 22.5% of the homeless population. Aboriginal and Torres Strait Islander men and women are equally likely to experience homelessness.[108]

Severe overcrowding (the need for four or more bedrooms) accounts for about 70% of Aboriginal and Torres Strait Islander people who are classified as homeless (see Figure below). This category of homelessness was significantly higher in remote and very remote areas of Australia, where Aboriginal and Torres Strait Islander people also experienced significantly higher rates of homelessness compared to major cities and regional locations.[109]
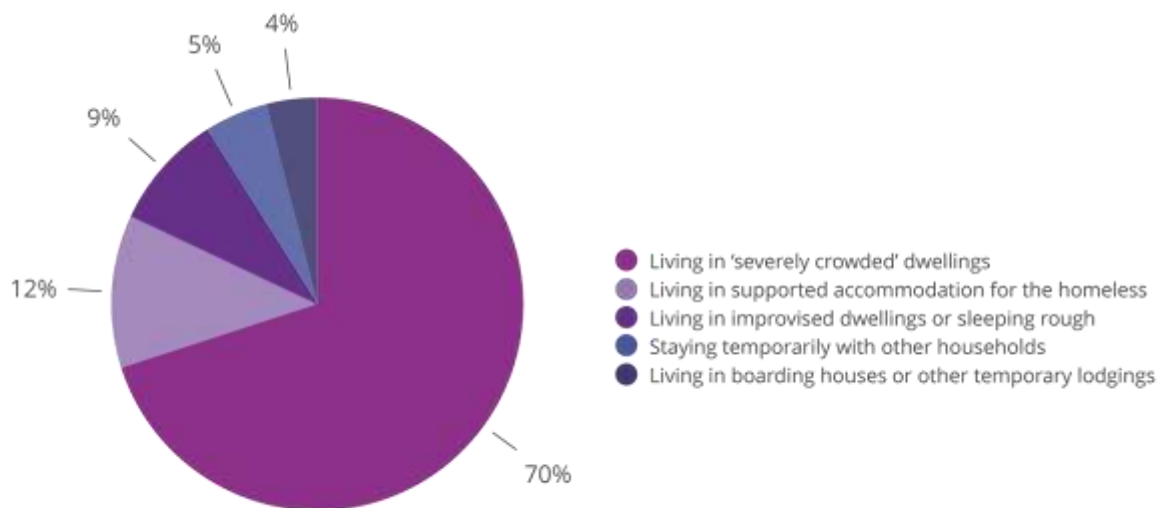
Figure 9.1: Types of homelessness for Aboriginal and Torres Strait Islander peoples.[110]

In major cities, Aboriginal and Torres Strait Islander people experiencing homelessness are much more likely to be supported in accommodation for the homeless, a category that accounts for 12% of Aboriginal and Torres Strait Islander people experiencing homelessness.[111] Throughout the engagements, there were several discussions about the need for a range of crisis accommodation, safe-houses and respite spaces for those experiencing homelessness. It was reported relatively frequently in remote and regional locations that there were no emergency services or accommodation for people with nowhere else to go. Approximately 9% of homeless Aboriginal and Torres Strait Islander people are living rough or are living in tents or improvised dwellings.

> We used to have a hostel but it got sold off years ago. We don't have accommodation. [This town] is racist, and there's no caravan park that will take Black people. Accommodation is hard to get for Aboriginal people. **Mildura women**

> She lives in a dugout. A lot of other girls do too. I don't like anything about [this town]. **Coober Pedy girls**

The remaining categories of homelessness include those staying with other households temporarily and those living in boarding houses or other temporary lodgings. With limited options available for safe and secure housing, some women take their children and move from place to place in order to survive. Although temporary, short term living arrangements account for only 6% of the Aboriginal and Torres Strait Islander population experiencing homelessness. This category of homelessness is also likely to be difficult to measure.

> *And there is homelessness here for the kids and obviously they all have family, they go and couch surf basically. I'm sure if they went and slept in the park or something it'd be noticed but they don't, so it's almost a hidden homelessness.* **Brewarrina women**

Women have called for spaces focusing specifically on a lack of housing instability, homelessness and distinct spaces for women and families escaping violence. A holistic combination of support services and crisis accommodation services are considered vital to addressing the current homelessness crisis.

(a) Impact of family violence on incidence of homelessness

The risk of homelessness is a constant worry for Aboriginal and Torres Strait Islander women and children living in precarious housing situations. Many raised how a lack of housing availability and crisis accommodation was pushing more women into homelessness, with waiting times in communities extending over years:

> *Homelessness and housing—Katherine has the highest rate of homelessness per capita. We are being left out by the Government because we in the bush. Katherine has always been the testing place before they role anything out like education. We never benefit from it. We have long waiting lists with Territory Housing. What's the long waiting list. Including the priority waiting list is 2 years and 5 years.* **Katherine women**

The experience of domestic and family violence can leave women without safe housing options for themselves and their children, creating significant barriers to escaping violence.

Text Box 9.8: Elizabeth Morgan House Refuge

Elizabeth Morgan House Refuge (EMHR) is a community-controlled organisation providing refuge accommodation, housing support and specialist family violence services to Aboriginal and Torres Strait Islander women and their children in Victoria. EMHR is named in honour of Aunty Liz Hoffman who established the first Indigenous Women's Refuge in Australia in early 1970. Today, EMHR continues to offer safe and secure crisis accommodation for women and children experiencing family violence. The refuge is staffed 24 hours a day, 7 days a week with intensive support offered to residents during their stay. Support includes holistic case management, safety planning, emotional support, housing applications, advocacy and information, support with Centrelink processes, referrals to other services, Child Protection matters, and Intervention Orders. EMHR also provides the following housing support:

- referrals for crisis accommodation
- referrals for transitional housing accommodation
- referrals for private rental programs
- applications for long term housing though associations such as Aboriginal Housing Victoria and the Office of Housing
- assistance for women incarcerated at the Dame Phyllis Frost Centre to manage their social housing properties and/or obtain new housing allocations prior to their release
- assistance seeking financial support to secure women's homes through the installation of alarm systems and changing of locks.

Culturally safe crisis accommodation and holistic support services such as what EMHR offer are crucial to the protection of Aboriginal and Torres Strait Islander women and their children experiencing violence.[112]

In 2017–18, approximately 19% of homeless Aboriginal and Torres Strait Islander clients accessing homelessness support services reported domestic and family violence as the main reason.[113] A submission from the Healing Foundation provides some context on the gendered, family dimension of homelessness amongst Aboriginal and Torres Strait Islander communities and the disproportionate impact of these harms on Aboriginal and Torres Strait Islander women and children.

> *The alarming levels of domestic and family violence in Aboriginal and Torres Strait Islander communities is well documented. While violence impacts all members of the family and community where it occurs, the greatest impact is on women and children.*

Consultations with women in the Torres Strait Islands has raised serious concerns about the levels of domestic and family violence within those communities, particularly regarding the lack of community led responses. Women reported that they often feel isolated in dealing with crisis issues.

Some women that have experienced violence report having limited options available to them in terms of alternate safe accommodation, and this impacted on their ability to keep their children safe. It was reported that there is a general lack of available support services and a lack of women in leadership roles, which severely stifles any potential to successfully advocate for the needs of women. There is an urgent need to invest in initiatives that provide women with a stronger voice so that they can articulate their needs and to empower community-led solutions (within the Torres Strait Islands in particular). **The Healing Foundation submission**

Aboriginal and Torres Strait Islander women are 15 times more likely to seek assistance from crisis homelessness services than other Australian women, and we have a much higher rate of accessing support services than Aboriginal and Torres Strait Islander men.[114] The prevalence of domestic and family violence as a leading cause of homelessness for Aboriginal and Torres Strait Islander families meant that in 2017–18, one in eight of those presenting to homelessness support services were children under the age of five.[115]

As has been identified in previous Social Justice reports, violence can be both a cause and a consequence of homelessness. Women may experience homelessness as a result of fleeing domestic or family violence and that lack of secure and safe housing makes women and their families increasingly vulnerable to further violence.

A lack of sufficient investment in the public housing system and an under-resourced crisis accommodation sector are contributing to higher rates of homelessness amongst Aboriginal and Torres Strait Islander people. Given the association between inadequate housing, overcrowding, poverty, violence and homelessness, we must address the key drivers and the existing crisis of homelessness in order to better protect the human rights of all Australians.

9.6   Conclusion

Aboriginal and Torres Strait Islander women face significant challenges in securing housing. Racism, discrimination, housing shortages and unaffordability are all barriers impeding Aboriginal and Torres Strait Islander women from securing a safe place for themselves and their families. Additionally, inappropriate design, poor infrastructure, low maintenance and overcrowding makes housing unsuitable and even dangerous for Aboriginal and Torres Strait Islander women and their families. These barriers intersect to increase the vulnerability of Aboriginal and Torres Strait Islander women to poor health, substance abuse, violence, poverty, child protection and homelessness.

These barriers exist today as they did 30 years ago, despite significant investment in housing reform. The lack of engagement and consultation of Aboriginal and Torres Strait Islander people has undermined any progress. Mainstream approaches are not appropriate and are further disadvantaging Aboriginal and Torres Strait Islander people. In line with self-determination principles, Aboriginal and Torres Strait Islander people must have more control over policy and decision-making to remove these barriers and ensure our housing needs are met.

Addressing these disadvantages are critical, not only to the safety and wellbeing of Aboriginal and Torres Strait Islander women, but also to fostering self-empowerment, positive identity, and social inclusion. Throughout *Wiyi Yani U Thangani* consultations, I heard too often that women were sacrificing their financial, social and personal security to avoid themselves, their families, and extended families from experiencing homelessness. This is unacceptable. More needs to be done to ensure all Aboriginal and Torres Strait Islander women can access this fundamental human right, otherwise further human rights will be compromised.

Chapter 10 Disability

It is estimated that 45% of Aboriginal and Torres Strait Islander peoples live with disability or a restrictive long-term health condition.[116] The prevalence of disability in Aboriginal and Torres Strait Islander populations is more than twice that of other Australians.[117] Our experience of disability is often compounded by more than one disability or health issue occurring together, as well as by additional forms of marginalisation.[118]

The occurrence of a disability can influence access to, and experience of, healthcare services, and may also be caused by long-term health conditions or contribute to complex health problems. Aboriginal and Torres Strait Islander people with a disability generally rate their health as poorer than other Aboriginal and Torres Strait Islander people.[119]

Physical disability is the most common category of disability and is reported by 6.2% of the Aboriginal and Torres Strait Islander population. Sensory impairment, which includes hearing, sight and speech impairments is the second most common category (3.6% of the Aboriginal and Torres Strait Islander population), followed by psychological disability (2.5% of the Aboriginal and Torres Strait Islander population). A further 3.6% of the Aboriginal and Torres Strait Islander population report an unspecified disability.[120]
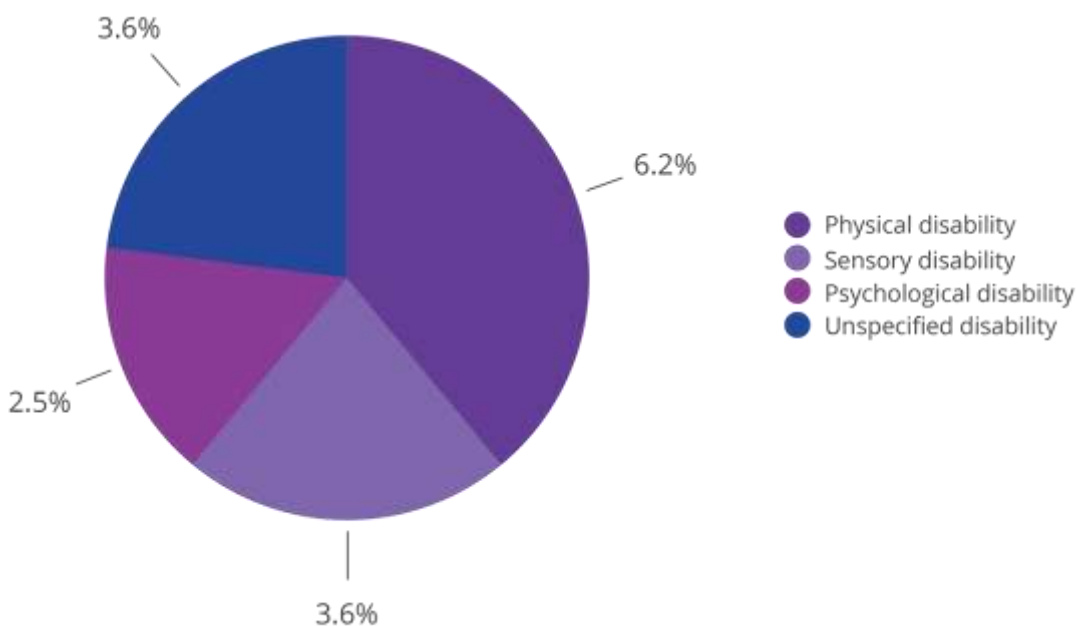

Figure 10.1: Reported disabilities amongst Aboriginal and Torres Strait Islander people.[121]

The rate of co-occurring disability for the Aboriginal and Torres Strait Islander population is, on average, 2.5 disability types per person with disability.[122] Additionally, rates of mental and psychological distress occur at five times the rate for Aboriginal and Torres Strait Islander peoples with disability compared to other Aboriginal and Torres Strait Islander people.

Throughout the *Wiyi Yani U Thangani* consultations, women and girls rarely spoke of their own disability, and preferred to speak more generally about the experience of Aboriginal and Torres Strait Islander peoples living with disability. This is reflective of the findings in recent research undertaken by the First Peoples Disability Network that Aboriginal and Torres Strait Islander peoples are reluctant to identify as people with disability.[123]

This is also reflective of the differing perspectives on disability that exist between Western and Aboriginal and Torres Strait Islander societies. In Aboriginal and Torres Strait Islander societies, a person's connection, knowledge and responsibility for community and country are more relevant to identity than a person's disability status. Indeed, many of our languages have no translatable word for disability.[124]

> *It was different to be the only one in the family with a disability, but my family treated me the same as anyone else. I am also the eldest grandchild [and] great grandchild on both sides of my family, so my young cousins, brothers and sisters tend to look up to me. Going through primary and high school, I didn't exactly hide my disability, but I didn't tell anyone either. Teachers obviously knew and that made them more sympathetic to me. I didn't go to special classes because I felt I didn't belong there.* **Individual submission**
>
> *Women with a disability need to be treated without judgment —we have a right to be heard.* **Brisbane Women**

> **Text Box 10.1 First Peoples Disability Network Australia (FPDN)**
>
> FPDN is a national peak organisation established by, for and on behalf of Australia's First Peoples with disability, their families and their communities. The Board of Directors is entirely comprised of First Peoples with lived experience of disability and is guided by the lived experience of disability. This guides their priorities and ways of doing business. As an organisation, FPDN works to proactively engage with communities around Australia and advocates for the rights and interests of Aboriginal and Torres Strait Islander people with disability in Australia and internationally. FPDN works within a social model of disability, whereby 'disability' is understood to be the result of barriers to equal participation in the social and physical environment — barriers which can, and must, be dismantled. FPDN provides high-level policy advice to Australian governments and in international human rights forums.[125]

10.1   Intersectional discrimination

Aboriginal and Torres Strait Islander women and girls with disability are a discrete group at the intersection of three marginalised populations. The intersection of race, gender and disability makes them one of the most disadvantaged groups in Australia. This is reflected in a greater risk of experiencing poorer health and social and emotional wellbeing outcomes, violence, substance misuse, suicidal behaviour, lower life expectancy, insecure housing, insecure employment, and intergenerational disengagement with education.[126] These contribute to further elements of marginalisation that require dedicated support.

Some women and girls highlighted the increased difficulty in accessing education and employment opportunities as a direct result of their disability.

> *It's hard to get into the mines as women. I was disadvantaged in the process when you do the medical test. They made me take my hearing aid out and, of course, I failed the hearing test.* **Newman women**

> *At the time you think, 'I don't have the time and energy to fight a company much bigger than me and be an Erin Brockovich' … the health checks, they [will only] hire people without the diabetes … A lot of people who would want to work in there can't.* **Newman women**

A submission from the University of Technology, Sydney elaborated on the challenges experienced by Aboriginal and Torres Strait Islander people with disability seeking employment.

> *[Indigenous] people with profound or severe disabilities are twice as likely as their Indigenous counterparts without a disability to be unemployed and half as likely to participate in the employment market. Anecdotal evidence from research undertaken by the First Peoples Disability Network outlines that Aboriginal and Torres Strait Islander people with a disability felt that this was compounded by the discrimination they felt already as Indigenous peoples. Many reported negative experiences in securing and maintaining employment and received feedback from potential employers that they did not 'fit' their brand.* **University of Technology Sydney submission**

Access to essential services was more difficult for Aboriginal and Torres Strait Islander women with disability and those in their care.

> *I had to get an old lady with bilateral deafness on a service. The woman was insisting on getting permission but the woman couldn't hear. So, we just said, 'yes ok' and then I could get the number I needed to put into the system. It is very painful. Once it's all up online, it will be easy but walking on glass to get there.* **Newman women**

> *With hearing problems, how do you connect families to the health service? Can't. Being discriminated against is really degrading and it makes you feel like you're not human.* **Yarrabah women**

Many services are also ill-equipped to respond to the specific needs of Aboriginal and Torres Strait Islander people with disability. This ultimately means that social protections and supports that are already known to be ineffective for Aboriginal and Torres Strait Islander people (including women and girls) can lead to even more negative outcomes for those with disability.

> *Can I say what I would like to see changed? I love the Aboriginal sector. I love the NGO market. But at the end of the day, all services should be accessible for all people … the change should be: if it's government money, then everybody—regardless of disability —everybody, should be able to access it regardless.*

> *Like housing. They get knocked back. I have a little baby and he's got—what do you call it—a wheelchair. Accessible housing, it takes a long, long time to get it. A lot of Aboriginal people who have disabilities and are in wheelchairs are becoming homeless because they can't get fuck all. He's got cerebral palsy, see.* **Sydney women**

Aboriginal and Torres Strait Islander women with cognitive impairments experience one of the highest rates of contact with the criminal justice system compared to other groups.[127] This is discussed in detail in Part Two of this report. A submission from Sisters Inside highlights the intersection of disability, inadequate system supports, and the criminalisation of Aboriginal and Torres Strait Islander women.

> *Criminalised women and girls experience interrelated physical and mental health problems, substance misuse and disability, which are exacerbated by lack of access to non-judgemental and culturally appropriate health care.*
>
> *Queensland research funded by Beyond Blue has found that [over a 12-month period] 86% of Aboriginal and Torres Strait Islander women in prison had a diagnosed mental health disorder … including substance misuse disorders (69%), anxiety disorders (51%), depressive disorders (29%) and psychotic disorders (23%). In his oral evidence to the Crime and Corruption Commission, Darryll Fleming highlighted the increasing number of women in prison at Brisbane Women's Correctional Centre (BWCC) as a result of systemic failures, particularly, limited access to disability and mental health services:*
>
> - *BWCC is identifying an increasing proportion of women prisoners flagged for indicators of possible cognitive impairment*
> - *BWCC has experienced an 80% increase in the number of women prisoners who were already in the [community or prison] mental health system on 23 May 2018, compared with the average number on the same date in 2017 and 2016.* **Sisters Inside submission**

The criminalisation of women due to inadequate social protections and supports is compounded by a lack of appropriate services within the criminal justice system. This increases the trauma experienced by women through introducing an additional element of marginalisation. Women must then navigate a system that has already proven inadequate to meeting their needs, and must do so with the additional complexity of holding a criminal record.

> *They sent me to the cottages when I first got here —with mentally impaired males. I had to sit down with government-paid carers, non-English speaking carers for six months. We were just thrown together with no real plans … They say 'You have to stay here until you agree that you have a mental illness and take these medications', but I refuse to … Drugs will incapacitate me and I'll end up on the disability pension my whole life because I'll be so doped up.* **Darwin women's prison engagement**

The intersectionality of discrimination against Aboriginal and Torres Strait Islander people with disability is also experienced in the misinterpretation of symptoms due to racial stereotypes. I heard several stories, concentrated in major cities, where it was assumed that Aboriginal and Torres Strait Islander women exhibiting behaviour associated with their disability were under the influence of drugs or alcohol, or victims of violence or neglect.

> *We had one instance at the school—it was one of our Murri mob, she's not real well and probably she's only got to the end of the year left. And so, she slurs, and she wanted to come in and see us, so she got the carer to bring her, and she comes in with her walking stick. The first thing the office lady did was look her up and down and told her to sit. Then she called me and said she had a drunken Aboriginal woman down in the office. She tells me she can't smell any alcohol but said it's pretty obvious. I blew up. I got her in trouble, but it's that judgement.* **Cairns women**

These types of experiences have a compounding effect on Aboriginal and Torres Strait Islander people with a disability, manifesting in 'apprehended discrimination', [128] whereby people avoid situations where they may be exposed to further discrimination. In 2015, 38.2% of Aboriginal and Torres Strait Islander people with a disability reported they had avoided situations due to their disability.[129]

In April 2019, after the *Wiyi Yani U Thangani* consultations took place, the Australian Government established the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which will pay particular attention to the experiences of Aboriginal and Torres Strait Islander people with disability.

Text Box 10.2: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse and exploitation of, people with disability.

The Disability Royal Commission will hear from Aboriginal and Torres Strait Islander peoples with disability from across the country, their families, communities, and community organisations to understand:

- the factors associated with harm
- the barriers to accessing necessary support
- how current systems can better respond to Aboriginal and Torres Strait Islander people with disability including, in areas such as education, healthcare, the justice system, and out of home care
- examples of best practice, including models of care that are designed, developed and delivered by First Nations communities that might contribute to improved safeguards and better outcomes for this significant segment of the Australian population with disability.[130]

10.2 Diagnosis

Targeted and adequate disability support depends on early and accurate diagnoses of disabilities. It is an essential step in limiting the negative long-term impact on learning, socialising and inclusion in society. Accurate diagnoses are an equally essential step in accessing financial and practical supports. Throughout *Wiyi Yani U Thangani* consultations, the messaging around underdiagnosis—particularly of Fetal Alcohol Spectrum Disorder (FASD) and speech and hearing impediments—was consistent. The women I spoke with raised challenges in getting early and accurate diagnoses and how persistent underdiagnosis is leaving their children, and other family members in their care, without the necessary supports.

The ramifications of undiagnosed disability can be extensive and long-lasting. It can contribute to a cycle of disadvantage through poor school attendance and educational achievement, contributing to higher rates of unemployment and low income, resulting in poor living conditions, poor health outcomes and increased likelihood of contact with the criminal justice system.[131] The diagnosis of developmental disabilities can be challenging in young people or in people with co-occurring disabilities, disorders or mental illnesses.

The prevalence of hearing loss in Aboriginal and Torres Strait Islander children has a particular effect on cognitive development, auditory processing skills, speech and language development. This affects our children's ability to absorb information and can cause irritability, social isolation and behavioural problems.[132] Despite the known prevalence and risks,[133] women expressed frustration that these conditions remain undiagnosed and untreated.

> The kids are coming to school with a hearing or speech impediment, why isn't that being picked up in preschool? **Sydney women**

In several remote and regional communities, mothers reported challenges in getting their children diagnosed with developmental disabilities. In one location, it was suggested that the lack of awareness around developmental disorders and intellectual disabilities made it particularly difficult for Aboriginal and Torres Strait Islander communities to acknowledge and respond to children who are struggling, without an appropriate diagnosis.

> I'm a mother of two boys who have autism and they're both on different levels of the spectrum. One needs more support than the other … [When they were younger], as a mother, I cried and cried, because how was I going to help my kids? When I went to the AMS, they didn't help. It was stressful. I knew of Aboriginal mothers who [had kids] showing the same behaviours as my kids. There were so many services that we weren't aware of. It just wasn't their focus. I'm concerned the Aboriginal community isn't aware of these kids and they're floundering. **Mildura women**

The most frequently identified diagnostic issue raised by women was the underdiagnosis of FASD. The lack of recognition and underdiagnosis of FASD is such that it is often referred to as an 'invisible disability'.[134] Diagnosis can be limited by stigma attached to maternal alcohol consumption, low levels of knowledge among health professionals, the scope and complexity of the FASD spectrum,[135] the relatively recent development of a national diagnostic tool, the limited number of diagnostic services in Australia, and the preference for diagnostic assessments to be conducted by a multidisciplinary team.[136]

> [In] my time with Aboriginal health, there was a lot of things that we seen, [that] was Fetal Alcohol Syndrome. And our dream is to get someone trained to identify these kids with Fetal Alcohol Syndrome. Because they go through the system with these issues of being affected by Fetal Alcohol Syndrome. **Rockhampton women**

Throughout the consultations, women reported that FASD is still frequently misdiagnosed as autism, ADHD or an unspecified developmental delay.

> *Doctors not understanding our children. Just popping them full of pills and diagnosing them with ADHD. They just don't understand us. Some of our kids got FASD … They don't understand us.* **Rockhampton women**

The early diagnosis of FASD prevents the compounding of problems resulting from unacknowledged or inappropriate responses to learning and behavioural challenges caused by FASD. FASD is the leading cause of congenital brain damage in Australia,[137] and is characterised by inconsistent and broad ranging behaviours. In Fitzroy Crossing, women have taken a proactive approach to addressing the prevalence and diagnosis of FASD in children so that they can identify the supports required to provide more positive outcomes for the high number of children affected.

> *Prior to this community doing that [Lililwan Prevalence] Study our government and our medical mob in Australia didn't know [much about] what FASD was and our doctors didn't know how to diagnose it. Now we can be looking at supports … [because] our women were so honest. The rest of this country is still looking at this issue, whereas we here in Fitzroy got past that, we know how much children are affected and [now we] are looking at what we can do.* **Fitzroy Crossing women**

In regional locations across NSW, Queensland and Western Australia, women also raised concerns regarding overdiagnosis of some cognitive and learning disabilities. There is some concern that it is easier for schools and health services to diagnose and medicate children whose behaviour is not the result of a disability but may be reflective of culturally unfamiliar social or environmental factors that are causing conflict in a child's life.

> *You wonder whether actually increasing [prevalence of cognitive disabilities] or too busy to deal with problems and just classify them, rather than dealing with the problems that they have in their life … The main one that is a challenge for me is my son, when he first started pre-school, [they] said he was special needs. Tried to diagnose ADHD and autism. I tried to tell them that he doesn't have those symptoms and they still tried to put them on medication. I noticed that family that have put them on medication, they are just sitting there not playing with kids. And for me there are other ways to deal with your children. Parents that do. The way is to work with them every day, to build them to become something. Make the environment safe for them.* **Kempsey women**

This is indicative of a significant frustration that women have expressed across the country at having their concerns and detailed knowledge of their children's needs marginalised through the process of assessment and diagnosis. Given the lack of specific Aboriginal and Torres Strait Islander diagnostic tools, the involvement of family is essential to ensure that assessments are culturally appropriate, and that they are accurate.

> *I have a 7-year-old with speech problems. We took him to a doctor, a proper one for that. They sat with me, and they said, he's really behind and he can't do this, and he doesn't know this. But I told them in cultural context. They were just focused on white context about where he should be at. But at the end of day I didn't just [take] that report that he tried to tell me. First off, I got a cultural summary of how we speak, and visual language and body language—this is the speech pathologist. That doctor says I taught him so much practical stuff, and that's really good you know, but that takes so much energy.* **Cairns women**

> *Our kids have different learning needs, and they're not focused on that. One of the ladies spoke about her nephew being diagnosed with an intellectual disability, because 'he couldn't read' but he can read, he just didn't want to read that book. It is the books that they are teaching our kids to read that are not relating to our children.* **Dubbo women**

We must seek to explore, create and implement cultural models for assessment and diagnosis that reflect our ways of knowing, being and doing. Diagnosis is a critical first step in accessing early support and preventing the development of secondary problems and additional cognitive disabilities.

10.3   Disability supports

Aboriginal and Torres Strait Islander peoples are more likely to experience disability but are less likely to access support services than other Australians.[138] This demonstrates a fundamental problem with the accessibility of disability support services for Aboriginal and Torres Strait Islander peoples.

The existing disability support systems in Australia pose significant barriers for Aboriginal and Torres Strait Islander people with disability. The National Disability Insurance Scheme (NDIS) presents an opportunity for Aboriginal and Torres Strait Islander people with disability to have more self-determination over their support services. However, significant barriers to access have meant that the scheme has failed to address the ongoing, high levels of unmet need within the Aboriginal and Torres Strait Islander population.[139]

As was reflected in recent research undertaken by the FPDN,[140] many of the women who spoke about disability supports raised concerns about the accessibility of NDIS and access to adequate and culturally appropriate service providers. Equitable access to, and provision of, support for populations facing multiple aspects of marginalisation is critical if we are to overcome the continuing inequality that exists for Aboriginal and Torres Strait Islander people with disability.

(a) Gaps in the NDIS

During the consultations, states and territories were at varying stages of NDIS roll-out. However, in locations where the NDIS was available, there were consistent reports of the scheme failing to meet the needs of Aboriginal and Torres Strait Islander peoples with disability.

> *My husband just had open heart surgery, just over a year [and] a half ago and we filled out [a form] for disability—he is not sick enough for disability, still got no feeling half way on his leg. He still on medication, he can't wear steel caps, but still he has to go and report to the REAP [Regional Employment Assistance Program] office or he will get cut off. And then every three months he has to get a doctor's certificate to say why he can't work because REAP won't have him out there working with the boys because he is on medication and if he cuts himself he could bleed to death. It took them 3 months to get back to us after applying for disability and then they just said he doesn't meet the criteria to be on disability.* **Roebourne women**

The National Disability Insurance Agency (NDIA) makes decisions on a person's eligibility and whether their identified supports are considered to be 'reasonable and necessary' based on the rules under the *NDIS Act 2013*.[141] Consistent with findings identified in FPDN's *Culture is Inclusion* report,[142] there appears to be discrepancy between the NDIA's consideration of 'reasonable and necessary' supports and what Aboriginal and Torres Strait Islander peoples with disability consider to be reasonable and necessary.

> *Sadly, a lot of our people are missing out. People who are entitled to disability funding aren't getting support because of the way it's structured.* **Brisbane women WOW session**

This was the case in both eligibility and the nature of supports that were approved for Aboriginal and Torres Strait Islander people with disability. In some cases, women felt that the supports approved through the NDIS were insufficient to ensure that people could live an ordinary life. The inadequate resourcing of appropriate supports for Aboriginal and Torres Strait Islander people with disability means the NDIS only contributes to the same cycle of entrenched disadvantage.

> *It's a band-aid over a shark bite. That's what I call it [the NDIS]. A band-aid over a shark bite.* **Sydney women**

> *Early intervention is what we need. Access to support, rights for people with disabilities. June, it's going to come back to that same old process. People that have a voice to use will get a shit-load of stuff. Mob who don't have a voice, or don't ever challenge the system will get nothing. They thought these changes were going to fix everything but it's still going to come back to the haves and the have-nots.* **Sydney women**

This was highlighted in 2017, in the case of a 13-year-old Aboriginal boy with spastic quadriplegia, a severe form of cerebral palsy, who was placed into out-of-home care after the NDIA withdrew accommodation support. Senior NDIA managers wrote to Territory Families and asked that they take over the care of the boy when the NDIA ceased funding accommodation provided by an NDIS service that delivered significant support for his daily activities and personal care.[143]

The inadequacy of NDIS funding was especially noted in regard to respite care.

> *I've got a friend needing high intensive care, they get 100k for respite care, just for them, which isn't enough.* **Newman women**

Despite the assurances of NDIA that autism, FASD and psychosocial disability arising from a mental health issue are all coverable under the NDIS, women I met with found it difficult to meet the eligibility requirements even when a disability had a severe impact on people's lives.

> *[People with] mental health [should have] eligibility for [disability support]. People on Newstart do not have the capacity to meet their obligations or sustain employment.* **Brisbane Southwest Support submission**

Some of the women found that the NDIS was especially problematic when navigating multiple diagnoses and meeting the eligibility requirements for support to meet complex needs.

Text Box 10.3: Penny's Story from Sisters Inside submission (SIS)

Penny lives in a regional Queensland city and identifies as Aboriginal. She has a complex mental health and trauma history, and previously received support through Disability Services Queensland on the basis of her mental health. Penny also has a complex medical history, and uses a wheelchair for mobility. Until recently, Penny had stable public housing and her source of income was the Disability Support Pension.

In 2017, Penny was supported to access the NDIS. She was allocated a package based on her physical impairment only. Her mental health and psychosocial support needs were not assessed or included in the NDIS package. In early 2018, Penny's health deteriorated, and we understand that she presented to the hospital on a number of occasions to seek assistance. During those presentations, we understand that she was assessed on the basis of her mental health needs and repeatedly turned away for assistance. During this period, Penny's NDIS service providers withdrew their support.

Penny was remanded in the watch house and unrepresented for her court appearance (due to refusal of legal representation, likely as a result of her deteriorating medical condition). She was remanded in prison and transferred to BWCC [Brisbane Women's Correctional Centre]. Penny had only very limited criminal history.

At the prison, Penny presented in an acute state of confusion and was diagnosed with multiple acute medical conditions. SIS supported Penny to access a lawyer and facilitated her to re-apply for bail on the basis that new NDIS service providers would be put in place by her NDIS support coordinator. However, there was a delay of approximately two weeks to put in place the arrangements for the new NDIS providers. Penny's NDIS package did not include funding for mental health or psychosocial supports, due to difficulties faced by the NDIS support coordinator in accessing sufficient 'evidence' for these needs.

Due to the deterioration in her personal circumstances, Penny has now lost access to her public housing tenancy and the NDIS service providers have recently withdrawn their support again. She has recently been charged with a new offence and has been remanded in prison again. If Penny is in prison for longer than 13 weeks, she will lose access to the Disability Support Pension. **Sisters Inside submission**

(b) Barriers in the NDIS process

As has been identified in recent research undertaken by the FPDN, there is a need for greater recognition of disability and the disability supports required, but not readily available, across Aboriginal and Torres Strait Islander communities.[144] Many of the women that spoke about the NDIS described an opaque process that was difficult to navigate and required significant literacy in personal data, government processes and the language of disability.

> *This is all new for us [NDIS] and a lot of us need to understand all that properly … It is all about learning and trying to do the best we can … So, what that means for all of us is that we need to get our heads around it.* **Thursday Island women**

This is fundamentally problematic for Aboriginal and Torres Strait Islander people who may conceptualise disability and the necessary diagnostic processes and supports differently from what is expected within the NDIS process.

Given the substantial gaps in NDIS coverage, the proportion of Aboriginal and Torres Strait Islander people with disability who are eligible for the NDIS is relatively low. The women who have navigated the necessary diagnostic and eligibility criteria sufficiently to engage with the NDIS have encountered practical difficulties in the application process and the approval of NDIS plans. This includes technological and literacy barriers as well as significant delays due to the centralisation of processes.

> *NDIS requests go to Melbourne to be approved. We have to bring the elders in to the office and do it over the phone. It used to be done by community health but not anymore.* **Rockhampton women**

A submission from Literacy for Life highlighted the burden of NDIS processes on some communities where there were low rates of literacy and process literacy.

> *Literacy for Life Foundation began work in Boggabilla and Toomelah in February 2017, in partnership with the Toomelah Local Aboriginal Land Council and the NSW Department of Family and Community Services. The Foundation was initially contacted by the Department to assist in overcoming some of the barriers and challenges emerging with the roll-out of the National Disability Insurance Scheme, particularly difficulties faced in the communities due to very low levels of adult literacy.* **Literacy for Life submission**

The challenges women encountered were in respect to the application process and the development of NDIS plans, as well as the ongoing self-management of personalised packages. This was exacerbated for women living in remote and regional Australia where there is often no in-person support. The lack of transparency and support around navigating processes left many women believing that the NDIS had failed them.

> *We want the Prime Minister to know to change the NDIS. How the delivery of information is done … the NDIS isn't supporting the Aboriginal Anangu people in remote communities.* **Ceduna mums and bubs**

Text Box 10.4: The 2019 Review of the NDIS Act

The Australian Government has committed to delivering a Participant Service Guarantee to support positive participant experiences with the National Disability Insurance Scheme (NDIS) and set new standards for the time it takes for key steps in the NDIS process. To develop the Guarantee, the Government commissioned a review of the *National Disability Insurance Scheme Act 2013* (NDIS Act) to identify opportunities to make NDIS processes simpler and more straightforward.

The review, undertaken by independent expert, David Tune AO PSM, was published in January 2020 and made 29 recommendations to streamline NDIS processes, remove barriers to positive participant experiences and introduce the Participant Service Guarantee.

In August 2020, the Government responded by providing 'in-principle' support of the 29 recommendations. Due to COVID-19, the legislation of the Participant Service Guarantee has been delayed. In the interim, the NDIA will implement the Guarantee administratively, including reporting on its performance in meeting the Guarantee timeframes, service standards and engagement principles. The Australian Government is working with all governments and the NDIA to implement the other recommendations made in the Review, including changes to the NDIS Act and the NDIS Rules. Public consultation on the form of those changes will occur later in 2020.[145]

In South Australia and Queensland, women called for a locally based NDIS liaison officer to support Aboriginal and Torres Strait Islander people with disability and their carers to navigate in and manage the scheme and associated supports.

> *Need the NDIS liaison to stay here! Let the other commissioners know. June and disability commissioner need to be on the same page. Immediate issue for the PMC reporting.* **Ceduna women**

Text Box 10.5: Kimberley Aboriginal Medical Services (KAMS)

KAMS is a regional Aboriginal community-controlled health service providing centralised advocacy and resource support for seven independent member services, as well as providing direct clinical services in a further six remote Aboriginal communities across the Kimberley region. Through the Kimberley NDIS ACCHS (Aboriginal Community Controlled Health Services) Partnership, KAMS supports the promotion of the NDIS and provides accessible and culturally safe pathways for eligible participants. KAMS has successfully employed community members who are established within community as Remote Community Connectors. The role of Remote Community Connectors is to share promotional information and, if eligible, support people to apply and access the NDIS. Due to KAMS's cross-sector collaboration with community service organisations extending beyond the health sphere, their reach and roll-out across the Kimberley has been efficient. However, gaps in available care and service provision remain an ongoing challenge. KAMS continues to advocate for effective delivery of health services to Aboriginal and Torres Strait Islander people in the Kimberley, and are continuing to work with the NDIA to extend service provision where necessary.[146]

(c) Service delivery for NDIS

A significant gap in the NDIS model is having adequate services available for people living in remote and very remote parts of Australia. Disability support services must be available, accessible and culturally appropriate, regardless of location. Aboriginal and Torres Strait Islander community-controlled organisations are best positioned to provide locally tailored and culturally safe services that are grounded in Aboriginal and Torres Strait Islander perspectives and values.[147]

> *And I think about why do we have these white fella organisations coming in when we got our own organisations here. We have our own disability organisation, you know? So why should they get the funding instead of us? And we have Indigenous people in our community who can do these jobs that they're bringing in white fellas for. We get non-Indigenous people in our community making decisions and it's disrespectful. We need to move forward, we know that. We should be moving forward to 100% Aboriginal community-control. These people are in positions where they're making decisions for our community and that's not right.* **Yarrabah women**

Conflicting worldviews on the nature of disability and appropriate care can create barriers to accessing necessary support. Investment into culturally safe disability support services is critical for Aboriginal and Torres Strait Islander people with a disability, their carers and the state.

> *They got services in place, but I did it myself before I looked for support because I wasn't trusting of white people and I felt a bit shame.* **Perth women**

Although the NDIA introduced remote loadings in 2019, well-funded plans in remote and regional areas cannot be used without services in place. The inflexibility of the model in these circumstances is reportedly such that funds cannot be used for accessing better housing or utilities that might improve the living conditions of an Aboriginal and Torres Strait Islander person with disability living beyond the reach of regular, approved services. A lack of disability support options often forces women to relocate to larger regional centres or cities, an experience that women describe as culturally diminishing and isolating.

> *I care for my old people and my brother. But my weakness and my sad feeling is being away from my own community and living in town. We're missing our communities and families. That's the sad part in my life.* **Alice Springs women**

One woman in remote Western Australia noted that the NDIA would not help to fund a relocation to the nearest major city where her son would be able to access the services he needed.

> *We struggled with seeing a specialist [in remote community], we could only see them every three months. There was no early intervention. Government wouldn't help us when we moved to Perth [to access disability services]. That was very hard.* **Newman women**

The NDIS has also created difficulty in motivating services to work together. Although there is the scope within an NDIS plan to choose service providers according to need, some women spoke of being unable to co-ordinate care between providers, or between providers and non-NDIS approved services in cases where it would be beneficial to take a multidisciplinary approach.

> *We asked the AMS [Aboriginal Medical Service] to link us up with the NDIS, we tried to join the AMS with Family Time, a multi-disciplinary team, to help with support.* **Mildura women**

The FPDN has developed a ten-point plan for the better implementation of the NDIS for Aboriginal and Torres Strait Islander peoples, based on extensive consultation and lived experience of the intersectionality of marginalisation.

Text Box 10.6: FPDN *Ten Point Plan*

1. Invest to create an Aboriginal Community-Controlled Disability Service Sector for the provision of disability supports by Aboriginal and Torres Strait Islander people with disability for their communities.

2. Address the barriers facing Aboriginal and Torres Strait Islander people in accessing NDIS.

3. Prioritise timely intervention to ensure supports and services are provided, and available over the long-term, and at the right time in people's lives.

4. Recognise and value the existing knowledge, skills and expertise within Aboriginal and Torres Strait Islander communities. We are leaders in the inclusion of people with disability.

5. Resource a community directed research strategy which specifically focuses on Aboriginal and Torres Strait Islander disability.

6. Endorse and support peer-to-peer leadership to ensure that Aboriginal and Torres Strait Islander people with disability lead the engagement with community themselves.

7. Develop and implement an access to justice strategy for First People with disability, particularly those with cognitive impairment, sensory and intellectual disability.

8. Develop and implement programs for inclusive education and employment for First People with disability in line with national strategies for their full social participation.

9. Create links between the National Disability Strategy and [the] Closing the Gap Framework for coordinated policy and programs at the Commonwealth, State and local levels in partnership with Aboriginal and Torres Strait Islander people with disability and their organisations.

10. Develop an Aboriginal and Torres Strait Islander Disability Performance Framework for the independent monitoring of the social and economic outcomes of Aboriginal and Torres Strait Islander people with disability.[148]

10.4   Carers

The 2016 census data suggests that 14% of Aboriginal and Torres Strait Islander people aged 15 years and over are providing unpaid assistance to a person with disability, of which 62% are Aboriginal and Torres Strait Islander women.[149]

Aboriginal and Torres Strait Islander carers are more likely to be unpaid carers for a person with disability than are non-Indigenous Australians.[150] This is reflective of traditional and cultural care responsibilities, as many women regard the strength of caring to be fundamental to our identity as Aboriginal and Torres Strait Islander women.

However, the burden of care across Aboriginal and Torres Strait Islander populations is great and women increasingly feel that they are filling the gaps in a system of fragmented and inaccessible services and support.

> *I kept my grandchildren. They tell you to go out and get a job and stuff, but they don't help you.* **Kalgoorlie women**

Taking on a disproportionate burden of care responsibilities has significant health, economic and social impact on carers. Health and wellbeing outcomes of a carer for a person with disability is generally worse than that of non-carers. According to the ABS, the majority (68.1%) of all primary carers are female.[151] This places women at a higher risk of experiencing depression, financial stress and poor physical health as a result of caring responsibilities. Being a primary carer also limits a person's ability to fulfil opportunities for education, employment and economic prosperity.[152] These risks are amplified for Aboriginal and Torres Strait Islander women already experiencing health, wellbeing, social and economic disadvantage.[153]

> *I look after 4 grandchildren, one with disability. Find that very hard to look after him, I just do my best and do what I got to do.* **South Hedland women**

This is exacerbated for women and girls living in remote and very remote Australia, where the likelihood of being a carer for a person with disability increases with remoteness, as does the likelihood of becoming a carer at a younger age.[154] Women are consistently feeling exhausted, unsupported and financially insecure in their role as carers. Although the NDIS assumes that a level of support is provided by family members, women have told me that the burden of care is pushing already low-income families further into poverty. Reports of carers making significant sacrifices at a cost to their own health, wellbeing and standard of living, in order to meet the complex needs of those in their care, were common across Australia.

> *Looking after siblings, nieces and nephews … You always left with the big responsibility when you just a kid yourself.* **Roebourne girls**

In addition to financial support, there is a significant need for accessible respite support for carers. Aboriginal and Torres Strait Islander women may be more inclined to seek respite support from extended family rather than approaching formal services. This is in part due to a general mistrust of government systems and services that involve their children. It is also because seeking support from within kinship systems is culturally accepted and widely practised.

> *I look after my family and also my disabled sister. I was given the job to look after her. It's very hard. And you can't do it yourself, you need people to help you. It's a very hard job.* **Thursday Island women**

Without respite care, kinship carers jeopardise their own health and wellbeing. Respite care is critical in ensuring that women are able to regain their own strength and wellbeing in order to take care of those within their care.

> *Under the NDIS they're going to reframe it. And potentially some people that are currently getting services with loved ones that have autism, they will cease to exist at the end of next year. And I'm really concerned. You shared a beautiful story of how you burn out. We all burn out. I had a time where I burnt out. And if it wasn't for Butucarbin I might have fallen over. This is going to escalate it.* **Sydney women**

Without services to alleviate the pressure, parents and relatives burn out and are at risk of becoming incapable of continuing their role as carers. If that happens, the transfer of care from family to the state may remove critical cultural and familial strengths from Aboriginal and Torres Strait Islander people with disability, as well as increasing the financial burden on the state.

Women working in paid employment face a different, but equally as complex, set of challenges. This group of women are constantly having to balance their caregiving responsibilities with their careers and often feel that their employment is at risk.

> *[Being a carer] is so hard. What are you going to do as a single mum, who do you ring? How am I going to make it through the night? I jeopardise my job. Workplace tells me I have to get my act together. I'm constantly communicating and explaining again and again ... There is no understanding. They are sighing, 'not again'. People can't tell. [The] hurt isn't on the outside it's in here ... I feel it when I'm five minutes late because it took me longer to get my kid to take his medication in the morning. I feel like saying, 'have your white job, I will go on carers pension', but we would struggle even more. We not well off but we got feed every night.* **Canberra women**

Women expressed that many workplaces do not comprehend the magnitude of their caregiving roles and cultural obligations. Many find their leave entitlements are not adequate to cover the demands of their daily lives as carers of a person with disability. Women in these situations are often forced to choose between work or caring responsibilities.

> *I am a main carer and I have a lot of carer responsibilities—where I live, I'm not able to access proper caring services on a regular basis. So, anytime I have to take time off for my health or when I have to take care of my kids or my sister [with disability], I have exhausted all my leave entitlements. So, now I have an option between getting paid or fulfilling my kinship responsibilities. So, for me that is a real challenge. The flow on effect for me is it affects my work and my work ethic. I don't put in as much effort as what I should be putting in. It affects my family and my relationships, and then everything becomes a half-arsed effort and it affects my own wellbeing. I have to make sacrifices and choose. I have to go to work today or stay home.* **Canberra women**

Women and girls are calling for practical as well as emotional support for carers, which includes access to appropriate therapy and wellbeing services. There is a clear and presently unmet need for the provision of culturally safe respite care and financial support for women with responsibilities for family members with disability.

> *I don't care whether I have money today or tomorrow. Family first. I drew on my super to look after my elderly parents, nursing my brother. I had a drug addict son. I was only in my 50s. I never had any support. There's nothing to help. I was ready to jump off the bridge. If I had a car, I would have driven off it. Where do you go to regenerate?* **Mildura women**

We need information and a support group. You feel stressed and alone. **Mildura women**

10.5   Conclusion

Aboriginal and Torres Strait Islander communities have been, and continue to be, inclusive and supportive of Aboriginal and Torres Strait Islander people with disability. Whilst many Indigenous languages do not even have a word for disability, Western perspectives of disability have marginalised Aboriginal and Torres Strait Islander people with disability, and this is reflected in their increased risk of experiencing poorer health, wellbeing and socio-economic outcomes.

The intersectionality of discrimination against Aboriginal and Torres Strait Islander people with disability is experienced in all areas of life including diagnosis of disability' accessing education' seeking employment' and interactions with the criminal justice and child protection systems. The overwhelming message from women and girls is that the system is ill-equipped to respond to the specific needs of Aboriginal and Torres Strait Islander peoples.

With Aboriginal and Torres Strait Islander peoples more likely to experience disability but less likely to access support, there must be significant reforms to the way services are delivered, including the NDIS. Without holistic and culturally appropriate services, Aboriginal and Torres Strait Islander women and girls are filling the gaps without support or respite, exacerbating their experiences of disadvantage and marginalisation.

Women and girls want a just and inclusive society. They want the barriers impeding the equal participation of Aboriginal and Torres Strait Islander people with disability in all aspects of life to be dismantled. Critical to this is recognising and valuing the knowledge and expertise of our communities in the inclusion of people with disability, and ensuring Aboriginal and Torres Strait Islander control over disability services.

Chapter 11 Land and country

Throughout the *Wiyi Yani U Thangani* consultation process, I met with Aboriginal and Torres Strait Islander women and girls from many different places across this vast and beautiful country. I met with women living in urban, regional and remote places, some of whom live on country and others who, for varied reasons, no longer live or have never lived on country. One thing though has remained clear, regardless of where we live, Aboriginal and Torres Strait Islander women feel a deep sense of connection to country.

Country plays a critical role in the lives of Aboriginal and Torres Strait Islander women and girls. In Aboriginal and Torres Strait Islander cultures, our relationship with country is one of reciprocity. The definition of country is broad, our women spoke of country as all-encompassing. They spoke of the rivers, the waterways, the sea, the land. We have a relationship with our country that spans thousands of generations. Our country gives and sustains life and, in return, we have a responsibility to protect, care and maintain its health so it can do the same for us.

Our country and our connection to place is incredibly significant. It provides us with a sense of identity, a source of strength and is often a place of healing. For many Aboriginal and Torres Strait Islander women and girls, loss of connection to country and displacement from their ancestral country means loss of identity which can often compound existing trauma.

Aboriginal and Torres Strait Islander women have a great desire to ensure their children are raised with a strong grounding in culture, informed by their relationship with country. For many women, however, legal, economic, environmental and even physical barriers are preventing them from making this a reality and there are growing fears of losing generations of cultural, environmental and geographical knowledge.

Most significantly, I heard from women who have had to sacrifice their right to live on country for education and employment opportunities in bigger regional and urban settings because of the lack of these opportunities in their communities. Even more prohibiting is the lack of essential services in these areas. Women spoke of the need for more services to be available on country and of the desire to give birth and die on country.

Past policies and the increased mobility of Aboriginal and Torres Strait Islander people have left many of us seeking to rebuild or redefine our connection to country. Living away from our ancestral lands and on someone else's country can often be disempowering. Nonetheless, I can see the power in Aboriginal and Torres Strait Islander women accepting and welcoming others to their country, as I have been, and allowing them to create a safe space for themselves.

I have also seen the power of on-country initiatives in rebuilding and strengthening identity. Land management, cultural tourism and country-based healing and education programs are some examples. Such initiatives also benefit local economies. Some of the most successful initiatives I have seen are Indigenous ranger programs. These programs deliver a sense of strength and pride at an individual level and bring many positive social and cultural outcomes, whilst allowing our lands and sacred sites to be cared for.

Whilst our country benefits from programs like these, Aboriginal and Torres Strait Islander peoples are increasingly concerned about the impacts of climate change on their ancestral lands and waters. From flooding to dried up waterways, Aboriginal and Torres Strait Islander peoples are confronting the worst of environmental degradation and the abuse of natural resources. Many people spoke of the devastating impacts of this on the continuation of traditional practices. For certain communities, these impacts mean having to relocate from their traditional lands.

With country as a source of strength, many Aboriginal and Torres Strait Islander women have fought, and continue to fight, for our right to land and water and are increasingly playing key roles in native title claims. The native title fight is significant in not only reclaiming our land and recognition of our presence prior to colonisation, it is pivotal in reconnecting people to their land and providing them with healing.

Western perceptions of interests in land and land ownership have informed the power structures impeding Aboriginal and Torres Strait Islander women from realising their interests in land. We are required to undergo lengthy processes of defining ourselves in a Western framework within which we risk losing sight of our inherent knowledge systems and values. In this way, rather than strengthening us, the native title system can be socially destructive and cause lateral violence. More must be done to create a structure and process more consistent with our inherent political, social and environmental values.

As you will read in this chapter, women intersect with country in many dynamic ways which I have sought to capture. Women are active in rebuilding and redefining their connection to country. They are innovating to protect our country and sustain our cultural knowledge. They are fighting new challenges of climate change and are continuing to strive for our right and recognition of ownership of country. More must be done to support our women in this work.

11.1 Country and identity

> *Our identity as human beings remains tied to our land, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange. Destroy this relationship and you damage—sometimes irrevocably—individual human beings and their health.*[155] ***Pat Anderson***

Throughout the *Wiyi Yani U Thangani* consultations, women and girls told me about the intrinsic connection between country and identity. Being strong in country, culture and language was often referred to as the supporting pillar of feeling strong in their identity as Aboriginal and Torres Strait Islander women, and confident in who they are as individuals.

Women and girls spoke of a sense of connection that comes from simply being on country. This ability to draw strength from country through simple daily activities such as hunting, fishing, collecting bush tucker, seeking bush medicine and camping, is a significant component of Aboriginal and Torres Strait Islander identities.

> *Country. It makes us feel connected and is a part of our identity.* ***Newman girls***

> *Our strength … is country, knowing who we are.* ***Halls Creek women***

Connection to country is integral to protecting the succession of cultural knowledge, systems of Law and the strength of kinship networks. Ensuring that their children have the same grounding in country and strength in identity as they did was a priority for many of the women I spoke to.

> *Strength in our dreamtime stories and our connection to land. We're losing it a bit in SA. Our stories are being lost. We need to see this being taught to our generations so that the connection to land is strong. Cultural revival.* ***Adelaide women***

> *We are in this land and the land is in us. We will fight to keep this land for our grandchildren to grow up in!* ***Individual submission***

Senior women spoke at length about how country is an inextricable element of our kinship system, informing our roles, responsibilities, connections and place within society.

> *Apmereke Artweye, that one meaning belonging to country. In white man's terms is like manager. And the other one is Kwertengurle, that one meaning caretaker. So, them two are very important when it comes to country. And not only just for your roles and responsibilities to country, but it is also your connection to Altyerre [Dreaming], to the stories.* **Arrernte senior women's engagements**

Senior women often described country as a person with whom we share a reciprocal relationship. Country extends beyond the realm of the living to also include our ancestors, whose spirits continue to actively guide and nurture us. Country sustains our existence in every aspect, providing us with the tools and knowledge necessary for survival. Because of our intimate connection, when we have been separated from country, or when country is neglected, exploited, damaged or destroyed, we too, as human relatives of country, experience the very real impacts this has on our health and wellbeing. I highlight these elements senior women spoke about in the passage below.

> *When country is unwell, we become unwell, our spirits become unwell. So, we have to be out on the country visiting that country regularly so that we can see the changes. And if we see something that is worrying, then we gotta do something as the human relatives to that country. All our ancestors, all our spirits are people still living in the country so when we talk about being on country and why it is important for woman to be on country, it is so that we can be in touch with ourselves and our non-human relatives and our connection to our ancestors and their spirits that still dwell in all of these places. And we remember them. We come back and we speak to them and when we come to that place we talk in that language to say we are here, you can hear us, you can see us, we have come back, we haven't forgotten you. That's why when we get to a place we talk, we say them words of reconnecting, because it is still them spirits that live in that place and look after the place, and when we come back we can feel their presence. When we return to these places, we remember our childhood, we remember our old people who would take us fishing in that place, teaching us. We can relive the memories that we made with each other and we remember them things.* **Fitzroy Valley, senior women's engagements**

With the rising movement of Black Lives Matter in 2020, I have thought about how reconnection and being supported to access country and fulfil our custodial obligations is fundamental to achieving racial, social and ecological justice and equity for Aboriginal and Torres Strait Islander peoples. This is reflected in the Closing the Gap Refresh with the inclusion of a target focusing on maintaining our distinct relationship with lands and waters. Disconnection hurts our identity and is a deep source of pain associated with poor physical and mental health, suicide, addiction, violence and incarceration. Just as our lives matter, the protection, care and occupation of our peoples on our country and life of our country matters.

(a) Contemporary barriers

The women that I met with were conscious that as people spend less time on country, the depth of geographical and environmental knowledge is compromised for successive generations, significantly undermining Aboriginal and Torres Strait Islander cultural identities.

> I say it is my culture, land, language, these are the things who tell me who I am. What have they done taking away our land, culture, our children and our land? They have systematically removed those things that give us our cultural identity. **Brisbane women WOW session**

The loss of knowledge that has resulted, creates uncertainty, with women expressing that they did not feel confident about their place on country, or about ensuring the cultural safety of themselves and their families.

> Sometimes for older women and elders, we might feel uncomfortable about the certainty of these things, because we didn't experience that ourselves, in terms of having these conversations and not knowing about our country and connection to place—so this is a journey for all of us. **Hobart women**

> Still do not know where I am from even though I come from strong culture. We need to know where our grandfathers, great nanas come from. I have found out a bit because I have been travelling around to dad and nana's country talking to them. They all have different stories. I am in the middle. I have stories on both sides. It is very confusing for this generation. **Indulkana women and girls**

Many of the women and girls expressed concern for children growing up away from country, as well as concerns for those who have been removed from their families and communities and now don't know where their country is.

> *Children are taken away when they are young, and they are now grown up. Little contact with the family and haven't been able to come back to their country.* **Warmun women**

> *People say it is about connecting to country, but that is all well and good, but it doesn't always happen. People don't have a car, or you can't find your mob.* **Cairns women**

In some places, particularly in more remote parts of Western Australia and Queensland, where land tenure is characterised by extensive mining and pastoral leases, many women and girls told me that they encountered physical barriers to accessing country and maintaining cultural practices.

> *Since [mining company] has been here, so much restrictions on going to places. How do they make those restrictions? It is not their land. This is my land and I gave them access, I should be the one pulling the ranks.* **Napranum women**

> *They will lock the gate, between them there is a boundary there, and in this boundary they will lock the gate, one day it was for Law and culture, and they said this is beyond Law and culture they still need to get permission, and he has to be told two days before entering.* **Karratha women**

In some cases, Aboriginal and Torres Strait Islander women and girls reported that they have been legally prevented from carrying out their responsibilities and obligations for country, either through being left out of consultation processes or through the introduction of specific legislation that removes protective provisions for heritage or environmental values.

> *In Kartinyeri v The Commonwealth the history of the coloniser was again privileged over that of Aboriginal and Torres Strait Islander women seeking to protect sacred sites. In 1997, the Commonwealth parliament passed the Hindmarsh Island Bridge Act 1997 (Cth) ('the Bridge Act'), exempting a tourism development project from the usual ministerial approval processes. The Act removed the disputed construction site from the probable protection of the Heritage Protection Act, meaning that the construction could take place despite any consequent harm to Indigenous cultural heritage within the area.* **Australian Institute of Aboriginal and Torres Strait Islander Studies submission**

> *Worrying about mining and destroying dreamtime sites and songlines—destroying important places which is making people worried for their country.* **Warmun women and girls**

The financial costs of being able to access remote areas was also mentioned as a contemporary barrier to accessing country, with traditional owners sometimes expected to pay entry fees to national parks for access to their own country. Even regional and local travel through country requires access to a reliable vehicle, an unaffordable expense for some women and girls.

> *Women want to take kids out. Issue is transport. We could go and cook kangaroo tails. Get them away from the community on the weekend. Teach them.* **Indulkana women and girls**

> *Our culture has gone down. The older ladies need more support to teach us. Want them to take us out and teach us. But there is no transport to take us out onto country. To see places. To take the kids out there. We need a bus. Women's business. To go out and get bush tucker. If we had transport we would go out there and do it.* **Mimili women**

> *Used to be a car to take people out bush. They don't have it anymore.* **Tiwi Islands Bathurst women**

> *There are significant women left behind in community because there are not enough car seats.* **NPY senior women's engagements**

> *Working hard and having quality cultural time with family, cutting access to culture, country and place, not having transport to our country.* **Kempsey women**

Some women and girls have identified that improvements in technology and communications may allow adults and children to spend longer periods on country without compromising connection to the modern world. The COVID-19 pandemic has proven that technology makes it possible to live and work from anywhere while remaining connected to our places of work located in other parts of the country. We have seen a mass movement of our peoples, including boarding school students, returning to remote communities during this period. Many are working from their homelands again and proving that it is possible and viable. This period has also highlighted the inequalities in access to telecommunications due to the unaffordability of IT, school and office resources for many of our families, as well as poor infrastructure across remote regions.

> *We need support to facilitate our young people to go back and learn on country, to stay on the land and look after the environment, sacred sites and tradition … Technology is becoming more available in [this place] but we need access to technology out bush so that kids can stay out bush.* **Children's Ground submission**

(b) Reconnecting to country

Despite the centrality of country to culture and identity, many Aboriginal and Torres Strait Islander peoples no longer live or have never lived or worked on country but rather live in major cities and regional areas away from their ancestral country. For some women and girls, this has meant they have not had the opportunity to develop a connection or gain knowledge about their ancestral land. Other women highlighted that, despite being raised with a strong sense of identity off country, there was a need for processes that help them to rebuild connection to their ancestral country.

> *Connection to country is a big issue. We live off country. I wasn't fortunate enough to be raised on country. I was raised by a strong Aboriginal family and I feel strongly connected. We need access to cultural activities.* **Melbourne women**

Some of the most successful initiatives at rebuilding identity and self-confidence are those that establish country-based economic opportunities. This includes through land management, cultural tourism and country-based healing and education programs. These programs directly strengthen Aboriginal and Torres Strait Islander identities through the sharing of knowledge and reciprocal relationship of belonging with country.

> *I think it is a privilege to be able to work on country and continue the land management practices that my ancestors have done before me. Part of being on country ensures we keep a continuous connection to our culture.* **Interview in Central Land Council submission**

> *Many Aboriginal tourism developments, particularly those with Aboriginal culture and access to country as a core element of the attraction, concurrently aim to achieve valued social and cultural outcomes. Tourism on Aboriginal land is valued as a productive way to strengthen the social and cultural connections of families to their traditional homelands. Participation can provide structured opportunities for the intergenerational strengthening of language, culture and understanding of country. Senior people enjoy seeing younger family members learn and gain the confidence and skills to be involved in a business that values these connections. Access to land has significant cultural, social, health and environmental benefits for Aboriginal people.* **Central Land Council submission**

Text Box 11.1: Yiriman Women Bush Enterprise

Located in the Kimberley Region of Western Australia, Yiriman Women Bush Enterprises is an intergenerational 'on country' social enterprise focusing on four key areas:

- On country healing: Health programs and services using products derived from traditional plant sources with healing and therapeutic properties.

- On country cultural experiences: workshops, education programs and organised tours for visitors, and on country reconnection programs for young people in the justice system.

- Bush food and health products: producing skin care and health products to teas, spreads, spices and seeds yielding healing, nutritional and gourmet properties.

Art and design products: engaging young women in new and exciting opportunities which integrate cultural knowledge with new mediums to develop baskets, traditional jewellery, wearable arts derived from bush plants, fabrics coloured with root-based dyes and other items such as painted boab nuts.

The program was conceived and developed by elders from the Nyikina, Mangala, Karajarri and Walmajarri language groups, whose aim is to 'build stories in young people'. The Yiriman Women's Project is separate to, but linked with, the men's program of activities.

The women have said:

We are strong as four language groups working together, keeping our culture and languages alive. We are proud to be a voice for our people. Through the Yiriman Project we are building stories in our young people. Our traditional knowledge helps build these stories. We want our children to be able to confidently walk in two worlds and make business that recognises where they have come from and which make a strong path ahead for their future. Linking our culture and business will help our young ones get out on country and learn their culture so they can take this with them whatever road they choose. In giving them this strength, they can become role models and build leadership qualities to create new ways forward for themselves. ***Kimberley Aboriginal Law and Cultural Centre submission***

Many women spoke of the challenges in organising and encouraging younger generations to spend the requisite time on country and in making knowledge-holders available to pass on the rituals and processes for keeping country strong.

We need support to facilitate our young people to go back and learn on country, to stay on the land and look after the environment, sacred sites and tradition … There are a lot of older people who are retired but have the knowledge and skills to teach the young people, there just needs to be an opportunity for this to happen. **Children's Ground submission**

Senior women expressed great fears regarding the ongoing intergenerational breakdown of knowledge. Creating opportunities to rebuild and maintain our connections to country and to one another was of upmost importance to senior women—a view which was shared across the generations of women I spoke to. Women's on country gatherings have enormous value. They allow us to interact with our surroundings, learn and practise our Law, customs and obligations and reconnect us with country and healing.

But what is the most worrying and scariest thing now is with all the worries and pressure from outside, in this world we live in, we are seeing really clearly where that line is breaking down in terms of knowledge and understanding, deep understanding. We are not just woman—we are Aboriginal woman walking on top of this country. I think there is a lot of reason why we are seeing this breaking down of this strong connection and it is because of how we have been treated as Aboriginal people and Aboriginal women in our own country—the disrespect of us as First women, the disrespect for our custom, our tradition, our languages, our right to be Aboriginal women. And there is no acknowledgement of that. This new order came in, and came in on top of us, this very foreign way of thinking and being and valuing was very different and is very different to us and our values and our presence, what our responsibilities are. And that make us behave differently and think differently, and we forget about ourselves and our purpose here. And so, by connecting up as Wunami, we can re-build those connections, rebuild those opportunities for us to learn from one another, rebuild our strengths and our contentedness to each other as women but also to our country, to our land, to our water places, to our ceremony places, to our learning places, our hunting places, our sites, and all of these places that give meaning to who we are. **Fitzroy Valley senior women's engagements**

One way we know how to heal is telling our own stories and showing all the children and all the women and young women what's their country and their role in the family and within our traditional kinship, and the roles and responsibilities to the country. It brings back, as you can see in some places, dignity and respect. **Arrernte senior women's engagements**

> *The more that we can help and support our people to be on country, learning their language, learning about their roles and responsibilities, getting in touch with the country, the feeling and all the strengthening activities that can happen on country … we have to prioritise that, you know, because we are all needing that strengthening and healing that only country and our cultural ceremonial responsibilities can give us.* **Fitzroy Valley senior women's engagements**

For Aboriginal and Torres Strait Islander peoples who were taken away under removal policies—the Stolen Generation, or more recently through out-of-home care arrangements—there can be additional barriers in reconnecting with ancestral country because connection with community and knowledge-holders can be difficult to repair.

> *Because that's not always the case, because Stolen Generation are trying to find out how you fit in and where you fit in, so it is always reinforcing to them that they are a part of this place. Well that is a strength, because it can also be a deficit. When you are constantly being told that you didn't grow up here, you don't come from here. So, the strength is to say, 'no, you are from here'.*

> *You know government policies dictated where my parents went, not my grandmothers. But government did that. But my children are wearing government policies that happened to my parents. And that can be a strength and sometimes that can be a negative, so you are always trying to define where you are within society, in our Aboriginal society.* **Fitzroy Crossing women**

Women and girls spoke of similar challenges for our young people who spend a significant time in boarding schools, gaining an education off country. I touch on this in more depth in the Learning and Education chapter.

(c) Living and working on country

The protection and preservation of country is built into the very structure of our Law, learning and daily rituals and practices. In some of the more remote parts of Australia and the Torres Strait Islands—where colonisation was experienced much later, and with vastly different consequences—our inherent responsibilities for protecting and caring for country continues to be an important part of the daily life and practice of Aboriginal and Torres Strait Islander peoples.

> *The integrated nature of arts and cultural practice tied to arts and cultural participation was clearly evident with the Kimberley survey finding, 'virtually every respondent nominated learning from family and other community members as one of the ways through which their cultural knowledge was acquired, with a majority identifying this as the most important pathway. Of particular interest is the importance of being on country as a source of cultural knowledge.' Being on country invariably involved caring for country, and in this regard the survey found that, 'among the cultural maintenance activities, caring for country is the most widely practised.'* **Kimberley Aboriginal Law and Culture Centre submission**

However, many women reported the need to travel from their ancestral country in order to take up educational and employment opportunities, to be closer to extended family, or to ensure that their families have access to essential services. This mobility was important to achieve success in other areas that are also important to them.

> *I would love to live on country, but I can't do what I want to do at home.* **Melbourne women**

> *Finding that balance is really hard and I have struggled with that but I have found a balance with myself and I am okay with what I have, but to get the ability to live and feel comfortable and respected in mainstream. But I had to go away for 12 years, and time away meant being away from my family and my community and from my learning about who I am and where I come from. And now I feel like I am playing catch up. So, the sacrifices I made, I think of all those funerals I missed, all that time I missed ...But I feel that not everyone in my community can do what I have done—go away and then come back, and a lot of people don't want to do that. But in order for me to have the impact at the level that I can now, I had to—there was this big sacrifice that people don't understand. The sacrifice is time away.* **Karratha women**

> *We want to go and compete in the market for good jobs, but we can't do that unless we give up our community and our family and move to Perth, we don't have that opportunity.* **South Hedland women**

Education and employment options are particularly limited for those living in remote and very remote locations. It is these locations that are often the most difficult and expensive to return to when living away from country.

> *Being away from country ... issue around guilt with not being able to go home. It affects our wellbeing. Living away from community, you get disconnected from making decisions on country. Sometimes you are in the best place to help solve issues, but you're not kept in the loop. You lose credibility with talking on country. Being away from family affects your sense of identity. Sometimes you are considered not being a part of the community.* **Canberra Australian Public Service women**

Perhaps the next most prohibitive factor to living on country mentioned was the regional availability of services. Throughout the *Wiyi Yani U Thangani* consultations, women spoke of the need for services and programs to be available on country, particularly services focused on care and healing. There was a particular concern that Aboriginal and Torres Strait Islander peoples should be able to give birth and to die on their own country.

> *No age care unit—worried that old people are not dying on their country but on someone else's country. Many of these old people are world renowned artists.* **Warmun women**

There was also a strong call for dialysis, detox and substance abuse rehabilitation facilities to be far more locally accessible so that Aboriginal and Torres Strait Islander people could stay close to country when they were most in need of healing.

> *We have families who have had drug and alcohol problems—there's no support—they get sent off country.* **Mildura women**

> *Community members can operate the dialysis machines but now they have to go to Perth or [regional centre]. A lot of people are away from family and country.* **Newman women**

Text Box 11.2: Waminda – South Coast Women's Health and Welfare Aboriginal Corporation

Waminda provides Aboriginal and Torres Strait Islander women and children of the Shoalhaven community in regional South West NSW with tailored, culturally safe, strength-based care. Waminda exists to ensure Aboriginal and Torres Strait Islander women have a voice, are able to reach their full potential in society, and are given equal access to opportunities and resources. Waminda offers over 20 comprehensive services including:[156]

- Gadhu Balaang Biyani: Holistic health care Clinic with GPs, Specialists, Allied health services and antenatal care

- Cancer Care programs: Strong Kooris, Strong Communities, Shoalhaven Cancer Care Project focusing on prevention, awareness and early detection, and the 'Let's Do Women's Business' cervical cancer screening project

- Munja Murawandha: Birthing on Country Program, integrating traditional birthing customs into women's maternity care

- Elders group: Bringing women elders together to discuss their wellbeing and chronic health needs and maintain support for those who are otherwise socially isolated

- Case management: holistic, wrap-around supports for women and their families drawing on strengths-based and trauma- informed principles of practice

- Drug and Alcohol Brokerage Service: removing barriers for women and their families experiencing difficulties in accessing treatment

- Nabu: Healing counsellors working closely with elders and other Waminda practitioners to provide culturally-informed service provision addressing trauma.

Staying close to country is particularly relevant given the heightened consciousness that most Aboriginal and Torres Strait Islander people experience being on someone else's country. Undertaking programs and accessing services on country empowers Aboriginal and Torres Strait Islander peoples with a sense of ownership and wellbeing that has a direct impact on the success of health-related interventions.

Women told me they often feel it is a difficult balance to express an opinion on issues that affect Aboriginal and Torres Strait Islander peoples within a region when they do not have cultural authority to speak.

> *Another Aboriginal woman said Perth was 'not my country', so finds it difficult when she attends meetings as she can't speak on behalf of Aboriginal people from Perth. She feels centred and grounded on her country. It was noted that if you are from a different area, you can't do certain things, or paint certain objects for example. Cultural beliefs are different for different areas and you can sometimes feel suppressed by not being on country, as 'I can't do certain things or fully express myself'.* **Aboriginal Health Council of Western Australia submission**

Furthermore, there is increased complexity in the way Aboriginal and Torres Strait Islander people define a connection to country when they have been born and raised on country that is not their own. Inevitably, the experience of living on someone else's country is unlikely to be imbued with the same sense of ancestral belonging and long-term traditional obligation to that country.

> *Our connection to country— and even if you're not living on country, you've got your connection to your own country [and are] rooted in that connection wherever you are … I've lost track of the number of white people who've said, 'you're lucky because you've got somewhere to belong to'.* **Adelaide women**

During the consultations, several women raised the need to find a way to balance the feeling of belonging to someone else's country and finding an appropriate role in working with traditional owners so that they can also have a sense of empowerment and control over their lives in the places where they live and work.

> *I feel a deep connection to country here. On my birthday I decided I wanted to go to [named] Island and find some kelp. On the beach for me was this huge piece of kelp that I took home and did something with. So huge connection to country here but I don't have a connection to community here. People like me miss out because we are not connected to the community or [do not] feel accepted enough to do it.* **Hobart women**

> *I was born here but still, what right does that give me? What am I? I am neither here nor there. I get support from my best friend and my mum and my family, and you go out to country and I know my ancestors are listening and supporting me. But where? With us being here, how are we all working together?* **Alice Springs women**

> *Because my mum was born here, part of the historical side, and then you have your clans that belong to this area, so they are the traditional owners. Whereas the ones that are born here. Still in my head, It feels like segregation all over again. You are not a traditional owner, but what is the difference? How can you define it? But mum was born here.* **Mapoon women**

Many women spoke of returning to the country of their ancestors in order to feel culturally connected and nourished.

> *I am connected here, born here but my country is central west New South Wales and there is nothing like going back there and being reenergised and connecting.* **Sydney women**

> *My ancestors are from here, without them I am nothing.* **Arrernte senior women's engagements**

11.2   Caring for country

(a) Climate change, environmental management and health

Many Aboriginal and Torres Strait Islander women I met with expressed frustration over the impact of climate change and environmental degradation on their ancestral country, and the limited political and economic power that they have to address this.

> *More of a focus on climate change. Climate change will affect mutton birds coming back. The birds are also full of plastic. It will also affect the shell gathering. Aboriginal women need to be mobilised in this space because we can do so much.* **Launceston women**

In the low-lying islands of the Torres Strait, climate change is already having an impact on coastal areas through rising sea levels, tidal flooding and erosion.

> *There is definitely climate change, the water has risen and erosion over the years.* **Saibai women**

In the Torres Strait Islands, women are contemplating the possibility of having to move from their homeland because of the impacts of climate change On Saibai, women expressed particular concern that they would have to relocate within their lifetimes and about what that would mean for their culture and identity. These women told me that graves at the cemetery on Saibai Island were already being washed away as the tidal inundation gets higher every year.

