



Sharing stories, finding solutions

# Djirra's Submission Productivity Commission Review of the National Agreement on Closing the Gap Draft Report

*Djirra acknowledges and respects the traditional custodians whose lands we are fortunate to live and work on, and we pay our respects to all Elders past and present. Djirra also acknowledges the many Aboriginal and Torres Strait Islander women we work with who share their stories and experiences to enable Djirra to contribute to important submissions such as this.*

October 2023

## **Introduction**

Thank you for the opportunity to provide comment on the Productivity Commission's Review of the National Agreement on Closing the Gap (**National Agreement**) draft report. Djirra is an active member of the National Family Violence Prevention and Legal Services Forum, Change the Record, the Victorian Closing the Gap Forum and Ngaweeyan Maar-oo Koorie Caucus. We endorse their submissions and feedback provided to the Commission. Djirra also refers the Commission to our submission and evidence provided to the Yoorrook Justice Commission Inquiry (**attached**).

Djirra strongly agrees with the findings of the draft report that Australian governments have consistently failed to deliver on their commitment to overcome Aboriginal and Torres Strait Islander inequality by closing the gap. The devastating outcome of the Voice to Parliament referendum means it is critical that the National Agreement targets be brought into sharp focus and immediately prioritised, addressed and met.

Djirra welcomes the Victorian government's continued commitment to working alongside our communities to progress Truth Telling, Voice and Treaty. While this commitment is significant, it is evident that this journey will take time. In the meantime, it is essential that more is done to ensure that Aboriginal and Torres Strait Islander self-determined solutions are prioritised and invested in. It is concerning that implementation of the four Closing the Gap priority areas has been delayed in Victoria, and we stand with Ngaweeyan Maar-oo in calling on government to prioritise these important initiatives equally with the Treaty process.

## **About Djirra**

Djirra is an Aboriginal Community Controlled Organisation (**ACCO**) with over 20 years' experience providing holistic wrap around services to Aboriginal and Torres Strait Islander people experiencing, or at risk of experiencing, family violence. While not gender exclusive, 98% of the people we support are women and children. Djirra specialises in providing frontline legal and intensive case management services, and develops and delivers early intervention prevention programs which focus on women and children's safety. Djirra also provides legal and non-legal support to Aboriginal and Torres Strait Islander women in prison.

Through our work, Djirra continues to witness the disproportionate impact that Victoria's punitive laws and policies have had, and continue to have, on Aboriginal and Torres Strait Islander women and their children. There are three key areas of note: family violence, child protection and criminal justice. Alarming, Victoria has the worst First Nations child removal rate in the country, family violence is a key driver of child removal, and our women continue to be criminalised and incarcerated at devastatingly high rates. Djirra sees increasing rates of misidentification and criminalisation and how family violence is a cause and consequence of Aboriginal and Torres Strait Islander women's imprisonment. All the women Djirra assist are at risk of or have experienced family violence and/or sexual assault, and the majority are mothers.

## **Four Priority Reform Areas**

### ***Priority Reform Area 1 Strengthening and establishing formal partnerships and shared decision-making.***

#### **Victorian Context**

Victoria has well-established Aboriginal Governance Forums of which Djirra is an active member. We refer the Commission to the Victorian Aboriginal Justice Forum (**AJF**) as an example of a strong partnership between the state government and the Aboriginal community. Members of the AJF include the most senior bureaucrats in government and leaders from the Aboriginal community through local community representation, peak bodies and statewide specialist ACCOs.

Djirra is Victoria's only state-wide Aboriginal family violence specialist service and has been a member of the AJF for more than 15 years. Our expertise is acknowledged, valued and informs government policies and strategies to address the criminalisation and incarceration of our people. Djirra provides a unique lens to the AJF through our work on the frontline and ensures the voices of Aboriginal women and children are amplified and heard.

Whilst these Forums provide a strong foundation for partnerships between the Victorian government and ACCO's, more needs to be done to ensure Closing the Gap targets are met. As outlined in Ngaweeyan Maar-oo's submission, responsibility for this must sit with the public sector. Clear accountability measures are needed for departments, departmental Secretaries and individual Ministers, with consequences for inaction. It is also important that any additional administrative processes to support monitoring and accountability mechanisms are borne by the public sector and do not burden already overstretched ACCOs.<sup>1</sup>

#### **National Context**

Djirra is a member of the National Family Violence Prevention and Legal Services Forum (**NFVPLS**), a signatory to the National Agreement. While the partnership has remained strong, it is of concern that the work of NFVPLS members is increasingly overlooked and made invisible.

