



Sharing stories, finding solutions

Yoorrook Inquiry: Land Injustice

Djirra Submission

December 2023

ACKNOWLEDGEMENT

Djirra acknowledges and respects the Traditional Custodians on whose lands we are fortunate to live and work on, and we pay our respects to all Elders past and present.

We pay our respects to all Aboriginal and Torres Strait Islander Elders and Matriarchs who have remained strong in culture and the fight for justice. 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.

Across Australia, we live on unceded land. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

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ABOUT DJIRRA

Djirra is a specialist Aboriginal Community Controlled Organisation (**ACCO**) with 21 years' experience accompanying Aboriginal and Torres Strait Islander women, and their children, on their individual journeys. We find solutions through Aboriginal and Torres Strait Islander women sharing their stories, journeys, and experiences. Djirra celebrates women's strength and resilience. We are committed to a future without family violence.

Djirra delivers holistic, culturally safe, specialist family violence support, legal services and case management, alongside cultural and wellbeing workshops and programs. Our services have state-wide reach, touching every part of Victoria to meet the needs of Aboriginal and Torres Strait Islander women. Self-determination is the foundation of everything we do. Djirra amplifies the voices of Aboriginal and Torres Strait Islander women. We advocate for system-wide change to improve access to justice, eliminate systemic violence, and strengthen women's resilience. Djirra's submission will focus on the impact of land injustice through this lens.

Djirra is an active member of the National Family Violence Prevention and Legal Services (**NFVPLS**) Forum, the peak body for Aboriginal and Torres Strait Islander people who are experiencing or at risk of family violence.

Djirra's CEO Antoinette Braybrook held elected roles as Chair and Co-Chair of the NFVPLS Forum for over ten years. Antoinette is Co-Chair of Change the Record, Australia's only national First Nations led justice coalition of legal, health and family violence prevention experts.

Djirra strongly advocates for systemic change. The solutions to addressing the disadvantage and inequality Aboriginal and Torres Strait Islander people experience sit with specialist ACCOs.

Djirra remains committed in our calls for increased and sustained investment into specialist ACCOs, such as Djirra. To end violence against our women and children, their safety must be of paramount concern and prioritised. Djirra's culturally safe, holistic approach through our frontline services and programs is designed and tailored to meet the unique and diverse needs of Aboriginal and Torres Strait Islander women. Djirra acknowledges the ongoing impacts of colonisation. Djirra has the solutions. Djirra is self-determination in action.

RECOMMENDATIONS

Recommendation 1

The Victorian Government must legislate for the *United Nations Declaration on the Rights of Indigenous Peoples* to be incorporated into Victorian law.

Recommendation 2

The Victorian Government must implement all recommendations of the *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems (2023)*, *Always Was, Always Will be Koori Children (2016)*, *Unfinished Business, Koori Women in the Justice System (2013)* and *Bringing them Home (2007)*.

Recommendation 3

The Victorian Government must provide increased and ongoing funding for specialist ACCOs to better prepare and respond to the immediate and ongoing impact of disaster events, including through culturally safe, legal and non-legal support.

Recommendation 4

The Victorian Government must fund ACCOs to develop a self-determined strategic investment plan for cultural strengthening and reconnection work.

Recommendation 5

The Victorian Government must commit to long term investment to ensure that all Aboriginal and Torres Strait Islander women have real choices to access culturally safe services where they live as a fundamental aspect of individual self-determination.

Recommendation 6

The Victorian Government must invest in Djirra to establish and operate Victoria's first dedicated Aboriginal Women's Centre.

Recommendation 7

The Victorian Government must expand investment in Djirra to enable equitable access for Aboriginal and Torres Strait Islander women affected by family violence to culturally safe, holistic family violence prevention and legal services no matter where they live in Victoria.

Recommendation 8

The Victorian Government must establish a specific mechanism to fund a restorative justice program to support community-directed redress projects.

INTRODUCTION

The Yoorrook Justice Commission (**Yoorrook**) presents a unique opportunity for Victoria's Aboriginal and Torres Strait Islander community to speak truth to the continuing legacy and suffering imposed by more than 200 years of colonisation.

Djirra welcomes the opportunity to contribute to Yoorrook's Inquiry into Land Injustice (Land, Sky and Waters). We also welcome the themes outlined in the Issues Paper that make clear that, while the focus is on land theft and land justice, the Inquiry will examine the ongoing impacts of dispossession. Connection to Country is culture, history, stories and bloodlines: it is our spirituality and identity.