Text Box 11.3: The effects of climate change in the Torres Strait

[In] 50 years down the track, if the sea levels keep on rising, we can't [rely] on building the sea walls, the concrete sea walls. Like people will have to be relocated eventually, which means losing your connectedness to land. What are we going to do? Our loved ones are buried here. So, it will be like a dispossession. Like uprooting your family and going to live somewhere else to make home. Leaving to exist and survive. So, it won't be the same, because you have a connection to your land here. Because this is the only place on earth that you call home. This is home. This is home for me ...

... We do care about it very much, because a few years ago, that wasn't a problem. And now we have. I think it became more of a reality when the seawall was built. I think it was a wake-up call to us to be thinking strategically in the future. Like, where would the relocation place likely be? ***Saibai Island women***

For some of the Torres Strait Islander women across the Islands and the Cape York Peninsula, the potential dispossession of land and culture through climate change is wrought with the same consequences of colonial dispossession faced by the mainland Aboriginal population over previous centuries.

> *Saibai people who relocated had to ask Aboriginal people, 'can we live there?' They would rather die than leave there. Grateful that they have welcomed us, but it is still not our land. People that live by the ocean, saltwater pumps in their veins. When people are relocated or have to leave that brings in mental illnesses, people have a loss of culture when the one thing that means so much is taken away from you.* ***Napranum women***

There is increasing pressure for Aboriginal and Torres Strait Islander peoples with cultural responsibilities for country to balance the economic, environmental and cultural priorities of our communities and the broader world in which we live. For many of the women and girls I met with, the balance of priorities continues to be dictated by external factors, with economic priorities taking precedent over environmental or cultural concerns. This was particularly evident in communities that have mining and agricultural industries operating across their traditional lands.

> *It is just how society is now. Until people understand, listen you are in our country. We watch you rape our country, the mines rape our country. It is all about money. Nobody asked us if we wanted those mines.* ***Longreach women and girls***

These current practices used by government agencies represent a deliberate effort to deliver the final destructive blows to our society. Their goal is to create an environment where mining and other commercial interests can exist unimpeded and where any remaining dissenting voices are silenced. **Individual submission**

Some of the women and girls had observed significant changes and complex interactions in fauna, weather patterns, lands and waters.

We felt the earthquake tremors from Irian Jaya houses shook for four to five minutes. It happened 5,000km north west near the mines. I was in the house all alone. There is a disaster management plan but we need to know the plan and do a mock evacuation plan so we know who to contact, need to know who goes to get the old people in the houses and what to do. **Saibai Island women**

Across Australia, women related the impacts they were seeing of increasingly devastating storms and floods and the worst drought on record. They were seeing significant impacts to their traditional ways of living and caring for country.

We talked about environmental issues. There is obviously worries about nationwide global warming issues, and the diminished sacredness [and] loss of connection to country and land … [Regarding]our responsibility to care for country, our way is not considered. **Dubbo women**

When we stop and think about the age of the geography and what's around us, it truly is amazing. Sorry that we can't say that the river is full and running because we're in this terrible global situation of climate change. This is the first time for us and our family we've seen this water this small. It's normally a bigger spread of water and it's flowing, and it's really sad to see how it is now. **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Drought, mismanagement of waterways and contamination are affecting rivers and waterways across the country, but particularly in rural areas. At the time of the drought in the Murray-Darling Basin, it was declared the most severe on record. The communities that rely on it, and have responsibility for it, are suffering. Women and girls at consultations in the region expressed dismay at the destruction of major river systems for the short-term economic interests of industry stakeholders.

Farming and mining is killing our river systems and waterways. **Dubbo girls**

Several submissions from women who have always lived along the Murray and Darling Rivers spoke of the changes not only to the river's health, but also to the social and emotional wellbeing of those who have previously enjoyed a lifestyle based on the rivers' wellbeing.

> They're draining all our rivers and lakes just to look for mineral sands and whatever else they can get, but people need places for recreational activities … Now people are miserable. **Individual submission**

There were many consultations in which women and girls expressed their concern for water, including the surface manifestation of temporary and permanent waters and underground aquifers. For many Aboriginal and Torres Strait Islander peoples, especially those in arid and semi-arid parts of the country, our lives and livelihoods are tied to major waterways. They are the main travelling routes, the geographical boundaries and the lifeblood for many of our societies. I heard in an alarming number of places that the quality and availability of water is becoming increasingly compromised.

> There's always water underneath at [our river]. There's seasonal rain, but some pools are permanent, other pools might be dry in the middle, but when the flood comes it fills in all the gaps. [Our river] used to have water a lot more, all the time the pools would be full. Always had water, everywhere we went to and it'd be above our heads, it'd be so deep. Now it's different. They used to sing about the water, the floods. Might explain what's happening. **Individual submission**

For Aboriginal and Torres Strait Islander peoples, rivers, waterways and aquifers are considered a living and conscious part of the country, equal to that of any animal, tree or human. At one location it was proposed that rivers should have recognised rights as living entities.

> Also understanding that our stories are about country, place and relationships, our country holds the stories. Like the (Whanganui River) in New Zealand that has been recognised as a person and having all the same rights as a person. This should be recognised in Australia. Same as we recognised trees as our kin and family. So, trees are family. River is a she. **Launceston women**

During the consultations, women raised with me that drinking water was already unavailable in the Torres Strait Islands and supply had run out in towns such as Walgett in NSW. Women and girls were relying on the delivery of bottled water or on boiling contaminated water, and were conscious of the financial burden and health risks that came with their limited options.

> *Water—and we get no subsidy. Our families are on Centrelink and we can't afford to boil the water.* **Thursday Island women**

> *In Walgett we can't drink out of the tap—too many infections. Need to buy filters. Drought is contributing to this situation. The water table is not filling up.* **Dubbo girls**

In Katherine and Wreck Bay, women and girls raised significant concern about Perfluorooctanesuldonic acid (PFAS) contamination. In both locations, PFAS was contaminating waterways, and the local communities had been told that they should not swim, drink or eat fish from the waterways.

> *There is a sign that says that with 'PFAS poisoning'. How many of our people can read English? How much has that been promoted? That goes back to food security for them. I dare say that is what they are eating because that's all they have to eat. They use that river water to drink.* **Katherine women**

Across Australia, waterways have been the lifeblood of our societies. Rivers, lakes and oceans have been, and continue to be, central to subsistence, social and ceremonial practices. The interruption of these practices amounts to a significant cultural disruption for our communities.

> *We need to do things as families. Gathering pipis or camping, that is still cultural business. But we can't even do that now because we got the PFAS problem here. And that has killed culture here, because we have PFAS. Just like in Katherine and Newcastle, it is contaminating, our fish, our food, our medicine. Our kids still make medicine and eat bush foods, just like the kids in the Kimberleys do. This stuff is just so emotional.* **Wreck Bay women and girls**

In the northern Torres Strait Islands, women expressed similar concerns about the security of their cultural dependence on the sea, due to discharge of metal pollution associated with mining in the Fly River in Papua New Guinea (PNG).

> *It is important for us to know that the biosecurity mob should be monitoring this. We are concerned with the mineral levels in the water from the mining. Surveys from researchers asking us about changes. The sea water is much greener, more silt builds up on the reefs here now in the Gulf.* **Saibai Island women**

Women raised repeatedly that the impacts of industry go beyond the development footprint of the industry itself. The broader consequences of environmental damage to the water table, catchment areas, habitat areas and the health of flora and fauna within a region can have devastating impacts on traditional hunting, gathering, subsistence and recreational activities practised on country.

> *One thing bad that them mines, I was there once when them environmentalist came and showed how much fish you're supposed to eat because the mine pollutes the river. And it's always freaked me out, I don't do much fishing anymore. I rarely eat it from down there.* **Borroloola women**

Local environmental damage caused by large scale agribusiness and mining was a significant concern raised. The development of sinkholes, lowering of aquifers and leaching of elements into the waterways can have further impact on traditional subsistence strategies and cultural practices.

The 2019–2020 Australian bushfires have shown us the importance of Indigenous knowledges in protecting our natural environment. The traditional methods and management of cultural burning by local Aboriginal and Torres Strait Islander people can help guide the size, shape, direction and duration of fires and has been practised for thousands of years.[157]

A submission from the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) further identified the importance of traditional management of country and of allowing the land to heal from the impacts of climate change and industrial pollution.

> *We are also facing a number of challenges in our efforts to heal and manage our country. Despite being so rich in natural, cultural and economic values, our country has been drastically altered since European colonisation, in particular by the introduction of industrial agriculture. The loss of native vegetation and the use of European cropping methods has led to an increase in the water table and, in turn, increased the salinity levels of the land. The decrease in habitat from agricultural production and urban expansion is also affecting native animal populations.* **Gunaikurnai Land and Waters Aboriginal Corporation submission**

(b) Heritage

The responsibility for country includes the protection of cultural heritage sites. This includes archaeological sites such as stone artefact scatters, scarred trees and shell middens for the purposes of teaching, as well as the sense of direct connection with ancestors through the shared use of space.

> *Places we can go like Huston Bay—in bush area there are broken shells where Aboriginals used to sit and do things. There was a site near the stairs where they used to cut open shells.* **Hobart girls**

> *Cultural heritage. Teaching the young ones about artefacts. Native title has pushed cultural heritage out. Can't let the knowledge die.* **Logan women**

> *You feel like you belong to the country because it's your own country and it gives me a sense of pride. I am seeing cultural heritage places that I have never seen before and walking tracks that I have never been on before and I'm loving it.* **Gunaikurnai Land and Waters Aboriginal Corporation submission**

The protection of sacred sites and creation stories is of particular concern to those with cultural responsibilities for protecting country and cultural heritage sites. These are often sites that provide Aboriginal and Torres Strait Islander peoples with the ability to sustain country and self through ritual and traditional practice, and are also critical for preserving connections between ancestral stories, places and language groups.

The protection of all sacred sites is important for the preservation of cultural Law and identity. As was identified in the 1986 *Women's Business Report*, this responsibility is the preserve of both men and women, with women and girls having a specific responsibility for women's places:

> *Many sites belong to women. They are land custodians along with the men, a point that has been stressed many times to the taskforce.*[158]

> *In Central Australia, women have, and continue to, play a key role in the protection of sacred sites, in their roles as traditional owners—fulfilling cultural responsibilities to protect country and culture—and in formal representative roles.* **Central Land Council submission**

> *One main issue for change is ... protecting women's cultural sites. Get an action group working together.* **Perth women**

Text Box 11.4: Ngurarra Rangers

I think it's important to share and tell our stories to others. That's to identify where we're from and what we actually do as Indigenous women out on country. There's more to just working on country, it's the knowledge that's been passed on to you that you need to learn to be able to pass on to the next generation. I think it's important, because just as men, we are equal, we have our equal rights. And for our women rangers ... there are some significant sites, women's sites, that only women can enter, and that's important because that's where the role of the women steps in. Because the boundaries of men can't go in there, so women comes in to look after those areas.

It's the custom. It's the Law. And it's what we're bound to do and bound to learn ...

It's important and it's sacred because there are certain things that might happen to people if they enter that country, and that's what we teach our cultural awareness and all our Law and rules within that awareness. So, we can stop that from happening. There are certain women's songs, certain women's stories and important places that women can enter. **Ngurarra Rangers engagement**

Some of the women and girls I met with in Tasmania considered that continued access to women's sites was a way of imparting cultural knowledge to the next generations.

> *Meet up on country ... to discuss how to deal with that country. They have dug up a midden site. Opposite there is one of the most significant women's sites. Women and girls are welcome to come for the design and midden discussion for the session and then to come for the walk on country to the women's site.* **Hobart women**

(c) Indigenous ranger programs

Indigenous ranger programs are becoming increasingly important across Australia for managing cultural heritage and sacred sites, maintaining land management practices and ensuring long-term sustainability of resources. They contribute to the conservation of significant Australian landscapes and seascapes, cultural succession, the development of training and employment opportunities, and improved community social wellbeing.

> *It is more than just learning about Western Scientific Knowledge. It is more than just learning how to use a chainsaw, how to use GPS monitoring tracking systems. We know we carry a deeper and greater responsibility as Aboriginal women, from our family, from our people, from our country. We hold one of the most important roles in learning our knowledge, practising it, and maintaining it.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Throughout the consultations I met with a number of women and girls across Australia who worked as rangers or who interacted with ranger programs in some capacity. I camped on Bunuba country at Bandilngan (Windjana Gorge) to attend the Kimberley Aboriginal Women Rangers Forum. I also received submissions from the Central Land Council and the Kimberley Land Council that provided information on their ranger programs and detailed reflections from some of their female rangers. Without exception, women and girls spoke of Indigenous ranger programs with pride and respect. In regions without ranger programs, women have expressed wanting to see them introduced.

> *We want Aboriginal trainee park rangers caring for our country.* **Ceduna mums and bubs**

> *But they [local mob] were also able to take away (information about) the ranger programs and how they get funding and things like that.* **Karratha women**

Our women rangers hold a vital place in actively using our knowledge, and learning innovative practices, to keep our country, our people and all human and non-human relatives healthy and strong. Our men play an equally important role, but our women rangers have been undervalued and under-resourced. It is essential we invest in women working on country to ensure our sacred women's sites, Law, knowledge and songs are maintained and protected.

The Australian Government currently supports Indigenous rangers through the Working on Country (WOC) and Indigenous Protected Areas (IPA) programs, funding the full time equivalent of 839 Indigenous Ranger positions across 123 ranger groups.[159] An additional 12 new IPA programs have been proposed, which will increase protected areas from 67 million hectares to over 100 million hectares.[160] The ranger programs that we heard about were typically funded through a combination of WOC agreements, and other Commonwealth funding. This included funding from the Indigenous Advancement Strategy, Aboriginals Benefit Account and Indigenous Land and Sea Corporation. Funding was also sourced from states and territories and from private commercial and not-for-profit organisations.

One of the primary objectives of the Indigenous Protected Areas (IPA) program is the protection and preservation of important natural and cultural landscapes and seascapes. This is critical for the conservation of natural environments, landforms and the species associated with discrete ecosystems. However, it also acknowledges the value of traditional knowledge and practices in maintaining a balanced interaction between people and nature.[161]

> *The CLC has invested significant resources in supporting community-based efforts to minimise threats and biodiversity outcomes—primarily through the Ranger Program and support for the Indigenous protected areas and joint management plans.* **Central Land Council submission**

> *It does help us to come out here to burn the country with the rangers. They show us the right place for burning and looking after sacred sites.* **Interview in Central Land Council submission**

> *I would ask the government to continue their ranger program because its helps people to care for the country and culture. With more Rangers, the country will be better cared for and cultural values will be improved.* **Interview in Central Land Council submission**

In contemporary Australia, the Indigenous Ranger Program provides a meaningful opportunity for Aboriginal and Torres Strait Islander peoples to fulfil their inherent obligations to care for country and maintain, strengthen and revitalise connection to country. This makes these programs important vehicles for passing on environmental, cultural and historic knowledge to younger generations.

> *In those days they didn't have rangers, you know, our people, they had Kartiya [white] rangers in national parks and things like that, but today, we have our own people looking after our own country like how it was when we was growing up. As soon as we got this ranger program in the Kimberley, oh everyone is so happy doing things to keep them and their minds busy all the time to look after their country like how the old people used to.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Text Box 11.5: Murnkurrumurnkurru Ranger Program

To be a ranger when you are young, you must understand and listen to the old peoples really hard and carefully cause your country needs you. It's you gonna take it on in couple of years' time when the old peoples not around. You need to look out for your country and your people. At the start, being a ranger was hard. This was my first job, I didn't know what it is like to be a Ranger. When I started working with the old rangers, they gave me a good head start, showing me everywhere. Having elders is important because if I lost them who more gonna teach you about your country and community?

Both women and men rangers complete the same tasks, we do weed control, culture on country trips with traditional owners, work with school kids, pastoral and water monitoring, plus many other activities. Women rangers manage woman only cultural site, mentor female students from school. Women rangers are better at identifying bush tuckers and bush medicine, we learn from old ladies. **Interview in Central Land Council submission**

Indigenous ranger programs are creating broad and sustained improvements in economic participation, in creating safe and supportive communities, and in governance and leadership.[162]

These programs are a particularly important source of employment for people living in remote and regional areas where there are otherwise limited employment options. Many of the ranger programs are constructed to allow flexible training opportunities and employment options for Aboriginal and Torres Strait Islander people so that they can balance economic engagement with family and cultural obligations.

> *They are going in leaps and bounds, some of them are really excelling. You see the awards night at the AGM, some of them are getting their Cert IV in their studies. Things like that is a great achievement for our young women from the bush.*
> **Kimberley Aboriginal Law and Cultural Centre submission**
>
> *Being a ranger helps me in my role as a single parent to three children and a grandparent to two. The struggle I face daily in my life is balanced by drawing strength from the land. My work and my family are what keep me going despite the challenges I face. With the networks and skills I have developed from my ranger work, I have re-established my outstation and am exploring the development of a tourism business.* **Interview in Central Land Council submission**

The need for strong representation and participation of Aboriginal and Torres Strait Islander women in Indigenous ranger programs was highlighted by the Central Land Council's (CLC) submission and many of the women rangers working under the administration of CLC.

> *As a woman ranger I do all the same work a man ranger does. To me, it's the same for both men and women, every woman can do a man's job. Women are strong, people come to women for help. Gender balance is crucial to make sure ranger work covers the knowledge of male and female elders … If we had more women rangers, we could be equal. It would make it easy for us to take the old women out on country and to share stories and knowledge. Then we can help pass it on to the younger people.* **Interview in Central Land Council submission**

Recent research on the social outcomes of the WOC and IPA programs have demonstrated that there are beneficial social outcomes for individuals and communities that engage with Indigenous ranger programs,[163] including increased confidence and emotional wellbeing.

> *I'm proud of the progress I've made since I started, and the way I've looked after country. Being a ranger really opened up a lot of opportunities for me.* **Interview in Central Land Council submission**

> *We stand together as women to show we can do the same work as the men, we encourage each other as women to be strong and support one another, to work as a team. Support from other women rangers makes me feel valued and accepted.* **Interview in Central Land Council submission**

> *Being a ranger means I can be a role model for my kids and other women in the community. It's been three years now, and while I find it hard to be the only woman ranger, I love my job*. **Interview in Central Land Council submission**

The social benefits of Indigenous ranger programs extend to the community and across a broader range of sectors through additional program work. Ranger programs often provide a mechanism through which family and community feel they have greater access to country for healing and reconnecting with language, culture and country.

> *The Yiriman Program, The Rangers, the Lady Rangers are good programs. They seem to take out the kids who have been playing up.* **Interview Fitzroy women elders in Kimberley Aboriginal Law and Cultural Centre submission**

We have a lot of ranger programs at the moment, which are government funded, where instead of sending our kids away, send them back on country. They don't have to be from that area, but it goes back to that about identity and feeling of worth, that they respect the culture and the language. **South Hedland women**

The CLC submission highlights Pat Anderson's quote about the importance of women's role in caring for country:

The vital cultural role that women play on country goes without saying. It has always been threaded throughout land and sea management; an essential element of a balanced approach between women and men. Work by women rangers and on Indigenous Protected Areas is sustaining those cultural values, grounding land and sea management in those long traditions, and ensuring that they can be passed on to younger generations in a modern context. **Pat Anderson AO (quoted in Central Land Council submission)**

(d) Indigenous protected areas

Indigenous Protected Areas (IPAs) make up a significant proportion of Australia's National Reserve System of protected environments. There are currently 76 dedicated IPAs.[164] The most recent modelling of Aboriginal and Torres Strait Islander Estate held in freehold title or exclusive possession native title, where traditional owners could elect to enter into IPA agreements with the Commonwealth, totals 1,696,000 sq. km.[165] The Indigenous Estate has likely grown substantially since that modelling was undertaken in 2013. There is significant potential to capitalise on the successful IPA and WOC models and foster the same benefits, particularly across the remote and regional parts of Australia where alternative employment opportunities are scarcest.

Text Box 11.6: The Pew Charitable Trusts 2019 Budget Submission
The Pew Charitable Trusts 2019 Budget submission identified the following options to ensure the success of Indigenous Protected Areas programs into the future: 1. doubling the annual funding for Indigenous Ranger Programs and Indigenous Protected Areas and therefore doubling Indigenous jobs in areas of most need by 2021 2. extending the lengths of contracts to generate the stability required for Indigenous groups and individuals to build capacity and deliver lasting social economic and environmental outcomes through these programs 3. establishing a long-term target of 5000 Ranger positions nationally to meet both environmental needs at scale across the continent and fully realise the social and economic benefits of these programs 4. reinforcing the quality of Indigenous land and sea management government programs with funding that encompasses operational and administrative support, and active and skilled government support.

Strong Women On Country, a report compiled by the Country Needs People campaign delivers a comprehensive summary of the vital work that is undertaken by Aboriginal and Torres Strait Islander women caring for country through the IPA program. The report provides further support for the extensive environmental, social and economic benefits of Indigenous ranger programs and the importance of women working on country.[166]

The broad environmental, economic and social benefits of these initiatives are evidence of genuine success in Commonwealth investment, as was validated by the Productivity Commission in 2016[167] and demonstrated through assessments of the economic and social return on investment. For example, the most recent analysis undertaken by Social Ventures Australia (SVA) on four IPAs across Australia found that Indigenous Protected Areas with WOC Rangers delivered an average social return on investment of $2.35 and up to $3.40 on every dollar spent.[168] Long-term, sustained funding of IPAs and Indigenous ranger programs is vital to the continued success of these programs.

> *Continued funding for caring for country programs is vital to enhance opportunities for training, employment and leadership for women and provide strong role models for future generations.* **Central Land Council submission**

Reviews have consistently called for expanding the programs. The meaningful outcomes from these programs were talked about at length by many women and girls through the consultations. In recognition of the benefits of the programs, the Pew Charitable Trusts made a series of recommendations to successive federal budgets that have been reiterated during the *Wiyi Yani U Thangani* consultations.[169]

11.3   Native title

A significant development since the 1986 *Women's Business*[170] consultations has been the recognition of native title in Australia. Native title was first recognised by the Australian High Court in the historic *Mabo* judgement in 1992.[171] In finding that Meriam Islanders held native title rights over most of the Murray Islands, the High Court confirmed that Australian law had the capacity to recognise the continuation of rights and interests in traditionally held lands by Aboriginal and Torres Strait Islander peoples across the country.

The *Native Title Act 1993* (Cth) (NTA) was subsequently introduced to provide a statutory process for recognising native title and to regulate its interaction with other interests. The *NTA* was designed with Australia's human rights obligations in mind, *'to rectify the consequences of past injustices … for securing the adequate advancement and protection of Aboriginal peoples and Torres Strait Islanders'*.[172]

It was intended in 1993 that the *NTA* would be the first aspect of a comprehensive response to the dispossession of Aboriginal and Torres Strait Islander peoples from their traditional country. The Preamble to the Act noted the importance of recognising 'that many Aboriginal peoples and Torres Strait Islanders, because they have been dispossessed of their traditional lands, will be unable to assert native title rights and interests'.[173] The establishment of a land fund and a social justice package were the other two elements of this response.[174]

The land fund, now known as the Land Account, was established in 1995 and is now administered by the Indigenous Land and Sea Corporation (ILSC). It works by helping Aboriginal and Torres Strait Islander peoples acquire and manage land through sustainable developments that provide economic, cultural and social benefits for their communities. It does not provide an alternative form of land justice for Aboriginal and Torres Strait Islander peoples who cannot successfully establish native title.[175]

The third element of the response to the Mabo decision was a proposed social justice package. The Aboriginal and Torres Strait Islander Commission (ATSIC), the Council for Aboriginal Reconciliation and the Aboriginal and Torres Strait Islander Social Justice Commissioner each prepared proposals for the content of this social justice package. However, it did not proceed. The commitment of the Australian Government to address broader issues of reparation and acknowledgement were not implemented and remain unmet today.

Following the High Court's decision in *Wik* in 1996, significant amendments were made to the *NTA* to address the co-existence of native title rights and interests with other forms of land tenure. Those amendments have been extensively criticised for breaching Australia's human rights obligations[176] and have had a substantial effect in limiting the protection and recognition of native title rights.[177]

According to the *NTA*, native title is extinguished over any area that has been the subject of previous exclusive possession, typically restricting native title claims to national parks, unallocated Crown land, land held by government agencies and some leased land.[178] Although it was subsequently determined that native title rights can coexist alongside non-Indigenous property and other common law rights,[179] coexistence is contingent on there being no conflict. If there is any inconsistency between native title rights and the rights of other land users, the rights of native title holders yield.

For many native title holders, there is an expectation that a successful native title determination will be the foundation for redressing the consequences of dispossession, in part, through enabling sustainable economic development. However, the reality for many is that non-exclusive native title rights do not allow traditional owners to control access to, or the use of, land and waters over which they have native title. This restricts economic development to development that does not require freehold title, exclusive use of land or in any way restricts the rights of other stakeholders with an interest in the determination area.

> *We are lacking in self-determination when it comes to economic gain, particularly when it comes to native title, and all those different policies and legislations that are holding us down.* ***Rockhampton women***

A lack of knowledge about native title rights and how they interact with competing interests means that native title holders can be further limited in the enjoyment of their native title rights by a lack of understanding about how native title rights and interests can be enjoyed upon the successful determination of native title. During the consultations, I heard that education on native title rights and interests is a significant gap for native title holders who are responsible for administering native title and signing agreements on behalf of native title holders.

> *This is a really important issue that I have come across with all groups I've worked with. And that is education around native title for our people. That is actual real education, not just bullshit education from the lawyers of the mining companies. But actual education around your rights and what they mean, and how you can enforce them… Some people have been involved in native title for 20 years, and they don't understand it. They just say they do. Being involved in a process, does not actually mean that you understand what it is.* **Karratha women**

We heard in several locations that native title holders had been prevented from accessing their traditional country by pastoralists. In some cases, women were under the impression that the rights of pastoralists took precedence over their own. In others, women understood that they had the right to access country but did not know how to enforce those rights when they encountered resistance.

> *It's very hard, the station manager will turn around and say, which he has told each and every one of us, if we have to go on that country we have to go get permission because that is their lease before it became ours through native title. All they afraid of is we killing their animals …*

> *Our country is between two stations and we get harassment from the ringers if we are going out hunting and doing things. We got a right to be doing that for our cultural practices.* **Arrernte senior women's engagements**

(a) Recognition

For many women who had fought for recognition of our traditional connection to country their entire lives, the Mabo decision and the resulting *Native Title Act* was a critical step forward. Many of the women I met with consider that native title gives traditional owners a voice that they may not otherwise have.

> *You know, it is better than nothing and it has given us a voice and a legal standing and the solution lies in taking those rights and interests and using it in a way that is all about our culture, and that is by sharing and empowering one another.* ***Karratha women***

Recognition has, however, come at a high cost for many. Given the often destructive and traumatic process of claiming and determining native title, some women have expressed a similar belief that the value of native title is not commensurate with the cost.

> *Native title is a monster in its own billion-dollar economy, and who benefits? No one from this country.* ***Roebourne women and girls***

Previous Social Justice reports have highlighted the complexities inherent in the *NTA*, the development of common law and the process of determining native title,[180] and the significant stressors that it has created for Aboriginal and Torres Strait Islander peoples and communities.[181] Many Aboriginal and Torres Strait Islander peoples have found native title recognition to be largely symbolic and the enjoyment of their native title rights to be limited by common law and competing property rights.

> *Aboriginal customary Law, land rights, native title, intellectual property and heritage protection, Indigenous peoples have been disappointed with the paucity of recognition and legal protection given to tangible and intangible aspects of Indigenous culture and religion. Moreover, any legislative protection or common law interpretation has frequently diminished or inadequately accommodated these aspects.* ***Australian Institute of Aboriginal and Torres Strait Islander Studies submission***

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) further notes that the fundamental disparity between native title law and common law has led to previous suggestions by experts in the field that compensation for historic dispossession may have been more appropriately addressed through direct settlement rather than through the incorporation of native title rights into Australian law.

> *It might have been better to redress the wrongs of dispossession by a true and unqualified settlement of lands or money than by an ultimately, futile or unsatisfactory, in my respectful opinion, attempt to fold native title rights into the common law. Australia's public institutions have failed to accommodate difference and, in some cases, as seen in native title law, have distorted and limited the practice of Indigenous culture and religion.*[182] **Australian Institute of Aboriginal and Torres Strait Islander Studies submission**

The continued expectation that Aboriginal and Torres Strait Islander peoples retrofit their concept of connection to country into a Western framework of land tenure and succession can force native title claimants to become so focused on what is important to the legal process that they lose sight of the cultural values that are at the heart of our connection.

> *We also have to remember that when we talk about native title, native title has given us a voice in some sense, but it's also taken away who we are. And you know some of the people who have made it there—and you know you can be very happy for them and proud of them—but they forget where they come from and when you forget that, you've lost it, you've lost your passion you've lost everything, you know.* **Karratha women**

The process of native title determination demands that families and communities describe their connection to country and to other families in a manner that defines identity through a native title group. Unlike traditional means of establishing identity, based on inclusion and complex systems of connection, the native title process requires a definition of claimants to the exclusion of non-claimants and the individual prioritisation of a single apical connection (i.e. to an ancestor at the apex of one line of genealogy).

The native title process for determining membership of a native title claim group is a fundamental challenge to our notion of family and the value of extended kinship networks. For example, in the Pilbara, multiple native title determinations have been made and Aboriginal people have been forced to choose a single side of their family, despite being related to more than one apical ancestor across multiple determinations.[183] Women there describe the dramatic effect that this aspect of native title has had on traditional relationships and the cultural obligations that we used to have towards each other.

> *This has come from a brainwashing that is a product of the Native Title Act. Because before native title we looked after anyone and everyone, everyone was welcomed in our country, when people would come into [our town], we were all just one big family. And then Native Title came in and we were sliced up like a pizza, you can't go next door anymore because you're not the same group as them. And we not helping this person, that person, and it is a dialogue that has constantly been pushed on us and now we speak it like it's who we are. But remember Native Title is 25 years old, it is a made-up law, it was written by people who made it up. Who we are and our rights and interests, that's been with us on this country, in this universe, in this system for hundreds of thousands of years, you know? And yet we give so much power to this made up law that is actually destroying us. We got to come back to the core laws and rules and values of our culture, and one of those big things is caring for our people and sharing.* ***Karratha women***

> *This is where everything falls down, there is no understanding of that line ,you know, and then you've got lawyers coming out using bullying tactics and getting families to sign new corporations* ***Arrernte senior women's engagements***

The potential economic benefits that come with native title determinations can generate further division within our communities, creating a financial incentive to exclude families or family members from membership in a native title claim group. As has been identified in previous Native Title Reports,[184] the women I met with describe the lateral violence and questioning of identity that comes with both the native title process and the administration of successful native title determinations.

> *Native title was such a powerful and rewarding thing 25 years ago because it gave us a voice, but it also caused a lot of divisions in our families. Our families are at war now because this person is getting more than this person, and a lot of our people are discriminating against each other because they say, 'oh you're not a part of this family because you are just a foster', and before native title if you were brought in by someone's family, you was one of them, you was everything and now native title it has just caused this division, so it is a good thing and a bad thing.* ***Karratha women***

> *When you speak up, you start getting excluded from the next meeting. You won't get a notification for the next meeting—they just invite the people who say 'yes'. The ones who speak out get left out.* ***Arrernte senior women's engagements***

Despite the importance of the recognition that comes with native title, the current native title process and the criteria by which the legal system measures connection and identity can be traumatic and socially destructive for native title claimants.

A submission from AIATSIS identifies the need for native title reform that is appropriately cognisant of the potential trauma and intergenerational trauma that can result from the native title process:

- *The impact of intergenerational trauma on Aboriginal and Torres Strait Islander women and communities of native title holders has not been properly assessed and addressed as part of the native title legal processes.*
- *Acknowledging and reforming the native title legal process which exacerbates intergenerational trauma, is necessary to support Aboriginal and Torres Strait Islander women who are leading communities that are resilient and in a process of healing.* ***Australian Institute of Aboriginal and Torres Strait Islander Studies submission***

Research conducted by AIATSIS has highlighted how native title holders might be better supported to enjoy their native title rights with governance structures and processes that are more reflective of Aboriginal and Torres Strait Islander peoples' traditional political, social and environmental obligations. AIATSIS research and native title corporation case studies have identified four broad priorities for native title corporations:

- ***Independence:*** *native title corporations seek more corporate independence in the management of their native title rights and interests.*
- ***Respect and recognition:*** *native title corporations seek greater levels of political recognition and respect for their traditional rights from other groups.*
- ***Caring for country, culture and people:*** *native title corporations aspire to use their native title rights to improve the social and cultural wellbeing of their members as well as the broader community.*
- ***Community development, service provision and economic development:*** *native title corporations want to use their native title rights to provide greater socio-economic security for their communities.*

  Australian Institute of Aboriginal and Torres Strait Islander Studies submission

A submission made by the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC), the Prescribed Bodies Corporate for the Gunaikurnai people, provides an example of the success in integrating a successful native title determination with land rights and a recognition of self-determination in addressing disadvantage and inequality.

Text Box 11.7: Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)

The native *title determination in 2010 was a historic moment for the Gunaikurnai people. After many years of hard work by a great many people, we finally achieved legal recognition of our connection to country and our rights as traditional owners. The determination, along with the Traditional Owner Settlement Agreements that were entered into on the same day, have provided a strong base of rights and benefits from which to build.*

The Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) was established to further the aspirations of the Gunaikurnai traditional owners and native title holders from the Brataualung, Brayakaulung, Brabralung, Krauatungalung and Tatungalung family clans.

Under the guidance of the Board of Directors, Elders Council and CEO, GLaWAC represents all Gunaikurnai people. The corporation continues to grow and increase its influence across their country, building its capacity to address disadvantage while creating many and varied opportunities for Gunaikurnai people. There are challenges to overcome. The incomes of Aboriginal people are far below the Victorian average and unemployment levels are often two to four times above the average. Access to, and the management of, our country will provide us with the means to improve our livelihoods. **Gunaikurnai Land and Waters Aboriginal Corporation submission**

Upon the recognition of native title over much of Gippsland, the Gunaikurnai people and the State of Victoria entered into an agreement under the *Traditional Owner Settlement Act 2010* (Vic),[185] which included:

- the transfer of Aboriginal title over ten national parks and reserves to the Gunaikurnai people, to be jointly managed with the Victorian Government
- rights to access and utilise Crown land for traditional purposes
- funding for the Gunaikurnai people to manage their affairs and fulfil their obligations under the settlement
- an undertaking to recognise the Gunaikurnai people and strengthen Gunaikurnai culture.

The *Traditional Owner Settlement Act 2010* (Vic) allows the Victorian Government to make agreements to recognise Traditional Owners and their rights in Crown land, in return for agreement to withdraw any native title claims and not to lodge any claims in the future. Ultimately, the native title group determined that this avenue—agreeing not to pursue any further native title claims in exchange for the abovementioned rights—would deliver the best outcomes for their people.

The Gunaikurnai submission highlights the way that the different state-based regimes intersect with the Commonwealth *Native Title Act 1993* and can be used to complement each other and deliver outcomes which, so far as is possible under current laws, put Aboriginal and Torres Strait Islander peoples in control of our country.

(b) Gender and native title

The participation of Aboriginal and Torres Strait Islander women in native title determination processes varies considerably between claimants depending on cultural norms and the contemporary demographics and politics of claimant groups. In comparison to the patrilineal focus of earlier land claim processes that was highlighted in the 1986 *Women's Business Report*,[186] the higher burden of proof required for native title has encouraged greater participation by Aboriginal and Torres Strait Islander women.[187]

> *Although women's involvement in native title is shifting and women have greater opportunities to participate in their native title matters, we do continue to strictly follow our lore and culture where family/skin group, level of seniority and gender is a factor that is taken into consideration (depending on the type/nature of the matter). It is important to note that women's involvement in native title processes and procedures varies from group to group and a woman's involvement in one native title group may be very different to that of another.* **National Native Title Tribunal submission**

Some women have suggested that the increasingly critical role played by Aboriginal and Torres Strait Islander women in the native title process is at least in part because Aboriginal and Torres Strait Islander women are outliving our men, creating an upper generation of women who hold the knowledge required for a successful native title determination.

> *Our elders are mostly all women. Aboriginal women from our community have led the native title process.* **Individual submission**

This is reflective of previous observations made by Marcia Langton, who noted in the early years of native title that the role of women in relation to land would become increasingly critical in the absence of men.[188] There remains, however, a misplaced and pervasive notion in native title that Aboriginal and Torres Strait Islander men hold primary responsibility for Law and speaking for country.[189]

Anthropologists and historians that record our history—they only spoke to men not to women. We need to ensure that history is correct. No more tokenistic stuff or stealing our information. We are here today because women are nurturers and keepers of knowledge. We need to make sure that the young person participates so that this Law stays strong. Our role and men's role is to make sure they participate because we are fighting a bitter beast which is the European patrilineal line. Need to fight the historians and start talking about the truth of a woman's role. **National Native Title Conference women session**

Text Box 11.8: Culture and gender roles

As a woman, living in any remote Indigenous community, there are always challenges, just in day to day living, and for me, as a Meriam woman, the remoteness, and that culture that we have.

I've always said that Mabo couldn't have won in this day and age, defeat terra nullius in this day and age, if that Meriam structure, that paternal structure wasn't intact, in all aspects of it. So, in that, you can read how far we as Meriam women have come.

What I mean is, that the Murray Island Laws, they are very paternal. So, our place are very defined and it can be very challenging for us, especially now, when we're educated …

In the meeting today, you heard a lot of women say that the man is the head of the family, head of the structure, and that's the Murray Island way of life. And as an educated woman, sometimes you can find that very challenging, but it's good to get that balance, so that you don't lose that culture side, but you also adapt to change in the modern society. **Murray Island women**

Some of the women who have been actively involved in native title over the last twenty years spoke of the joint efforts that have been made by Aboriginal and Torres Strait Islander women and men to address the perceived imbalance of gender roles.

Our men stood with us and fought government and historians. **National Native Title Conference women session**

Conversely, I did hear from women who felt that, in some cases, Aboriginal and Torres Strait Islander men were reinforcing redefinitions of Aboriginal and Torres Strait Islander women's roles in order to retain economic and political control over land and decision-making.

> *But sometimes it is not cultural and other times it is just the men bullying and they say it's culture. And masking it. It is their culture, not our culture. Because when you go in time to my grandmother … They used to be like the bosses. Women were the ones that do everything. The men would just go out and work, they didn't do anything else … I think that has been lost when it comes to talking about culture. **Cairns women***

The preferencing of men's voices in land rights and native title processes, however, is also reflective of attempts by female claimants to protect their cultural Laws on gender restricted knowledge.[190]

> *… evidence we provided to the court 20 years ago is now the property of the court. We will never let that happen again. Evidence about women's business should not be property of the court. **National Native Title Conference women session***

The importance of having female professionals involved in making legal representations for land rights and native title applications has been highlighted by women in reference to the entire native title process, from the registration testing of applications, through evidence collecting and the trial process.

> *I have noticed that the legal representation for claim groups is largely dominated by male lawyers. If there was more of a female presence it may encourage further involvement of women. Cultural considerations also have to be taken into account, where it may not be appropriate for a woman to speak with a male lawyer. **National Native Title Tribunal submission***

The AIATSIS submission provides some context to the challenges faced by women in providing gender restricted evidence as part of a legal process that has little capacity to respond to the cultural requirements to safeguard that knowledge.

> *Ketley explores, in the judgment of Ward, the challenge of restricted evidence due to women's Law and ritual. In that case, the Miruwung and Gajerrong women were faced with a dilemma—to effectively prove the existence of their Law they must breach it. In Ward, the applicants proposed that gender restricted evidence from female witnesses should be received by a female anthropologist who would prepare a report containing a confidential section. This was not to be read by men. The respondents successfully objected and the women's evidence was heard by a male judge.*

> *Similarly, in Harrington-Smith on behalf of the Wongatha People, Justice Lindgren made orders for some culturally sensitive evidence to be given in gender-restricted session. In the case of 'Men's Restricted Evidence', only initiated Aboriginal men and non-Aboriginal men were permitted to be present. In contrast, in the case of 'Women's Restricted Evidence', only women and the male judge were permitted to be present.*

> *This reveals the complex mix of cultural, historical, demographic and institutional factors that underlie men's and women's perceived or actual power and participation in the native title processes ... Despite Indigenous Law forming the basis for the recognition of native title, these cases demonstrate that native title procedures fail to observe the gender restriction when 'secret women's' evidence was being given. A system which compels Indigenous women to disregard their own epistemologies and protocols in order to prove their native title rights requires reform. Flexibility on evidentiary issues is not merely legally permissible; there is a duty upon government respondents and the courts to provide for this. **Australian Institute of Aboriginal and Torres Strait Islander Studies submission***

The National Native Title Tribunal (NNTT) submission points out that the role of Aboriginal and Torres Strait Islander women in the native title process may simply be less visible than that of men. This is demonstrated through the personal experience of an Aboriginal staff member, who recounts:

> *... looking back at our native title journey I recall it being male dominated, in terms of Applicants and lawyers. My grandmother and aunties contributed a lot to our claim however did not like to have the 'spotlight' on them. **National Native Title Tribunal submission***

Given the increasingly vital role of women in native title processes, there is a need to ensure that the process is appropriately responsive to the needs and concerns of Aboriginal and Torres Strait Islander women.

> *Non-Indigenous people working in native title often fail to recognise how Aboriginal and Torres Strait Islander women can and should be involved in their native title issues. This lack of understanding has had implications for the way in which women present evidence for their native title matter and can even affect how they communicate. Perhaps there needs to be a more flexible approach to evidence laws in order for Aboriginal and Torres Strait Islander women to even have the opportunity to speak and give evidence that is culturally appropriate and safe to do so. **National Native Title Tribunal submission***

AIATSIS submits that:

- *Accepting and acknowledging Aboriginal and Torres Strait Islander women's Law and the protocols that govern Aboriginal and Torres Strait Islander women's Law and their worldviews must be reflected in the way that native title litigation and negotiations are managed and conducted.*
- *Flexibility with respect to the hearing of native title matters and where appropriate—that is, where Indigenous Law so demands—assigning female Judges to the hearing of women's evidence is required.* **Australian Institute of Aboriginal and Torres Strait Islander Studies submission**

(c) Women in native title governance arrangements

The establishment of native title corporations upon a successful determination is a requirement under the *NTA*. Several submissions received from Aboriginal Corporations that hold native title on behalf of claimant groups highlighted that women are increasingly involved as directors and decision-makers in the administration of native title determinations.

> *Over this time, the [organisation] has worked with traditional owners to ensure their effective involvement in management, planning and decision-making in NT parks and reserves—facilitating joint management committee and working group meetings to explore options for traditional owners for projects and employment within the parks. For the majority of these committees, 50% or more of the members are women, meaning that women have strong capacity to make decisions in relation to their country.* **Central Land Council submission**

> *This has not always been easy. In the early days of the corporation, emerging women leaders needed to negotiate sensitively with their male counterparts who, in line with traditional Law and customs, have specific responsibilities for country.* **Yamatji Marlpa Aboriginal Corporation submission**

The most recent data from the Office of the Registrar of Indigenous Corporations (ORIC) demonstrates that, for the 2015–16 financial year, the breakdown of directors for Registered Native Title Body Corporates (RNTBC) was 56.6% men and 43.4% women.[191] This is reflective of a higher level of female board membership compared to mainstream sectors (24% female board directors).[192]

Nevertheless, previous research by AIATSIS has shown that gender balance is highly variable between locations, with:

- equal gender representation in New South Wales, South Australia and Victoria
- representation of women between 40% and 45% in the Northern Territory, Queensland and Western Australia
- representation of women at only 17.4% in the Torres Strait Islands.[193]

Furthermore, a submission from the National Native Title Tribunal observes a disparity between the gender balance in native title applicants compared to directors of RNTBCs (Registered Native Title Bodies Corporate). In Western Australia and New South Wales, there is a greater proportion of female native title applicants, despite women accounting for only 43.4% of board positions.

> *It is the view of those staff members interviewed that power and politics play a role in this significant, if relatively small gender inequality. Unfortunately, it suggests that the resolution needed to obtain a determination that native title exists, frequently is provided in significant part by women. However, when that challenge has been met, the more formal, and perhaps, prestigious and powerful positions in the Prescribed Bodies Corporate (PBC) may more likely be assumed by men.* **National Native Title Tribunal submission**

This power imbalance was reflected in the views of some women I heard from, who expressed concern that the disempowerment of women's knowledge and authority was being perpetuated by Aboriginal and Torres Strait Islander men and Western administrative structures through our own native title organisations.

> *Government agencies, like the Northern Land Council (NLC), have engaged male 'cultural advisors' to speak for our country—for women's country. The NLC and these male 'cultural advisors' have further usurped any remaining power women had in speaking for our country. Our voices are being removed from the narrative of our country. If things do not change, not only will our voices be lost, but our stories too.* **Individual submission**

The AIATSIS submission makes a series of recommendations regarding Indigenous women, governance, and native title corporations that is reflective of the concerns raised by Aboriginal and Torres Strait Islander women throughout the current consultations. AIATSIS submits that:

- *Indigenous governance structures, informed by Indigenous Law, epistemologies and ontologies, are part of the developing common law of native title and native title corporations' law.*
- *Sustainably developing the Indigenous Estate in accordance with the needs and aspirations of Aboriginal and Torres Strait Islander women and Indigenous Law is required.*
- *If Indigenous women and their communities are to effectively manage the Indigenous Estate, they must have control over their lands and waters in accordance with the principle of Aboriginal self-determination. This form of self-determination means resourcing communities efficiently to implement structures that support local level governance and self-management particularly in regional and remote communities.*
- *The mandatory nature of incorporation means that government must properly fund native title corporations in accordance with the positive statutory obligations that these entities bear with respect to the administration of the Indigenous Estate. This requires direct funding to RNTBCs as well as additional funding for salaried positions and assistance from dedicated staff members from ORIC. Direct funding will allow RNTBCs to address cultural competency issues for staff as well as to increase their native title expertise more broadly.*
- *A national network for native title corporations currently being facilitated by the National Native Title Council (NNTC) also requires adequate resourcing and funding as do Native Title Representative Bodies (NTRBs) and Native Title Service Providers (NTSPs).*

Women reiterated the importance of women being supported to take directorships and decision-making roles in the process, administration and governance of native title.

In addition to previously discussed supports around childcare and cultural leave, women identified governance training and the support of other Aboriginal and Torres Strait Islander native title holders as being instrumental in encouraging the participation of women in native title.

But also, doing things like training women up to be on boards, training our mob up to take on management positions in remote communities, in organisations, you know the Land Council has always been very male dominated, so having something like this is where us women can take our role, if you like. **Alice Springs women**

The Yarning Circle at the AIATSIS National Native Title Conference is one of my personal highlights as it provides an opportunity to share our achievements and voice our concerns in a culturally safe environment but also to connect with other inspiring Aboriginal and Torres Strait Islander women. I am motivated listening to and collaborating with other Aboriginal and Torres Strait Islander women who have stood in front, behind or alongside our Indigenous men to secure and protect our native title rights and interests. **National Native Title Tribunal submission**

(d) Native title and economic development

There are certainly benefits that come with large-scale regional development. Industry usually comes with a greater number of jobs in the region, investment in infrastructure, increased services and the injection of funds into the local economy.

The Directors emphasised that while the social problems in their areas are all shared, the resourcing to tackle them varies greatly across different regions. For example, the Gascoyne region is relatively underserviced compared to other regions in Western Australia, despite high social needs. **Yamatji Marlpa Aboriginal Corporation submission**

However, major industry can come at significant cost for traditional owners and the local Aboriginal and Torres Strait Islander population. As is discussed in the Housing and Homelessness chapter, major industry often employs people from outside the region, bringing an influx of workers that puts pressure on the local housing market and drives up the cost of housing. A sudden increase in population may also put pressure on local infrastructure, services and social spaces.

Everything is expensive because this is a mining town and we are remote. **Newman girls**

In industries that utilise a mobile fly-in fly-out (FIFO) workforce, there can be additional problems with workers who treat the region like a temporary camp, showing little respect for the region or the local population. Women and girls living in mining towns spoke of a dramatic increase in alcohol and drug use within communities with the introduction of a FIFO workforce.

> *I think racism is coming out more, old Hedland with all the locals was a great town. Then mining happened and people from all over coming and bringing their attitudes and being ignorant or whatever that may be, and now you are seeing it more.*
> **Newman women**
>
> *These fellas have brought the drugs into this town—when we had this mining boom, everything else came with it. Now our people are to blame for it … drugs came in because of the FIFO not because of our people.* **South Hedland women**

Traditional owners often experience significant challenges in gaining access to traditional country and the protection and continued enjoyment of sites, named places and resource areas.

> *Worrying about mining and destroying dreamtime sites and songlines—destroying important places which is making people worried for their country.* **Warmun women**

There is also some complexity in how communally held native title can be leveraged for economic development without extinguishing native title.

> *One of the key issues confronting native title holders is how they can convert their native title rights into a resource base for development. Native title corporation administrative requirements and reporting obligations which do not match local realities can also disable the operation of these entities. Native title corporations provide potential as the vehicles for administering the Indigenous Estate in accordance with the principles of Aboriginal Self-Determination, but for this to occur [it] will require significant and ongoing investment from the Commonwealth and state and territory governments.* **Australian Institute of Aboriginal and Torres Strait Islander Studies submission**

The Australian Human Rights Commission convened a roundtable on Indigenous property rights and economic development in May 2015, which identified five sets of issues that needed to be addressed to better enable economic development within the Indigenous Estate:

1. **Fungibility and native title**[194]—enabling communities to build on their underlying communal title to create opportunities for economic development.
2. **Business development support and succession planning**—ensuring that Aboriginal and Torres Strait Islander peoples have the governance, risk management skills and capacity to successfully engage in business and manage their estates.

3. **Financing economic development within the Indigenous estate**— developing financial products, such as bonds, to underwrite economic development through engaging the financial services sector and organisations, including the Indigenous Land and Sea Corporation and Indigenous Business Australia.

4. **Compensation**—rectifying the existing unfair processes of compensation for extinguishment of native title and considering how addressing unfinished business could leverage economic development opportunities.

5. **Promoting Indigenous peoples' right to development**—promoting opportunities for development on Indigenous land, including identifying options to provide greater access to resources on the Indigenous Estate.[195]

The experience of native title and its potential economic benefits is highly variable between native title groups and subject to:

• variations in pre-existing tenure
• the specific native title rights that are recognised[196]
• the nature of industrial and commercial development within the region.

The negotiation of regional development benefits through native title agreements with government or industry stakeholders may include:

• compensation and royalty payments
• employment, education and training opportunities
• provisions for environmental and cultural heritage management
• community development programs.

However, the negotiation power of native title holders is restricted by the commercial or development potential of native title land. There is a far greater economic value over determinations with mining, industry or pastoral leases (i.e. these present an opportunity for royalties or other payments through negotiation), whilst determinations without substantial commercial potential are left with little more than tokenistic recognition and funding that is barely adequate to fulfil their native title compliance obligations.

> *One thing I see around it is that and maybe I am cynical but, yes—we all have native title. It depends what area you come from and how important those areas are to government. For our PBCs in the [local area] we only get $50,000—only enough to run a meeting and meet the obligations [of the] CATSI Act [Corporations (Aboriginal and Torres Strait Islander Act]. We can never build an economic base if we are broke. We are never on the same playing fields as mining companies and pastoralists. **National Native Title Conference women session**

Throughout the engagements in the Pilbara, I met with women who have negotiated agreements with mining companies. Despite the improved economic opportunities that come with major mining operations, these women expressed that they feel their negotiation power is relatively limited. Native title holders in this area told me they do not feel they have any genuine power to prevent mining or major industrial operations, and that non-native title stakeholders often come to the table with agreements that they are not willing to change.

> *All these infrastructures and mining companies that come in, but we are always under their legislation, so there is never any chance of negotiating. **Roebourne women and girls**

I heard from women that native title holders feel they are on unequal footing when negotiating with well-resourced and better-informed stakeholders who have competing interests. When confronted with stakeholders who refuse to negotiate away from standard agreement terms, native title holders can feel pressured to make an agreement out of fear that the mining or industrial partner will get approval to go ahead with the proposed works without an agreement in place, and that traditional owners will get no benefits at all.

> *The companies are always setting the standard, when are we going to set the standard? And say, 'look, you want a royalty agreement in this country, in this place, then this is the minimum. If you want an agreement with us, we want to see pathways into executive management of your companies'. We want to see this, when do we set the standards and say this is what we expect of you, instead of just saying 'yes'? **Karratha women**

In the Pilbara, native title holders spoke of mining companies expanding the impact of their operations across increasing tracts of country, destroying cultural heritage and gambling with valuable water resources to maximise the profitability of iron ore resources. However, royalties were rarely commensurate with the permanent and irreversible damage of mining and are often capped, ensuring that native title holders will never share in the success of profitable developments on their country.

> *You know, in the mining companies they love us because they get to sign their agreements they get to make their billions. Through all the mining booms we've had in the Pilbara, show me an Aboriginal person who is a millionaire. Show me how many non-Aboriginal people are millionaires, billionaires. The billionaires in this country, they all have a connection to the Pilbara and that connection is through the mining. Their connection to the Pilbara is less than 100 years old, and yet they are billionaires.* **Karratha women**

In cases where Indigenous Land Use Agreements (ILUAs) or other agreements do result in economic benefits for native title holders, Aboriginal Corporations and Prescribed Bodies Corporate can find themselves in the position of filling service gaps with the royalties in order to meet the immediate needs of the native title group membership.

The diversion of native title royalties into essential service delivery is a barrier to the establishment of long-term social and economic benefits for even those native title groups that have managed to negotiate direct financial compensation for access and development of land.

> *The other thing we need to remember is that we don't need to take on the role of government. Government has the responsibility to provide mainstream core services to Australian citizens and that includes us. What we have been doing in native title is doing government's jobs …what we see at the moment is we see Aboriginal people wanting to fund their own clinic, we feel that we have to do that, [but] we shouldn't have to do that, that is government's job to look after our health and wellbeing … we have seen a big impact … because of the boom went to bust and then mining stepped back, and then all of these gaps were exposed.* **Karratha women**

11.4 Land rights

Separate to native title, 'land rights' for Aboriginal and Torres Strait Islander people refer to state-based initiatives to divest lands to our peoples as a way of compensating for the dispossession of lands and waters that were occupied for thousands of generations prior to colonisation. Throughout the *Wiyi Yani U Thangani* consultations I met with women who were instrumental in fighting for the land rights we all enjoy today. For generations Aboriginal and Torres Strait Islander peoples have had to fight for progress. The women before us fought for recognition, for the return of our country, for the right to regain control over our own lives.

> *We didn't get all this stuff by saying can we have that and this, we marched the streets, we sang out. I remember when this one was seven years old and I growled at her in the house and said, 'what do you want' and she says, 'land rights'*
> **Rockhampton women**

> *My strength comes from my family, my mother in particular, the old land rights days, and fighting for all the injustices that happened in our community at the mission in [place], fighting our own mob within land councils.* **Sydney women**

We have achieved much in the 34 years since the 1986 *Women's Business Report* and I am inspired by the dedication of the women who fought for it. Many of the women identified that the right to control of, and decision-making for country is key to self-determination and the achievement of improved social and economic outcomes. This is similar to their observations in the 1986 *Women's Business Report*.

> *For Aboriginal and Torres Strait Islander women and communities, land justice is part of a multi-faceted approach to ending Indigenous disadvantage. It is this holistic approach that offers the most promise for an improved future for Indigenous people.* **Australian Institute of Aboriginal and Torres Strait Islander Studies submission**

> *We want land rights, native title is not land rights we need to be brought to and included into the conversation about us instead of decisions being made for us.* **Kalgoorlie women**

The provision of native title directly to Aboriginal and Torres Strait Islander organisations as part of a social justice focus is critical and provides our Land Councils and Aboriginal Corporations with the resources to build self-determination and empowerment within our communities. I heard much about the extensive social and economic return that comes with land right settlements and agreements.

The transfer of (usually freehold) title to Aboriginal and Torres Strait Islander control provides our people and organisations with the platform to pursue economic and enterprise initiatives, as well as locally significant community development programs. Vesting ownership and control to Aboriginal and Torres Strait Islander organisations enables us to design initiatives that are significant to us and that support connection to country and succession of traditional knowledge and cultural practices.

Text Box 11.9: Karlantijpa North Savanna Burning Project

Following consultations with traditional owners over a number of years, in September 2016, the Central land Council (CLC) assisted the Karlantijpa North Aboriginal Land Trust to enter into a carbon farming licence with an Aboriginal corporation comprised of traditional owners.

The resulting Karlantijpa North Savanna Burning Project has enabled Mudbarra traditional owners to access and work on their country during the burning season and improve regional bushfire management.

One of the corporation's directors [who] helped to set up the enterprise notes that this project has helped people to visit country which was at risk of becoming 'lost'. [They are] keen for this project to continue to thrive, recognising that earning income from carbon credits is a good way to fulfil [their] duty to look after country.

He [my grandfather] gave me the permission to look after this country before he passed away. After [visiting the country], we taught the young ones. **Central Land Council submission**

There remains some uncertainty about how state land rights agreements will interact with a successful native title determination. In New South Wales, where there has been an acceleration of native title determinations and the processing of land rights claims, women have expressed concern over how land will be managed with an overlap of land rights agreements and native title determinations.

> *And it is confusing, the Land Rights Act and the Land Grant and then here comes native title, so where does that sit with the land titles you have now?* **Wreck Bay women and girls**

The nature of state land right settlements is largely compensatory, which means that agreements can be made without the burden of proof required for native title and can be made on behalf of all Aboriginal and Torres Strait Islander people, not just traditional owners. In some circumstances, this can lead to conflict between traditional owners and the land councils or trusts that hold the land title under state and territory legislation.

> *Traditional owners own the land, yes, but it is administered by Land Council … Like Land Council has the say. Whereas traditional owners should [be able to] say we want to release the land and put it in writing.* **Borroloola women**

At the time of the 1986 *Women's Business Report*, Land Rights legislation had only been introduced in the Northern Territory, New South Wales and specifically for Framlingham and Lake Tyers mission residents in Victoria. Land rights legislation now exists in most states and territories, either transferred to traditional owners as freehold title, Aboriginal title (Victoria) or perpetual lease arrangements (NSW). Alternatively, legislation in Tasmania and South Australia allows for the transfer of title to an Aboriginal controlled trust to be used for the benefit of Aboriginal people (see Table 11.1: Land Rights legislation per State and Territory below for an overview of land rights arrangements in each state and territory of Australia).

In Western Australia, there is an Aboriginal Lands Trust (ALT) that holds land to manage and use for the benefit of Aboriginal persons in accordance with the wishes of Aboriginal inhabitants, but title remains in the Crown. The ALT has been transferring ownership of lands to PBCs. When such divestments occur, PBCs are not provided with any additional resources for the administration of the land and the operational management of any infrastructure upon the land.

There is no provision for land claims in the Australian Capital Territory outside of the Native Title Act, although the ACT is responsible for the administration of Commonwealth land rights legislation for the Jervis Bay Territory.

State / Territory	Land rights Arrangement	Relevant Act
NSW	Freehold / Perpetual lease	Aboriginal Land Rights Act 1983 (NSW) (ALRA)
QLD	Freehold	Aboriginal Land Act 1991 (QLD) (ALA QLD)
TSI	Freehold	Torres Strait Islander Land Act 1991 (TSILA)
SA	Aboriginal Trust	Aboriginal Lands Trust Act 2013 (ALT SA)
TAS	Aboriginal Trust	Aboriginal Lands Act 1995 (ALA TAS)
VIC	Freehold	Aboriginal Lands Act 1970 (Victoria) (ALA VIC)
	Freehold / Aboriginal title	Traditional Owner Settlement Act 2010 (Vic) (TOS Act)
NT	Freehold	Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA NT)
WA	None	Aboriginal Affairs Planning Authority Act 1972 (WA) (AAPAA WA)
ACT	None	
Australia	Freehold	Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth)

Table 11.1: Land Rights legislation per State and Territory.

11.5 Conclusion

Aboriginal and Torres Strait Islander women need to be supported to maintain and strengthen their connection to country. This may be different for each individual as Aboriginal and Torres Strait Islander women have diverse opinions regarding their relationship with country as a result of varied experiences of past policies.

Whether our women have been raised and live on country, are now living away from country or have been raised and live on country that is not their ancestral lands, we are too often faced with barriers inhibiting our connection to, and enjoyment of, country and the threat to the continuation of our unique cultures.

As Aboriginal and Torres Strait Islander women, one of our greatest fears is loss of cultural knowledge and identity, and we are currently facing one of the largest threats to this with climate change. I spoke to many women and girls who shared their concerns about the devastation they have seen wrought upon their lands and waters, and their frustrations with their limited agency to prevent further damage to country. These concerns are clearly warranted given events such as the devastating bushfires over the summer of 2019–2020, and the destruction of the 46,000-year-old Juukan Gorge caves site in 2020. Not only are we losing vital Indigenous land and resources through mining, irrigation, contamination, drought and flooding, we are also losing our ability to maintain cultural practices and knowledge which are at risk of being lost forever.

Despite such fears, I am inspired by the women who, despite significant barriers, are challenging and innovating to rebuild or maintain their connection to country, not only for themselves but for generations to come. Most impressive is the Indigenous ranger programs across the country. These programs provide women opportunities to live and work on country, whilst carrying out vital work in protecting our lands and maintaining our sacred sites. We are also witnessing the power of a substantial long-term investment into these programs and the significant economic, social and environmental benefits created.

Western perceptions of land are vastly different from Aboriginal and Torres Strait Islander perspectives, which is most evident with native title and the long path to the Mabo decision even to 'recognise' it within the common law. Reform of native title is needed as its structures, content and processes are not always conducive to Aboriginal and Torres Strait Islander systems and values.

Women shared that they were often not provided with adequate information on the rights conferred by native title. We must increase native title education for all women and continue to support women to take up decision-making roles in native title processes and representative bodies. Women are knowledge-holders and need to be properly informed and empowered to make decisions about our land.

Country is a source of strength. Many Aboriginal and Torres Strait Islander women feel confident and strong in their identity when they feel strong in their connection to country and culture. The power of this needs to be supported and protected. To deny Aboriginal and Torres Strait Islander women of the right to country would re-traumatise and further entrench many in severe disadvantage. More must be done to create an empowering environment for women to build and sustain their connection to country, and for women to have a seat at the table when it comes to decisions regarding their lands. Aboriginal and Torres Strait Islander women and girls have a right to be on their traditional country, to connect to their culture, and to enjoy all that exists across this continent.

Part Three Pathways forward

Living and belonging

Across all reaches of this land, Aboriginal and Torres Strait Islander women and girls' identity is inextricably and intimately linked to their ancestral country and/or the sacred lands in which they live, grow and age. Whether we live in urban areas or more remote locations, our country and our connection to place is incredibly significant. It provides us with a sense of identity, a source of strength and is often a place of healing. Our safety, health and wellbeing are found at home, in the places we belong.

In 2020, we have seen the devastating bushfires, the COVID-19 pandemic and the global uprising of the Black Lives Matter movement further expose what we as Australians value in common and what we must invest in while we recover and move forward—our communities, our connectedness and our belonging to this continent.

These events have also placed a spotlight on the failing public policy position: that our peoples and the essential services they rely on, from health to housing, disability supports and aged care, are adequately served through the mainstream. Over close to two decades, this tragic policy discourse has seen our community infrastructure and Indigenous-led organisations suffer systematic underinvestment. It has also seen women and girls pushed into towns and cities, leaving country, in order to gain access to services, housing and economic opportunities.

Across the country, Aboriginal and Torres Strait Islander women and girls echoed calls for place-based, culturally appropriate, trauma-informed, early intervention and strengths-based services, programs, and activities. The Aboriginal and Torres Strait Islander community-controlled sector plays a significant role in achieving the outcomes that women and girls set out to achieve. In order to effect real change, governments must invest and work in genuine, formal partnership with Aboriginal and Torres Strait Islander women and girls and recognise the integral role Aboriginal and Torres Strait Islander peoples play in making the decisions that affect our lives.

I urge all Australian governments to have the courage to reform a raft of policies, agendas and ways of working with Aboriginal and Torres Strait Islander women and girls to provide communities with the tools, resources and mechanisms to create healthy, safe and thriving environments, regardless of whether we live in a major city, rural town or remote community.

Aboriginal and Torres Strait Islander women and girls are calling for:

Fundamental reform to the way services are delivered to Aboriginal and Torres Strait Islander peoples.

- Key elements include:
    - substantially increasing investments to build capacity of Aboriginal and Torres Strait Islander community-controlled service sectors, including with measurable commitments to build career pathways and leadership opportunities for women and girls
    - prioritising Aboriginal and Torres Strait Islander community-controlled organisations as preferred service providers for Aboriginal and Torres Strait Islander funded services and programs. This includes aged care, disability supports, housing, health, and social services
    - funding incentives for mainstream service providers to build the capacity of Aboriginal and Torres Strait Islander community-controlled organisations, and to develop transition and exit plans in the medium term
    - all service delivery contracts with mainstream organisations providing services to Aboriginal and Torres Strait Islander peoples include Key Performance Indicators on cultural safety and responsiveness, including requirements for ongoing, sustained community engagement and mandatory cultural competency training for all staff
    - representation of Aboriginal and Torres Strait Islander women at all levels of decision-making for identifying key priority areas and the type of services and programs funded within communities
    - community-controlled data collection, monitoring and evaluation, with a greater focus on program and policy reviews to improve the design and implementation of services and ensure that there is accountability for outcomes and a reduction in the duplication of services
    - increasing accessibility for Aboriginal and Torres Strait Islander women and girls to mainstream funding, through a review of funding allocation and tender processes, including investing in transparent, coordinated, and sustainable community-controlled

investment approaches, and considering coordinated pooled funding models to advance community-identified priorities

o systemic review of accessibility and availability of services, focusing on accessibility for Aboriginal and Torres Strait Islander women and girls living in rural and remote areas, Aboriginal and Torres Strait Islander women and girls living with disability, those experiencing mental health distress and people who identify as LGBTQIA+SB (Lesbian, Gay, Bisexual, Transgender, Queer and Questioning, Intersex, Asexual + Sistergirls and Brotherboys)

o ensuring appropriate supports are in place to provide affordable options for women, in particular those with care-giving responsibilities, to enable them to participate in the economy and society.

Early diagnosis and multidisciplinary disability supports, and carer respite supports:

o All Australian governments invest in culturally safe and responsive disability assessment and diagnosis, with a particular focus on enhancing access to multidisciplinary diagnostic supports in regional and remote areas.

o All Australian governments invest in community-led approaches to prevention and diagnosis of Fetal Alcohol Spectrum Disorder (FASD) and whole-of-life wrap-around supports for people with FASD and their families.

o All Australian governments ensure that disability support services and respite services are available, accessible and culturally appropriate for all Aboriginal and Torres Strait Islander peoples, regardless of location.

o All Australian governments implement the First Peoples Disability Network's (FPDN) ten-point plan for the better implementation of the NDIS for Aboriginal and Torres Strait Islander peoples.

Prioritisation of safety for women and children:

• All Australian governments to urgently invest in culturally appropriate housing models that meet the needs of women experiencing domestic and family violence and housing related harms, in particular rapid rehousing schemes. Women and children must be able to move from transitional housing into safe and secure tenancies rapidly.

Accessible, affordable, and appropriately designed housing:

- All Australian governments to immediately address the chronic shortage of social and affordable housing for Aboriginal and Torres Strait Islander peoples by:
  - building new houses to meet need
  - improving affordability pathways between social housing and affordable housing
  - co-designing a national housing strategy and plan to end homelessness
- All Australian governments to support the establishment and resourcing of an Indigenous housing peak organisation and reinvestment into the Indigenous Community Housing sector.
- The Australian Government to immediately increase Commonwealth Rent Assistance by 30% to address high rental stress, and going forward, payments to be indexed to represent a more realistic measure of rental costs.
- The Australian Government to immediately review Commonwealth Rent Assistance eligibility criteria to increase accessibility for vulnerable households including Aboriginal and Torres Strait Islander women.
- The Australian Government to invest in Aboriginal and Torres Strait Islander led home ownership initiatives such as Yawuru Home Ownership Program.
- The Australian Government to refresh their National Partnership Agreement on Remote Indigenous Housing (NPARIH).

Significant investments into country-based programs and economic opportunities:

- All Australian governments to increase resourcing to support economic opportunities for Aboriginal and Torres Strait Islander women and girls on country. This includes through land management, cultural tourism, art and design, country-based healing, education programs, diversionary and reconnection programs for young people in or at risk of entering the justice system, bush food and health product development.

Urgent action on climate change:

- All Australian governments to recognise the vital role Aboriginal and Torres Strait Islander peoples, knowledge systems and technologies

have in finding solutions to cope with impending climate changes and ensuring that their human rights are protected.

- All Australian governments to develop formal mechanisms to support the full and equal participation of Aboriginal and Torres Strait Islander peoples in developing climate change policy, negotiations and mitigation and adaption strategies.

Increased access to services, education and employment opportunities for those living in remote and very remote locations:

- All Australian governments to improve access to services, education and employment opportunities for Aboriginal and Torres Strait Islander women and girls living in rural and remote Australia. This includes investment in digital infrastructure, and services focused on on-country care, health, healing and education. With particular attention paid to dialysis, detox and substance abuse rehabilitation facilities, aged and child care, disability services and tertiary education.

Expansion of land management programs:

- All Australian governments to demonstrate their practical commitment to Aboriginal and Torres Strait Islander women working on country through the Indigenous Ranger Program and the Indigenous Protected Areas (IPA) program by significantly increasing annual funding, extending the lengths of contracts and establishing long-term targets.

Reform to the native title system to ensure greater control over and decision-making powers for country:

- The Australian Government ensure that the principle of free, prior, and informed consent is incorporated into the Native Title Act 1993
- greater support be provided to native title holders to understand their rights as title-holders, especially where they face challenges in exercising their co-existing rights
- greater focus on female professionals at all stages of the native title process, to ensure gender sensitive support for women's business as it arises throughout the claims and land management process
- identification of options to support fungibility of title, without requiring the extinguishment of native title, and supporting the development of financial products, such as bonds, to underwrite economic development.

Part Three Endnotes

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Healthy and engaged lives

Part Four Healthy and engaged lives

We all have this need collectively [for self-care]—for me it is a strong belief that every time I feel like I have a healing moment it will help my daughter etc. but will also help my ancestors. Strong belief that they are heavily invested in my doing well. This is the most powerful thing I have done—to be honest about my life and experiences. All the women that have gone before us—they were enough. We have to believe that we are enough. **Hobart women**

Our plan for change is we saw the real need for truth-telling, real, honest truth-telling. This country doesn't own its history; we are constantly having to try [to] educate around us. I guess it's mainly having to try [to] educate within mainstream western structures … it needs to be national, collective truth-telling of the history, that shapes our policies, the institutions themselves, from you know, kindergarten through to the tertiary sector, government agencies and just everyone in this nation needs to know the history, and then we might find that we can have better negotiations around our land, our rights, our sovereignty and our recognition … **Sydney women**

In Part Four you will find the following chapters:

Summary

Chapter 12 Health

Health is a fundamental human right. Whilst Australians today enjoy one of the highest life expectancies in the world, Aboriginal and Torres Strait Islander peoples do not share in this enjoyment. Life expectancy, health and wellbeing outcomes for Aboriginal and Torres Strait Islander peoples are inextricably linked to interconnected socio-economic and cultural factors. Throughout this chapter, women and girls share their frustration at the systemic failure to adequately address these interconnecting determinants, including the intersection of health with poverty and housing, the importance of culture, the experience of racism and discrimination when engaging with the health system, and the impacts of trauma. Women and girls relay their experiences with health services and hospitals and discuss the need for culturally appropriate care and preventative health education.

Throughout this chapter, women describe the need for self-determination over their health and wellbeing. They emphasise the need for socio-economic determinants to be addressed alongside culturally responsive health services and are clear that their voices must be included if the gap in health outcomes between Indigenous and non-Indigenous Australians is to change.

Chapter 13 Social and emotional wellbeing

Aboriginal and Torres Strait Islander wellbeing includes the physical, mental, emotional, spiritual, social and cultural aspects of a person. Social and emotional wellbeing is significantly impacted by the strength of identity and experience of personal and intergenerational trauma, as well as the level of control we have over the social, economic and cultural outcomes in our lives. Throughout this chapter, Aboriginal and Torres Strait Islander women discuss how mental distress is often compounded by the disproportionate responsibility that women take to care for family and manage community stressors. Women and girls relay their experiences of mental health and illness, including diagnosis and assessment, the connection between distress and mental illness, access to adequate services and programs, youth and mental health, and suicide.

Throughout this chapter, women and girls emphasise that their health and wellbeing cannot be considered in isolation from their social, economic and cultural lives, and that the determinants of health and wellbeing must be addressed urgently. Women and girls describe the importance of culturally responsive, community-controlled services staffed by Aboriginal and Torres Strait Islander people that respond holistically to the social and emotional health needs of Aboriginal and Torres Strait Islander communities. They also describe the need for a fundamental shift from a system focused on crisis responses to prioritising early intervention and preventative measures to promote positive mental health. Women and girls are calling for systems to reflect their voices, priorities and strengths. As women, they see and understand the needs and aspirations of everyone within their communities. It is through empowering the voices of women that change will occur.

Chapter 14 Learning and education

Education is a transformative and empowering mechanism. Throughout this chapter, women and girls describe that it is through education that they and their children will be empowered to realise a full spectrum of economic, social and cultural rights. Women and girls are, however, unwilling to see their formal education come at the cost of their cultural identity and knowledge. Emphasised throughout this chapter, is the need for the education system to be responsive to Aboriginal and Torres Strait Islander people through culturally inclusive curriculums and programs, truth-telling and inclusive history, language, trauma-informed staff, Aboriginal and Torres Strait Islander support workers, academic support, and engagement programs.

Aboriginal and Torres Strait Islander women want to raise their children with a strong grounding in culture and identity and a good formal education, for them to thrive in the modern world. Women and girls are frustrated that there remains a perception that lower educational attainment for Aboriginal and Torres Strait Islander people is normal. They feel there is a failure to recognise that the education system is not providing equal opportunities for Aboriginal and Torres Strait Islander people. Education curriculums and educational environments do not effectively take into account Aboriginal and Torres Strait Islander knowledges and must broaden their values and measures of success beyond the Western model. Women are clear that recognition of Aboriginal and Torres Strait Islander cultures in institutions, not only empowers Aboriginal and Torres Strait Islander students, but exposes non-Indigenous students to a rich history and systems of knowledge and culture, and positively influences national society and identity.

The human rights context

All people have the right to lead happy, healthy and engaged lives. This right extends to the right to know, maintain, practise and identify as a part of one's own culture. These rights are clearly articulated within the international human rights framework.

Aboriginal and Torres Strait Islander peoples have rich and diverse knowledge systems that have sustained life for tens of thousands of years. Maintaining and exercising these knowledges and practices and weaving them into the fabric of broader society is critical to creating empowering educational environments and to ensuring the health and wellbeing of our peoples.