This is demonstrated by NFVPLS' exclusion in 2021, despite family violence being our core business, from key forums and advisory groups established to inform the development of the National Plan to End Violence Against Women and Children 2022-2023 (**National Plan**), including:

- **June 2021** - National Plan to End Violence Against Women and Children Advisory Group (**NPAG**). Of the 19 members of the NPAG, only two of the members were from Aboriginal and Torres Strait Islander peak bodies and the remainder were mainstream organisations.
- **July 2021** - the Aboriginal and Torres Strait Islander Advisory Council (**Advisory Council**) was established to inform the National Plan and support the implementation of the Closing the Gap Target 13 without NFVPLS representation.
- **September 2021** – a National Women's Safety Summit was held over two days. It was only following a public advocacy campaign that the NFVPLS received a last-minute invitation to attend.
- **November 2021** – Former Minister Ruston announced there would be a First Nations Action Plan as part of the National Plan, and that Commissioner June Oscar and Professor Marcia Langton had been appointed as Special Advisors to the Advisory Council without transparent processes.

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<sup>1</sup> Ngaweeyan Maar-oo Koorie Caucus, Victorian Closing the Gap Partnership Forum 'Submission to the Review of the National Agreement on Closing the Gap' p.2

Djirra, together with many others, was alarmed by the absence of robust nomination or appointment process to the NPAG and Advisory Council by the former Federal Government. While the expertise of individuals and bodies appointed to these groups is not in question, the lack of process is extremely concerning.

It remains unclear why the NFVPLS, the only national body working exclusively in family violence with First Nations women and children, was excluded. This is a missed opportunity for government to utilise the expertise of NFVPLS members who work at the frontline with Aboriginal women in urban, rural and remote locations across the country. NFVPLS members:

- have over 25 years' experience working exclusively with Aboriginal and Torres Strait Islander people who experience family violence (98% women and children);
- are predominately standalone, self-determined ACCO's (with a small number auspiced by mainstream services and other ACCOs);
- provide holistic, culturally safe, legal and non-legal services to First Nations people;
- provide diverse and unique prevention, early intervention, tertiary and recovery programs;
- employ high numbers of Aboriginal and Torres Strait Islander women; and
- are led by a network of First Nations women CEOs.

Despite our expertise and best practice models, NFVPLS members continue to be overlooked and excluded. The 2022-2023 Federal budget committed \$1.7 billion to women's safety, however NFVPLS members have yet to see any real increase in funding. Urgent investment is needed to resource our vital role to inform government policy on issues that relate especially to Aboriginal women and children.

### **Standalone Plan to End Violence Against First Nations Women and Children**

Djirra, together with many other specialist ACCOs and Aboriginal and Torres Strait Islander women, advocated for several years for a standalone, dedicated national plan to end violence against First Nations women and children.

Despite this, in 2021 the former government committed to an Action Plan that is in effect a "sub-set" under the over-arching National Plan. Djirra, together with many others, provided a detailed submission on the Action Plan, and two further rounds of feedback on subsequent drafts. Disappointingly, much of the feedback we provided was not addressed in the final Action Plan released by the current government in August 2023.

Two recommendations of note that Djirra, along with others, did not support include:

- establishment of a new First Nations family safety peak body; and
- scope the creation of an Aboriginal and Torres Strait Islander Family, Domestic and Sexual Violence Commissioner.

Djirra endorses CtR's submission that calls for government to engage in a transparent process for the appointment and selection of an ACCO to undertake the work of the new peak body.

Djirra welcomes the current government's commitment to a separate, standalone plan to end violence against First Nations women, and the call for Expressions of Interest for the steering committee to oversee the development of this plan. Whilst this is a step in the right direction, Djirra joins others in calling on government to ensure the steering committee selection process is timely and transparent.

## **Successful partnerships between ACCO's and governments**

The key to successful partnerships is to ensure that government hears from, and partners with, subject matter experts. In both the Victorian and national context, we have seen our women and children failed in circumstances where:

- there has not been an independent mechanism to hold decision makers accountable for systemic, policy or program failures;
- Djirra has been excluded from key Forums and partnerships informing government;
- there has been unacceptably short timeframes for consultations that often appear to have a predetermined outcome; and
- Djirra is relied upon for our expertise by governments, but is not adequately or equitably funded to do this resource intensive work which puts pressure on our organisation and frontline staff.

