



22 December 2023

NSW Aboriginal Women's Advisory Network's submission to the Australian Human Rights Commission for the Wiyi Yani U Thangani Framework and Institute

The NSW Aboriginal Women's Advisory Network ('AWAN' or 'the Network') thanks the Australian Human Rights Commissioner and Commissioner June Oscar AO for the opportunity to comment on the design of the Wiyi Yani U Thangani Framework for First Nations Gender Justice and Equality, and the establishment of a First Nations Gender Justice Institute. The Network has tailored this submission to respond to the guiding themes and questions proposed by the Commission.

The [NSW Aboriginal Women's Advisory Network](#) was established in 2022 and operates as a mechanism to drive Aboriginal-led policy solutions to the NSW Government Closing the Gap Target 13 initiative to reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50% by 2031 as progress towards zero.¹

AWAN's Executive Council is led by Co-Chairs from Wirringa Baiya Aboriginal Women's Legal Centre ('Wirringa Baiya') and the Aboriginal Legal Service (NSW/ACT) ('ALS'). The ALS is the Coalition of Aboriginal Peak Organisations (CAPO) lead on Target 13. Wirringa Baiya is the organisation that auspices the AWAN secretariat. Both Wirringa Baiya and AWAN are gender-specific and sensitive to the culturally diverse needs of Aboriginal and Torres Strait Islander women and children victim-survivors of domestic, family and sexual violence.

AWAN works to reduce violence against Aboriginal women and children through the following multi-pronged approach:

- Educating community around issues of domestic, family and sexual violence against Aboriginal and Torres Strait Islander women and children.
- Empowering Aboriginal and Torres Strait Islander women across New South Wales with opportunities to provide their insights on issues that impact themselves, their families, and their communities.
- Representing Aboriginal and Torres Strait Islander women's voices to government and also to frontline services.
- Advocating for better protections and support in community for Aboriginal and Torres Strait Islander women and children.

Whilst our consultations are ongoing, the communities that we have visited so far include Brewarrina, Campbelltown, Dubbo, La Perouse, Mt Druitt, Redfern, Walgett, Wellington, Armidale, Glen Innes, Tingha, and Inverell. Over 7 – 8 December 2023, the Network also held a State-Wide Conference around domestic, family and sexual violence which hosted over 100 Aboriginal and Torres Strait Islander women from urban, rural, regional and remote communities across NSW. Our Network has a membership of more than 350 Aboriginal and Torres Strait Islander women from NSW. The work of our Network and the feedback

¹ NSW Government, *2022-2024 NSW Implementation Plan for Closing the Gap*, 109.

provided in this submission is informed by the valuable insights shared with us by many Aboriginal and Torres Strait Islander women from across NSW.

Measuring Change Outcomes

We value the Commission's commitment to learning from community experiences about what effective practices (data collection, measurement, and evaluation) look like in order to understand how to measure change outcomes in different settings. The NSW Aboriginal Women's Advisory Network has engaged with Aboriginal and Torres Strait Islander women in community, regional, and state-wide settings across NSW. We have also represented the voices of Aboriginal and Torres Strait Islander women in state, national and global settings.

The NSW Aboriginal Women's Advisory Network has built a strong foundation of engaging with Aboriginal and Torres Strait Islander women across NSW. The insights and opinions of these women shape the Network's strategic direction and influence our policy and advocacy work. The Network has represented the interests of Aboriginal and Torres Strait Islander women and girls to State and Federal Australian Governments, as well as state-based and national service providers. Our advocacy purpose is to change laws and policies and shift systemic attitudes and behaviours towards Aboriginal and Torres Strait Islander women and children. The Network is Aboriginal women-led, and centred on the values of being culturally appropriate, gender-specific and trauma-informed. We encourage and support ongoing collaboration between our Network and the Institute given the alignment of our ethos and work.

The Network's vision for change

The founding purpose for the establishment of the NSW Aboriginal Women's Advisory Network is the change that our Network wants to see for Aboriginal and Torres Strait Islander women and girls. The Network wants to see the elimination of domestic, family and sexual violence against Aboriginal and Torres Strait Islander women and girls in NSW and across Australia. The Network wants women and girls to be empowered and thrive in safe families and communities which support them to live the way that they want. From a systemic level, the Network wants to see active decolonisation and a disruption of Australia's Anglo-patriarchal values which drive ongoing oppression of Aboriginal and Torres Strait Islander women and girls through systems and in society.

The Network's vision for change is that Government agencies and non-government organisations are held accountable for their service delivery to and engagement with Aboriginal and Torres Strait Islander women and children. The Network's vision is for external Aboriginal-women led accountability mechanisms Australia-wide that are informed by the voices of Aboriginal and Torres Strait Islander women and girls locally. If Government agencies and non-government organisations fail to meet community led outcomes and standards, there must be real and effective mechanisms in place to keep the bodies accountable and to ensure appropriate changes and adjustments are made.