The right to the highest attainable standard of health

The International Covenant on Economic, Cultural and Social Rights (ICESCR) recognises the 'right of everyone to the enjoyment of the highest attainable standard of physical and mental health' (Article 12).[1]

The right to health extends not only to timely and appropriate healthcare, but also to the underlying determinants of health. This includes: access to safe and portable water; adequate sanitation; an adequate supply of safe food, nutrition and housing; healthy occupational and environmental conditions; and access to health-related education and information, including on sexual and reproductive health.[2]

The right to health contains the following interrelated and essential elements:

- **Availability**: Functioning public health and healthcare facilities, goods and services, as well as programs, have to be available in sufficient quantity within the country.
- **Accessibility**: Health facilities, goods and services have to be accessible to everyone without discrimination. Accessibility has four overlapping dimensions:
  - **Non-discrimination:** Health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalised sections of the population, in law and in fact, without discrimination.

- o **Physical accessibility:** Health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalised groups, such as indigenous populations. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation, are within safe physical reach, including in rural areas.
- o **Economic accessibility (affordability):** Health facilities, goods and services must be affordable for all. Payment for healthcare services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups.
- o **Information accessibility:** Accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.
- **Acceptability**: All health facilities, goods and services must be respectful of medical ethics as well as respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.
- **Quality**: Health facilities, goods and services must also be scientifically and medically appropriate and of good quality.

Governments also have immediate obligations in relation to the right to health. These include the guarantee that the right will be exercised without discrimination of any kind and the obligation to take deliberate, concrete and targeted steps towards the full realisation of the right to health (known as 'progressive realisation').

The UN Committee on Economic, Social and Cultural Rights has noted the right of indigenous people to specific measures:

> These services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines. States should provide resources for Indigenous people to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health.[3]

The right to education

Article 13 of the International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to education, while Article 28 of the Convention on the Rights of the Child, similarly recognises the rights of all children to education.

The right to education 'is both a human right in itself and an indispensable means of realizing other human rights'. As the UN Committee on Economic, Social and Cultural Rights describes it:

> *As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.*[4]

The UN Committee on the Rights of the Child has noted the importance of education of Indigenous children as follows:

> *The education of indigenous children contributes both to their individual and community development as well as to their participation in the wider society. Quality education enables indigenous children to exercise and enjoy economic, social and cultural rights for their personal benefit as well as for the benefit of their community. Furthermore, it strengthens children's ability to exercise their civil rights in order to influence political policy processes for improved protection of human rights. Thus, the implementation of the right to education of Indigenous children is an essential means of achieving individual empowerment and self-determination of indigenous peoples.*[5]

The right to education, at all levels, has been defined as including four key elements, similar to the right to health:

- **Availability**: Functioning educational institutions and programs have to be available in sufficient quantity within the jurisdiction of the country.
- **Accessibility**: Educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the country. This includes that education should be:
  - o   Accessible to all without discrimination
  - o   Physically accessible (within safe physical reach, either by attendance at some reasonably convenient geographic location or via modern technology)

> o   Economically accessible and affordable to all.

- **Acceptability**: The form and substance of education including curriculums and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality).
- **Adaptability**: Education should be flexible so that it can adapt to the particular needs of students within diverse social and cultural settings.[6]

Each of these requirements is relevant when considering the adequacy of standards of education for Aboriginal and Torres Strait Islander peoples in Australia.

The UN Committee has also noted that the following factors should be considered when determining whether Australia is meeting its human rights obligations to provide the right to education:

- Temporary special measures to bring about equal enjoyment of the right to education for men and women and for disadvantaged groups including in some circumstances, separate education systems or institutions. Such measures are not a violation of the right to non-discrimination.
- Governments must closely monitor education systems—including all relevant policies, institutions, programs, spending patterns and other practices—so as to identify and take measures to redress any de facto discrimination. Sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination.
- The obligation to ensure education is acceptable includes taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples.[7]

The Convention on the Rights of the Child also sets out specific elements of the right to education for Indigenous children as follows:

- Article 29 of the Convention sets out that the aims of education for all children should be directed to, among other objectives, the development of respect for the child's cultural identity, language and values. This should be adequately reflected in educational curriculum, content of materials, teaching methods and policies.

- In accordance with Article 2 of the Convention, governments are responsible for protecting children from all forms of discrimination and for actively combating racism. In order to effectively implement this obligation, States Parties should ensure that the curriculum, educational materials and history textbooks provide a fair, accurate and informative portrayal of the societies and cultures of indigenous peoples.
- Article 28 of the Convention requires that primary education be compulsory and available equally to all children. The UN Committee on the Rights of the Child has noted that 'in practice, indigenous children are less likely to be enrolled in school and continue to have higher drop out and illiteracy rates than non-Indigenous children' and 'have reduced access to education for a variety of factors'.[8]

These above obligations are also reflected in the United Nations Declaration on the Rights of Indigenous Peoples. It identifies specific matters that are part of the right to education for indigenous peoples as follows:

- The right of indigenous peoples to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning (Article 14(1)).
- Access for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language (Article 14(2)).
- The reflection in education and public information of the dignity and diversity of indigenous peoples' cultures, traditions, histories and aspirations (Article 15(1)).
- The obligation for governments to take measures to eliminate prejudice and discrimination against indigenous peoples (Article 15(2)).[9]

Chapter 12 Health

> *We like to share what we do, and talk about the stories of our backgrounds, all us women share, and that is important, we look after one another. In our Aboriginal culture, no matter where you come from, our cycle goes round and round, but in a strong way. To me, when the white man stepped on our country and starting telling us what to do, that created problems, and that is why it is important for us women to share our voices, because we have always been from this ground and we are not going to go from this ground, we are going to go back to this ground where we come from.* **Alice Springs women**

Aboriginal and Torres Strait Islander societies have a culturally informed, comprehensive and holistic perspective of health and wellbeing. Our practices are largely framed with wellness in mind; responding to country, the changing seasons and our kinship and cultural obligations. For thousands of years, many of our cultures have produced traditional doctors and healers, such as Ngangkari in Central Australia, Maparn in the Kimberley or Yura Urngi in the Flinders Ranges. These powerful individuals have abilities to capture sickness and heal people.[10]

We know that the social, cultural, political, economic and environmental conditions surrounding a person shape their life experiences and create opportunities. In turn, this either strengthens or undermines health outcomes and a person's ability to make positive decisions about their health.[11]

Throughout the consultations for this report, women and girls described to me their vision of an Australia that recognises our health and healing traditions, cultural knowledge, traditional practices and our holistic view of health. They also identified a range of cultural and socio-economic issues that impact on health status. Without addressing these, the existing health system will continue to focus on the symptoms rather than the causes of inequalities in health.

12.1   A fundamental inequality

Australians today enjoy one of the highest life expectancies in the world. However, this standard of health is not shared equally across our population.

The life expectancy gap between Aboriginal and Torres Strait Islander peoples and other Australians is widening, not closing. For Aboriginal and Torres Strait Islander people born 2015–17, the life expectancy is estimated to be 71.6 years for males and 75.6 years for females. This is approximately 8–9 years less than non-Indigenous Australians.[12]

In the 2008–2012 period, 65% of deaths amongst Aboriginal and Torres Strait Islander people occurred before the age of 65, compared to 19% for other Australians.[13] The infant mortality rate remains higher for Aboriginal and Torres Strait Islander children (6 per 1,000 live births) in comparison to other Australians (4 per 1,000 live births).[14]

Despite gaps in robust national data, the inequitable distribution of health outcomes between Aboriginal and Torres Strait Islander peoples and other Australians, is well demonstrated.[15] Across all ages, Aboriginal and Torres Strait Islander peoples carry a higher burden of disease and poorer general health compared to the wider Australian population.[16]

In 2012–2013, 39.3% of Aboriginal and Torres Strait Islander people aged 15 years and over, rated their health as 'excellent or very good', while 6.9% rated their health as 'poor'. When compared to other Australians, Aboriginal and Torres Strait Islander people are approximately half as likely to describe themselves as having 'excellent or very good health'.

The *Indigenous Australian's Health Programme* (IAHP) was established by the Australian Government in 2014 with the intent to provide Aboriginal and Torres Strait Islander people with access to culturally appropriate, comprehensive, high quality, primary healthcare services across urban, regional, rural and remote locations. The IAHP consolidated funding streams from the then primary healthcare, child and maternal health programs, *Stronger Futures* in the Northern Territory and programs covered by the Aboriginal and Torres Strait Islander Chronic Disease Fund.

As at the 2019–20 Budget, the Australian Government is investing $4 billion in Indigenous health over four financial years from 2019–20 to 2022–23. This is an ongoing increase of around 4% per year.[17] This includes investment under the IAHP. Despite this, the improvements in health and wellbeing outcomes for Aboriginal and Torres Strait Islander people have been insufficient. It is for this reason we need to reassess our approach.

12.2   Determinants of health and wellbeing

> *Everything is interconnected. Need to be working together to achieve one outcome. There is a snowball effect. [Need to] be trying to deliver the whole range. [We deal with] drug and alcohol ... things that are normalised and shouldn't be—violence and trauma. Only one girl out of 13 completed year 12 last year ... what happens when our kids graduate? No traineeships. Lack of mental health services.* **Ceduna women**

Life expectancy, health and wellbeing outcomes for Aboriginal and Torres Strait Islander people are the result of complex and interconnected environmental, socio-economic and behaviour related factors. This has been demonstrated and reinforced over decades of research and is reflected in the vast majority of national strategies and action plans that aim to address the health disparity between Aboriginal and Torres Strait Islander peoples and other Australians.[18]

The 1986 *Women's Business Report* identified similar underlying determinants and failures of housing, infrastructure and support systems that contributed to poor health amongst Aboriginal and Torres Strait Islander communities, particularly in remote Australia.[19]

The Australian Institute of Health and Welfares' Report, *Australia's health 2018,* takes an in-depth look at the broad social context of health, and considers the leading risk factors to health inequalities for Aboriginal and Torres Strait Islander peoples.[20] The AIHW states that there is a 27 percentage point gap in 'good health' between Indigenous and non-Indigenous Australians. The AIHW analysed the key factors and underlying causes that lead to this gap. They found that more than half of the health gap (53%) can be explained by 11 selected factors, broadly categorised into social determinants and health risk factors. Of those 11 factors, there are five determinants that have the greatest effect on the health gap. The five factors are: household income; employment and hours worked; smoking status; level of school completed; and, overweight and obesity status.[21]

The AIHW concludes that designing policies that target the different aspects of these factors may be the most effective way to reduce the health disparities between Indigenous and non-Indigenous Australians. However, they acknowledge that almost half of the health gap remains unexplained. This is partially due to a lack of data and information about other social determinants, and particularly, Aboriginal and Torres Strait Islander cultural determinants.[22]

There are increasing attempts to understand Aboriginal and Torres Strait Islander cultural and social determinants, such as the Mayi Kuwayu National Study of Aboriginal and Torres Strait Islander Health and Wellbeing.[23] This study is reviewed in detail in the 2020 Close the Gap Campaign Report, *We nurture our culture for our future, and our culture nurtures us*.[24]

The *Wiyi Yani U Thangani* engagements highlighted the need for a more holistic and comprehensive approach to be taken to health and wellbeing in order to close the gap in health outcomes between Aboriginal and Torres Strait Islander people and other Australians. This includes:

- prioritising cultural determinants in relation to health and wellbeing outcomes
- acknowledging the impact of racism and systemic discrimination in negative experiences of determinants
- ensuring Aboriginal and Torres Strait Islander communities are at the centre of design and delivery of health services
- responding to the interconnectivity of determinants.

A key message from the consultations is that Australia needs systems in place that allow Aboriginal and Torres Strait Islander people to take control of their own lives, including their own health.

As part of her welcoming message at the 2019 International Indigenous Health and Wellbeing Conference, Lowitja Institute chair, Pat Anderson AO, said:

> *As Aboriginal people we need to have a sense of agency in our lives, that we are not stray leaves blowing about in the wind. In a word, we need empowerment.*

This is true across every aspect of our lives, but is especially critical to closing the gap in health and wellbeing outcomes for Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander women highlighted that their concept of health and wellbeing was a perspective that could not be adequately reflected in health policy or service delivery *without* Aboriginal and Torres Strait Islander control.

> *I feel unsafe knowing a white man is in charge of my affairs in any forum from health, employment, education, housing, welfare and more.* **Individual submission**

The Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM) and the Australian College of Nursing (ACN) drew attention to the need for system-wide change. Such change should incorporate Aboriginal and Torres Strait Islander control over the design and delivery of health services to ensure that they are capable of addressing the health disparities and inequities that Aboriginal and Torres Strait Islander peoples experience.

> *Critical to a system-wide change is a necessity for a multi-faceted approach ...*
> *The Aboriginal and Torres Strait Islander Health Strategy Statement of Intent signed by all parties participating in the National Registration and Accreditation Scheme is another example involving key health professionals and institutions reinforcing their commitment to achieving health equity for Aboriginal and Torres Strait Islander communities. They are committed:*
>
> *To ensuring that Aboriginal and Torres Strait Islander peoples have access to health services that are culturally safe and free from racism so that they can enjoy a healthy life, equal to that of other Australians, enriched by a strong living culture, dignity and justice. We also commit to ensuring that Aboriginal and Torres Strait Islander peoples are actively leading the design, delivery, and control of health services.* **Congress of Aboriginal and Torres Strait Islander Nurses and Midwives and the Australian College of Nursing submission**

The Queensland Aboriginal and Torres Strait Islander Health Council has also identified two critical policy approaches required to improving the way in which health systems and services function in responding to Aboriginal and Torres Strait Islander peoples:

> *Two broad policy activities are needed to address the health needs of Queensland's Aboriginal and Torres Strait Islander women and girls:*
>
> **1. Genuine and meaningful investment in community control to implement a spectrum of holistic health activities.**

From health promotion and literacy through to diagnosis, treatment, management and end-of-life care, investment in the health system is essential if health equity is to be achieved. One startling example of a foreseeable and preventable public health outbreak caused by detrimental funding decisions, is sexual health in Queensland. The political climate in 2010–11 resulted in defunding of sexual health clinics which has contributed to the resurgence of syphilis. Six of Queensland's Aboriginal and Torres Strait Islander women, so far, have experienced perinatal deaths due to congenital syphilis complications—a disease which was all but eradicated prior to the reduction in sexual health prevention activities in the state. Preventative health care is essential in Queensland. Investment in culturally safe preventative health care is essential in Queensland.

2. Genuine support for community driven activities to address the social determinants of poor health.

Queensland's ongoing lack of progress in meaningfully addressing the social determinants of health is holding back Aboriginal and Torres Strait Islander women and girls from being able to lead happy, healthy lives. Factors contributing to this include intergenerational trauma, domestic violence, housing, substance misuse, the justice system, mental health, poor environmental health and poverty. **Queensland Aboriginal and Islander Health Council submission**

(a) The impact of poverty on health status

Poverty is a substantial factor affecting the equality of health between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. Aboriginal and Torres Strait Islander women in particular, are more likely to be living in poverty compared to men. Therefore, they are less likely to be able to secure stable housing, healthy food and consistent healthy activity opportunities for their children. They are also more likely to feel that they cannot access health or specialist health services when there is a need.

A submission from the Australian College of Midwives draws attention to the significant link between the intersectional marginalisation of Aboriginal and Torres Strait Islander women and girls and poor determinants of health.

> *Comprehensive research shows that people born into vulnerable situations and lacking the necessities, are impacted tremendously throughout their lives which could be seen as especially significant for Aboriginal girls and women as a largely marginalised group. For Aboriginal and Torres Strait Islander girls exposed to poor and unstable living conditions, the occurrence of life-long health problems, diminished wellbeing and reduced cognitive development is greater than those that are born into thriving and privileged families (Arabena, 2016).* **Australian College of Midwives submission**

Aboriginal and Torres Strait Islander women are overrepresented in unemployment and underemployment statistics compared to non-Indigenous women and Indigenous men.

> *Everyday pressures for support, for money, for food. [We are] getting frustrated. We're losing our values. They are getting lost because we are frustrated. Supporting not only immediate but extended family. Our health is getting affected. Physically, emotionally, socially, our health is getting affected. All our family and friends are affected … [with no] financial security. If you don't have the resources you don't get what you want [and] health suffers. No future, security, lack of education and lack of jobs.* **Darwin women**

Across Australia, women and girls have talked about a housing crisis and the pervasive impact that overcrowding, insecure housing and homelessness has on the health and wellbeing of themselves and their families. The link between adequate housing and health outcomes is well researched and acknowledged in Australian measures of health indicators.[25]

> *There is a lack of housing both in our communities and in town, and we can be changing services and try to respond to need. But we are not going to get anywhere if people are still living, you know, with 20 people in a house.* **Fitzroy Crossing women**

(b) Culture

The conditions in which people are born, raised and live have a significant impact on health and wellbeing outcomes.[26] Aboriginal and Torres Strait Islander peoples have an innate connection to their community, culture, country and the environment in which they live. Across Australia, women and girls emphasised this connection to culture and their cultural identity as being fundamental to their health and wellbeing.

Research confirms the significant influence culture has on wellbeing and good health and is seen as central to achieving positive health outcomes.[27]

The Australian Institute of Health and Welfare and the Australian Institute of Family Studies have recognised the importance of culture and language for mental health and wellbeing. Their research was included in the Aboriginal and Family Law Service WA submission:

> *International studies and Australian data indicate that Indigenous people who are conversant in their own languages have better resilience and mental health.* **Aboriginal Family Law Service WA submission**

These findings are further supported by a submission from Beyond Blue that emphasised the proven connection between language, culture, identity and improved social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples.

> *... Aboriginal and Torres Strait Islander people with strong connection to their culture experience greater social and emotional wellbeing outcomes. Having a connection to land, family, culture and spirituality is reported to protect against psychological distress, with people who speak traditional languages and participate in cultural practises enjoying significantly better mental health. It is recognised that Aboriginal and Torres Strait Islander women play a significant role in reinforcing the cultural and familial connections that a child develops from birth to adolescence and that these connections help to strengthen a child's resilience, sense of belonging and as such their overall wellbeing.* **Beyond Blue submission**

Women consistently expressed frustration that despite clear evidence, the idea of culture as a determinant of health and wellbeing was not well understood, prioritised or actioned by governments and mainstream services.

> *What do [we] want the government to know? We want them to know that the government has no understanding of the Aboriginal culture and mindset and why culture is so important to our health and wellbeing.* **Kempsey women**

> *The therapeutic services need to be embedded to have a real element of culture in it because I know the people we work with—they know who they are, who their mob is. But they're just so disconnected in other elements of their lives that they're incomplete. And that's why they're turning to substance abuse. They're losing who they are. And then people who have gotten themselves out of that space [substance abuse], they go back to country, they reconnect with those systems and they've got good things happening, and they work themselves into a better space ... There needs to be some big things put in place here within country for therapeutic services for our men, for our women, for our children.* **Rockhampton women**

Women are also concerned about a failure to understand the importance of culture, country and language in preventing severe social and emotional distress for Aboriginal and Torres Strait Islander people.

> *People that live by the ocean, saltwater pumps in their veins. When people are relocated or have to leave, that brings in mental illnesses. People have a loss of culture, when the one thing that means so much is taken away from you.* **Napranum women**

> *Yeah so, I think even the older to younger generation, there is a confusion about who they are and what they stand for, and that is because being the victim of a conquered culture. We are still reeling from that, identity crisis and lack of culture, which Yarrabah lacks.* **Yarrabah women**

Many senior women spoke of the importance of Law and ceremony for maintaining the health and wellbeing of individuals and society. Western medical interventions cannot replicate the healing and protection that is offered through Law and ceremony.

> *Senior woman: But it is so healing too, and you can see when they do that [participate in ceremony], they look fresh and they look good in themselves because they are feeling good hey. So when we are thinking about mental health and wellbeing, that ceremony, and culture and country wake them up, hey.*
> *June: Yeah properly.*
> *Senior woman: And that is why we can't just keep running for hospital and counselling and things. We gotta find the healing in our own ceremony and even when you paint em, you know, put that paint on and it protect you, make you strong.* **Derby senior women engagements**

Senior women shared how ceremony begins from the moment a person is born and guides us through our continuous existence of belonging. Our Laws and morality carry the foundations for our health and wellbeing—imperatives to flourish.

Without sincere appreciation and recognition of the importance of culture and identity for our social and emotional wellbeing, attempts to close the gap in outcomes for Aboriginal and Torres Strait Islander peoples will remain focused on our assimilation into the mainstream. This approach as it currently stands, will only exacerbate cultural loss and identity confusion. I discuss culture, lessons of Law and ceremony and transmission of knowledge further in Chapter Three: Key Themes.

(c) Racism and discrimination

Throughout the *Wiyi Yani U Thangani* consultations, women told me that experiences of racism and discrimination, both direct and systemic, were significant determinants of health and wellbeing that were rarely acknowledged or addressed.

Women raised concerns about the direct impact of racism and discrimination on physical health and social and emotional wellbeing.

> *Racism and discrimination causes depression. It can affect your health for years. It disempowers you and others … When people say [racist comments] to you, they get to walk away, and you are stuck with these emotions. It can affect health and leads to depression. Then [you] can turn to other drugs and substance abuse because you feel isolated and on your own. Because when you don't feel worthy, you think 'what's the point?' and go off on your own.* **Yarrabah women**

Women were also conscious of how racism and discrimination impacts access to, and engagement with, existing systems, which in turn impacts their health.

> *Racism affects everyone in this room, as we know. But racism affects employment, education, housing, health. And institutional racism—that is a systems issue within a number of our departments right across governments.* **Canberra women**

The systemic exclusion of Aboriginal and Torres Strait Islander peoples from decision-making, often excludes our communities from accessing the necessary foundations for a healthy life.

> *If you don't feel safe, you don't go ... white people are coming in and telling us how to work with Aboriginal people, always non-Aboriginal people yarning rubbish. We know yarning and it can go off track ... This is the sort of cultural awareness that I think a lot of agencies need to understand.* **Kalgoorlie women**

The power that non-Indigenous people have in setting priorities and designing systems for Aboriginal and Torres Strait Islander peoples is not an abstract concept. The prioritisation of Western ideals and perspectives over Aboriginal and Torres Strait Islander cultural tenets has profound and compounding impacts on the immediate and long-term wellbeing of our communities.

> *There is an expectation that we succumb to the white way, but white people don't have to come over to our side. It's all passive racism. The flow-on effect is that economically, Aboriginal people will not have the stability to be economically sound. We're always completely consumed with these daily struggles that other people don't have. Daily struggles of food and water.* **Darwin women**

(d) Trauma

> *Understanding the impacts of intergenerational trauma and racism are essential factors in order to effectively address the health situation of Indigenous peoples.* **Aboriginal Family Law Service WA submission**

The impact of trauma on the health and wellbeing of Aboriginal and Torres Strait Islander peoples was a common concern of women and girls throughout the *Wiyi Yani U Thangani* consultations. Many women articulated how trauma presents difficulties in navigating systems, accessing opportunities and securing the foundations of a healthy life. These difficulties, underpinned by trauma, are not prioritised in addressing Aboriginal and Torres Strait Islander health and wellbeing.

> *There's no systems that respond to trauma. There's a lack of acknowledgement and recognition of intergenerational trauma that has been experienced. People are self-medicating with drugs and alcohol because they don't know how to deal with grief. No acknowledgement of Aboriginal spirituality. There is a spiritual understanding and component to the people and that has to be woven into the design of [systems].* **Kununurra women**

A submission from the Healing Foundation addressed the direct impact of trauma on environmental, socio-economic and behavioural determinants of health.

> *Living with trauma diverts a person's energy to manage the physical and emotional impacts of that trauma. This, along with poor educational outcomes, undermines the ability of Aboriginal and Torres Strait Islander people [including women] to engage in employment, which is correlated with poverty, overcrowded housing and poor standards of living. The disproportionate levels of incarceration of Aboriginal and Torres Strait Islander people is both symptomatic of, and a cause of trauma, with a strong correlation between criminogenic risk factors, the social determinants of health, and the prevailing symptoms of trauma.* **The Healing Foundation submission**

The Healing Foundation submission further highlighted the significant impact of intergenerational trauma on the health and wellbeing of successive generations within our communities.

> *Intergenerational trauma is a thread that links chronic diseases, poor emotional health, mental illness, substance misuse and alcohol abuse, and disengagement from education and work, among other issues. There is also clear evidence that if not healed, trauma negatively affects neurological development which passes to future generations.* **The Healing Foundation submission**

> *My dad was abused. It still affects us today ... like, he can't go out, he suffers anxiety and depression ... The same way the stolen generation has a flow-on effect to today's kids. They've got Fetal Alcohol Syndrome, autism [autism spectrum disorder], mental health and drugs, crime rates, gambling, violence. Judgement and media sensationalism distorting the truth ... Crime too, yep. Broken culture.* **Kempsey women**

In recent years, there has been growing research demonstrating the link between trauma and negative health and wellbeing outcomes for Aboriginal and Torres Strait Islander people. Yet women and girls are frustrated and concerned that this remains largely unrecognised in the current approach to Closing the Gap in Aboriginal and Torres Strait Islander health outcomes.

12.3 Closing the Gap Refresh

In 2008, the Australian Government committed to Closing the Gap in health and life expectancy for Aboriginal and Torres Strait Islander people in response to the 2005 *Social Justice Report*.[28] Specific targets were agreed to, with the aim to reduce inequality between Aboriginal and Torres Strait Islander people and other Australians, in health, life expectancy, education and employment.

Throughout the *Wiyi Yani U Thangani* consultations, which took place in 2018–2019, discussions surrounding the Closing the Gap were in reference to the framework and targets prior to the new National Agreement on Closing the Gap, released in July 2020.

Throughout the consultations, it became clear that women and girls were well-aware of the previous Closing the Gap framework, but were equally aware that the vast majority of targets went unmet. They often felt that this was because government processes did not include Aboriginal and Torres Strait Islander peoples in designing and implementing priorities.

> *Closing the Gap—we're not seeing any impact here.* **Mimili women**

> *How come Closing the Gap [has] only one recommendation on track? How come? It's not good enough.* **Kalgoorlie women**

Some women spoke of their concerns that the Closing the Gap framework was another example of the Government appearing to be committed to equality for Aboriginal and Torres Strait Islander people. Instead of taking action, they believe the Government is more interested in reporting frameworks:

> *It's time to stop the crap and close the gap. The Government is always talking—report after report, and what's really changing?* **Brisbane women WOW session**

> *When you have a Government that doesn't respect us as Aboriginal people and the Aboriginal culture. Turnbull rejected the Uluru Statement … nobody else is going to follow if our leaders don't show respect. It's a systemic thing. You can only do so much without leadership from the top.* **Melbourne women**

The women and girls that I met with expressed frustration that the previous Closing the Gap framework failed to respond to the interconnectedness of health and life expectancy with cultural, social and economic determinants.

They say to all of us lets 'close the gap' but [everything] is a gap. Let's not just talk about closing the gap on health, it is not just about health it is about everything else. **Napranum women**

All about closing the gap—transport and health and housing. All of those factors add up to one big thing. And the Government after 10 years still hasn't found a way to close the gap. Closing the gap is just lip service. Just nothing. We need to all educate our kids to tell them to go into politics. **Kempsey women**

The issues most frequently raised were the lack of Government targets towards addressing poverty, inadequate and overcrowded housing, over-incarceration and unacceptably high rates of child removal.

As identified in the 2019 report from the Close the Gap Campaign (the Campaign) *Our Choices Our Voices,*[29] housing is one of the highest priority areas that must be addressed in order to confront the disparity in health and wellbeing outcomes. The Campaign recommends a national, overarching health infrastructure and housing plan.

Text Box 12.1: Recommendation 7 from the Close the Gap Report 2018, A Ten-Year Review

Recommendation 7: An overarching health infrastructure and housing plan to secure Aboriginal and Torres Strait Islander Peoples equality in these areas, to support the attainment of life expectancy and health equality by 2030, is developed, costed and implemented by the end of 2018.[30]

The over-incarceration of Aboriginal and Torres Strait Islander peoples dramatically impacts on mental health. It also drives and compounds trauma for individuals, their families and communities.[31] Furthermore, it increases the difficulty of accessing necessary supports and infrastructure for a healthy life.

What change do we want? We want to reduce overall representation in all criminal justice system[s]. Not just youth—adult prisons too … about six years ago I went for a job in juvenile justice for the female detention centre out at [location]. There was 100% women locked-up they were Aboriginal, 26 beds! That's 26 young Aboriginal women taken away off their country, out of community, away from family and locked-up. And that was for six weeks that number stayed. Six weeks at 100% [Aboriginal]. **Sydney women**

In their submission, the Aboriginal Family Law Service of WA highlighted the importance of addressing the over-incarceration of Aboriginal and Torres Strait Islander people in achieving equality in health and life outcomes.

> *… as long as the issue of over-representation of Indigenous peoples in custody is not addressed in practice and continuously monitored, there will only be limited progress in closing the gap in the areas of health, education and employment. I therefore strongly recommend the inclusion of targets on justice in the Closing the Gap strategy and the development and implementation of a national plan of action to address these issues.* **Aboriginal Family Law Service WA submission**

Like incarceration, the removal of Aboriginal and Torres Strait Islander children from their families has detrimental impacts on long-term health and wellbeing outcomes and perpetuates cycles of trauma—increasing the likelihood of future removals.

> *We have stakeholders that come. They do a lot of talking for us; talking for us and making decisions for us. They have never really understood how government are going to come and close the gap without doing a consultation … You know we are still fighting. There is another stolen generation but in a different format. So, we try to get it through to them—how are you going to work for us if you are not going to listen to us?* **Roebourne women**

Aboriginal and Torres Strait Islander-led solutions are the only way to close the gap in health outcomes for our people.

This was a clear directive from women and girls and was reflected in the call for a genuine partnership with governments with the Closing the Gap Refresh. NACCHO and other Aboriginal and Torres Strait Islander peak bodies convened a meeting and called repeatedly on the Prime Minister, state premiers and territory chief ministers, to allow Aboriginal and Torres Strait Islander peoples to enact their right to self-determination and empowerment.

Text Box 12.2: Coalition of Peaks on Closing the Gap

The Coalition of Peaks is a representative body comprised of approximately 50 Aboriginal and Torres Strait Islander community-controlled peak organisations that have entered a historic formal Partnership Agreement with the Council of Australian Governments (COAG) (now the National Cabinet) to develop a new National Agreement on Closing the Gap. The Coalition of Peaks is changing the way governments work with Aboriginal and Torres Strait Islander peoples and are working to ensure our voices are front and centre in all decision-making on Closing the Gap. The Coalition of Peaks' representation is based on community-controlled organisations accountable to Aboriginal and Torres Strait Islander communities, with representation at a national, state, territory and local level.[32]

In March 2019, COAG entered into a formal partnership with Aboriginal and Torres Strait Islander peak representative bodies in a move towards including Aboriginal and Torres Strait Islander peoples in decision-making about the Closing the Gap strategy.

This has provided a direct response to many of the concerns that I heard throughout the *Wiyi Yani U Thangani* consultations and will allow Aboriginal and Torres Strait Islander people to participate meaningfully in determining the priorities and pathways towards closing the gap in Aboriginal and Torres Strait Islander outcomes.[33]

In July 2020, the National Cabinet, the Australian Local Government Association and the Coalition of Peaks agreed to a National Agreement on Closing the Gap. In this agreement, all governments have pledged to fundamentally change the way they work with Aboriginal and Torres Strait Islander communities through four Priority Reforms including: developing new partnerships for shared decision-making; investing in Aboriginal and Torres Strait Islander community-controlled organisations to deliver Closing the Gap services; addressing structural racism in government institutions; and, improving access for Aboriginal and Torres Strait Islander peoples to use locally relevant data and information to monitor the implementation of the Priority Reforms.[34] All four Priority Reforms will have a target for annual reporting.

The National Agreement also includes 16 targets in a range of socio-economic areas including education, employment, health and wellbeing, justice, safety, housing, land and waters and Indigenous language.[35] The National Agreement requires all governments to develop Implementation Plans in full partnership with Aboriginal and Torres Strait Islander representatives in each state and territory, and will be required to table an annual report on the progress of the Priority Reforms and targets.

The National Agreement is a historic step towards substantially improving life outcomes for Aboriginal and Torres Strait Islander peoples and addressing many of the concerns raised by women and girls throughout *Wiyi Yani U Thangani*.

12.4 Health services

Despite the disproportionate burden of poor health, Aboriginal and Torres Strait Islander people remain less likely to access health services and to receive appropriate intervention measures when they do access primary healthcare services or hospitals.[36]

Given the disproportionate burden of illness and poor health experienced by Aboriginal and Torres Strait Islander peoples, modelling suggests that access to primary health services (health promotion, primary healthcare, pharmacy services, and specialist services) should be 2–3 times the non-Indigenous rate. The latest data available shows that Medicare Benefits Schedule claim rates for general practitioner (GP) visits were 1.1 times the non-Indigenous rate;[37] hospital access was 1.3 times the non-Indigenous rate;[38] hospitalisation for palliative care was 1.8 times the non-Indigenous rate, whilst claim rates for specialist services, elective and preventative surgery and pathology was lower.[39]

In general across the entire Australian population, those who access primary health services are less likely to be hospitalised.[40] Improving the rate of engagement with primary healthcare services can support a shift in resources and attention from crisis response to prevention and early intervention into chronic disease and poor health.

Throughout the *Wiyi Yani U Thangani* consultations, women and girls identified that access rates to primary health services are likely to improve with increased availability, accessibility and culturally appropriate care.

The Aboriginal community-controlled health service (ACCHS) sector is a critical component in reducing the persistently negative health outcomes for Aboriginal and Torres Strait Islander peoples. The focus of the ACCHS sector on prevention, early intervention, comprehensive care and wrap-around support has been proven effective in improving both access[41] and results[42] in comparison with mainstream health services.

Women sent a clear message that the ACCHS sector must be adequately resourced and funded as it is essential to our self-determination and addressing inequality. Community-controlled services are discussed at length in the Service Delivery Challenge chapter.

Text Box 12.3: National Aboriginal Community Controlled Health Organisation (NACCHO)
The National Aboriginal Community Controlled Health Organisation (NACCHO) is the national leadership body for Aboriginal and Torres Strait Islander health in Australia. NACCHO represents 143 Aboriginal Community-Controlled Health Services (ACCHS) that operate in over 300 clinics across Australia delivering holistic, comprehensive and culturally competent primary healthcare services. Together, the ACCHSs form a network, but each is autonomous and independent both of one another and of government. ACCHSs provide about three million episodes of care each year for about 350,000 people and all revenue is re-invested back into health services, Indigenous workforce and local communities. NACCHO represents local Aboriginal community-control at a national level to ensure that Aboriginal people have greater access to effective healthcare across Australia. NACCHO provides a coordinated holistic response from the community sector, advocating for culturally responsive and needs-based approaches to improving health and wellbeing outcomes through ACCHSs.[43]

(a) Access and accessibility

The 2012–13 Australian Aboriginal and Torres Strait Islander Health Survey provides the most recent comprehensive report on access to the health system.[44] The Survey indicated high rates of Aboriginal and Torres Strait Islander people failing to access health services when they were needed. Aboriginal and Torres Strait Islander women are significantly more likely than men to avoid all healthcare providers due to cost and logistical reasons (waiting time, distance, transport or availability in area), and they are more likely to avoid healthcare services, hospitals, doctors and dentists out of cultural safety concerns.
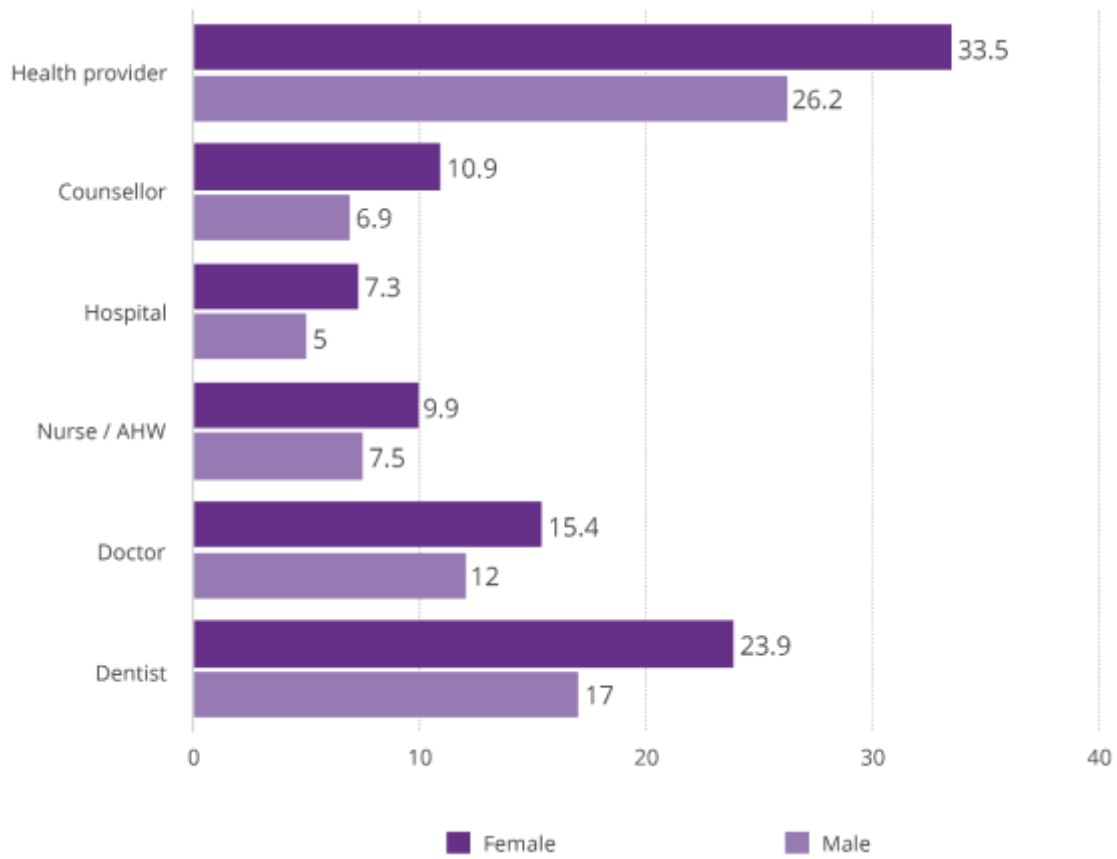
Figure 12.1: Percentage of Aboriginal and Torres Strait Islander men and women who needed to go to a health provider in the previous 12 months but did not.[45]

Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report • 2020

	Dentist		Doctor		Nurse / AHW		Hospital		Counsellor		Health service	
	Male	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**	**Male**	**Female**
Avoided seeking service % of population	17	23.9	12	15.4	7.5	9.9	5	7.3	6.9	10.9	26.2	33.5
Cost	42.4	43.9	9.6	15.6	28.3	40.2	7.3	7.7	7	20.7	32.9	38
Logistical	32.7	33	29	38.1	25.4	29.1	32.8	39.5	19.5	23.9	35.7	43.3
Cultural safety	20.7	25.3	22.8	23.5	19.7	17.4	23.1	29.6	61.5	34.8	29.6	33.2
Personal reasons	33.7	28.1	58.6	56.5	52	45.1	57.3	50.8	49.6	60.6	53.3	53.7
Other	4.9	5	7.5	6.3	5.9	5.8	6	7.5	2.7	10.9	8.7	9.9
Total no. who avoided seeking service	51,225	72,919	38,126	49,480	23,936	31,785	15,762	23,368	12,096	20,292	83,203	107,249

Figure 12.2: Reasons for not accessing health services when needed, by gender. Data is sourced from the 2012-13 Australian Aboriginal and Torres Strait Islander Health Survey. Percentage indicated is a proportion of Aboriginal and Torres Strait Islander people who did not access health services. Respondents were able to select multiple reasons for not accessing a service and the sum of components exceeds total respondents.[46]

A recent analysis from the AIHW shows that a higher percentage of the Aboriginal and Torres Strait Islander population (19.5%), compared to other Australians (3%), live in areas with relatively limited access to healthcare.[47] Given that almost half of the women I met with lived in remote Australia, limited access to health services was raised frequently throughout the engagements.

> *Health services in remote areas like Tiwi are a crying shame. There is an assumption that if you choose to live remote that you have access to the Australian health services, but the reality is, we don't have access.* **Darwin women**

Throughout many of the regional and remote areas I visited, women consistently reported the absence of particular services—including dialysis, dental, allied health, maternity, psychologists and mental health practitioners.

Many remote and regional locations rely on periodic, fly-in fly-out health practitioners, clinicians and specialists for a broad range of health services. Women and girls were clear that the frequency of visiting health professionals rarely matches the needs of community. This means that check-ups, monitoring and test results can be significantly delayed and there can be long waiting lists to see visiting specialists, which is especially problematic in the event of urgent medical concerns or health crises.

> *The doctor is fly-in and fly-out like on Groote/Bickerton Island, the Aboriginal Health Workers don't have support most of the time, even to call the doctor for advice.* **Darwin women**

> *Bad dentist services. If you need a tooth extracted, you need to fly to Thursday Island at your own expense. The dentist hardly comes, was here 2-3 years ago.* **Saibai Island women**

In remote and very remote Australia, Aboriginal and Torres Strait Islander populations are disproportionately affected by poor health, including being 4.6 times more likely to be treated for end-stage kidney disease[48] and significantly more likely to have complicated pregnancies and births.[49]

> *There is no room for people living with dialysis to stay at home. They have to go away to Darwin to have their trainer hook them up to dialysis. I would like to see the government fund us for a dialysis unit.* **Borroloola women**

The failure to provide adequate services for the specific chronic conditions that adversely affect Aboriginal and Torres Strait Islander peoples has a compounding effect on the aged population, who often have additional complex needs. Additional mobility and support needs can make long waiting periods or travelling to distant services unreasonable.

> *We have elderly people with chronic health conditions and there is a 12 month waiting list.* **Western Sydney women**

Across Australia, women told me of their concern about unaffordable healthcare. In the 2012–13 Australian Aboriginal and Torres Strait Islander Health Survey, cost was the main reason for not accessing some services and a common barrier to accessing most services.[50] The gap payment required for many health services—including general practitioners, medical specialists, allied health, pathology and diagnostic imaging—can be a barrier in access for women and girls.

> *Make medical centre accessible—bulk bill.* ***Brisbane South West Support submission***

Evidence confirms that Aboriginal and Torres Strait Islander people in remote locations are more likely to pay out-of-pocket costs for health assessment and treatment, compared to those in major cities—with fewer GP visits bulk-billed in rural and remote areas.[51]

> *Had to pay $80 to see a doctor and only a little bit is put on the rebate. Why do people in bigger cities get bulk-billing and we don't? How is that fair?* ***Newman women***

A lack of health services in rural and remote areas means that people may be required to travel long distances to receive the care they need, sometimes for significant periods of time. This comes with compounding challenges: either breaking-up families or forcing entire families to relocate; creating unreasonable expense; disruption to children, community and culture; and, cultural conflict at having to leave country. Further, required travel for healthcare impacts workforce participation and is a barrier to securing ongoing work or meeting mutual obligation requirements for social security.

> *Remote health just really needs a good look at … I know a lot of the dialysis patients have to go down to Perth and it is breaking up a lot of families.* ***Kununurra women***

Text Box 12.4: Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (WDNWPT) or Purple House

Purple House is an innovative Aboriginal community-controlled health service providing dialysis to some of the most remote parts of Australia. Purple House is based in Alice Springs and operates 18 remote clinics and a mobile dialysis unit called the Purple Truck. Purple House started in response to the growing numbers of Pintupi/Luritja peoples from the Western Desert of Central Australia being forced to leave their families, country and communities to seek medical treatment for end-stage renal failure. The loss of key community members also had a significant impact on the transmission of sacred cultural knowledge. Purple House works to keep patients on country to keep families and culture strong. In 2018, after more than a decade of lobbying, dialysis in very remote areas was added to the Medicare Benefits Schedule, which for the first time has provided a stable funding source for Purple House services in remote Australia.[52]

Aboriginal and Torres Strait Islander women explained that the various patient-assisted travel schemes available to remote and regional residents, were insufficient to meet the travel, accommodation and incidental costs incurred in seeking healthcare away from home.

> *Some people have had to sleep in a park because they have no way of getting back to the hospital ... No phone and they can't call so can't get to the accommodation.* ***Kununurra women***

> *If there is a sick person, they have to go on their own on the bus [to the hospital]. They have no escort. When they arrive in the city, there is no one there to take care of them ... People get a $60 fuel voucher to take them to Alice Springs but that is not enough. So they put them on the bus. But then they don't have an escort.* ***Mimili women***

There are also many essential health services that are not covered by state and territory assistance schemes, leaving many women with no choice but to forego healthcare, or wait until health concerns become a crisis and are then covered by emergency assistance.

Recent research demonstrates that ACCHSs are more likely than mainstream services to provide services extending well beyond primary healthcare. This includes holistic supports such as travel assistance, childcare, income support and assistance with navigating the criminal justice system.[53] Despite this leading to a clear increase in accessibility of health services, many ACCHSs find difficulties in meeting the practical needs of community when they are not adequately resourced to deliver services beyond basic clinical healthcare.

> *ATSICCHSs have been proven to improve health access for Aboriginal and Torres Strait Islander [peoples]. Queensland's ATSICCHSs are doing a fantastic job with the resources that they have to support their communities to lead healthy lives. Many ATSICCHSs in Queensland, however, struggle to provide services required for their communities because of limited resources, resulting in ATSICCHSs being challenged to meet the holistic health needs of Aboriginal and Torres Strait Islander women and girls.* **Queensland Aboriginal Health and Islander Health Council submission**

> *We can't pick our clients up, can't take them in our cars, policies and things need to change, especially for government jobs. A lot of these mums can't get into the clinic. You think they would have a bus hey, [the Aboriginal Health Service] probably do it but why so different, the government ones? Just stupid [they] are allowing our women to fall through the cracks.* **Kalgoorlie women**

(b) The reliance on hospitals

Between July 2013 and June 2015, Aboriginal and Torres Strait Islander peoples were hospitalised at a rate of 1.3 times the rate of other Australians (excluding dialysis).[54] Aboriginal and Torres Strait Islander people were more likely to access hospital emergency departments, accounting for 6.7% of emergency department presentations in 2017–18,[55] making Aboriginal and Torres Strait Islander peoples at least 1.9 times more likely to present at emergency departments compared to other Australians.[56]

Throughout the consultations, women and girls identified an increasing reliance on hospitals as the first point of contact for significant health concerns due to the inaccessibility of existing primary healthcare services. This likely contributes to the high rate of Aboriginal and Torres Strait Islander people presenting to hospitals with potentially preventable hospital admissions.[57]

> *You ring the medical centre and they say they have no appointments for emergency cases [you] need to go over to the hospital, and the hospital say, 'why didn't you get an appointment?' 'Well you've just been told to go here, and now you are telling me to go there, and now you're telling me to come back.'* **Barcaldine women**

Hospitals in very remote areas provide services covering large geographical footprints. In places such as Saibai Island in the Torres Strait, women have told me their close proximity to Papua New Guinea can cause access issues for locals. The health service on Saibai Island often provides care to Papua New Guinean patients, which inevitably places strain on resources and affects the quality and availability of services to local people.[58] Women told me it is a common occurrence for the clinic to be closed down if a Papua New Guinean patient requires treatment for infectious conditions such as Tuberculosis.

> *We should have a doctor living here. We need them because people come from PNG, come with emergencies. The clinic shuts down and we cannot access it.* **Saibai Island women**

In a number of engagements, women raised the heavy reliance on hospitals to deal with emotional distress and substance misuse. It was acknowledged that hospitals were typically having to deal with crisis situations, due to a lack of alternative services.

> *There are no drug and alcohol services in [town], or very few, that are addressing the issue that our women have got ... They've got a men's drug and alcohol place here. But if our women want to get off the drugs ... they've got to go to hospitals and things where they're treated with such disrespect or they can't get in at the time that they need to, and there are no other services for them.* **Brewarrina women**

Women have reported that hospitals are often not adequately resourced or trained to deal with Aboriginal and Torres Strait Islander people in severe distress, further exacerbating distress. There is also a perception that overcrowding in hospitals means that hospitals are less likely to admit patients for mental health or substance misuse issues.

> *People can't really access the rehab centre until they have received some sort of detoxification. And you know, the hospital only has so many beds and can't accept people.* **Dubbo women**

The reliance on hospitals to deal with mental health and substance misuse crises, further evidences the need for a significant shift in focus to prevention and early intervention. Waiting until women hit crisis point to receive the help they need is not an adequate response. Investment in prevention and early action also reduces the likelihood of preventable conditions worsening and resulting in hospitalisation. In the long-term, this will help to improve resourcing issues within the public hospital system.

(c) Culturally appropriate care

Effective culturally competent healthcare services is known to improve Aboriginal and Torres Strait Islander peoples access to those healthcare services.[59]

Cultural competence within healthcare services includes: the provision of a service free of racism and discrimination; a holistic view of health; wrap-around supports to encourage engagement and consistency in treatment plans; employing Aboriginal and Torres Strait Islander staff; the integration of cultural protocols; advocacy and assistance in navigating multiple services and referrals; and an appreciation of the social determinants of health.

> *Health and other services are let down because of a lack of cultural competence without the service provision framework—so when people go for help they pull back and do not get the services they need.* **Launceston women**

Although there are times when some of our people prefer to access mainstream health services, recent research shows that Aboriginal and Torres Strait Islander peoples are much more likely to access ACCHSs rather than mainstream health services. They are more likely to experience better health outcomes with Aboriginal and Torres Strait Islander delivered care, services and programs.[60] The ACCHS sector has grown in recent years, with a significant increase in the number of Commonwealth-funded Aboriginal and Torres Strait Islander primary health organisations, from 108 in 2000 to 203 in 2015. This is an almost three-fold increase in the episodes of healthcare for Aboriginal and Torres Strait Islander patients.[61] Despite this, women and girls in remote parts of Australia are telling me that ACCHSs are still underfunded and without the necessary resources to address the significant health concerns of the Aboriginal and Torres Strait Islander population.

The Aboriginal medical service is excellent, but they are too busy—you can't get in.
Darwin women

At the bottom of it all you have workers out there, who are trying to deal with these issues with no resources … they don't give them the resources to do the packages and they are targeting Aboriginal people. You've then got to buy the resources, not cheap. We've got to try and find the money down at the bottom. [We have to] go into this and that government department to run program. **Geraldton women**

Women were very clear however, that the existence of ACCHSs does not excuse mainstream services from ensuring that they can provide appropriate care for Aboriginal and Torres Strait Islander peoples. All Aboriginal and Torres Strait Islander peoples, like all Australians, are entitled to a choice in accessing the services that are most appropriate to their needs.

… all services should be accessible for all people. My granddaughter needed services, and when we first rocked-up to their door [of the mainstream medical centre] they said 'No, you have to go to the AMS because you are Aboriginal'. I got no problem going to the AMS, but at the end of the day we went to the AMS and she has to go on an 18 month waiting list, whereas if we could get into the [mainstream] medical centre we would only have to wait 12 months. **Sydney women**

Cultural safety is paramount to ensuring that Aboriginal and Torres Strait Islander peoples are confident accessing healthcare when they need it, especially emergency healthcare. Throughout the consultations, it became clear that Aboriginal and Torres Strait Islander peoples continue to experience racism, discrimination and cultural disrespect.

Data suggests that while Aboriginal and Torres Strait Islander peoples are twice as likely to use hospitals, they receive a lower level of treatment compared to other Australians. The 2017 report on the Aboriginal and Torres Strait Islander Health Performance Framework, demonstrated that hospitalisation rates for coronary disease were higher amongst Aboriginal and Torres Strait Islander peoples, and yet those hospitalised are less likely to receive coronary procedures in hospital.

The same evaluation revealed significantly lower survival rates for Aboriginal and Torres Strait Islander peoples diagnosed with some cancers due to lower rates of screening, early diagnosis and timely treatment. Likewise, Aboriginal and Torres Strait Islander people admitted to hospital for diseases of the digestive tract, were significantly less likely to receive a corresponding procedure.[62]

In major cities, regional and remote locations across Australia, I heard repeated stories from women about being stereotyped, having their health concerns disregarded or minimised, having serious conditions misdiagnosed, and even made to feel that they had done something wrong by falling ill.

> *Another issue is discrimination against Aboriginal people at the hospital. Someone came with chest pain and [hospital staff] gave them Panadol. Then had a heart attack later.* **Coober Pedy women**

> *You go to the hospital and half of them nurses don't even want to touch half of our old people. They treat them like they've got a disease or something.* **Mapoon women**

A 2019 coronial inquest into the death of Wiradjuri woman, Naomi Williams—who died from a serious but treatable sepsis infection after having been observed for 34 minutes and sent home with paracetamol—acknowledged that repeated visits to hospital over several months were met with inadequate care and a failure to investigate the underlying cause of her symptoms. As well as finding that Ms Williams should have received further examination on the night she passed away, the coroner identified the lowered expectations of care that Ms Williams would have held after the way she was treated on previous occasions.[63]

> *Women die from racism in hospitals and jails.* **Canberra women**

The impact of systemic racism in the healthcare system is increasingly acknowledged.[64] It is clear that there is a need for more Aboriginal and Torres Strait Islander healthcare professionals, as well as better cultural competence and safety in mainstream staff to improve the quality of care for Aboriginal and Torres Strait Islander peoples.

Research tells us that Aboriginal and Torres Strait Islander women are more likely to engage with a service if the majority of health professionals and other point of contact staff are Aboriginal and Torres Strait Islander.[65]

> *They got services in place, but I did it all myself before I looked for support because I wasn't trusting of white people, and I felt a bit of shame and I didn't think [they would understand] my family obligation. My kids would not speak to white people about issues—it was just another white person telling them what to do. We have a trusted [Aboriginal] case worker now and they trust him more than a white person. They get that support and they'll go along to doctor's appointments.* **Perth women**

Aboriginal and Torres Strait Islander Health Workers (AHWs) contribute critical competence in the integration of cultural protocols. This was especially noted with reference to understanding how many Aboriginal and Torres Strait Islander men and women maintain distinctly gendered perspectives on health and wellbeing. This perspective may encompass far more nuanced understandings of identity, gender roles and socialised behaviour, as well as physical, social, emotional and cultural wellbeing, than simple biology or physiology.

> *Counsellor only comes once a week and it is a man. Women, especially with domestic violence and stuff don't want to talk to a man. There is no support for women here when they want to heal.* **Brewarrina women**

Text Box 12.5: Indigenous Allied Health Australia (IAHA) National Aboriginal and Torres Strait Islander Health Academy

IAHA is a national, member-based Aboriginal and Torres Strait Islander allied health organisation, governed by an all Aboriginal and Torres Strait Islander Board of Directors. IAHA leads workforce development and support to improve the health and wellbeing of Aboriginal and Torres Strait Islander peoples. IAHA supports allied health students and graduates and has a diverse membership working across sectors including but not limited to: health, mental health, aged care, disability, justice, education, community services, policy and academia.[66]

> The IAHA National Aboriginal and Torres Strait Islander Health Academy is an innovative community-led learning model aimed at creating opportunities for Aboriginal and Torres Strait Islander high school students to pursue a career in health. The Academy model is designed to support students to complete their schooling with a Certificate III in Allied Health Assistance. The Academy delivers tailored training and education programs which embeds the centrality of culture and a holistic approach to health and wellbeing. The Academy is a strengths-based, action-orientated, sustainable approach to developing the health workforce across communities. Investing in and building a locally driven workforce is a sustainable and culturally responsive approach to growing the health workforce, ensuring the delivery of health services are culturally safe and improving health outcomes for Aboriginal and Torres Strait Islander peoples.[67]

The Aboriginal and Torres Strait Islander health workforce also fulfils a critical role in helping Aboriginal and Torres Strait Islander peoples navigate their health journey through translating and explaining medical information, liaising between the ACCHS and other mainstream services, and supporting patients and their families to maintain treatment regimens.

> *I am one of the community nurses based in [community] here, I work primarily with people who may have a lot of complex health needs, and providing coaching around medication and diseases to keep them really strong, and keep them out of hospital for example, and more in control of health issues ... [In different roles], I would be a [liaison], a go between, between their treatment with the nurses and doctors and try and transcend the barriers.* **Longreach women and girls**

In hospitals, AHWs make a significant difference in not only ensuring that Aboriginal and Torres Strait Islander people feel comfortable, but also mitigating language barriers, advocating for patient needs, and ensuring that hospital staff are aware and respectful of cultural interests and priorities.

> *There are often reports of discrimination in the hospital and with the ambulance. There needs to be more Aboriginal health workers to ensure this does not happen in the hospital.* **Coober Pedy women**

Although the value of AHWs is increasingly understood, I spoke with Aboriginal and Torres Strait Islander women who worked in hospitals and health clinics who felt that there were not enough AHWs, and the few that are employed are stretched thinly to meet demand.

> *Sissy, I am so tired, the hospital are getting blamed, there's not enough Indigenous workers there.* **South Hedland women**

> *There [is] just the need to train our people to take over critical roles like, you know, how at the hospital, we've got this big hospital and stuff and there is fly-in fly-out with specialists. So we need to train our grassroots and people in community so we can have our community members trained-up in those roles. So yeah, we spoke about cultural training and stuff. There is a lot of investment in other people who leave.* **Kempsey women**

Whilst the Aboriginal and Torres Strait Islander health workforce is growing, cultural competence cannot be the sole responsibility of Aboriginal and Torres Strait Islander staff.

More must be done to ensure hospitals are culturally responsive and all hospital staff comprehend the systemic and ongoing differences in access, treatment, and results for Aboriginal and Torres Strait Islander peoples.

> *We need people to understand what people are going through and so that they can receive the support they need, and be a culturally appropriate service.* **Dubbo women**

(d) Gaps in preventative and educational health promotion

Since the 1986 *Women's Business Report*, Aboriginal and Torres Strait Islander women have become far more proactive and involved in the health sector and in the field of Aboriginal and Torres Strait Islander health. Women have said that the current deficit focus in Aboriginal and Torres Strait Islander health limits a more positive approach to our health and wellbeing.

> *We talked a lot about getting programs for detox, for domestic violence. How about the [flip side of] that? It is okay to say no, it is okay to be healthy, it is okay to not have a drink. We don't do enough of promoting the active healthy lifestyle and rewarding the positive exercise, for example, versus prescription drugs. Flipping the system, saying it is okay to be healthy, it is okay to be different—is okay to do that. Just for the younger kids that are coming through.* **Dubbo women**

In addition to the need for a broader focus on social and cultural determinants to support healthy lives, the women and girls identified several gaps within the existing siloed health framework. The most commonly identified gaps included:

- appropriate sexual and reproductive health education
- nutritional support
- focus on fitness.

12.5   Women's sexual and reproductive health education

Both women and girls expressed their distress over the young age at which Aboriginal and Torres Strait Islander girls are having children. 'Babies having babies', was a common phrase used to highlight the concerns of the older generations who feel that many young women were not emotionally, mentally or economically ready to be taking on the responsibility of children.

> *You know the biggest problem is that young ones having babies too early. That's where domestic violence happens. They aren't ready for it all.* **Mount Isa women**

There is a need for culturally appropriate, early education and preventative health measures for young girls that focus on healthy relationships, sexual health and pregnancy.

> *Need more education around sexual health and personal relationships. And we need women in community to be safe place to go and yarn about health and that.* **Woorabinda women**

It was further highlighted that comprehensive education needed to be undertaken with young teenage girls. It was of great concern to many women, that some of our girls are beginning sexual relationships at a very young age and either do not grasp the consequences of starting a relationship too young, or do not necessarily see that they have a far greater range of options available to them.

> *The other issue is our young women do not seem to understand that they have the right of choice. Leaving all feminist notions aside, we as Aboriginal women, are NOT teaching our daughters that they have the right to live their life not dependant on men. We do not teach them that they have the right to make their own way in life and can still be in a relationship and that relationship should be supportive not destructive!*

> *We love grannies, but we are not doing enough to teach our girls NOT to have babies as the only life choice—our young women have the right to fulfil dreams small or large (education, work, study, travel etc) before having babies, and, that they have the right to establish their own terms on how they want to live their life! I am fed-up with seeing really wonderful young women live sad life because they did not realise they had the right to choose the life they wanted ...* **Individual submission**

The need for better education on sexually transmitted infections was raised across the country.

> *Women [do not know] about STIs and how you contract them and get treatment for them.* **Mount Isa women**

Critically, several women indicated that girls are less likely to seek help for conditions related to their sexual health, out of fear of mandatory reporting and being removed from their families.

> *Young women trying to look after their sexual health, the service is reporting them. Their family then gets reported and then the children can get taken, when all they were trying to do is look after themselves.* **Sisters Inside Brisbane women's session**

In order to ensure that girls and young women are supported to make good decisions about their relationships, sexual health and reproduction, many women emphasised the importance of connecting to traditional processes. They discussed the need for passing on women's business by supporting the involvement of elder women and providing culturally safe spaces within health services.

> *The main issue of young women in the communities or in the cities anywhere really, aunties, sisters, and grandmas—just having an open discussion about contraception and STDs throughout the communities and to the younger generations ... [We need] elders in the health space guiding us around the sexual activities and what is safe for the younger generation, and if you are pregnant or if you know someone who is pregnant what the steps and guidelines are to raising that child and having the best possible foundation for your family.* **Cairns women**

In one very remote location in South Australia, women emphasised the importance of recent education initiatives in lowering the rates of teenage pregnancies amongst young Aboriginal girls in their community.

[We have] lots of young mums in their 20s [instead of teenagers] … The young girls come here [to the ACCHS], the teacher works with senior girls after lunch. Before they have babies, [ACCHS nurse] tells them about health … The doctor comes here and does lesson there. She is a midwife and nurse. Before [the ACCHS] nurse came out, I have been telling teachers that we needed health class here. I have seen girls playing with boys. I did not like it. So, I spoke with [teacher], and said, 'if you are doing something with senior girls then you need to get health classes for them'. **Indulkana women**

(a) Nutrition

Throughout the *Wiyi Yani U Thangani* consultations, women and girls identified barriers in accessing adequate nutrition. This was most prominent in remote and very remote communities where fresh food is often limited, expensive and occasionally inaccessible when the wet season cuts-off local supply.

One of the three key challenges we face as Black women … is food security. From poverty and homelessness and crime. It causes family humbug and all health conditions … got a lot of single parents and that mean one income. **Katherine women**

The introduction of European foods and diet has had a significant impact on the health of Aboriginal and Torres Strait Islander peoples. Although many of the women and girls that I met with, identified that a return to traditional foods would improve their health, the dispossession of land and the interruption to traditional skill sets makes that challenging across most of Australia.

Access to traditional food to address colonisation of food and improve health. **Brisbane women WOW session**

There is a need for education about nutrition and how to maintain healthy diets within the current limitations of women's lives. Women have indicated the uselessness of nutritional recommendations that emphasise the importance of fresh fruit, vegetables and high-quality proteins when these are beyond the financial capability of many families. Rather, women have said that they need better advice on how to maintain healthy diets for themselves and their children while living on limited budgets.

Can't believe how much the cost of basic fruit and vegetables are and it's not fresh ... Poor nutrition and not providing all of this is why we have high rates in [poor] health. We buy [that low-cost brand] because it's cheaper and they have high amounts of sugar. It sucks that people don't have a choice. Numbers of people buying rice and flour, so much sugar, so processed. They blame us for these health epidemics. These are the choices we have to make and I think it is a challenge because we don't really have a choice. **Napranum women**

Text Box 12.6: Wattleseed Nutrition and Dietetics

Wattleseed Nutrition and Dietetics is an Indigenous-owned and operated business based on Queensland's Sunshine Coast. Gamilaroi woman, dietitian and nutritionist, Tracy Hardy is the founder of Wattleseed Nutrition and Dietetics. Tracy is one of very few dietitians who identifies as Aboriginal and is a strong advocate for traditional food systems and their positive impact on culture, food security, health and wellbeing for First Nations peoples in Australia. Wattleseed Nutrition and Dietetics offers a range of services including nutrition coaching and counselling, workshops and consultancy services. Wattleseed Nutrition and Dietetics applies a personalised, holistic and culturally-centred approach to food, food environments, meal patterns, eating habits and health and wellbeing, with a particular focus on incorporating traditional foods (bushfoods) and therapies.68

In my discussions with senior women, the rules and laws that govern food were often discussed. Our conversations were far-ranging, covering aspects such as the various types of foods to be eaten during different seasons, and the ways in which food is prepared and its many purposes:

After the rain, before cold weather time, we have all the fruits. And we get the fruit then. Mostly that tree is really full of fruits and we eat the fruit from it and when it dries-up and we turn for [konkerberry wood] for the babies, to make them strong, help the mother's breast so we can have them with a lot of milk for the little babies. And it's used for keeping us well, you know like, like our wellbeing and we use it when we've lost our loved ones, when they die, they pass away. **Fitzroy Valley senior women's engagements**

Senior women also spoke of the importance of upholding reciprocal relationships with the environment and creator spirits:

> *And that big cloud rolling, rolling, and he black [storm cloud], all the old girls used to run out, stand out and ask him to bring big Mangarri [food]. Or they'll ask someone from that right skin for that cloud to ask for all that food. Because we say that big black cloud he carry all the food.*
>
> *Depending on the timing when we are waiting for that food, but in the meantime, people gonna be doing all the right things so that thing will come, and you know how that Wandjina [powerful rainmaker spirit] he say 'oh that's my people doing all the right things, right, I'll start all those clouds now that got all the Mangarri'.* **Derby senior women's engagements**

The protocols surrounding foods that are denied for particular genders or during particular life stages, such as during puberty and pregnancy or whilst mourning the death of a kin relationship were also discussed:

> *So different foods you've got to not eat at certain age, otherwise it will make certain things happen to your body, and some plants, only woman allowed to touch 'em, and some plants, only men allowed to touch 'em.* **Derby senior women's engagements**

Lastly, senior women also spoke of the spiritual significance that plants and animals hold as a person's totem:

> *Senior woman: Like before I became a child, I was a crocodile, my dad speared me, and when he speared me, I got a mark in my back, and when I was born I got that mark too.*
> *Interviewer: So you feel connection to crocodile?*
> *Senior woman: Yeah! I just look at it and say. 'nahhh I can't eat it.' And my granddaughter she is a turkey, and every time she ate turkey she would just swell right-up. 'No I can't eat it, you fulla eat it', and we'd say, 'just have a little bit, and she would say, 'NO!' like that.* **Derby senior women's engagements**

Carrying out our responsibilities to maintain, protect and replenish country, in turn, provides us with sustainable food supplies and adequate nutrition to enable a long and healthy life.

On my visit to the Kimberley Aboriginal Women Rangers' Forum, I was encouraged to see and hear of the transmission of food and resource-based knowledge being passed on to younger generations.

The young ones learning and they love doing their job, because they are doing it for their country and their people. Cultural advisers come along, teaching them, taking them camping, how to look after country, take them to get bush plants and trees and propagating them, and all the fruits, trying to get them to grow in the nursery. They are doing very well today and they even go to the schools. And when they are on school holidays, we take the young girls and boys out and teach them, what is good for bush medicine or what to eat or how to make whatever they can out of Aboriginal native trees and the kids, they enjoy themselves doing all those things. **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

'Just go shopping—bush supermarket!' That's what Bobo [grandfather] always say. 'That's my supermarket!' **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Programs which support senior elders and cultural advisers to transmit their country-based knowledge is vital for our continual existence on this continent. These teachings bestow essential learnings for the future generations of all Australians.

(b) Physical activity

Aboriginal women are increasingly aware of the importance of exercise and physical activity to health and wellbeing in comparison to the 1986 *Women's Business Report*.

Young women especially considered sports and physical exercise to be important sources of strength, and the vast majority of girls I met with were confident and skilled in a range of sports and physical activities. Their involvement in team sports especially provided them with opportunities to succeed, to build friendships and support networks and to keep healthy and occupied.

Sports [is] keeping our young people active and healthy, engaged and positive. **Mount Isa women**

Across the country, we have many prominent Aboriginal and Torres Strait Islander sportswomen that serve as role models for our young girls, and this has certainly helped to ensure that girls see sport as accessible and an area in which they can thrive.

> *Younger ones, we point them in the direction of football and basketball where they can achieve. [Teach them to be] fit and healthy and they live a long life. [They can] strive in the Olympics like Nova did.* **Perth women**

However, women have identified that they encounter barriers to engaging in regular exercise and physical activity. A lack of community infrastructure, limited environments in which women feel comfortable and culturally safe, and financial barriers to accessing adequate equipment, clothing, space and memberships were raised in many remote and regional locations. Even in major cities, women identified that physical fitness programs and activities were available in crisis rather than widely encouraged as proactive behaviour.

> *We have this police program, it's a fitness one. Really good. But you have to be referred and to be referred you have to be on the verge of real crisis, you know. With a record, known to the police. Have to be at crisis point to be involved. Nothing there for kids who are behaving and doing well.* **Sydney women**

Physical inactivity is one of the leading risk factors for negative health outcomes in the Aboriginal and Torres Strait Islander population (along with smoking, alcohol and high body mass).[69] Although Aboriginal and Torres Strait Islander children and adolescents get similar or higher amounts of physical activity compared to non-Indigenous populations, Aboriginal and Torres Strait Islander adults are less likely to be undertaking the recommended amount of physical activity.[70]

A submission from the Association of Independent Schools of South Australia reflected the way women and girls spoke about exercise and fitness, as well as their frustrations in the limited sporting opportunities that were available in some remote and regional locations.

> *Many of the students described activities that were important to them to build connections, social engagement and wellbeing. Younger students in particular, from regional and remote contexts, described the need for increased physical activities and sporting opportunities, such as football or basketball specifically for girls and female teenagers, as well as more outside spaces to hang/ live, like bike tracks.* **Association of Independent Schools South Australia submission**

Aboriginal and Torres Strait Islander girls across Australia expressed frustration that there were more sporting options for boys.

> *I'm still stuck on this women's football thing. There is no sports for girls in town besides netball and volleyball. [We need] more sports for girls.* **Tennant Creek girls**

The lack of adequately resourced sporting grounds and facilities was also raised in many remote locations.

> *[The kids] want a basketball court. And a swimming pool.* **Indulkana women**

Costs, including sports fees, transport to-and-from games and uniform costs, were raised as barriers to engagement in sports for both girls and women. Financial constraints may lead to Aboriginal and Torres Strait Islander women prioritising their children's opportunities over their own health and fitness.

> *Come the school holidays and there is nothing for them to do. If you want to send your kids [to the] YMCA have to pay. And [there is] another program but you have to be referred. Our kids just want to go out and play basketball—there is nothing for them. Some kids haven't got that [way to get there] and they would like to play sport.* **Kalgoorlie women**

For fitness to become a normal part of life and contribute to good health and wellbeing, it needs to be normalised and applied equally to children, adolescents, men and women. The majority of women who spoke about exercise and fitness programs were focused on team sports and group classes, but women in remote Australia were also enthusiastic about dedicated fitness centres.

> *A well women's health centre. A couple of days the men could use it, so they have a space too. A fitness and wellness centre in the town. For kids to get that idea in their heads early. Women want private spaces to exercise.* **Indulkana women**

Text Box 12.7: Health, wellbeing and physical exercise programs

Waminda South Coast Women's Health and Welfare Aboriginal Corporation, offers a 10-week health and wellbeing program called Dead or Deadly The program covers all aspects of leading a healthy lifestyle including:

- yarning groups
- smoking cessation
- holistic health
- physical activity and exercise
- nutrition (theory and practice)
- weight wellness
- chronic disease prevention and management.[71]

Moorundie Ruwe Ninkawi's Group, run by the Aboriginal Sobriety Group, in South Australia: offers a safe place for Aboriginal mothers to meet, yarn and improve their health and social and emotional wellbeing. The Riverland based women's group partnered with a local gym and physiotherapist to develop a program for the women with a focus on increasing their physical and mental wellbeing.[72]

Keep It Corka program in South Australia: is a partnership between the Aboriginal Health Council of SA (ACHSA) and Murray Mallee Community Health to promote healthy lifestyles, nutrition education and smoking cessation. The program promotes local role models and program ambassadors who inspire community to eat healthily, exercise regularly and make a quit attempt.[73]

Ampilatwatja Sport 'n' Rec program run through the Barkly Regional Council in the Northern Territory: delivers a range of activities aimed to promote physical, social, emotional, educational, mental and spiritual wellbeing for Indigenous young people in the Barkly region including:

- out-of-hours school and vacation care
- basketball, football and hockey
- painting
- discos
- nutritious meals for all attending the programs.[74]

(c) Maternal health

Aboriginal and Torres Strait Islander women have a long and detailed knowledge of pregnancy, childbirth and postnatal care. For more than 60,000 years, women have passed on practices for the care of mother and baby through every stage of pregnancy and childbirth.

Oh, and for when the woman have 'em baby they send out for the smoke and heal 'em up their body at the birth same time. Old people like our grandmothers and we do it too. Make a hole and we put the green grass or leaves from the river gum and we can make a little hole and make some fire and then cover ourself, and sprinkle water on it, and cover ourself and smoke our self out. Massage that smoke into their bodies and we put on the medicine. **Fitzroy Valley senior women's engagements**

These practices have been displaced in many parts of Australia and the contemporary, Westernised experience of childbirth undervalues much of our knowledge—even when that knowledge remains strong.

For some Aboriginal and Torres Strait Islander women, pregnancy is their first encounter with the hospital system. Australia is considered one of the safest countries in the world to give birth. However, this is not the case for Aboriginal and Torres Strait Islander women and babies.[75] The Aboriginal and Torres Strait Islander infant mortality rate in 2017 was twice the infant mortality rate of other Australian infants (6.3 compared with 3.1 per 1,000 live births).[76]

The 2019 Closing the Gap report indicated that the target to reduce mortality rates for Aboriginal and Torres Strait Islander children is not on track. The Aboriginal and Torres Strait Islander child mortality rate has declined since the 2008 target baseline. However, the gap in the child mortality rate has not narrowed because non-Indigenous child mortality has declined at a faster rate.[77]

A part of the gap in maternal health lies in the social determinants and pre-conception health disparity between Aboriginal and Torres Strait Islander women and other Australian women. Aboriginal and Torres Strait Islander women are more likely to live in remote or disadvantaged areas that lack appropriate services. They are also more likely to have pre-existing health conditions, and have more babies at a younger age. Furthermore, Aboriginal and Torres Strait Islander women are also less likely to seek antenatal care until later in their pregnancy and are more likely to have pre-term, lower birthweight, babies who are at a greater risk of dying early in life.[78]

There remain substantial gaps in the provision of maternal healthcare for Aboriginal and Torres Strait Islander women. This includes adequate access to pre-conception, antenatal and postnatal care, as well as hospital support and location-based birthing programs.

We need better support for young women before they get pregnant, antenatal and postnatal care. **Kimberley Birds' submission**

Women emphasised that equitable maternal and infant healthcare must consider not only the disproportionately negative outcomes experienced by Aboriginal and Torres Strait Islander mothers and babies, but also the intergenerational trauma that affects their communities.

Trauma can affect your DNA and the genetics, so it is even before we get pregnant that we need to be looking at being well and healthy. So looking after your mind, body, spirit, land, all that sort of stuff, pregnancy, getting women in for their antenatal checks, mindfulness, being well socially and emotionally, having healthy relationships with your family, partner and community. **Nowra women and girls**

There are many reasons why Aboriginal and Torres Strait Islander women access antenatal care at a lower rate than other Australian mothers. Racism, discrimination and culturally unsafe environments were significant factors in women deciding not to engage with hospitals or antenatal programs. Critically, women also told me that in some instances, pregnant women attending hospital did not have their concerns taken seriously, and were turned away without examination or treatment.