Djirra calls on governments to prioritise and invest in our self determined solutions to Close the Gap.

### ***Priority Reform Area 2 Building the Aboriginal and Torres Strait Islander community-controlled sector***

Governments must demonstrate a real commitment to Aboriginal and Torres Strait Islander self-determination. This will only be achieved through increased investment and funding certainty.

The NFVPLS Forum members are chronically under-resourced, and increased demand has not been met with increased funding. Lack of indexation results in decreased funding year upon year, compounding funding reductions over time. Due to the growing Aboriginal and Torres Strait Islander population, overall real funding per person has decreased by a compound annual growth rate of 2.9%. FVPLSs require approximately \$40 million in additional annual funding to provide essential services to First Nations people affected by family violence across the country.

The lack of ongoing funding from governments sees Djirra regularly face funding cliffs. This means it is more challenging to plan, teams are destabilised, clients' trust is eroded, and knowledge lost with increased staff turnover compromises our ability to measure actions. This also limits Djirra's ability to meet our strategic plan and service delivery targets. Short term and uncertain funding arrangements impact our capacity to offer employment stability to the Aboriginal and Torres Strait Islander women in our workforce. This uncertainty can result in systemic workforce issues that impact the livelihoods of our workforce and their families.

Violence against Aboriginal and Torres Strait Islander women is a national emergency, and culturally safe services for our women who live in rural, remote and urban areas must be prioritised. When escaping family violence, Djirra sees women and their children often forced to relocate. Services must be available to ensure women's safety in urban, regional and remote areas. Government must make funding decisions with safety as the priority and not arbitrary decisions based on geographic locations alone.

Governments must prioritise funding for ACCOs commensurate with need and recognise the increased complexity of supporting Aboriginal clients through hostile systems. The critical, long term and challenging work required to support women and children experiencing family violence is often the difference between survival or death. The mental, cultural and spiritual impact that frontline work has on our workforce must be better understood. Resources to support the workforce

must be available and distinct from service delivery targets. This investment is particularly important when considering the unique issues Aboriginal and Torres Strait Islander people face when working in their own communities.

Consultation around budget processes to ensure services are viable and sustainable must also be adopted to ensure self-determination and a shared understanding of the 'real' costs associated with provision of culturally safe services. We call on governments to immediately commit to ongoing and sustainable funding to specialist ACCOs like Djirra. In doing this, we will see the gap start to close.

### ***Priority Reform Area 3 Transforming government organisations so they work better for Aboriginal and Torres Strait Islander people.***

#### **Systemic racism and the need for real cultural and structural change**

The existing path fails our people. We must drive cultural and structural change that creates a new way forward. Labelling violence as an Aboriginal and Torres Strait Islander community problem does not recognise the gendered nature of family violence or prioritise women and children's safety. Real transformation will not occur until governments understand what the real, self-determined solutions are by listening to subject matter experts.

The failure of governments to resource and adopt Aboriginal and Torres Strait Islander led solutions is distressingly evident when considering the increasing and unacceptable rates of child removal, incarceration and family violence our people experience. In our work, we see our women and children disadvantaged repeatedly, by systems that are culturally unsafe, racist and judgmental.

The Yoorrook Justice Commission report released in September 2023 keenly focused on the child protection and justice systems, highlighting the ongoing impacts of colonisation and the urgent need for structural change, particularly within government. Djirra strongly recommends the Commission considers all 46 recommendations from the Yoorrook Report.

Djirra has experienced positive outcomes when working with dedicated Aboriginal and Torres Strait Islander units that are responsible for developing, overseeing and monitoring programs and policies. These units are most effective when led by and staffed with skilled and experienced Aboriginal people who are empowered to work in partnership with ACCOs to innovate and challenge ineffective ways of working.

The Voice to Parliament referendum presented an opportunity to challenge some of the ineffective ways in which governments work. The campaign and outcome of the referendum has further revealed to decision makers the entrenched and systemic racism against our people. In Djirra's work on the frontline, we see the structural violence and racism experienced by women every day. Post referendum, we are concerned we will see an increase of family violence given around 80% of our clients experience violence perpetrated by non-Aboriginal men. Djirra has already seen examples of perpetrators using the outcome of the referendum to further inflict family violence.