Victoria was so systematically and violently colonised that there is no aspect of Aboriginal people's lives that is not impacted by colonial land theft. The physical destruction of land through clearing, non-Aboriginal farming practices and the neglect of ecosystems and waterways has increased the risk of fire, flood and environmental degradation. These are all spiritually damaging to Aboriginal people and compound the grief and trauma of the loss of Country.

Djirra's submission provides detail about the wider impacts of the land theft and dispossession that has occurred since colonisation. Our submission will focus on how the impacts have disproportionately harmed Aboriginal and Torres Strait Islander women and children and how the dispossession manifests for our people and communities today. In particular, Aboriginal and Torres Strait Islander women's experiences of poverty, displacement from country, family violence, homelessness, lower life expectancy, poor physical and mental health, inequality and oppression.

As the Yoorrook Justice Commission Report into Victoria's Child Protection and Criminal Justice Systems highlights, the impacts of colonisation are also evident in the extreme overrepresentation and institutionalisation of Aboriginal and Torres Strait Islander people in these systems. Djirra refers the Commission to our previous submission and evidence provided to the Child Protection and Criminal Justice Systems Inquiry.

Connection to Country is culture, history, stories and bloodlines and is integral to our spirituality and identity. We are at our strongest when our community and cultural connections are strong. We have made some progress in Victoria, however the harm the failed Referendum has had, and will continue to have, on our communities can not be ignored. There is so much more to do.

THE EFFECTS OF VIOLENT DISPOSSESSION IN VICTORIA

Victoria is one of the most violently colonised parts of Australia with Aboriginal communities and families torn apart, massacred, children stolen, and cultural rights and identity denied. The blueprint of violent dispossession continues to play out today. Most particularly in Djirra's key areas of work and advocacy i.e., family violence, the criminalisation of Aboriginal and Torres Strait Islander women and the removal of Aboriginal and Torres Strait Islander children. By way of example:

- Family violence (a legacy of colonisation) is the key driver of Aboriginal and Torres Strait Islander women's criminalisation, and the forced and traumatic removal of our children. There is clear evidence of a strong relationship between structural inequality and family violence; and a clear association between levels of disadvantage and family violence and death.¹
- In 1871, Victoria became the first state to legislate for the removal of Aboriginal children from their parents²: the Stolen Generations is ongoing with more than 2600 Aboriginal and Torres Strait Islander children in Out-of-Home-Care in Victoria in 2023.³

The disconnection from land and Country caused by colonisation continues to impact Aboriginal and Torres Strait Islander women and their children today:

- Structural and individual racism stemming from the invasion and theft of land and people sets the context for a legal system and wider attitudes and behaviours that work against Aboriginal and Torres Strait Islander women and communities.
- Dispossession and disconnection from land, Country and culture have made our women more vulnerable to violence and normalised the use of male violence against Aboriginal and Torres Strait Islander women.⁴ Aboriginal and Torres Strait Islander women in Victoria experience family violence at 45 times the rate of other women.⁵

This is the context in which we call for the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* to be fully incorporated into Australian law. There has been a substantial failure of state, territory and federal governments to end the significant disadvantage inflicted on Aboriginal and Torres Strait Islander people by a country that has not meaningfully addressed its legacy of colonialism, racism, and substantial human rights abuses, which continue to this day as evidenced by the failed referendum.

Self-determination is fundamental to the rights of Aboriginal and Torres Strait Islander peoples. We should be leading on all matters that affect us – we have the solutions. Yet Australian governments still fail to properly include Aboriginal organisations when designing relevant laws, as was the case

¹ Family Violence Death Review Committee, Health Quality & Safety Commission New Zealand, Fifth Report Data: January 2009 to December 2015 (2017), 9; Tracey McIntosh, 'Settler Violence, family and whanau violence in Aotearoa New Zealand' in Lois Bastide and Denis Regnier, *Family Violence and Social Change in the Pacific Islands* (Taylor & Francis, New York 2022), 20; Family Violence Death Review Committee, Health Quality & Safety Commission New Zealand, Fifth Report Data: January 2009 to December 2015 (2017), 9.

