



# Submission

Capturing data on family violence perpetrators in Victoria



*The peak representative for the health and wellbeing of Aboriginal and Torres Strait Islander people living in Victoria.*

**Victorian Aboriginal Community  
Controlled Health Organisation**

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## Acknowledgement of Country

VACCHO respectfully acknowledges that our office is based on the unceded lands of the Wurundjeri people of the Kulin Nation.

We pay our respects to Wurundjeri ancestors and caretakers of this land, and to Elders both past and present.

We extend our respect to all Traditional Owners and Elders across the lands on which we and our Members work and acknowledge their everlasting connection to Country, Culture, and Community.

Always was, always will be, Aboriginal land.

## About us

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) was established in 1996. VACCHO is the peak Aboriginal and Torres Strait Islander health and wellbeing body representing 33 Aboriginal Community Controlled Organisations (ACCOs) in Victoria. The role of VACCHO is to build the capacity of its Membership and to advocate for issues on their behalf.

Capacity is built amongst Members through strengthening support networks, increasing workforce development opportunities and through leadership on health and wellbeing. Advocacy is carried out with a range of private, community and government agencies, at state and national levels, on all issues related to Aboriginal and Torres Strait Islander health.

Nationally, VACCHO represents the Community-controlled health and wellbeing sector through its affiliation and membership on the board of the National Aboriginal Community Controlled Health Organisation (NACCHO). State and Federal Governments formally recognise VACCHO as Victoria's peak representative organisation on Aboriginal and Torres Strait Islander health. VACCHO's vision is that Aboriginal and Torres Strait Islander people will have a high quality of health and wellbeing, enabling individuals and communities to reach their full potential in life. This will be achieved through the process of Community control.

## Note on Language

The term Aboriginal includes all Aboriginal people living in Victoria. The terms 'Community' or 'Communities' in this document refers to all Aboriginal and/or Torres Strait Islander communities across Australia, representing a wide diversity of cultures, traditions, and experiences. Community is always capitalised unless it has the word Aboriginal in front of it or if it's referencing a non-Aboriginal community.

VACCHO would like to also acknowledge that some service providers and communities within the Victorian Aboriginal context prefer the term 'person who uses violence' to the term 'perpetrator.' However, for consistency with the Terms of Reference and inquiry outline we use the term 'perpetrator' throughout interchangeably with 'person who uses violence.'

## Executive summary

Aboriginal people must have control over how data of any shape or form is collected, captured, and utilised. VACCHO sees Indigenous Data Sovereignty as a fundamental component of Aboriginal self-determination. In any conversation about data, the principles, definitions, and frameworks that underpin Indigenous Data Sovereignty must be front and centre in solutions and recommendations.

Data tells us that Aboriginal communities, particularly women and children, are disproportionately impacted by family violence across Australia<sup>1</sup>. These impacts are felt far and wide, causing significant loss, trauma, and disruption for families and Communities. Data has been used to unfairly demean Aboriginal people and Community without understanding causes and reasons for the family violence occurring.

As such, the collection of accurate data on family violence perpetrators is essential for addressing the prevalence of family violence and importantly, its underlying causes.

For accurate and useful data collection, data must be dealt with in a way which is in line with principles of Indigenous Data Sovereignty to ensure data collection is culturally safe, readily accessible for the Aboriginal services who need it, and used in a way which is determined by and for Aboriginal people.

These ideas speak to the seven recommendations VACCHO puts forward to the inquiry which will be expanded in context throughout the submission.

Should you wish to discuss this submission further, please contact Gordon Conochie, Executive Manager for Policy, via [policy@vaccho.org.au](mailto:policy@vaccho.org.au).