This young girl, she went to the hospital, she was sick and she was having a baby. And she went to the midwife and she told her she was crook and they sent her home … She ended up miscarrying her baby. They sent her home. No one checked her. She said she was that sick that night.

The next morning, she bumped into the midwife at the garage and said to her, 'I had a terrible night last night, I was that sick, I couldn't sleep'. And that midwife just said to her 'that's how you'll feel for a few days'. And she [was] talking about the amount of blood she was losing. And she never told her to come back to the hospital or 'jump in the car with me and I'll take you back to the hospital now'. Now this young girl, she went home and she felt like something was still moving in her body so she ended up … she collapsed at home and then they ended up flying her out. And they found parts of her baby's body still inside of her and the doctor said, 'if you didn't come, if they didn't decide to fly you out today, you would have been dead. You would have died from septicaemia.' **Brewarrina women**

The pervasive perception of racism in hospitals was enough to make women fear they would not receive the same level of care as non-Indigenous mothers, even if they had not experienced discrimination themselves.

> *And the other person from that same family, she was further along in having her baby. She went up [to the hospital] because she was sick. And they just said to her, 'that's just normal, just a bit of pressure'. They never examined her. Never got the doctor to come and see her. The next day, her and her husband drove to Dubbo to do some shopping and they rushed her into hospital and she had a premature baby. This is just the treatment that our women and our men are getting from services.* **Brewarrina women**

For many Aboriginal and Torres Strait Islander families, it is important that children are born on their traditional country. The expired Australian National Maternity Services Plan (NMSP) had identified that reducing the gap in health outcomes for Aboriginal and Torres Strait Islander mothers and babies would require the development of culturally competent maternity care,[79] focused on three priority areas:

- increasing the Aboriginal and Torres Strait Islander maternity workforce
- culturally competent mainstream maternity care
- dedicated birthing on country programs.

The Western, contemporary expectation for women to give birth in hospital or birth centres often means that many children are being born off country. Across Australia, 21% of Aboriginal and Torres Strait Islander women who give birth every year, live in remote and very remote locations (compared to 1.5% of non-Indigenous women).[80] For women living remotely, especially those experiencing high-risk pregnancies or complications, maternity services are only available in regional centres and major cities.

> *There are no birthing suites here. You have to go to Thursday Island or Cairns to give birth a couple of months ahead. The clinic just has emergency births.* **Saibai Island women**

A joint submission from the Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM) and the Australian College of Nursing (ACN), supports the approach outlined in the former NMSP. They have also advocated the prioritisation of birthing on country programs whilst developing the cultural competence of regionally based maternity care.

> *The 'birthing on country' is another model of care that is designed to take into consideration the social and emotional needs of Aboriginal and Torres Strait Islander women, girls and their families. It offers a holistic framework of practice where cultural beliefs and practices like connection to country are imperative factors for healthy mothers and babies. Whilst we advocate support for 'birthing on country' as a priority choice for Aboriginal and Torres Strait Islander women, there will be times where the workforce may not be adequately resourced to cater for these choices. Therefore, we call upon government to undertake needs-based planning for workforce and infrastructure development to enable well-resourced culturally safe maternity models of care.* **Congress of Aboriginal and Torres Strait Islander Nurses and Midwives and the Australian College of Nursing submission**

The need to travel for childbirth comes with a range of practical challenges for women and their families. There can be significant costs for women who have to live away from home for up to 2–6 weeks prior to delivery.

> *Not everyone has a car to travel to [regional centre] … a lot of people don't have any money to stay over there to feed themselves … My waters broke at 31 weeks and I went to [local hospital] and they flew me to [regional centre hospital], which is fine. But then they expected my family to go to [regional centre hospital] and bring me back.* **Kempsey women**

Women raised concerns over the impact this has on their families and the struggle to arrange childcare for children back home. It also means that partners are unlikely to be present at the birth due to financial, work and family pressures, often leaving women without support during the last weeks of pregnancy and childbirth.

> *No maternity ward here. We can't deliver babies here, so expectant mums get sent down to Alice two weeks before their due date. That has an effect on families, particularly if there are multiple other kids in the family, that then need to rely on other family members to look after them.* **Tennant Creek women**

Even under circumstances in which partners and family are able to travel with the expectant mother, the need for accommodation, transport and care must still be negotiated.

> *When our women come in to have babies … they have to stay in the hostel and it's just a two bedroom. It's a very small compartment to put a family in, so just putting some more thought into how that accommodation is set-up.* **Thursday Island women**

The need for improved postnatal care was also raised throughout the consultations, especially in regard to the recognition and support for postnatal depression. This is particularly lacking in regional, remote and very remote areas.

> *There is a lack of programs to help young women, especially young mothers, with various issues … We have trouble with women having babies, some of them [have] postnatal depression and there's no help for that. And some of them don't know where to go to get help and some of them really don't trust anyone to help them. I've seen a lot of that in the young women today.* **Literacy for Life submission**

To address the gap in maternal and infant health outcomes, care must be both clinically and culturally safe. Maternal health supports must be accessible, appropriate and respectful of Aboriginal and Torres Strait Islander perspectives on childbirth and parenting.

Text Box 12.8: Maternal care programs

The joint submission from CATSINaM and ACN, identified successful models of care operating throughout Australia that provide culturally competent and continuous care to Aboriginal and Torres Strait Islander women and their babies before, during and after pregnancy, These models include:

- South Metropolitan Perth Aboriginal Maternity Group Practice program which employs Aboriginal grandmothers, Aboriginal health officers and midwives working in partnership with existing antenatal services.

- Metropolitan Aboriginal Family Birthing program in South Australia provides culturally competent antenatal, intrapartum and early postnatal care with midwives and an Aboriginal maternal and infant care worker providing care to women.

- The NSW Aboriginal Maternal and Infant Health Service provides a model of continuity of care for women and their babies involving services offered by a midwife and Aboriginal health workers.

- The Australian model of the First 1000 Days Program: works with elders, community, researchers, front-line workers and policymakers to address needs of Aboriginal and Torres Strait Islander families through coordinated, comprehensive, culturally informed interventions, from pre-conception to two years of age.

- Australian Nurse Family Partnership is a nurse-led home visiting program that aims to ensure good health is achieved for mothers and babies during those early years of life.

Pregnancy and giving birth are profoundly important parts of many women's lives. Maternal health must be a clinically and culturally safe experience for Aboriginal and Torres Strait Islander women. We need to strengthen efforts to ensure Aboriginal and Torres Strait Islander women receive maternity care that respects their cultural, emotional, physical, psychosocial and spiritual needs, while providing spaces for women to apply choice and control over their healthcare.

12.6   Conclusion

Aboriginal and Torres Strait Islander societies have a culturally informed, comprehensive and holistic perspective of health and wellbeing. This is not reflected in many of the national strategies, frameworks and implementation plans that exist to address Aboriginal and Torres Strait Islander health and wellbeing.

There are attempts to create more holistic measures and approaches to closing the gap in health outcomes for Aboriginal and Torres Strait Islander peoples. However, Indigenous perspectives are largely marginalised from mainstream health planning and service delivery. Rather than Aboriginal and Torres Strait Islander peoples determining our own health needs and frameworks, we are forced to fit within a mainstream Western conception of health and health service delivery. Too often, Aboriginal and Torres Strait Islander perspectives are only considered when attempts are made to improve the cultural responsiveness of mainstream frameworks.

It is clear that the burden of ill-health amongst our communities can be addressed with the right interventions and supports. This will not happen without Aboriginal and Torres Strait Islander peoples designing and delivering these supports. Mainstream perspectives alone cannot meet our health needs. It is only through a holistic and comprehensive change to the way we approach health and wellbeing that we will close the gap in health inequality.

Critical to this, is the self-determination and empowerment of Aboriginal and Torres Strait Islander women and girls, and restoration of pride in our ways of knowing, being and doing. We must increase the Aboriginal and Torres Strait Islander workforce in our healthcare system, as well as develop greater cultural competency within the mainstream health service, to ensure the entirety of the health system is culturally safe and responsive. We must increase support to ACCHSs across Australia, as a critical factor in closing the gap. We need stronger action to address racism and trauma through strengthening cultural and social inclusion, which we know are significant determinants of health and wellbeing.

Chapter 13 Social and emotional wellbeing

Social and emotional wellbeing (SEWB) is a term used to encompass the physical, mental, emotional, spiritual, social and cultural wellbeing of a person. In Aboriginal and Torres Strait Islander societies, it is intrinsically linked to strong connections between an individual and their family, community, culture and country.

Extensive research and evidence exists showing the relationship between SEWB and physical and mental health from Aboriginal and Torres Strait Islander perspectives.[81] While it is not the intent of this report to replicate arguments that have been made effectively by Aboriginal and Torres Strait Islander researchers elsewhere, it is important to understand SEWB as a multidimensional concept which extends beyond simplistic Western medical views of health and illness.

> *We endorse a holistic definition of health from an Aboriginal and Torres Strait Islander perspective and recognise that good health and wellbeing is not just the absence of disease but also the social, emotional and cultural aspects of the whole community.* **Congress of Aboriginal and Torres Strait Islander Nurses and Midwives and Australian College of Nursing submission**

The social and emotional wellbeing of our communities is shaped by a combination of factors, including our social and cultural strengths and identities, our experiences of trauma, and the amount of control we have over the decisions that affect our lives.

> *Social emotional wellbeing. It affects everything—mentally, physically. Inflicts sicknesses. Feeling helpless [and feeling like we] can't go on. That creates violence against others and ourselves, and unhealthy relationships, neglecting our own kids ... [then] gambling and alcohol and drug problems—that's just a way to help as a coping method. [End up feeling] like you've got no purpose, no reason to go on. [Then you] feel trapped in a vicious circle, distracted from our culture and way of life.* **Darwin women**

Aboriginal and Torres Strait Islander women often experience poorer social and emotional wellbeing than Aboriginal and Torres Strait Islander men as a result of the disproportionate responsibility that women take to care for family and manage community stressors. Aboriginal and Torres Strait Islander women are constantly filling the gaps in current systems. They are leaders, family managers, advocates, teachers and healers. In addition, our women must take on the responsibility of contemporary roles which come with significant emotional costs.

There is an inadequate focus on the social, economic and cultural determinants of health and wellbeing for Aboriginal and Torres Strait Islander peoples. This perpetuates negative outcomes in mental health, self-harm and suicide across our communities.

Physical health, mental health and support for those living with disability are important components within a broader SEWB framework.[82] Throughout the *Wiyi Yani U Thangani* consultations, it was clear that the health and wellbeing of Aboriginal and Torres Strait Islander populations cannot be considered in isolation from the rest of our lives. Nor can an individual's health and wellbeing be adequately understood without reference to that of their families and extended kinship networks. Holistic, culturally competent and early intervention supports are critical to improving the social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples.

> *Everything is interconnected. It all needs to work together to achieve one outcome. There is a snowball effect. [We should be] trying to address the whole range.* **Ceduna women**

13.1 Mental health

The women and girls I met with, spoke of mental health being intrinsically linked to broader determinants of health. Good mental health is far more likely with economic, social and cultural security, and poor mental health has a cascading impact on all other aspects of our lives.

> *Our number one issue is mental health. It affects you emotionally, physically, causes trauma and bad health.* **Sydney women**

Text Box 13.1: The Barndi Nyarlu art healing program

The Barndi Nyarlu (Good Women) art healing program brings together the women of Mullewa, Western Australia, to express feelings of loss and grief through art. An art therapist provides a safe space for the women, to create art while working through their daily issues.

The healing program allows the sharing of experiences, giving the women a supportive network of others who they can turn to. It is run by the WA Centre for Rural Health (WACRH).[83]

For Aboriginal and Torres Strait Islander peoples, connection to culture, country and identity is a fundamental component of mental health. Identity and connection are protective measures against poor mental health, and disconnection from cultural identity can have a profoundly negative impact on an individual's sense of self-worth and their place in the world.

> *There is this inability to express or experience culture freely in our communities which we believe is an intergenerational issue. Produces a lack of identity and belonging in our community, creates poor self-esteem and self-worth. It affects our spirituality and ceremony, feelings of disconnection.* **Sydney women**

> *Stolen Generations never had that opportunity to have language or know country. I do walk around and I do feel like something is missing in me, and that is what will happen to our children if they don't have those connections—they will walk around like me, feeling lost.* **Fitzroy Valley senior women's engagements**

Moreover, the mental health of our people is highly dependent on the health of our families and country. The suffering of our lands and communities plays a significant role in the poor mental health of individuals. This is consistent with Aboriginal and Torres Strait Islander-led research, which shows that positive mental health is associated with wholeness and connectedness.[84]

Throughout the *Wiyi Yani U Thangani* consultations, it became clear that—despite the raft of research, reports, recommendations and strategic frameworks—there has been little progress in improving mental health within many of our communities. Women and girls consistently raised concerns regarding specific aspects of mental health that need to be urgently addressed. These primarily centred on:

- the prevalence of emotional distress and mental illnesses
- the role and appropriateness of services and programs
- the specific needs of young people
- the high rates of suicide.

There is a lack of adequate data about our mental health. But the evidence that does exist shows that rates of psychological distress and suicide are worsening.[85]

> *We die younger and we are prone to mental health and have high rates of suicide. So obviously all of those issues in itself, you as a person or a young woman, it obviously is going to affect your confidence, self-esteem, and how you position yourself here in this community. It creates generational trauma and generational concerns.* **South Hedland women**

Women and girls spoke unanimously about how these issues combined are at crisis point in many of our communities. Along with ongoing holistic supports, there is a need to address these multiple crises in the immediate.

13.2 Emotional distress

The experience of emotional distress has a critical impact on our mental health. Aboriginal and Torres Strait Islander peoples experience extreme emotional distress and poor mental health at a much higher rate than the general population.[86] In the most recent NATSISS data, 32.8% of Aboriginal and Torres Strait Islander people reported high or very high rates of psychological distress, compared to 13% of other Australians.[87] Within the Aboriginal and Torres Strait Islander population, rates of high and very high psychological distress were significantly higher for women (38.6%) compared to men (26.3%).

For Aboriginal and Torres Strait Islander women and girls, emotional distress is compounded by intergenerational trauma,[88] unique stressors associated with experiences of marginalisation,[89] and the burden of caring responsibilities without adequate supports. These experiences are in part responsible for our women and girls having greater levels of emotional distress than our men and boys.

> *We've all had it in our lives. The pressure from community to step-up. Got to go and do this, do that. As an individual that is a lot of pressure. We've got to be seen as role models. This is huge, even for us. We have everything else going on in the community, [looking] after bubs, deaths and then all the social impacts. It's an overwhelming responsibility.* **Geraldton women**

These issues are reinforced by research submitted by Beyond Blue.

> *Research also indicates that Aboriginal and Torres Strait Islander women experience greater social stressors than Aboriginal and Torres Strait Islander males. The most commonly reported family stressors by females include the death of a family member or friend, mental illness, alcohol and drug related problems and pregnancy.[90] In addition, Aboriginal and Torres Strait Islander women report experiencing violence at 3.1 times the rate of non-Indigenous women, with Indigenous women being 32 times more likely than non-Indigenous women to be hospitalised due to family violence.[91] These experiences have a grave impact on the social and emotional wellbeing of Aboriginal and Torres Strait Islander women and consequently their broader families and communities.* **Beyond Blue submission**

For the women and girls I met with the most frequently raised stressors included: death or illness of friends and family; worrying about the wellbeing of family; being unable to find work or pressures in the workplace; housing; and, racism and discrimination. The most commonly raised stressor throughout the *Wiyi Yani U Thangani* consultations, was the heavy weight of Sorry Business. This is a community-wide stress that impacts us all equally.

> *One of the things is constantly being in Sorry Business, constantly dealing with grief, we no longer have signifiers to wear that tells people to take more consideration. That accumulation of trauma from high impact deaths, suicide, incarceration, health. Our elders are passing and the constant separation from knowledge, culture and who we are.* **Brisbane women WOW session**

> *Family loss and grieving. Getting over one grieving process and another starts.*
> ***Kalgoorlie women***

Across the nation, Aboriginal and Torres Strait Islander women told me that they did not have the time or space to process and resolve their own grief and trauma due to their ongoing responsibility for caring for families and communities.

> *We carry it for them, our young girls, when they experience this. Depression and all of those things. [Health, kids coming out of prison, family breakdown for kids and spouse] … family loss and grieving, getting over one grieving process and another one starts. Addictions. Then [there] is your own mental health, depression and a lot of them mob got anxiety and suicide.* ***Kalgoorlie women***

Although a detailed discussion of economic insecurity, unemployment and work pressures is presented in the Economic Participation and Pathways to Employment and Empowerment chapters of this report, it is critical to emphasise the emotional distress that women experience with unemployment and work pressures.

> *There are no jobs here … how do we instill vision in our children? How are we supposed to do that and tell them that they should be aiming for these things in the future when there's no work here anyway. We have 12 graduates from that school, all on the dole because there's nothing to come home to. They go out and get an education, but there's nothing when they get back but CDP. You encourage your kids to go to university, but then they come back to nothing. How are we supposed to change anything when there's no work for anyone?* ***Yarrabah women***

The load our women carry to care for everyone has created a situation in which many women in community feel that they have no respite. In addition, women have said to me that they are routinely filling gaps in essential service supports, outside of their employed roles.

> *Women are always working far beyond our work roles. You do a lot of advocacy for people that knock on your door at night. We don't turn anyone away. We try and follow-up as much as we can. It might not even be work related. We are Black fellas 24/7, so our work light is still on. It might not be considered mental health, child protection or police matter, but they feel comfortable [coming to us]. Sometimes we are like a safe house for domestic violence. Women are doing all the prevention work that the services [we work for] don't.* ***Kalgoorlie women***

It was especially evident throughout the *Wiyi Yani U Thangani* consultations that Aboriginal and Torres Strait Islander women working in Indigenous advocacy and mainstream organisations, were more likely to experience vicarious trauma. Part of this was due to the expectation that a professional lens be applied when working in areas that have a direct impact on our lives.

> *Our life as female Aboriginal and Torres Strait public servants is a constant balance; standard work-life balance is included; but there are other facets that non-Indigenous APS employees don't and cannot comprehend:*
>
> - *the struggle to remain emotionally intelligent when you're given reports or commentary about your people and you are asked to give your personal but also professional opinion …*
> - *when non-Indigenous staff members assume your connection to country and cultural heritage is 'weaker' due to your mainstream intellect and APS employment when they assume people who live on country are intellectually inferior*
> - *hearing constant messaging about Indigenous disadvantage and not having anyone else in the room understand that all that disadvantage affects your direct family, because you are the people they're researching:*
>   - *the diabetes results, makes you remember your grandfather who died on dialysis*
>   - *suicide rate, remind you of your sister who tried to take her life*
>   - *mental illness question reviews, knowing that it affects most of your family.*
> - *being expected to leave your Aboriginal and Torres Strait Islander activism at the door and disconnect from your people while at work.* **The Centre of Excellence for Aboriginal and Torres Strait Islander Statistics submission**

It was clear throughout our consultations that overcrowding, poor housing conditions and the threat of homelessness are sources of significant emotional distress for many of the women and girls. Overcrowding increases tension on family relationships and contributes to the fracturing of extended kinship networks.

> *The issues that we have, with overcrowding, health issues, no privacy, and stress and it causes burdens on families and those that are actually living in the house. Because one of our strengths is families and the last thing we want to do is kick our families out of the house because of overcrowding.* **Thursday Island women**

Women and girls also spoke to me about the impact of racism and systemic discrimination. They talked about how it damaged their mental health, how it made them feel isolated and caused them to disengage from broader society.

> *Racism disempowers us, it increases anxiety … women second guess themselves, [especially our] younger generations … It affects our international identity, our mental and physical health long-term, that lack of identity and confidence in ourselves. It causes lateral violence and intergenerational trauma.* **Canberra women**

Whilst the remarkable strength of our women and girls was apparent everywhere we visited, they have also told me that they are exhausted. In having to hold everyone together, our women feel that they cannot fall apart:

> *Don't have time for self-care because we're the ones holding our family together, carrying family. Big burden and then we don't have any self-care … You might be the only one in your family that have got it together. So what happens when you fall apart? There is an extra layer of stress that you have got to keep it together and can't fall apart.* **Perth women**

> *As Black women in our own country, we feel tired, exhausted, angry, fatigued. We're not happy. We gotta be strong and continue on. We have this younger generation.* **Mount Isa women**

> *Having too much responsibility as an Aboriginal woman looking after my family and kids and elders and extended family and money, having no time for myself … We do everything … People think 'I have a problem, go to the woman and solve it for me'. And then this causes our mental health to suffer because we are responsible for everything.* **Kempsey women**

Time and again, women told me they are trapped in an unsustainable situation knowing that there are no alternative systems in place to support and care for those around them. The continuing reliance on our women to fill essential caring and community roles, without adequate supports, will only contribute further to the crisis of mental health in our communities. The distress our women are experiencing by having to care for so many who are in need, is adding further strain to a fundamentally broken system.

> *It's hard. Sometimes we feel like giving up. If I walk away from my kids they have nothing. The multi-tasking and balancing on so many emotional levels.* **Canberra women**

> *Family always comes first. I drew on my super to look after my elderly parents. I was nursing my brother. I had a drug addict son. I was only in my 50s. I never had any support. There's nothing to help. I was ready to jump off a bridge. If I had a car, I would have driven off it. Where do you go to regenerate?* **Mildura women**

Women and girls have said that they need services designed and led by Aboriginal and Torres Strait Islander women to specifically address their unique experiences.

> *What is there for us [women] to support our spiritual, emotional and mental wellbeing and cultural wellbeing? Because we work so much. We have so many responsibilities and decisions to make. The challenge is that there is nothing there to support [us] while we support all these other states of being. To care for us and make us feel cared for.* **Rockhampton women**

In response to these high rates, leaders in Indigenous mental health have developed the National Strategic Framework for Aboriginal and Torres Strait Islander People's Mental Health and Social and Emotional Wellbeing 2017– 2023.[92] To date there has been no progress report on the implementation of the Framework from any jurisdiction, and where actions have been taken, our mental health has frequently been conflated with mental health plans for the mainstream.

Text box 13.2: Wurli-Wurlinjang Social and Emotional Wellbeing Unit

The Wurli-Wurlinjang Social and Emotional Wellbeing Unit is a holistic and culturally appropriate counselling, therapeutic treatment and support service that strengthens the social and emotional wellbeing of Aboriginal and Torres Strait Islander people in the Katherine region of the Northern Territory.

The unit is a part of the Wurli-Wurlijang Health Service and operates out of a dedicated wellbeing office. It also conducts services at the *Strong Bala* male health facility, at home, or at other appropriate places.

The Wellbeing Unit assists Aboriginal and Torres Strait Islander people to deal with unresolved grief and loss, domestic violence, removal from family, substance misuse, family breakdown, cultural dislocation, racism and discrimination, social disadvantage, sexual abuse, trauma, depression, poverty, and intergenerational consequences of removal policies.

The programs offered by the unit include:

- one-on-one counselling
- family and small-group therapy and education sessions
- mental health promotion and education
- access to psychologists.[93]

In 2014, a National Review into mental health programs and services undertaken by the National Mental Health Commission made a series of recommendations to address fundamental structural shortcomings in Australia's mental health system. This included two recommendations specific to Aboriginal and Torres Strait Islander mental health, including a Closing the Gap target.

The new National Agreement on Closing the Gap announced on 30 July 2020 includes social and emotional wellbeing as a socio-economic outcome, with a target to significantly reduce suicide of Aboriginal and Torres Strait Islander people towards zero.[94]

Emotional distress has debilitating impacts on all aspects of life. Aboriginal and Torres Strait Islander women and girls need access to a holistic support system that both addresses systemic inequalities—as a significant source of emotional distress—while also providing access to healing and respite supports. This approach would provide care for those in need, supports for carers, while also enabling our women and girls to meaningfully engage in societal opportunities, from education to employment and forming constructive and healthy relationships.

13.3   Mental illness

The definition of mental illness within an Aboriginal and Torres Strait Islander context is complex. The Western concept of mental illness is typically a clinically-recognised psychological syndrome or set of behaviours that occurs with significant distress. Clinically recognisable mental disorders include anxiety disorders, mood disorders, psychosis and personality disorders.[95] It is starting to be understood that the standard classifications and diagnoses of mental illness are not designed to reflect the social, cultural and spiritual experience of distinct cultural groups.[96]

What is important to understand is that mental illnesses exist on a spectrum of mental health. Mental illnesses can share many of the characteristics of poor mental health, but can be more severe and can be recognised as disabilities.

The 2014–2015 NATSISS found that 29% of Aboriginal and Torres Strait Islander people reported having a clinically diagnosed mental health condition, with a higher prevalence for Aboriginal and Torres Strait Islander women (34%) than men (25%), and a significantly higher reporting rate in non-remote areas (33%), compared to remote areas (16%).[97] Diagnosed mental health conditions are significantly more likely in Aboriginal and Torres Strait Islander people who had been removed or had relatives removed from their natural family.[98]

While the reported prevalence is high, we know that many mental illnesses in our families and communities are undiagnosed. Women and girls across the nation were well-aware of how poor mental health, left unaddressed, both develops and exacerbates mental illnesses.[99]

Everywhere I went, women and girls talked of how the relentless experience of adverse live events—of racism, illnesses, suicide, overcrowded housing, alcohol and drug issues, family going to jail and kids being removed—wears everyone down. They spoke of feeling numb or being in constant pain and grief. These multiple re-occurring experiences cause harm. They may not necessarily cause mental illness, but, as I explored in the previous section, they can result in community-wide poor mental health.

What the evidence tells us is that, the more adverse life events in a person's life, the more likely they are to experience serious psychological distress that can lead to clinically diagnosable mental illness. In Part Two, in the Community Safety chapter, Figure 5.1 depicts how adverse experiences and stressors can outweigh protective factors, of family and culture, and increasingly heighten the likelihood of psychological distress.

This is what I have heard from women: that unaddressed and unrecognised adverse experiences, throughout life, has caused our women and others to suffer extreme anxiety, deep depression and Post Traumatic Stress Disorder (PTSD), among other illnesses.

The evidence from *Wiyi Yani U Thangani* suggests that mental illnesses are widespread, largely undiagnosed and are significant factors in driving health inequality and reducing Aboriginal and Torres Strait Islander life expectancy.

> *Woman 1: There are too many deaths—from having no culturally appropriate support services available. For domestic violence, suicide, depression, mental illness and prison.*
> *Woman 2: We should be supporting youth and keeping them on track and [it should be] under the umbrella of mental health. Because often drugs and alcohol are used to alleviate emotional stress, depression and sadness. It's a catch-22 situation—you're depressed and stressed, take drugs and alcohol and give us an instant high.* **Perth women**

Throughout the *Wiyi Yani U Thangani* consultations, the unrecognised issues of mental illness was reflected in women's concerns over:

- inconsistencies in the diagnosis and assessment of mental illnesses within Aboriginal and Torres Strait Islander populations
- the failure to adequately address co-occurring mental illness and emotional distress
- the criminalisation of mental illness.

(a) Diagnosis and assessment

The diagnosis and assessment of mental illness in Aboriginal and Torres Strait Islander populations is often complicated by:

- the absence of culturally appropriate diagnostic tools
- the siloed nature of diagnosis and assessment that fails to acknowledge the holistic nature of health and wellbeing
- different cultural concepts about disability in individuals.

The experiences of overdiagnosis and underdiagnosis is discussed in detail in Part Three of this report as part of a broader discussion about disability. However, in discussions about mental illness, women have raised the importance of culturally appropriate and responsive diagnostic criteria to ensure Aboriginal and Torres Strait Islander peoples are receiving the help that they need.

Culturally responsive diagnostic and assessment tools are critical to ensuring that Aboriginal and Torres Strait Islander mental health conditions are responded to with a combination of western techniques and traditional healing methods.

> *What most of the organisations are missing out on is including culture in our daily life. Including for those people missing out on our cultural ways of treating our people. Protocols need to be adjusted in their programs. Why do people come out and start drinking again? Culture allows us to treat and heal our people traditionally.*
> **Katherine women**

> *In all these conversations about mental health have people been talking about Tracey Westerman's [Aboriginal Symptom Checklist]? I mean how do you even have a proper discussion about helping our mob if you don't know where to start from? Come on.* ***Kempsey women***

The use of Western diagnostic and assessment tools alone can act as a barrier to Aboriginal and Torres Strait Islander peoples seeking help and can lead to underdiagnosis and misdiagnosis. I have heard how western diagnostic tools fail to consider the manifestation of symptoms that may have cultural or spiritual explanations. As women in Melbourne and Sydney explained to me, cultural beliefs can be misdiagnosed as mental illness:

> *I did a bit of work in the psych ward, we're—psychiatrist—clinical versus cultural. We have a huge gap. The Western way of treating mental illness is overshadowing cultural beliefs. If someone says they see their ancestors, they're deemed as delusional and possibly locked up.* ***Melbourne women***

> *Our number one challenge was mental health. It affects you physically, emotionally, causes trauma and bad [physical] health. And it affects the whole community and family in general. If someone has [poor] mental health and if you're not educated on how to properly treat it, then it's going to affect everybody. Flow on effects, there are heaps—drugs, alcohol, the younger generations are affected by watching older generations. While they're watching their older siblings go through something they aren't very well trained on or know much about, then they are probably going to go through the same road. It passes down from generation to generation. There is misdiagnosis within the health system itself, so they're misdiagnosing people. They're not getting it right from the start, so that then causes a ripple effect.* ***Sydney women***

I have also heard how a lack of cultural competence in mental health practitioners can lead to a discriminatory assessment. Women have told me how mental distress has been wrongly attributed to parental or familial failure. Reinforcing the need for culturally responsive and trauma-informed practitioners throughout the Australian healthcare system.

> *Lack of professional medical diagnosis for kids with high needs such as autism and additional needs. We get the young psychs and they are there to diagnose kids. Rather than diagnose for autism etc. or identifying disabilities they are saying it is a home problem.* ***Mount Isa women***

In vastly more locations, however, women and girls reported that it was inadequate mental health services and a lack of diagnostic and assessment capabilities that resulted in misdiagnosis and underdiagnosis. This was especially evident in regional and remote locations, but was a concern raised to some extent in major cities as well.

> *Diagnosed properly and they could have Fetal Alcohol Spectrum Disorder, but they don't know it because they don't diagnose. They should do it with all things, even this card system. Within service systems they should be assessing everyone. This is about equity.* **Geraldton women**

In many locations, women told me that inadequate services combined with misdiagnosis and ineffective treatment plans and options had caused people to turn to alcohol and drugs as a form of self-medication. This further exacerbates mental illness and distress in our communities. It also complicates diagnosis as people live with co-relating issues of substance abuse and mental illness.

> *People are self-medicating to stop the hurt in the heart and in the head* **Canberra women**

> *People aren't coping with their problems, social and emotional, depression. [We are] medicating lost souls. Loss, grief, sense of not belonging. Low self-esteem, loss of culture, breakdown of family culture and structures. it's easier to say 'I'm just going to go have a drink or have a smoke and forget about it'.* **Alice Springs women**

Throughout the *Wiyi Yani U Thangani* consultations, I heard how the absence of holistic diagnoses capable of responding to co-occurring issues of emotional distress and mental illness, has left many Aboriginal and Torres Strait Islander peoples without appropriate support. Women and girls raised concern over inadequate support for managing complex trauma, profound grief, postnatal depression and cognitive disabilities.

> *Some people with mental issues fall through the gaps but otherwise [the health service is] pretty good here.* **Tiwi Islands Melville Women**

It was most distressing to hear from women that the failure to diagnose mental illnesses and psychological distress, and receive effective support, is a factor behind the high rates of suicide. Critically, unlike non-Indigenous populations, the presence of a diagnosed mental illness is often not a factor in Aboriginal and Torres Strait Islander suicide.[100] This suggests that culturally responsive early diagnosis could be a significant part of a preventative approach to suicide.

> *The community is so angry with what is going on in our very own medical centres. And frustrated because no one is listening. And the powers that be aren't taking any action. The suicide that we have just had was of a young girl and she was 13. That medical centre has got a youth worker down there and a mental health worker down there. That person never went to her.* **Kempsey women**

> *Woman 1: Can I just say something about suicide. We lost 3 young people from stress and alcohol. But we went to the suicide thing in town, because they wanted to help people who was thinking they wanted to do that. Well I actually had my nephew at my house and he was in a real bad way, and we had them counsellor people come, what do you call them people?*
> *Woman 2: Mental Health mob.*
> *Woman 1: Yeah, them, they took him outside, and sat in the car for an hour and I thought 'Who'd want to take someone out with a mental problem and talk about his problems in the car'? And I said 'Come inside and talk to him in here, I want to hear what you are saying, because I am looking after him at the moment'. Anyways, they talk to him for an hour and a half. Ambulance won't come, and I was really confused. Like, what happened to them 3 people? One smashed into a tree, another one smashed into a tree and the other one hung himself, which was my own nephew and nanna and stepson. But they should have been avoidable, they should have got help then. [Health service] didn't even medicate. Or should have given them medication. So, we lost him.* **Alice Springs women**

It is unacceptable that inadequate diagnosis of mental illness is leaving many Aboriginal and Torres Strait Islander peoples without the support they need to address serious and life-threatening mental health conditions.

Text box 13.3: Social and Cultural Resilience and Emotional Wellbeing of Aboriginal Mothers (SCREAM) in Prison

The Social and Cultural Resilience and Emotional Wellbeing of Aboriginal Mothers in Prison project (the SCREAM project) focuses on Aboriginal women incarcerated in New South Wales (NSW) and Western Australia (WA). This project seeks to examine ways to address health inequalities between Aboriginal and non-Aboriginal incarcerated mothers, female carers and mothers in the community. It involves Aboriginal women and a broad range of other stakeholders in identifying practical steps to reduce these inequalities.

The purposes of the project are to:

- describe the health of Aboriginal mothers in prison and in transition from prison to the community and improve health outcomes for these women
- identify gaps in service delivery and make recommendations to improve integrative service delivery that targets the unique physical and social and emotional wellbeing needs of Aboriginal mothers
- promote culturally safe models of healthcare for Aboriginal women in prison and in transition from prison to the community.

The project is a multi-institutional collaboration led by the National Perinatal Epidemiology and Statistics Unit at the University of NSW (UNSW). In NSW, project investigators are also based at the University of Technology Sydney, the Kirby Institute (UNSW), and the School of Social Sciences (UNSW).[101]

(b) Criminalisation of mental illness

Throughout the *Wiyi Yani U Thangani* consultations, I met with women and girls in incarceration who shared heartbreaking experiences of seeking help for mental distress and mental illness and being turned away, with devastating impacts on their lives and the lives of their families.

> *In 2016 I had a mental health episode—I lost my children and everything following that episode. There was no duty of care followed when I went to the hospital to try to get help. They just told me to go home. If I was given the help that I needed maybe I wouldn't have lost my kids and ended up in here.* ***Darwin women prison engagement***

Women have highlighted the inadequate diagnosis and assessment of mental illness as an unacceptable factor in the disproportionate incarceration of Aboriginal and Torres Strait Islander peoples.

With the incarceration one, I would like to go back to Fetal Alcohol Spectrum Disorder. It's the wrong place to put people. Intellectual disabilities, FASD, autism, mental incapacity is not acknowledged and it's putting people in jail. **Geraldton women**

The intersection of mental illness, trauma, disability and criminalisation is explored in greater detail in the Law and Justice chapter in Part Two.

With respect to diagnosis, the identification of mental illness within Aboriginal and Torres Strait Islander populations is critical to ensuring that we are not criminalising vulnerable individuals because of behaviours that result from undiagnosed and untreated illness, trauma and distress.

They have issues beyond committing the crime and that is not being addressed. There are underlying issues. The judge and the magistrate is not factoring that in. Yes, what is the real story of the kids? **Geraldton women**

These concerns are reinforced by the Sisters Inside submission. The submission highlights research from Queensland showing the correlation between mental illness and incarceration amongst Aboriginal and Torres Strait Islander women.

Queensland research funded by Beyond Blue has found that 86% of Aboriginal and Torres Strait Islander women in prison had a diagnosed mental health disorder over a 12 month period—including substance misuse disorders (69%), anxiety disorders (51%), depressive disorders (29%) and psychotic disorders (23%). **Sisters Inside submission**

The Sisters Inside Submission further highlights, how systemic social welfare failure and a lack of mental health supports has left a Queensland prison managing mental illness.

In his oral evidence to the Crime and Corruption Commission, Darryll Fleming highlighted the increasing number of women in prison at Brisbane Women's Correctional Centre (BWCC) as a result of systemic failures, particularly limited access to disability and mental health services:

- *BWCC is identifying an increasing proportion of women prisoners flagged for indicators of possible cognitive impairment;*
- *BWCC has experienced an 80% increase in the number of women prisoners who were already in the (community or prison) mental health system on 23 May 2018, compared with the average number on the same date in 2017 and 2016.* **Sisters Inside submission**

The absence of effective diagnostic and treatment services has resulted in the criminal justice system becoming a crisis response for women and girls in need of mental health supports.

13.4 Services and programs

Women and girls have said that mental health and wellbeing services must meet the high level of current need, and unresolved mental health issues within our communities. Frequently, I have heard that the services that are needed are either under-resourced and at capacity, or simply not available. Furthermore, when services are available, there are many reasons why Aboriginal and Torres Strait Islander peoples may not always access them. As a result of the above, Aboriginal and Torres Strait Islander peoples remain under-represented as clients of mental health services and over-represented within our prison systems nationally.[102]

The Western Australian Aboriginal Family Law Service's submission provided evidence for why Aboriginal and Torres Strait Islander peoples may not engage and use mainstream mental health services:

> *Indigenous people are less likely than non-Indigenous people to receive help from mainstream health services for mental health problems.[103] Qualitative research undertaken in Perth and the Kimberley region of Western Australia found that Aboriginal people with a mental illness tend to use traditional treatments first.[104] If these are not successful, then they may access mainstream mental health services, most commonly in-patient care.[105]*
> *Beliefs about mental illness may also affect Indigenous people's timely access to mental health services. Almost three-quarters of the 70 Indigenous people interviewed in Perth and the Kimberley did not perceive depression as a state that could be treated using ether traditional or mainstream methods. They also tended to delay treatment because of the shame associated with mental illness and fear of the mainstream mental health system. As a consequence, they accessed mental health services only when the illness had become acute.[106]* **Aboriginal Family Law Services submission**

Research demonstrates that Aboriginal and Torres Strait Islander people living with a mental health condition, are more likely to experience difficulties in accessing health services (23%) than people living with other long-term health conditions (13%), or no long-term health conditions (10%). This relative disparity is apparent across health services including hospitals, doctors and dentists.[107]

Text box 13.4: Social and Emotional Wellbeing Program (Goondir Health Services)

The Social and Emotional Wellbeing Program provides services to survivors of the Stolen Generation and their families in the Dalby area of Queensland.

Services include:

- mental health support
- alcohol and other drug support
- emergency relief (financial support)
- women's sewing groups.[108]

Discussions about mental health services and programs reinforced the importance of culturally responsive, community-controlled and holistic services that were staffed by Aboriginal and Torres Strait Islander people. Women and girls repeatedly spoke of the importance of access to mental health services from prevention, early intervention and throughout life.

(a) Access to mental health services

In locations across Australia and the Torres Strait Islands, we heard that mental health services and programs were unavailable or inaccessible in many communities. In regional and remote locations, mental health services were often described as either non-existent, hard to reach or intermittent. In all locations, regardless of remoteness, services and programs were often technically available but were considered inaccessible due to cost, waiting times and poor connection between services.

Access to psychologists, psychiatrists and mental health services is often expensive and at times entirely unavailable. Even with a referral and with Medicare rebates, women expressed significant concern over the high cost of accessing mental health specialists, treatment and medication.

When you are put on medication it costs you too. If they're on anti-depressants— they've got to pay. **Perth women**

Professional help, like I said earlier, our mob don't get that help. **Alice Springs women**

In regional and remote locations, professional mental health services are often provided by fly-in fly-out service providers. Permanent, accessible and reliable mental health support is critical given the time sensitivity of many mental health conditions. Individuals experiencing severe mental distress are often in no position to be waiting for scheduled access to mental health practitioners.

Mental health—a psychologist comes here every two weeks from Bathurst. We have a mental health worker come from Darwin too. There needs to be a Tiwi mental health worker here. We've been asking for it. **Tiwi Islands Melville women**

In these locations, we heard that the waiting period to get an appointment with a fly-in fly-out mental health specialist can be excessive, given the length of time between scheduled rotations. To meet the high need for mental health supports in remote and regional locations, significant investment to improve the accessibility and reliability of mental health services is required.

Mental health is a big problem here. People can wait eight months to get an appointment. And the way they deliver their service, the psychiatrist only comes in once every eight weeks. So you would only see him every eight months. **Barcaldine women**

Lengthy waiting periods to access mental health services was another issue raised across the country, even in locations with permanent, locally available services. Women and girls were frustrated at the failure of the mental health system to recognise that poor mental health required urgent attention and recognition.

There was one doctor there, but the girls at the medical centre got into trouble because they didn't follow the right procedure [by allowing someone to be seen immediately rather than to come back another day]. You are presenting with someone at that stage where they could harm themselves, and they say, 'no we haven't got anything for you'. Isn't that an emergency? **Barcaldine women**

This was particularly emphasised in discussions around detox and rehabilitation services. Given the considerable effort and determination that is required for an individual to initiate treatment for addiction, seeking support must be met with immediate assistance and intervention.

> *They get no counselling and no help. The last psychiatrist hanged himself. There's a waiting list of 6 months to be lodged in the rehabilitation system. Most people are not aware where the services are. For people that do know and [can get access to] the services, they are not available when you need them.* **Kalgoorlie women**

It was also highlighted throughout the consultations that mental health support services needed to be accessible 24-hours a day in order to respond to emergent needs.

> *There are no after-hour services. When people go into mental health crisis, there are no services after-hours. And it'll normally happen on a long-weekend.* **Perth women**

In locations where professional mental health services do exist, women and girls described a fragmented and complex system that failed to respond to the needs of Aboriginal and Torres Strait Islander peoples experiencing mental illness, distress and addiction. As with other services, accessibility of mental health support is in part determined by an understanding of what services are available and how they interact with each other.

> *... I research and ask the Aboriginal medical services and then if they don't know I ring different services until someone points me in the right direction. However, as I work in this space I am educated to know this, however I know most of our people don't so it goes untreated.* **Individual submission**

There are also significant structural barriers in accessing support in some of the communities we visited. This was especially evident in a failure to respond to the treatment needs of individuals with concurrent mental illness, distress and substance misuse issues.

> *Mental health issues that are occurring in our communities. And we spoke about the dual issues, so our people that have drug and alcohol issues, they can't be accepted in the facilities to help manage that. Can only have one or the other.* **Dubbo women**

The inability of our existing mental health system to respond holistically to the complex mental health needs of Aboriginal and Torres Strait Islander communities, only exacerbates existing mental illness and mental distress.

> *The mental health don't help. The nurses won't see patients unless they have been handcuffed by the cops. That's going to send them more mad. That's the only way to get help. They drug them up in hospital and out the next day.* **Newman women**

Accessibility to appropriate services are equally critical to ensuring that good mental health is prioritised across Aboriginal and Torres Strait Islander communities in order to alleviate the existing crisis of distress and suicidal behaviour.

(b) Prevention and early intervention

Throughout the *Wiyi Yani U Thangani* consultations, women have highlighted the need for specific mental health services that focus on early intervention and prevention through positive mental health initiatives, awareness and education.

The increased awareness of mental health and understanding of the impact of unresolved trauma on our relationships, emotional intelligence and coping skills, means that Aboriginal and Torres Strait Islander peoples today, are far more likely to seek mental health and wellbeing supports compared to the women consulted for the 1986 *Women's Business Report.*[109]

> *We have this, Respect Our Sisters program. It's aimed at strengthening women and addressing the pain and suffering they've been through. And then moving forward and how you get where you want to be. It deals with integrity, grief, loss and trauma. There are nine courses and it's for all generations of women.* **Adelaide women**

While acknowledging the progress since 1986, women and girls nonetheless consistently raised concerns about support only being available for individuals who are at crisis point.

> *I'm trying to look after an elder, a teenager and an infant and there's too much on your plate. I need some support. I pretty much have to be under Department of Human Services [DHS], about to have my kids taken off me, before I can get some support. There's a lack of support services.* **Mildura women**

This was an especially common concern raised in prisons, where Aboriginal and Torres Strait Islander women are statistically far more likely to have complex mental health needs, and are at significant risk of further traumatisation and deteriorating mental health.

> *I came in with anxiety, and I was told, 'if you want to act like a little bitch, I'll treat you like a little bitch.' You can't see someone here about mental health unless you're completely crazy.* **Canberra women prison engagement**

Women and girls have expressed their concern over continuing stigma and lack of education on mental health and mental illness in some Aboriginal and Torres Strait Islander communities. Given the significant proportion of trauma that exists within Aboriginal and Torres Strait Islander populations, and the cultural unfamiliarity of many mental health concepts, women have highlighted the need for awareness and education programs to form part of an early intervention strategy.

> *People don't want to talk about their mental health. They say they are okay, but they are not. They're not eating, they're isolated, they feel shame and depressed. Affects their families, their work colleagues, their work.* **Nowra women and girls**

General education around mental health is vital for Aboriginal and Torres Strait Islander peoples in legitimising their mental health challenges and having the language to share their experiences when seeking help.

> *Trauma—Kartiya call it this. In general, people in the Kimberley do not understand mental health.* **Warmun women**

It is essential that individuals are able to understand that they are not alone in their experience of trauma and distress. Providing cultural Western psychological recognition and validation of their experiences is important in being able to form pathways toward healing.

> *Breaking the stigma around mental health, getting support, talking about depression and anxiety, and PTSD, doesn't mean you are a fuck-up, that is just being honest. These are real conversations that need to be had within the community.* **Nowra women**

Awareness and education initiatives are also required to target supportive community responses to mental health. Some of the women expressed concern that they did not know how to help individuals that they knew needed support.

> *One woman who has an ice problem, ended up breaking a window and cutting herself and had to be sedated to be put in the ambulance. This woman has three kids. She needs help. But I don't know how to help her. There is no women's help here.* **Brewarrina women**

Equipping community with resilience skill sets and the tools to share those, allows our communities to act as safeguards and remove the stigma around mental health conditions.

> *Mental health. Oh, that one is big. More programs of how to deal with people with mental illness. That's what we really need 'cause lot of 'em being suicidal and how do you talk to 'em and things like that, you know?'* **Literacy for Life submission**

It is clear that the current mental health system focused on crisis, needs to be substantially overhauled and investments targeted towards prevention and early intervention.

13.5 Youth

According to the most recent NATSISS data, 6x almost two-thirds (65%) of Aboriginal and Torres Strait Islander young people aged 15–24 had experienced at least one stressor in the previous 12 months.[110] A slightly higher proportion of Aboriginal and Torres Strait Islander young women (68%) reported stressors in the previous 12 months compared to young men (62%).[111]

Aboriginal and Torres Strait Islander young people experience many of the same stressors as adults. Our children are afforded little protection from social and economic disadvantage, direct and systemic racism and the historic and contemporary trauma facing many of our communities. I also heard how our children and young people are worried about how disadvantage will affect their future opportunities.

It is important to note that the factors affecting mental health are experienced differently by children who are at a critical stage of identity formation—at an age where resilience skill sets are not yet well developed, while they also experience increased impulsivity and fluctuating emotions. Furthermore, our children and young people today are growing up in an era of rapid change which is significantly different to the experiences of previous generations. This has created additional stress for them as they learn to navigate new and dynamic pressures without the experience or guidance of older generations.

> *But we have to keep strong, as leaders. The world is changing. For our kids, they are in a different era. Kids today are cyber kids. And how do we meet there, how do [we] challenge them? We can't. Because we're from a different era. But with children these days, young people, we need to go back to them and ask them, 'what's making you tick?'* **Alice Springs women**

Throughout the *Wiyi Yani U Thangani* consultations, women acknowledged that emotional distress in young people is experienced differently and must be addressed through age appropriate interventions.

(a) Determinants of mental health in young people

The most commonly reported stressors for Aboriginal and Torres Strait Islander young people aged between 15 and 24 are similar to those of adults, and include not being able to get a job (26%), followed by the death of a family member or close friend (22%), serious illness (8%), mental illness (8%) and overcrowding (7%).[112]

Previous research has found that the life stressors for Aboriginal and Torres Strait Islander children strongly associated with emotional distress are family dysfunction, interaction with the justice system, financial stress and negative health.[113]

As with the broader determinants of health, women and girls expressed frustration at the continued lack of early intervention and appropriate support to address the socio-economic risk factors of poor mental health in young Aboriginal and Torres Strait Islander people.

> *We're talking about mental health right now being the number one health issue. It is affecting the kids, the kids aren't being born mentally unwell, they get learnt that. Something is happening in their home and their community. You have got the solution there on the board, that's what government needs to do. Start going to women in communities who are already working on these issues. We give them those solutions, and nobody wants to hear them. [Address overcrowding]. Families aren't living mum and dad and two kids, you know ... they putting up with a lot of shit from a lot of people ... This needs to be taken [seriously]. And it needs to be to the highest level because these are our children's lives.* **South Hedland women**

Women and girls expressed to me that persistent disadvantage was a contributing factor to the poor mental health of our children and young people. The ongoing lack of progress in Closing the Gap has left many young people feeling that mainstream Australia believes that real progress is unachievable.

> *Preparing young ones for their future, exactly all the things we have been talking about. They will inherit the issues that we carry today. Regardless of what we say here. They are going to inherit the housing issues, the drug and alcohol issues, the social and emotional issues, the poison that is in our land.* **Wreck Bay women and girls**

The women I met with were particularly concerned that young people appear to be internalising societal and political apathy towards continuing rates of Aboriginal and Torres Strait Islander disadvantage. The perception that Aboriginal and Torres Strait Islander lives and futures are disposable, is creating an additional level of trauma and manifesting in severe emotional distress.

> *Because of the [state of] Closing the Gap and because of the health of our community, we are often questioning about our mortality. We live less years than other people. We are young people dying ... All the stats are that we are going to die. So, these are the messages that are coming through. And that kind of leads us to question who we are and what is our purpose. And that starts those negative thoughts and energy.* **Nowra women and girls**

Women were concerned that young people were absorbing racism and the deficit perception of Aboriginal and Torres Strait Islander people into their own identity and sense of self-worth.

> *We are placed at the bottom, as Aboriginal people and women. Our values are not heard enough. Affects young people and our sense of identity … We are not portrayed enough [in the media and the public perception]. There is a perception of beauty that we feel we don't fit into. [It all leads] to the high suicide rate. We are constantly told that we are not good enough.* **Perth women**

The elevated emotional distress experienced by Aboriginal and Torres Strait Islander children in out-of-home care is also well documented.[114] A submission from the Aboriginal Family Law Service in WA highlights the immediate and long-term risks to mental health experienced by young people in care.

> *Aboriginal and Torres Strait Islander children who are removed from their families and communities, whether placed in residential care or in an unrelated/non-Aboriginal and Torres Strait Islander foster care placement, are at increased risk of adverse outcomes. Those outcomes may include:*
>
> - *cultural dislocation and disconnection leading to poor psychological, social and emotional health and wellbeing as they grow older, including for example social isolation and problems with their sense of identity, belonging and self-esteem*
> - *increased risk of abuse whilst in care*
> - *increased risk of offending and involvement with the juvenile justice system*
> - *increased likelihood of drug and alcohol misuse*
> - *increased likelihood of having their own children removed.* **Aboriginal Family Law Services WA submission**

The constant threat of family disruption and removal impacts the mental health of young people. Women and young people are worried about seeking help for fear that it might draw attention from child services or the criminal justice system, leading to the break-up of families.

As discussed in more detail in the Learning and Education Chapter, many children and young people experience bullying. 43.2% of Aboriginal and Torres Strait Islander children aged 4–14 reported being bullied at school, rising to 53.6% for those in years 7-10.[115] In particular, girls and young women shared the emotional distress they experience through social exclusion, teasing, name calling, spreading of rumours and sharing images without consent.

> *Bullying eats people up inside. Makes you feel like you don't belong so you isolate yourself. No family or friends. Or you cut yourself. Or you commit suicide. And that's when everyone turns around and says that they care about you, but in the end they didn't.* **Kempsey girls**

The consultations exposed the increasing use of social media as a tool for bullying amongst young people.

> *Bullying, harassing and racism, it can cause mental health, suicide, isolation, especially at a young age, especially on social media. Having these multiple avenues, if the bullies can't get you at school, they will get you on social media as well.* **Nowra women and girls**

As technology and the internet becomes ever more present in our lives, children and young people are increasingly exposed to racism and deficit portrayals of Aboriginal and Torres Strait Islander peoples online.

> *You just have to go online and read any blog and there is so much racism and discrimination constantly. Our young ones are reading that. How do we start filtering that and building resilience around that in our community from this new kind of racism?* **Brisbane women WOW session**

While it is clear that many contributing factors to emotional distress are common across all age groups, women and girls spoke of the unique experiences facing younger generations.

(b) Identity formation

Childhood and adolescence are critical stages of development in which young people are establishing their sense of identity and developing critical socio-emotional, cognitive and behavioural skills. It means that young people are still in the process of developing their self-esteem, emotional regulation, coping mechanisms and resilience, and that the experience of emotional distress can be much more difficult to moderate.

> *We need to be healing our young ones. Teaching them how to be strong with all the trauma that they see. They see their family not getting jobs and alcohol and violence and gambling. They have to hear people talk that way on the television and in social media and they don't know what to do with all of that. They just rage.* **Sydney women**

The increased impulsivity and emotional volatility that is characteristic of childhood and adolescence, can further impact mental health. This was often discussed in the context of young people attempting to regulate their emotions and tolerate stressful situations beyond their existing levels of emotional maturity:

> *Our young ones or even some of our older ones … they have flaws but … [we] try to support them in the best possible way. Whereas often within the communities, especially the media, actually attacks their flaws and escalates them beyond and then to start creating that stereotypical image to young Aboriginal person, you know? And they just react to that and it makes it worse for them. And I'm really over it.* **Sydney women**

Text box 13.5: Walkern Katatdjin Rainbow Knowledge

Walkern Katatdjin Rainbow Knowledge is a national research project conducted as a collaboration between the Telethon Kids Institute, Kulbardi Aboriginal Centre, and the Institute for Culture and Society, Western Sydney University.

The aim of the project is to understand and promote the social and emotional wellbeing and mental health of Aboriginal and Torres Strait Islander Gay, Bisexual, Transgender, Queer/Questioning, Asexual (LGBTQA+) young people.

The project aims to achieve this for Aboriginal and Torres Strait Islander LGBTQA+ peoples by:

- developing a better understanding of the risk and protective factors for poor social emotional wellbeing and mental health
- learning how health services can support mental health and social emotional wellbeing
- documenting risk factors for poor social emotional wellbeing and mental health
- understanding similarities and differences in local community responses
- co-designing place-specific interventions to meet mental health and social emotional wellbeing needs.[116]

Given the sensitivity of psychological, social and personal development that is occurring throughout childhood and adolescence, the experience of even brief emotional distress at this stage can have significant impact well into adulthood.[117]

The Kimberley Aboriginal Law and Cultural Centre submission highlights the Yiraman Project, which supports young people to develop coping skills and resilience when they face challenging situations. A review of the Yiriman Project acknowledges that unmanaged emotional distress in young people can be exacerbated by poor decisions with long-term consequences.

> *The aim of the Yiriman Project is to 'catch' young people before they become disengaged from their families and community … Supported by the Kimberley Aboriginal Law and Culture Centre (KALACC) based in Fitzroy Crossing, cultural leaders from the four language groups were determined to provide a better life for their young people, by supporting them with the skills and resilience needed to cope with contemporary society, while imparting in them a strength to move away from activities of self-harm and substance abuse.*[118]

Research further suggests that the experience of significant emotional distress at an early age may have a direct impact on the development of cognitive functioning and emotional regulation.[119] This means that the development of young minds can be impaired. This was reflected throughout the *Wiyi Yani U Thangani* engagements, with women consistently highlighting the impact of emotional distress on the learning capacity, behaviour moderation and coping mechanisms of young people.

> *As an educator we see the impacts of trauma on our babies that come to our schools—kids exposed to domestic violence affects the development of all kids in their development of brains—impacts their engagement in school and how they learn.*
> **Mount Isa women**

Previous research has suggested that the experience of emotional distress at a young age can have a compounding negative impact on young people's academic achievement,[120] future participation in employment,[121] health, social functioning and substance misuse.[122]

> *Men, women and children all bear the same pressures which result in continual pressure, anxiety, tension, and, in some cases leads to substance abuse, domestic violence and crime.* **Kimberley Aboriginal Law and Cultural Centre submission**

The prevalence of emotional distress in parents is serving as an additional stressor for children. The absence of role modelling and necessary psychological scaffolding exacerbates the impact of emotional distress, but also creates the perception amongst young people that severe emotional distress is a normal part of life and identity for Aboriginal and Torres Strait Islander peoples.

> *When all this happens within our families, like suicide, domestic violence, mental health issues, the children are missing out on both parents … so the children are missing out. Where's the role model for children?* **South Hedland women**

(c) Appropriate services

The importance of youth-specific mental health services was emphasised by many of the women and girls I met with. The establishment of Headspace, the national youth mental health foundation, is an acknowledgement of the different needs of young people experiencing emotional distress.[123] Research has identified that the need for specialist youth services is critical given:

- the changing manifestation of emotional distress at an age where young people are experiencing significant socio-emotional, cognitive and behavioural development
- their different life stage priorities
- their help-seeking needs and behaviours.[124]

It was also identified throughout the *Wiyi Yani U Thangani* engagements that the co-occurance of emotional distress, socio-economic disadvantage and substance abuse means that youth services need to be far more holistic, proactive and integrated in order to be effective.

> *Things need to change for the next generation. They need more support for young people. 'Young People Ahead' and 'Headspace'—they need to reach out to people.* **Mount Isa women**

The need for youth-specific mental health services that provide early intervention and preventative support was raised in many of the locations I visited, particularly in remote and regional parts of Australia. Some of the young women spoke about emotional distress becoming exacerbated over time, simply because there was no outlet through which to express their fears and manage their distress.

There seems to be a sense of alienation or rootlessness in some of the young people's lives. Many of the women talked about this, for example: 'There's not really anybody or anywhere for them to go to, to talk to. There's not any programs that can deal with young women … they just don't know what to do. Young women in the community … haven't got confidence in themselves.' **Literacy for Life submission**

Many of the mental health services that do exist for young people are stretched beyond capacity. This was especially apparent in some of the schools I went to, where young women spoke about the limited capacity of school counsellors.

[At] the school we only have one counsellor. And he's too soft. For this school it's one counsellor for 1000 students. [Another counsellor will be brought in] on one day and she has 400 students [who want to see her]. She only comes in if a girl wants a girl one. **Darwin girls**

The need for culturally appropriate mental health services was raised consistently throughout the engagements. Young people emphasised the need for mental health services and programs to be gender specific; focused on rebuilding cultural connections and responding to trauma; and run by Aboriginal and Torres Strait Islander staff. This is critical to removing barriers that young people experience in accessing existing services.

Mental health support for young people with mental health issues, depression. There needs to be a lot more support. [We are] not comfortable to say what goes on in the room. [It's] not confidential, they tell the teachers. We want an Aboriginal counsellor in the school. We'd feel more comfortable. They understand. And get it more … Counsellors don't do anything, they just write things down. There's paid counsellors everywhere, in the school and in the town. But we're still feeling unsupported. **Kempsey girls**

The Aboriginal Family Legal Services WA highlighted Canadian research that the mental health of young people is affected by cultural identity and self-determination.

Canadian research has found a direct correlation between lack of continuity in the personal identity in First Nations youth and the high rates of youth suicide in those populations. Importantly, the increased rate of youth suicide falls to zero in communities where cultural connection, practice and self-governance factors are present.[125] **Aboriginal Family Law Services WA submission**

The submission also highlighted many previous reports and reviews that had identified the need for culturally appropriate mental health services.

> *A 2015 Review by the WA Commissioner for Children and Young People's office of the Inquiry report found while there had been significant developments in increased mental health treatment services and improved early intervention services, there were also significant gaps and challenges remaining. Of these, it was noted there remains a need for:*
>
> *Culturally appropriate services and programs for Aboriginal children and young people and their families, tailored to recognise the importance of culture and healing and to address the impact of intergenerational trauma, particularly for younger ages.* **Aboriginal Family Law Services WA submission**

At various engagements, girls raised the need for holistic supports which include the need to provide: social and recreational activities; educational and vocational support; health and wellbeing programs; confidence building and mentoring. Women and girls said that these programs should be supported by professional mental health support services as required.

> *I have tried before, but maybe I'm not using the right terminology. Basically, I want to go in and let the kids know that I'm there at the youth centre but I'm not just there for fun and games. I'm there to help them with any issues that they present to me with and that's the thing that I struggle with at the youth centre. They just think that after school care, you know, come there and activities and that's it.* **Brewarrina women**

It was often reported that young people were in need of safe places to go to escape disruptive behaviour in their homes and communities. The high rates of overcrowding, family violence, and alcohol and drug misuse are significant sources of emotional distress for young people. This is explored in greater detail in the Community Safety chapter and the Housing and Homelessness chapter.

> *There's a high incidence of family violence, not just partners, but children abusing their parents. You find it's not the mother or father going to court. It's the grandparents ... 10-year-olds, 11-year-olds are getting drunk and getting high. We run a program with kids—lowered from 12 to 9 years old. Because 9-year-olds are getting into drugs and need support.* **Mildura women**

There was also mention of the importance of crisis/ helplines. When services are not always available within communities, it is important that young people have some way of reaching out for help. However, it was also stressed that helplines cannot replace the need for face-to-face intervention in periods of distress.

> *Girl 1: [Accessing support here] is hard.*
> *Girl 2: Yeah, I reckon.*
> *Girl 1: We have people coming out to our school every fortnight. All these helplines. These kids know where to get it all.*
> *Girl 2: I feel like everyone is scared to talk up.*
> *Girl 3: I have the helpline number. When I feel like I am going to crack I ring them.*
> ***Kempsey girls***

Ensuring that mental health support services are available, appropriate and adequate for young people is a significant factor in addressing the constant crisis of emotional distress in our communities. The social and economic benefits of investing in children are significant, providing immediate improvements for young people today, but equally investing in long-term benefits into adulthood and for future generations of children.[126]

13.6 Suicide

The rate of suicide deaths among Aboriginal and Torres Strait Islander peoples from 2014 to 2018 was almost double that of other Australians (23.7 and 12.3 per 100,000 population respectively).[127] A total of 169 Aboriginal and Torres Strait Islander people died from suicide in 2018, equating to a rate of 24.1 suicides per 100,000 persons.[128]

Aggregate data for the years 2014–2018 compared to the years 2009–2013 show an overall increase in the rate of Aboriginal and Torres Strait Islander suicide, although there is considerable variation from year to year.[129]

While it is well known that men are statistically more likely to complete suicides than women, a submission from Beyond Blue highlighted the very high prevalence of psychological distress and suicide attempts by our women.

> *A significant gap exists between the mental health of Aboriginal and Torres Strait Islander peoples and non-Indigenous people. National evidence shows that Aboriginal and Torres Strait Islander peoples are around:*

> • *three-times as likely to report high/very high levels of psychological distress as non-Indigenous Australians*
> • *two-and-a-half times more likely to be hospitalised for intentional self-harm than non-Indigenous Australians*
> • *twice as likely to die by suicide as non-Indigenous people in Australia. In 2017, suicide was the fifth-leading cause of death among Aboriginal and Torres Strait Islander peoples.*[130]

> *For Aboriginal and Torres Strait Islander women, this gap is even more stark with evidence also showing that Aboriginal and Torres Strait Islander women experience:*

> • *significantly higher rates of high/very high psychological distress (36 percent of Indigenous women report rates of high/very high levels of psychological distress compared to 24 percent of Indigenous men)*[131]

> • *higher rates of suicide attempts (while suicide is most prevalent among Indigenous men, attempts of suicide are more prevalent for Indigenous females).* **Beyond Blue submission**

(a) Risk factors

Research shows that there is a difference in the nature of suicides and suicide attempts between Aboriginal and Torres Strait Islander peoples and other Australians. Notably, there appears to be a relatively low correlation between Aboriginal suicide and diagnosable mental illness, where drug and alcohol misuse is considered separately.[132] Accordingly, conversations about suicide and suicide prevention throughout the *Wiyi Yani U Thangani* consultations had a greater focus on social and emotional wellbeing rather than mental illness.

The disproportionate rate of suicide in Aboriginal and Torres Strait Islander populations is in part attributed to higher levels of social and economic disadvantage, and increased exposure to known risk factors shared with the general population such as poverty, unemployment, homelessness, incarceration and family violence.[133] The despair of poverty and the lack of opportunities that come with extreme poverty were highlighted in reference to youth suicide. To have children, some as young as six years old,[134] contemplating suicide for any reason, is a tragic failure of any society.

To see a correlation between youth suicide and extreme socio-economic disadvantage is an indictment on existing efforts to prevent our children from feeling that suicide is a solution.

> *There is a lack of opportunities for the young ones ... a lot of the young ones just think if you can't move you just kill yourself.* ***Kempsey women***

There is an additional degree of trauma inherent in the realisation that one of the most significant risk factors in youth suicide, could be addressed with adequate socio-economic support. It was difficult for women to share the sense of helplessness they felt at the apparent apathy of government when it comes to the lives of our young people and the way children so easily internalise that impression of insignificance.

> *Suicide—because there is nothing for them, they [would] rather just go and end their life.* ***Kalgoorlie women***

Aboriginal and Torres Strait Islander people also experience a set of unique risk factors that impact on SEWB and increase the risk of suicidal behaviour associated with the experience of racism, disempowerment, loss of culture and identity, contemporary trauma and intergenerational trauma. Women have reported that these factors are poorly addressed in suicide prevention initiatives because they are outside the lived experience of government policymakers and service providers.

> *... for us women it is a day-to-day survival keeping our grandchildren and our children safe from suicides, and physical and mental health. Showing our children that it is ok to dream and reach for the stars ... cutting access to culture, country and place, not having transport to our country ... Having to leave to get a job and having to leave the country ... the government has no understanding of the Aboriginal culture and mindset and why culture is so important to our health and wellbeing. It affects [the whole] family. The family stresses and it leads to domestic violence, alcohol and suicide.* ***Kempsey women***

A submission from the Healing Foundation emphasised the direct impact of unaddressed intergenerational trauma, as well as the socio-economic disadvantage and systemic discrimination that contributes to a sense of despair.

> *Emerging evidence over the past decade has revealed how unaddressed intergenerational trauma is a significant, often unrecognised, driver of some of the most serious social and emotional wellbeing issues faced by many Aboriginal and Torres Strait Islander communities today, including leaving school early, drug and alcohol addiction, criminal behaviour, violence, and suicide.* **The Healing Foundation submission**

The women and girls that spoke about suicide shared their concern that the prevalence of suicide within our communities is normalising suicidal behaviour, particularly amongst young people. Research stressed that exposure to suicide and subsequent normalisation can result in clusters of suicides as we have seen in the Kimberley in recent years.[135] Women spoke of a general desensitisation that young people appear to have developed towards suicide, whereby it is considered a normal response to grief, stress and hopelessness.

> *Now I have a phobia thing of my own phone. [I'm] scared to hear about someone gone. Or that they have tried to take their life. Not knowing the signs and how to identify. So used to stress and trauma that it becomes normal … the kids [just] say 'I am going to go and kill myself.' They think it is normal when it is not. Having to deal with funerals multiple times a week.* **Perth women**

Suicides and suicide attempts add to the trauma in already traumatised communities. In a perpetuating cycle of exposure to suicide, trauma and despair, alcohol can be seen as the only coping mechanism available.

> *Suicide every second week, alcohol numbs the pain, gets rid of the pain.* **Kimberley Aboriginal Law and Cultural Centre (KALACC) submission**

The relentlessness of suicide and the constant grief of Sorry Business has become a normalised part of many Aboriginal and Torres Strait Islander communities.

> *That suicide evil is always there. So there is never any peace in our lives. I don't know whether white people have as much pressure as us. I don't know. But anyway.* **Alice Springs women**

The sorrow and trauma that was evident in the accounts of women and girls who have lost parents, siblings and children, often over short periods, gives some insight into why it remains so difficult for many of us to voice the magnitude of our grief and loss over suicide.

(b) Suicide prevention

It is increasingly acknowledged that Aboriginal and Torres Strait Islander suicide is a national emergency. Preventing suicide is an agreed national policy priority, with an all-of-government response coordinated through a series of frameworks,[136] strategies[137] and plans,[138] as well as the recent appointment of Australia's first National Suicide Prevention Advisor and Taskforce in 2019.

Despite a coordinated government approach to address suicide,[139] many of the women I met with reported little improvement in the prevention, intervention or ongoing support for individuals, families and communities affected by, and most at-risk of, suicide. This is reflected in the failure to significantly reduce rates of suicide amongst Aboriginal and Torres Strait Islander peoples over the last decade. As has been highlighted throughout this report, women are increasingly frustrated that a lack of action is masked by the façade of additional research, reviews and reports, that seem to only delay action. Inaction is costing lives. Every year we lose more of our women, men and children to suicide.

The women I met with told me that their children are looking to their families to save them from the weight of their despair, but families lack the support and resources to do so.

> *So cultural barriers; we sit down with our children when they're going through mental health and sometimes it's hard. When we ask them, 'do you want to go to a white fella and the white fella can talk to you about it?' And they say 'no.' And that's what we fear most, because most of our kids go through suicide stuff in Alice. It's within most of our families and we try to support as [many] of our families as we can, and they say, 'nah, I don't want to go and see white fellas. I'm right.' They say they're alright, but they're not. They think we can fix them back home. **Alice Springs women***

We cannot continue to put the onus on Aboriginal and Torres Strait Islander families to 'solve' suicide. The design and delivery of locally relevant and culturally appropriate suicide prevention and intervention is critical to taking this unreasonable pressure off families.

Submissions from KALACC and the AFLS WA emphasised the need for suicide prevention efforts to be locally and culturally specific.

Text Box 13.6: Aboriginal Family Legal Service, WA Submission

The Suicide Prevention 2020: Together we can save lives strategy, was released by the Mental Health Commission. It notes that WA has higher suicide rates across all groups and regions, but particularly among Aboriginal people, and in rural and remote areas. Further, trauma or exposure to suicide elevates the risk of suicide for children and young people. It also acknowledged Aboriginal young people, who have experienced trauma from abuse and/or neglect are vulnerable to mental health disorders and there are limited new or expanded targeted prevention and early intervention programs and services to address these vulnerabilities and risks. Nonetheless, the strategy does not include Aboriginal-specific strategies or frameworks for addressing these issues.

In October 2016, the Kimberley Suicide Prevention Round Table emphasised the need for local, Indigenous-controlled responses to the escalating rates of suicide, with the age-adjusted rate in the region noted as more than six-times the national average. Among the outcomes noted, were for community-based interventions being developed and implemented using Aboriginal leadership and partnerships with Aboriginal communities to establish local workforce capacity and family-focused approaches.

Recommendation 2: AFLS supports the need for appropriately funded Aboriginal-specific services, led by Aboriginal people (as outlined in the Kimberley Suicide Prevention Round Table report) in all regions of Western Australia to provide: mental health services; counselling outreach and crisis services; and, education, prevention and awareness raising programs for schools and community groups to increase awareness of mental health and suicide prevention. **Aboriginal Family Law Services WA submission**

Although connection to culture builds significant resilience within individuals and communities, we must acknowledge that many of our people suiciding, are deeply connected to culture and country. What must be prioritised, is a more nuanced embedding of Aboriginal and Torres Strait Islander culture through leadership, decision-making and service delivery to ensure that suicide prevention is accessible and relevant.

> *For the workers who are with kids, there is a lack of cultural understanding. Funding is going to the wrong organisations … This means that there are not proper ongoing activities that work for the kids. Overall, the community has no say in the programs.* **Kempsey women**

Women and girls are calling for suicide prevention strategies to be focused on empowering Aboriginal and Torres Strait Islander peoples to decide for themselves what are the most critical interventions for their communities.

National change [goes hand-in-hand with] grassroots consultation. The 2018 National Mental Health Suicide Prevention Strategy and being able to apply that locally. Understanding the triggers of mental health ... counselling from an Aboriginal perspective, just sitting around and yarning, being able to talk. **Perth women**

Funding needs to be used on programs that have been identified as necessary and should prioritise Aboriginal and Torres Strait Islander organisations. Otherwise, continued high levels of spending on Aboriginal and Torres Strait Islander suicide prevention programs and initiatives are going to be wasted.

Although the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (NATSISPS) encompasses holistic perspectives of social and emotional wellbeing, and has an early intervention focus on building strong communities, funds for its implementation are dispersed primarily through the Primary Health Networks (PHNs). As has been previously identified in the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project (ATSISPEP) Report, successful Aboriginal and Torres Strait Islander suicide prevention activities, services and programs would be better supported through the development and resourcing of an implementation plan for the NATSISPS to maximise the impact of the Strategy.

Text Box 13.7: ATSISPEP Solutions That Work report

Recommendation 8 regarding the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (NATSISPS)

A National Aboriginal and Torres Strait Islander Suicide Prevention Strategy Implementation Plan should be developed and funded, utilising the findings of the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project.

The Strategy requires a considered implementation plan with government support to genuinely engage with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to develop local, culturally appropriate strategies to identify and respond to those most at-risk within our communities.[140]

Throughout the *Wiyi Yani U Thangani* consultations, women spoke of the need to target suicide prevention at all stages of intervention, including:

- universal interventions
- selective interventions
- indicated interventions.

(c) Universal interventions

Universal suicide prevention focuses on Aboriginal and Torres Strait Islander communities as a whole to addresses the risk factors of suicide. Women and girls that I met with were concerned that suicide intervention was limited to crisis situations and response.

> *They need to be proactive and do something. [Suicide and self-harm] happens because it always takes something to happen for them to do something about it and then they don't do anything for a while and then all of sudden there's another incident ... there'll be a suicide, they'll put up posters for a bit and then take them down because nobody even looked at them anyway and nobody even thinks about it and then, there's another like something else happens and they blow it up again and then it just goes off.* **Darwin girls**

In order for suicide prevention to reflect holistic Aboriginal and Torres Strait Islander perspectives on wellbeing, initiatives must include both primordial prevention (prevention of risk factors through improvements in social and environmental conditions) and primary prevention.

Primordial interventions address the broader determinants or 'upstream' factors that increase suicide risk, such as poverty, family dysfunction, alcohol and drug use or contact with the justice system. Effective primordial interventions shift the focus from prevention at the point of imminent threat, to the prevention of escalating despair and desperation.

> *Women have resorted to suicide and murder to escape family violence situations as they see this as the only resort. These women need someone to say, 'you are not in a healthy relationship' and sometimes this may be better coming from someone that is not a family member or friend.* **Aboriginal Health Council of Western Australia submission**

Upstream suicide prevention also includes the promotion of connection with culture, community and country. Facilitating strong cultural connection and strengthened identity builds resilience against significant trauma and stressors, and acts as a protective factor against suicide.

> *Cultural solutions have the greatest impact in preventing youth suicide utilising an 'upstream methodology' to engage young people through culture, country and community.* **Kimberley Aboriginal Law and Cultural Centre submission**

Primary prevention addresses suicide directly, and is aimed at discouraging high-risk behaviours, encouraging awareness and help-seeking behaviour, while ensuring that early support services are accessible.