Aboriginal and Torres Strait Islander women and girls must have the power to assess whether the necessary changes are happening at the necessary pace. Ultimately, the voices and best interests of Aboriginal and Torres Strait Islander women and girls must be at the front and centre of accountability for Government agencies and non-government organisations.

Effective practices and approaches to collecting data, and measuring and evaluating change

We concur with the Commission that approaches and methodologies to setting outcomes and measuring change must be grounded in Aboriginal and Torres Strait Islander women's knowledges and cultures. Principles of Data Sovereignty and Governance must be upheld in relation to data that is collected from or about Aboriginal and Torres Strait Islander women and girls.

The process of collecting data from Aboriginal and Torres Strait Islander peoples must be culturally safe and trauma-informed. Different ways and opportunities to provide personal and collective insights should be offered to Aboriginal and Torres Strait Islander women and girls. It is important that both qualitative and quantitative data is collected. It is also important that there is a focus on the varied experiences Aboriginal and Torres Strait Islander women face based on their personal characteristics – for example, if they live in a remote community, are in custody, experience housing insecurity or homelessness, are part of the LGBTQIA+SB community, or live with a disability.

The security and confidentiality of the data of Aboriginal and Torres Strait Islander peoples is paramount. The Network's best practice guideline is that the raw data and insights from Aboriginal and Torres Strait Islander women should be held independently by an Aboriginal women-led organisation or Institute. Aboriginal and Torres Strait Islander peoples engaged by the Institute must be informed about the following:

- The nature of their data being collected;
- The purpose of their data being collected;
- The fact that the Institute and Framework for Action will be independent of government;
- What entity will be storing data about them;
- What people, entity or entities will have access to their data and in what format will that data be accessible. In particular, the level (if any) of access to raw data by the Australian Human Rights Commission or the Australian National University;
- Whether there will be any sharing of the data and if so, how the data would be shared and who the data would be shared with; and,
- The nature of how the data will be used and presented.

The indicators to measure and evaluate change must be driven by what is most important for Aboriginal and Torres Strait Islander women and girls. It is equally important that the actual measurements and evaluations of change are based on evaluation by Aboriginal and Torres Strait Islander women and girls from urban to remote areas across different jurisdictions across Australia.

The presentation of data collected from Aboriginal and Torres Strait Islander peoples must be de-identified and uphold the principles of confidentiality, trust and confidence. The presentation of data about Aboriginal and Torres Strait Islander women and girls must be strengths-based.

The presentation of findings should be a form of truth-telling and accountability to community for government and other stakeholders. Ideally, the Institute would produce reports and data snapshots that would be publicly available, for example online through an Institute website. The publication of the data would also be created with the purpose of both being a source for government and stakeholder accountability; and, for usage by sector stakeholders, like the

NSW Aboriginal Women's Advisory Network, to have a united push for further systemic change.

The Institute will need to uphold its own responsibilities to the Aboriginal and Torres Strait Islander women and girls and Aboriginal Community Controlled Organisations that it consults with. This means reporting the findings back to the communities and services engaged with. The Institute should be mindful of prioritising the manner in which each community wishes to be engaged with and how each community would like to receive feedback and communications. Cultural protocols, processes and respect for community must be at the heart of the process.

Local change practices and data collection must inform national priorities and define systemic outcomes

The voices of Aboriginal and Torres Strait Islander women and girls from urban, rural, regional and remote local communities across Australia must inform national priorities and systemic outcomes. A holistic approach to capturing these voices must be adopted. Through engaging with women and representative programs that are Aboriginal women-led across Australia, the Institute can capture best practices to achieving gender justice and equality by Aboriginal and Torres Strait Islander women and in their communities at the local-place based level. This approach is essential to ensuring that national priorities and systemic outcomes support the culturally-driven and gender-specific best practices at the local level. The data collection should also be used to encourage sustained investment by State and Federal Australian Governments into place-based Aboriginal women-led best practices and solutions.

Ensuring a Strong Accountability and Evaluation Approach

Government and other stakeholder accountability to community determined outcomes

The Network's strong position is that government, as well as other stakeholders, should be accountable to community determined outcomes. Aboriginal and Torres Strait Islander women must be respected as the primary source of truth around the issues of government and other stakeholder entities, as well as the outcomes that must be met for community.

Aboriginal and Torres Strait Islander women from across NSW have consistently shared with the Network the paramount importance of government agencies and systems being held accountable to community and community determined outcomes. This includes the police; the legal, justice and corrections systems; the health care system; and, the Department of Communities and Justice and child removal, lack of adequate housing, and lack of adequate support for people living with disability.

Stakeholders must also be accountable to community determined outcomes. This is particularly important for mainstream organisations which are funded by government to provide services Aboriginal and Torres Strait Islander women and girls – particularly services that are designed to respond to experiences of domestic, family and sexual violence. Overall, there is a significant lack of direct government and stakeholder accountability to community determined outcomes in Australia and this must be changed.