Governments must transform their practices to ensure that First Nations peoples' experiences and safety is prioritised. When working with ACCO's on the frontline, governments must ensure that principles of self-determination are adhered to, and our expertise is listened to and invested in.

## **Priority Reform Area 4 *Improving and sharing access to data and information to enable Aboriginal and Torres Strait Islander communities to make informed decisions***

### **Data sovereignty**

Data sovereignty is essential to self-determination; despite this, investment from government has been scarce. It is critical that ACCOs like Djirra be adequately resourced to safely collect, analyse and evaluate our own data using Aboriginal ways of knowing and doing. Specialist organisations hold a rich array of data; if we are to provide meaningful insight into achieving outcomes, investment must be forthcoming to build our capacity to monitor and evaluate our programs with a view to continuous improvement.

Governments must also play its role by working in partnership with ACCOs to develop outcome frameworks, appropriate and culturally meaningful performance indicators, and reporting processes that are designed to support rather than focus exclusively on compliance.

The current unsophisticated performance measures are confined to 'counting' and do not capture the unique, diverse and complex issues that women we support experience. Further, the current system does not provide mechanisms that account for the complex, intensive, long term and specialist approaches required to support our women to recover and thrive.

Our work focuses on the enduring strength our women have built to survive and navigate the impacts of historic and contemporary colonisation. Government's focus on deficits reduces our ability to provide the most effective prevention and early intervention programs that are essential to achieving long term outcomes. Meaningful investment in strengths-based approaches is urgently needed.

Djirra has previously provided information to the Commission detailing our outcomes framework. We welcome the opportunity to work more closely to develop measurement and reporting frameworks that reflect our work and can contribute to the evidence base around what works.

Djirra has invested significantly in our outcomes measurement capacity, this work has largely been unfunded, and we are leaders in this work. If this work is to progress, urgent ongoing investment will be required to enable the complex work of measuring outcomes to continue.

We continue to experience challenges accessing timely and accurate data. Often data provided by government agencies is outdated, difficult to interrogate, decipher or analyse. Governments must commit to funding data sovereignty in ACCOs, along with ensuring that all data regarding our people is current and relevant. Without this, we cannot meaningfully understand the impact of our services and contribute to achieving targets.

Djirra supports the draft report's findings that the National Agreement's Performance Management Framework is inadequate with no indicators for the Priority Reforms and no accountability or consequences for failure to meet Closing the Gap targets.

Djirra is deeply concerned that Closing the Gap data sources and metrics are not current, not fit for purpose and give a misleading impression of what is being achieved. Of particular concern is the family violence targets under Outcome 13:

### **Outcome 13**

- The data sources for Outcome 13 do not give an accurate picture of progress. Closing the Gap uses data from the 2018/19 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) to report on family violence, a survey conducted every 5 years. This survey relies on individual reporting of family violence, rather than police or justice data. The NATSIHS

will be conducted in 2023 meaning there will not be any new data for Outcome 13 until mid-2024 at the earliest. It is unacceptable that there is no way to measure the progress on this critical target.

- The fact remains that despite Target 13, Aboriginal and Torres Strait Islander women experience violence at vastly higher rates than other women. Aboriginal and Torres Strait Islander women are:
  - Nationally 33x more likely to be hospitalised from family violence than other women;
  - Nationally 8x more likely to die due to violent assault; and
  - In Victoria 45 x more likely to experience family violence.
- It is well documented that more than 90% of the violence our women experience goes unreported. Barriers to reporting including, poor police responses and fear of child removal, have a significant impact on reporting rates and it is therefore likely that these numbers are much higher. Something must change to close this gap.

## **Conclusion**

Thank you again for the opportunity to comment on the Productivity Commission's draft report. We appreciate that this is the first step in a longer-term process over the next decade. It is crucial that the foundational work is robust, and that Aboriginal and Torres Strait Islander people are at the forefront of this important work.

Without true self-determination and government accountability Djirra sees little prospect of making real progress in Closing the Gap. However, Djirra remains committed this process and ensuring that governments listen to and invest in our specialist organisations that prioritise Aboriginal and Torres Strait Islander women and children's safety.