Kind regards,



Dr Jill Gallagher AO (Hon LLD)  
Chief Executive Officer  
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<sup>1</sup> Royal Commission into Family Violence: Report and Recommendations Volume 5



## Recommendations

As will be outlined throughout this submission, VACCHO would like to make the following recommendations in order to address the issues discussed below:

1. Indigenous Data Sovereignty principles should be embedded as a mandatory feature of any body, system or process that is for collecting data on family violence perpetrators.
2. Community-led mandatory training for police and first responders to fully understand current legal and Aboriginal definitions of family violence.
3. Increase data sharing and collaboration between ACCOs/central data collection points.
4. The Government should accept and publicly note when referring to perpetrator data that published figures on perpetrators is limited and under-represents the true number. Importantly, program planning in response to the number of perpetrators should not be based on these numbers.
5. Fund community-controlled early intervention services.
6. Mandatory cultural safety/anti-racism training for police and other first responders.
7. The national Standard Indigenous Question (SIQ) should be used more widely as Indigenous status is not always recorded.

These recommendations are just some of the solutions VACCHO puts forward to the current and urgent problems outlined throughout this submission. Further reasoning and evidence in support of these recommendations is outlined in the following pages.

## Indigenous Data Sovereignty and Data Governance

VACCHO recognises Aboriginal and Torres Strait Islander communities' right to manage the creation, maintenance, and application of data about Aboriginal and Torres Strait Islander peoples, referred to as Indigenous Data Sovereignty. Indigenous Data Sovereignty is key to enabling communities to realise and benefit from the vast cultural, strategic, and economic value that data holds for Aboriginal and Torres Strait Islander peoples.

Implementing Data Sovereignty will empower Aboriginal and Torres Strait Islander communities to autonomously conduct research, allowing them to define relevant health and wellbeing indicators and outcomes from data collection and utilisation. This approach facilitates self-determination and contributes to the improved health and wellbeing of Aboriginal and Torres Strait Islander peoples.

VACCHO supports the adoption of the Maiam Nayri Wingara, the Australian Aboriginal and Torres Strait Islander Data Sovereignty Collective, Indigenous Data Sovereignty techniques and principles<sup>2</sup>:

- Exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination, and infrastructure.
- Data that are contextual and disaggregated (available and accessible at individual, Community, and First Nations levels).
- Data that are relevant and empowers sustainable self-determination and effective self-governance.
- Data structures that are accountable to Indigenous peoples and First Nations.
- Data that are protective and respects our individual and collective interests.

Adopting and embedding the principles of Indigenous Data Sovereignty is crucial as the marginalisation of Aboriginal and Torres Strait Islander peoples has been perpetuated in part through the lack of control over their data.

VACCHO emphasises that Indigenous Data Sovereignty and its principles should be held front of mind when considering any kind of data collection relating to Aboriginal and Torres Strait Islander peoples. This applies to the creation, collection, access, analysis, interpretation, management, dissemination, and reuse of Indigenous Data.

VACCHO therefore makes as **Recommendation 1**: Indigenous Data Sovereignty should be embedded as a mandatory feature of any body, system or process that collects data on family violence perpetrators.

## Section 1: What data on the profile and volume of family violence perpetrators is collected in Victoria

### Defining Family Violence

'Family violence' according to the Family Violence Act 2008 (Vic), is defined as behaviour towards a family member of that person that is physically, sexually, emotionally, psychologically, or economically abusive or threatening, coercive and in any other way controls or dominates the family member and causes them to feel fear for the safety/wellbeing of that family member or another person. It also extends to include behaviour by a person that causes a child to hear, witness, or otherwise be exposed to the effects of behaviour which includes overhearing threats of abuse of any kind.

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<sup>2</sup> Maiam nayri Wingara. (2018). Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit 20th June 2018, Canberra, ACT.

In the Family Violence Act, the term ‘family member’ is defined broadly to include intimate partners, relatives and ‘familial-like’ relationships. The Act does state that a relative “for an Aboriginal or Torres Strait Islander person includes a person who, under Aboriginal or Torres Strait Islander tradition or contemporary social practice, is the person’s relative”<sup>3</sup>.

However, lived-experience evidence tells us that on the ground, police are not always applying the definitions set out in the Family Violence Act. For example, at Dhelk Dja Forums many instances have been reported of police not intervening in incidents of Elder abuse or Community violence because of police not knowing how to proceed within these contexts. As such, at a minimum, it’s critical police and first responders are trained to capture the breadth of family violence as defined by the Family Violence Act if we are to accurately capture the full scope family violence and its perpetration within Aboriginal communities.