² The Governor may order the removal of any aboriginal child neglected by its parents, or left unprotected' to the missions at Coranderrk, Lake Wellington, Lake Tyers, Lake Condah, Framlingham, Lake Hindmarsh or 'to an industrial or reformatory school.' Victoria Government, 24 February 1871, Victorian Government Gazette, no.15 quoted <https://www.vic.gov.au/stolen-generations-reparations-steering-committee-report/chapter-2-victorian-stolen-generations-0>

³ Alisandratos, A, *Witness Statement of Argiri Alisandratos to the Yoorrook Justice Commission* (2023) Attachment AA-10, p. 26

⁴ Keddie, Delaney, McVeigh & Thorpe, (2021) "Understanding and addressing gender-based violence: an Australian Indigenous approach" in *Journal of Gender Studies*

⁵ Royal Commission into Family Violence, *Final Report: Volume 5* (2015), p. 13

recently in Victoria, when key organisations including Djirra were not meaningfully consulted on the Aboriginal Statement of Recognition for the *Children, Youth and Families Act 2005 (CYFA)*.

We acknowledge that new Parts 1.1A, Statement of Recognition, and 1.1B, Recognition Principles, inserted in the CYFA recognise the harms of the past and the importance of Aboriginal children being connected to their culture and country. However, as detailed further in this submission, Djirra is yet to see significant improvement for the families that we work with and for. We also note that this recognition does not acknowledge the disproportionate and particular harm perpetrated against Aboriginal women.

DRIVERS AND IMPACTS OF CRIMINALISATION

Incarceration is the ultimate separation from Country, culture, family and community. The growing number of deaths in custody demonstrates how unsafe this system is for our people.

As a specialist family violence ACCO, Djirra has a unique insight into the connection between family violence and other intersecting factors that contribute to the increasing rates of Aboriginal and Torres Strait Islander women in Victoria's prisons⁶. These factors include housing instability, poverty, disability, and social and emotional wellbeing issues, which are compounded by the impact of colonisation and intergenerational trauma.

It is unacceptable that in Victorian prisons today, more than 90% of Aboriginal and Torres Strait Islander women have experienced family and sexual violence and 80% are mothers – their children caught up in the child protection system, then youth justice and ultimately adult incarceration. This trajectory is well documented.

The criminal justice system is not safe and is not a place where women can heal. Djirra expanded on this in our submission and evidence to the Yoorrook Inquiry on the Child Protection and Criminal Justice systems.

Family violence is both a cause and consequence of Aboriginal and Torres Strait Islander women's incarceration. In our work we see women being blamed, punished and misidentified for the violence they experience. This misidentification leads to our women being criminalised and incarcerated. The incarceration of our women has ripple effects. It separates and disconnects Aboriginal and Torres Strait Islander women from their land, culture, community and families. It is important to note that many of our women in prison today are on remand for minor offences relating to poverty and homelessness. For those who are found guilty of the offence, mostly the courts will not impose custodial sentences.

IMPACTS OF CHILD REMOVAL

The current child protection system in Victoria is punitive and grounded in racism (both systemic and individual).⁷ Djirra supports the findings of the Yoorrook Report into Child Protection and the Criminal Justice Systems and calls for the Victorian Government to implement all 46 recommendations.

For Aboriginal and Torres Strait Islander children to thrive and maintain strong connections with family, Elders, communities – their relationship to Country must be preserved. This connection

⁶ 17 times the rate of non Aboriginal women C Axleby, National Aboriginal and Torres Strait Islander Legal Services, **Committee Hansard**, Canberra, 15 October 2020, p. 3.

⁷ Victorian Government, *Victorian Government Submission to the Yoorrook Justice Commission* (2023) p. 39.

provides a strong foundation for our children to grow up strong in culture and identity. An Aboriginal and Torres Strait Islander child's connection to culture and family must never be broken. Sadly, in our work we witness how the child protection system actively deprives our children of their connection to land, sky and waters. Notwithstanding the Aboriginal Child Placement Principle that has been in place since the 1980s, 60% of our children are removed and placed with non-Aboriginal carers.⁸

The high rates of removal and placement of Aboriginal children with non-Aboriginal carers has a devastating and long lasting impact, and is also inconsistent with Article 7.2 of UNDRIP which states that Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

In Djirra's experience, the Department of Fairness, Families and Housing (**DFFH**) has a poor understanding of the importance of culture for Aboriginal and Torres Strait Islander children.

Our client questioned the Department about her children's Cultural Support Plans and was told: "It doesn't matter where the service is from, as long as the children are linked in with Aboriginal activities." Our client had queried whether the children's cultural needs would be fulfilled by goals that did not include going back on Country or learning about and engaging with their mob in WA, and only specified engaging with Koori-based services (on a surface level).