Women and girls have emphasised the need for education and awareness. In different locations, the focus of education requirements was a balance between a need to eliminate the stigma of talking about mental health, moving away from the normalisation of suicide, the recognition of warning signs and an understanding of where to go to for help.

> *Mental health and suicide training for parents and grandparents. They are calling out for this. How to see the signs and support kids, what to say, etc.* **Survey response**

There was also an identified need for trained mental health support workers within communities and at frontline organisations to improve the likelihood of identifying depression and suicide risk and responding appropriately.

> *More on that mental health, that's what we really need is more mental health. 'Cause lot of 'em being suicidal and how do you talk to 'em and things like that, you know?* **Literacy for Life submission**

(d) Selective interventions

Selective interventions are aimed at high risk populations such as Aboriginal and Torres Strait Islander youth or those within the LGBTQIA+SB (Lesbian, Gay, Bisexual, Transexual, Intersex, Queer, Asexual, Sistergirl and Brotherboy) community.

The high rate of Aboriginal and Torres Strait Islander youth suicide was of significant concern to many of the women and girls I met with. Young people are particularly affected by the despair that comes with a lack of opportunities. Selective prevention should include efforts to improve future prospects and provide hope for a successful future.

> *Suicide. [The biggest problem is] the lack of support. They are not giving our young ones a fair go.* **Perth women**

Children and young people may also be more exposed to bullying and intimidating behaviour, both in-person and online. Women are calling for partnerships between schools and communities to address physical, verbal, social and psychological bullying in schools.

> *With suicide, principals need to engage better with Aboriginal students' and communities' knowledge and [talk about] suicide. Don't sweep it under the carpet. Schools and bullies need to be held accountable.* **Kempsey women**

> *Well it can be suicidal when thinking about flow-on effects [from racism]. Bullying happening on social media leads to young people taking their lives.* **Yarrabah women**

The need for targeted support for LGBTIQA+SB Aboriginal and Torres Strait Islander people was mentioned in several locations but was not explored in depth. This indicates a reluctance to explore in greater detail the need for specific support options for LGBTIQA+SB people within our communities.

> *LGBT factors that we face in the community are hard to talk about because there is little to no discussion on being Black and LGBT in our communities. This is not a healthy thing for young adolescents, especially because we are all just trying to shape our identities for the future and find where we fit in life. Not having the resources available or the discussions needed on self-acceptance, on the mental health implications that will come from discovering an LGBT identity, or support the problems that affect both the LGBT community, will continue. This issue intersects with mental health on numerous occasions, especially when looking into the number of kids that identify as LGBT and have a mental illness, as well as the suicide rates for adolescent Indigenous kids.* **Survey response**

On the Tiwi Islands, I met with a Sistergirl who explained how the remote community of Sistergirls managed to support each other without any mental health services.

> *We all get together and have meetings, tell each other how we feel … If one of us is feeling down, they'll text us, 'I'm feeling down. Come and talk to me.' … We have no counsellors on the island, no mental health available here, we just stick to ourselves … We have had some elder Sistergirls pass on because they went through a hard life of leaving their land, took their own life because of the discrimination.* **Tiwi Melville Sistergirl**

Aboriginal and Torres Strait Islander peoples with a mental illness were also identified as being a critical demographic for selective intervention. Although not as prevalent as with non-Indigenous suicides (in part likely due to lack of adequate access to services), mental illness is a reported factor in many Aboriginal and Torres Strait Islander suicides.[141] Women and girls have identified the need for culturally safe interventions that address mental illness in addition to broader mental health initiatives.

> *Mental health. Oh, that one is big. More programs of how to deal with people with mental illness.* **Literacy for Life submission**

(e) Indicated interventions

Indicated prevention efforts are aimed at supporting individuals who are at high risk of suiciding. We need prevention, but the reality is we are also experiencing a suicide crisis across the Aboriginal and Torres Strait Islander population. Prevention efforts that target those at imminent risk need to be more available, accessible and effective.

Challenges in the availability and accessibility of mental health and SEWB services is exacerbated for those who are identified as being at high risk of suicide. In particular, women have noted that people in extreme emotional distress need access to professional counselling and mental health support immediately.

Suicide is not restricted to business hours, and 24-hour support is vital.

Women have also identified the need for suicide support services to be genuinely connected with the community. In various locations, women expressed frustration that services were staffed with non-Indigenous support workers who did not understand or proactively engage with extended community networks and family dynamics.

Given the normalisation and clustering of suicides in already heavily traumatised communities there is an urgent need for postvention (intervention after an incident) response as a part of indicated suicide prevention.

> *Suicide, grief and loss. There is no one to talk to so [that] you don't have to talk to your family [and put more burden on them]. So, you keep it to yourself and then the outcome is [more] suicide.* **Perth women**

Women and girls have consistently said that suicide supports need to focus on healing the trauma of those left behind.

> *I sat around with some ladies the other day here in Fitzroy and we was just sitting down having a yarn and a couple of those ladies had children commit suicide, and one of those things they said to me is, 'where do we get help for our healing?' And I said, 'well you know, what do you think, where do you think healing would come from with situations like that?' and they said 'government gives a lot of money to people, to different organisations, which is called healing,' they said, 'which is healing process,' and I said, 'well maybe, we need to approach those people, we need to talk to them.' What they said is, 'what they don't understand is that we are still crying, crying inside ... '* **Kimberley Aboriginal Law and Cultural Centre submission**

As with broader social and emotional wellbeing initiatives, women and girls often filled the gap in suicide prevention and postvention support by starting their own groups and activities.

> *No ongoing support or Aboriginal support group [provided through the mainstream] ... it has been created, [is] by parents who has lost their children to suicide.* **Individual submission**

Although such initiatives are certainly valuable in preventing ongoing spates of suicide, they are often informal, unfunded and lacking in professional mental health and bereavement support.

> *[I set up a suicide forum myself because there was nothing for us]. I had no money, we had to come begging. For a place, venue, food. We don't want to keep on begging, just give us the money! [But] we did it. 100 people attended a forum. [We had] women crying with each other. Holding each other and strengthening each other. If we stand around waiting, it will never happen.* **Perth women**

In 2016 the Aboriginal and Torres Strait Islander Suicide Prevention Project (ATSISPEP) released its final report putting forward recommendations that are reflective of a considered and interconnected plan to improve Aboriginal and Torres Strait Islander suicide prevention activity. The select recommendations from the report highlighted here, address the concerns raised by women and girls during the *Wiyi Yani U Thangani* consultations.

Text Box 13.8: ATSISPEP Solutions That Work report:

General recommendations for future Indigenous suicide prevention activity.

1. All future Indigenous suicide prevention activity should:
   - utilise and/or build upon the range of success factors identified by the ATSISPEP
   - include a commitment to, and a provision for, the evaluation of the activity and the dissemination of findings to further strengthen the evidence base.

2. All Indigenous suicide prevention activity should include community-specific and community-led upstream programs focused on healing and strengthening social and emotional wellbeing, cultural renewal and improving the social determinants of health that can otherwise contribute to suicidal behaviours, with emphasis on trauma-informed care.

3. Justice reinvestment principles should be used to secure additional funding for a range of upstream diversionary activity for Indigenous young people away from the criminal justice system. This could include programs to support young people and families, sport or other activities, or by enhancing access to quality education and employment. Justice reinvestment principles should also be used to fund improvements to Indigenous mental health and alcohol and other drug services and programs.

4. Governments should support the training, employment and retention of Indigenous community members/people as mental health workers, peer workers and others in suicide prevention activity. In particular, Indigenous young people should be supported and trained to work in suicide prevention activity among their peer group.

Recommendation 1-4 from the ATSISPEP Solutions That Work report.[142]

13.7   Healing

Throughout the *Wiyi Yani U Thangani* consultations, women highlighted that addressing the disproportionate gap in health and wellbeing between Aboriginal and Torres Strait Islander peoples and other Australians can only be achieved through a holistic and comprehensive approach to healing. The interconnectivity of social, economic and cultural determinants means that the existing siloed approach to addressing specific elements of poor physical and mental health will continue to have limited impact.

Given the critical role of Aboriginal and Torres Strait Islander women as the backbone of our communities, the importance of healing for our women and girls is particularly urgent. Healing is a fundamental aspect of agency and self-determination essential to addressing the disproportionate disadvantage experienced by our communities.

> *We have all had so much trauma, but we have to rise above it. I guess this [strength] lies within mothers and grandmothers. We are the ones, we the women have always been the pillars.* **Alice Springs women**

The Healing Foundation recommends that for healing to engender genuine social change, it must include: community designed and led healing programs; respond to locally relevant experiences of trauma; and focus on cultural strengths and community resilience.

> *Effective co-design empowers communities, promotes leadership, supports self-determination to become a reality, and ensures that programs and strategies are based upon local cultural knowledge and practice. In turn, this community-led approach enables Aboriginal and Torres Strait Islander communities to take control of their lives and participate more fully in the economy by solving the social issues that otherwise impede this.* **The Healing Foundation submission**

As discussed in detail in the Key Themes and Community Safety chapters of this report, healing empowers Aboriginal and Torres Strait Islander peoples with the necessary skill sets to overcome trauma and disadvantage in order to effect meaningful change.

> *We did talk about healing, first and foremost our elders. They are never really helped and so they can't support their families because they haven't been able to heal. The trauma, the wellbeing, the lack of government holistic approach. It hasn't occurred*. **Dubbo women**

> *Changing the mindset and breaking the cycle, so we don't see our families becoming another statistic. We want to create the confidence and see it affect our emotional wellbeing and turn it into a positive. For our [own] wellbeing, it is tiring. It drains our spirit, makes you wild. We want to mentor, change and encourage our younger generations. We want to draw from other people's strength, acknowledging the previous struggles and see other women push through.* **Nowra women and girls**

Women and girls consistently identified the need for healing pathways to focus on: education and truth-telling; identity and culture; women coming together; and community resilience. These are all key themes that have emerged throughout this report and are discussed in detail in various chapters.

(a) Services and programs

The process of healing is fundamentally based on agency and self-determination. When healing is undertaken by an individual they need autonomy over their healing journey. This includes the design and implementation of healing initiatives themselves.

Research, undertaken by the Healing Foundation,[143] further supports much of the messaging we heard from women and girls about healing initiatives and healing generally.

> *Some of the things we spoke about were holistic, therapeutic and culturally safe healing places for our families, because we Aboriginal people just have so much trauma. These places need to be designed and managed by Aboriginal people as well. They need to be staffed with Aboriginal staff from the local community. You know what it's like ... they say what their name is and generally, you know the name or where the family is from, and you always make that connection. So if you are getting people local in the community and if you are using people that are local, then people are going to feel safer, and you can be in contact with the families so you know where they are coming from.* **Dubbo women**

In their submission, KALACC also supported the call from women and girls that Aboriginal and Torres Strait Islander healing initiatives should be community-owned, adequately funded, holistic and trauma-informed.

> *Cultural solutions that are community-owned and culturally based, have been identified in national, international and regional reviews, inquiries and evaluations, to be the most effective and transforming on-ground approaches for Aboriginal communities.*
>
> *Solutions do not come from outside our communities. Solutions that work for our people have always come from our cultural leaders and have been driven by our own organisations.*

> *Now is the time [for all governments] to cut through and to build on the nice words, promises of change and short-term, fragmented and piecemeal program approach that governments and communities have been burdened with for too long. Real change means working from the cultural strength that has been the key to our survival. To heal our people, we must heal our families. To heal our families, we must heal our communities. Culture is the key.* ***Kimberley Aboriginal Law and Cultural Centre submission***

Despite differences in cultures, history and aspirations for healing across our communities, there were certain aspects of cultural healing that were consistently raised as being integral components of locally relevant healing programs. These include: connection to culture and country; traditional healing; and trauma awareness and counselling. The critical importance of connection to culture and country and the strength of identity, has been identified as a fundamental pathway to healing. All of these elements have been expressed as important in strengthening connection and identity.

> *We have all this trauma from colonisation and it is really new to our people and we are just starting to learn that it is very, very impacting and if you don't break the cycle it is just going to continue ... it's not just the kids that are impacted by the trauma, the adults are impacted by the trauma. And we keep going on about healing. It is [about] continually trying new ways and persisting and trying to get partnerships and funding and get people along. They know that being on country makes them feel good because it helps their brain [heal] ... and funding can help in some way to move forward.* ***Fitzroy Crossing women***

> *[I take people on country to heal], we didn't have help to do that ... what we do is small scale. Those we do help have great benefits and contribute back to the community. We need real advocacy for healing. Can't have red tape from government getting in the way of people reconnecting with country.* ***Individual submission***

Across the country I spoke with women who were deeply respected healers within their communities. My conversations with senior women, in particular, highlighted the sacred nature of the role of healers and the power of women's knowledge and healing abilities.

> *Interviewer: That smoking ceremony, do women mainly do it?*
> *Senior woman: Yes, women mostly.*
> *Interviewer: And so do you carry that knowledge?*

Senior woman: Yes, yes I do, very strong. And any young people make mistake I tell 'em to come here and I show them. I talk language to this mob. Smoke that. It is special. Special leaf, get that branch from that, we got that blackberry tree.
Interviewer: What does the smoke ceremony do?
Senior woman: Take away all their worries or whatever they got, and make them feel good in their head and in their heart. Yeah. We take that bad thing out, out, out.
Interviewer: And so a lot of women don't have the knowledge that you have—you are one of the last ones?
Senior woman: Yeah there are not much. They are lucky they got me, because that bush lady had something wrong with her, all the way from long way away. She was seeing things, talking to her saying, 'come here, come here.' The language she was speaking, I had to speak in that language too. **Broome senior women's engagements**

Senior women strongly expressed their fears for the ongoing loss of knowledge with the passing of their most senior healers. We are at a critical point in time where we must support the transmission of knowledge from our highly skilled healers to the younger generations.

The important role of traditional therapeutic interventions in addressing intergenerational trauma is recognised internationally within indigenous psychology. Traditional healing, 'is widely believed to be the most efficacious way to assist distressed First Nations individuals due to the inherent potency of these traditions achieved through long pre-contact histories of therapeutic refinement'.[144] Women and girls have echoed the importance of long-held traditional knowledge as critical to a holistic healing approach.

We need to come back to natural healing modalities. It is ok to go outside the box and try something different. A tablet might fix something on the surface, but traditional healing modalities go deeper and target the triggers that are causing the reaction. So go back to the ways we used to heal. **Dubbo women**

Text Box 13.9: Gumbi Women's Healing Service

The Gumbi Gumbi Women's Healing Service based in Rockhampton, Queensland, aims to reduce the obstacles that stop women from getting help for alcohol or drug use.

The service is tailored to women and aims to be considerate of caring and family responsibilities. They provide:

- a safe space to discuss women's issues such as sexual and reproductive health
- access to solutions for women and their non-school age children through a specific house
- organisation and management of access to allied health and support services as needed
- a pathway into withdrawal and rehabilitation for those seeking more support.[145]

The inability of mainstream services to include healing in a holistic and culturally relevant manner lessens the impact of Western healing interventions. There was a commonly held understanding across many of the communities we visited that traditional healing was a solution to the over-medication and siloed treatment of symptoms.

> My hope is that we gain access to ceremonies and culture in a safe place with our own people rather than AMS [Aboriginal Medical Service] forcing psychologists and pills that just suppress us … Need access to traditional healing, not psychiatrists and drugs. **Brisbane women WOW session**

> In Australia we don't recognise our culture. What we would like to see is the recognition of our ways of healing and a national board to recognise traditional healers, traditional medicines and bush tucker. I would like to see this board. **Perth women**

Text Box 13.10: Ngangkari (traditional healers)

In Anangu culture, Ngangkari (traditional healers) are highly valued and respected members of the community who have received their inherited abilities, training and tools from their grandparents. Anangu have a culturally grounded view of the causes and treatments for physical, mental and emotional illnesses, and attribute many illnesses to harmful elements of the Anangu spirit world.[146] For thousands of years, Ngangkari have upheld their unique responsibility to protect, heal and take care of the health and wellbeing of their people and communities. Ngangkari advocate for the provision of traditional healing in conjunction with Western healthcare to achieve the best outcomes for Anangu.[147]

The Ngangkari Program at NPY Women's Council (refer to text box 5.1 of the Community Safety chapter) supports and advocates for traditional healers to work in communities, hospitals, prisons, nursing homes, hostels and health services.[148] Anangu and Western practitioners have different, but equally valuable knowledges, skills and expertise and are both needed to address a multitude of problems Anangu face.[149]

Ngangkari Services can also be accessed through the Anangu Ngangkari Tjutaku Aboriginal Corporation (ANTAC).[150] ANTAC delivers a range of comprehensive Ngangkari healthcare services and interventions which can be accessed by anyone in need. Services include the provision of clinics, consultations, workshops and cleansing, with delivery to hospitals, health services, correctional facilities and various organisations and institutions.[151] Their services are delivered by Ngangkari members, who are accredited through a strict process in accordance with Ngangkariku Tjukurpa (Ngangkari Law) which stands at the core of their healing knowledge system.[152]

In the delivery of healing initiatives—which necessitates a process of sharing trauma and supporting significant personal, social and community change—the importance of personal and cultural safety is paramount.

> *We need access to a healing place which is culturally appropriate which aims to stop the cycle of intergenerational trauma. The building needs to be a safe space where the workers are Indigenous. A space that is our own, where our kids feel safe.* **Sydney women**

It is also clear that Aboriginal and Torres Strait Islander staff working in community-controlled services and healing spaces, who carry their own trauma, are in need of additional personal and cultural supports. There is rarely a distinction between the trauma carried by the Aboriginal and Torres Strait Islander workforce and the community they are responding to. Nonetheless, Aboriginal and Torres Strait Islander staff are often exposed to chronic work overload, under-appreciation and vicarious trauma at work. These experiences were echoed by women working in healing spaces and advocacy spaces supporting the healing of our communities.

> *Non-Indigenous organisations employing one person to do the jobs of ten. I think this needs to change drastically. I've seen [an aunt] cover six regions. It's not fair on us. It needs to change … [it's not] empowering our strong women to achieve. I did it for the love, I didn't do it for the money.* **Logan women**

Providing adequate support for Aboriginal and Torres Strait Islander staff working in challenging environments, is crucial to protecting individual staff members. It is also essential to the sustainability of a healing workforce.

> *Speaker 1: We need more of that support for ourselves. There's only so much we can do with our job and being stressed-out ourselves. Yeah we need our own support. Speaker 2: Lots of our people are working with trauma. People need support because they get traumatised. Having support is really missing for people working on the frontline.* **Kununurra women**

> *Of equal importance, we must effectively support women that are involved in community governance and leadership, to avoid burnout and to mitigate the risk of vicarious trauma that may be caused by their passionate and determined engagement in resolving complex and sensitive matters within the community*. **The Healing Foundation submission**

The chronic experience of workplace stress leads to burnout, emotional exhaustion, lower job performance and high staff turnover.

Sometimes you feel as though you are being brought on in a tokenistic role. I guess it's kind of like, when you are asked for your opinion on certain thing but not others. There's no cultural safety and it relates back to being taken seriously. When you have serious concerns, but you have to translate it into another language to suit the appetite of the APS [Australian Public Service]. And when you are not taken seriously it makes you second guess yourself. You have a lot of knowledge, but you are constantly second guessing yourself ... When there's no room to grow, no effort to retain Indigenous staff, we just get entry-level positions. They just want to tick a box. It makes you feel anxious and devalued. Makes you want to just give up. You feel as though you are just a number ... it makes you want to quit the public service altogether. **Australian Public Service, Canberra women**

It is common for Aboriginal and Torres Strait Islander women and girls to work far beyond their role description in an attempt to fill gaps in services and resources, and this is exacerbated in sectors that have a direct impact on the self-determination and wellbeing of our families and communities.

The community needs are being met by people doing more work than they have to. They do it to make someone's life better. Even if you're in a paid job you know that if you don't do it, nothing will happen ... Aboriginal and Torres Strait Islander women [have that] willingness of people to do more than they have to, to make changes and to help others. **Mount Isa women**

As with most Indigenous services, the best way to ensure that Aboriginal and Torres Strait Islander priorities, perspectives and staff are protected, is to instill Aboriginal and Torres Strait Islander expertise at the highest level of decision-making.

I belong to a strong Aboriginal family and have been brought-up to be strong. I work for an Aboriginal corporation, with an all-Aboriginal board, however the decision-making roles within the organisation are all held by non-Indigenous employees. These are decisions that impact the lives of Aboriginal people. The non-Indigenous employees hold the key on our jobs and they are slowly making us a weak voice in our communities. This is the struggle that a lot of Aboriginal people are faced with. **Individual submission**

(b) Healing centres

Healing centres are spaces that support the healing of Aboriginal and Torres Strait Islander peoples through a combination of traditional knowledge and practices alongside contemporary mainstream healing practices. The success of healing centres in addressing trauma and restoring holistic wellbeing is fundamentally founded on Aboriginal and Torres Strait Islander perspectives and priorities. It is also dependent on a flexibility of design that can ensure programs and goals are culturally and regionally relevant.

Throughout the *Wiyi Yani U Thangani* consultations, women and girls who had access to healing centres spoke highly of their benefits. Many women and girls said that community-led healing centres were able to combine a range of supports and outcomes, including being: holistic; providing support for entire families instead of individuals alone; building community resilience; and having broad positive social, economic and health impacts.

> *We created a space for women to come with their strength and artistic talent and they would use painting, silk, lino, boiling bush trees or flowers [and then] silk was wrapped around copper or metal … We set up a social enterprise. We gave them a space. They weren't judged and they could go as far as they wanted to. Now those women have an online shop. They are receiving offers all around the world for their stuff. These are women living in the community who are incorporating their knowledge of their country in what they create. They are feeling good because they have an income. This is a therapeutic social enterprise for women. We started off really small. No pressure or stress. No one in that social enterprise feels stressed to come. It's when they are feeling it. Your turning up there, happens when you feel like it.* **Mount Isa women**

> *We need to have an Indigenous holistic healing rehab service. Something around town we can have that covers holistic aspects of a person, not just medical. Need that whole. Can't just heal one arm or one leg, need the healing of the whole of us. And a healing centre and a place we can call our own and take our kids or parents and come for help and support. We need to have more government funding for Aboriginal and Torres Strait Islander people. Our money that is being poured into agencies and organisations that is being used up—and no disrespect—but is being used up by non-Indigenous people. Some of our money is not going fully to Aboriginal and Torres Strait Islander people.* **South Hedland women**

In many places, women and girls saw healing centres as a 'one-stop-shop' for the various services, programs and activities that restore social and emotional wellbeing.

> *We spoke about domestic violence, child protection, rehabilitation and a lack of mental health services. A lack of services in general, which affects transport, crime. Our solution, for the kids, but for everyone really, is a cultural healing centre. We are actually working on different projects at the moment in community, but we need a safe home for everybody. A safe home where children can go 24/7, not just 9-5 kind of thing. And weekends, that should be a must. And in the safe home we should be able to have services all in the one place. Like youth services, psychologists, mental health workers, culturally competent workers, a GP. So it is kind of like a one-stop safe home for everyone.* **Kempsey women**

The need for a 'one-stop-shop' was particularly evident in regional, remote and very remote locations where travelling between services and agencies was a significant barrier to access.

Djirra's submission also highlights the need for holistic one-stop-shop programs that support women who have, or at risk of, coming into contact with the criminal justice system, such as the Koori Women's Place. However, healing centres remain lacking in the vast majority of the locations that we visited.

> *Something I'd like to see is a health and wellbeing centre—there is no respite for those up all night looking after families, something to eat, get away from families and camp out to self-care. Something for the grandmas looking after everyone.* **Mount Isa women**

> *We need access to a healing place which is culturally appropriate, aims to stop the cycle of intergenerational trauma—building a safe space where the workers are Indigenous ... we need our own space where our kids feel safe.* **Sydney women**

Once again, we heard that the absence of healing programs meant that women are filling the gap and leading healing work in their communities without formal supports.

The women coming through the support system. We are building up their support system. We have some ladies speaking out. The thing I'm struggling with is that I was asked to organise another group but I'm finding it hard to find that person. There is no one to run with the programs. We are taking our ladies through narrative therapy. We make jewellery. I teach them what my grandmother taught me. We hold a spiritual women's circle. **Mount Isa women**

We need more healing centres. You know, we've talked about trauma before. The high rates of incarceration is due to our girls and boys not being able to deal with their trauma. So I would like to see a push for change in that area, so that we are able to give them that access to that. You know, when they do get out, that there is light at the end of the tunnel. **Sydney women**

Women and girls have said that they want healing programs to be available to everyone, but there is a need for centers that are specific to the needs of women and girls.

It is important to share our stories and ideas. The young girls here are the future. They need to speak-up for their community. They need to come together. This is the first time we have come together [as women] ... We need to set-up some more women's programs ... Learn more about culture, do some trainings. Have cooking programs, sewing, etc. For women to get together and do stuff together. There could be training programs at this place. There is a youth shed, family centre, but no women's space. So women can talk ... Younger girls need support. We need a space to be having conversations about getting together too young, having kids and not going to school. A women's space could help. **Indulkana women**

In 2014, The Healing Foundation presented a cost-benefit analysis of healing centres, which found that healing centres and therapeutic communities return an average benefit to cost ratio of 4:1, based primarily on reduced justice system costs.[153] Additionally, the analysis found improved education, employment and family violence outcomes, as well as the strengthening of cultural and community connections. This suggests that the support of healing centres across Australia and the Torres Strait Islands should be a priority for all Australians.

13.8   Conclusion

Aboriginal and Torres Strait Islander peoples have endured significant trauma over many generations. Forcible removal of children, family separation and displacement, dispossession of land, marginalisation, experiences of racism and loss of culture have had significant consequences on the mental health of Aboriginal and Torres Strait Islander peoples. Our women and girls have distinct needs that have been shaped by the forces of this history.

The impacts of the past persist in our lives today and has resulted in wide-spread poor mental health, psychological distress and mental illnesses. We need culturally appropriate assessments and treatments which responds to the truth of the traumas we have and continue to live with.[154] To develop effective policies and services which respond to our women and girls SEWB and mental health, governments must understand the historical events, and contemporary social and cultural contexts which impact their health and wellbeing.[155]

Women and girls spoke of the disproportionate amount of trauma that they carry, while also having the remarkable ability to lead social change because they understand the needs and aspirations of everyone within our communities. They also carry the inherited knowledge of healing methods and practices.

> *We are having to be the providers and caretakers and the healers. But it is a challenge how gender roles in community [are seen]. Men are given time. People invest and listen to them. But those achievements of women, being the caretaker and healer—there is that gap. We are not respected for what we do.* **Perth women**

> *There seems to be a lack of recognition on this point, and an ongoing resistance to include women in important discussions of how to mobilise women for greater social change. Aboriginal women have been mostly left to carry the weight of past unresolved trauma, but we hold some of the greatest insights into how we can create positive changes for our people, and we want to be included in the conversation. It essential that women's perspectives are included and captured in policy design and any other important decisions that need to be made.* **Kimberley Birds submission**

It is clear that empowering our women and girls through supporting their agency and self-determination is essential to designing healing programs and strategies that will close the gap in Aboriginal and Torres Strait Islander health and wellbeing. When our women have a seat at the decision-making table our organisations are stronger, our families are stronger, and we can form culturally safe, inclusive and healthier communities for all.

Chapter 14 Learning and education

Aboriginal and Torres Strait Islander societies have continued to maintain diverse and sophisticated knowledge systems for tens of thousands of years. Throughout *Wiyi Yani U Thangani*, women and girls spoke of the strength they draw from sacred knowledges and how their Law provides them with the framework for how to live and engage with others and their surrounds.

They also articulated the value of a good formal education in enabling them to fully participate in contemporary society. They spoke of education as vital to addressing systemic inequalities. They spoke about how education can, and should, be empowering. It can enable them to become leaders of social change, and be a part of overcoming disadvantage for themselves and future generations.

Aboriginal and Torres Strait Islander women and girls want, and have the right to, both a cultural and formal education, however, too often I heard that women and girls are being denied both.

This chapter explores the many aspects of learning and education that women and girls have spoken about. The chapter considers: the value and critical importance of upholding and maintaining Aboriginal and Torres Strait Islander inherent knowledge systems; the need to integrate Aboriginal and Torres Strait Islander cultures and knowledges into the curriculum and across the education system; the barriers to education and how these barriers impact the lives and the self-determination of women and girls; and the vision women and girls have of a dynamic and vibrant education system—one that unites the wealth and depth of our diverse knowledges with contemporary technologies and thought.

A good education that reflects the strengths of our girls and young women, is one that will let them walk with confidence in two worlds.

Now more than ever it is vital that we embed Aboriginal and Torres Strait Islander knowledges into the Australian education system. In the aftermath of the 2019-2020 bushfires that caused loss of lives and widespread damage to property and ecosystems, we must look beyond Western models and value Indigenous practices. It is time mainstream systems recognise that there are other ways of doing things. Understanding and learning about Aboriginal and Torres Strait Islander knowledges will help to build a better and stronger Australia for all.

14.1   Aboriginal and Torres Strait Islander ways of learning and our inherent knowledge systems

Learning and gaining knowledge over a lifetime and across generations is intrinsic to Aboriginal and Torres Strait Islander culture and society. The ways in which our peoples are taught to obtain knowledge and develop skills, from our earliest years of life to old-age, is the basis of our existence. The value we place on a lifetime of immersive learning is reflected in the reverence we have for the knowledge held by our elders.

> *… we never stop learning until the day we die. **Fitzroy Valley senior women's engagements***

First Nations Law contains both an extensive body of knowledge, as well as the rules and protocols of how we engage with and learn that knowledge. Across the country, women and girls were concerned about the constant disruption to being able to practise our Law and culture and, as a consequence, the loss of our knowledges.

However, in parts of the country, particularly in remote and very remote areas, many practices have continued since pre-colonisation. Everywhere else, there are countless processes of resurgence and found knowledges being applied to life, today. I described First Nations Law and culture, including revitalisation, in Chapter Three: Key Themes.

Throughout *Wiyi Yani U Thangani,* women spoke of the importance of grounding our young people in the teaching and transference of our knowledge in order to strengthen their sense of place and purpose in the world.

> *Woman: I feel good. Look, when I train, you know, teaching them … Never mind we been working in stations. I know my culture. I never lost my culture …*
> *Interviewer: And what are your hopes for the young ones coming through?*
> *Woman: Make me happy. They carry it, so when we not around, they carry it on….*
> **Derby senior women's engagements**

It is clear, based on the voices of women, that our knowledge systems are foundational to our children's development. These systems need to be recognised as a critical part of our children's educational journey.

> *We want our children to do that, we know it is important that they have an education. Because they gotta be living in this bigger world now where education counts more than anything else. But at the same time our culture, our culture is also equal to that, because as an Aboriginal person really you, you need to grab hold of your culture, your language, your land, because that's your foundation. No matter what you do in life, the sky's your limit … your feet will never move from where it stood and where you were born. So that's my story about all this.* **KALACC submission**

> *My strength is my culture. I've pretty much grownup around elders all the time. I was always surrounded by women who have taught me a lot. They taught me discipline and respect. And I suppose that gave me the foundation to keep myself in-check and to just keep going.* **Yarrabah women**

> *… that we can stand here today and enjoy the benefits and that bounty that country, and your knowledge, and your care and your sharing of the knowledge, through the generations, following on from the long-line of strong women that have gone before you, for the ones that can truly enjoy that today. And the ones that will enjoy what we leave for them. When we leave this earth.* **Murray Island women**

First Nations' knowledge systems are intimately attached to our surrounds. They bring us into relationship with all human and non-human life. I see our knowledge systems as an expression of the universe—it is all of time talking to us, telling us of existence and how ecosystems and societies form and function together and in balance and interdependence with one another. Within this vast and expansive body of knowledge are all the sciences including botany, agriculture, health and society, medicine, ecology, geography and history. Oral lessons, songs and stories teach these disciplines as interconnected, so our knowledge is situated within context.

We learn things like how to burn country in the right season and weather conditions, so plants and animals are healthy; they fruit and flower and birth and grow and as humans we support that cycle. Our songlines also track the changes of epochs. Across Australia oral history tells of rising sea levels,[156] meteors, volcanic eruptions[157] and megafauna. These lessons help us to respond and adapt to large-scale change and to locate landforms so we can safely navigate the vast terrains of Australia.

The depth and complexity of our knowledges are increasingly appreciated by Western science and diverse fields of study and are more often being applied in different sectors, such as land management. When it comes to schooling, the teaching and application of these knowledges would greatly enhance all educational journeys from primary through to higher education.

However, women have stressed that our knowledges are not easily translatable into mainstream curriculums and Western teaching structures. Our ways of learning are very different from Western methods.[158] Our knowledge is not containable in a textbook. Teaching our knowledges demands a different pedagogy based on our Aboriginal and Torres Strait Islander ways of learning.

> *Aboriginal kids don't learn mainstream. Take back 200 years ago we never sat down in a classroom and we learn proper way outside. We learnt visual … Kids are not meant to be sitting down for eight hours. They have got to be doing things that are practical.* **Kempsey women**

> *They want to stop bush. Coolamons make. Take them bush and teach them culture and language, but teach them about themselves. How important they are for our future.* **Kununurra women**

As I discussed with senior women—learning our ways—often means immersion within the country that knowledge comes from:

> *... because today, they read a book and they say 'oh yeah, yeah, yeah', without even knowing the countryside ... but you sit out here [on country] and it's real ... So what you are saying, that teaching gotta happen out on country, that knowledge comes alive, and it's gotta happen in that place where that story come from, in the hill, in the river, in the wind, the tree, sky ... so all the different story told in the different time of day and night, and different activity happen ... connection with the emotion for that activity to happen is important. It is a major part of that learning, and so that learning puts you in touch with your feeling ... that grows ... that strong connection between you and that place ... so when you [other senior woman speaking] talk about going to a Western school, learning to read and write and count—there was no feeling in that learning ...* **Fitzroy Valley senior women engagements**

From the moment our children are born, they are enfolded into a system of learning that is structured around stages of progression, rites of passage and increasing responsibilities for family, kin and country. Although our children are included within the adult world, there are also strict rules about when children should obtain and use knowledge, and who should teach them. Knowledge is often about surviving in harsh habitats, and a misunderstanding in the lessons we carry can mean life or death. For this reason, there is a strong emphasis on hands-on learning, encouraging our children to inquire while participating in real world practice, at the same time as engaging in deep and considered observation and listening.

First Nations use a range of teaching mechanisms to transfer knowledge through ritual, dance, storytelling, singing, behaviour-modelling and practice. Knowledge becomes embodied and intuitive when it is taught through a combination of physical, mental and spiritual engagement. It is through this engagement that our children develop skills in patience, critical observation, acute awareness of surrounds, negotiation, conflict mediation, collaborative decision-making, while also becoming deeply empathetic and cultivating a collective spiritual wellbeing. Importantly, this system recognises the learners' vital place in understanding and applying knowledge to sustain our societies and the health of the country.

We have all these little things that we are responsible for. There are markers and the markers tell us what we have to do to be responsible to the land and for the animals and for their food, so they can get fat to eat. So yeah, all that history, not only in these areas, but probably bigger than our curriculum teaches. Don't go past this rock without doing this to it because the rain is coming-up, and you know what rain brings. You know all the little things we have to do. **KALACC submission**

Our First Nations peoples and communities place significant value on these skills as vital to living a healthy and engaged life. Without these ways of being and interacting, we feel disconnected and out-of-balance with our surrounds and the country. As expressed by the late Laurie (Gawany) Baymarrwaŋa, a senior Yolŋu leader from the Crocodile Islands in North-East Arnhem Land, it is this knowledge that makes a person and a society literate:

Yatum dharramu garana baŋubal. Nani dhuŋa guya milawa mana man'taṉ, rulka murru rebamthala mana yugupala. Ŋarra mananha marŋgiyunha warrpamgu gana nani buthuru dhumuluŋu.

(The young man came to the islands. He was unable to catch a fish, collect his dinner or even light the fire and so I had to teach him everything as he was helpless and illiterate).[159]

I heard from women and girls throughout *Wiyi Yani U Thangani* and from senior women of their deep worry that our knowledge, that provides us with the literacy of life, is not being passed on. Of particular concern is that the Western education system—in undervaluing the importance of our knowledge—is a significant factor contributing to our children's disconnection from our culture and Law.

There aren't many Aboriginal groups in Canberra, and especially for our age group, we have to be at school, and it's challenging not learning about culture. **Canberra girls**

Cultural time. We are out working. Having that cultural time with our kids is so important and as working women we are not able to get enough of it. We aren't getting the quality cultural time with family and access to our cultural elders. You learn that from your elders. When that time is available and you don't work you do get that cultural time. **Kempsey women**

> *So we have no way of actually going back to our country and going out and learning. I was just thinking about that then, because my nanna's country, most of it is covered by either a station, or mining, so we have no way of actually going out there with our old people and learning ... I could never take my son out there.* **Karratha women**

Senior women spoke powerfully about the many interruptions to our learning because of the dominance of Western systems that disregarded our knowledges:

> *... we have that gap where the two doors were locked on us, that's two doors in the dormitory and in the classroom setting when we walked through that door into the classroom. We were locked out [of Law and culture] ... we have a right today in Australia and all over, and we want to stand-up as women and say, ' we gotta teach them proper way.' We got the chance, we just have to move forward with it, and like I said we are never too old to learn. We might be talking here, but we still got a lot of things to learn.* **Fitzroy Valley senior women's engagements**

> *They are boss women now you know—they carry the Law. And we carry it all along to today, even though nuns and priest they used to lock-up the girls in the dormitory 'aye.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Across the country, women and girls spoke of how the environments and contexts in which we acquire knowledge have changed dramatically, and for many of our young people, particularly those living in cities, there can be limited opportunities to access country. These interruptions and disconnections are also causing the loss of our methods of teaching—our languages, songs and access to sacred sites and our country. The active incorporation of our knowledge into education systems can counteract both disconnection and loss.

Women and girls expressed how today, Australia's education system and institutions can play a pivotal role in healing past and ongoing interruptions by contributing to the active resurgence of our knowledge systems. But this will take a genuine commitment from our governments and education leaders to respect our knowledge systems and effectively incorporate them across the national curriculum. This means considering how our knowledge can contribute to a range of subjects beyond the containment of 'Indigenous studies', while maintaining the integrity of this study area.

Throughout *Wiyi Yani U Thangani,* I heard of several approaches to integrate our worldviews and ways of learning into education. This includes, but is far from limited to, increasing the numbers of Aboriginal and Torres Strait Islander teachers, bringing elders into schools, having Indigenous language classes, having more outdoor experiential learning and developing culture-based educational resources.

> *They choose cultural advisers to come along, teaching them, taking them camping, how to look after country ... And when they are on school holidays we take the young girls and boys out and teach them, what is good for bush medicine or what to eat or how to make whatever they can out of Aboriginal native trees and the kids they enjoy themselves doing all those things.* **Kimberley Women Rangers' Forum, senior women's engagements**

However, in my ongoing engagements with senior women which focused on Law and ceremony, they stressed that Western education cannot be the only way in which our children engage with culture. They spoke of the need for mainstream education to be flexible and to provide the time for our children to be away from formal school environments, so they can spend time with our peoples and elders on country. They also spoke of needing our own education institutions and pathways.

> *... We 'bin following kartiya [white people] way too long. They need to start listening to us. They 'bin listen to every other nationality—they got their own institution, they got their own school, they got everything. What about Black fulla, poor thing.* **Kimberley Women Rangers' Forum, senior women's engagements**

14.2   The need for culturally inclusive formal education and curriculum delivery

> *The impact we've got to have is utilising the strong people we already have in our communities, our aunties in our schools, two-way strong in education and culture and identity when they're engaged in that. Make our kids two-way strong. Pushing back in our schools in some instances, Indigenous school officers are gold in what they do each day is important. Big picture we need to support families about what's going on between the school and the families. To change that, we want to teachers to recognise and validate the strengths ... and the differences.* **Mount Isa women**

During the consultations for *Wiyi Yani U Thangani*, I met with close to 600 Aboriginal and Torres Strait Islander girls and I was struck by their strengths and passions, their understanding of complex issues, their hope for the future and their clear solutions for change.

It was inspiring to see our next generation of leaders demonstrate genuine confidence in themselves and the rest of Australia to enact positive change for Aboriginal and Torres Strait Islander peoples.

Our girls, their sisters, mothers, aunties and grandmothers placed immense value on education as the foundation for a positive and vibrant future.

It is the starting point for our girls to become the future leaders that they aspire to be, and in many respects already are. Everywhere I went, women and girls believed that a culturally inclusive formal education enables Aboriginal and Torres Strait Islander children and young peoples to navigate between, and walk confidently within, Indigenous and Western worlds. Women and girls also saw the integration of our culture as fundamental to forming positive and inclusive learning experiences for our children and keeping them engaged and supported at school.

> *We have a lot of our younger ones staying in school longer. Making stronger future leaders.* **Mount Isa women**

Women and girls frequently spoke to me about how engaging in formal education opened doors to numerous opportunities throughout life. They saw it as one of the primary means for achieving equality. They were well-aware of the evidenced correlation between higher levels of educational attainment and improved employment prospects, higher income, better health and reduced interactions with the justice system.[160]

> *Many of these young women saw education and school communities as important parts of their lives and a tangible connector to future pathways.* **Association of Independent Schools of South Australia submission**
>
> *Education is the key to success to change the country. Educate ourselves more for what we can provide for our kids and grandkids. So they don't have to face the issues that we face today.* **Kempsey women**

Girls also spoke positively to me about the range of extra-curricular opportunities that they were able to engage with in formal education. They told me that being part of sporting groups, having opportunities to connect and learn from others beyond their own culture, while also sharing their cultural knowledge made them feel proud and confident to be who they are.

> *She always wants to voice her opinion, my granddaughter. She's grown so much and she's so proud of being an Aboriginal young woman and she always comes home and tells me all about school. She said 'I've done Acknowledgement of Country' and she's now going to be talking to the kindergarten kids in the school and being like a buddy and teaching them about culture.* **Sydney women and girls**

> *The Catholic school, they didn't have a lot of Aboriginal knowledge, but her parents, they decided to put them through that school. And you know that's good. As long as she gets a good education, but having that culture as well, I wanted her to know all about her culture. So, I said, 'You need to learn it at school as well as at home'. So, now all the girls done a little piece in the school to bring that cultural respect into the school and cultural knowledge throughout the school, which wasn't being done as of this year.* **Sydney women and girls**

Some women spoke to me about how our right to an education today in the Australian mainstream system, symbolises what our previous generations had been denied, what our women fought for, and what we have achieved.

> *Anyways I never learnt properly so I made sure that all of my kids went to school, the whole lot of them educated, yeah.* **Alice Springs women**

> *It makes me proud to see all you young people, coming up and taking on all those benefits. I know there's not a lot of benefits, but watching what we fought for and [seeing] you taking advantage of that today is really terrific, you know that education … We fought every inch of the way with governments and I am so glad that all you young people are coming up. Get up there. Get into parliament. Get up there and shine.* **Sydney women**

It is clear that education matters to Aboriginal and Torres Strait Islander women and girls. It was also clear that the mainstream education system in this nation continues to fail in effectively incorporating our cultures and knowledges and in that sense does not embrace who our girls are, or meaningfully grow their potential.

There was one message that girls and women delivered consistently everywhere I went: Aboriginal and Torres Strait Islander histories, cultures and knowledges need to be embedded more comprehensively within the Australian education system and standard curriculum.

> *Should have Indigenous books through the school—like the ones auntie made. Because my little sister on grade one likes to take them to school, doesn't she?* ***Rockhampton women***

> *Why is Australian Indigenous history so limited in our school text books? There is a general ignorance of the past concerning First Peoples.* ***Individual submission***

> *We think that going to school is just about literacy and numeracy and that's the thing, we want to be designing our education and what that looks like … we want to be going back to our country and going out and learning.* ***Karratha women***

Girls believe that embedding Aboriginal and Torres Strait Islander perspectives will:

- increase the relevance of the curriculum to Aboriginal and Torres Strait Islander students
- facilitate truth-telling about Australia's history
- address the stereotypes and racism faced by Aboriginal and Torres Strait Islander peoples in Australia.

Given the existing expectation that young people be engaged in formal education for substantial periods of their formative years, the incorporation of language and culture into the school system is a critical step in addressing the rights of Aboriginal and Torres Strait Islander peoples.

(a) What we are being taught: The current Australian curriculum

In the current national curriculum, elements of Aboriginal and Torres Strait Islander history and culture are included in the core curriculum content throughout the humanities and social sciences in primary school and within history and geography in secondary school. Aboriginal and Torres Strait Islander history and culture is also one of three cross-curriculum priorities which are designed to provide additional dimensions to the core curriculum learning areas.[161]

However, much Aboriginal and Torres Strait Islander content exists in elective depth studies and content elaborations, which are not mandatory but can be utilised by teachers if it fits into their course organisation.

> *You know like in schools, they had some Indigenous studies. They could choose to teach them or not teach them. I think that needs to be brought into the schools … on a grand scale.* **Cairns women**

In many locations that I visited, this variability in delivery has created the impression that there was no Aboriginal and Torres Strait Islander content in the curriculum or that there was no national curriculum at all.

> *The first two [solutions] that we have is that there's a national school curriculum for Aboriginal and Torres Strait Islander history and culture. That's not one standard curriculum that gets delivered across the country, but that the Australian Government legislates that needs to be one in each of the states and territories and then they can develop it within the region.* **Darwin women and girls**

Some of the Aboriginal and Torres Strait Islander students I spoke to felt that the study and celebration of world cultures is prioritised over the history and achievements of their own in the Australian curriculum.

> *Participants at the youth forum felt that … education doesn't just need to tell the truth about Aboriginal and Torres Strait Islander people, it should also celebrate positive elements of culture as a way of developing a greater level of understanding and respect.* **The Healing Foundation submission**

> *[We want to] learn more about our history. In history it looks more at European things. It does not look at much about Aboriginal history. We made impacts too.* **Hobart girls**

I had several conversations where women and girls felt that the reason our culture and knowledges were not being taught effectively was because the curriculum content about our knowledges and culture did not exist, or was not comprehensive enough to be taught effectively.

> *We have been saying this for years—I have been in education for 30 years. But seriously, the monitoring and support of the Aboriginal education policy with the department of education is not happening, so we are saying that it should be happening … If there is a school without an AEO [Aboriginal Education Officer], then you got no Aboriginal education, because no one is game enough to teach it. Their excuse is, 'oh we don't have anyone here to teach it'. There are no excuses anymore.* **Sydney women**

Some women and girls also expressed concern that non-Indigenous students were being denied the right to know the true history of their own country and to develop appropriate intercultural understandings.

> *Need to teach them all. It is the white kids that need teaching. These little Black kids are being taught at home. Then they all come to school together and learn some airy-fairy dreamtime stories. They are not getting taught history, so these kids are always going to have attitude about these kids that they are not really from here.* **Kempsey women**

> *I had a little girl asked me once if I was Aboriginal, and I told her that I was. But then she said to me, 'but you look human'. That little thing didn't say it to be mean or because she's bad, you know—she just doesn't know anything. That's how we start to make the positive changes.* **Cairns women**

> *Teaching about culture in schools. A lot of people don't know anything and don't even realise they're being offensive.* **Dubbo girls**

In order to deliver the Australian curriculum in its current form, teachers need both content knowledge and sufficient understanding of Aboriginal and Torres Strait Islander culture, society and affairs to be able to include Aboriginal and Torres Strait Islander perspectives in their teaching.

The recently launched National Aboriginal and Torres Strait Islander Curricula Project is an important Indigenous-led solution to increasing resources for teachers. Professor Marcia Langton, who is leading the Curricula Project team, said: 'There is a tremendous keenness amongst a minority to include Aboriginal and Torres Strait Islander cultures in their teaching'. This enthusiasm cannot be met because of inconsistent and limited resources that are difficult to access and unpredictable in quality.[162]

The design of resources by Aboriginal and Torres Strait Islander experts in Indigenous knowledge systems ensures that curriculum content reflects the strength and sophistication of Aboriginal and Torres Strait Islander cultures.[163]

(b) Supporting teachers to deliver the curriculum

Having the correct content is only part of the solution and there is an equal need to develop cultural competence amongst teachers. Throughout *Wiyi Yani U Thangani*, girls spoke of schools teaching Aboriginal and Torres Strait Islander history and culture with poor cultural understanding. Girls raised that Aboriginal and Torres Strait Islander history and culture taught without appropriate sensitivity, can have a damaging impact on Aboriginal and Torres Strait Islander students.

I also heard concerns that senior educators and leaders who did not have a proficient level of cultural competence were obstructing younger, passionate teachers from integrating Aboriginal and Torres Strait Islander content into their lessons.

> *... I've seen a lot of teachers come in with fresh and energetic ideas, and they're good—they're really good. But there's always a leader that sits in [a] position of power and he's the one—the principal usually—who stops it all. **Cairns women***

In general, women and girls were conscious that many teachers do not feel confident in teaching Aboriginal and Torres Strait Islander content. They recognised that it was not necessarily deliberate disregard, but a lack of understanding that stopped teachers from incorporating Indigenous perspectives into their lessons. Many women and girls said that the solution to this was to introduce Aboriginal and Torres Strait Islander studies and cultural competence as mandatory modules in teacher training at university. They also raised the importance of working with Aboriginal and Torres Strait Islander students during teacher training.

> *Yes, and that's why you teach it at the university ... And when they go and do their practical experience, part of that assessment should be around cultural competency. Most people don't have any experience with Aboriginal people. Maybe with that competency they have to do so many hours working with Indigenous staff and students...*

It needs to be mandatory at university ... Aboriginal cultural awareness and studies. How can you teach something properly if you don't know anything about it? The schools are not getting the education that they should be getting, so we have to break it at the university level. **Cairns women**

... If they are teachers, what is the institution teaching? What are the universities presenting to teachers? Are they giving them the knowledge? Maybe as a way forward the universities could take that responsibility for their teachers. And provide better programs. Increase knowledge, experiences, exposure. Community exposure not just from books ...

... it is one thing to have the curriculum of Aboriginal education. But you have to have community involved, to give the stories behind the curriculum. **Sydney women**

Women and girls told me they would like teaching qualifications to include the study of:

- Aboriginal and Torres Strait Islander Law, custom, spirituality, history and cultures
- Aboriginal and Torres Strait Islander ways of learning and knowing
- complex trauma and the effect on educational engagement
- Indigenous languages, creole languages and the need for teaching English as a second language
- behavioural norms and expectations that exist between different cultures.

This lack of foundational knowledge on Aboriginal and Torres Strait Islander content and the effect this has on implementing the Australian curriculum, is similarly identified in previous reports and studies.[164] Substantial research and reviews have identified that there is a need for:

- mandatory university units on Aboriginal and Torres Strait Islander content
- ongoing professional learning to develop cultural competence
- adequate resourcing and acknowledgement of local community and Aboriginal and Torres Strait Islander education officers in supporting schools to deliver appropriate Aboriginal and Torres Strait Islander content.[165]

The views of our women and girls are further reinforced in the results of the 2016 inquiry into educational opportunities for Aboriginal and Torres Strait Islander students, reported by the Standing Committee on Indigenous Affairs in *The Power of Education: from surviving to thriving*.[166]

Text Box 14.1: *The Power of Education: From surviving to thriving: Educational opportunities for Aboriginal and Torres Strait Islander students:* **Recommendation 11**

The committee recommends that the Federal Minister for Education take a proposal to the Council of Australian Governments to:

- make Indigenous history and culture a compulsory requirement for all teaching degrees
- require all teachers already working in schools with a significant number of Indigenous students to complete in-service local Indigenous language, history and culture training as a part of mandatory professional development.[167]

Recommendation 11 from The Power of Education: From surviving to thriving[168]

Girls who were being taught by non-Indigenous teachers who are confident in teaching Aboriginal and Torres Strait Islander content, told me that they had a positive experience engaging with school.

> *I did Aboriginal history in term two and it was really good because my teacher is really passionate and wants to change it all. We had to pick an issue that happened to Aboriginal people, like Mabo or Stolen Generation, and had to write an essay about it. Mine was about 2,000 words on the Mabo decision. I got the top mark for that.* **Rockhampton girls**

Overall, it was identified that the most effective way to deliver Aboriginal and Torres Strait Islander content was with the support of local Aboriginal and Torres Strait Islander communities.

> *Get schools to help deliver programs for our children and to also bring in our elders because now, through the national curriculum, they have to teach Indigenous histories. Before, our curriculums were all scattered … So now they look at our Indigenous histories. Long time coming, but yeah.* **Yarrabah women**

To enable communities and teachers to work together in such a way, existing gaps in relationships, knowledge and the curriculum will require appropriate levels of resourcing, and meaningful collaboration with Aboriginal and Torres Strait Islander peoples and communities.

14.3   The learning journey in formal education: From early years to primary and secondary school

(a) Holistic early childhood education

Aboriginal and Torres Strait Islander ways of learning and knowing are designed to progressively shape a young person's education from a very early age. Traditional learning processes also distribute the responsibility for educating children across multiple teachers. Mothers, grandmothers, aunties and older siblings are often the first teachers for very young children. As Aboriginal and Torres Strait Islander children learn to participate in family and social activities, it is usually the women around them that teach them how to behave, who they are and how they fit into the world around them. It is a focus on connection and identity that forms a solid foundation of strength, resilience and adaptability.

> *We carry [our] rules and traditional law that has been passed down through each generation and is still being carried today. This is taught to all kids. It is our responsibility—senior women—to teach responsibility and Law to the next generation.* ***Individual submission***

Senior women also discussed with me the vital role that sisters, mothers, aunties and grandmothers have always occupied in the learning journey of our children. In one discussion, the caring and rearing responsibility of women was considered to have warrior status:

> *… we do have a big responsibility as mothers, as grandmothers, as women. It is huge … when you really look at it, and you look at the story of Jandamarra [resistance fighter], who were the warriors? You know, his warriors were the women.* ***Fitzroy Valley senior women's engagements***

Women tell me that these early childhood years are also the most critical in teaching our children that they are part of a strong and proud culture and that their success in the Western world should not come at the cost of their cultural identity.

It's very important from pre-school, to get kids to learn about diversity and being proud about themselves, confident and talking-up. Or later they get a job and then they throw it in because they don't like the way they are treated. They don't speak up … if you don't talk then we are not going to get anywhere, and sometimes there are good bosses … and they don't know if you don't speak-up. **Cairns women**

At large, women were supportive of formal early childhood learning programs. In particular, the women I spoke with recognised the importance of ensuring that this first experience of Western education structures could ease the transition into more challenging environments of primary and secondary schooling.

We need to engage parents more. Education and support and assistance for families … We have got to try and get these children ready for school. My passion is education, but it is also about offering to assist the families in any way. **Kununurra women**

We have a mobile playgroup that visits five days a week. We have five staff and we're looking to employ another staff member now. All are trained or training now to get their Certificate III in child services through the Batchelor Institute. We have the Early Years Learning Network that involves all of the early years service providers in town. We are teaching the university about us and the university is giving us the Western education. **Borroloola women**

Women often spoke of successful and positive early childhood learning environments within their communities, where culture remained a central element of young lives. The most successful formal early childhood learning models that I heard about throughout the consultations were:

- Aboriginal and Torres Strait Islander community-owned and controlled
- engaged Aboriginal and Torres Strait Islander staff to deliver the early childhood curriculum
- holistic and inclusive of the whole family
- provided a genuine balance of cultural learning and Western education priorities.

Text Box 14.2: Growing Bush Babies playgroup

The Growing Bush Babies playgroup is an initiative of Orange Aboriginal Women's Gathering (NSW) who decided that it was important to help children learn through play. The Bush Babies program serves as a steppingstone to preschool, long day care and school.

It also helps identify Aboriginal and Torres Strait Islander children that are in need of particular support and assists families to connect with services such as speech pathology, family support and the Aboriginal Medical Service.

The Playgroup is a good example of a localised early childhood development initiative that has met partnership and community capacity building objectives. This service strengthens Indigenous capacity and participation—including Indigenous community-control, and involvement of community elders and leaders.[169]

Participation in quality early learning environments has a demonstrated impact on the education, development and wellbeing of Aboriginal and Torres Strait Islander children. This has been recognised in the establishment of a Closing the Gap target specifically addressing the enrolment of four year-old children in early childhood education and the establishment of the National Partnership Agreement on Indigenous Early Childhood Development (NPAIECD) between the Commonwealth and state and territory governments to improve outcomes for Aboriginal and Torres Strait Islander children.[170]

(b) Primary and secondary education

The transition from early childhood education to primary and secondary schooling is a dramatic one. For the first time, and at a very young age, children are spending substantial time away from their families, community and culture. In contrast to the positivity expressed towards early childhood educational structures, many women told me they were deeply concerned that primary and secondary schooling can still feel like a tool of assimilation for Aboriginal and Torres Strait Islander students and their communities.

> *I think education has come a long way in being inclusive of our kids. But then I think that is really good in day care and all that. But then it gets to primary school and that seems to change.* ***Cairns women***

The formal school system in Australia has been shaped by an individualistic British educational tradition and is designed to prepare students to succeed in a Western-dominated world. This system is often unsupportive of Aboriginal and Torres Strait Islander knowledges and cultural expression. This is reflected in low rates of educational attainment, low self-esteem, and poor employment outcomes.

Women recognised that some efforts have been made by governments to improve cultural responsiveness.

> *We've got a strong group of elders who come to the school and spend time with our young people. They have the respect there and it all comes out.* **Mount Isa women**

However, I frequently heard that implementing cultural responsiveness has been inconsistent in schools around the country. In some cases, girls felt their culture was only recognised on national days of celebration.

> *Need to learn more about our culture in school. Only learn our culture at NAIDOC. We learn all other people's culture but not our own.* **Reiby Juvenile Justice engagements**

> *We have cultural studies and activities only available during NAIDOC … we should be teaching about culture in schools. A lot of people don't know anything about anything and don't even realise they're being offensive.* **Dubbo girls**

> *Like with school, some people don't really understand culture and there isn't enough taught about culture in schools and it is not celebrated or talked about and all that. So just need more programs in school, and for all students and for other cultures to learn about Aboriginal land and who was here first …* **Sydney women and girls**

Women and girls have said that improved recognition of our cultures within mainstream schools is also valuable for non-Indigenous students. The ignorance that comes from a lack of exposure to Aboriginal and Torres Strait Islander cultures was considered a driving factor in racism toward Aboriginal and Torres Strait Islander peoples.

> *Having that cultural education in schools helps teach these kids. Black and white, it should be. So our kids realise that it's culture that makes them strong. And help teach all those kids that we are the same and break-down some of those racist things that the young ones don't even know they carry.* **Cairns women**

Many women and girls spoke of how differences in cultural norms and communication can be misunderstood as behavioural issues. Cross-cultural differences do vary across Aboriginal and Torres Strait Islander cultures, but there are several differences that we know can create tension. For example, avoiding eye contact is a sign of respect in many Aboriginal cultures, but this can be interpreted as being inattentive or defiant by Western norms.

Silence is a meaningful part of a conversation for many Aboriginal and Torres Strait Islander societies—but, in a Western context, it can be perceived as a breakdown of communication, a lack of comprehension, and in some situations an assumption of a disability. The need for permission to share knowledge can be interpreted as a refusal to participate.[171]

> *Not necessarily teaching ways. Curriculum is the reading and writing. It is the way that they are taught or expected to behave while being taught. If they do not behave in the way the teacher wants them [to], then they are put in the too hard basket. It is the behaviour box. When they have problems, it is because they haven't behaved in the way that the teachers in the high school wanted them to behave.* **Kempsey women**

In remote and very remote areas in Queensland, South Australia and Western Australia, women and girls were concerned specifically about the lack of cultural awareness regarding traditional Law. Women and girls spoke of the distress caused by this lack of recognition and particularly the lack of understanding of the importance of cultural rules that govern behaviour. This includes customs that apply to boys.

> *My sister's kids go to a private school. This is their last year. One of the teachers made him shave. Without parental permission. No consideration of a shaving ceremony. He's not supposed to do that ceremony for another 18-months or so, but the school said that if he comes back next year then he'll have to shave again ... So, my sister has had to take him out of private school entirely. Can't be putting school before culture. My father called and blasted them. But they had no care at all. They just said they've been doing this for years. They just don't believe in culture—straight-up. Traditional owners have called and told them about the importance of this and they still don't care.* **Rockhampton women**

This lack of understanding of cultural norms in the school can create an environment where children feel defensive, disrespected, isolated and conflicted about how to assert their identity.

> *... Teaching our children to be strong at school and at home—but when they do question things in the school system they are seen to be 'troubled'.* **Sydney women and girls**

> *On another day, me and my friend were talking about how he doesn't know who his dad is. Teacher said, 'that doesn't make him Black because he has one white parent'. [he] Said to the teacher that, 'it doesn't matter if only one parent is Indigenous, you still are Indigenous!' [He] got suspended for disrupting the class.* **Rockhampton women**

Women highlighted the need for substantial effort in ensuring that the school system in Australia is appropriately designed for Aboriginal and Torres Strait Islander students and is appreciative of their strengths. A sole focus on Westernised learning and assessment frameworks can fail to recognise the strengths of Aboriginal and Torres Strait Islander students and can too easily marginalise them and limit their educational potential.

14.4 Valuing Aboriginal and Torres Strait Islander culture and knowledge within the education system

(a) Cultural programs and support within and outside of formal education

Everywhere I went, women and girls were adamant that to improve educational engagement and attainment for our children and young people, we need to be investing in cultural programs and including our knowledges within the school system. Cultural programs need to be an integral part of the formal education environment while simultaneously existing alongside formal schooling, and being run by their communities and elders.

Embedding our culture and knowledge across all aspects of education is necessary to counteract the Western dominance of learning that has contributed to the erosion of our ancient knowledges, and to address racism within our schools.

I say it is my culture, land, language—these are the things who tell me who I am. What have they done, taking away our land, culture, our children? They have systematically removed those things that give us our cultural identity. We still have elders who know their language, their culture, and their people. **Brisbane women WOW session**

Teaching Aboriginal history and teaching about the real history, and local languages in schools—that needs to be a localised thing. It can't just be one language right across ... Getting all kids to learn, not just our kids. Getting local elders in schools, and local community members in school to teach about culture ... Having cultural awareness in schools, breaking that misconception ... why can't our kids be sharing their traditional culture? To break down that 'us and them' mentality. **Nowra women and girls**

Cultural programs developed and delivered by Aboriginal and Torres Strait Islander peoples is also central to the principle of self-determination. Aboriginal and Torres Strait Islander peoples have the right to establish and control educational systems that provide culturally appropriate methods of teaching and learning.

We need to be looking at the cultural way of doing things. [We] Should be keeping that culture alive in the schools. It's about respect for elders too, you know. These kids, they don't know how to get back-up, and they think that acting out and not respecting elders and not doing things like school and cultural ways makes them a big man. They don't even realise it's putting them on their butts. **Cairns women**

There are schools that have made concerted efforts to recognise and incorporate Aboriginal and Torres Strait Islander ways of learning. These schools have seen significant improvements in the confidence, pride, wellbeing and engagement of Indigenous students.[172]

The types of programs that I heard of as being most successful in improving Aboriginal and Torres Strait Islander students engagement at school where those that were: locally-designed and led programs; delivered by elders; practically-based; were delivered on country; actively applied our knowledge about ecology, plant medicines and sciences to the world around us.

> *Like to talk about program. [Free tree program provides native plant species for the school]. We get the elders [to come into the school] to plant the trees. They went to the school [to teach the kids about the bush plants]. Done damper up and kangaroo rissoles.* **Logan women**

During my conversations with senior women, many supported the need for Aboriginal and Torres Strait Islander languages, histories and cultural programs to be integrated into school curriculums. Senior women have incredible skills and experience in educating our young, and it is critical that their skills are incorporated into the education system.

> *Teaching is the first Law. Everywhere in every culture. And government are forgetting about that. Teaching is in the white man law, it is in the Black man Law, it is in the Chinese man law.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

> *We are there to teach our young ones, because there are a lot of things happening today to young people—they always say, 'oh this is boring, everything is boring'. But nothing is boring when you learn off your own people. They love going out camping. We teaching them how to cook fish, and take them to the bush.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Centering our education around the knowledge of our senior elders, particularly those with the authority to teach our children language and Law, enables us to heal our past and build our futures.

> *How are young ones going to gain that sort of knowledge when we don't have any support from our own government. It's enough that they 'bin separate the people [Stolen Generations], you know, people still finding their roots today.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

The KALACC submission noted the hard work being done by our elders to merge cultural ways with the Western education system.

> *I think we did a lot of fighting in those areas to try and make the government see that yes, education is very important for the future of our children. We need our children to be educated but we could see failures in where our children were learning and [we tried our] very hardest to try and merge … we looked at both the Western world's education and our education as Aboriginal people and we could match that up to sit hand-in-hand.*

> *… we have tried to push that through for a long, long time and we weren't speaking the right languages to government. [Now the education department says that children learn better in nature]. How many years have [we] been saying that?*
>
> *… finally, four walls are no longer the place where kids can really learn. Get out there [and] look at nature. Nature has the curriculum of what you offer, of what the Western world offers us. Nature has got it out there. We got science out there, we got history out there, we got it all out there, we got English out there. All those, the Western world's curriculum is out there in our classroom.* **Kimberley Aboriginal Law and Cultural Centre submission**

Girls spoke very positively about how these programs, run by elders, reinforce cultural connections and bonds between younger and older generations. Girls, overwhelmingly, want to learn from senior women in their communities and, in turn, elders want to support girls with the many challenges they might be facing.

> *Keep culture strong by elders coming to schools to talk about what culture [is] about. Kids need to learn their customs and totems, family trees and kinship groups.* **Tiwi Islands Bathurst women**

In some regions, women spoke about cultural programs and events being used to motivate students to attend school. I heard from women in NSW the risk of further demoralising students when culture is used as tool to encourage attendance.

As I have said many times in this chapter, culture is integral to our life. It should never be used as a coercive mechanism to improve the behaviour of students.

> *They do still take them away for an hour or two, uncle was coming into the schools. That is for just Indigenous kids. It was for year five and six, or year three up, not even the kindergarten were allowed to go … To go to the program, their attendance has to be over a certain amount. These kids give up at an early age and they think, 'well, if they don't care now, then they will keep doing the wrong thing'.* **Kempsey women**

Reinforcing cultural connections through traditional teaching practices is a much more effective way to pass on responsibility to our young people and manage disruptive behaviours.

Bringing kids in trouble back to the land will make our community strong. It's important to teach them respect and to teach them that the spirit of the land is part of them. They don't get a chance to learn this in Mparntwe [Alice Springs]. Everything out bush is wasted if we don't have a chance to send our kids out bush to learn—to learn how to look after themselves and respect themselves and each other. **Children's Ground submission**

We sit down for ceremony time, in the community, Law time, ceremony time, we sit down everybody, everyone ... that's how we can learn. That's why we can't leave this lot thing, because them old people been taught us, everything you know, we was young. That's why our role is to keep on doing what we doing. Caring with other ladies and even young girls, take them out in the bush, you know? Even when young get into trouble, they are to be taught by all of these elders, to put them on the right track. **Kimberley Aboriginal Law and Cultural Centre submission**

The incorporation of our knowledge systems into formal structures is not without its risks. Several women expressed their fear that any attempt to formalise the succession of our knowledges within programs and schools, may result in Aboriginal and Torres Strait Islander peoples losing ownership and control over their knowledges.

[We] had a speaker's program. They went into schools and then reported back about issues. Don't have this program anymore. So, we don't have that back-up about authority of elders to go into schools as themselves. The school is now going to be an expert. Taking away from our knowledge and ways of being. White people should teach about history, but they shouldn't be talking about our people because that belongs to us. **Hobart women**

Senior women also strongly expressed the need for Western institutions to respect and allow for students to take time away from formal school environments to engage in Law and ceremony. They explained how the Law shapes our young women's purpose and identity.

Interviewer: And what about making sure it [ceremony] is taught more in school? Senior woman: Nah, I reckon school is not the place to be teaching the stuff we know, it has to be without any interference of white ways of learning. They can learn about all sorts of things about Aboriginal people and culture in school. But to learn Law and ceremony stuff, we gotta make sure that we are having those activities ourselves and that we are coming together as families, so that they can see all of those rules, all of those practices are lived by everyone. Interviewer: So, it is about making that time and space for that to happen?

Senior woman: Yeah, in that place that holds all that meaning. And the other thing is all our loved ones who lose their spirits are there, and they are part of it and witnessing that learning and making sure that they play their part too. Never mind they passed away, they still there and they still play their part. Things like that you need to be taught on country, can't happen in the classroom. **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

Their own Tjurkurpa [Law] is missing out, which is what makes them and makes their identity. They say, 'oh I come from this community, and I do this'. 'Wiya [no] you come from this Tjurkurpa [Law] and you grew-up learning and knowing all these things that you practise in your everyday living'. **Alice Springs discussion with NPY women, senior women's engagements**

There is no end to the benefits of investing in our culture and knowledges both within and outside of formal education environments. Nonetheless, sadly, in many places I heard of successful programs that had been running previously that were no longer available because of funding or resource challenges.

Elders should come into the school and teach the kids about culture. Women used to come into the schools and go camping but it doesn't happen anymore. **Tiwi Islands Bathurst women**

We need to take them back on country and teach them on country. We had programs at school to do that. Local businesses do not see that as an opportunity for kids to stay grounded. Our Aboriginal kids are talented in sport, so they spend the money on that. But we want to teach them on country and what we want to carry on. **Kununurra women**

Senior women in the Kimberley region also spoke of their concerns about the uncertainty of funding beyond 2020 to employ local Kimberley people as language teachers and support staff within remote community schools.

The government [is] pulling out money from independent schools as we speak. Indigenous Advancement Scheme where they employ our people in independent schools all around the back country—places like Jarlmadangah, Noonkanbah, Muludja, Ngalapita, Djugerari all lost funding and it is disempowering [for] our people. Now we've got no Aboriginal workers—we are fighting to have the government not pull that money out, that is our groundsmen, our leaders, our teachers, our cooks and our Aboriginal workers. **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

(b) Language in the curriculum

Across the nation, the importance of maintaining and transferring our languages couldn't be stressed enough. This was a frequent topic of conversation with senior women who felt the ongoing loss of language will result in the loss of large volumes of our knowledge.

> *Whether it is Ngarrinyin or Bunuba, people gotta talk in that language, because that is the only language that country and them things understand. They don't understand English. It is a bit frightening that this knowledge and this information is going to be lost. I know how I feel as somebody who 'bin grow up understanding, right up to today, and I'm thinking about well, I hope I'm not the last person to carry on this.* ***Derby senior women's engagements***

Our languages carry meaning beyond the words themselves, providing us with the tools to express our feelings, communicate with one another and understand our unique place within the world. Our languages contain knowledges on countless subject areas as I discussed in the opening of this chapter.

> *Talking in language about country you [can't] describe it better. You get a better feel. I can sit here and tell this kid a story about how Jandamarra ran here—in English I would be missing out important things, things that I cannot describe in English. We miss out lots and lots of word when you talk in English. But when you talk in your own language, you can explain everything better and you understand it better. There is always a piece that is missing out of the jigsaw. Our language is the core of our culture, our land, our wellbeing and our values. We are nothing without that.* ***Fitzroy Valley senior women's engagements***

I speak further in the Key Themes chapter in Part One about the importance of maintaining our languages. Whilst this section primarily focuses on the matters women and girls raised in relation to the incorporation of our languages into the Australian education curriculum, bear in mind the wealth of knowledge our languages can offer to all of Australian society.

There was a strong call from Aboriginal and Torres Strait Islander girls that our languages should be incorporated into the curriculum. Importantly, this was not exclusive to girls in remote areas of Australia where Aboriginal and Torres Strait Islander languages are still spoken as a first language. Our languages were considered equally important in major cities, regional and remote parts of Australia.

> *They should teach language it should be compulsory. Across Australia, it should be compulsory.* **Kalgoorlie girls**

Incorporating languages into the curriculum was seen both as a way to protect against language loss, as well as engage in revitalisation efforts.

> *We do not want certain languages to die out because a lot already have. Would be good to learn it as a second language. Have Aboriginal people come to school and teach the language.* **Hobart girls**

> *Would like to have elders come into our school. Have people come to school and teach language.* **Alice Springs girls**

> *There is a need to put language into the day care system. At the daycare that is all they spoke and they completely revitalised the language.* **Kununurra women**

The prioritisation of foreign language learning over Aboriginal and Torres Strait Islander languages in schools, was a source of frustration for many women and girls. Some identified that successful language programs existed in primary schools, but they were not continued into secondary schools.

> *Culture matters—why can't our children learn our own language in schools first, not foreign languages?* **Logan women**

> *Aboriginal language needs to be learned before Japanese. That might be hard in some places where the language has been lost. Maybe where the language is strong though … Change the curriculum to teach Aboriginal history. And put traditional language into school where language is identified and known.* **Rockhampton women**

> *And that goes on to the next one which is loss of culture, going from primary school to high school. Some of our schools are pretty blessed that they have a language program or an Aboriginal language program. But it is not then transferred into the high schools. They are told, 'you have to learn Chinese or Indonesian.'* **South Hedland women**

It was also raised with me several times, particularly in Western Australia, the Northern Territory and the Torres Strait Islands, that English remains a barrier for some of our children starting school. Aboriginal and Torres Strait Islander children sometimes start school with English as a third, fourth or fifth language and yet most of our schools teach students in English, assuming all children are English speakers.

> *I remember when I was in preschool you know—and we were learning all these big words. There was about 25 of us in the class and there was an elder. One of the school teachers, an Indigenous one. She said, 'do you know what you mob are here for?'*
> *And we said, 'Nup!'*
> *'You mob are here to learn English.'*
> *First word we learnt was, 'hello', and we nearly brought the roof down laughing. You know, that different sound, so different to our tongue. After that we went around skipping, saying, 'Hello, hello, hello, hello.'* **Alice Springs women**

It is through language that teachers and students communicate ideas and test comprehension. Language also has a direct influence on how we construct and represent knowledge—how we process concepts and how we implement understanding.[173] Aboriginal and Torres Strait Islander children who speak English as an additional language or dialect (EAL/D) need appropriate time and support to learn a new language and a new way of thinking.

These students need teachers familiar with their first language to be able to access the school curriculum. It is unreasonable to expect that any child should have to learn and be assessed on curriculum content in a language that they are not yet proficient in.

> *Woman: Some kids don't really value education up here. So, when it comes to other issues, they don't really understand, because they haven't come to school that much … In the year 12 cohort today, there was only 21 that came today out of 52, or 51 students.*
> *June Oscar: What affects their ability to come?*
> *Woman: They feel like they're not smart enough. There' s no motivation … Because with English being our second language, it's a barrier for us. Because when we talk English, well we can't. Because we're so used to talking creole and other languages. And that kind of prevents us from achieving our best.* **Thursday Island girls**

Further complexity exists where students are coming to school speaking creole languages. These are full languages used by entire communities, where English words are a common part of the lexicon, but not necessarily with the same pronunciation, meaning or grammatical usage. Without an understanding of the complex structure and grammatical rules that govern creole languages, teachers can assume students are simply poor English speakers.

Adequate and appropriate resources are needed, along with dedicated cultural and English as a second language training, for staff working in regions with a high degree of linguistic diversity.