Furthermore, Aboriginal definitions of family violence are broader than those used by non-Aboriginal people. The Victorian Indigenous Family Violence Task Force (2003) defined family violence as ‘an issue focused on a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological, and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide.’<sup>4</sup>

[The Our Way – Strong Culture, Strong Peoples, Strong Families \(Dhelk Dja Agreement\)](#) definition adds to this, emphasising the impact of violence by non-Aboriginal people against Aboriginal partners, children, young people, and extended family on spiritual and cultural rights, which can present as exclusion or isolation from Aboriginal culture and/or community. The Dhelk Dja Agreement’s definition also explicitly refers to Elder abuse and the use of lateral violence within Aboriginal communities, as well as emphasising the impact of family violence on children and young people.<sup>5</sup> As such, the scope of perpetration/those who use violence is wider than that which is set out in the Family Violence Act.

While the Family Violence Protection Act 2008 (Vic) does recognise those under Aboriginal or Torres Strait Islander cultural/social practice who may be seen as a person’s relative, it does not explicitly recognise the full extent of Aboriginal definitions of family violence including spiritual and cultural violence.

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<sup>3</sup> Family Violence Protection Act 2008 ([legislation.vic.gov.au](http://legislation.vic.gov.au))

<sup>4</sup> Department of Victorian Communities, 2003, Victorian Indigenous Family Violence Task Force: Final Report, State Government of Victoria, Melbourne

<sup>5</sup> Dhelk Dja: Safe Our Way - Strong Culture, Strong Peoples, Strong Families ([content.vic.gov.au](http://content.vic.gov.au))



Lived-experience evidence tells us that police are not trained to understand and capture the Aboriginal definitions of family violence, with a lack of culturally safe policing posing a key issue when it comes to accurate data collection.

VACCHO therefore makes as **Recommendation 2:** Mandatory training for police and first responders to understand the existing legal definitions of family violence and what this may look like on the ground, as well as wider Aboriginal definitions of family violence.

## Current data collection practices

Primary collectors of family violence perpetrator data include first responders, Victoria police and service providers. Service providers such as the Orange Door Network hold much of the data relied upon by frontline ACCOs such as Djirra to support Community. Data which is publicly accessible sits largely within the Crimes Statistics Agency Family Violence database<sup>6</sup>, but this does not contain all information collected by various agencies and providers. Therefore, there is no centralised data collection hub regarding perpetrators.

Additionally, there is a significant lack of data sharing and collaboration between Government agencies/departments, mainstream organisations such as the Orange Door Network, relevant ACCOs/ACCHOs and other first responders. Djirra have anecdotally emphasised their difficulties in accessing perpetrator data, which is critical to inform risk assessment and safety plans for victims of family violence. Without this data, the assessments and safety plans may miss significant markers, causing ineffective planning or management. A Four Corners investigation in 2022 found that at least 315 Indigenous women were murdered or killed in suspicious circumstances between 2000 and 2022<sup>7</sup>.

Further to this, most family violence services focus on the survivor. This means that most data collected focusses on the survivor, with less information collected on perpetrators and those who use violence. Furthermore, data on incidents is not disaggregated and specifics such as background information (including rates of incidents that a perpetrator may have been involved in, intervention orders and mental health issues) are often not collected nor made accessible. This makes it extremely difficult to get a full picture and profile of family violence perpetrators.

Speaking at a recent roundtable event in Canberra, Chief Investigator at the ARC Centre for Excellence for the Elimination of Violence Against Women and Palawa woman Kyllie Cripps spoke about the importance and current lack of accurate data collection,

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<sup>6</sup> Family Violence Data | Crime Statistics Agency Victoria

<sup>7</sup> Brennan B, et al (24 October 2022), 'The killings and disappearances of Indigenous women across Australia is a crisis hidden in plain sight.'

describing the need for perpetrator data to understand “patterns of offending of the perpetrator” for better prevention practices<sup>8</sup>.