CULTURAL SUPPORT PLANS

A Cultural Support Plan (**CSP**) is required by legislation and must be enforced. In Victoria, the *Children, Youth and Families Act 2005* (s. 176) requires the Departmental Secretary to prepare a CSP for each Aboriginal child placed in Out-of-Home-Care.

Despite this, only 65% of Aboriginal and Torres Strait Islander children in Out-of-Home-Care have a CSP.⁹ Djirra has assisted Aboriginal mums in multiple matters where DFFH has sought an order which removes the child from parental care without a CSP.

DFFH's unsatisfactory and unsafe lack of compliance with supporting Aboriginal and Torres Strait Islander children's connection to culture and the limited quality of many CSPs is well documented. Our most vulnerable children are not assisted with the quality CSPs they are entitled to, and need, to thrive¹⁰.

DFFH's ongoing failure to comply with their statutory responsibilities has resulted in little consequence. There has been a failure by the Victorian Government to hold the DFFH accountable. Where the rights of our children, and their right to be supported and strong and proud with their families and cultures have been disregarded, there should be redress. This is also inconsistent with the rights of First Peoples as reflected in the UNDRIP.

⁸ SNAICC Family Matters Report 2022 p.29 <https://www.familymatters.org.au/the-family-matters-report-2022/>

⁹ Yoorrook, Transcript of Day 2 – Public Hearings, 28 April 203, p. 96.

¹⁰ Always was, always will be Koori children: systemic inquiry into services provided to Aboriginal children and young people in Out-of-Home-Care in Victoria / Commission for Children and Young People (2016) p71. <https://ccyp.vic.gov.au/inquiries/systemic-inquiries/always-was-always-will-be-koori-children/#:~:text=Always%20was%2C%20always%20will%20be%20Koori%20children%20is%20the%20report,of%2Dhome%20care%20in%20Victoria>; CCYP, Safe and Wanted, p. 15; Yoorrook, Transcript of Day 2 – Public Hearings, 28 April 203, p. 96.

IMPACTS OF DISASTER EVENTS

The physical destruction of land through clearing, non-Aboriginal farming practices and the neglect of ecosystems and waterways has increased the risk of fire, flood and environmental degradation.

In our work we see the particular impact that an increase in disaster events, like bushfires and flooding, have had on the women and children that we work with. Djirra, like other services, has received funding on an ad hoc basis from the Victorian Government reflecting the increase in service demand in impacted communities. While this investment has been very welcomed and appreciated, this funding is often time limited. This means that Djirra is faced with funding cliffs which constrain how we plan and invest in our workforce. Given the increase in disaster events, we urge the Government to ensure increased and ongoing funding to enable organisations to focus on disaster preparedness, and better resource statewide services like Djirra to respond.

Whilst there is an immediate and tangible impact from a disaster event, there are also long-term pressures and impacts that that can arise much later. Examples Djirra has seen in our work include:

- Financial pressures that result from flood damage, leading to increased family violence incidents which resulted in Child Protection intervening and removing children.
- Community members being displaced from Cummeragunja mission with delays to rebuild leading to a disconnection to Country and culture.
- Aboriginal mums being unable to attend contact with their children due to difficulties in leaving flood or bush fire affected areas.
- Challenges for Djirra in recruiting in areas like Shepparton and Gippsland subsequent to significant disaster events due to significant housing shortages.

Recommendation 1

The Victorian Government must legislate for the *United Nations Declaration on the Rights of Indigenous Peoples* to be incorporated into Victorian law.

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Recommendation 3

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ABORIGINAL WOMEN'S SELF-DETERMINATION

Djirra is built on a strong foundation of Aboriginal self-determination. We draw on and invest in women's strong identity and cultural strength to shape our services and programs.

Djirra acknowledges and respects that individual and collective self-determination is a key element for our people to heal from the ongoing effects of colonisation and the attempted destruction of our culture. True self-determination must be grounded in human and cultural rights, with Aboriginal and Torres Strait Islander women driving, designing and developing initiatives for change.

Djirra welcomes the Victorian Government's commitment to sharing decision-making powers with our people and to undertaking systemic transformation. To achieve true self-determination, this commitment must not simply transfer the responsibility of failed systems from government to ACCOs. It must provide an opportunity for ACCOs to take the lead on systemic reform so that our people are no longer disadvantaged or harmed. Any change must recognise the diversity of our people and expertise of specialist ACCOs like Djirra.

