



Victorian  
Aboriginal  
Legal Service



South Eastern Australian  
Aboriginal Justice Services  
Limited

ABN: 45 926 675 900

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Swan Hill, Victoria 3585.

16 February 2022

To whom it may concern,

**Re: Draft National Plan to End Violence against Women and Children 2022-2032**

I am writing to provide the Victorian Aboriginal Legal Service's (VALS) response to the public consultation on the Draft National Plan to End Violence against Women and Children 2022-2032.

VALS echoes the concerns of Djirra about the approach to consultation on this Draft Plan, which does not create any confidence that the needs of Aboriginal people and communities will be addressed. The original intention to allow only two weeks of consultation, and the fact that the consultation reports which informed the development of the Draft Plan have still not been published, reflect a lack of respect for the input of community organisations and experts. Feedback on the Draft Plan is not a minor add-on to the previous stages of consultation. It is the only opportunity for the Aboriginal community to identify shortcomings in the Government's specific proposals and seek to have them addressed. A lack of transparent and open consultation at this stage effectively prevents the concerns of Aboriginal people and Aboriginal community-controlled organisations from being heard.

The UN's Special Rapporteur on Violence against Women published the report of her visit to Australia in 2018. She reported that the previous National Action Plan "lacks a holistic approach to violence against women, since it insufficiently addresses the need for adequate crisis services." She also found that the plan neglected "patterns of systematic violence against indigenous women and girls" and "fails to mention violence against women in prison".

While the development of a dedicated Aboriginal and Torres Strait Islander Action Plan is a welcome development, the Draft Plan still inadequately recognises the way that policing and justice system responses to violence too often harm, rather than help, victim-survivors. Victim-survivors of domestic violence, and particularly Aboriginal women, are too often sent to prison because of a lack of domestic violence support and homelessness services, disproportionate enforcement of offences like public intoxication, and misidentification of victim-survivors as perpetrators. In Victoria, more than half of the women sent to prison have experienced domestic violence as an adult, child or both. It is impossible for victim-survivors to receive adequate therapeutic support inside prisons. Prisons are re-traumatising, with a lack of independent oversight to prevent violent abuses, and the normalisation of invasive practices like strip searching.



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VALS has consistently advocated on these issues to protect the rights and wellbeing of Aboriginal women and children, who are subjected to violence at shockingly disproportionate rates – not only by family members, but more alarmingly by government, police and prison authorities around Australia. I refer you to several VALS publications which address violence against Aboriginal women and children and the way that government action too often creates, exacerbates and revisits trauma.

- [Addressing Coercive Control Without Criminalisation – Avoiding Blunt Tools that Fail Victim-Survivors](#), January 2022
- [Submission to the Inquiry into Victoria's Criminal Justice System](#), September 2021
- [Submission to the Victorian Law Reform Commission: Improving the Response of the Justice System to Sexual Offences](#), March 2021
- [Factsheet on the Optional Protocol to the Convention Against Torture \(OPCAT\)](#)
- [Factsheet on VALS' intervention in the Court of Appeal Strip Searching and Urine Testing Case](#)

To properly tackle violence against women and children, the National Plan must recognise the counterproductive impacts of policing and justice system-led responses to violence and harm. Accessible, holistic, culturally appropriate support services need to be funded by governments, instead of a focus on criminalisation and policing, which continue to devastate Aboriginal victim-survivors and their communities.

Critically, all work must be grounded in [Aboriginal peoples' right to self-determination](#), whether this work is legislative reform, policy development, service delivery or research and evaluation.

If you wish to discuss the issues VALS has raised in our publications further, please contact VALS' Head of Policy, Communications and Strategy, Andreea Lachs.

Yours sincerely,

*Nerita Waight*

Nerita Waight  
CEO