Additionally, at what point someone becomes counted in the data as a family violence perpetrator is also unclear. Current processes show that a person is most often deemed to be a perpetrator following an L17 Risk Assessment or Risk Management Report. L17s are made when there is a police response to a confirmed family incident, but there will be many perpetrators who are never included in a L17 Risk Report. Not all family violence incidents result in an L17 report; for instance, survivors may share information with a health professional, which may include information about a perpetrator, but that information is retained on the health record only. Not all survivors will want the incident reported but this does lead to L17 reports greatly under-representing the incidence of family violence and number of perpetrators.

Given much of the public data made available on family violence perpetrators comes from police, this is significant. The lack of definition regarding who counts as a perpetrator and absence of processes to record information about perpetrators makes it very difficult to understand the true scale and nature of the problem.

Given the dispersed nature of the data across Victoria Police, Orange Door and other organisations a solution is required. VACCHO puts forward **Recommendation 3**: government should create a central data collection hub that is supported by increased data sharing and collaboration among organisations.

In response to the current inaccuracy of perpetrator data discussed above, VACCHO also makes **Recommendation 4**: The Government should accept and publicly note when referring to perpetrator data that published figures on perpetrators is limited and under-represents the true number. Importantly, program planning in response to the number of perpetrators should not be based on these numbers.

## Section 2: How is the current data on the profile and volume of family violence perpetrators used in Victoria?

Too often family violence perpetrator data is used to reinforce racism and stereotypes targeting Aboriginal men instead of addressing broader cultural context that can lead to family violence. It is important to emphasise that family violence is not part of

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<sup>8</sup> Brennan B and Fryer B (5 May 2024), ‘The murders of Aboriginal women are too often ignored. Is now the moment for real change?’

Aboriginal culture. It's also important to note that although Aboriginal women are disproportionately impacted by family violence, perpetrators are often non-Aboriginal partners. Approximately 80% of the women Djirra sees experiencing violence are from non-Aboriginal and Torres Strait Islander partners<sup>9</sup>. Within Aboriginal communities, family violence emerges within a context of intergenerational trauma, brought on by historic colonisation and present-day systemic racist, biased and discriminatory policies<sup>10</sup>. The massacres, dispossession, marginalisation, and the abuses of power colonisation brought with it dislocated people of their physical, cultural and spiritual essence<sup>11</sup>. Colonisation also brought with it patriarchal beliefs of men's superiority, and gendered power imbalances that did not exist prior to colonisation in Australia.<sup>12</sup>

Health and wellbeing are not isolated concepts but are deeply influenced by the quality of relationships and the presence or absence of violence within them. Research consistently highlights that individuals who experience or perpetrate family violence are more likely to suffer from physical and mental health issues<sup>13</sup>. When people are unwell, they may be more prone to engaging in violent behaviours or experience violence, perpetuating a cycle that compromises both personal and communal social and emotional wellbeing<sup>14</sup>. Recognising and addressing this interconnection is crucial for breaking the cycle of violence and fostering healthier, more resilient communities.

Currently, the limited and often inaccurate data we do have on family violence perpetration is not being used to inform service delivery needs and prevention/intervention.

## Reforming what we do with data

Data collection is essential for informing the delivery of family violence services, both in terms of prevention and response services, and is vital for keeping those who are affected by violence safe. Data on family violence perpetrators is critical to inform prevention and intervention services. Current findings show that there is a significant gap between level of availability and demand for perpetrator services, evidencing that the need for these services is being underestimated<sup>15</sup>. Without the complete picture of

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<sup>9</sup> Djirra\_Aboriginal-and-Torres-Strait-Islander-Action-Plan-to-End-Violence-against-Women-vfinal.pdf

<sup>10</sup> Urbis. (2023). Aboriginal Family Violence Prevention Evidence Review. Final Report. Prepared for Dhelk Dja.

<sup>11</sup> Cripps K, 2023. Indigenous domestic and family violence, mental health and suicide. Catalogue number IMH 19, Australian Institute of Health and Welfare, Australian Government.

<sup>12</sup> Balit Durn Durn Centre VACCHO 2023, Submission to inform development of the Family Violence Reform Rolling Action Plan 2024-2026.