DJIRRA KEEPERS

In 2018, Djirra announced our inaugural Djirra Keepers. Our Djirra Keepers are Aboriginal women and cultural leaders who are influential, highly respected and have a strong connection to land and communities. They have committed their lives to promoting and advocating in their own way for Aboriginal women. Each woman has been a part of Djirra's story and contributed to our journey.

DJIRRA'S FRONTLINE SERVICES

Djirra develops and delivers early intervention and prevention programs. These programs are at the core of what Djirra does. They focus on building trust and confidence and promoting cultural connection and a strong sense of identity for Aboriginal women. Our successful signature programs Sisters Day Out®, Dilly Bag and Young Luv® take us to our women no matter where they are in Victoria. These programs create safe and alternative ways for women to understand the warning signs of family violence and how key services for their safety can be accessed. Our signature programs have been recognised internationally and by Victoria's Royal Commission into Family Violence as best practice.

Our community education and early intervention and prevention programs have been developed and grounded in strong cultural principles. These programs have been designed and delivered by Aboriginal women. When we design our workshops and programs we give significant consideration to how these are best delivered. We ensure that we sensitively and appropriately apply any relevant cultural protocols, this happens through consultation with local women and Traditional Owners.

Djirra is always mindful about where we deliver our programs and services. If we are aware that a location or venue has been associated with the impacts of dispossession, such as child removal, or causing other harms against Aboriginal people, then we will work to ensure that the safety of our teams and the women we work with are protected and seek alternatives. In our work across Victoria, we have encountered racist and discriminatory conduct toward Aboriginal women and community and as such do not use these organisations in our work.

Our key programs are:

Program	Program purpose and how it supports strong connection to Country
<i>Koori Women's Place</i>	<p>Djirra's Koori Women's Place (KWP) is a unique cultural program based in Abbotsford and provides a diverse range of supports. Aboriginal and Torres Strait Islander women can visit or call the KWP to:</p> <ul style="list-style-type: none"> • Join cultural, wellbeing and social activities, for example damper making or basket weaving. These activities are delivered in person and online. • Learn about upcoming Sisters Day Out, Dilly Bag and Young Luv workshops. • Access practical support. • Connect with other Djirra services (Lawyers, Case Managers, Counsellors). • Access our visiting services to get information and advice (e.g. Centrelink, Births, Deaths and Marriages).
<i>Sisters Day Out</i> [®]	<ul style="list-style-type: none"> • Sister Day Out is a one-day wellbeing workshop held regularly in communities throughout Victoria. • This workshop breaks down social isolation and provides a space for Aboriginal and Torres Strait Islander women to support each other, gain knowledge about legal rights and options, and engage with mainstream and Aboriginal support services.
<i>Sisters Day In</i>	<ul style="list-style-type: none"> • A specialised version of Sisters Day Out delivered to our sisters in Dame Phyllis Frost Centre and Tarrengower Prison. • Our women on the inside gain access to Djirra services, and other mainstream and Aboriginal services that we invite to attend.
<i>Dilly Bag</i>	<ul style="list-style-type: none"> • Dilly Bag is a three-day retreat held on Country. • It is a gathering of Aboriginal and Torres Strait Islander women that draws from cultural principles to inform Aboriginal and Torres Strait Islander women's ways of being in order to live a culturally safe and meaningful lifestyle.
<i>Young Luv</i> [®]	<ul style="list-style-type: none"> • For young Aboriginal and Torres Strait Islander women, aged 13 to 18. • A half day workshop to engage Aboriginal and Torres Strait Islander teenagers in a culturally safe space where they can talk about, reflect on, and better understand important issues affecting their lives. • The workshop aims to equip young women with information and skills to challenge unhealthy relationships, and to apply positive and safe behaviours.
<i>Individual Support Services</i>	<p>Djirra's Individual Support Service provides culturally safe wrap around support for Aboriginal and Torres Strait Islander women experiencing family violence. Services include:</p> <ul style="list-style-type: none"> • Case management, (short to medium term practical support for issues including family violence and safety, housing stress and concerns related to health needs, finances and children and/or family). • Alcohol and other drug support. • Financial assistance support packages. • Counselling (including phone and online support) • Warm referrals to other services. • Assistance to reconnect to mob and Country.