> *In education, that's where I used to work. I worked as teacher's aide, and that's a very hard thing, you know. We had kids from the community and they really couldn't speak standard English and the teacher dealt with that by just putting them to one side of the classroom … I fought them on that and on a lot of things, and I was told that I was just a teacher's aide and I just had to speak in English and do what I was told.* **Cairns women**

Again, this is reinforced by the recommendations in *The Power of Education: From surviving to thriving* report from the Standing Committee on Indigenous Affairs.

Text Box 14.3: *The Power of Education: From surviving to thriving: Educational opportunities for Aboriginal and Torres Strait Islander students:* **Recommendation 8**

The committee recommends that, as a matter of urgency, the Minister for Education take a proposal to the Council of Australian Governments to:

- make English as an additional language or dialect (EAL/D) training a compulsory component for all teaching degrees
- require all teachers already working in schools with a substantial number of Indigenous students to complete in-service EAL/D training as part of mandatory professional development
- where relevant, an opportunity be provided to teachers to undertake local language training if this will assist in performing their functions, improving communications with their students, as well as forging better relationships with the community.

Recommendation 8 from The Power of Education: From surviving to thriving[174]

The development of the Australian Curriculum Framework for Aboriginal Languages and Torres Strait Islander Languages[175] provides for the incorporation of our first languages into the school curriculum and acknowledges different approaches for the maintenance or revival of language.

The incorporation of Aboriginal and Torres Strait Islander languages into schools is supported to varying degrees by each state and territory through funding allocation, the development of curriculum guidelines for the implementation of Indigenous language programs, and supporting the development of language specific curricula and language programs. However, the incorporation of Indigenous languages into schools remains optional and the frequency with which girls have identified their desire to have language in schools, suggests there remain many schools choosing not to offer Aboriginal and Torres Strait Islander languages.

> *Nanna Rose told me about her granddaughter, who has just moved over to Melbourne. She works in the schools over there, and it is mandatory now in their curriculum that every child, regardless if they are Aboriginal or not, they have to learn 50 local Aboriginal words. So why isn't our government doing that? It should be transferred across everywhere. Flow on effect is loss of identity, culture not being passed on, not within the curriculum.* **South Hedland women**

Text Box 14.4: Aboriginal Language programs in NSW public schools

The NSW Department of Education has committed to working in partnership with the NSW Aboriginal Education Consultative Group Inc. and Aboriginal communities to implement Aboriginal languages programs in schools under its Aboriginal Education Policy. The NSW Aboriginal language program in schools enables both Indigenous and non-Indigenous students to learn Aboriginal languages.

Learning an Aboriginal language allows Aboriginal students to feel a stronger sense of pride and identity. The stronger the student's cultural identity, the better they are able to engage and participate in learning. For non-Aboriginal students, learning a local Aboriginal language provides an insight into understanding and valuing one of the world's oldest living cultures. NSW public schools are encouraged to work with their local community to establish an Aboriginal languages program, as part of their whole school curriculum implementation.[176]

(c) Truth-telling and history

Despite recent changes to include more Aboriginal and Torres Strait Islander perspectives in the Australian curriculum, women and girls have told us that students are still not being taught the true history of Australia. There is a widespread perception that our schools continue to shy away from addressing the reality of historic injustices and discrimination that Aboriginal and Torres Strait Islander peoples have experienced since European colonisation.

> *We want the truth at school. Australia needs to acknowledge Aboriginal history. [They say] Captain Cook came to Australia. They don't talk about the Stolen Generation.* ***Kalgoorlie girls***

> *I think in the primary schools and the high schools there needs to be more stuff around our past, missionary and everything. There is a lot of people that don't know the history of this area and what our ancestors went through, like whitefellas and stuff they don't know. We need to be teaching our younger generation our history.* ***Kempsey women***

Women and girls said that truth-telling within the Australian curriculum is a vital starting point for all students—Indigenous and non-Indigenous—to understand Australia's history of colonisation and its ongoing impacts on our peoples. This is seen as crucial to creating an informed mainstream society that can meaningfully address the ongoing inequality experienced by Aboriginal and Torres Strait Islander peoples.

> *Yeah because, a lot of non-Indigenous peoples don't know the history nor do the Aboriginal people know the history of Aboriginal people. We talk about the eras that they go through. Like I didn't know a lot of the policies and that sort of stuff. Once you learn all of that sort of stuff you understand why Aboriginal people are still like they are today. But you have these people say, 'they just need to get on with it, get on with it and get over it'. Well sometimes it's difficult to do.* ***Barcaldine women***

> *Last year at school I did a PowerPoint on the Stolen Generations. I included my own experience in this. The teacher said we should learn more about this. They were shocked about learning about this. I said they should watch Rabbit Proof Fence because that is proof of what happened.* ***Hobart girls***

In my engagements with senior women, some shared their harrowing experiences of being forcibly removed from their families and homelands to attend missionary schools. Their experiences, stories and lived realities must inform truth-telling processes.

> *When we went to school we learnt about Captain Cook, we knew that we weren't part of Captain Cook, but we didn't have the voice to get up and say 'hang on, me fulla come from different area' you know, 'Captain Cook 'bin come to our country'. We didn't have that voice to say 'hold up, we have our culture, we already come with full knowledge into your world of learning ABC and English'. As a teaching, we gotta pass that on.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

> *Interviewer: And the lay missionaries in the dormitory, did they stop you speaking language?*
> *Senior woman: Only the school, very strict. When we spoke language [in school] we would have to go to the naughty corner—that hurts. But I held all my language in my heart. Kept it in my heart.* **Broome senior women's engagements**

> *The mission, didn't have—well the priest cut all the Law, culture and people, 'aye. These mob now lost their culture. At Beagle Bay, the priest took their culture off them, long time. But they go to One Arm Point, they go to Bardi, they bring their boys there to go through Law.* **Kimberley Aboriginal Women Rangers' Forum, senior women's engagements**

For a long time, the presentation of Australian history and culture has relegated Aboriginal and Torres Strait Islander peoples to the margins. The curriculum has predominantly focused on Western development since colonisation, disregarding the value of Indigenous knowledges and our peoples existence in Australia. The idea that Australian history only becomes relevant upon the arrival of white settlers, and that history is continuously relayed through the lens of white people, is frustrating and distressing for many Aboriginal and Torres Strait Islander women and girls.

> *Woman 1: Nah, don't talk about it! They have white people try to teach us. They had one teacher come and try to teach us that Captain Cook was here before our people …*
> *Woman 2: When they try to teach us about Captain Cook and that they say that, 'oh no he was here first and he did all yous good and made you become more good with living'.* **Brewarrina girls**

It is critical for Aboriginal and Torres Strait Islander students' sense of identity, and to develop a reconciled identity for all of Australia, that our history and culture become an integral part of the Australian education system.

> *If we don't make some really strong decisions for the ongoing protection of our knowledge, and our right to practise our knowledge, and our responsibly to transmit our knowledge to the next generation so that we continue to survive through as the world's oldest continuous living culture on earth—it is really scary where we are at right now.* **Arrernte senior women's engagements**

14.5   Improving the way we teach

Women and girls discussed how schools can be empowering spaces that can provide the opportunities to build the confidence and realise the potential of our children and young people. Girls spoke about wanting to be supported by the education system to develop skills in communication, leadership and public speaking. They saw success in school as being about far more than just academic achievement. They also saw it as a place where they can become role models, step into leadership positions and take on the responsibility to set positive examples for younger girls and pave the way for positive social change.

> *One of my biggest strengths is probably communication and leadership through being School Captain and that kind of thing.* **Kempsey girls**

> *Probably my family … they didn't really do well in school. My sisters, my mum and dad. It's not that I want to be better than that, but I want to show them. Set a good example for the younger ones.* **Barcaldine women and girls**

> *Educating our children is about more than just the schooling. Just on confidence and talking up in the mainstream, or as kids as a whole, being inclusive. I think education, has come a long way in inclusiveness. But then I think that is in daycare and all that and then it gets to primary school and that seems to change and depends on the teachers not part of the curriculum.* **Cairns women**

Girls talked eagerly about ways in which schools could better become embracing environments where girls and young women thrive. When they spoke to me, they were keen to improve the current formal schooling experience for Aboriginal and Torres Strait Islander students—and they had many suggestions for how this could be achieved. The most critical elements mentioned for improving educational attainment for Aboriginal and Torres Strait Islander students were:

- trauma-informed staff
- academic support
- Aboriginal and Torres Strait Islander support workers
- Aboriginal and Torres Strait Islander engagement programs.

(a) Trauma-informed staff

Aboriginal and Torres Strait Islander students experience trauma at a disproportionate rate to other students. Factors contributing to this include discrimination, the increased likelihood of experiencing acute stressors such as frequent bereavement, suicide, racism, poor physical and mental health of carers, incarceration of a family member, the forced removal of a family member, poverty, unemployment, or exposure to substance abuse and violence.[177]

> *As an educator, I see the impacts of trauma on our babies that come to our schools. You see kids exposed to domestic violence and how it affects the development of our kids, see it in the development of their brains. It impacts their engagement in school and how they learn. That's a big issue in our community.* ***Mount Isa women***

The experience of trauma in children has a direct impact on their development and the capacity of some students to engage with the education system. There is growing understanding of the way in which complex trauma effects neurological development and how that can cause persistent behavioural and learning problems in children.

Experiencing trauma can compromise the development of a child's physical, language, social and emotional skill sets and lead to difficulties regulating emotion and behaviour, developing relationships, trusting the people around them and feeling safe in challenging situations. This means that the school environment can be challenging for some of our children and trauma becomes a barrier to learning without adequate understanding and support from the school and teaching staff.

Many women and girls spoke of how their children are reprimanded by teachers for not concentrating, for not being able to sit still in class or for their behaviour. It was perceived that most teachers have little understanding of how that behaviour can often be beyond the conscious control of a student with an experience of complex trauma.

> *They don't train teachers properly to deal with our stuff. If a kid acts up, they just think they're troubled kids. And the kids that are good, they think there's nothing wrong with them. And they just let the bad kids sit there on the phone and put the pressure on the good kids. All the teachers need to know the kids' background and how the kids need motivation. All different kids need a way of getting on track ... the teachers are good. But some just need more help with us.* **Brewarrina girls**

A lack of understanding of complex trauma means that the response to trauma-stimulated behaviour is inappropriate and can contribute to further trauma for a student. This sometimes includes disciplinary action during or immediately after a behavioural event that exacerbates a student's stress response and can lead to further anxiety and inappropriate behaviour. It can include measures such as suspension or expulsion which increases a child's experience of insecurity and feeling unwelcome at school.

An adequately trauma-informed and resourced school system is necessary to assist students and respond with individual and family-based support, rather than resorting to crisis response.

> *Department of education needs to come up with a cultural book where it talks about cultural sensitivity and how children's feelings matter and how to deal with how you talk to them. When our children are born, when they are in that house, they are not immersed in Australian English … Teachers need to consider that … need to know what they have been through. They think our children don't have any feelings. It is really detrimental, and it becomes a stigma thing that they carry.* **Longreach women and girls**

It is critical that we ensure students exposed to trauma are given every opportunity to engage with the school system and develop the skill sets that contribute to breaking the cycle of trauma. A comprehensive trauma-informed approach can provide an opportunity for students to develop the necessary skills to deal with trauma.[178] If schools can become part of a solution in repairing that damage and allowing our children to resolve some of the behavioural and relational effects of trauma, then we can begin to address the ongoing transmission of trauma to future generations.

> *Schools should have alternative programs that ensure students success at local level. Programs that are more cultural way, but in the schools. We could be employing Indigenous staff, and they would be working with those children, delivering alternative program in the schools amongst their peers so that they don't lose touch and are removed from their peers. There are really high suspension rates here, you know. They don't want to deal with our Black kids … the problem is that then kids are seen as the problem. The kids are not the problem. The system is the problem.* **Cairns women**

Text Box 14.5: Youth Involvement Council (YIC)

The Youth Involvement Council (YIC) is a youth organisation based in South Hedland WA. YIC provides after-school programs to young people in Hedland and surrounding areas from ages 5–25 years old who are considered to be at-risk, homeless (or at imminent risk of homelessness), disadvantaged or in need of general support.

The YIC programs aim to assist young people to create improved educational and life pathways with assistance from skilled staff which includes the Youth Centre Programs, the Youth Accommodation Program, and Mingle Mob Outreach Program including night patrols and case management.

The YIC also employs highly-skilled teachers to deliver alternative education programs and delivers programs to remote communities surrounding Hedland, including Warralong and Yandeyarra Aboriginal Communities. These remote community visits are undertaken several times throughout the year to deliver educational and recreational activities that the communities would not otherwise have access to.[179]

(b) Aboriginal and Torres Strait Islander support workers

According to the women and girls I met with, having Aboriginal and Torres Strait Islander support workers in the schools is critical to the success of students and is a protective and supportive mechanism. When the community, the school and the relevant education departments demonstrate respect and regard for Aboriginal and Torres Strait Islander support workers, women and girls feel safe and supported engaging with school.

> *Interviewer: Why are kids going to school a lot more here? Because we hear in other places that school attendance is low. Why do you reckon your kids are in school? Speaker: We support our kids. We have the Aboriginal workers. There are a lot here. Probably 15 or 16. In every class—we have two Aboriginal workers in each class. At the family centre there are three and at the pre-school there are three.* **Indulkana girls**

In the 1986 *Women's Business Report*, the importance of Aboriginal support workers and liaison officers was referenced in terms of being a connection between parents and the school. Women spoke then about the benefits of being able to speak with Aboriginal staff who could help them express their concerns to the school.[180]

The women and girls I spoke to were generally confident in their ability to represent their views to the school, but they did not always have faith in the school's capacity to respond without the intervention of Aboriginal and Torres Strait Islander staff with lived experience of the issues their children are facing.

> At school there is a social worker, but she is there for other things. We need to speak with an Aboriginal counsellor at school who will understand where we are coming from. **Hobart girls**

> We need Aboriginal people in the classroom. Just people who understand us. Understand Aboriginal kids' perspectives. Who can explain things in an Aboriginal way. **Kalgoorlie girls**

In every state and territory funding is allocated for Aboriginal and Torres Strait Islander staff to be employed in schools. However, women and girls reported that the number of Aboriginal and Torres Strait Islander staff employed within schools is often insufficient and students are left competing for support.

> We have 200–300 Aboriginal kids to about three education officers. Not enough. There should be more. And that could be employment for our elders and communities. **Kalgoorlie girls**

> One of the things that we found looking around at the schools here, is a lot of Indigenous liaison officers [are employed to] work 10 hours a week, but maybe [they] work 20 hours a week … But then the non-Indigenous guidance counsellors and people have full-time jobs. **Cairns women**

Women and girls have highlighted the need to resource schools to increase the training and employment of Aboriginal and Torres Strait Islander support workers, and to adequately resource the engagement of local elders and community groups to support the delivery of appropriate and locally relevant content.

> With what aunty was saying, with delivering even in terms of the laws and when reconciliation, all of the things in the past. I have only been learning these things as well so I can't imagine what it is like for younger people not knowing and needing to learn significant things that need to be passed on. I believe it has to take place in the schools. And training-up that could look like young people being trained in those areas to deliver in schools as well. Like we have all these teachers coming through, maybe Aboriginal people being trained in that to deliver in schools. **Kempsey women**

Throughout the *Wiyi Yani U Thangani* consultations, I met with many Aboriginal and Torres Strait Islander education support workers who were very proud of the work they did, and many felt that their positions were well-respected and well-supported within the schools. Nonetheless, other support workers told me of the pressure to keep quiet about racism and cultural disrespect within the school for fear of losing their jobs. At one location, Aboriginal support workers told me they were asked to stop meeting in a cultural support group because non-Indigenous staff were feeling threatened.

In a system where many schools are still struggling to recognise and respond to the needs of Aboriginal and Torres Strait Islander students, the cultural understanding, support and intervention of Aboriginal and Torres Strait Islander support workers offers our students vital supports. There is clearly a need for further resourcing across the entire school system, in every jurisdiction, for Aboriginal and Torres Strait Islander support workers to be fully supported to fulfill their responsibilities, to be respected equally to other school staff, and to feel safe and trusted to report cultural concerns.

(c) Academic support

The need for greater academic support was discussed at many of the engagements. Girls have spoken about the need for tutoring, and programs that guide students through goal-setting and expectations around the Australian Tertiary Admission Rank (ATAR).

In several of the remote and very remote engagements across Western Australia, girls raised the need for homework support programs to help them keep-up, particularly in cases where they felt that they did not have the academic support available at home. Some girls said they felt schools had lower expectations of their academic performance, and therefore did not see the importance, or need, to invest in them.

> *There are different standards for Aboriginal kids in school—we're not pushed as hard. A lot of my good friends got pushed a lot more and the bar was set lower for Aboriginal students. So, we had to work a lot harder independently to make progress.*
> ***Rockhampton women***

Many girls told me, however, that academic support was offered in a condescending and tokenistic manner that was perceived by Aboriginal and Torres Strait Islander students and their parents to be an indictment of their capacity in comparison to their non-Indigenous peers.

> *They treat us dumber; they try to give us help when we don't need it. This is a problem because you start to believe you might need it and you're dumb.* **Newman girls**

> *Education and racism in the schools, with the 'support classes' and our kids being singled out. Being put in support classes and not getting their right to education like everybody else. They get put in these support classes and they do all these other activities and fun things like watch movies but there is no learning going on and they fall behind from day one, just because they are being singled out because they are Aboriginal. They have a right to be educated just like every other child.* **Dubbo women and girls**

Women were concerned about the pressure they felt to support students academically at home. This was of particular concern to those who felt that they were unable to offer appropriate support due to their own poor experience with the education system. When parents feel that the education system is unable to provide the academic support that their children need, they feel that the system is setting their children up for failure.

> *A challenge is the lack of education where you are going to school but not learning. I found it happens both at home and school, you are just there for the social structure. Parents are often not educated themselves and the majority of the time our teachers do not know how to talk to their students. They don't know how to communicate to Indigenous kids who are going through a tough time which is very common here.* **Mount Isa women**

That pressure on mothers and grandmothers is compounded in cases where a student has special needs. Across the country, women spoke about having children with diagnosed and undiagnosed learning difficulties and disabilities, that made learning and engaging in Western education frameworks exceedingly difficult.

It is estimated that Aboriginal and Torres Strait Islander people between 12 and 24 years are almost twice as likely to have an intellectual or developmental disability.[181] There is a vital need for specialised support within all schools.

> *There are not enough teachers' aides anymore they are all non-Indigenous and they are not paying enough attention to our kids with high needs. They are just put in the back.* **Mount Isa women**

At several engagements in NSW, women raised concerns about teachers and school administrators pushing for Aboriginal and Torres Strait Islander students to be diagnosed with learning disabilities or other disorders, in order to medicate children and control behaviour. Women in these cases were adamant that the support required for their children was not medication, but for schools to support a child's different learning needs.

> *Our kids have different learning needs, and they're not focused on that. One of the ladies spoke about her nephew being diagnosed with an intellectual disability, because 'he couldn't read' but he can read, he just didn't want to read that book. It is the books that they are teaching our kids to read that are not relating to our children. They are diagnosing them with these disabilities because there is funding attached to that, so the schools get funding. They are not professionally diagnosed by doctors or paediatricians. The schools are diagnosing our children and it is still happening today. All of that affects our kids learning, and because they are not learning in the appropriate ways it is affecting their future.* **Dubbo women and girls**

Given the differences in year 12 completion rates between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians, and further education attainment, it is clear that there is a lack of appropriate academic and learning support within schools. This has the potential to entrench low educational attainment within our communities.

Many of the women expressed frustration with the way Aboriginal and Torres Strait Islander targeted funding is spent within schools and questioned why it has not resulted in better academic and learning support for our children.

The Australian Government provides recurrent needs-based funding that includes equity loading for Aboriginal and Torres Strait Islander students. The allocation and delivery of funding is managed by the states and territories, which means that the nature of support provided for Aboriginal and Torres Strait Islander students is variable across Australia.

In most cases, states and territories provide schools with a set amount of money per Aboriginal and Torres Strait Islander student as part of a flexible funding arrangement. This is arguably to ensure that schools are not restricted by government in identifying the programs most suited to the needs of their community.

In all cases, equity loading for Aboriginal and Torres Strait Islander students is designed to assist schools in better meeting the learning needs of those students. However, accountability for how this funding is spent is highly variable across the states and territories. Women that I spoke to in Queensland were particularly concerned about where this funding was going and what learning outcomes are being achieved.

> *There needs to be someone that comes in and can speak the truth and see where the funding is going. It's the system, it's not the school. It's the system that allows it to be racist. There's no accountability. There's no pulling people up.* **Rockhampton women**

(d) Aboriginal and Torres Strait Islander engagement programs

Throughout the consultations, I heard of many Aboriginal and Torres Strait Islander school-based support and mentoring programs. These were predominantly academy-style programs such as Girls Academy, Stars Foundation, Follow the Dream and individually designed school programs. These programs encourage regular attendance and engagement and provide academic, cultural and social support for students.

Without exception, the girls I met with all spoke positively of the programs they were involved with. They also reported that these programs improved their sense of cultural security in mainstream schools by giving them the opportunity to celebrate their identity and culture. Many of the programs provided a culturally safe space for Aboriginal and Torres Strait Islander students to seek support and guidance when they encountered difficulties within the school.

Text Box 14.6: The Stars Foundation

The Stars Foundation aims to support and enable Aboriginal and Torres Strait Islander girls and young women to make active choices towards realising their full potential in all aspects of their development and wellbeing. Its primary purpose is to improve education and health outcomes for Aboriginal and Torres Strait Islander girls and young women.

The Stars Foundation currently operates programs in 15 schools across the Northern Territory, Queensland and Victoria which a range of extracurricular activities, including sport and physical activities, art, music and dance.

Community, cultural and volunteering activities are also provided to build their confidence and give them opportunities for self-reflection and personal growth. The program employs full-time, on-site mentors, who provide the girls and young women with the intensive, daily support they need to identify and achieve their goals.[182]

The programs also served as familiar, comfortable environments where girls were provided with essential items they may be lacking, including food; school supplies; clothing; hygiene; and sanitary products.

> *With Stars Foundation, in the morning, if you don't have food at home or something, you can get whatever you want at Stars. Not just breakfast too, whatever you need... [and they] have a little cupboard with things and it has girls' products like deodorant and toiletries and girly things.* **Tennant Creek girls**

The program mentors ensured that girls felt safe and supported within a school environment.

> *At the Girls Academy the mentors there are like family.* **Alice Springs girls**

Most of the Indigenous support programs cater specifically to either boys or girls. Clontarf Foundation is the equivalent program for Aboriginal and Torres Strait Islander boys. There are eight girls' programs funded by the Australian Government compared to a single boys' program.[183] However, a broader range of program options has not led to a greater number of services delivered. Indeed, the number of academies available for boys is significantly higher than the number for girls.[184] The disparity in financial support is also very significant.

Girls Academy (Role Models and Leaders Australia) is the largest girls program offered to Aboriginal and Torres Strait Islander girls and in 2018 provided services to 2,369 girls across 42 academies.[185] That same year, the Clontarf Foundation catered to 6,125 Aboriginal and Torres Strait Islander boys across 112 academies.[186] A comparison of 2018 funding for the two organisations demonstrates that Girls Academy received substantially less funding from federal, state and territory governments, as well as the private sector**Error! Reference source not found.**:

- In 2018 there was an average of $7,479 for each Aboriginal and Torres Strait Islander boy participant, compared to an average of $4,464 for Aboriginal and Torres Strait Islander girl participant.

- In terms of total 2018 funding per academy, the Clontarf Foundation received an average of $409,032 per boys' academy, compared to an average of $251,787 (61.6%) per academy received by the Girls Academy.[187]

	Girls Academy		Clontarf Foundation	
	2018	**2017**	**2018**	**2017**
Federal funding	3,880,434	6,469,000	17,233,518	15,102,504
State funding	4,255,287	3,719,119	16,408,231	13,285,283
Private funding	1,452,472	1,226,484	12,169,864	11,615,624
Total	10,575,068	11,414,603	45,811,613	40,003,411

Figure 14.1: A comparison of funding between Girls Academy and Clontarf Foundation for 2017 and 2018.[188]

This disparity was reflected in what we heard from girls across the country. The inequality between their programs and the boys' programs was keenly felt at almost every location running separate boys' and girls' academies.

> *Boys are getting more opportunities. More sporting programs, going away excursions … there's a huge difference between Clontarf. Get more than Girl's Academy. More funding, excursions, staff get paid more. There isn't equity. They get more camps.*
> ***Kempsey girls***

> *Girls don't get as much funding as boys do. We need a better facility for Girl's Academy, but they need money for that. Compared to Clontarf though—they get to go do activities and go on trips away.* **Broome girls**

At one location in Victoria, we spoke with girls and women separately. The girls spoke of their academy with a comprehensive understanding of the differences in funding, access and resourcing capabilities.

> *Koori Girls Academy is funded by the Chaffey High School. Clontarf is at the school for boys. It gets lots of funding. Including government funding. KGA gets some funding from La Trobe and Melbourne University, but we have to source the funding ourselves. Boys get to go on end-of-year camps, but the girls don't get enough funding to go on camps. Those cultural camps might cost around $8,000, which is just about our yearly budget.* **Mildura girls**

In the same location, women acknowledged the disparity in funding with a clear correlation to longer-term results and the compounding effects of inequality on our girls' sense of confidence and self-esteem.

> *The Clontarf program is working really well with our men. But our girls are leaving school.*
> *With the Koori Girls Academy, our girls are saying to us, 'what have we done wrong? Why are the boys getting to do stuff?' We want to see good programs for the girls.* **Mildura women**

In some of the locations we visited, women and girls reported that there were no equivalent girls' program to Clontarf and that girls were missing out entirely.

> *They have Clontarf for boys but nothing for the girls, let them have cultural camps. They got 70 thousand [dollars] for Clontarf. The boys get all the money and the girls get jack shit. They need programs in school for girls, like Clontarf. Where girls can have the opportunity to start looking at a future and options that lead to a future.* **Sydney women and girls**

In other locations, schools are doing their best to fill the gap for Aboriginal and Torres Strait Islander girls. Individual, school-specific programs are always regarded positively, but girls remain conscious of the discrepancy that exists in resourcing between boys' and girls' programs.

Girl Fit has been cancelled for the term. The teachers say it's because there's so much other stuff going on, but Clontarf is still running. We were promised a trip, but it got cancelled because there's too much on in term four. **Brewarrina girls**

The lack of adequate resourcing and demands on staff time meant that programs without dedicated staff were often considered expendable when demands became too high. Whilst this is beyond the control of schools that are struggling to fund programs, it inevitably leaves our girls feeling that their support and development is less important than that of our boys.

This concern is reflected in the results of the 2017 Final Report*, From Surviving to Thriving: the inquiry into educational opportunities for Aboriginal and Torres Strait Islander students,*[189] where two recommendations were made that directly addressed the gender equality of program provision.

Text Box 14.7: *The Power of Education: Surviving to Thriving: Educational opportunities for Aboriginal and Torres Strait Islander students:* **Recommendations 9 and 10**

The committee recommends that, as a matter of urgency, the Federal Government review and reform its policy approach and processes for evaluating grant applications under the Indigenous Advancement Strategy to provide funding parity to education engagement and mentoring programs catering to girls, comparable to that of similar programs catering to boys, so as to ensure gender equality and equivalence of program provision.

Recommendation 9 (Priority) from The Power of Education: From surviving to thriving.[190]

The committee recommends that the Federal Government, in collaboration with states and territories, ensures that non-sports-based school engagement and mentoring programs have the same opportunities to receive government funding as sports-based engagement and mentoring programs, particularly where these programs are gender-based. There must be equivalence of funding and opportunity.

Recommendation 10 from The Power of Education: From surviving to thriving.[191]

14.6   Overcoming the barriers

Structure of school needs to be questioned. It's too Westernised. Polices are set-up for our kids to fail. Not making sure our kids understand. Kids are getting pushed aside or ignored. System unknowingly inflicts trauma on our kids. Students' rights are ignored. Our kids feel powerless. **Darwin women and girls**

(a) Educational attainment

As highlighted earlier in this chapter, girls around the country shared common factors which acted as barriers to their engagement with, and attainment within, mainstream education. These include, but are not limited to:

- overall health and wellbeing (including trauma, illness, poverty, family stressors)
- poor knowledge, respect and understanding of Aboriginal and Torres Strait Islander Law, culture, customs and truth-telling in Western school systems
- remoteness from other educational supports and programs
- inadequate trauma-awareness
- a lack of cultural supports and competence in schools.

Without doubt, improving attendance and engagement is a critical first step in ensuring that Aboriginal and Torres Strait Islander students have equal access to educational opportunities. Beyond this, we also need to ensure that our children and young people are supported to achieve the high level of educational attainment that they are capable of.

In recent decades, we have seen progress in the number of Aboriginal and Torres Strait Islander students achieving academic qualifications. From 2001-2016 the percentage of Aboriginal and Torres Strait Islander students completing year 12 has almost doubled, from 17.8% to 31.3% in 2016.[192]

Presently, our girls are more likely to complete year 12 than our boys (28.7% compared to 33.6%). However, the retention rate of Aboriginal and Torres Strait Islander students from years 10-12 remains well below that of non-Aboriginal students in most states. Overall, the number of Aboriginal and Torres Strait Islander students completing year 12, is still significantly less than that of non-Indigenous students.[193]

In recent years, government policy has recognised a vocational equivalency to year 12. The equivalency is has been measured as a Certificate II but is set to change to a Certificate III in 2020. The number of Aboriginal and Torres Strait Islander students aged 20-24 who have attained year 12 or the equivalent Certificate II, or above, has increased from 45 per cent in 2008 to 66 per cent in 2018–19.[194]

Throughout our consultations, women around Australia were adamant that governments need to provide vocational training options, not just a formal school education, for Aboriginal and Torres Strait Islander youth to thrive. Pathways to employment must also include alternatives to the Western education system and could incorporate unique skill-sets inherent in Aboriginal and Torres Strait Islander society and culture, including land management and food production.

(b) Attendance and engagement

There remains a clear divide in educational outcomes between Aboriginal and Torres Strait Islander students and non-Indigenous students. A significant reason for that is connected to the attendance rates and retention of students, particularly in secondary schooling.

Consistent school attendance has been linked to higher educational attainment. Aboriginal and Torres Strait Islander families consider school important and prioritise attendance. However, the rate of consistent attendance (attending school 90% or more of the time) remains considerably lower for Aboriginal and Torres Strait Islander students (49%) compared to non-Indigenous students (77%). Student attendance rates generally decrease with remoteness, dropping off significantly in very remote areas to approximately 21%.[195]

The Closing the Gap Report 2020 stated that school attendance rates for Aboriginal and Torres Strait Islander students have not improved over the last five years. The attendance gap between Indigenous and non-Indigenous students begins when children start school. In primary school it is a gap of 9 percentage points and grows to 17 percentage points in secondary school.[196]

Throughout the *Wiyi Yani U Thangani* consultations, women and girls identified socio-economic and cultural barriers that continue to deter students from engaging confidently in their schooling. The primary factors affecting attendance and engagement include:

- socio-economic determinants
- remoteness and accessibility of schools
- language barriers
- culture in schools
- racism and discrimination.

(c) Socio-economic determinants

The ability to successfully engage with educational opportunities is dependent on a range of social and cultural determinants. Statistically, Aboriginal and Torres Strait Islander students are more likely to experience a range of adverse conditions that impact on their attendance, concentration, comprehension and educational attainment within the school system.

> *Even when it comes to schools—they don't want to go to school because they are worrying about something else.* **Indulkana women and girls**

Girls, mothers and teachers throughout the consultations spoke of the impact of poverty on their children's lives and school experiences. They told me of children who missed school because they were hungry and had to go and find their own food; because they didn't have clean clothes to wear; or they had inadequate sanitary items; or did not have the necessary school supplies.

> *Fresh food costs so much money. Healthy food is expensive and bad food is cheap. Some kids can't come to school some days because they don't have any money for lunch because it's so expensive.* **Brewarrina girls**
>
> *Kids not going to school. Sometimes they have dirty clothes which makes them shame to go to school or they are hungry and miss breakfast.* **Tiwi Bathurst women**

The experience of insecure and/ or overcrowded housing has a significant impact on a student's ability to study, do homework and get sufficient rest to concentrate in school.

I want newer houses in our communities so we can have smaller numbers of people living in each house. An ideal house would have four or more bedrooms, three showers, two toilets, a big lounge room … just more space and rooms. Because we have big mob family. Would make us feel prouder and we would have better sleep because it wouldn't be so noisy. **Alice Springs girls**

The disproportionate rates of domestic violence, poor mental health, poor hygiene and poverty associated with overcrowded housing, also have a direct impact on a student's ability to engage with educational opportunities.

They run around during the night, then by morning they will be sleeping, which is when they should be at school. **Indulkana women and girls**

Women and girls around Australia, in particular those in remote and very remote locations, spoke of the need for schools to consistently provide better basic supports for Aboriginal and Torres Strait Islander students. They also spoke of individual schools offering basic supports that were effective in increasing students' attendance and engagement with their schools.

Woman: Our young people, we feed them at school. We give them breakfast and a cooked lunch and other meals before they go home. We do a lot of outreach work. We support them, we give them jobs, that kind of thing. We're trying to encourage them with a career, giving them a future.
Girl: Yeah, we have homework classes and meal systems. If you graduate, they help you hire your dress for that. **Mount Isa women**

Responding to the immediate needs of children experiencing practical barriers in accessing education is critical. Appropriate wrap-around supports allow at-risk children to engage with their schooling without competing distractions.

You know, you take 'em somewhere for an education, to a school, their lower levels of grades that sit in their head. It's always downgraded. White people say, 'oh you've been downgraded on your level because you haven't been concentrating, 'But it's hard because they grew up with a hard life … But at the end of the day we need to stop and remember who we are. And we gotta help 'em. **Karratha women**

There remains a systemic perception that lower educational attainment for Aboriginal and Torres Strait Islander students is normal. Equal access to education must include a commitment that Aboriginal and Torres Strait Islander students have equal opportunity to engage with education.

(d) Accessibility of schools

The availability of quality education services in remote and very remote locations remains inconsistent. The Australian Human Rights Commission (AHRC) has called on the Australian Government to ensure that quality education is available to remote and very remote Indigenous students as a part of meeting their essential human right to education.[197]

Transport to-and-from school was a concern raised by many women and girls, primarily in remote and very remote locations, where transport was either non-existent, very expensive or dependent on the availability of family and community members. In Western Australia, I heard how two girls missed part of the school term because ABSTUDY payments were delayed and they could not afford to get to school. There were other examples of girls regularly having to hitchhike approximately 50km to-and-from school.

Aboriginal and Torres Strait Islander students predominantly go to boarding schools because the options to access secondary schools are limited. This includes: a lack of transport to get to schools; no schools within remote locations or an accessible distance; or because the schools that are available have a reputation for offering a sub-standard education.[198]

> *Most children get a Perth school because of the bad rap [the local school] has. You want to find a place for your kid to have a better education.*
>
> *But you know that in a lot of communities here, you have to fit the criteria for their study to be paid. They should have a blanket approval to send them to boarding school but it is not. They should be able to have a chance for better life. The level of the schooling in community isn't as high as it is at boarding schools.*
>
> *They ask, 'why do you have to go to boarding school when your community school has year 12?' You have to make a point and argue why that child deserves ABSTUDY to go to boarding school. They say it's because there is a school there.*
>
> *But we know that school's not a good enough option and we want to provide the best option for our kids.* **South Hedland women**

The pressures faced by all Aboriginal and Torres Strait Islander children are often exacerbated and considerably harder to manage in boarding schooling environments.

> *I remember leaving … and I vomited in the car. I was so upset physically that I can't imagine what other kids went through with their leaving process. Because I went terribly. All the times I was in Perth it was such a traumatic experience for me.* **South Hedland women**

Cultural, pastoral and academic support is critical in lessening the pressure on students studying away from home. Given the co-existence of children from many different cultures and communities, women identified that support structures need to be co-designed with students and their families.

> *There's not much support, so when our students go down to boarding school, there's not enough support at the boarding schools [or] to let the parents know how their kids are going.* **Thursday Island women**

Women and girls reflected on the difficulty facing students, families and communities when children and young people were sent to boarding school as part of their education.

> *When my son goes away to school, I feel half empty, because you know he's one of the things that makes the family.* **Murray Island women**

Several women in Western Australia expressed concern regarding the transition back into community after finishing boarding school. This can be exacerbated by the fact that students have spent long periods away from home, and find that once-familiar community dynamics and personal relationships have changed with distance and time apart.

> *But my fear is what happens to those kids when they finish and come back to community. What opportunities exist for them? … That is the problem we have with our private school education kids. They go away for school and come back home, and they just fall back into these issues. And they have no support system that they might have had at school and it's not there anymore and we need to start thinking about that.* **Karratha women**

High-performing students who have successfully completed year 12, often experience stress when returning to remote or very remote communities where the options for the future are limited.

> *And when transitioning to come back to community there's not much [for them to] focus on. What they want to be when they return. Will there be jobs for them when they do return? And the education, for instance, nurses, there was a program up here to become a nurse, but it no longer exists.* **Thursday Island women**

There was a clear concern that children sent to boarding schools experienced significant disruption to their cultural education. Time and distance from country, community and kin, posed additional barriers in the succession of traditional knowledge, language and culture.

> *Worried about our children. They are not completing their education in our community, in NPY communities. We are concerned about young people in our communities—who are rejecting advice of how to be strong, respectful, independent.* **Alice Springs women**

A formal education that requires Aboriginal and Torres Strait Islander students to compromise their cultural lives and learnings, fails to meet their rights to Law and culture. This not only impacts on students' identity and overall wellbeing—it also fails to provide the empowering mechanism that education should provide.

> *This is another approach to assimilation. We should be advocating for the best education here in the Northern Territory. We have to send them away and they are losing their connection to culture.* **Katherine women**

(e) Addressing racism and discrimination in schools

In the 1986 *Women's Business Report*,[199] women identified that discriminatory treatment and bad experiences made it difficult to enforce their child's regular attendance at school.[200] Women and girls that participated in the *Wiyi Yani U Thangani* consultations expressed similar concerns about the continued experience of racism and discrimination in schools today.

> *Another issue was discrimination … it is generational, my nan put up with it, my mum still puts up with it, I'm putting up with it and my little girls are only 12 [years old] and they are coming home from school and telling me that they are putting up with it. That is four generations being exposed to it, but what do we do about it?* **Newman women**

> *The Riverina Murray Healing Forum identified racism in the education system as a paramount issue impacting upon young women across the broader region, including hampering school attendance, completion of secondary education and eventually employment prospects for Aboriginal and Torres Strait Islander students.* **The Healing Foundation submission**

Recent research tells us that one in ten Aboriginal and Torres Strait Islander children across Australia report being treated unfairly at school because of their race.[201] Experiencing discrimination can make a child feel isolated, ashamed and powerless, and children do not always feel safe reporting incidents of unfair treatment.

> *Feeling unsafe at school because of racism. Want to go to school to learn and not to be worried that you are going to go outside and hear racial slurs. You want to go to school, have fun with your friends, learn about things and feel safe—not be worried that you are going to have racist things said in your ears.* **Hobart girls**

Discriminatory treatment within schools was frequently raised and appeared to be more common in major cities and inner regional locations. This is likely because there is a higher proportion of Aboriginal and Torres Strait Islander students in remote schools. The girls I met with felt that they are less likely to be discriminated against when Aboriginal and Torres Strait Islander students are well represented in their schools.

Girls told me that the experience of direct discrimination in schools was typically based on stereotyping and misinformation about Aboriginal and Torres Strait Islander peoples and culture. Aboriginal and Torres Strait Islander women and girls also felt that increasing awareness of their cultures and history was critical to preventing racism and discrimination from peers and staff.

> *Kids being ostracised in school, so then they feel that they are less than others, that their culture is not as important than other kids. And then the whole 'special treatment', 'you get this, and you get that'. So, it leads to feeling disempowered and that you are always defending who you are. So, it affects everyone. There is no education for non-Indigenous kids around our culture and who we are, and then the racism that comes with that.* **Nowra women and girls**

Aboriginal and Torres Strait Islander girls raised the issue of bullying at most of our engagements. Recent data suggests that bullying is reported by Aboriginal and Torres Strait Islander girls at a marginally higher rate than that of boys (44.9% compared to 41.4%).[202]

Recent data shows Aboriginal and Torres Strait Islander children aged 4-14 years reported that the majority of bullying they experienced was verbal (88.7%). Physical bullying was experienced in nearly half of the reported incidents, but far less frequently by girls (37.7%). Although bullying through technology and social media was reported at a significantly lower rate (7%), girls were more than five-times more likely to experience bullying through social media than boys.[203]

At some consultations, girls were clearly uncomfortable talking about the bullying they had experienced. They found it much easier talking about it in abstract terms, than specific examples they had experienced, witnessed or heard about.

I heard from women and girls across Australia that bullying was a significant barrier for students attending schools. Women and girls spoke explicitly about how the experience of racism in school makes them feel inadequate and unwelcome. This led to disengagement with school and reduced attendance.

> *My son at primary school wouldn't miss a day and then started high school and just wouldn't go. I found out he was getting bullied. I had to go in to find out what was going on in the school and talk to the teachers.* ***Kempsey women***

Teaching our children how to navigate and overcome conflict is an important part of any child's development. Aboriginal and Torres Strait Islander peoples have developed successful conflict resolution techniques over tens of thousands of years. In fact, a lot of the rules of conduct that are handed down through Law are designed to minimise conflict and regulate potentially combative patterns of interaction.[204]

Most Australian schools have policies on how to manage bullying. For Aboriginal and Torres Strait Islander children, it is important that those strategies ensure that students feel safe and secure in continuing to attend school. Culturally-based policies and processes provide the most effective long-term outcomes for addressing bullying in schools. These also give children the necessary skill sets to avoid and resolve conflict.

Any serious attempt to improve attendance rates, engagement and educational outcomes for Aboriginal and Torres Strait Islander students must address racism and bullying in schools.

14.7 Conclusion

Aboriginal and Torres Strait Islander women want to raise their children with a strong grounding in culture and identity, while achieving a quality formal education so that they can thrive in the modern world. Throughout the *Wiyi Yani U Thangani* consultations, the girls I spoke with are bright, strong, passionate learners with confidence and ideas to inspire positive change for each other and their communities. We must foster an empowering environment for them to succeed.

There remains a perception that lower educational attainment for Aboriginal and Torres Strait Islander peoples is normal. There is a failure to realise that this is a result of entrenched systemic issues of inequality within the nations education system. Too many education institutions do not feel safe and culturally inclusive for Aboriginal and Torres Strait Islander students. This contributes to girls feeling less inclined to attend and engage with the education system, which limits their access to opportunities.

For Aboriginal and Torres Strait Islander students to reach their full potential, the future of education in Australia must work to embrace and embed the strengths of our cultures and knowledges. This education must support them to become successful and confident in their identities, knowledge, skill sets and values. Raising our children with pride and confidence in their culture and identity sets a strong foundation for them to walk in two worlds. Our educational institutions must not be a place that undermines this.

Our curriculums and environments must broaden its values and measures of success beyond the Western model. Recognition of Aboriginal and Torres Strait Islander cultures in our institutions not only empowers Aboriginal and Torres Strait Islander students, but informs and teaches our non-Indigenous students about our rich systems of knowledge and culture. When Indigenous and non-Indigenous children can see and understand the worlds of each other, we build a stronger more inclusive nation.

Education is a human right for Aboriginal and Torres Strait Islander girls. We must address the intersectional barriers of inequality, poverty and discrimination that cause lower attendance and engagement. We must provide stronger wrap-around services for our girls and equip our institutions with appropriately informed staff and programs.

Equality in education for Aboriginal and Torres Strait Islander peoples is achievable. The various experiences and recommendations in this chapter need to be recognised and enacted by governments and schools so we can set the course for sustainable and positive educational outcomes. Doing this will play a significant role in closing the gap in disadvantage for Aboriginal and Torres Strait Islander peoples.

Part Four Pathways forward

Healthy and engaged lives

Our culture and knowledge have sustained life for tens of thousands of years. We have comprehensive knowledge of history, geography, medicine, and science and have developed skills in survival, resilience and responsibility. Now more than ever, this knowledge and these skills must be valued and woven into the fabric of our Australian society.

For this to happen we need a fundamental shift in the way our education and healthcare systems operate. This shift begins with an acknowledgement that the current systems carry a bias towards a Western set of values, perspectives, and measures of success, and despite many concerted efforts, fails to truly value Aboriginal and Torres Strait Islander culture and knowledge. Recent catastrophic environmental events, such as the 2019-2020 bushfires, have shown us the importance of valuing different perspectives, experiences, and knowledges. This is essential to ensuring healthy and engaged lives within our communities but also for the benefit of all Australians to enjoy.

Exercising our land and cultural practices, and maintenance and application of traditional knowledge is linked to improving the health circumstances of Aboriginal and Torres Strait Islander peoples in Australia.

Systemic racism and discrimination remain a frequent and recurring experience for Aboriginal and Torres Strait Islander women and girls accessing our current Western healthcare systems. This is one of the fundamental reasons for the access inequalities that we experience today that has a direct effect on our health and wellbeing.

I strongly recommend the following health and education actions be implemented in full consultation with Aboriginal and Torres Strait Islander women and girls, through the National Action Plan co-design process.

Aboriginal and Torres Strait Islander women and girls are calling for:

Culturally responsive service delivery models:

- The Australian Government to implement mandatory cultural responsiveness training for all levels of healthcare workers, healthcare providers and boards, that includes:

- o a commitment to reducing the numbers of healthcare complaints.
- The Australian Government to commit to providing national targets to ensure:
  - o more Aboriginal and Torres Strait Islander women become qualified health practitioners
  - o representation and leadership pathways for Aboriginal and Torres Strait Islander women in senior roles across all service areas.
- The Australian Government commit to supporting the vision and priorities of the National Health Leadership Forum and their associated member organisations.
- Health care systems across Australia incorporate traditional knowledges and methods of healing, therapies, and medicines within Western healthcare models. This includes where appropriate and identified by the community, the inclusion of women traditional healers within the healthcare service.

Holistic and wrap-around services:

- The Australian Government commit to a more comprehensive and holistic approach to the Closing the Gap Framework which reflects the interconnectedness of Indigenous lives and the economic, cultural and social determinants that presently contribute to negative health and wellbeing outcomes, high rates of child removal, and housing and justice issues.

Sexual, maternal and infant health supports:

- All Australian governments to improve access across Australia to culturally responsive early education and preventative health programs for girls and young women that focus on healthy relationships, sexual health and pregnancy.
- All Australian governments to improve access across Australia in the mainstream and community-controlled health sectors to a range of maternal, post-natal and infant health programs.
- All Australian governments engage with Aboriginal and Torres Strait Islander women and girls and their communities to design and invest in culturally responsive maternal and infant models of care. Key elements to include:

- o Aboriginal and Torres Strait Islander maternity workforce
- o birthing on country programs
- o traditional knowledge of birthing, maternal health and parenting
- o continuity of care and in-home supports for women and their babies
- o investment in holistic early years approaches such as First 1000 Days Australia.

Suicide prevention:

- The Australian Government engage with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to develop a National Aboriginal and Torres Strait Islander Suicide Prevention Strategy Implementation Plan.

Support for community-led and community-controlled health services:

- All Australian governments ensure Aboriginal and Torres Strait Islander control over Aboriginal and Torres Strait Islander healthcare and wellbeing services to provide community healthcare as a key resource to community to help close the gap in Indigenous life expectancy. This includes:
  - o a commitment to adequately resourcing and funding Aboriginal and Torres Strait Islander healthcare and wellbeing services
  - o funding culturally responsive program supports and services such as women specific services, disability support services, mental health and youth mental health specific services and suicide prevention services to address the social, cultural and economic determinants of wellbeing.

The survival of Indigenous knowledge and languages:

- All Australian governments support and increase funding and resources for schools to incorporate dedicated community-led and controlled programs to continue cultural learning and practice for Aboriginal and Torres Strait Islander students.
- All Australian governments ensure the availability of technology and its resources for education and learning is accessible and affordable for Aboriginal and Torres Strait Islander students living in areas where digital capacity is limited. This includes students having access to the

internet, learning equipment and resources such as laptops, computers and software, and access to e-learning material and supports.

The National Action Plan to include a focus on supporting and preserving traditional knowledge and biological diversity, in accordance with the Australian Government's obligations under *Article 8J* of the Convention on Biological Diversity.

Indigenous culture embedded in our curriculums:

- All Australian governments at all levels incorporate Indigenous languages in the school curriculum in line with the Australian Curriculum Framework for Aboriginal and Torres Strait Islander languages.

Culturally safe and inclusive environments:

- The Australian Government and in particular state, territory and Commonwealth education departments, support and fund the increase of teachers' foundational knowledge of Aboriginal and Torres Strait Islander content through mandatory university units, ongoing professional learning to develop cultural competence and collaboration with local community and Indigenous education officers.
- The Australian Government acknowledge the critical pathway that early childhood services provide into schooling, and accordingly support greater investment in early childhood services for Aboriginal and Torres Strait Islander children, including Aboriginal and Torres Strait Islander community-controlled child and family centres.

Part Four Endnotes

[1] International *Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

[2] UN Office of the High Commissioner for Human Rights (OHCHR), *Fact Sheet No. 31, The Right to Health* No. 31 (June 2008).

[3] UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant), UN Doc E/C.12/2000/4 (11 August 2000).

[4] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (1999) The Right to Education (Art.13 of the Covenant),* UN Doc E/C.12/1999/10 (8 December 1999).

[5] UN Committee on the Rights of the Child, *General Comment 11* (2009) *Indigenous children and their rights under the Convention*, UN Doc CRC/C/GC/11 (12 February 2009).

[6] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (1999) The Right to Education (Art.13 of the Covenant),* UN Doc E/C.12/1999/10 (8 December 1999).

[7] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (1999) The Right to Education (Art.13 of the Covenant),* UN Doc E/C.12/1999/10 (8 December 1999).

[8] *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 171 (entered into force 2 September 1990) art 29, 2, 28.

[9] *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*, 2 October 2007, UN Doc A/RES/61/295, art 14(1), 14(2), 15(1), 15(2).

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Thriving communities and sustainable economies

Part Five Thriving communities and sustainable economies

The progressive achievement, the economic, social and cultural rights of indigenous peoples poses a double challenge to the dominant development paradigm: on the one hand, indigenous peoples have the right to be fully included in, and to benefit from, global efforts to achieve an adequate standard of living and to the continuous improvement of their living conditions. On the other, their right to define and pursue their self-determined development path and priorities must be respected in order to safeguard their cultural integrity and strengthen their potential for sustainable development.[1] ***Vicki Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples***

In Part Five you will find the following chapters:

Summary

Chapter 15 Pathways to employment and empowerment

v Aboriginal and Torres Strait Islander women and girls, like all Australians, want to engage meaningfully in contemporary society. Women and girls throughout this chapter recount their experiences with tertiary education and vocational training. They describe the multiple barriers they face when engaging with institutions, including: accessibility; financial support; academic and cultural support; and relevance to their situation and environment.

This chapter also describes significant challenges when engaging with work. Intersectional discrimination operates to exclude women and girls from employment opportunities as well as to impede their career progression, and—too often—workplaces lack diversity, respect, cultural safety, and adequate supports for Indigenous women and girls.

Women and girls emphasised the need for institutions to recognise, value and build on the existing strengths, knowledge and cultural identity of Aboriginal and Torres Strait Islander peoples. Where structures and institutions fail to do so, they fail to empower women and girls. This chapter captures their calls for well-resourced, dedicated and culturally appropriate education, training and employment supports, programs and strategies.

This includes making education and training affordable and accessible so as not to discourage women and girls from engaging with the mechanisms that will enable them to thrive. Women and girls want clear and appropriate pathways to jobs and for employers to implement strategies and policies to ensure they are respected and valued in the workplace.

Chapter 16 Economic participation

The need to develop a foundation of economic security in order to lift communities out of poverty was raised as a major theme throughout the *Wiyi Yani U Thangani* consultations.

Historically, Aboriginal and Torres Strait Islander peoples have been exposed to narrow and discriminatory structures that have negatively impacted on their social and economic wellbeing. Around the country, women and girls consistently reported feeling worse-off in these regards than others in their communities.

Women and girls are more likely than men and boys to take time out of paid work to care for family. This includes caring for those with disability, long-term health conditions and older members of the community. Women and girls also reported experiencing intersectional discrimination when it comes to accessing education and employment.

Women and girls relay the challenges in trying to achieve economic security. These include: insufficient incomes and to meet the cost of living; unemployment and social welfare; and barriers to employment. They describe the need for a holistic approach to welfare that is strengths-based, supports healing from trauma, enables education, and facilitates entry into employment. Women and girls also shared their motivation for change and their aspirations and solutions for Indigenous business and economic development. Women and girls emphasised that with the right supports, they offer employers and the economy unique skills, strengths and knowledge.

The human rights context

Aboriginal and Torres Strait Islander women and girls have been excluded from freely pursuing their own economic, social and cultural development. This exclusion has not only been on the basis of race and gender, but also as a result of economic and employment structures not acknowledging the unique strengths of Aboriginal and Torres Strait Islander women and girls. These are fundamental inclusions to international human rights frameworks.

The International Covenant on Economic, Social and Cultural Rights

Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises that:

> *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*[2]

Article 6 of ICESCR states the 'right of everyone to the opportunity to gain his living by work which he freely chooses or accepts' and outlines the steps that should be taken to achieve this include:

> *technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*[3]

Article 7 provides for the right of everyone to the enjoyment of just and favourable conditions of work. This includes:

> *(a)(i) fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*

> and

> *(c) equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.*[4]

The United Nations Declaration on the Rights of Indigenous Peoples

The United Declaration on the Rights of Indigenous Peoples (UNDRIP) reaffirms the right of Indigenous peoples to self-determination (Article 3) as well as rights specific to employment and economic development, including the right of Indigenous peoples to:

- maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities (Article 20(1)). Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress (Article 20(2)).
- The improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security (Article 21(1)). States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities (21(2)).
- Be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions (Article 23).[5]

Other relevant rights recognised in UNDRIP include the right to freedom from assimilation and destruction of our culture (Article 8), the right to ownership and use of our country (Article 26) and the right to development of our country (Article 32).[6]

Intersectional Rights

In addition to ICESCR and UNDRIP, there are a number of other international instruments which provide additional protections relevant to Aboriginal and Torres Strait Islander peoples' engagement with employment and economic development, including protections for people who face intersectional discrimination and disadvantage based on race, gender, disability and age.

(a) ICERD

The International Convention on the Elimination of Racial Discrimination (ICERD) requires states to take special measures to ensure all people, without discrimination on the basis of race. This includes the right to work, to free choices of employment, to just and favourable conditions and remuneration, and to protection against unemployment as provided under Article 5(e)(i).[7]

(b) CEDAW

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obligates states take measures to ensure women have equal rights with men in access to education (Article 10), to employment and social security (Article 11), to participation in all areas of economic, social and cultural life (Article 13), and to take special measures to ensure the application of these rights to women in rural areas (Article 14).[8]

(c) CRPD

The Convention on the Rights of Persons with Disabilities (CRPD) requires states to recognise the right of persons with disabilities. This includes equal access to education (Article 24), prohibiting discrimination on the basis of disability with regard to all aspects of employment (Article 27), and the right of persons with disabilities to an adequate standard of living and social protection (Article 28).[9]

(d) CRC

The Convention on the Rights of the Child (CRC) promotes and protects the enjoyment of all human rights by all children. Relevant to economic security and development, every child has the right to benefit from social security (Article 26) and the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The CRC also requires states to provide all appropriate measures to assist parents and others responsible for the child to implement this right (Article 27).[10]

Chapter 15 Pathways to employment and empowerment

Throughout *Wiyi Yani U Thangani*, women and girls articulated to me the value of education and training in providing them with the skills and opportunities to participate fully within contemporary society. Education, training, and employment are the vehicles through which Aboriginal and Torres Strait Islander women and girls thrive. Women and girls are motivated to continue learning, undertake training and participate meaningfully in the workforce and the economy. They can see the benefits that education, work and financial security present in producing better life outcomes and reducing interactions with the justice system.

Women and girls also see this as an opportunity to take control of the domains that affect their lives and to achieve equality for their communities. Nonetheless, barriers exist for Aboriginal and Torres Strait Islander women and girls when accessing tertiary education, training and employment. These barriers significantly limit their educational attainment at school, financial resources, support networks, and for many, it contributes to their isolation.

With many families living on or under the poverty line, women and girls feel that the cost of education and training courses is often prohibitive for Aboriginal and Torres Strait Islander peoples. They are calling for more support from government and employers.

> *They tell you to go out and get a job and stuff but they don't help you. ABSTUDY don't pay for the course. They are no help for the youth. It is not one bit of help … Youth issues are biggest thing in Kalgoorlie. They don't help you not even Centrelink help you.* **Kalgoorlie women**

> *TAFE courses should all be free through school. Remove restrictions to getting further education. Scholarship for expenses. Rebates for compulsory supplies and loan for hire of textbooks.* **Rockhampton women**

> *Exposure to higher education options and short-term courses like TAFE or workshops … More employment for own mob to work in our community. Building succession planning. More opportunities targeted at school kids ….* **Woorabinda women**

In addition to access and affordability, discrimination impedes Aboriginal and Torres Strait Islander people's engagement with employment. Women and girls are calling for well-resourced and dedicated education, training and employment support strategies and services to help them overcome these barriers that obstruct our emancipation from entrenched cycles of poverty.

Women and girls were very clear that their engagement with contemporary society cannot be to the exclusion of their cultural knowledge and identities that have kept them strong to walk confidently in two worlds. We do not define our success as assimilation to the Western world and our success will never be at the expense of who we are.

This chapter highlights the experiences of Aboriginal and Torres Strait Islander women and girls in securing and sustaining employment and the structures needed to put ourselves on the path to empowerment and equality. I am inspired by the strength and resilience of our women and girls and their determination to elevate themselves and their families from their circumstances and to lead their lives the way they choose.

15.1   Tertiary education

I heard from many girls across Australia who wanted to finish year 12 so that they could go to university and study. It was not a universal aspiration, there were girls who were equally committed to staying close to their families and communities and building the life that they wanted exactly where they were. There were certainly girls who expressed apprehension and uncertainty about what came next.

A tertiary education is considered accessible by many Aboriginal and Torres Strait Islander girls today in a way that it has not always been. Higher education is increasingly seen by our young people as an opportunity to address inequality in opportunity. Our girls are aspiring to careers in diverse fields across medicine, humanities, engineering, law, technology and sciences.

There have been substantial improvements in the rates of Aboriginal and Torres Strait Islander university enrolments and qualifications in recent decades. Between 2006 and 2016, the number of Aboriginal and Torres Strait Islanders aged 15 years and over attending university or another tertiary institution more than doubled, from 7,000 to 15,500.[11] Aboriginal and Torres Strait Islander women are almost twice as likely to be attending a university or tertiary institution than their male counterparts (10,200 compared to 5,300).[12]

However, we remain significantly underrepresented in the higher education system, with approximately 3.9% of the Aboriginal and Torres Strait Islander population participating in higher education in 2016 compared to a national average of approximately 10.5%.[13] In 2016, the most common fields of study for Aboriginal and Torres Strait Islander students were society and culture, management and commerce, engineering and related technologies, and health.

There is a clear difference in the fields of study being undertaken by men and women. Qualifications for men were concentrated in the fields of engineering and related technologies (22.3% of men with a non-school qualification compared to 1.6% of women) and architecture (12% of men compared to 0.5% of women). In contrast, qualifications for women were concentrated in the fields of society and culture (22.2% of women compared to 8.5% of men) and management and commerce (21% of women compared to 8.3% of men).
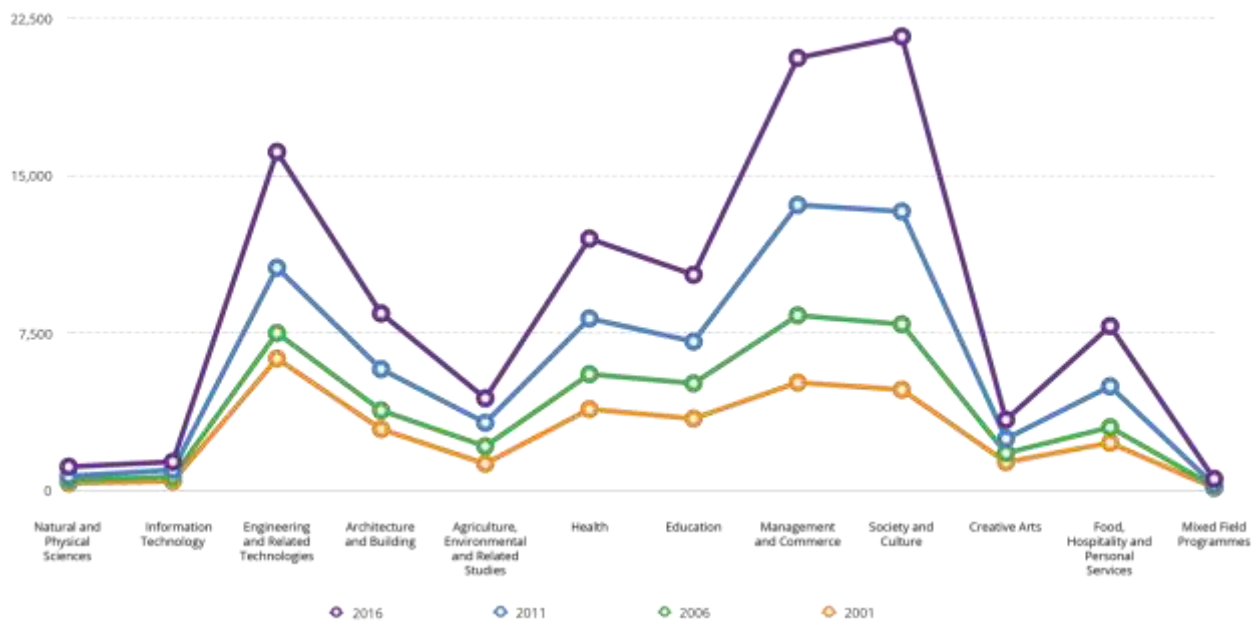
Figure 15.1: Field of study for Aboriginal and Torres Strait Islander university students between 2001 and 2016.[14]

In significant contrast to primary and secondary schooling, higher education institutions were generally considered to be safe and inclusive environments for Aboriginal and Torres Strait Islander students. While there are still improvements to be made, universities in particular are making significant efforts towards providing a welcoming and culturally safe environment.

It was not until the late 1950s and 1960s that the first Aboriginal and Torres Strait Islander woman and man were admitted to, and graduated from, an Australian university. It is only in my lifetime that Aboriginal and Torres Strait Islander peoples have had meaningful access to university education in any significant numbers. My predecessor, the late Bill Jonas was the first Aboriginal person to obtain a doctorate (1973), and Martin Nakata the first Torres Strait Islander person to do so (1998). To an even greater degree than with primary and secondary schooling, tertiary education is seen as a new opportunity to pursue control over our own lives.

> *Our strength is in our kids that go to school and university. We see them and feel so proud. Our children, they are our role models. They keep us grounded while they are here.* ***Perth women and girls***

The opportunity is not taken for granted by our women and girls. Many of us have seen change happen. The acceptance of Aboriginal and Torres Strait Islander students into universities has only come about because of the tenacity and advocacy of those for whom the opportunity to access university was practically non-existent.

> *We get our strength from the way our elders have survived and empowered us. How they went into those policies and made those changes for us. Especially for the young ones. It was our ancestors that paved the way for us. For us to have these opportunities today. To graduate year 12 and go to university. My grandparents weren't entitled to that.* **Perth women and girls**

As this opportunity has become more accessible for Aboriginal and Torres Strait Islander peoples, our women are increasingly making the decision to get a higher education at a much later stage in their lives.[15] Many of our women who spoke of their decision to return to higher education, did so with the intention of contributing to the spaces they are already working in with a more specialised skill set that will bolster their existing cultural and lived experience skill sets.

> *I have been working in the public service for 30 years. I have been working in [social services] for the last 29 years and my passion is to educate our people against inter-generational welfare dependency. I am currently in my second year of psychology. I am hoping that this degree is going to help me work with the people that I currently see and hopefully give them a pathway so that they don't have to be reliant on welfare.* **Rockhampton women**

(a) Access and support

A number of reviews[16] and strategies[17] have identified issues of access and outcomes related to Aboriginal and Torres Strait Islander engagement with universities. The issues raised during the *Wiyi Yani U Thangani* consultations with women and girls reflected similar concerns and aspirations for change.

The primary challenges of tertiary education raised by Aboriginal and Torres Strait Islander women and girls that were highlighted were:

- financial burden
- accommodation
- leaving community
- representation.

The need for scholarships and financial assistance was raised as the most common barrier to university access. Women and girls were aware that scholarships existed, but it was suggested that there were not enough scholarships to support the students who aspired to study. Scholarships were seen as instrumental in making university affordable, especially for students living in remote and very remote communities who cannot justify accumulating significant debt that they are likely to consider unmanageable.

There was a perception from several women at an engagement in northern Queensland, that scholarships for Torres Strait Islander students were particularly difficult to obtain.

> *We sometimes feel we still have to fight to get positions ... and I missed out on a lot. Not just jobs and scholarships. My daughter is doing medicine in university and she lost a big scholarship because it was given to a young person that was doing music ... so just the fairness of apprenticeships and traineeships. You know how they have traineeships and apprenticeships and they might leave six spots solely for Aboriginal and Torres Strait Islander people. So, can we have like three for Aboriginal people and three for Torres Strait Islands people?* **Rockhampton women**

The 2012 *Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People*[18] identified the many additional challenges faced by Aboriginal and Torres Strait Islander students when they live away from home to study. This was reflected in the message from girls and women, particularly that access to adequate and affordable accommodation remains one of the most significant barriers for Aboriginal and Torres Strait Islander students who need to relocate in order to study.

> *Teacher: Finding accommodation is a challenge for our students. There is youth mobility [Indigenous Youth Mobility Program] but it's only based in Cairns and Townsville. It's not based in Brisbane, so accommodation for students in Brisbane, is a challenge.*
>
> *With the youth mobility, it's affordable. It's very cheap for our Indigenous students, but it's only in Cairns and Townsville. If there was youth mobility in Brisbane, students wouldn't struggle to pay for accommodation.* **Thursday Island girls**

There were girls that I met with who expressed a strong desire to go wherever they needed to for higher education opportunities, but were apprehensive about leaving their familiar environment for a new one. This was especially true of girls living in remote and very remote communities, who saw the transition to regional and major cities as particularly intimidating. However, there were many examples of universities providing opportunities for school students to visit their campuses throughout their secondary education to ensure that the transition was not an overwhelming one.

Several women told me about a program offered by a university in northern Queensland that was considered successful in alleviating much of the apprehension that our young people might otherwise have felt at the idea of moving away for university.

> *The university here is really active in the community and getting information out. There's a pathway through the BROLGA program that reassures young Aboriginal and Torres Strait Islander students that it's not a scary place. It's for students in grades five through to twelve.* **Rockhampton women**

The BROLGA program takes a cultural approach to exposing students to the university environment. The program involves Aboriginal and Torres Strait Islander peers and elders around familiar cultural and social activities. Seeing universities through the language and lens of people in their own communities reinforces a sense of belonging and inclusion.

Culturally focused academic and social support within the university, including mentorship and support from other Aboriginal and Torres Strait Islander students and staff members during a university degree, is essential to improving student retention rates. Indigenous centres in universities play a key role in providing a culturally safe space and facilities for students and staff as well as a range of initiatives such as academic support and advice, and outreach programs for prospective Indigenous students.

The position of Elder in Residence was highlighted as being particularly critical for students who might be struggling with the cultural disconnection between being on country and being on campus. While Indigenous centres are critical in building culturally safe environments, this responsibility must not be exclusive to the centre and a whole-of-university approach must be taken.[19] As with other institutions and services however, the most critical factor in building cultural security as a standard measure within universities and higher education institutes is in ensuring that Aboriginal and Torres Strait Islander peoples are represented in staff and student numbers at a greater rate.

The Universities Australia's *Indigenous Strategy 2017-2020* highlighted how member universities can improve cultural security. These improvements included cultural training for senior staff, increasing the cultural competency of graduates, discrete units of study, and on or off-campus experiences with local communities. An Aboriginal and Torres Strait Islander presence on major committees was also recommended.[20]

I strongly support this strategy and its targets aimed at increasing the number of Aboriginal and Torres Strait Islander students, academics and research staff; the dissemination of Indigenous knowledge, culture and educational approaches; and improving the university environment for Aboriginal and Torres Strait Islander peoples.

(b) University curriculums and core competencies

Many women and girls I met with identified university as the conduit through which we can build a base-level of cultural competency within the sectors that work with Aboriginal and Torres Strait Islander peoples and communities.

> *The university level is where we need to focus. That's what we really want … Cultural security and cultural awareness for nurses and doctors. And everyone at university. That way cultural competency becomes a core competency for people coming through higher education.* **Cairns women**

The women and girls I spoke with called for increased compulsory modules in Indigenous studies for those studying in fields such as law, health, governance and public policy. It should be expected that graduates working in these fields have an advanced understanding of Aboriginal and Torres Strait Islander history, society and culture and how decisions and service delivery need to incorporate Indigenous perspectives and priorities.

As well as building the competency of professionals to work effectively with Aboriginal and Torres Strait Islander peoples, communities and specialists, compulsory exposure to Indigenous studies is a necessary step in changing the public discourse that too often views Aboriginal and Torres Strait Islander peoples through a deficit lens. This is reflective of the results presented in a *Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People*, where it was argued that a better understanding of Aboriginal and Torres Strait Islander contemporary issues and perspectives would have impact far beyond the equality of access to education.[21]

The Review recommended that universities develop and implement an Aboriginal and Torres Strait Islander teaching and learning strategy, that would initially target teaching and health professionals as a step towards building the core competency across university graduates.

Text Box 15.1: Recommendation 18 from the Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People: Final Report

That universities develop and implement an Aboriginal and Torres Strait Islander teaching and learning strategy applicable across a range of curriculums, focused on standards of excellence as applied to other curriculum content and feeding into description of graduate attributes, with an initial focus on priority disciplines to close the gap such as teaching and health professionals.

15.2   Vocational Education and Training (VET)

Vocational Education Training (VET) continues to be an important educational pathway for Aboriginal and Torres Strait Islander peoples. Certificate IV completion rates in 2018 were the highest they had been in three years, with 3,632 students completing a Certificate IV in 2018. Aboriginal and Torres Strait Islander women and girls enrol in VET study at similar rates to men, with 68,726 Aboriginal and Torres Strait Islander women and girls studying towards a certificate in the VET sector in 2018. Statistics show 76.6% of Indigenous VET students are employed or in further study post-completion.[22]

Throughout the *Wiyi Yani U Thangani* engagements, women and girls identified training and further education opportunities as being important options, especially for Aboriginal and Torres Strait Islander students struggling to thrive within formal institutional education environments. A recent review has suggested that significant growth in Certificate II and Certificate III attainment in regional and remote areas is because VET and qualifications are more likely to lead to employment in these areas compared to completing year 12.[23]

Women and girls highlighted to me that training and further education needed to be accessible and relevant to be of significant value. In order for training and further education opportunities to be accessible, they need to be:

- locally available
- culturally and gender appropriate
- affordable
- accessible through job seeking programs and schools.

At times, women and girls expressed a clear tension at having to choose between staying on country or pursuing further training. In some circumstances, particularly in remote and very remote communities, leaving was not considered an option at all, and the lack of locally available training in these areas meant a total absence of further educational opportunities.

> *Education, employment and training. No job opportunity, no training. No further education. Mainstream, nothing. We need to create something that suits us. People are struggling to get jobs because they can't read or write.* **Tennant Creek women**
>
> *Higher Education. Re-open the TAFE so we can have further education.* **Newman girls**

In Queensland and Western Australia, it was raised on several occasions that training options appeared to be targeting men more than women. While I clarified with women and girls during the consultations that the training courses in question were not exclusively for men, there remained a perception that courses preferentially selected men for training and for any jobs that emerged from obtaining the relevant qualifications.

> *We need more training for women and girls to get job. Empowering our women. Need culturally appropriate training. We are in a mining town so whist it is multi-functional, it is geared towards men.* **Mount Isa women**

Where training facilities and courses do exist, many women and girls identified the practical and financial barriers they faced in accessing such programs: distance, caring for children and others, young women coming out of care, and women pursuing education in 'traditionally male-dominated' fields. VET and other training courses are often not supported with the same financial assistance and scholarship opportunities as for those seeking higher education.

Women and girls suggested that scholarships, allowances and travel passes should be considered to encourage Aboriginal and Torres Strait Islander students to remain engaged in VET and other training courses.

> *If you are studying in TAFE and it is 15 hours a week ... and you have to travel ... won't give you a bus pass. You are not eligible. And if you get a job in town and a house you ain't going to get a bus pass.* ***Kempsey women***

Women and girls in Queensland raised particular concerns that young mothers can be adversely affected by a lack of financial support. VET and locally available training courses are likely to be the most realistic educational opportunities for many young mothers, but these are not supported with the financial scholarships that apply to higher education. They need additional support with child care in order to pursue training.

> *Young females are having families early, young teenagers, haven't finished school, you can still learn after having your kids. Lack of qualified trained young women in the community, we need funding around that. We need young people to realise that they can get to where they want to be. It's not the end of their life ... There needs to be services in the community to help them. They need support looking after their young ones while they are learning.* ***Mount Isa women***

> *Unless you have someone looking after my kids then I can't do that training—it's expensive. No one's got money to look after their kids.* ***Mount Isa women***

VET within schools and traineeships can translate to a meaningful role for young women within their communities once they complete their training. In addition to meaningful employment, completion of VET and other training courses also has positive outcomes for enrolment into further studies.

> *We've had three girls who completed the IPROWD course—indigenous policing done our way. They do a Cert III in community services ... The police have quite a large input into it, the youth liaison police.* ***Brewarrina girls***

> *Because we do have school-based traineeships in health. My daughter has a traineeship … it is a big step from being in high school into the adult world without support and structure.* **Kempsey women**

(a) Locally relevant training

The variety of training options and the availability of student placements was the most commonly identified challenge in relation to vocational training within schools.

> *We need traineeships for school kids. Right now the high school they got the Juno project out there for kids. They've only got vet and horticulture, rural [operations] and hospitality. Girls needs to get trained up in office work. They've got no mentors in the school [on] how to work in the office. They're not getting choices for our kids.* **Tennant Creek women**

Many women and girls I met with expressed frustration that available training often has no realistic job prospects. Aboriginal and Torres Strait Islander peoples are becoming increasingly disillusioned with training courses that don't qualify them for real employment.

> *… training, certificate and no job at the end. How can we turn that around? They go and do that training and no job. We are pushing them into little circles to get the job but there is nothing at the end of it.* **Halls Creek women and girls**

> *There are all these courses and training, but you don't get a job at the end of it. Young people go to all these training, they get promised a job but never get one. What's the point of doing all these training if you can't get a job? There should be a better [memorandum] of understanding with the workplace before sending the kids there to make sure they get a job at the end of it.* **Borroloola women**

This is especially frustrating for Aboriginal and Torres Strait Islander women and girls in remote and very remote communities where employment prospects are limited, and the few available roles are often awarded to non-Indigenous employees from outside of the community.