<sup>13</sup> Lagdon, S., Armour, C., & Stringer, M. (2014). Adult experience of mental health outcomes as a result of intimate partner violence victimisation: a systematic review. *European journal of psychotraumatology*, 5(1), 24794.

<sup>14</sup> Balit Durn Durn Centre VACCHO 2023, Submission to inform development of the Family Violence Reform Rolling Action Plan 2024-2026.

<sup>15</sup> Victorian Government (2023), 'Monitoring Victoria's family violence reforms report-Service response for perpetrators and people who use violence within the family.'

family violence perpetrators, such as key characteristics and underlying risk factors, it's difficult to know where efforts should be made and what prevention, intervention and reform services should be focused.

Currently, there is insufficient focus on using data to determine preventative measures. VACCHO argues for data to be used to prioritise prevention and early intervention of family violence through focusing on addressing underlying drivers of violence including racism and intergenerational trauma, with a key focus on healing.

Aboriginal-led prevention programs, tailored service responses, and funding for ACCOs are all key components to address underlying drivers of violence. This also speaks to the need for data sovereignty principles to be embedded into all systems, processes, and mechanisms to do with Aboriginal data use and collection. Indigenous Data Sovereignty would allow Aboriginal people to determine how data should be used for Aboriginal communities.

While there is limited documented evidence related to primary and early prevention/intervention of Aboriginal family violence, there is valuable prevention knowledge held within communities. As discussed in VACCHO's Submission to inform development of the Family Violence Reform Rolling Action Plan 2024-2026, there are a number of examples of small-scale programs that struggle to fund their work yet have still demonstrated success in early intervention work including:

- **Boorndawan Willam Aboriginal Healing Services (BWAHS)** provides specialist family violence support for the Eastern Metropolitan Region and Inner and Outer East, including services and programs to Aboriginal individuals and families who are experiencing, at risk of experiencing family violence or use violence<sup>16</sup>. BWAHS provides family violence and trauma-informed intensive case management, integrated family services responses and evidence-based therapeutic programs to individuals and groups for a whole of family approach.
- **Yoowinna Wurnalung Aboriginal Healing Service** deliver a range of therapeutic, trauma informed general and specialised services and programs aimed at supporting and empowering Aboriginal and Torres Strait Islander women, men, children, youth, Elders, couples and families to have a better understanding of family violence and be able to make decisions to keep them safe<sup>17</sup>.

Investment in Aboriginal Community Controlled Organisations and Communities to design, implement and measure their own solutions to family violence is critical. As is the

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<sup>16</sup> Boorndawan Willam Aboriginal Healing Service – Strong Individuals & Families, Safe Communities, Healing Lives (bwahs.com.au)

<sup>17</sup> Yoowinna Wurnalung Aboriginal Healing Service - Gippsland - Yoowinna Wurnalung Aboriginal Healing Service (ywahs.org.au)

need to build the evidence base on what prevents and addresses family violence in Aboriginal communities effectively.

To address this, VACCHO puts forward **Recommendation 5**: fund ACCOs to provide culturally based prevention programs.

## Section 3: What additional data on the profile and volume of family violence perpetrators should be collected in Victoria?

### Barriers to data collection

VACCHO recognises there is a wide array of barriers to collecting data as evidenced by the above discussion. Some of those barriers include:

#### **Underreporting of family violence in Aboriginal communities.**

In addition to issues regarding the definition of family violence outlined in Section 1, Aboriginal victims of family violence often don't report to police due to the risks of child protection involvement<sup>18</sup>. Aboriginal communities still face a very real and legitimate fear of child removal, with Aboriginal children dramatically overrepresented in out of home care<sup>19</sup>. Djirra have seen multiple cases of children being removed from mothers where there are concerns over family violence with no meaningful attempts to provide safe and secure alternatives.

Well-documented victim blaming and racism within police responses add to the fear of removal.<sup>20</sup> Additionally, underreporting often occurs when victims don't have access to culturally safe services, especially if victims have had previous experiences of discrimination and racism. This is further evidenced in the findings of the Royal Commission into Family Violence.