Legal Team	<p>Djirra’s Legal Team provides legal representation and non-legal support to Aboriginal and Torres Strait Islander people experiencing family violence. This includes legal advice, casework and court representation in relation to:</p> <ul style="list-style-type: none"> • Intervention Orders • Family Law • Child Protection • Victims of Crime Assistance • Other family violence related legal issues
Prison Support Program	<ul style="list-style-type: none"> • Djirra’s Prison Support Program provides legal and non-legal support to Aboriginal and Torres Strait Islander women at Dame Phyllis Frost Centre and Tarrengower. • Includes Lawyers, Paralegal Support Workers and Case Managers who connect with and support Aboriginal and Torres Strait Islander women in prison. • Links women to other culturally appropriate services and programs that assist women to maintain connection to family, culture, and community.

ABORIGINAL WOMEN CONNECTING TO CULTURE

Being strong in culture is a powerful protective factor. Many of the women who come to Djirra for advice and support do not know who their mob is or how to find their way back to Country. Djirra facilitates cultural connections through our Cultural Advisor, Koori Women’s Place and Community Engagement programs. Women that access our programs are always welcomed and connected with other Aboriginal women – Djirra staff, Aunties and our Djirra Keepers.

“Country” is not a one-dimensional concept that is tied to a place - it is history, stories, blood lines and knowledge. At Djirra there are many instances where women we work with have been unable to return to Country due to family violence, safety concerns, poverty and homelessness. We have also recently seen increased pressures in our women maintaining connection to Country due to the rising cost of living and lack of access to transport.

There are many ways Djirra supports Aboriginal and Torres Strait Islander women to return to Country, including:

- Assisting women by trying to find out more about their Country and kin. To do this Djirra facilitates referrals and works alongside services such as Link Up, the Koori Heritage Trust and land councils.
- Our Legal Service supports women and their children to obtain Victims of Crime Assistance to return to Country to assist in their recovery from family violence.
- Djirra regularly supports women who need cultural or material aid to return to Country for healing and support.
- Many women who access Djirra services, continue their healing journey on Country by participating in our Dilly Bag program. Dilly Bag is a unique cultural program that is held on four different countries across the year: Gunditjmarra, Yorta Yorta, Gunai Kurnai and Taungurung. Dilly Bag facilitators are all Aboriginal women each of whom have cultural connections to the lands where the program is delivered.

SELF-DETERMINATION AND THE KEY ROLE OF ACCOS

Aboriginal and Torres Strait Islander women face complex and interwoven barriers to accessing services that are culturally safe and appropriate. A fundamental aspect of an Aboriginal and Torres Strait Islander woman's individual self-determination is the right to choose appropriate, safe services and support in their local area. Women may not always feel safe to disclose family violence to their local ACCO, particularly if workers are the family or friend of the person using violence. Mainstream services may not be culturally safe or, like The Orange Door, may be multiservice hubs that include child protection and other services that our women often do not trust.

Government must prioritise and resource measures and programs that address harms and empower Aboriginal and Torres Strait Islander people to take control of their lives. For example, self-determination means supporting communities and ACCOs to lead the development and delivery of programs to help keep our women and their children safe.

ACCOs are uniquely placed to conceptualise, develop and deliver services to support our people to recover from the trauma perpetrated through colonisation and the forced removal of communities and children from Country, as well as the ongoing impacts of dispossession. This includes providing essential cultural strengthening initiatives that are grounded in cultural protocols.

Recommendation 4

That the Victorian Government fund ACCOs to develop a self-determined strategic investment plan for cultural strengthening and reconnection work.

Recommendation 5

That the Victorian Government commit to long-term investment to ensure that all Aboriginal and Torres Strait Islander women have a real choice of culturally safe services where they live as a fundamental aspect of individual self-determination.

OTHER KEY PROGRAMS AND SERVICE EXPANSION REQUIRING SUPPORT

ABORIGINAL WOMEN'S CENTRE

To address the gendered nature of colonialisation, and the impact of family violence, Djirra calls for the establishment and ongoing funding of the first Aboriginal Women's Centre (**AWC**) in Victoria to provide wrap-around support to Aboriginal and Torres Strait Islander women.

The AWC is a key strategic priority in the *Djirra Strategic Plan 2023-2028*. We are presently undertaking a feasibility study that will be complete in 2024. The AWC will ensure that our women can access a broad range of legal and non-legal supports and services in a single location. Underpinned by principles of self-determination, these promote a safe place and connection to culture and Community for our women and their children. Aboriginal and Torres Strait Islander women from across Victoria will be able to access the AWC.

Recommendation 6

The Victorian Government must invest in Djirra to establish and operate Victoria's first dedicated Aboriginal Women's Centre.