> *There are not many opportunities for local traineeships, so we don't get much local people in. No skill development in school. So we expect kids to go out and look for jobs without any skill sets, especially since there is no TAFE … [aged care and youth service] have no Indigenous people working. When they do, they limit them to part-time and give all the main jobs to people flying in from Perth or anywhere else.* **Roebourne women and girls**

> *With services we should be training our own people for our own community. Especially for our Aboriginal services and our mainstream services.* ***Kempsey women***

Many of our women and girls spoke to a discernible difference in access to vocational training and job pathways since the disbandment of the Community Development Employment Projects (CDEP). There still exists an expectation within many remote communities that the existing Community Development Program (CDP) has the same function. This has led to significant concern and dissatisfaction with the program's perceived effectiveness as a provider of training and a pathway to employment.

> *So the point is, they made [CDP service delivery] to get us 'ready for work' because they think we're dumber than everybody else. But you go there, and you sit there for four hours and you do colouring-in or painting … ([he way it was before [with CDEP] you got training, you got certificates, you went to places.* ***Roebourne women and girls***

However, there were examples of community organisations administering the CDP program in such a way that kept a focus on training and pathways to employment. Some women in the Tiwi Islands spoke about the benefits of having a local and culturally informed training provider delivering CDP in their community.

> *We're lucky we have Tiwi Islands Training and Employment Board [TITEB] 'cause they actually know this community. TITEB was a vision of the old people that wanted to see a board that would help us educate our people to get them into jobs. It's been 20 years. Before it was with the shire, but TITEB is the CDP providers contracted by the government.* ***Tiwi Melville women***

This is an example of a vocational training program that is tailored to meet the specific employment needs of the Tiwi Islands community. Although employment may not be the only goal for CDP providers, women are clearly calling for adequate training options through CDP.

> *We [are] talking about the CDP working for the dole program and that's not good. And salaries are less under CDP … There's not enough jobs and we need more training and workshops.* ***Tiwi Bathurst women***

Women and girls are calling for training to directly address the employment needs of local populations by targeting qualifications to local industries and having traineeships for Aboriginal and Torres Strait Islander students and staff in local services and programs.

> *Woman 1: And we don't have the skills. Like if there is a big infrastructure project coming to Kempsey, do we have the people, we know the project is coming up, do we have the skilled workforce of Aboriginal people that we can put forward? I feel like we don't create enough of that.*
> *Woman 2: The highway is a perfect example of what you are saying.*
> *Woman 1: We should have these young fellas skilled.*
> *Woman 2: So TAFE aren't meeting the needs for the future. I think the programs they offer are retail, business maybe aged care.*
> *Woman 3: No, no! No aged care. We are screaming for aged care. Screaming out for aged care workers and support workers because there are not enough.* **Kempsey women**

Text Box 15.2: Vocational Training and Employment Centres (VTEC)

VTEC providers work with employers, Aboriginal and Torres Strait Islander communities and employment service providers across Australia to provide tailored support to Aboriginal and Torres Strait Islander job seekers to enter sustainable employment. The guarantee of a job before job-specific training starts is a key feature of VTECs. This ensures:

- vocational or job-specific training is directly related to available jobs
- employers can recruit Aboriginal and Torres Strait Islander job seekers with the right skills for specific jobs
- job seekers are responsible for opting into available jobs
- the commitment of job seekers is rewarded with guaranteed employment.

The VTEC initiative is targeted towards and provides financial incentive for supporting highly disadvantaged Aboriginal and Torres Strait Islander job seekers.[24]

Vocational training and targeted employment pathways have the potential to address substantial service gaps that exist in regional and remote locations, as well as ensuring a more culturally competent workforce in regions with high Aboriginal and Torres Strait Islander populations.

How does the community benefit? Outback stores are meant to come into communities and train local people to take over the store. There is no training. They just work at the till or with stocking the shelves. There's no training for ordering or budgeting. All secret business. If you get involved with locals they could do the ordering—this would be a good thing to improve the type of food in the store. But local people only ever work at the till. **Mimili women**

One more thing I'd like to say—I continue to talk about growing our own workforces here, so that our people, that are going to live here for the next 20 and 30 years, are given the opportunity to be able to be trained-up and be the leaders of tomorrow and be the ones that are working in these services, that are providing culturally appropriate services for our mob. **Brewarrina women**

15.3   Life skills

Throughout the engagements and submissions for *Wiyi Yani U Thangani*, women and girls identified the need for continued learning opportunities outside formal education environments. This is a reflection of the culturally familiar process of lifelong learning common to many Aboriginal and Torres Strait Islander cultures, but also addresses prominent gaps that some Aboriginal and Torres Strait Islander peoples face in learning life skills.

Women and girls identified that life skills development courses and programs should target:

- literacy skill sets
- personal development skill sets
- parenting skill sets.

Demand for life skills training generally increased with remoteness, with a proportionately greater demand for literacy in outer regional, remote and very remote locations and a greater emphasis on system and process literacy in major cities and inner regional locations. The need for developing specific skill sets was most frequently raised in Western Australia, Northern Territory and Queensland, where the greatest demand was for programs addressing literacy and system literacy.

Ongoing learning opportunities such as these also provide a wide range of benefits for Aboriginal and Torres Strait Islander women and girls, including the opportunity for women and girls to come together. In the absence of a dedicated women's group or yarning space, learning spaces allow women and girls to build strong connections and support networks within communities and provide opportunities to yarn about issues of mutual concern or interest.

> *Should have cooking programs, sewing, like that. For all women to get together and do stuff together … There is a youth shed, family centre, but no women's space, so women can talk.* **Indulkana women and girls**

> *The Kookaburra club is a group of Aboriginal elders been together 25 years now. Support each other and keep each other strong. Go to meetings similar to this and support each other to do it. Make art and paint.* **Perth women and girls**

The development of critical skill sets outside of the formal education system has been highlighted as fundamental to the self-determination of Aboriginal and Torres Strait Islander women and girls. Women and girls see the development of these Western valued skill sets as just one more resource that empowers them to walk confidently in two worlds.

(a) Literacy skill sets

A very frequent request across all states and territories was to address a gap in literacy skill sets. This variably included language, literacy, financial literacy, technological literacy and process literacy. These are critical skill sets to ensure Aboriginal and Torres Strait Islander women and girls can engage with existing systems and participate effectively in employment and other opportunities. This is particularly relevant for older generations and women and girls in more remote and very remote communities, where language and literacy can be significant barriers to participating in contemporary Western society.

> *We want to learn English as a second language a bit better. For when we talk to White people.* **Tiwi Bathurst women**

> *I went to the rehabilitation that they have here but that it is not for Indigenous people. Couldn't understand what they were talking about and it was lonely. I can't read or write properly so I couldn't understand the information they were saying.* **Kalgoorlie Women's Prison**

The need to improve technological literacy was raised at several engagements. This was applicable to both our middle and older generations who have not grown-up with technology the way much of the younger generation has.

> *It doesn't matter if we are nannas or young women. Technology is changing, opportunities are changing. We need to be on board.* **Hedland women**

There were places that I visited where women and girls told me they are reliant on other people to help them navigate services and systems, respond to letters and notifications and to keep them informed of their own rights and obligations.

> *Nan purchased a drink for grand-dad and they got a fine. She couldn't read it. The fine timeframe lapsed. When I read it, she was getting summoned to go to court. I intervened but she could have gone to prison. No non-Indigenous person would experience this.* **Canberra women and girls**

> *You've got a perfect place to learn to write a letter, the TAFE is here. There is a perfect place in Halls Creek. Learn confidence and write a letter and all of the things we are saying. We have Aboriginal people there. We have Aboriginal people there that can do that. You can go to education and training and learn about those steps.* **Halls Creek women and girls**

A submission from Literacy for Life Foundation highlighted the experience of women in Boggabilla and Toomelah in northern NSW after the Department of Family and Community Services requested support from the Foundation in response to the roll-out of the National Disability Insurance Scheme. The region was struggling to overcome barriers to accessing the NDIS due to very low levels of adult literacy. Combined with a lack of process literacy, many community members were unable to navigate the system. In acknowledgement of the compounding inequality of access, the Department, the Foundation and the Toomelah Local Aboriginal Land Council initiated work to lift adult literacy in the two communities.

*Data collected by Literacy for Life Foundation shows 74% of Aboriginal adults surveyed in Boggabilla and Toomelah self-assessed as having low literacy. They have been denied the level of education needed to read to their children, fill out forms or understand instructions on a medicine bottle … Lifting literacy has a ripple effect, creating positive change in areas such as health, school education, employment and community safety. And while literacy rates remain low, achieving any real progress in these areas will be very challenging, if not impossible. The women of Boggabilla and Toomelah who are quoted in this Report are using literacy as a tool to empower. They are empowering themselves, each other and their communities. **Literacy for Life Foundation submission***

(b) Parenting skill sets

For some Aboriginal and Torres Strait Islander women and girls, there is a critical gap in the transfer of parenting skills between generations. The cycle of family removal and household disruption has an impact on the development of parenting skills. The interruption of knowledge transfer between generations of Aboriginal and Torres Strait Islander women and girls is strongly rooted in the continuous separation of children from traditional family rearing environments through the legacy of past policies such as the Stolen Generation and through child protection displacements and the disproportionate incarceration of Aboriginal and Torres Strait Islander men, women and children.

*Removals breaking matrilineal lines of knowledge, learning, parenting from parents who were raised by others. **Brisbane women and girls***

This is compounded by the disruption of family rearing within the home through overcrowding, the prevalence of Sorry Business and constant cycles of grief, substance misuse and domestic violence.

*That family violence, that DV {domestic violence] here. It all comes down to a lack of education, especially for parents on how to be parents. They haven't got the skills, they don't have that guidance—and that could have been from teenage pregnancy, and they got no advice on raising their family. Sometimes it could be that they grew-up without a mum—there's a lot of reasons, you know, that they may lack that parenting skill. **Yarrabah women***

In addition to the immediate effects of disruption and removal, women and girls have highlighted intergenerational and transgenerational trauma as affecting the succession of positive parenting skill sets.

Perhaps the greatest impact of intergenerational trauma in Aboriginal and Torres Strait Islander communities is on the parenting practices of those who are living with unresolved trauma themselves. Without appropriate supports and interventions, children who experience trauma are likely to experience significant challenges in parenting their own children. This is due in part to the neurological impact of trauma on the development of relational and emotional regulation skill sets and the ability to form appropriate attachment relationships.[25]

> *Most forcibly removed children were denied the experience of being parented or at least cared for by a person to whom they were attached. This is the very experience people rely upon to become effective and successful parents themselves. Experts told the inquiry that this was the most significant of all the major consequences of the removal policies.* **Bringing them Home report**[26]

Adequately funded programs are required to build skills in the care of babies and children, behaviour management, discipline, stress management, family health and communication. As was determined in the 2019 Inquest into the 13 Deaths of Children and Young Persons in the Kimberley region, there also needs to be some effort made to ensure that Aboriginal and Torres Strait Islander parents understand their legal responsibilities as caregivers.

> *... I work with the young ones 0–4. Mums are saying that we didn't know how to be a mum because nobody taught us. So, where are those programs for our mums to be able to learn these skills.* **Kununurra women**

> *Included in the spectrum of maternal health is education for parenting skills, and the legal responsibilities they have as parents.* **Aboriginal Family Law Services submission**

In order to prevent the perpetual transmission of trauma through generations, we need to provide trauma-informed and empowerment-based intervention programs for those who are seeking support. If we offer only punitive or condescending interventions when dealing with young parents who are seeking support to be better parents, then we risk perpetuating the cycles of trauma in successive generations.

> *Young mothers reported the following at the Mt Druitt Healing Forum, held in October 2017: There is poor support and nurturing for young mums, who feel lost, inadequate, and the shame or the stigma associated with being young parents … Young parents lack the confidence to be good and strong parents and there are no role models and seems like there is no-one to talk to.* **The Healing Foundation submission**

Parenting programs need to be community-controlled and led to ensure that they are not perceived as an additional threat to Aboriginal and Torres Strait Islander families. Programs that support parents to increase their parenting skills must be based on a longer-term strategy to rebuild connections between generations of Aboriginal and Torres Strait Islander women and girls.

> *This means stopping current approaches [particularly those that legally sever Aboriginal children from their families and communities] and engaging with Aboriginal people and communities to design an effective, child and family system, from early intervention through to out-of-home care.* **The Healing Foundation submission**

> *Yeah, so we mentioned there's a loss of culture and identity … [that] leaves you feeling displaced … because they didn't have their parents bringing them up. So, a lot of them don't have those parenting skills and know how to provide love and support to their family. So, this has had a big impact on a lot of women and also looking for strong role models.* **Darwin women and girls**

Aboriginal and Torres Strait Islander cultures are traditionally strong in child-rearing and family-based learning practices. Women and girls that I met with spoke of the need to reintroduce women's business to those areas where it has lapsed, and to focus on regaining that cultural connection to family and community.

> *Bringing back women's business for the culture we do and teaching girls all sorts of things—stress, sex and important things—If we can have that happen, June, that would be great.* **Perth women**

> *A lot of people are not understanding what's been passed down from our ancestors and that affects our parenting skill … A real lack of support for young mums having kids especially.* **Yarrabah women**

(c) Personal development skill sets

> *If we want to—we need to learn the policies in departments as well. We need to know rules and regulations. We are our own worst enemies sometimes. If this is the policy and it is not working at this level, then as a group we should change that.* **Halls Creek women and girls**

The development of skills in advocacy, leadership and self-confidence are essential for improving Aboriginal and Torres Strait Islander peoples access to opportunities across their career. These skill sets also allow Aboriginal and Torres Strait Islander peoples to contribute to their communities and empower us to participate in decision-making that affects our lives. These skill sets are particularly important in increasing the participation of women and girls in domains that have traditionally been dominated by men.

> *But also, doing things like training women up to be on boards, training our mob up to take on management positions in remote communities, in organisations you know the Land Council has always been very male dominated, so having something like this is where us women can take our role, if you like.* **Alice Springs women**

A submission from the Healing Foundation identified the development of women and girls as strong leaders as one of the critical action areas to create positive change and support healing of Aboriginal and Torres Strait Islander women and girls. The development of confidence and leadership skill sets was identified as a key driver in empowering women to take on leadership positions.

> *Developing Women as Strong leaders:*
>
> - *Strategic investment in tailored, localised training programs that aim to build the confidence of young women to become future leaders*
> - *Strategic investment in tailored, localised mentoring programs that focus on succession planning and sustainable leadership outcomes.*
>
> **The Healing Foundation submission**

The development of homemaking skills was raised most frequently in very remote areas, although it was raised very occasionally in all other regions. With the disbandment of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the previous funding of housekeeping support programs, women and girls have identified gaps in their knowledge and confidence in basic household maintenance. Addressing the skills gap in this area was particularly important for young mothers and young people who have been in care.

> *With the mentoring, we need to be giving just basic life skills with teen mums who are pregnant. Those who have come straight out of care and have never had a mum. Yeah just cleaning and all that basic stuff to help them out and show them how to do it. Help with all the basic things around nutrition and cleaning.* **Rockhampton women**

Sewing, clothes-making and knitting skills were important in regional andremote and very remote areas where clothing, linen and soft furnishings can be difficult and expensive to source. Although sewing programs and resources are offered through some CDP service providers, women and girls have identified that these programs need to be inclusive and community-controlled.

> *So you're a participant allowed to do stuff here. Now these young kids, we had one girl here, she's only 13 and she can't come in because we can be liable if anything happens, say if she is on the sewing machine they can be liable because she is not on the roll for My Pathways. That is why I want to get this women's group together to get a building ... just to have different sewing, arts and crafts, weaving, painting.* **Mapoon women**

Women and girls have raised the need for health, fitness and wellbeing programs tailored for Aboriginal and Torres Strait Islander women and girls. This includes the importance of education around health, nutrition and fitness; skill development such as cooking and gardening; and the provision of safe spaces to practice health and fitness activities.

> *Women's centre space is the most important thing. Where they could do training [like] learn how to do good cooking, do budgeting, exercise, health, gym. A well women's health centre ... Women want private spaces to exercise.* **Indulkana women and girls**

Beyond Blue noted in their submission that various programs created opportunities for Aboriginal and Torres Strait Islander women and girls to come together and develop leadership skills in the areas of community development, governance and employment.

> *The success and popularity of programs such as these demonstrate the need for, and effectiveness of, such opportunities where women can gather together, share stories about their personal and professional experiences and build their capacity to become advocates and leaders in their local communities. These opportunities create platforms for Aboriginal and Torres Strait Islander women to strengthen their self-determination and become agents of positive change within their own communities.*
> **Beyond Blue submission**

Text Box 15.3: Oxfam Women's Straight Talk

The Oxfam Women's Straight Talk program connects Aboriginal and Torres Strait Islander women with the Australian political system and builds the capacity of women as change-makers.

The program includes opportunities for relationship-building between Aboriginal and Torres Strait Islander women, information-sharing and developing strategies for change in Aboriginal and Torres Strait Islander communities.

During the program, participants learn about Australia's political system while forming powerful networks with each other and with women of federal and state Parliament.

Straight Talk focuses on developing Aboriginal and Torres Strait Islander women's skills to make positive changes through political engagement, while also increasing engagement in public and political life.[27]

By ensuring that Aboriginal and Torres Strait Islander peoples have the capacity to navigate these spaces themselves, we can enact real change to policy, process and the systems that affect our lives.

> *I think for a lot of us, that ability to understand bureaucracy and how it works. We share a lot of our culture with all these people that come into town, but they don't share their knowledge around how bureaucracy works so that our mob become more empowered in talking in that same space, so we're talking as equal partners, not as an Aboriginal person.* **Tennant Creek women**

15.4 Aboriginal and Torres Strait Islander peoples in the workforce

Employment provides a key vehicle through which we can emancipate ourselves from entrenched cycles of poverty and put ourselves on the pathway to equality. It is encouraging to see that progress has been made since 1986:

> *Current statistics demonstrate that the unemployment rate amongst those of working age has almost halved since that time, sitting at 35.2 per cent in 1986 and at 18.4 per cent by most recent figures.* **University of Technology Sydney submission**

Nonetheless, there are still significant challenges.

The Australian Institute of Health and Welfare has noted that improvements in Aboriginal and Torres Strait Islander employment overall from 1994-2008 were influenced by strong economic growth, particularly in the private sector.[28] The Centre for Aboriginal Economic Policy Research's (CAEPR) research suggested the lack of progress since 2008 has been, in part, a factor of the national economic slowdown and that 'much of the move [of Aboriginal and Torres Strait Islander people out of the workforce] was into marginal attachment. That is, people still want to work, but some may have given up looking for work.'[29]

The 2016 Census of Population and Housing data showed that Aboriginal and Torres Strait Islander peoples are less engaged in paid employment,[30] with 42% of Aboriginal and Torres Strait Islander peoples over the age of 15 in employment.[31] This statistic has remained stable over the last 10 years, with Aboriginal and Torres Strait Islander peoples living in non-urban areas less likely to be employed than those living in urban areas (35% compared with 45%).[32] The 2016 Census of Population and Housing data also showed that non-Indigenous people were 1.4 times more likely to be employed than Aboriginal and Torres Strait Islander peoples.[33]

Text Box 15.4: Indigenous Employment Partners

Indigenous Employment Partners (IEP) is an Aboriginal-owned and operated charity and social enterprise with a mission to provide culturally appropriate employment, recruitment and training services for Aboriginal and Torres Strait Islander peoples and the organisations that employ them.

IEP supports Aboriginal and Torres Strait Islander job seekers who are facing multiple barriers to secure and sustain employment. It also helps employers understand these barriers and accommodate for them as part of their social inclusion strategies and building culturally safe workplaces.

IEP is led by the organisation's strong cultural governance and their commitment to breaking cycles of poverty and disadvantage for Aboriginal and Torres Strait Islander peoples through improved social and economic participation.[34]

Women and girls employed in both community-controlled and mainstream organisations and services have consistently reported barriers into and within the workplace. These barriers included intersectional inequalities, a lack of diversity across sectors and roles, impediments to employment and career progression, a lack of respect and cultural safety, and inadequate supports in the workplace. These issues are discussed in detail in the Service delivery chapter.

> In a predominantly favoured 'man's world' we don't only face the gender battle in the workplace, but we also have to combat challenges that systematically come with being Aboriginal and Torres Strait Islander. **The Centre of Excellence for Aboriginal and Torres Strait Islander Statistics submission**

> In advancing the role and place of Indigenous Australians, we must aim for labour market parity as an important component of 'closing the gap' and examine broader workforce issues faced by all women such as gender equity, career advancement, superannuation, sexual harassment and access to diverse employment opportunities as pertinent issues affecting Aboriginal and Torres Strait Islander women. **University of Technology Sydney submission**

Throughout our consultations, women and girls expressed concerns about job security and underemployment and about how these have a major impact on their financial, social and personal lives.

> As single mothers need to get permanent jobs. We need to be able to plan our future. We need security. **Perth women**

Women and girls reported that their sense of job insecurity was a product of several factors including the instability of specific sectors. As has been noted by CAEPR research, '[u]nless Indigenous people can secure jobs in occupations that are less prone to routinisation, the ability to further increase Indigenous employment rates will be constrained.'[35]

The AIHW suggested that, '[d]uring economic downturns, it will be important for the government to do whatever it can to help Indigenous Australians who lose their jobs to remain connected to the labour market, to become re-employed and to increase their level of human capital via training and education.'[36]

Women also talked about the impact of short-term government funding cycles, the growing trend of fixed-term positions rather than permanent employment, and government programs which pay employers to take on Aboriginal and Torres Strait Islander workers for a period of time (after which many are let go).

> *Job security—going to a job and finding that it is only temporary until someone else comes along. This is usually because you are Aboriginal. Employers also get extra money if you are Aboriginal—but they will dump you once the money stops.* **Hobart women**

Women and girls reported that the main causes of their underemployment are: a general lack of job opportunities to match their skill sets, particularly in regional, remote and very remote areas; a lack of recognition of their abilities by their employers which stands in the way of promotion and higher pay; and a growing trend towardspart-time and casual employment opportunities which women feel forced to take, even if they are looking for full-time work.

> *There are hardly any [jobs]. Part-time Maccas, Domino's, Woollies but there are school-based traineeships …* **Kempsey girls**

> *[That organisation] have no Indigenous people working, when they do, they limit them to part-time and give all the main jobs to people flying in from Perth or anywhere else.* **Roebourne women**

> *In communities everyone is hired on a casual basis. No one has a full-time job even though they turn up every day. High turnover. Lack of believing in the ability of local workers. They don't give them full responsibility.* **Tiwi Melville women**

As is described at length throughout the other chapters of this report, there are significant service gaps across most sectors, particularly in regional, remote and very remote areas. Women and girls want to see these service gaps filled through the injection of sustained funding to Aboriginal and Torres Strait Islander organisations to train and employ local Aboriginal and Torres Strait Islander workers.

Our women and girls know where the gaps are, and their communities are willing to play a central role in closing these gaps through participation in training and employment. For many communities, critical service provision is the core of their local economies.

Give community back the power, should be strengthening the community. Creating jobs the way we know how … we need jobs, we need to fix these old peoples' homes, we need to see that there is stinking water that is stuck in the drain and our people have been fixing that for years, they have all these skills behind them. **Fitzroy Crossing women**

If we don't have organisations here like Waminda or the AMS, our community would be stuffed, basically. **Nowra women and girls**

Need the aged care to be opened up … Government put money to building it but left it to the community to fund operations. It has never been opened. It could provide job opportunities. **Warmun women**

Text Box 15.5: Aboriginal Employment Strategy Limited

Aboriginal Employment Strategy Limited (AES) is a national Aboriginal recruitment and group training company and is a Supply Nation registered not-for-profit.

AES broker employment opportunities and provide mentoring, coaching, and training to their Aboriginal and Torres Strait Islander candidates, supporting them to have successful careers.

AES has built strong relationships with employers, corporate Australia and with Aboriginal and Torres Strait Islander peoples and communities to deliver tangible economic and social benefits. In 20 years, AES has supported 20,000 career placements and 2,000 traineeships and apprenticeships, with 85% of their career seekers not returning to unemployment. AES employs over 70 Aboriginal and Torres Strait Islander peoples across its 12 sites nationally, with Aboriginal women forming a significant proportion of the AES Management Team.[37]

The need to relocate, stay onsite for days or weeks at a time, or to commute long distances for work, presented barriers for many who: are unable to forego connection to kin and country and the sense of wellbeing this provides; have family responsibilities which are incompatible with trips away from home; lack the means to travel; or are faced with unworkable or non-existent transport options.

> *Fewer job opportunities.* **Tennant Creek women**

> *The mothers from Mimili are pushing their kids to go the schools away …. When the kids come back from school they have no jobs—they come back home, they do not stay in the city.* **Mimili women**

> *Hard to find a job—shops shutting down. Have to go to Port Macquarie. Have to take a bus once a day. Taxis cost a lot. People often take a taxi to Port Macquarie.* **Kempsey girls**

> *And I seen it at the Council office and a young girl came in, she was around my age to apply for a job and I was on that panel to review and she had a bub and her bub around the same age as my son, and looking at her resume she couldn't hold a stable job because she couldn't find a babysitter, she couldn't find someone to care for her son, she didn't have a father there. But she was trying. And she didn't get the job because she had a baby.* **Weipa women**

Wherever we went, and particularly in rural, remote and very remote communities, women and girls told us that they and their families feel at a significant disadvantage in the job market generally. This is particularly difficult when the jobs we miss out on are roles within our own communities, therefore undermining not only our financial security but our rights to self-determination and development. Women and girls believe that this comes down to indirect and direct discriminatory practices.

> *All these tourists coming in and taking our jobs and that's what's leaving our people on the street, drinking still and wasting their life away. My cousin she got that job at the servo because she was fair and they thought she was backpacker.* **Brewarrina girls**

> *They make it so hard for us to get a job here. They know we do not have qualifications, but we have knowledge and skills. They could train us—just happens more slowly.* **Coober Pedy women**

Further barriers are faced when applying for positions that require documentation such as birth certificates or a drivers licence. This was particularly problematic for those in remote and very remote communities whose access to government departments responsible for issuing documentation is particularly limited.

There were also concerns that having a criminal record was a barrier to local employment, especially in government roles.

> *… there are a lot of un-educated people who are afraid to apply for the position … and they might have a criminal history as well for these government-funded positions and that is a big barrier for not seeing our local people here for working in those positions. People can't get Blue Card. That is a big barrier.* **Woorabinda women**

Throughout the consultations, a range of other key challenges that are faced by women and girls in employment were identified as follows.

(a) Cultural authority and the workplace

The cultural knowledge held by our senior elders is vast, and they carry the authority to speak for country. Cultural knowledge is not something learned in a book or through formal studies—it is passed down.

The younger generations have varying degrees of knowledge and when they speak on behalf of country, they do so with their elders' blessing. It is important that this dynamic is acknowledged by employers, and that they make space for Aboriginal and Torres Strait Islander employees to work with elders regularly. Indigenous employees need to be able to seek advice from elders and for employers to integrate cultural protocols and obligations into workplace practices.

> *Subject matter expert, you know that is a White man's word. For us, we be calling them elders, our elders are our subject matter experts but we are as well so we need to start using their language back at the governments, back at the non-government organisations and say well 'hang on, we are the ones you need to listen to, and this is why' and then the last part of that then rolls on to. That we get to implement how things should be done.* **Sydney women**

Pathways for appropriate recognition and remuneration for the extensive bodies of knowledge our senior elders and cultural authorities carry should be developed across workplaces and institutions. Appropriate recognition respects and supports our equal place within this nation and the incredible insights and value our senior elders and cultural authorities bring to any institution they enter.

> *Senior woman 1: But me as an Aboriginal woman, right, with deeper experience, I'm a very experienced Aboriginal woman and I have too much knowledge in my head and I'm very skilled, but I don't have that piece of paper. And for us as Indigenous women, we get penalised if we don't have a degree and stuff like that when we shouldn't be, when we should be given an RPL [Recognition of Prior Learning] of some sort. A recognition of something ... In the eyes of that world, they don't see you anything as important, so we feel powerless as an Aboriginal woman. And it's like, how can our women who has all the skill in the world, and they can't get up to that [pay] grade? It's ridiculous, you know?*
>
> *Woman 2: And then they put you under such pressure to do a master's degree, but they don't recognise the knowledge you already have and how valuable that is to that institution, so they still keep your pay level low.*
>
> *Senior woman 1: Yeah, and so I'm in the middle of doing a master's degree, because I've been forced with the idea, because they haven't accepted me as a cultural Aboriginal woman and a woman who same blood, same everything, same heartbeats and everything with them, and yet, we have to follow their rules? And that's why a lot of—that's why we're still behind and stuck behind in that world 'ay, you know? And we just give up, if we don't have support.*
>
> *Woman 2: I think if you're working in the university sector and your using that traditional knowledge, you should be acknowledged for that knowledge, same way as if I had a master's degree in Physics, I would get acknowledged that I'm bringing that knowledge to the institution. But, at the same time, you don't want the university somehow trying to take over what's cultural knowledge and what's not and what's a certain level of cultural knowledge and what's not, do you know what I mean? That gets tricky then.*
>
> *Senior woman 1: Yeah and it's not just a university, it's about a system that recognises cultural background and stuff like that.* **Broome senior women's engagements**

(b) Role models, mentors and achievable pathways

Many women and girls reported feeling isolated, and sometimes intimidated, as a result of being in a small minority within their workplace. Women and girls told me that the lack of supports around them contributed to feelings of disempowerment and poor well-being and a reduced likelihood that they would maintain employment.

> *It's really isolating to be an Aboriginal and Torres Strait Islander woman in the workplace up here.* **Cairns women**

> *When you are the only Black worker in that institution it is very hard, it is a long battle, and I am still trying.* **Cairns women**

It's often said that you 'can't be what you can't see', and it came through very strongly throughout the consultations how important it is to have role models and demonstrated pathways to success.

Many women and girls felt that they had too little access to professional role models to help them demystify the path towards the careers they want, and to provide inspiration and support. If support services want to increase their capacity and provide culturally inclusive services, they need to employ and engage Aboriginal and Torres Strait Islander role models to provide this resource.

Women have expressed that equality in employment means Aboriginal and Torres Strait Islander peoples should be employed at approximately proportional rates across all sectors and levels of seniority. Women and girls also made the point that representation and visibility matters. Seeing an Aboriginal and Torres Strait Islander person in a particular vocation can have a profound impact on how people interact with these sectors whether they be a person looking for a career path, a client, or consumer of goods and services.

> *We are trying to get a lot of Indigenous role model ladies who have careers, show them they can do this when they are at school and stuff through aunties that there are career pathways to talk to our girls and show them they can do something in the next 10 years that this could be yours, to show them.* **Mount Isa women**

We need our elders to really be involved in the current systems. Where I work [organisation] elders involved. It makes a huge difference. And it really works. Whereas I've worked in government and experienced the disconnect and not knowing how to navigate systems. **Brisbane women WOW session**

We got mentors and role models in the workforce. We got young ones working in the workforce, they need someone there to mentor them, so they don't give-up. Because sometimes it gets too hard for them. If they've got a mentor they'll keep going. **Tennant Creek women**

It is about time that we are here, we women we need to be part of the workforce, need to be part of government, senior management, middle management, right down to the cleaners, and we don't have that position. Our people need to come back, we First Nations, need to start building our people up, because it is a very sad situation, housing, education, health. Housing, it is big hey. **Thursday Island women**

Women and girls are calling for the active prioritisation of Aboriginal and Torres Strait Islander employment across the board through Reconciliation Action Plans (RAPs), including through taking concrete and progressive steps to invest in Aboriginal and Torres Strait Islander employees' professional development and commit to a 3% or higher Aboriginal and Torres Strait Islander workforce, and work towards Aboriginal and Torres Strait Islander community-control over services which are exclusively or predominantly targeted at our people.

Governments and organisations need to identify women who have those capabilities and entrust them, they need to train them. But they also need to remember that the biggest qualification that any Indigenous woman is going to have is her culture and her indigeneity. **Cairns women**

(c) Career progression

Opportunities for career progression are vital to our ability to develop skills, earn higher incomes and put ourselves, our families and our communities on the path to economic security.

While women and girls are encouraged to see more Aboriginal and Torres Strait Islander people, in key leadership roles such as those within many Aboriginal and Torres Strait Islander organisations, they are concerned that there are still significant barriers in place preventing Aboriginal and Torres Strait Islander people, particularly women, from transitioning out of manual or community facing roles into other areas of business as well as being promoted to positions of leadership.

> *Mine doesn't have any career pathways for locals, my son was working there for four years and he sent email to the boss and never moved-up. There's one young girl too and she wanted to do something different and she wanted to go up and do other stuff, but there was nothing.* **Borroloola women**

> *Career progression is a big issue—to climb the ladder and be given opportunities for young women, all women. It's not what you know, it's who you know. There are a lot of barriers. I've worked in Aboriginal orgs and the mainstream sector.* **Melbourne women**

> *Even in education it's the same. Even in community health, where we have more people, the majority of people will not be on any management level … you look everywhere through Queensland and Australia, and we're just not visible.* **Cairns women**

Compared to work within mainstream organisations, women felt that they had relatively more career development opportunities working in the community-controlled sector, but this was not always the case, especially where non-Indigenous people are in management roles of those community organisations.

> *The corporation I work in is pretty much influenced by non-Indigenous women, although we have an all Aboriginal board, whom we are also not allowed to have contact with. But these women also attend most community meetings and are a part of decision makers team on any issues that affect all Aboriginal people.* **Individual submission**

We know that Aboriginal and Torres Strait Islander community-controlled services achieve significantly positive results in employing Aboriginal and Torres Strait Islander peoples. To support the career progression of Aboriginal and Torres Strait Islander women and girls within the community-controlled sector, measurable commitments to build career pathways and leadership opportunities must be substantially increased.

(d) Racism as an obstacle to promotion

Women talked about a pervasive yet subtle form of racism whereby women were overlooked for promotion in favour of non-Indigenous candidates due to a combination of their relative lack of formal qualifications and a widespread under-appreciation of lived experience by hiring managers.

For those in community engagement roles, it was also reported that because of the extent to which they are relied upon by their non-Indigenous managers, this can result in a reluctance to support upward or sideways progression which would take Aboriginal and Torres Strait Islander employees away from roles that non-Indigenous people are less able to perform.

> We find it very difficult as strong Black women to get anywhere—we are constantly dealing with subtle put-downs. It is just crazy. **Kununurra women**

> Aboriginal women, including those who have wide work experience are overlooked for promotion within the health department. The women I refer to are local, networked within the community, capable and experienced but still cannot compete with others for senior positions. **Individual submission**

> Racism was raised as a significant issue in our community, and is an ongoing challenge given the minority status of Indigenous people. Workplaces especially are not culturally aware or 'friendly'. **Wunan submission**

Women in community engagement roles felt that the above dynamic acted to further entrench the perception within some organisations that Aboriginal and Torres Strait Islander employees are only capable of providing cultural advice and community engagement functions.

They also felt that while organisations acknowledged that employing Aboriginal and Torres Strait Islander peoples in these roles is essential for engagement with Aboriginal and Torres Strait Islander communities, the skills involved were not understood or valued sufficiently.

Doing these jobs well requires so much more than just turning-up for work and being Aboriginal and Torres Strait Islander. Nonetheless, women reported that their contributions were often perceived in this way and that they became the subject of resentment in instances where were promoted instead of non-Indigenous candidates who considered themselves better qualified.

> *There are specific barriers that tend to stalemate our females' progression … Under-utilisation of their personal experiences … de-valuing and questioning of their Aboriginal and Torres Strait Islander quintessence.* **The Centre of Excellence for Aboriginal and Torres Strait Islander Statistics submission**

> *Subtle racism in the workplace—if an Indigenous person got promoted it because of quotas not because they deserve it.* **Canberra women**

(e) Professional development and retention

In order to facilitate their career progression, women want equal access to professional development opportunities within organisations, and for these to extend to leadership and other areas of the business in the same way it would for any other employee.

> *Training to bring them up and encourage them to speak-up. Because they are the ones that are moving from youth support workers up the chain. Encouraging them to move on into leadership.* **Rockhampton women**

> *As long as you can pass the drug and alcohol test on the mine then you can get a job, but there is no real training or pathways. They put you in that placement and you go bonkers, because a) it might be your first job and b) you might have been a stay-at-home mum for 20 years then you decide to get a job because you have to, and then you are put into this. You don't have any support person in these workplaces or anyone mentoring you.* **Roebourne women**

Aboriginal and Torres Strait Islander employees are often retained s at lower levels than non-Indigenous employees. This is detrimental to both the employer as it loses valuable expertise, and Aboriginal and Torres Strait Islander employees who struggle to find places of work where they are appreciated for their existing strengths and given the opportunity to develop new ones.

Low retention also means that many forego the long-term benefits of stable employment, such as superannuation, paid and other leave entitlements and economic security.

> *Sometime the way White people talk to them, they like putting our kids down. And that's why them young people say I couldn't be bothered. And they leave the job.* **Tennant Creek women**

> *Just a bit more in that [mining company] space, you know how they talk about employing Aboriginal people but they don't keep 'em there, they're not making the effort to keep them there. **Karratha women***

15.5   Respect in the workplace

(a) Bullying

Women have reported that they and their communities experience significant bullying in the workplace. Our women feel that they are at risk of bulling by non-Indigenous people as well as by Aboriginal and Torres Strait Islander men.

They want to see zero-tolerance policies for bullying, to be involved in designing workplace codes of conduct, and for there to be robust and unbiased processes in place for them to raise concerns and complaints.

> *Put a complaint in about a manager saying 'boong' twice. He started carrying on and I thought, surely you wouldn't carry on like that with a White employee. I was told if you are going to accuse people who are doing things then you have to watch yourself. I am being held back. It is damaging and disappointing. **Kununurra women***

> *And a lot of Aboriginal women don't speak up because they don't want to argue with the boss or HR [human resources]. They don't like to argue with the White man, because he the boss up there. Sometimes some people don't have an education or they [are] illiterate and they don't know how to go about things you know. Then you got some who are very educated—they seemed to get put down still. **Borroloola women***

> *What I have found working with men dominated [workspaces] … I call it bullying, because you are a woman. They think you have got to do as you're told and if you speak-up, I used to get told, I should be ashamed of myself dobbing in my countryman … But sometimes it is not cultural and other times it is just the men bullying and they say its culture. And masking it … **Cairns women***

(b) Recognition of skills and contribution

Respect in the workplace is acknowledging Aboriginal and Torres Strait Islander peoples' lived experience and cultural knowledge as expertise, and trusting employees to provide this advice in a safe space where their views will not be dismissed, or belittled.

Non-Indigenous peoples conditioned to consider themselves positioned better or more qualified to speak on behalf of or proclaim commentary on Aboriginal and Torres Strait people; often linked with condescending an Aboriginal and Torres Strait Islander perspective. **The Centre of Excellence for Aboriginal and Torres Strait Islander Statistics submission**

I went on to university in [location], but I feel that I am not acknowledged for the time spent there and for my wisdom of growing up in an Aboriginal world and facing the issues that we are still facing today. **Individual submission**

In the schools, for example, I'm the only Black woman there. But we try to speak-up and they think we're being rude. They think we just have to be passive and subservient. **Cairns women**

(c) Understanding and respecting cultural protocols and obligations

Respect means listening to Aboriginal and Torres Strait Islander employees and taking the time to understand and observe cultural protocols. It also means acknowledging that the onus of an organisation's cultural competency is not on Aboriginal and Torres Strait Islander staff alone, but on the organisation to provide safe take responsibility for venturing into these intercultural spaces with them.

Not only can this make all the difference in the wellbeing, effectiveness and retention of Aboriginal and Torres Strait Islander employees, it is also effective in engaging non-Indigenous workers to learn about our peoples and cultures and support Aboriginal and Torres Strait Islander workers to feel valued in the workplace.

In the workplace they give you all of the Aboriginal clients and everyone expects you to close that gap, instead of everyone taking responsibility. **Canberra women**

Aboriginal and Torres Strait Islander people when employed in the birth centre have the ability to provide a link between mainstream and Aboriginal culture, also they can be accessible to translate medical or challenging information for women and engage women in the service through the formation of relationships. **Australian College of Midwives submission**

Women in community engagement roles expressed concerns that they are hired because they are well-placed to engage with community but are then expected to apply a Western approach to their work in terms of both how to engage and how much time they should spend engaging. Women reported that they had been reprimanded for what was perceived as blurring the line between their professional and personal relationships and spending too much time away from their desks.

> *I have also been told about how to consult with Aboriginal people. I was told to set a time limit. I don't know what is happening. I don't do that anymore. I have a yarn on the street. And then I am told how you do yarning with them—when we [White people] do business we have to be transactional—we have to get what we need off that person. That is not how I build relationships. It is a two-way process. Working holistically with Aboriginal people—I don't just tell. Understanding the whole dynamic of what is happening. That is the sort of cultural awareness that I think a lot of agency need to understand.* **Kalgoorlie women**

Engaging with Aboriginal and Torres Strait Islander communities, especially our own, will always look different for Aboriginal and Torres Strait Islander peoples and this needs to be accepted. Women and girls said that employers have an emphasis on procedures and outputs ahead of enabling employees to pursue outcomes. Most damagingly, these perceptions indicate an underlying lack of trust and a lack of acknowledgement of the work that we do, and the effort we put in.

> *No-one ever talks about our work ethic. There is this stigma that we all don't work and we're uneducated. But we're not. We work hard.* **Tiwi Melville women**

Senior women also discussed with me the importance of workplaces offering adequate cultural leave to support the full participation of our communities in Law and ceremonial activities.

Participation in regular cultural activities is so critical to the continuation of our Law, language, ceremony and knowledge systems and there must be increased flexibility around individuals' availability and recognition of the vital importance of this engagement.

This lack of support and flexibility is another barrier to employment for and retention of Aboriginal and Torres Strait Islander women in the workplace, among many others discussed in the Economic participation chapter.

> *We need that Law and culture here. And when we need to go, we've got to go. We've got to be out bush. Don't worry about my time sheet, you pay me … You've got to have a great boss to understand that. I have a fantastic boss who—when I say I have to go on cultural time now, he will let me go. But not everybody does that.* **Broome senior women's engagements**

In the same way that we cannot turn-off our cultural obligations while we are at work, those of us living and working in the same community often find it impossible to ignore our work obligations while we are back home in community.

Women reported that they were under constant pressure to assist community members with work-related matters outside of official work hours, but that this was not counted as work.

This was particularly hard for those employees on casual or part-time contracts where they were paid for only a fraction of the time that they spent meeting the requirements of their job, such as preparation, networking and after-hours community support.

> *They [White people] see professional as sitting at your desk and answering the phone. I see professional as a whole lot different. Our way of working—our way of working in both worlds. Your work requires you to engage with the community—which takes checking in a lot—no! They would like me to be reading it off the internet. 'Oh you are out of the office again, where have you been?' Micro-aggression that we deal with all the time because we are working in both worlds.* **Perth women**

(d) Workplace accommodations and acknowledgement of time worked

There is a need not only to acknowledge Aboriginal and Torres Strait Islander expertise and take advice about how to approach Aboriginal and Torres Strait Islander peoples and issues externally but also to acknowledge that, regardless of whether we are at work or at home or in community, Aboriginal and Torres Strait Islander peoples walk in two worlds and cannot switch on and off our cultural obligations. Internal policies and processes should appropriately accommodate the personal obligations that Aboriginal and Torres Strait Islander employees must observe such as Sorry Business, which dictates that we cannot attend work for periods of time, or avoidance relationships which forbid us to talk directly with particular people even in a work-related context.

Being able to operate in two worlds—positive and negative—when there is Sorry Business on we might need more than three days and we are hindered to support our families. Not being able to do cultural obligations while we are at work. Hard to operate in the system while working with the community. **Darwin women**

Carer responsibilities—I brought this issue up, because I am a main carer and I have a lot of carer responsibilities. Where I work, I'm not able to access proper caring services on a regular basis. So anytime I have to take time off for my health or when I have to take care of my kids or my sister with a chronic disease, I have exhausted all my leave entitlements. So now I have an option between getting paid or fulfilling my kinship responsibilities, so for me that is a real challenge. The flow-on effect for me is it affects my work and my work ethic—I don't put in as much effort as what I should be putting in. It affects my family and my relationships, and then everything becomes a half-arsed effort and it affects my own wellbeing I have to make sacrifices and choose. I have to go to work today or stay home. **Canberra women**

The fear or hesitation around approaching your employer to meet your obligations as an Indigenous woman. Native title holder or carer of special needs child. The Commonwealth doesn't appreciate the role of Aboriginal and Torres Strait Islander women in all their different responsibilities. In choosing to have a career with all these roles. APS women raised a whole raft of issues as public servants and Indigenous women and were prevented to be the best advisers on these issues even though they are in [the] position to be. **Newman women**

15.6   Identified positions

As is described in the Australian Human Rights Commission's website:

Identified positions are positions where an employer may identify that a position is to be filled only by a person with a particular attribute.[38] *This might mean an Aboriginal or Torres Strait Islander applicant, a person with a disability, a person of a particular sex or a person of a particular age.*[39] *Identified positions help people who experience disadvantage to access equal opportunity in employment but they also benefit employers by allowing them to hire a person with particular experiences and expertise, such as cultural knowledge.*[40] *There are different variations and interpretations of identified positions and roles. Some are called targeted or classed as affirmative or special measures.*

> *The affirmative measures provision in the Australian Public Service Commission (APSC) around Indigenous employment allows agencies to restrict vacancies as open only to persons who are Aboriginal and/or Torres Strait Islander, whereas the identified positions provision are where specific selection criteria/job requirements are used to recruit people, who may or may not be Indigenous, with the appropriate skills, attributes and experience to work effectively on Indigenous issues.[41] This is important to highlight because an Aboriginal and/or Torres Strait Islander Identified position or role may be open to anybody who has an understanding of the issues affecting Aboriginal and/or Torres Strait Islander people and has the ability to communicate sensitively and effectively with Aboriginal and/or Torres Strait Islander people.[42]*

Throughout our consultations, most women who spoke on this issue spoke in favour of positions restricted to Aboriginal and Torres Strait Islander candidates, and many expressed confusion and disappointment about measures which did not deliver this standard.

> *The other thing we spoke about was having identified positions to lead the services in our communities and not having them 'targeted', because there is a big difference between 'identified' and 'targeted' positions, and government must be held accountable for that as well.* **Dubbo women**

Nonetheless, women often used the terms 'affirmative measure', 'identified', and 'targeted' interchangeably. Unless otherwise expressed, I will use the term 'identified' to represent all these categories throughout this section.

Women throughout our consultations highlighted a range of challenges around identified positions within mainstream organisations. One concern was that there are not enough identified roles and that this is compromising employment opportunities for, and the quality of services to, Aboriginal and Torres Strait Islander peoples.

> *I read that they would be cutting funding—I would have thought increase funding. Having an Indigenous person based with them. Some of these different organisations should have an Indigenous identified position. That would be so good. Then they can connect us up with the right people. There is nothing better [than] talking to a person that has been through the same thing.* **Kununurra women**

*Percentage of Aboriginal positions has to be on par with the percentage of Aboriginal clients or the population percentage, not just one Aboriginal project officer. It creates burn -ut and everything else which then creates ripple effects that impact on that family, they are not doing it correctly***. Dubbo women**

A lot of our positions are taken up by other people. I think we need to have identified positions again so they at least consult with community best for negotiated outcomes. **Mount Isa women**

Women have reported that, in their experience, the majority of identified roles are community liaison roles and that Aboriginal and Torres Strait Islander peoples are recruited to implement policies and programs that Aboriginal and Torres Strait Islander peoples have had very little, if any, hand in designing.

This is disempowering and often places those in engagement roles in an untenable position, giving them the impression that identified roles are tokenistic rather than an opportunity for greater self-determination.

Identify '50d' [identified] positions—meaningful employment—put forward as tick box—tokenistic. **Broome women**

Women are calling for more identified roles that shape the strategic direction of organisations. Women see a critical need for those in community-facing roles to have the opportunities to feedback community perspectives into higher levels of decision-making and be taken seriously by decision-makers.

Identified positions have no voice themselves. How do the children and grandmothers have a strong voice when these case managers don't have authority? **Canberra women**

Women talked about the tension between their desire to avoid lateral violence against those who have suffered from a disconnection with country, such as the Stolen Generations, and their need for those in identified roles to be culturally responsive to the needs of the community. Some resented the requirement for Aboriginal and Torres Strait Islander peoples to prove their Indigeneity and were wary of automatically excluding those who self-identified while others felt that proof was necessary.

We have to provide confirmation of Aboriginality of ourselves. They look at our skin, they look at us and yet we still have to prove who we are. **Rockhampton women**

> *I have people who walk in and say 'I am Aboriginal', and I say 'hmmm, okay, where from?', because I refuse to accept everyone is Aboriginal, I like to know where you are Aboriginal from. But sometimes if you ask that in the workplace that is considered lateral violence. Because you can be sued you can lose your job. I know I can get into trouble, but I like to question and ask where they are Aboriginal from. I just don't accept, I can't, they need to have something there to prove that they are Aboriginal.*
> **Sydney women**

Many women felt that, for roles with a local or regional focus, the most suitable candidates are usually those who hold local knowledge and values and are already known and respected by community, and that Aboriginal and Torres Strait Islander candidates from far way mobs with no direct connection to the community were not always as well-placed as local people to carry out these roles.

> *There is no point in bringing outside health workers into these communities because people don't accept them. They are bringing them in from away, we had a Torres Strait Islander go out to [our community]. Because, no one would go to her she had to leave. But that is how they used to employ them. I said, we need to grow our own. Look at our community and grow our own. They are finally starting to listen, got one here that we're growing.* **Barcaldine women**

Torres Strait Islander women felt they were overlooked for identified roles on the mainland. They spoke about being a minority within a minority and sometimes feeling an added level of exclusion.

> *I also spoke—and please do not get offended in the room—I mentioned the fact that we, the Torres Strait Islands, are in the minority in the minority, we sometimes feel we still have to fight to get positions over, you know. And I missed out on a lot, not just jobs and scholarships.* **Rockhampton women**

Even when a clear link between the candidate and the community exists, women acknowledged that there are complexities involved in the award of identified roles.

They discussed whether identified roles in a given geographic area should be reserved exclusively for traditional owners, or for local Aboriginal and Torres Strait Islander peoples, and they questioned whether roles should go only to those with cultural expertise, or to those who know the local community in which they are working.

> *Roles that I applied for they say are you a local Indigenous person. But as not being a Traditional Owner from here—we tear ourselves down by segregating ourselves.*
> ***Kununurra women***

There is no single correct answer to these questions. Selection criteria should take into account the purpose of each role, and the context of the Aboriginal and Torres Strait Islander communities that the role will serve.

Above all, there needs to be an acknowledgement that local people know best what their needs are and that they should be playing a key decision-making role in crafting criteria for each identified role in their communities.

This is not to say that there will be unanimity in perspective. On the contrary, like in any community, there will likely be conflicting views and a need for discussion and negotiation before arriving at a decision as well as the opportunity to review that decision into the future.

> *The other thing is identified positions in government departments. Also when you are thinking about the identification, and it is self-identified. Aboriginal communities identify that is an issue.* ***Sydney women***

Aboriginal and Torres Strait Islander women were also concerned that identified roles were going to non-Indigenous people, particularly to Māori and other First Nations peoples because of the use of the term 'Indigenous' rather than 'Aboriginal and Torres Strait Islander'.

> *There is a [Māori] lady in the job identified as Indigenous, but she is there … she actually asked me, and said 'I heard that you made a complaint about me that I shouldn't have gotten that job.' And I said 'yeah I did, because you shouldn't have, that was meant for a Blackfella, the position is identified and funded for an Indigenous person.'* ***Longreach women and girls***

> *Indigenous vs Aboriginal and Torres Strait Islander we've moved into Indigenous positions; other cultures are applying for Aboriginal and Torres Strait Islander positions even though they're Indigenous to other cultures.* ***Mount Isa women***

Women raised concerns about recruitment processes and decision-making for identified positions, noting that most application forms and criteria were still designed very much within the Western frame and did not lend themselves well to appropriately valuing cultural expertise and lived experience, nor to providing cultural safety and Aboriginal and Torres Strait Islander self-determination.

> *The selection criteria—10 [to] 5 pages later you might find out what you got, we are losing our identified positions because it's too hard even though they are qualified. Awareness as agencies to reflect how they do their recruitment processes. It doesn't have to be standard. Change selection criteria so people applying can actually apply.* **Mount Isa women**

> *Cultural awareness in recruitment—advertising and interview style. STAR model isn't appropriate for Indigenous peoples who aren't going to boast about their backgrounds. It has to be a competency-based, strength-based approach. Western is very individualistic, rather than community based.* **Melbourne women**

Whether denoted as 'identified' or otherwise, women were very clear that recruitment and selection processes should involve Aboriginal and Torres Strait Islander peoples throughout and have at least one Aboriginal and Torres Strait Islander person on interview and selection panels.

> *At the health service, if there are any positions available then there is actually an Indigenous person on the panel. Obviously almost all of our clients are Aboriginal so it is important that there is a community member on there.* **Dubbo women**

(a) The perception of identified roles

Identified roles were created to increase the representativeness and quality of services, and to give people experiencing marginalisation an opportunity to equality of access the job market. Nonetheless, the perception of identified roles and other forms of affirmative action within Australian society are a real challenge.

Women also spoke about the stress they feel to continually prove their skills in the workplace. Women reported the need to work harder and deliver better outcomes than non-Indigenous colleagues in order to demonstrate that their position was not tokenistic within their workplace.

> *White people, they put us down and when we are employed they say 'oh you got a hand out' you know. They always putting us down. We have to find ways to change that Whitefulla way of thinking you know. They should be happy that Aboriginal people are employed but they still gotta whinge, it is terrible.* **Karratha women**

> *People not taking us seriously—just [treating Aboriginal culture] as token. People say that you've got this job because of this [Aboriginal identity] and then they are surprised that you're actually intelligent.* **Perth women**

Women are concerned that there is a perception within mainstream organisations that the purview of identified roles should focus exclusively on Aboriginal and Torres Strait Islander issues, and that many Aboriginal and Torres Strait peoples are not made to feel valued nor welcome to express their worldview, nor to contribute their technical expertise regarding the broader business of their organisations.

> *It makes it seem like culture is just a little hat or a tag that you put on when you have to talk and then shove it in the corner and forget about it until NAIDOC or something.* **Canberra women**

Women also felt that there is a perception that employees in identified positions have expertise in Aboriginal and Torres Strait Islander issues across the board, and that non-Indigenous colleagues often checked in with these staff as a substitute for engaging Aboriginal and Torres Strait Islander experts and/or relevant Aboriginal and Torres Strait Islander communities.

This approach is inadequate as it limits organisations' channels for robust Aboriginal and Torres Strait Islander engagement, isolates Aboriginal and Torres Strait Islander employees, and burdens them with unreasonable expectations. This can create a lot of stress especially if there are no cultural supports in place for Aboriginal and Torres Strait Islander peoples to seek advice or help.

> *People thinking every Aboriginal person is an expert.* **Darwin women**

> *When you're the only Aboriginal people working in that organisation there is an expectation that every Indigenous issue passes your desk for comment or to check, and we're being used.* **Darwin women**

Another perception that Aboriginal and Torres Strait Islander women spoke about was how identified roles were seen to be there only to support non-identified roles.

> *Local women are used for their knowledge and cultural understanding which provide benefit and progression of others who are given leadership roles within government departments and Aboriginal women are left behind.* **Individual submission**

> *What I've found is that they see an Aboriginal worker in there, and they paint us with the same brush. I've seen someone, a non-Aboriginal nurse come in and speak down to our Aboriginal workers and say 'oh. can you just grab my bag and put it over there' you know like.* **Borroloola women**

> *It's little things like that. They just assume that because you're an Aboriginal person, and this is the first time that we have had an Aboriginal staff member in there and they think that they'll just do all the shit work. I've had someone approach me and say 'oh can you shred this for me', and I say 'I'm not the person who does that, you do that yourself'. Same with laminating, 'oh, who is the person that does the laminating?' And I say 'generally there is nobody, you do that yourself', and the response I usually get is 'oh how dare, I can't believe I have to do this', and I don't really care, I don't mind confronting people in that professional way. But I do find it quite challenging at times, but I generally try to deal with it the best way that I can. I like to try turn that negative into a positive in the most professional way that I can, but it does happen quite regularly. I guess we are quite lucky, we are kind of consistent and have the same nursing staff that do come through but they go away for six months and then they come back and they're good, they know. But there is always the ones that come here for the first time and it usually takes them a while.* **Borroloola women**

These perceptions have made Aboriginal and Torres Strait Islander women feel undervalued and like they are constantly trying to justify their role and skill set.

> *My role is working with Aboriginal children and families to access health. When I first got that position, I had to justify why I needed to be there. I was micro-managed to death. Have to keep proving position is worthy. [have to do] More reports and [explain] why we are in at a certain time. Always having to defend people and [our] culture.* **Perth women**

Having a culturally safe and respectful environment can help eliminate these perceptions, making the workspace a more inclusive space for Aboriginal and Torres Strait peoples. In order to make effective change and challenge the perceptions of identified roles, Aboriginal and Torres Strait Islander peoples need to been seen as valuable members of the workforce with a unique skill set, that is both culturally responsive to the needs of Aboriginal and Torres Strait Islander peoples and an asset to the wider community at large.

(b) Conflict in identified roles

Managing one's position in an identified role and one's identity as an Aboriginal and Torres Strait Islander person can become very complex and often difficult, particularly for people who live and work in community. The sense of solidarity and cultural obligations our people have to community can often clash with their organisations' policies and the expectation that they support their implementation.

All well and great that they employ Aboriginal people. But still not culturally safe. Not giving us the respect and freedom to work appropriately with our people. We are bound and gagged. **Kalgoorlie women**

Community informing government on cultural practices, and there also needs to be an understanding that if you work in an ACCHO there is no separation for you as a Black woman, there are challenges in the community that you also face at work and there are no different hats. **Nowra women and girls**

Women have told me that they feel unable to advocate for community as employees, and that they are expected to fall in line with policies that are determined by non-Indigenous managers.

We cannot be part of the Aboriginal community and any events that occur, we have to pretty much draw a line where we stand and we can't have an opinion on any Aboriginal issues, pretty much stops us from being an Aboriginal. **Individual submission**

Being expected to leave your Aboriginal and Torres Strait Islander activism at the door and disconnect from your people while at work. **The Centre of Excellence for Aboriginal and Torres Strait Islander Statistics submission**

15.7 Cultural awareness

Our women and girls across the country expressed how valuing and embedding our cultures in our learning institutions, workplaces and social settings can enhance our lives and wellbeing and create a community based on respect and acceptance.

Our women and girls were very clear about the need for ongoing cultural awareness education for all Australians.

[I had a] heated conversation with a group of friends [about race]. He was grateful that I challenged him. My concern is that we have been able to have this conversation. That is a huge concern for me—to change every racist White person decision and position. It is exhausting. We need White people to stand up more. That is what I said to him—what can you do? You have cultural awareness now. You have the power now that you have acknowledged this and you can do something. We are going to educate White community and Black community—both ways. We know that this cultural awareness needs to happen—this is where this fits in. **Perth Women**

Text Box 15.6: Cultural awareness training

Extensive programs falling under broad umbrella terms such as cultural awareness, cultural safety, cultural competency, and cultural responsiveness are available across the country. Some examples of successfully run programs are:

The Marumali Program

The Marumali Program supports service providers to: understand the widespread impact of forcible removal and the potential paths for recovery; recognise the signs and symptoms of trauma associated with forcible removal in clients, families and others involved with their service; and to avoid re-traumatising members of the Stolen Generations. The Marumali Program supports participants and organisations to respond to and integrate this knowledge into their practices, procedures, and policies.[43]

We Al-li

We Al-li is a trauma informed, trauma specific educational and practice-based approach that promotes health, wellbeing, and sustainable pathways of positive change for individuals, families, and communities at personal and professional levels. We Al-li training workshops provide participants with the personal support needed while developing strong theory to practice professional skills. The programs run by We Al-li are informed by the stories of Aboriginal Australians and utilise traditional Indigenous healing and a Western trauma informed and trauma-specific approach to assist individual, family and community recovery. These programs can be run as single workshops or run consecutively up to three modules at a time.[44]

Indigenous Allied Health Australia (IAHA) Cultural Responsiveness Framework

The IAHA Cultural Responsiveness Framework is a high-quality action-orientated approach to cultural safety. The Framework is centred around Aboriginal and Torres Strait Islander perspectives of 'Knowing, Being and Doing'. The Framework is delivered over two full-days of training to ensure participants can deeply engage in challenging discussions and self-reflective activities. A large portion of the training is dedicated to participants developing action orientated strategies to lead, embed and transform relationships, training, education and service delivery with Aboriginal and Torres Strait Islander peoples and communities. IAHA contextualises each training to the required work environment in a variety of sectors including health, aged care, community service, education and academia, justice and employment.[45]

NSW National Parks and wildlife Aboriginal education

National Parks and Wildlife Services (NPWS) offer school excursions for primary and secondary students to learn about Aboriginal culture. Students find out about local Aboriginal people's connections with country, animals, plants, the weather, and the seasons. Aboriginal NPWS rangers share Dreaming stories and local Aboriginal language with junior students as well as knowledge of food, tools, medicine and other resources, and the ways Aboriginal people have cared for country over millennia. Students reflected on the impact of European settlement on Aboriginal and Torres Strait Islander people. These excursions support learning outcomes for human society & its environment (HSIE) geography and history syllabuses, science and technology and the Aboriginal and Torres Strait Islander histories and cultures priority, to enrich learning experiences across the curriculum.[46]

> *Racism still exists in society, as much as it ever had. It is time to get serious about combatting racism and stopping the cycle. Compulsory cultural awareness in schools and workplaces. Tough penalties for racism offenders.* **Dubbo women**

Our women and girls shared numerous examples of racism and attitudes across a broad swathe of sectors where a lack of cultural awareness had resulted in unacceptable experiences for Aboriginal and Torres Strait Islander peoples. These experiences disempower our peoples and communities and lead to further disconnections within the broader society.

> *Some of our hospitals, health services and medical colleges are acknowledging they're not culturally competent. That's a start.* **Melbourne women**

> *[We need] cultural awareness in schools [for] teachers.* **Melbourne women**

Our women and girls have hope for a better future for our peoples and our communities. They spoke about solutions that equip each and every one of us with the knowledge, skills and understanding necessary to do no further harm, but to walk together in our journey of learning and valuing our Aboriginal and Torres Strait Islander cultures.

> *It should also celebrate positive elements of culture as a way of developing a greater level of understanding and respect.* **The Healing Foundation submission**

Our women and girls spoke of the vital need for cultural awareness training and education among all who worked with and in Aboriginal and Torres Strait Islander communities.

Our women and girls are calling for cultural awareness training and education to be prioritised, funded and mandatory across all sectors and layers. They hope that this will have a positive and transformative effect, not only on individuals, but also on organisations who have the power to shift the negative narrative of our people and culture and replace it with positive cultural change in our workplaces and institutions.

> *Cultural security and cultural awareness for nurses and doctor. And everyone at university. That way cultural competency becomes a core competency for people coming through higher education. It all needs to be done at the same time … You create change in one place to influence change in another environment. But I've seen a lot of teachers come in with fresh and energetic ideas, and they're good—they're really good. But there's always a leader that sits in position of power and he's the one—the principal usually—who stops it all.* **Cairns women**

Being culturally aware comes with being culturally competent.

Cultural competence is not only about knowledge and respect, it is about learning new skills for working cross-culturally. Our women and girls spoke about the importance of cultural competence in relation to cultural awareness training and education.

> *Cultural competency is more than just cultural awareness; it is the capacity to improve outcomes by incorporating culture into the delivery of services and has a responsibility requiring commitment to a 'whole of organisation' approach.* **The Board of Aboriginal Family Law Services WA submission**

Our women and girls expressed support for an Aboriginal and Torres Strait Islander-led system of cultural accreditation for organisations and workers which would ensure the effectiveness of organisations and their employees to deliver on outcomes. They spoke of the need for support to prevent burn-out and vicarious trauma on trainers.

> *Anyone who knows me knows I talk about this all the time but, we always have to do accreditation's for mainstream service delivery, but mainstream services need a cultural accreditation, where it is cultural community driven and assessed and audits are done, to advise culturally before they consult with Aboriginal communities or seek Aboriginal funding. So that is something I want to see. We have to jump through every single hoop but how do we make mainstream services accountable for our people.* **Nowra women and girls**

It is clear from our conversations around the country that our women and girls want awareness, training and education to be designed and delivered by local Aboriginal and Torres Strait Islander peoples.

It was empowering to hear about the various cultural awareness and education programs being run and led by Aboriginal and Torres Strait Islander women around the country. Some of these programs were delivered to education institutions, private organisations and frontline staff who have daily contact with Aboriginal and Torres Strait Islander peoples and communities.

> *I teach the 'Hidden Truth'. That's the name of my program. It's called the 'Hidden Truth' and it takes you through the steps, pre-invasion, invasion, then the assimilation process and then we talk about solutions and how we can fix the problems. I'm deliver[ing] it to the universities. I've delivered it to [department of] health ...*
> **Brewarrina women**

> *Through [our regional governance structure] we could actually say if you're going to be ... based in Karratha or Roebourne, or whatever, you must engage in cultural awareness that is through [our regional governance structure which would] ... have registered cultural providers. And it can be that arrangement with government, [so] that any person doing work in the Pilbara, that person must do one, two, three. One is cultural awareness session just to introduce to the Pilbara. Two, you must go out on country with people and three, you must engage with the community. So there must be a three-part process, as opposed to an online course that was designed by someone sitting in Perth or Canberra.* **Karratha women**

> *The cultural authority is being set-up. We can use them mob to do the cultural awareness program and to work with the NGOs, and non-government. They can work with the NGOs and work with police and other agencies. They can work with like Congress, Stronger Families and get involved and work in a partnership. That way they can talk to all these people in them different departments, the cultural authority as a group. And attend the meetings, like they have the operation haven with the police, they have the family safety stuff. So these mob from there can attend those meetings and give the solutions to the police and Territory families' mob as well.*
> **Tennant Creek women**

Taking people on this learning journey and empowering them to take this knowledge and understanding forward in their professional roles will require that organisations value, invest in and commit to ongoing cultural awareness training and education.

Training and education must therefore be strengths-based, trauma-informed, and involve two-way learning that values the knowledge that Aboriginal and Torres Strait Islander peoples hold as experts in their cultural domains and as holders of lived experience.

> *You know cultural training, there needs to be that follow through. It has to be about [cultural training] if it turns into action.* **Kempsey women**

> *One young woman at the National Youth Healing Forum said: 'If schools teach all Australians our true history, we would have less racism, stronger communities and individuals would have greater capacity to develop strong and healthy identities that were based round cultural pride, mutual respect and a shared understanding'.* **The Healing Foundation submission**

15.8 Conclusion

I am inspired by the women and girls I met with throughout *Wiyi Yani U Thangani* engagements and their determination to make opportunities for themselves, despite significant barriers impeding their equal access to education, employment, and participation in contemporary society.

With their cultural strengths, identity and knowledge, Aboriginal and Torres Strait Islander women and girls want to engage meaningfully in contemporary society. Women and girls see this not only as a means for better life outcomes, but also as an opportunity to influence the domains that affect their lives and those of their families and communities. Women and girls want to engage with education and employment but in a way that recognises, values, and builds on their existing strengths, knowledges, and cultural identities.

Aboriginal and Torres Strait Islander women have unique needs and employment goals.

Women and girls told me that they want well-resourced, dedicated and culturally appropriate education, training and employment support strategies and services. This includes making education and training affordable and accessible so as not to discourage women and girls from engaging with services that will enable them to be liberated from intergenerational disadvantage, and thrive.

Women and girls want clear and appropriate pathways to jobs and for employers to implement strategies and policies to ensure Aboriginal and Torres Strait Islander women are respected and valued in the workplace. Governments and employers must listen to the needs of women and girls and work with them to create pathways and environments that recognise and value their strengths, while ensuring they have equal opportunity to engage meaningfully in contemporary society.

Chapter 16 Economic participation

The need to develop a foundation of economic security to elevate communities out of poverty was raised as a major theme throughout the *Wiyi Yani U Thangani* consultations.

I have drawn a distinction between economic *safety* and economic *security*. We are economically *safe* when we have enough to meet our basic needs at a particular moment in time. We are only economically *secure* when we have more than enough to meet immediate basic needs and can invest meaningfully in our futures.

Women were very clear that our economic success cannot be at the expense of who we are. Our success will look quite different to non-Indigenous success: our cultures and identities will always shape our visions and, as we take action to bring them to life, we will leave no one behind.

> *We have our eye on the same destination—a sustainable future where Indigenous people are recognised for their wisdom and honoured for their culture—there is no problem taking a different path to reach that place.* [47]
> ***Kirstie Parker, former CEO of National Centre of Indigenous Excellence***

Despite Australia having had over two-decades of economic growth, it is clear from the stories of our women that for too many of our people, economic safety remains out of reach.

For those who do manage to scrape together enough for today, their situation is often precarious. For those who earn relatively more, women are reporting that it is still difficult to get ahead.

> *Some of our women and families can't get ahead, the boom has come about and we may work for community organisations, work for mining companies, but still on the backfoot, we are not moving forward in our lives, we are not buying our own homes. We are not doing things that will have a greater advantage for our young kids.* ***South Hedland Women***

> *[We don't want to be] just surviving from day–o-day … our rent electricity and putting food on the table … but surviving as a family … trying to find a future for our young ones to dream about a future …* ***Kempsey women***

Whatever our income, we all observe cultural and moral obligations to share our limited resources to meet the immediate basic needs of our wider families and communities. This means that there is very little, if any, surplus income to invest. As such the provision of economic security for our families and communities into the future is very limited, and often non-existent.

> *I think for me, moving forward and when you start being successful, start being someone or whatever, then you have a greater obligation to your family. Say my business is doing great and it's doing like $50k a month, then that's $50k that needs to go out to everyone that I'm related to. That obligation that I feel, anyway, that I need to be the best, because we all need to come up together.* **Weipa women**

This chapter outlines the historical and contemporary factors that have brought us to this point and elevates our women's voices and experiences about their, and their communities' struggles to survive and to prosper as welfare recipients and as business and asset owners. It also provides guidance on the reforms that are necessary if governments are to create an enabling environment for our economic security into the future.

16.1   Intergenerational marginalisation

> *We are still in the queue waiting for the benefits of that boom and it hasn't happened. We are still living in housing that is 50 years old. Still no cultural rights. Native title is a monster in its, own a billion-dollar economy, and who benefits? No one from this country. The real truth cost in that, is the gap and you get this argument because people have lost their own rights to cultural justice. We have not been given the right to thrive in our communities, because someone say[s[, that we are the problem.* **Roebourne women**

Historical injustices experienced by Aboriginal and Torres Strait Islander peoples continue to have profound consequences for wealth creation for Aboriginal and Torres Strait Islander families and communities today.

It is within the living memory of many of our elders that they faced formal restrictions on their ability to accumulate wealth, own a home or business or participate equally in economic opportunities.

'Aboriginal protection' legislation at the state-level, controlled the movements of Aboriginal and Torres Strait Islander peoples, allowed for forced recruitment and situations of servitude, and legalised non-payment of wages.

'Stolen Wages' schemes in a number of Australian states and territories continue to deal with the legacy of this system where Aboriginal and Torres Strait Islander peoples had their wages managed for them, . Often, they did not have any right to access the money they had earned, and in many cases, did not ultimately receive all of their money.

Our people were stripped of the means to live and care for their families by traditional means while also being excluded from full economic participation in the mainstream economy.

Our labour played a pivotal role in many industries, such as cattle farming, railroad construction, sugar cane growing, and pearl diving, largely to the benefit of non-Indigenous business owners and workers.[48]

There is a link between this history and the contemporary gaps between Aboriginal and Torres Strait Islander peoples and non-Indigenous people in terms of wealth, income, employment, educational attainment and wellbeing.

> *Intergenerational poverty, the dispossession of Aboriginal and Torres Strait Islander communities from country and historic policies of unpaid or under-paid work/domestic service has entrenched Aboriginal and Torres Strait Islander women and girls in poverty.* **Sisters Inside submission**

Each generation inherits not only their families' financial wealth, but also their means to obtain it: their property; their social status; their network of relationships; their traditions of knowledge and learning in and outside of the home, including knowledge about how to operate within the financial system to maximise advantage; and a reinforced expectation that they will be included in society and that others will treat them fairly or face consequences for failing to do so.

Like financial wealth, economic marginalisation works in exactly the same way with: political, social and financial exclusion; dispossession; dislocation from traditional knowledge and learning; injustice; and racial discrimination driving a cumulative pattern of inherited poverty and trauma across generations.

> *People who live with extreme social and economic disadvantage have less choice, less opportunity and less political voice.* **Children's Ground submission**

> *The main reason given for [child] removal was 'neglect' … that such neglect arose not as a result of personal agency or behaviour, but from systemic poverty.* **University of Technology Sydney submission**

This reality is strongly at odds with the popular notion that we each make, and deserve, our own fortunes. It is critical that governments understand this continuing inequality we face as a structural issue, rather than a matter that can be addressed at the level of individual responsibility alone.

(a) Trapping people in a cycle of poverty

Many of our Aboriginal and Torres Strait Islander women and their communities are living on incomes that place them below the poverty line.

Text Box 16.1: Australian Council of Social Service (ACOSS) Definitions of Poverty

Poverty: Poverty is the lack of money or resources for one's needs. Everybody should have enough money or resources for the basic needs of life—enough food for oneself and for one's family; a roof over one's head; to cover clothing, education, and health expenses.

Deprivation: Looking at the essential items people are missing out on.

Poverty lines: A level of income, below which people are regarded as living in poverty.

Absolute poverty: When a household or person does not have enough income for even a basic acceptable standard of living, or to meet basic living needs. The threshold for absolute poverty varies between developed and developing countries.

Extreme poverty: When people are living on an income below the international poverty line set by the World Bank of $1.90 a day.

Poverty gap: The difference between the average incomes of those below the poverty line and the poverty line itself.[49]

The 2016 ACOSS Poverty report states that 13.9% of the Australian population, nearly three million people, live below the poverty line. The report does not provide a breakdown showing the number of Aboriginal and Torres Strait Islander peoples in this statistic. What we do know is:

- 40% of Aboriginal and Torres Strait Islander peoples face two or more forms of material deprivation, meaning they do not have two or more of the essentials for a decent standard of living, such as housing, clean water, food, income, and health.[50]
- More than 40% of Aboriginal and Torres Strait Islander peoples experience social exclusion, meaning they are unable to participate in the economic and social activities of the community. These rates are more than double those for every other group in the lowest percentile.[51]
- Aboriginal and Torres Strait Islander peoples [living in non-remote areas] generally have higher entry rates [into poverty] and lower exit rates [out of poverty] than non-Indigenous people … and Aboriginal and Torres Strait Islander peoples [living in remote areas] are likely to experience even higher poverty entry rates and lower poverty exit rates than those in non-remote areas.[52]
- In 2016, 31% of Aboriginal and Torres Strait Islander peoples, and more than 50% of those in remote areas, were earning salaries of less than 50% of median.[53]

The situation for our women and girls is exacerbated by other factors.