VACCHO makes **Recommendation 6** to address this: Mandate cultural safety/anti-racism training for police and other first responders.

#### **Indigenous status not always recorded.**

The Victorian Royal Commission into Family Violence evidenced that too often Indigenous status is only collected from one member involved in or seeking a family

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<sup>18</sup> Victorian Government 2016, Royal Commission into Family Violence: Report and Recommendations Volume 5

<sup>19</sup> Victorian Government 2016, Royal Commission into Family Violence: Report and Recommendations Volume 5

<sup>20</sup> Victorian Government 2016, Royal Commission into Family Violence: Report and Recommendations Volume 5



violence related service. As a result, perpetrator Indigenous status is often not obtained. Further to this, when asked if Aboriginal persons would like to identify there is often a reluctance due to previous negative experiences and fear of child removal. Additionally, there exists a mistrust of services and lack of understanding in why Indigenous status is being collected and its purposes.

VACCHO thus makes as **Recommendation 7**: The national Standard Indigenous Question (SIQ) should be more widely used. Importantly, this should be asked in a culturally safe manner with a legitimate reason for doing so provided on request so that those involved understand how their data will be used.

### **Misidentification of victims and perpetrators.**

There is also evidence to suggest Aboriginal women are often misidentified as the perpetrator of family violence because they do not fit Western assumptions of family violence victims. Djirra has spoken of this issue and report frequently assisting women who have been misidentified as the primary aggressor by police<sup>21</sup>.

Racial stereotyping and pre-conceived Western notions of what a family violence victim should look like due to lack of cultural competency training for police contributes to this. Police misidentification can have huge impacts on the outcomes of other family violence related legal proceedings including family law, victims of crime applications and child protection<sup>22</sup>.

The implications of this also have a tangible impact on accurate data collection and reflect an unclear picture of perpetrator and incident information.

## **Conclusion**

This submission highlights some of the key issues facing family violence perpetrator data collection within the Aboriginal and Torres Strait Islander context in Victoria. While not a direct service provider in the family violence space, VACCHO, as the peak body for Aboriginal health and wellbeing, has a broad understanding of the complexities of data collection more generally. VACCHO believes that embedding Indigenous Data Sovereignty into all forms of data collection and use is of the utmost importance across sectors.

Indigenous Data Sovereignty must be embedded and accepted by the mainstream so that it underpins the way data is collected and used, reflecting the interests of the Aboriginal people such data represents. Embedding principles of data sovereignty will mean Aboriginal people have a say in how their data is captured and utilised.

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<sup>21</sup> Djirra\_Aboriginal-and-Torres-Strait-Islander-Action-Plan-to-End-Violence-against-Women-vfinal.pdf

<sup>22</sup> Djirra\_Aboriginal-and-Torres-Strait-Islander-Action-Plan-to-End-Violence-against-Women-vfinal.pdf

Many of the current issues with both the collection of family violence perpetrator data and its use outlined in this submission reflect a need to listen to the voices of those Aboriginal people who work on the frontline and those who are directly involved, to listen to what they are saying and embed Aboriginal designed and led solutions.

VACCHO puts forward these recommendations which have been formulated from both listening to and speaking to those services on the frontline and from previous recommendations which are echoed by many:

1. Indigenous Data Sovereignty principles should be embedded as a mandatory feature of any body, system or process that is for collecting data on family violence perpetrators.
2. Training for police and first responders to understand Aboriginal definitions of family violence.
3. Increased data sharing and collaboration between ACCOs/ central data collection point
4. The Government should accept and publicly note when referring to perpetrator data that published figures on perpetrators is limited and under-represents the true number. Importantly, program planning in response to the number of perpetrators should not be based on these numbers.
5. Fund community-controlled early intervention services.
6. Mandatory cultural safety/anti-racism training for police and other first responders.
7. The national Standard Indigenous Question (SIQ) should be used more widely as Indigenous status is not always recorded.

VACCHO also encourages and supports the inquiry to consider the submissions put forward by other community-controlled services who work on the frontline in the family violence space and who hold specialised knowledge and expertise on these issues.

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