SPECIALIST FAMILY VIOLENCE SERVICES IN REGIONAL VICTORIA

The Victorian Aboriginal and Torres Strait Islander population is growing. At the same time, Aboriginal and Torres Strait Islander women affected by family violence continues to increase, the proportion of our children removed from their families in Victoria is the second highest in Australia¹¹, and our women are significantly over-represented in the justice system.

Djirra's experience is that Aboriginal and Torres Strait Islander women in regional areas have limited choice in services. There are some areas where our women have no access to holistic, culturally safe services. This has become more apparent as more ACCOs within regional areas have undertaken responsibility to deliver child protection services on behalf of DFFH, which has the potential to prevent Aboriginal and Torres Strait Islander mums from feeling safe in disclosing family violence to these services. Regardless of where our women live, they deserve equal support and self-determination in service options on their Country.

Djirra has completed a feasibility strategy to guide a regional service expansion strategy to provide our holistic services for Aboriginal and Torres Strait Islander women and their children where they live.

Recommendation 7

The Victorian Government must expand investment in Djirra to enable equitable access for Aboriginal and Torres Strait Islander women affected by family violence to culturally safe, holistic family violence prevention and legal services no matter where they live in Victoria.

SEQUESTERING RESTORATIVE JUSTICE FUNDS

In recognition of the injustice of dispossession, Djirra supports a restorative justice process, so that a percentage share of the State Government budget provides an ongoing fund to invest in redress projects. For instance, through the First People's Assembly. These will be community-determined but could include: housing, particularly refuges and transitional accommodation for women escaping violence and post-prison; buyback of Country; residential rehabilitation services where Aboriginal and Torres Strait Islander women can access rehabilitation care, with their children or in close proximity to their children;¹² a process for protection of birthing trees that enables First Nations women to identify, protect and access birthing tree Country and share cultural practices surrounding them.

Recommendation 8

That the Victorian Government establish a specific mechanism to fund a restorative justice program to support community-directed redress projects.

¹¹ SNAICC, *Family Matters Report 2023*

¹² See, for example, the [Yakapna centre](#) supporting Wollthiga and Yorta Yorta Country.

APPENDIX A: DJIRRA'S COMMENTS AGAINST THE ISSUES PAPER PRIORITY THEMES AND KEY ISSUES

Djirra provides comment against the six priority themes and key issues identified by Yoorrook regarding systemic injustice experienced by First Peoples in relation to land/Country.

YOORROOK THEME	DJIRRA COMMENTS
<p>The centrality of Country to First Peoples' identity, culture, language, physical and spiritual wellbeing and economic opportunities and the disconnection and devastation wrought by the forced taking of their Country</p>	<ul style="list-style-type: none"> • Djirra assists many First Nations women who experience intergenerational poverty as a result of family members or themselves being removed from Country. Many also face homelessness and lack of secure housing, as well as loss of the connections to Community and family. These issues make it more difficult for Aboriginal and Torres Strait Islander women to escape violent relationships, which increases their vulnerability to having their children removed. • Djirra's experience is that the trauma of removal from Country intersects with family violence to cause additional harm. • Removal from Country affects First Nations women's ability to care for Country including caring for food and water sources, such as fish traps and murnong (yam daisy) pastures, making it more difficult to share the cultural and spiritual knowledge surrounding these practices. • Disconnection from Country also impacts women's access to secret-sacred cultural sites and practices, particularly birthing on Country. • Sky Country, including the night sky and astronomy, is very significant in terms of connection with ancestors. Djirra's cultural support programs (especially Dilly Bag) our Cultural Advisor and the Djirra Keepers support Djirra women in connecting with Country ancestors.
<p>The past and present benefits obtained by the colonising state, other entities, land holders and settlers through their dispossession of First Peoples of their Country the taking, misappropriation and destruction of cultural knowledge and heritage</p>	<ul style="list-style-type: none"> • All of the economic wealth of the State comes from the taking Aboriginal people's land. Early colonial governments were funded primarily by revenue from the sale of First People's Country, excises on crops and livestock grown on Country and minerals taken from Country.
<p>The ways First Peoples have maintained their culture and connection to their Country despite attempts to suppress culture.</p>	<ul style="list-style-type: none"> • Despite the trauma of colonisation Djirra sees women connecting with Country and culture in a myriad of ways. As set out in the body of this submission, Djirra facilitates regular gatherings where women can engage in cultural activities, yarn with Elders and peers, strengthen kinship and community connections, and learn more about Country. We also assist:

	<ul style="list-style-type: none"> women to return to their community and Country safely if they choose to do so. many Stolen Generations women in reconnecting with Country and with their identity and community, including through warm referrals to other organisations that do this work. <p>We recognise the great work of many other ACCOs, our Elders, Traditional Owner groups and Aboriginal and Torres Strait Islander communities that continue to support First Peoples maintain culture and connection to their Country.</p>
Ways to address violations of the right to self-determination and human and cultural rights and provide redress for past, present and ongoing injustice in relation to First Peoples dispossession of their Country now collectively known as the State of Victoria.	<p>Djirra supports mechanisms which ensure a percentage share of the State Government budget provides an ongoing fund for redress projects. For instance, through the First People’s Assembly (<i>See Recommendation 6</i>).</p> <p>In particular, as a way to address the gendered nature of colonial violence, and the impact of family violence, Djirra calls for the establishment and ongoing funding of Victoria’s first ever Aboriginal Women’s Centre and the expansion of our services to key areas of regional need to provide holistic, wrap-around legal and non-legal assistance to Aboriginal and Torres Strait Islander women affected by family violence and their children (<i>See Recommendations 4 and 5</i>).</p>
The past and present importance of Country to First Peoples distinct identity, culture, language, physical and spiritual wellbeing and economic opportunities and to First Peoples systems of law, lore and government	<p>Knowing and caring for Country is part of knowing and caring for community, culture, identity, language, law, lore and wellbeing. First People’s sovereignty, law, lore and government is grounded in connection to Country.</p> <p>These also aid healing and overcoming the trauma of institutional abuse; and the building of Aboriginal and Torres Strait Islander economic security, and sharing inventions, stories and culture more broadly.</p>
The past and present impact caused by European colonisers taking the lands of First Peoples	See body of submission.
The role played by state and non-state entities in taking the lands of First Peoples, in attempting to destroy cultural knowledge and heritage and in causing and perpetuating injustice	See Theme 1.
For First Peoples in relation to their lands: <ul style="list-style-type: none"> the importance of the right to self-determination and human and cultural rights, and especially the United Nations Declaration on the Rights of Indigenous Peoples, and of State compliance with those rights 	<p>Djirra agrees that the right to self-determination and human and cultural rights are important protections that the State must comply with. Those rights could be better reflected in State law, administration and practice through:</p> <ul style="list-style-type: none"> The Victorian government legislating for UNDRIP to be incorporated into Victorian law (<i>See Recommendation 1</i>). Recognition that the Native Title model has been narrow and that a more just and inclusive process is required. This needs to recognise that First People’s connection to Country is a living, evolving relationship. It may have been impacted by colonisation and dislocation caused by child removal. However, the connection continues, whether First Peoples are living on or off Country urban or regional settings.

<p>ii. how those rights might be reflected in State law, administration and practice</p>	<p>The State has been involved in taking our lands since first contact. A significant element of the colonial state’s involvement has been the breaking of promises to our peoples. For example, Governor Bourke promised in 1836 to continue paying the annual rent which John Batman had promised to pay Wurundjeri Elders under his so-called treaty. Being stolen from family and removed from Country has impoverished Aboriginal people – economically, culturally, spiritually, educationally. Despite settler violence and relocation, Aboriginal communities have worked hard to retain and rebuild connections with Country.</p> <p>Native Title processes have often failed to recognise these connections. Victoria’s Traditional Owner Settlement (TOS) scheme, created to address some of the problems of the native title system has now been running since 2010.^[3] The Yoorrook Justice Commission may wish to review the TOS scheme to determine if:</p> <ul style="list-style-type: none"> • the TOS scheme supports First Peoples to recover land in areas where housing is needed? • the TOS scheme complies with Article 28 of the UN Declaration on the Rights of Indigenous Peoples, in terms of providing First Peoples with the <i>“right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent”</i>? <p>Removal of Aboriginal and Torres Strait Islander children and DFFH’s unsatisfactory, incomplete efforts to support ongoing connection to culture and Country contribute to an ongoing dispossession of Aboriginal and Torres Strait Islander people in violation of the UN Declaration. ACCOs like Djirra have also not been resourced to meet the increasing and increasingly complex demand.</p> <p>Urgent action is needed to stop the additional damage to our children and families and to transform the system to one that supports families rather than separates them. We need an Aboriginal-led and designed system for keeping our children safe and protected. Land redress measures must include secure housing and connection to Country.</p>
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