We are more likely to take time out of paid work to care for family, and to work part-time to balance our careers with ongoing family and care activities.[54] 30% of our women care for someone in need (with a disability, a long–term health condition or old age).[55] 61% of our women provide support to someone living outside of their household, and 61% of these women live in a household with dependent children.[56]

This makes it harder for our women to get established in the workforce or gain opportunities for higher paid jobs. It also makes it more difficult for women to recover from financial woes triggered by illness, separation, or domestic violence and, taken together, this also means that many have less superannuation at retirement.[57]

Women and their families in remote, regional and urban communities want to participate in current and emerging economic opportunities.

> *My fear for this community is my kids—I don't want my kid to work for the dole. I do not want the kids to look at our parents and think that is all they can do.* ***Coober Pedy women***

Women expressed their concerns that a lack of economic safety is placing them and their families at risk of becoming trapped in cycles of deepening poverty, trauma and institutionalisation, and a lack of economic security is undermining their ability to effect change.

16.2   The cost of living

Whether our women are welfare recipients or employed persons living in poverty, many find that their lack of financial assets and low incomes make meeting the cost of living a losing battle. This is keeping women and their families, particularly those in remote and very remote communities where incomes and services are lower and prices are higher, in a state of poverty—undermining their ability to improve their circumstances.

Women across the country called for increased business and employment opportunities and increases to welfare payments and subsidies so they and their families have the basic level of resources to meet the costs of living.

These concerns were expressed by women living in all parts of the country but were most pronounced in remote and very remote parts of Australia, reflecting the lack of employment opportunities in these communities and the high level of reliance on social service supports.

> *I don't get no dole money because I am doing a traineeship, I get my kids money, but of course that all adds up. Housing takes 25% of your whole income, and then you've got electricity, and I've got five kids to look after, and just the high costs. So every week I struggle, and I try to teach my kids a better way of living, but they see their mother struggling every day to keep food in the fridge. They ask for simple things like cordial or bread, and I have to tell them that I haven't got any money. They don't understand, because they see me go to work.* ***Roebourne women***

This section discusses the challenges women and their communities face in meeting the cost of basic essential items such as housing, utilities, food, child care, education and transport, and proposes reforms that women identified to ensure that they are not left economically unsafe and at risk of further entrenched poverty.

As is covered in detail in the housing and homelessness chapter of this report, increased property and rental prices have put much of the existing housing stock beyond the reach of many Aboriginal and Torres Strait Islander families.

In 2016 it was estimated that 39% of Aboriginal and Torres Strait Islander families were living in rental stress, a significant increase from 22% in 2001.[58] Over the last decade, average household bills have also significantly increased by 44%, while over the same period wages have risen by just 6%.[59]

Women expressed their distress at having no way to cope with high living costs and called for subsidies to keep the price of utilities within their means. They also wanted greater control over the installation and maintenance of utilities in remote and very remote communities. Some of these women have ended up with crippling debt and disconnected services.

> *When you get big utility bills do they cut it off? Yes sometimes. Me and my grandmother, they turned it off straight away. They wanted me to get money off AMNIAC for $1,100. I had to go to AFSS [Aboriginal Family Support Services] for food because all my food went off.* **Coober Pedy women**

Increasing levels of debt and the inability to control their living environments leaves Aboriginal and Torres Strait Islander women and their families at increased risk of economic exclusion, housing instability and homelessness.

It affects our eligibility for future home loans and applications for rental properties, and the viability of our existing living arrangements. Uncontrolled and unreasonable debt associated with essential household utilities feels beyond the control of our women. It can entrench disadvantage for a lifetime and across generations.

(a) Food security

Access to sufficient nutritious food is critical to our survival, health and wellbeing. It is essential for our, and our children's, ability to function successfully in our education systems, societies and economy.

Nonetheless, our women and families often struggle to meet this most basic element of economic safety.

Foodbank's 2018 Rumbling Tummies report found that 58% of Aboriginal and Torres Strait Islander families had experienced food insecurity in the year prior to the survey being taken.[60]

> *We're always completely consumed with these daily struggles that other people don't have. Daily struggles of food and water …* ***Darwin women***

Food insecurity is particularly pronounced in remote and very remote communities where the cost of transporting food is passed on to consumers. Compounding this, some of these communities only have one local store or supermarket and have no choice but to accept the prices on offer and the unavailability of fresh food.

Women who receive welfare payments, particularly those in remote communities, are calling for greater consideration of the real costs of providing for their families where they live. For example, the Remote Area Allowance supplement provides a single mother of two with $16.45 more per week. This is almost enough to buy an 800g can of baby formula from a supermarket in a metropolitan area, but not enough to do so in many remote and very remote areas, let alone to meet the prohibitive cost of fresh fruit and vegetables.

> *[I] Can't believe how much the cost is of basic fruit and veg and not fresh. How do they expect a family of 10 to get that with the pay they are on?* ***Napranum women***
>
> *Food is very expensive. The barge comes weekly and people get paid fortnightly. First week they eat well, second week they eat flour and fish they catch. It's how we live. You have to pay school uniforms and book packs.* ***Saibai Island women***
>
> *Cost of food is very expensive. Pricing of the shops is triple the price of normal shops.* ***Borroloola women***

> *No competition, no choice so we can only buy what is there and it's too expensive.*
> **Tiwi Melville women**

Women in remote communities have also called for increased community ownership and control of stores so they can reduce costs and ensure access to healthy food for their families.

These women also raised the need for, and the challenges involved in, growing food in their communities as a strategy to mitigate the cost of transporting fresh produce.

> *How does the community benefit? Outback stores are meant to come into communities and train local people to take over the store. There is no training. They just work at the till or with stocking the shelves. E.g. no training for ordering or budgeting. All secret business. If you get involved with locals they could do the ordering—this would be a good thing to improve the type of food in the store. But local people only ever work at the till.* **Mimili women**

> *In Milikapiti they don't add freight costs to fresh food because it is for the health of our community.* **Tiwi Melville women**

> *This is where they need to put something in community—more garden beds. They have tried to do veggie patches but didn't work. Poor nutrition and not providing all of this is why we have high rates in health.* **Napranum women**

> *I would like to see the women doing a veggie garden you know, or selling their veggies. Or not even that, just making up veggie packs for the community to hand out ... We've got all this land we can use.* **Literacy for Life submission**

Women around the country noted the significant costs involved in feeding their children and reported that they and the adults in their families often went without food so that their children could eat.

Women and girls also worried that the food they had access to and could afford was too high in sugar and lacked sufficient nutritional value. Available food in schools and relatives' homes was often relied upon.

> *Food bill [when caring for children], I just bought food for a few days, it cost me $411. I will still have to go back to the shop this week at least twice [to] get more bread and milk and meat for dinners. Imagine what this is in a regional or remote area, you know how impossible this can be.* **Individual submission**

So none of the stuff is fresh. Not good fruit and vegetables … The children are getting the same illnesses that we got because of what we ate when we were little. **Mimili women**

People buy junk food because it's so cheap, but the food that could make you healthy—it costs a lot of money. **Brewarrina girls**

Numbers of people buying rice and flour. So much sugar—so processed. They blame us for these health epidemics. These are the choices we have to make and I think that is a challenge because we don't really have a choice. **Napranum women**

Some kids can't come to school some days because they don't have any money for lunch because it's so expensive. **Brewarrina girls**

Sometimes when we don't have food in the house, we go over to my cousin's for dinner, or there is breakfast and food at school. **Canberra girls**

(b) Child care and educational supports

In our consultations, women have told me that availability of early childhood services and schools are necessary for our women to participate in education, employment and entrepreneurship. This need is particularly acute for women who are single parents or who come from single income families.

Daycare expensive, lack of financial assistance and choices. **Cape York women**

They have taken the school and the day care away. It is in town. If you want to put your child into day care in town it costs an arm and a leg. Too costly and impacts employment. **Napranum women**

Imagine if you had a child care centre and after-school care. If we had a women's group driving those areas. **Saibai Island women**

As the University of Technology noted in their submission:

There are … correlations between the unemployment of Aboriginal and Torres Strait Islander women and the number of children they have, which raises additional issues around available and affordable child care, single income families and the ability of women, particularly those who are already marginalised to participate in the workforce. **University of Technology Sydney submission**

Our women and girls are calling for governments to provide free or more heavily subsidised child care, and to ensure that this is locally available, regardless of where we live.

For women of school-aged children, the cost of school clothes, sporting equipment, extracurricular activities, transport, and for those in remote locations—boarding, are beyond the means of many. Our women are calling for increased financial support from governments to meet these costs, to allow parents to develop professionally.

> *ABSTUDY pays for the kids to go to the schools. Flights and boarding … Because of my job I had to pay money towards boarding fees … It took me double the time to pay it off as a single parent. When I retire, I will do the grandmother role, I will be looking after the grandchildren.* **Saibai Island women**

(c) Limited access to transport

The high cost of transport was highlighted as a significant economic stress for Aboriginal and Torres Strait Islander peoples living in remote and very remote locations across Australia. In many communities, this was reflected in a complete lack of public transportation, leading to a total reliance on private vehicles and associated high costs of petrol, insurance and vehicle maintenance.

Torres Strait Islander peoples, who rely on air and water travel between islands and between the Torres Strait Islands and the mainland, raised significant concerns around transport.

The need to travel for educational, cultural, social and economic reasons, in addition to accessing essential services, is far more frequent in small, remote areas and is disproportionately expensive compared to equivalent travel from major cities.

> *Airfares—like for myself, my parents live on another island, with my brothers and sisters. I like to go see them every year, but I can't because the airfares are too dear, too expensive.* **Murray Island women**

> *Airfares—we all know that the cost is too much. You can fly to Bali and come back again with those fares. It's a really, really ridiculous situation. We can't afford to travel to be with families for funerals or weddings.* **Murray Island women**

The high cost of flights was also raised in remote and very remote locations across Western Australia and the Northern Territory, where Aboriginal and Torres Strait Islander peoples experience similar pressures to travel long distances more often and are faced with prohibitively expensive fares.

The Torres Strait Islander women and girls proposed a subsidy scheme for local residents to reduce the disproportionate cost of living experienced by people living remotely.

> *Cost of living—t would be good if they could bring the cost down. Like everybody else, we've got airfares and … the solution is subsidy.* **Murray Island women**

> *People make the assumption that being a mining town that everyone has money, but they don't dedicate jobs to local people, to Traditional Owners. Just flights, normal flights at high costs. Most people drive out. Just one way 700 kms. You have to be here for a certain period for discount.* **Napranum women**

Having access to transport means being able to have more options, choices and opportunities to access competitively priced essential items, and improved access to essential support services like medical centres, work-ready support services and Centrelink.

The lack of public transport in remote and very remote places therefore has a compounding effect on the high cost of living. It restricts people to paying premium rates for essential items at small community shops, forces them to pay for expensive taxi fares or leaves many people dependent on a small number of family members with private vehicles.

> *Transport is very limited in community. They have the Bodhi bus service … costs $120 dollars each way. If you're on Centrelink … they deduct payments fortnightly. But there are no concession prices, same cost for elders and even children.* **Borroloola women**

> *There is no public transport in Coober Pedy at all. We have to rely on family to take us shopping.* **Coober Pedy women**

> *Lack of public transport, have to get taxi everywhere, money can add up just to get to appointments or do shopping.* **Mount Isa women**

> *Few women that have been living without licences because they can't afford it.* **Coober Pedy women**

... like fuel you're looking at over $2-3 [per litre] on the outer islands. So when we hear on the news about them blokes complaining about the price of fuel down there, we're like 'really? 'You have not experienced it. **Thursday Island women**

Aboriginal and Torres Strait Islander women and girls spoke of how the high cost of transport, particularly fuel in remote areas, is a practical deterrent to maintaining contact with families, extended kinship networks, connection with ancestral lands and travelling long distances to undertake cultural obligations and for Sorry Business.

We are desperate grandmothers in need of practical help, financial and logistical support. Some of us want the kids to go to school but don't have transport ... these kids are struggling and need counselling but we live in regional or remote areas and don't have access to that type of professional expertise Some of us don't live down the road from the local supermarket and [where we] can buy healthy food fresh and weekly. We need support. **Individual submission**

Many women frequently travel to attend funerals with children and find the costs excessive and fall into hardship. **Individual submission**

Initiatives currently available like the Local Fare Scheme for subsidised airfares in regional and remote Queensland provide some assistance to help lowering the cost of transport and travel.

16.3 Unemployment and social welfare

There is a significantly higher unemployment rate for Aboriginal and Torres Strait Islander peoples in comparison with non-Indigenous Australians. In 2016, the unemployment rate of Aboriginal and Torres Strait Islander peoples was 18%, with the highest unemployment rate among people aged 15-24 years (27%) and lowest for those aged 65 years and over (7%).[61]

Due to the additional barriers presented by gender discrimination and the disproportionate burden of care that they carry, the rate for our women is particularly pronounced. Women were more likely than our men to be out of the labour force (48% versus 41%) across all age groups.[62]

Long-term unemployment has a profound and damaging effect on our health and wellbeing. Not only does unemployment deprive us, our families and communities of the financial resources required to ensure our economic safety and security; it undermines our dignity, deprives us of an acceptable level of agency in our own lives, arrests our ability to develop professionally, and prevents us from influencing the development of our societies and economies.

In short, unemployment further perpetuates the cycles of poverty, trauma and institutionalisation that we face and stands as a key determinant of poorer outcomes for our people across the board.

As part of the Closing the Gap Strategy, the Commonwealth Government set a target to halve the gap in employment outcomes between Aboriginal and Torres Strait Islander peoples and non-Indigenous people within a decade (by 2018).[63] This gap has remainedunchanged with both very minor increases and decreases in unemployment between 2006–2016.[64]

Unsurprisingly, due to unemployment, the rate of Aboriginal and Torres Strait Islander peoples receiving social welfare payments also remains heavily disproportionate. This is a reality that our women find very distressing, not only for themselves but for their children and grandchildren.

The message from our women could not have been clearer: they, their families and their communities want to participate in gainful, meaningful and sustainable employment, but feel that they are not adequately supported to do so.

Rather, they feel that many of the institutions that should be helping to lift them out of poverty are instead implicitly situating the causes of unemployment with the unemployed, judging them for reliance on 'hard-working taxpayers', and punishing them for perceived idleness.

As noted by Lisa Fowkes at CAEPR:

> *The resurgence in paternalist approaches to those 'hardest to help' in the wider welfare system has coincided ... with the renewed dominance of paternalism in Indigenous affairs.*[65]

Our women reject the premise and effectiveness of such paternalistic policy formulations. Our people do not remain on welfare simply because it is more comfortable to do so. They do not remain unemployed because they do not want to work.

> *I see a lot of young people with tickets and no jobs. And then when we do send resume off,we don't hear back from them. I try and tell [them], you can get a job you can be what you want to be. Whoever we speak to [we] don't hear back ... Something is missing there.* **Halls Creek women**

Rather than helping us, the prevailing approach to welfare undermines our economic safety, does not better enable our education, nor does it facilitate our entry into jobs and career pathways.

Instead it leaves our people in a more vulnerable state, reinforces the incredibly disempowering message that government believes we are the problem, and it further perpetuates the cycle of poverty and dependence.

This section discusses the inadequacies women identified with the social security system's programs and support services and outlines the policy reforms that are required to enable positive change in our communities. Some of the issues identified include the need for:

- an overt acknowledgement of the root causes of Aboriginal and Torres Strait Islander unemployment
- our involvement in making decisions on the design and implementation of social security policy
- welfare payments that take our contexts into consideration and adequately provide for our needs
- the provision of human-centred systems and support services that are accessible, culturally appropriate and user friendly
- an end to punitive welfare and income management frameworks which undermine our rights to social security and discriminate against our people
- a return to models of community control over the economic development of our communities.

(a) Accessing welfare payments

The most common income support payments received by Aboriginal and Torres Strait Islander peoples are the JobSeeker Payment (formally Newstart Allowance), the Disability Support Pension and the Parenting Payment, with CDP as the main payment for those living in remote locations. Current income support payments are set too low to provide an adequate minimum standard of living and to enable people to focus their attention on looking for work.

Since 1993, the poverty rate of households in which the main source of income is allowances, increased dramatically from 39% in 1993 to nearly 80% in 2017.[66]

The Business Council of Australia has stated:

> *[the JobSeeker Payment] is so low that it is likely to prove a barrier to gaining employment. Too little assistance can make it difficult for jobseekers to maintain their readiness to work, to present themselves well, to be able to access transport and to afford to live in areas where there are employment opportunities.[67]*

Women voiced their concerns about the inadequacy of payments and the financial stress this is causing for them and their families, including the unaffordability of private housing.

> *When you're on Centrelink, you can't afford them things. It's really hard.* **Tennant Creek women**

Not only are Centrelink payments insufficient for individuals but for those with additional caring responsibilities, these payments are even more inadequate in meeting their families' needs. Many of our women are carers and the message came through strongly that the income support payments they receive are not adequate to meet the costs of caring for their families.

The entrenched nature of poverty experienced by Aboriginal and Torres Strait Islander peoples means that while most Australians expect parents in their families to provide support and care for their own children, many of our aunties and grandmothers are faced with taking on these responsibilities.

With two-three times the incidence of ill-health and disability in our communities compared with non-Indigenous Australians, we are far more likely to be faced with the task of caring for extended and immediate family members.[68]

Most of our people who provide child, elder and disability care, do so without the backing of any private wealth base. Many do so out of necessity to fill gaps created by a lack of appropriate services to meet the needs of their families, particularly in remote communities, and some do so without the full welfare entitlements that they should be receiving, due to lack of appropriate advice and support.

> *Family first. I drew on my super to look after my elderly parents, nursing my brother. I had a drug addict son. I was only in my fifties. I never had any support. There's nothing to help. I was ready to jump off the bridge. If I had a car, I would have driven off it. Where do you go to regenerate?* **Mildura women**

Women reported that many Aboriginal and Torres Strait Islander peoples and families are denied adequate support due to the rigidity of entitlement criteria. Women said that services such as Centrelink fail to understand the context in which people live and spoke about the significant gaps in the income support system, especially those which placed burdens on families to support young people who are not being provided with adequate financial assistance.

> *Like this young guy with sporting excellence. Mum was single income … Didn't even qualify for ABSTUDY because there was no overcrowding, no drugs or abuse and he didn't live within particular geographic area.* **Rockhampton women**
>
> *Most women leaving prison are only eligible for the Newstart Allowance [JobSeeker Payment] or Youth Allowance (for young women under 21 years old); it is very rare for women to have access directly to the Disability Support Pension. Centrelink payments are generally not available for girls under 15 years old, even if they are in the child protection system and placed in residential care. This means girls under 15 years old who "self-place" (stay in accommodation that is not approved by child safety) have no independent finances to find safe accommodation.* **Sisters Inside submission**

I heard from women around the country that this is particularly an issue for grandmothers and aunties who often take on added responsibility of looking after children without being able to access long-term or temporary supports, leaving families in vulnerable positions.

As is discussed in the child protection chapter, women told me about the difficulties they and their family members experience in obtaining eligibility as carers for children and other vulnerable people in their families. The Family is Culture report[69] recommends a review of out-of-home care in NSW, specifically to review these policies and processes to ensure that priority is given to Aboriginal and Torres Strait Islander applications and that risk assessments do not unnecessarily bar our people from becoming carers and becoming eligible for carer payments.

> *We spoke about the support of carer allowances that was set up in [department of community services]to help our families when children come into our care, in the past we were able to access this program, for support care allowance, but now it has been disbanded. Now we have to get our Working with Children check to become official foster carers to look after children. So yeah, the supportive carer allowance was a better initiative.* **Dubbo women**

Women have said that the complicated processes involved in accessing and managing welfare payments are onerous, disempowering and practically inaccessible by some members within their communities. Understanding what welfare payments people are eligible for, complying with reporting requirements, and dealing with the volume of paperwork required, present major barriers for many Aboriginal and Torres Strait Islander peoples. Women believe that these processes need to be simplified, with access to support services readily available and designed with the client's best interests in mind.

> *There needs to be a structure that is simplified so you can see how things work and where the power is and where it is not. People didn't realise where they had to report. They blamed us. People get very confused about system. It has to be simplified.* **Halls Creek women**

> *I'm applying for paid parental leave when I go on maternity leave—ridiculously hard, the criteria, the paperwork for Centrelink to get any kind of maternity or paternity leave … some of the info is so demanding that I just keep putting it off.* **Rockhampton women**

A consistent message from women around the country was that support services for managing social security entitlements, payments and discrepancies, are wholly inadequate and impede meaningful access to income information.

Women talked about how these systems leave our women and their families feeling frustrated, powerless, insecure and disrespected. Often the absence of safeguards to prevent payment delays leaves women destitute, and administrative errors and penalties lead to Centrelink debt they cannot repay without severe hardship.

The downsizing of Centrelink branches and the move to online services has increasingly placed the onus on service users to navigate these services themselves without adequate support.

If they cannot do so, they are forced to wait in long queues, or wait on hold for significant periods of time, to speak with a Centrelink officer over the phone. For those in rural and remote communities, many are forced to travel outside of their communities for support or to travel to the nearest area with mobile coverage to make a call.

This situation has had a profoundly negative effect on Aboriginal and Torres Strait Islander women and their families, particularly those in urgent need of income support.

> *It's difficult too for elderly to stay on the system because of MyGov and reporting and all that. Being on the phone and trying to explain to the person what your circumstances were and why didn't you go to the interview. That's the breakdown— language barrier.* **Tennant Creek women**

> *She has to take a whole day off work to go into Karratha to go to Centrelink and say 'no I don't want to stand here and be put on the phone or the computer, I want to talk to someone'.* **Roebourne women**

> *Lack of access to Centrelink [it is] not accessible five days a week in community.* **Cape York women**

Many women we spoke to experienced communication breakdowns around income supports and felt that the systems in place do not take into account cultural considerations. This particularly impacts people already experiencing vulnerability such as elders, people with disabilities or complex needs, those with English literacy issues, those with limited access to computers or low computer literacy, and those who lack sufficient numeracy and financial literacy.

> *Centrelink—I told them that my mother, an elderly Aboriginal woman, was not literate. Going into these services, they just don't know.* **Mildura women**

Although Services Australia (Centrelink) is aware of some of the challenges that our women and their families are facing, and has put in place some measures such as a dedicated Aboriginal and Torres Strait Islander hotline, there is a critical need to improve support services across the board.

Women need readily available in-person and phone support from staff who are well-placed to work with them in a culturally safe manner. Women want regular outreach into communities, Aboriginal and Torres Strait Islander staff available to speak with and, in remote locations, staff who speak local Aboriginal and Torres Strait Islander languages or use interpreters. This includes the provision of clear and culturally appropriate information about changes to income supports.

> *We had to challenge what the system is. A first language Jaru speaker called and spoke in language. This is a barrier. We don't have interpreters ...* **Halls Creek women**

> *I wasn't allowed to speak to the manager at the time, of Centrelink. I was told that they were too busy ... it was very confusing, because it just hit us ... All I knew was that our payments were going to be changed and we were going to be about 60% or 50% ... of our pension ... it was very painful, because at the time we didn't know what was going on.* **Alice Springs women**

Women also expressed frustration at the lack of coordination between support services, which has major consequences for individuals and families. Support services need to talk to each other, acknowledge the complexities and barriers that exist for Aboriginal and Torres Strait Islander women and their families, and put in place measures to make the social security system as seamless as possible.

Women expressed serious concerns about mandatory programs, onerous mutual obligation requirements, and the punitive measures built into the social security system. They provided accounts of how suspended or cancelled payments created acute financial stress, caused severe harm to health and social wellbeing, and further perpetuated cycles of poverty.

Financial penalties through a demerit system apply to JobSeeker and ParentsNext participants for not meeting their mutual obligation requirements. Participants' payments can be reduced or cancelled completely if requirements are not met. If a payment has been cancelled, participants must submit a new claim and wait at least four weeks before payments are reinstated.

The outcomes of these measures have a disproportionate impact on Aboriginal and Torres Strait Islander peoples. Under the Government's Targeted Compliance Framework (TCF), 'more than half of all Indigenous participants have at least one demerit (as at 31 December 2019), and despite Indigenous people making up only about 13 per cent of the caseload, Indigenous people make-up almost 28 per cent of people in the penalty zone.'[70]

> *Measures that impose punitive penalties on communities will only reinforce disadvantage for Indigenous people who are already marginalised from the workforce and particularly those who are most vulnerable in communities such as women and children.* **University of Technology Sydney submission**

> *Centrelink—have to do employment plans—if you miss a day they take $70 off your payment. If you don't attend your activities, you get cut off for eight-weeks.* **Brisbane women WOW session**

> *If you don't have a pathway you get deducted for that time and it makes very hard. One of the big things is we don't have a day care as well. [so that's stopping parents who have little ones] to go work to make the hours to get that Centrelink.* **Napranum women**

Women reported that they are incurring payment discrepancy debts from Centrelink, which creates significant financial stress for families who feel hopeless about repaying debts when their income is already insufficient to provide for their needs. Key factors contributing to debts were lack of adequate advice and support.

The National Welfare Rights Network (NWRN) noted that Aboriginal and Torres Strait Islander social security recipients experience a high rate of Centrelink overpayments due to difficulties in language, literacy, disability, low educational attainment, socio-economic disadvantage, complexity of social security requirements, administrative complexity and bureaucracy and the historical absence of a consistent Centrelink presence in many remote communities.[71]

> *If your grandparent does work and decides to claim tax benefit A & B and gets small fortnightly payment, maybe $250 per fortnight, then look out at the end of the financial year, I ended up with a $2,500 debt with Centrelink and the first I knew of it was, shame, when the debt collectors sent me a letter. I had to repay it at $150 per fortnight and imagine what impact that has on a family with five kids!* **Individual submission**

> *I have been back only three weeks … But a lot of the issues are still the same. Centrelink is the biggest issue—lots of debts. E.g. $25,000 debts, not understanding the form. On the phone for 3 hours waiting then hang-up. There should be an Indigenous line for NT and northern SA. It is not working and people get frustrated. They open letters and it says they should be in Alice Springs at 3pm that day. Then chuck the letter away. Centrelink is amazing how much dysfunction it has caused in communities, making people poorer. Struggling with money—the payment doesn't come through. Then it is our kids that suffer. That is the most important struggle here.*
> **Mimili women**

(b) Welfare card programs

Discussion on the topic of government-issued income management cards, the Basics Card, and the Cashless Debit Card, was particularly pronounced in remote areas of the Northern Territory, Queensland, Western Australia and South Australia, where the cards have been in operation. Women referred to the Basics and Cashless Debit Cards interchangeably and both were sometimes referred to by women as the Indue Card. These card programs quarantine significant portions of Centrelink income for spending on non-demerit goods at participating retailers.

The Basics Card was first introduced into Aboriginal communities in the Northern Territory as part of the 2007 Intervention. The card quarantines 50% of welfare income to reduce the amount of cash available for alcohol, drugs, gambling and pornography.

The Cashless Debit Card, also known as the Healthy Welfare Card, on the other hand, has been introduced iteratively via a series of trials around the country. The impetus for the card, which operates in a similar way to the Basics Card but quarantines 80% of welfare income, was driven by a recommendation in the 2014 Forrest Review: Creating Parity report.[72]

Women cited a top-down approach to the design and application of the card, and a lack of genuine consultation around its implementation.

> *They reckon we had all this consultation, but that decision was already made up.*
> **Alice Springs women**

> *The trial has been extended 13 months-three years—with no communication as to when the trial stops.* **Yalata women**

Women and girls insisted that income management measures should be underpinned by whole-of-community participation in decision-making based on free, prior and informed consent. This includes prospective participants, their families and their support organisations.

> *Just [one non-Indigenous organisation] not the whole community was agreed. They changed our words agreeing to sign up. Painted everyone with the same brush.* **Yalata women**

> *There is continual media stating 'community leaders' are confident the trial will proceed as the 'community' supports it. There is strong evidence that people affected by the card certainly don't support the trial, and many of the broader community who are not Centrelink clients see it as discrimination against one specific sector of the community, and increasing problems, not solving them.* **Individual submission**

Some women perceived the Government's promises of wrap-around supports as part of the Cashless Debit Card package as coercive.

> *The government is engaged in coercion—promising funding for wraparound services in the community only if the trial for the Cashless Card is accepted.* **Individual submission**

Many of our women had concerns about the mandatory nature of welfare cards. Some called for the cards to be opt-in only at the individual level. Others objected to the blanket application of the cards on all individuals receiving welfare in a given area regardless of whether those individuals had a history of drinking, gambling or substance abuse problems.

> *Basic card—people should choose.* **Tiwi Bathurst women**

> *Especially with the Indue Card, a lot of these mothers who don't do drugs and alcohol they are suffering.* **Kalgoorlie women**

A common view was that income management programs such as welfare cards should be voluntarily for most people but, as last resort, made mandatory for those with documented chronic alcohol, drug and gambling addictions.

> *Yes, they should ask them … because you are penalising families who are doing the best job they can, and they are really good, love their children, send them to school and that. And then on the other hand we know that some mob get humbugged and can't handle money and the card that helps. But there are some who are totally irresponsible who want to, you know buy up, well you can't buy drugs and alcohol on the basics card can you.* **Borroloola women**

The Australian Human Rights Commission has expressed the view that the Stronger Futures and Social Security laws, which provide the legal basis for the Basics Card and Cashless Debit Card respectively, place unjustified limitations on participants' rights to a private life and social security, and that these laws may also be in breach of the Race Discrimination Act given that Aboriginal and Torres Strait Islander peoples are generally over-represented in the areas where the cashless cards have been in operation.[73]

Aboriginal and Torres Strait Islander peak organisations and individual women alike expressed similar human rights concerns about the imposition of welfare cards.

> *There has been no formal consent obtained from users to transfer their personal data to a private company that is not a recognised financial institution.* **Individual submission**

> *Different rules for White people. They think Aboriginal people are the only people who watch porn and drink alcohol. You live in the suburbs, you don't have a Basics Card, but if you live in a Blackfulla camp, you have a Basics Card, a card where you can't even draw money out. Is that racist? Discrimination? Impacting on our human rights.* **Borroloola women**

Many women expressed concerns about the practical realities of using the cards, particularly in very remote areas where key vendors were not participating or where an insufficient amount of income was convertible to cash to allow women to take advantage of value-for-money opportunities to buy second-hand goods within their neighbourhoods, food at local markets, or pay for their children to access leisure activities. Women also expressed concerns about not being able to use their cards when visiting other parts of the country.

> *You can't get cash out for the markets.* **Borroloola women**

> *Can't go garage sales with the Indue Card.* **Yalata women**

> *Families are unable to take children on excursions—certain facilities are not set-up for the card.* **Warmun women**

> *One of the women need accommodation in Adelaide for her dialysis but we couldn't pay for it even though we had the money.* **Yalata women**

Women's responses to the utility of welfare cards were mixed in some respects and united in others. Some women saw welfare cards as useful tools for them to harness in order to help increase their families' expenditure on food and other basics instead of alcohol, drugs or gambling.

> *I don't mind the basics card. They always got that money there for feed.* **Borroloola women**

> *My kids are on the Indue Card because they are in Ceduna—think it is good. They can buy groceries, kids' clothes. Do not have to spend it all. They might get $200 cash then go and do shopping.* **Coober Pedy women**

Others held that the cards have resulted in few or no benefits, but rather a sense of loss of control, shame and disempowerment.

> *All this stuff disempowers us so people think it is okay to include things like the cashless card, because they see us as 'the poor Aboriginal person that can't sort their own shit out, so let's introduce the cashless card'.* **South Hedland women**

> *We had to call them to allow access but it's shame, it's like ration … We have to stand there looking like we too poor.* **Yalata women**

Studies evaluating the effectiveness of welfare cards have had methodological limitations and findings have been mixed. As such, to date, there exists no clear and compelling evidence that the cards have delivered on their objectives.

> *The proposal has not been evaluated in the context of the impact of other social policy reforms in the NT, that are achieving the behavioural change that income management has failed to achieve, particularly in relation to alcohol consumption and related harm.* **Aboriginal Peak Organisations Northern Territory (APONT)**[74]

Women therefore questioned the efficacy of welfare cards in addressing these underlying causes of harmful behaviour. Income management rarely motivates forced participants to develop skills to manage their finances or obtain paid employment, or to better their parenting skills.[75] Alcohol addiction, drug use and gambling problems are not caused by people having unrestricted access to cash.

> *This whole income management model is a breach of basic human rights and is completely ineffective in achieving its stated objectives.* **Individual submission**

Women also questioned the effectiveness of the card in meeting the more immediate objective of limiting the consumption of alcohol in their communities, and offered stories of how people had found ways to get around the limitations of the cards by selling the balance on their cards or purchasing goods for cash.

> *Men abuse the [Indue] system [men buying expensive products and reselling them to get cash].* **Yalata women**

> *They find a way to get around it. Oh yeah, I have already done trading.* **Kalgoorlie women**

Throughout our consultations, women and girls said they felt crime, particularly directed at elders, had increased, as people looked to find other means to access cash to pay for alcohol and drugs.

> *Women believe that the crime rate has gone up since the card.* **Warmun women**

> *Can't trust with this new card around because they don't have cash so they will steal things for drugs—it is helping issues, but it is causing even worse one.* **Kalgoorlie girls**

(c) Community development program

At 31 July 2020, there were 41,560 people on the Community Develop Program (CDP) caseload, of whom 76% identify as Aboriginal and Torres Strait Islander.[76]

Our women asserted that government-funded economic development is essential to delivering economic safety for our remote communities. Nonetheless, across the country, they expressed serious concerns about the design of the CDP, which came into effect in 2015, as well as its immediate predecessor, the Remote Jobs in Communities Program (RJCP).

Women are calling for co-design of a new policy which reincorporates the core elements of the Community Development Employment Projects (CDEP) which arose in 1977 as a key platform for providing unemployed Aboriginal and Torres Strait Islander peoples with access to Australia's social security system and with the means to progress self-determination by directing government funds to part-time wage-based labour on community-based projects.

> *The CDP Program is not working, it's doing nothing for our people. It's a money-making business for providers.* **Ceduna mums and bubs**

> *We need CD[E]P back in our remote communities, so our Aboriginal Families can go back to work on their communities.* **South Hedland women**

The core design concept of the CDEP model was that it was not developed and imposed by government, but rather originated in communities. As Chief Executive of the Northern Land Council, Joe Morrison, has noted, CDEP represented 'public policy made in the bush for the bush'.[77]

CDEP involved block grants to employers (many of which were Aboriginal and Torres Strait Islander organisations) who paid participants wages equal to what they would otherwise have received on welfare. This meant that participants worked around 15-hours per week on the minimum award wage. Additional 'top-up hours' outside of the scheme could be undertaken for extra pay, and profits were often reinvested into the scheme.[78]

Unlike CDEP, the RJCP and CDP policies were driven by a view that an entrenched welfare mentality amongst our people sits at the core of Aboriginal and Torres Strait Islander economic disadvantage and that we need to be moved into market-based jobs for our own good.

CAEPR research recommended that the only effective remedy is a 'shift in policy approaches and thinking to de-colonisation and self-determination that must accommodate the fundamental Aboriginal and Torres Strait Islander economic right to live regionally and remotely and make a living differently'.[79] Such a shift must include a return to a regional and remote economic development and participation policy that reintroduces the core elements of the CDEP.

> *The Community Development Employment Program (CDEP) was highlighted as one such program that came and went … The cessation of such programs decreases the community's morale … 'Soon that was taken and everybody went down and nothing to do. Turn to alcohol and drugs.'* **Literacy for Life submission**

The way the government has structured CDP it's not around looking at communities as a whole—it is looking at you as the individual. It is about making sure that you go and you're keeping your appointment with Centrelink and go looking for training and all that. It is no longer as a community so government has really broken communities to the point where there is nothing going on. All the money that used to be a part of the old CDEP where community runs its own business, well that was pulled-out. **Fitzroy Crossing women**

(d) The transition of CDEP to CDP

Following the abolition of Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005, CDEP was transferred to the (then) Department of Employment and Workplace Relations (DEWR), cementing the shift in the focus of the program away from part-time CDEP employment and towards moving participants into full-time jobs outside of the scheme.

The 2007 Intervention in the Northern Territory further accelerated the mainstreaming of CDEP. CDEP wages could not legally be quarantined, thereby presenting an obstacle to the Government's goals of restricting participants' access to income. To overcome this impediment, the Government progressively disestablished CDEP in the Territory.

Because of the way it is handled, the quarantining of the 50 % of welfare payments can't be achieved if we leave it the way it is.[80] **Former Indigenous Affairs Minister, Mal Brough**

The introduction of the RJCP in 2012 heralded an end to CDEP for all except for those 'grandfathered' participants who had been part of the scheme since before July 2009.

Following the 2013 election, the CDP was introduced which, among other changes, abolished the last vestiges of the CDEP scheme by moving all participants off wages and onto welfare.

Despite the increase in the number of hours of work-like activity required from 15-25 hours, participants' pay remained static, pushing their hourly rate below the award level of the wage-based system and placing many of our people under significant financial stress.[81]

In 2017, the Government released a discussion paper on the future of the CDP.[82] The reform process initiated by the discussion paper presented an important opportunity to comprehensively overhaul the CDP and replace it with a model that moved away from a top-down, short-term and inflexible approach, and move towards one which is place-based, flexible, Aboriginal and Torres Strait Islander community-controlled, and that would foster long-term economic, social and cultural development.

While the resulting Social Security Legislation Amendment (Community Development Program) Bill lapsed, a number of its key elements did not require a legislative instrument and were announced as part of the 2018 budget measures.

In 2018, I provided two submissions on behalf of the Australian Human Rights Commission urging the Government to apply a human rights-based approach to the development and implementation of a new CDP model. I also raised concerns about the existing program and the 2018 Bill's incompatibility with Australia's obligations under domestic and international law, in particular with respect to our rights to social security and to equality and non-discrimination.

Although they did not often invoke legislation or formal human rights vocabulary, throughout the *Wiyi Yani U Thangani* consultations women used their own words to tell us about their experiences and express their concerns about CDP and how it impacts their human rights.

Our women and their communities have declared their right to self-determination and free, prior and informed consent under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

> *A reconciled nation will be when Aboriginal and Torres Strait Islander peoples have self-determination over their own lives without the constraints of poverty and the burden of disease. We will be in charge of our own affairs and in control over decisions that impact on us.* **Pat Turner**[83]

Women want to participate in the co-design of the programs that affect their and their communities' lives. This includes by ensuring that local Aboriginal and Torres Strait Islander-controlled organisations are engaged to operate programs like the CDP, as this enables a channel for self-determination and is more likely to result in socially and culturally responsive program coordination.

> *For funerals and stuff—the providers normally don't have any empathy [or] affiliation to community. They just expect everything to run like a White process. We're lucky we have Tiwi Islands Training and Employment Board (TITEB) because they actually know this community. ... Few young people lucky enough to transition through this program into jobs. There is some at the school and the clinic. But some are just walking around. TITEB has created positions at the school for attendance. Things like that are good.* **Tiwi Melville women**

The limited role of organisations in decision-making about how CDP is implemented has been problematic. As noted by CAEPR research, '[f]or some, the implementation of CDP has corroded their organisational standing, compromising their ability to act in accordance with community interests ... Although they have some autonomy in theory, in practice the ability to make decisions about how best to maximise participation, and minimise harm, in their communities has been taken out of their hands'.[84]

While there is a need of comprehensive reform in this space, it is encouraging to see that the Government is currently in the process of establishing Community Advisory Boards for CDP. Initiatives such as this go some way to enabling community decision-making.

> *They're changing the way we look at the activities so everyone has something we can do. We're very lucky that we have women on our board. Hopefully we'll be able to do more*. **Tiwi Melville women**

Currently, CDP participants, who are predominantly Aboriginal and Torres Strait Islander peoples, are required to do 920 activity hours per year, compared to 650 activity hours for JobActive participants.[85] Furthermore, JobActive participants have no 'activity' requirements for the first year of unemployment, but CDP participants do. Our women want to see changes to CDP to ensure that the mutual obligation activities and are no more onerous for CDP participants than those participants on income support in non-remote locations.

> *CDP is a joke. It's slave labour that allows Aboriginal people to be exploited.* **Karratha women**

> *They make them work five days. And they are still on the dole.* **Coober Pedy women**

The additional work activity hours required of CDP participants also means that participants must complete more work for the same pay. CDP participants also have greater obligations to meet in order to avoid penalties.

Women want increased investment into their communities and for this to provide a platform for meaningful CDP activities and pathways to employment. Under the current program, many women feel that there are insufficient resources available to initiate and sustain additional worthwhile CDP projects that reflect the needs and values of our people and would be of benefit to their communities.

> *… [t]here's a lack of choice. We've got a lot of the gov[ernment] programs have been imposed. There's a disconnect between gov[ernment] and community decision-makers and what's really going on in the community.* **Tennant Creek women**

> *You do colouring-in or painting all day then you have to go home and do everything at home. They forget that we have kids, and they got needs as well. I'm sitting there for four hours when I could have been home washing dishes, clothes, and doing other things, more meaningful.* **Coober Pedy women**

Women also feel that many of the new CDP activities that are set-up to fill gaps in services should be carried out by paid employees, resourced through appropriate levels of government funding, and that existing local employers are incentivised to cut their costs by exploiting cheap CDP labour, rather than creating new wage-based positions.

Research has shown that up to half of providers reported that local governments are likely to rely on CDP participants to do tasks that fall within the responsibility of council workers, and nearly 40% report private employers asking for CDP labour rather than employing people who work under normal employment conditions.[86]

> *How do you keep 480 people in meaningful activities, 25 hours-a-week, 48 weeks of the year—it's impossible! Before you used to actually get paid to do CD[E]P. Not allowed to undercut local business. We can't sell art because Munupi sells art. Bathurst Island can't sell art cause Tiwi Art sells art. We can't have a café cause [Arnhem Land Progress Aboriginal Corporation] (ALPA) shop sells art.* **Tiwi Melville women**

Given the inadequacies of welfare payments to meet the cost of living and the marked lack of full-time employment opportunities in many of our communities, women have legitimate concerns about their and their families' economic safety. Women want opportunities to work within the scheme for wages and benefits at the award rate, up to the level they would otherwise receive on a benefit, and to be able to supplement this income through other part-time work, as was the case with the old CDEP program.

> *CDP needs to be resourced properly. So that people can work and get paid more money. Under CDEP, people used to be able to work and top-up. You can't do that under CDP.* **Tennant Creek women**

While a wage-based option for CDP was put forward in the Government's 2017 discussion paper, the policy ultimately adopted has only a small wage-based element. While there are approximately 33,000 CDP participants, only 6,000 subsidised employment opportunities were proposed in the 2018 Bill and, to date, only a fraction of these (1,000) have been rolled-out through the 1,000 Jobs Package.[87]

> *Up here, the CDP providers, the majority of their clients are Indigenous—work for the dole. But I think they working for the dole is it under the minimum wage? Maybe they should be getting a top-up for doing the jobs in the community. Are they working for less? Is that a human rights issue?* **Newman women**

> *Worked for CDP to start off with, and I remember doing a lot of hours for $7-an-hour, just to keep my Centrelink payment and I just thought then that was just ripping-off the mob, and I just thought that was crazy.* **Barcaldine women**

Women expressed serious concerns about the punitive compliance frameworks that have been incorporated into CDP since its inception. This is unsurprising given the disproportionate rate at which penalties have been applied to CDP participants, the majority of whom are Aboriginal and Torres Strait Islander peoples, compared with participants in other welfare schemes.

In the 18months before CDP was introduced, 26,690 'No Show No Pay' penalties were issued.[88] By contrast, in the 18months following its introduction, CDP participants received 205,994 financial penalties.[89] Over the same period, JobActive participants received 237,333 penalties, even though the JobActive caseload is more than 20 times larger than the CDP caseload.[90] Indeed, in the first year of the CDP, over 20,000 people were penalised, most more than once.[91] This is a significant statistic when considering that there are around 33,000 participants in the entire scheme.

While the new system under the Targeted Compliance Framework (TCF) has put in place measures to reduce payment cancellations, demerits and suspended payments for breaches are all too common. One of the biggest concerns raised around CDP was the lack of providers' understanding of context, trauma and cultural obligations.

> *They do get cut-off day-by-day if they don't turn up. Then they get cut-off and no income …. They are not looking at social wellbeing and how we live and what is happening.* **Halls Creek women**

> *People get cut off CDP even in sorry business.* **Mungkarta women**

> *There are no sick days. Have to have a medical certificate and if not, technically guidelines say we need to put no attendance. Obviously we use discretion but technically.* **Tiwi Melville women**

Women want to see providers exercising more discretion in cases of non-compliance and additional protections and checkpoints for CDP participants. Under the TCF, CDP providers are able to issue up to three demerits and withhold payments without first carrying out capacity assessments to ensure that participants are fully capable of carrying out their mutual obligation requirements.

It is also critically important that those assessing the capacity of participants to fulfil mutual obligation requirements are appropriately qualified and trained to take into account both the cultural obligations of the local population, and the prevalence and impact of various forms of trauma within Aboriginal and Torres Strait Islander communities.

16.4   Aboriginal and Torres Strait Islander-led economic development

Our economic security cannot be achieved through better social security systems and mainstream employment opportunities alone. There is a critical need for Aboriginal and Torres Strait Islander-led economic development through the establishment and growth of Aboriginal and Torres Strait Islander organisations, whether they be not-for-profit or profit-driven, to manage and leverage community-owned land and infrastructure, deliver government-funded programs and services and social enterprise initiatives, and earn profits through the market-based economy.

Together, these organisations, which are much more likely to hire Aboriginal and Torres Strait Islander peoples,[92] represent the interests of the Aboriginal and Torres Strait Islander economy, the growth of which represents our greatest hope for securing sufficient income and wealth to meet the ongoing needs of our peoples and to give substance to our right to determine our own futures.

(a) Native title and economic development

As is discussed in the land and country chapter, for many native title holders, there is an expectation that a successful native title determination will be the foundation for sustainable economic development. The reality for many native title holders is that non-exclusive native title rights do not allow traditional owners to control access to, or use of, land and waters over which they have native title. This restricts economic development to projects that do not require freehold title, exclusive use of land, or in any way restrict the rights of other stakeholders with an interest in the determination area.

> *We are lacking in self-determination when it comes to economic gain, particularly when it comes to native title, and all those different policies and legislations that are holding us down.* ***Rockhampton women***

I heard from women that native title holders often feel that they are on unequal footing when negotiating with well-resourced and better-informed stakeholders who have competing interests. When confronted with stakeholders who refuse to negotiate away from standard agreement terms, native title holders can feel pressured to make an agreement out of fear that the mining or industrial partner will get approval to go ahead with proposed works without an agreement in place and Traditional Owners will get no benefits at all.

The companies are always setting the standard, when are we going to set the standard? And say, look, you want a royalty agreement in this country, in this place, then this is the minimum. If you want an agreement with us, we want to see pathways into executive management of your companies, we want to see this, when do we set the standards and say this is what we expect of you, instead of just saying yes!
Karratha women

Text Box 16.2: Alinytjara Wilurara Natural Resources Management Board

The Alinytjara Wilurara Natural Resources Management (NRM) Board is the only NRM Board in Australia whose voting members are all Aboriginal. The role of regional NRM Boards is to work together with community, industry and the three-tiers of government to manage the environment, using an approach that balances the collective need for resources and the needs of the environment.

The Alinytjara Wilurara region covers 28% of South Australia, in particular the north-west and far-west regions. For Aboriginal and Torres Strait Islander peoples, the environmental, social, cultural, and economic aspects of NRM are inextricably and seamlessly linked. The Alinytjara Wilurara Board funds programs that implement oncountry activities to manage threatening processes, empower Traditional Owners to manage and control human-impact on natural resources and build on the development of inter-generational knowledge bases.

Programs include supporting traditional land management practices, restoring degraded land, protecting threatened species, and monitoring important sites for both cultural and biodiversity protection. Additionally, Alinytjara Wilurara is committed to supporting women working on country to care for sacred sites, such as rock holes and soaks, reconnect, share knowledge, teach younger women, and guide the land management of their country.[93]

(b) Land rights

Given the inherent limitations of native title, the provision of land title directly to Aboriginal and Torres Strait Islander organisations as part of a social justice focus is critical. This will provide land councils and Aboriginal and Torres Strait Islander corporations with the resources to self-determine within their communities. Throughout our consultations, I heard much about the extensive social and economic return that comes with land right settlements and agreements.

The transfer of land title to Aboriginal and Torres Strait Islander control provides our people and organisations with the platform to pursue economic and enterprise initiatives, as well as locally-significant community development programs. Investing genuine agency and control with Aboriginal and Torres Strait Islander organisations means that we can design initiatives that are significant to us and that support connection to country and traditional knowledge and cultural practices.

(c) Building economic security and employment through Aboriginal and Torres Strait Islander enterprise

The growing number of Aboriginal and Torres Strait Islander-owned businesses demonstrates the increasing role that enterprise can play in achieving economic security for our women and girls, their families and their communities.

Although there are around 12,000–16,000 Aboriginal and Torres Strait Islander-owned businesses, this is a small fraction of the 2.1 million businesses in Australia[94] and our levels of business ownership are still far less than those for non-Indigenous Australians.

Our stake in the economy in dollar-terms is still also disproportionally low. Aboriginal and Torres Strait Islander businesses earn more than $1 billion per year.[95] While this number may seem quite large, in comparison to the revenue generated by the top 1,000 companies in Australia, which totalled $1.94 trillion in 2017,[96] it is a drop in the ocean.

Women and girls are telling me that to promote the growth of Aboriginal and Torres Strait Islander businesses, we need dedicated Aboriginal and Torres Strait Islander business development strategies at the national, state/territory and regional levels which increase access to seed funding and support Aboriginal and Torres Strait Islander-led business models, including those in the cultural and land management sectors.

Textbox 16.3: Karlantijpa North Savanna Burning Project

The Karlantijpa North Savanna Burning Project has enabled Mudbarra Traditional Owners to access and work on their country during the burning season and improve regional bushfire management. The business operates on the Karlantijpa North Aboriginal Land Trust, a remote 300,000-hectare area at high bushfire risk in the far-north of the Central Land Council (CLC) region.

The CLC rangers and Traditional Owners burn the area during the cool season and generate carbon credits calculated by subtracting the emissions from their low-intensity fires from the estimated emissions of uncontrolled summer fires. The carbon credits fund more fire management work and country visits.[97]

Text Box 16.4: Bush Medijina

Bush Medijina is an award-winning social enterprise operating from Groote Eylandt, Northern Territory. Bush Medijina is governed by six Indigenous women representing the Umbakumba, Milyakburra and Angurugu communities. The team is made up of 23 women, 15 (80%) of whom are Indigenous. Bush Medijina provides Warningakalina women with real jobs and meaningful opportunities to generate income through the production of handmade skincare products using traditional knowledge and natural materials. The Bush Medijina Shed is a safe place for women and young girls to connect with one another and learn about being healthy by using both traditional and new ways.

> *This Bush Medijina business—it did not start yesterday or last year, or even the year before that. It has always been here. Our recipes have been here for generations. This business is like a small seed in the ground. We want it to grow from a small seed to a giant tree, so it can be here for generations and for our future.*[98]

These strategies must acknowledge the critical role of Aboriginal and Torres Strait Islander enterprises to generating positive outcomes in our communities. This includes the creation of meaningful and culturally-responsive employment opportunities for our peoples, and by ensuring the participation of Aboriginal and Torres Strait Islander organisations in market-based opportunities is not compromised by discriminatory and inequitable structures and practices.

It is equally important that building the business and social enterprise space is inclusive of Aboriginal and Torres Strait Islander women and girls. As noted by CAEPR researchers, '[g]iven the lower proportion of women going into business across the Indigenous and non-Indigenous populations, the Government should consider initiatives that address the glass ceiling'.[99]

> *Aboriginal women need to open-up about economic development.We hear that they have millions and billions of dollars, in a remote place like Katherine;we still miss out, I'd like to see Katherine women in business.* **Katherine women**

There is also a need for continued funding and equitable access to capital in this space. As noted by the New South Wales Ombudsman, 'the growth of the Aboriginal business sector is all the more remarkable given it is generally accepted that Aboriginal entrepreneurs and businesses have more limited access to financial and human capital than non-Aboriginal counterparts, with most being first generation business owners without significant assets (such as equity in a home) to leverage'.[100]

Aboriginal and Torres Strait Islander business owners are often new to the market with limited access to collateral. This makes harder to attract potential investors due to the untested nature of many Aboriginal and Torres Strait Islander-led business models within the Western framework.

Text Box 16.5: First Hand Solutions

First Hand Solutions is a NSW Aboriginal corporation specialising in finding grass-root hands-on solutions to many of the issues faced by Aboriginal and Torres Strait Islander peoples, families, and communities. It's three key projects are:

- Blak Markets: social enterprise business model providing space and opportunity for Aboriginal people gain employment and training, connect with culture, engage young people, build community capacity, and support small business development and growth.
- IndigiGrow: a social enterprise working to sustain people, land, and culture through the propagation of native plants and bush food. IndigiGrow seeks to deliver positive environmental projects through research, rejuvenation of endangered plants, improving the atmosphere and amenity of industrial and urban precincts, mass urban plantings creating carbon credits, and providing retail and wholesale native plants for sale.
- The first ever National Indigenous Bushfood Symposium held in 2019. The Australian bush food market is currently valued at $20million annually, of which Aboriginal and Torres Strait Islander peoples are estimated to only make up 1–2% of the market. The aim of the Symposium was to identify and address barriers to Aboriginal and Torres Strait Islander involvement in the bush foods sector and work towards increasing our participation.[101]

Government initiatives including those under the Indigenous Advancement Strategy (IAS), the Indigenous Business Sector Strategy Australia (IBSS), the Indigenous Enterprise Capital Scheme (IECS), and Indigenous Business Australia (IBA) investments have been developed to create more funding and investment options for Aboriginal and Torres Strait Islander peoples to initiate, build and grow their own enterprises. It is also encouraging to see that the Government is currently in the process of doubling its microfinance footprint.[102]

Text Box 16.6: Indigenous Business Australia

Indigenous-owned and operated businesses play a significant role in improving economic self-determination, financial independence, employment outcomes, governance skills and building intergenerational wealth. IBA's business solutions team provides a range of products and services to assist Aboriginal and Torres Strait Islander peoples in starting, purchasing, or growing viable businesses. The Strong Women, Strong Business initiative is one of IBA's programs aimed at strengthening and supporting Indigenous women in business through a mentorship program. It provides a space for Indigenous businesswomen to share knowledge, provide support and showcase inspiration. Currently their online network has almost 1,500 women registered. In 2018, IBA held a national conference, bringing together 200 Indigenous businesswomen to tell their real and raw business journey stories, share ideas on new technologies and connect with other women to develop strong support networks.[103]

The KMPG Igniting the Indigenous Economy report recommends governments contribute seed funding to impact investment funds for Indigenous enterprise.[104] Investing in Aboriginal and Torres Strait Islander enterprises can have major economic and social-wellbeing impacts on the entire community, including empowering Aboriginal and Torres Strait Islander peoples to be decision-makers on matters that affect their communities, providing better and more appropriate services, and creating culturally safe organisations for employees.

It is important that government initiatives, such as the IBSS, understand and embed the intersection between Aboriginal and Torres Strait Islander cultures and Western systems of economic viability. Aboriginal and Torres Strait Islander programs, services, businesses and enterprises have a far broader criteria of success and are less likely to be driven solely by profit margins, especially when they are operating in their own communities, where sustainability, community wellbeing and cultural development outcomes are equally valued.

Women talked about the high value of business networking opportunities both with other Aboriginal and Torres Strait Islander business people, in particular other women, and with the broader business community. They also talked about the need for business support and advice so that they and their communities are well placed to start up and operate successful ventures and negotiate partnerships.

*[This is] what we did with connective Black Coffee, which is a national initiative connecting Indigenous business owners nationwide, just trying to bring that up to Weipa to form a hub where people who are interested, or people who already business owners to come in and just have a yarn about what our problems are. Like,how do we get more people from city to come up and talk about finance and all this other stuff that if we don't know much about? We'll fail because we just don't know enough. But the drive is there, but the person who needs to help me are just too far to reach. It's about having that consistency in terms of support for us. **Weipa women***

And I think it comes down to empowering Aboriginal businesses and saying 'we will partner with you under these terms and conditions,' because maybe, you know, maybe right now they don't feel empowered that they actually have a voice in being able to say or understand the logistics of it and what they are actually entitled to say or do... so I think that is the most important part—educating and empowering people. ***Karratha women***

Women and girls highlighted cultural arts, knowledge, tourism and landmanagement ventures as key channels for Aboriginal and Torres Strait Islander peoples to make a living while keeping their culture alive and sharing their unique and vibrant cultures.

Text Box 16.7: Community Art Centres and APY Collective

Across Australia, art centres play a vital role in providing economic, social and cultural benefits to Aboriginal and Torres Strait Islander communities. Art centres represent a viable pathway to address extreme economic exclusion particularly experienced by residents of Australia's remote communities. These small enterprises often fulfil a range of functions well beyond their scope as art producers, including the provision of civic and social welfare functions and support such as: nutrition; numeracy and literacy; training and employment; youth services; leadership; after-school holiday programs and facilitating access to other government services.[105] Art centre representatives continue to advocate for a responsive policy position that recognises their auxiliary of responsibilities to community rather than how their additional contributions have often been seen as voluntary labour.[106]

Our artists are holders of ancient knowledges and are pivotal in the practice and recording of culture. Over the past 40 years there has been rapid commodification of Aboriginal and Torres Strait Islander cultural knowledge and forms, including artwork.[107] In the process of this, Aboriginal and Torres Strait Islander peoples have arguably not been the main financial beneficiaries within the broader art market, particularly when sales are made through private art dealers. The APY Art Centre Collective is helping to change this narrative. The APY Art Centre Collective is a group of 10 Indigenous-owned and governed art centres located on the APY Lands. The Collective forms a united vision and voice on strategic business initiatives and collaborative artistic projects.[108] The Collective supports the important work being done in APY communities through creating and exploring new markets, increasing art centre income, supporting business development and advocating for the ethical purchasing of artwork through Indigenous-owned and governed art centres. The Collective highlights a transparent business model for purchasing artwork that guarantees income generated returns to communities and artists. This model continues to create jobs and opportunities for APY communities and their future generations through the expression and sharing of their Tjukurpa (Law).[109]

Building enterprise and employment opportunities in the cultural space will require ongoing commitment and investment.

> *One thing in the women's centre in Fitzroy Crossing—out the back where the offices were, we created a space for women to come with their strength and artistic talent and they would use, painting, silk, lino, boiling bush trees or flowers, silk was wrapped around copper or metal that would give colours—they could sell them for high-end prices. We had access to colour technicians to provide advice to help them refine their technique to get those prices. We set-up a social enterprise. We gave them a space; they weren't judged and they could go as far as they wanted to. Now those women have an online shop. They are receiving offer all around the world for their stuff. These are women living in the community who are incorporating their knowledge of their country in what they create. They are feeling good because they have an income.* **June Oscar at Mount Isa women**

> *Tourism has long been valued by Aboriginal people as an opportunity to generate much needed independent employment and income. Aboriginal women and men are directly involved in many ways: making art, craft, medicinal food and fashion products to sell to tourists, owning remote or community campgrounds, stores, roadhouses and art centres, and providing a diverse range of cultural experiences on Aboriginal land. Cultural tourism provides visitors the opportunity to see country and appreciate its history from Aboriginal people's perspectives.* **Central Land Council submission**

In the early in the development of the Yiriman Women's Project activities, senior women were keen to share their knowledge of bush harvest and the production of bush products as a part of cultural activities on country. Initially, this work focused on the production of bush oils for medicinal products. Since 2005, senior women worked with younger participants to develop skills in distillation and manufacturing to compliment specialist Indigenous knowledge of the uses of and benefits of traditional harvest within what was known as the 'Sustainable Wild Harvest' initiative. This program of research and development led to the creation of a suite of cultural enterprise activities that are seeking investment and partnership opportunities within a social enterprise model.

Yiriman Women's Bush Knowledge Enterprises represents the changing dynamic of community development in the Kimberley, as Aboriginal leaders and organisations are entering a phase of social enterprise development toward creating diversified, independent and economic opportunities that build on the assets of country, culture, Indigenous knowledge and Indigenous Cultural and Intellectual Property (ICIP) rights.
Kimberley Aboriginal Law and Cultural Centre submission

Text Box 16.8: Gay'Wu—The Dilly Bag Tour for women

Lirrwi Tourism is an Aboriginal owned and accredited tourism business in north-east Arnhem land. Lirrwi Tourism was created in 2010 to create a new economy for Yolngu, bringing together Yolngu and non-Yolngu people, assist Yolngu to enter the tourism industry, support Yolngu businesses and for Yolngu to take ownership of tourism development in their region. The Gay'wu Dilly Bag Tour for women offers female visitors an opportunity to come together and connect with Yolngu women and learn about their culture, history and country. The Dilly Bag is an important and powerful cultural symbol in Arnhem Land, where it was first created thousands of years ago. On this tour women learn about and experience Yolngu philosophy and kinship, painting, weaving, astrology, cooking and bush medicine, dancing, healing and crying ceremonies, gathering oysters or mud crabs and much more. Lirrwi Tourism recognises the strong links between economic development and the benefits of engaging in meaningful employment, which can lead to increased skill development, greater economic independence as well as improved physical and mental wellbeing. Lirrwi Tourism supports the creation of flexible job opportunities for Yolngu that take into consideration cultural commitments and provide sustainable profitability ventures in remote homelands.[110]

Aboriginal and Torres Strait Islander businesses and enterprises are approximately 100 times more likely to employ Aboriginal and Torres Strait Islander peoples.[111]

Governments have an important role to play in harnessing the opportunity this presents by supporting the development of Aboriginal and Torres Strait Islander business in regional, remote and very remote areas. Aboriginal and Torres Strait Islander peoples make-up a high percentage of the population in these areas and need to be included as central stakeholders in the shaping of regional economic development.

One of the key issues for Aboriginal and Torres Strait Islander peoples in the regions is the lack of available employment pathways and the ongoing trend of many non-Indigenous companies hiring people outside the community, often on a fly-in, fly-out basis.

> *You've got 457 visa applicants in town, where the employers are actually supporting those 457s to give them a job, give them a house, given them training and those sorts of things, but there's little investment in local Aboriginal people for those jobs.* **Tenant Creek women**

> *White people coming into community and wanting to take ownership of shops. White people coming in to do jobs that Tiwi can do. The plantation and the port—there are only three Tiwi people working there. The one White bloke does the bus, the airport etc. We have intelligent Tiwi people who could do those jobs with some training. They're disempowering our people.* **Tiwi Melville women**

More Aboriginal and Torres Strait Islander-centred business development would help maintain and generate economic sustainability in local economies, providing a platform for Aboriginal and Torres Strait Islander enterprises not only to build their own business but also to create employment and economic opportunities for local Aboriginal and Torres Strait Islander peoples.

Women and girls have said that Aboriginal and Torres Strait Islander employers tend to be more culturally-responsive and allow for part-time work, flexible hours, training needs, cultural leave and observance of cultural practices such as men's and women's business.

Maintaining and embedding connection to country, culture and Law takes economic participation from existing solely within a Western set of values and allows Aboriginal and Torres Strait Islander peoples to find ways to participate in the contemporary economy in ways that are not in conflict with their own set of values and belief systems.

> *I run a self-empowerment small business. We're creative and dynamic. Everyone always chips in. We have a community orientated way of life.* **Melbourne women**

> *One example of a strong Aboriginal-owned tourism operation that CLC has supported is the Karrke tourism business run by Peter and Christine Abbott. The Abbotts are committed to getting local community members involved. As Mr. Abbott notes, 'we try every day to get the community members involved, but they have their needs', Mr. Abbott said. 'They will work two weeks and have one-week off. We want to cater for a working environment Anangu way, we want our business to adapt for our people to make it work.'* **Central Land Council submission**

(d) Procurement

In 2015 the Indigenous Opportunities Policy (IOP) was replaced by the Indigenous Procurement Policy (IPP). The IPP sets key benchmarks for procurement targets for Aboriginal and Torres Strait Islander businesses. For example, there is an equivalent of 3% target for new government domestic procurement contracts to be awarded to Aboriginal and Torres Strait Islander businesses. This target relates to the number of contracts awarded rather than their value.

Women noted there is a perception that Aboriginal and Torres Strait Islander businesses do not have the capacity or capabilities to take on large and/or longer-term contracts. New Aboriginal and Torres Strait Islander businesses do not have a corporate history to provide evidence that this is not the case. Women want to see strategies in place to ensure that this pattern is addressed. It is encouraging to see that, while the IPP's new value target is only set at 1% of the total value for new government domestic procurement contracts, this will be raised by 0.25% each year until it reaches 3% in 2027–28.[112]

According to research conducted by Professor Ian Williamson and Associate Professor Michelle Evans from the University of Melbourne, many procurement opportunities are targeted at business-to-business companies rather than business-to-customer companies. This can make it difficult for culturally-based business which generally operate on business-to-customer models to benefit from programs like the IPP. It is therefore important that governments look at ways to increase support for Aboriginal and Torres Strait Islander businesses that may currently be missing out.[113]

Women raised concerns about 'Black-cladding'. 'Black-cladding' is the practice of non-Indigenous businesses claiming to be Aboriginal and Torres Strait Islander businesses in order to access Aboriginal and Torres Strait Islander-specific policies and programs like the IPP.[114] Often this involves superficial measures such as appointing an Aboriginal and Torres Strait Islander director to the board, with no intention of giving them any real control over decisions or encouraging Aboriginal and Torres Strait Islander shareholding but excluding Aboriginal and Torres Strait Islander people from the board.[115]

'Black-cladding' impedes the aims and objectives of these strategies, taking away the benefit intended for Aboriginal and Torres Strait Islander peoples. It significantly impacts Aboriginal and Torres Strait Islander businesses that are trying to grow, and it undermines the economic security and well-being impact that Aboriginal and Torres Strait Islander enterprise can provide to communities.

> *I'd like to see women in these forums talk about where the money is going. All this Black cladding going to White organisations needs to stop ... We need to speak to the solutions like settingup Aboriginal governance process. We need to be part of it because they have too much Western processes keeping us out. We need to be included in this national voice.* **Katherine women**

It is encouraging to see that changes have been made in the area of IPP government contracts to ensure Aboriginal and Torres Strait Islander businesses are not exploited by bigger companies. Key changes include that all Indigenous joint ventures registered with Supply Nation must:

- be at least 50% Indigenous-owned, and demonstrate 50% Indigenous involvement in the management and control of the joint venture
- have in place a strategy to build the capability of the Indigenous business partners
- have an Indigenous workforce plan in place.[116]

(e) Joint ventures

Joint ventures are often an attractive option for smaller Aboriginal and Torres Strait Islander businesses, allowing them to build capacity through partnering with other companies and getting the benefit of their expertise, networks, assets and access to capital.

While joint ventures can create opportunities, they do come with risks. Aboriginal and Torres Strait Islander businesses need to understand these risks and their rights and responsibilities. As women have pointed out, without the benefit of this knowledge, many smaller businesses can be exploited or put in vulnerable positions.[117]

Women felt that some joint ventures in their communities were tokenistic and that Aboriginal and Torres Strait Islander organisations had no real authority in ongoing decision-making, effectively making such ventures a subtler form of 'Black-cladding'.

Women want investment in Aboriginal and Torres Strait Islander run and owned enterprises and the opportunity to upskill and learn from joint venture partnerships. This is possible, but measures need to be put in place to ensure that Aboriginal and Torres Strait Islander businesses can benefit from the structure of joint ventures and access to procurement contracts.

And the biggest thing at the moment is these big mining companies go okay, to get tenders they are expecting them to build partnerships with Indigenous businesses, so a big thing at the moment is businesses are wanting to build partnerships with Pilbara businesses and with Indigenous people in joint ventures so they can profit off it, but the Aboriginal business or Aboriginal entity aren't activity involved in getting the benefits or things like that, it is still dictated by the biggest business. ***Karratha women***

They are using like, the joint venture as like yep, we are 51% Indigenous—owned, to win a contract. It is so they can work on country, it is just a foot in the door basically. There are no KPIs … there should be a target for Indigenous people working, there needs to be KPIs or actions that come out of these joint ventures space, because you see so many of them, but who benefits? ***Karratha women***

You know, and as far as joint ventures go, I can't stand them. The problems with joint ventures started in the Pilbara because of the boom time, and the way that they were doing it was you know, you would have a 50–50 owned venture, 50% owned by the Aboriginal business, 50% owned by the non-Aboriginal business. Contracts worth $10-million, the non-Aboriginal business does all the work, the cost of doing all the work is $9- million, that means there is $1-million left over, half-a=million, 50–50 each, but in reality, one gets half-a-million and the other gets $9.5-million. So this is the problem. What we need to do is if we are going to do the joint venture, the Aboriginal business, slowly, takes more and more ownership, there is a transfer of skills and training, there is succession planning, so that we actually become empowered and don't need them anymore. We understand there is certain work that we can't do because you need that certain skill set like engineering etc, but we also need to say to ourselves oh well we can't limit ourselves, and say 'we can't become engineers' because our kids might want to become engineers, has anyone asked them? And how do we then connect them to get them inspired about becoming an engineer and at the end they are going to have a job. Why aren't we thinking our way? I feel like we constantly get this same dialogue, and we start to believe it and we put ourselves in a box and we limit ourselves. ***Karratha women***

Text Box 16.9: Indigenous women in mining and resources Australia

Aboriginal and Torres Strait Islander women are often bypassed in agreement negotiations and excluded from the benefits of mining, whilst continuing to experience its environmental, social, and cultural costs. Increased participation of Aboriginal and Torres Strait Islander women in the mining and resources industry can generate employment and business development opportunities and place us in a position of greater influence and decision making.

Indigenous Women in Mining and Resources Australia (IWIMRA) is a network bringing together Aboriginal and Torres Strait Islander women within the mining and resources industry. IWIMRA began as a grassroots movement led by Dauareb/Wuthathi sisters, Florence and Jessica Drummond, after being confronted by the lack of progression and isolation Aboriginal and Torres Strait Islander women were experiencing. IWIMRA has continued to grow into a national platform giving visibility and voice to Indigenous women. The network creates a culturally safe space for women to speak about their challenges and aspirations and build stronger connections with other Indigenous women. IWIMRA is currently focused on creating a national framework to support women participating and aspiring to grow within the mining and resource sector.[118]

16.5 Conclusion

Aboriginal and Torres Strait Islander women and girls are capable and determined to engage in the Australian economy. With the right support, women and girls are bringing their skills and knowledge to the workforce and are building strong Aboriginal and Torres Strait Islander-led businesses in areas such as culture, arts, tourism, and land-management.

Through meaningful employment and Aboriginal and Torres Strait Islander-led economic development, women and girls spoke about how we can rebuild a society that is vibrant, healthy and secures our right to determine our own futures.

With generations of lost wealth and exclusion from equal opportunity to participate in the economy, it is unsurprising many Aboriginal and Torres Strait Islander peoples are receiving social welfare. I heard firsthand how social welfare frameworks like CDP and ParentsNext are not just incapable of meeting our needs in their current form, they punish us by removing basic rights that should always be guaranteed, further entrenching our people into poverty.

Women made it clear they do not want to remain on welfare and want to participate meaningfully in the economy and gain the means to lead their lives with agency and dignity. Women are calling for welfare reform and for a holistic approach that starts from our strengths, helps our people heal from trauma, enables our education, and facilitates our entry into employment.

Women and girls are motivated for change and I am inspired by the growth of Aboriginal and Torres Strait Islander business. Through Aboriginal and Torres Strait Islander-led economic development, our people are more likely to be hired and our cultures and identities represented. Women and girls are calling for the promotion of Aboriginal and Torres Strait Islander business and dedicated strategies of support to further increase Aboriginal and Torres Strait Islander participation in the economy that generates positive outcomes for communities.

Part Five Pathways forward

Thriving communities and sustainable economies

Women and girls are calling for enabling and empowering supports and structures from government so their communities can thrive. Women and girls have said they play pivotal caring, nurturing and leadership roles in their families and communities. This undervalued and often unrecognised work greatly benefits the social, economic, and political fabric of Aboriginal and Torres Strait Islander life and the life of the Australian nation. Women and girls want a holistic approach that recognises and values the work they do for society. This approach includes working with women and girls to combat poverty, heal from trauma, enable their education and training, facilitate entry into employment, and invest in our businesses.

The COVID-19 pandemic has further exposed the increased social and economic vulnerability of Aboriginal and Torres Strait Islander women and girls. This unprecedented time has created space for policy innovation particularly around health, welfare and the economy which goes beyond what is currently the norm. Addressing the primary needs of our women particularly where mainstream services and programs are not able to meet their needs is essential for sustainable economies and enabling supports.

Aboriginal and Torres Strait Islander women and girls are calling for:

Economic safety and security for all Aboriginal and Torres Strait Islander women and girls.

This includes by:

- a focus in the National Action Plan on combatting poverty and inequality as experienced by Aboriginal and Torres Strait Islander women and girls
- ensuring income support and welfare payments are sufficient to address the cost of living, particularly for women and girls living in regional and remote areas
- ending punitive welfare and income management frameworks
- co-designing a new community development approach to build the skills of Aboriginal and Torres Strait Islander women and to address community-based needs on projects as decided by the community, including programs particularly around financial literacy, superannuation and navigating financial institutions.

Investments into local job creation to fill the gaps in community service delivery and address the scarcity of job opportunities in regional and remote areas:

- Australian governments invest in filling service gaps with Aboriginal and Torres Strait Islander women through the injection of sustained funding to Indigenous organisations to train and employ local workers.
- Australian governments target funding to regional and remote Australia in order to stimulate the growth of culture and country-based economies including but not limited to, tourism, arts, ranger initiatives, land management, carbon sequestration, social enterprise amongst other Aboriginal and Torres Strait Islander business initiatives.

Enhance Indigenous-led economic development and employment opportunities through the establishment and growth of Indigenous organisations:

- Australian governments to develop dedicated strategies at the national, state, and regional levels which increase access to seed funding and support Indigenous-led business models, including those designed and led by Aboriginal and Torres Strait Islander women.

Create accessible and affordable education and training for Aboriginal and Torres Strait Islander women and girls:

- Australian governments increase scholarships and financial assistance, including for adequate and affordable accommodation for Aboriginal and Torres Strait Islander women and girls to access higher education and training. Where local education and training cannot be provided, assisted online alternatives or travel assistance should be provided.
- Universities and training institutions to build culturally safe and supportive environments for Aboriginal and Torres Strait Islander people including through increased representation of Indigenous students, academics and staff, and the inclusion of Indigenous culture and knowledge in curriculums.

Address the intersectional barriers impeding the employment of Aboriginal and Torres Strait Islander women and girls:

- Australian governments, government service providers and large employers commit to targets for Indigenous recruitment, including for

Indigenous women, through Reconciliation Action Plans (RAPs). This would include through adopting special measures and identified positions to increase representation of Aboriginal and Torres Strait Islander women.

- Australian governments and employers to implement proactive measures to ensure Aboriginal and Torres Strait Islander women are safe, respected and not discriminated against in the workplace, their knowledge and skills are valued, and their cultural obligations and protocols are recognised, such as through flexible work practices, leave, cultural awareness training and other arrangements.
- Australian governments to invest in community awareness activities for Aboriginal and Torres Strait Islander women about workplaces rights through community legal centres, Aboriginal Legal Services, Family Violence Prevention Legal Services.

Part Five Endnotes

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