Incorporating diverse lived experiences

The Framework and Institute must be informed by the diverse lived experiences of Aboriginal and Torres Strait Islander women and girls across Australia. The Network notes

that no one community across NSW or Australia is exactly the same. There must be culturally appropriate and tailored approaches and responses to the unique and different needs for each individual community at a local and place-based level. The Network's recommendation is that lived experiences of Aboriginal and Torres Strait Islander women and girls must be captured across urban, regional, rural and remote communities in each State and Territory of Australia. The Network recommends that there should also be priority given to capturing the lived experiences of:

- Aboriginal and Torres Strait Islander women and girls who are in custody,
- Aboriginal and Torres Strait Islander women and girls who experience housing insecurity and homelessness,
- Aboriginal and Torres Strait Islander women and girls with disability, and
- Aboriginal and Torres Strait Islander women and young women who identify as LGBTQIA+SB.

The Institute needs to take active measures to hear from Aboriginal and Torres Strait Islander women and girls, and their representatives, in communities across Australia. In-person consultation is paramount but bolstering opportunities to consult online should also be an option. As previously stated, our Network has built foundations of engaging with Aboriginal and Torres Strait Islander women from across NSW. The Network is open to further collaboration with the Institute to achieve shared goals to achieve justice and equality for Aboriginal and Torres Strait Islander women and girls.

Evaluating implementation processes

The process of implementing change is critical. Implementation processes must be evaluated on an ongoing basis over the life of the Framework and Institute. Feedback on the implementation process should be open to being provided directly by Aboriginal and Torres Strait Islander women. The Network also recommends the development of an external oversight body which is formed of Aboriginal and Torres Strait Islander women, as well as Aboriginal Community Controlled Organisations and programs which are Aboriginal-women led. There must be a willingness to adapt the implementation process in response to feedback from community.

Protecting and Strengthening Data Sovereignty and Governance

First Nations Gender Justice Institute database

The Network's hope that the First Nations Gender Justice Institute's database on First Nations women's and girl's lived experience and voices captures and presents data in a manner that is relevant to self-determination and self-governance. The Network's hope is that the data will capture lived experience and also be presented in a strengths-based manner.

A Database Used and Owned by Aboriginal and Torres Strait Islander Women and Girls

The data should be stored according to the principles of data sovereignty and governance. Any separate public facing database must de-identify individuals and be used as a tool to raise a profile on the challenges and best practices shared by Aboriginal and Torres Strait Islander women from communities in different areas and women with different lived experiences. It is essential that confidentiality is prioritised in the database. Particular

consideration must be had for example for the insights shared by Aboriginal and Torres Strait Islander women from regional and remote areas with smaller populations.

The Network recommends strong consideration and incorporation of the *Australian Indigenous Data Sovereignty Principles* into the First Nations Gender Justice Institute's database. The development of the principles was led by Maiam nayri Wingara with the Australian Indigenous Governance Institute. In a 2018 Summit, more than 40 Aboriginal and Torres Strait Islander Peoples from across Australia agreed to the principles that Aboriginal and Torres Strait Islander peoples have the right to:²

- Exercise control of the data ecosystem. This includes the development, analysis, and dissemination of the data.
- Data that is contextual and disaggregated.
- Data that is relevant and empowers self-determination and self-governance.
- Data structures that are accountable to Aboriginal and Torres Strait Islander peoples.
- Data that is protective and respectful of Aboriginal and Torres Strait Islander peoples' individual and collective interests.

Encouraging Aboriginal and Torres Strait Islander Women and Girls to Access, Contribute to and Use the Database

To see an uplift in the use of the database, it is important that the purpose of the database is explained to Aboriginal and Torres Strait Islander women and girls from whom the Institute is seeking input. The outcomes and use of the data should be fed back to Aboriginal and Torres Strait Islander women and girls in their local communities. There is a solidarity and awareness raising when Aboriginal and Torres Strait Islander women and girls are provided the spaces and opportunities to discuss injustices and lived experiences. These discussions and opportunities should be accompanied by discussions around best practices in community.

The Network's view is that the Framework and Institute should also have a broader commitment to increasing awareness, education and resources around data sovereignty and governance for Aboriginal and Torres Strait Islander women and girls. The Network's aspiration would be for the Institute's database to support women and girls to make decisions about their own local priorities through data.

The Network's view is that the database would facilitate the measurement of what is working and what is not working through on the ground assessments by women and girls in community. Overall, it would be meaningful if there was knowledge sharing about best practices that are Aboriginal women-led and place based. The Network's hope would be that such data could also form an evidence based to lobby for further recognition of the importance of Aboriginal community led initiatives, and the reasoning for meaningful funding for such initiatives. We note the overlap of the NSW Aboriginal Women's Advisory Network with this work, and hope for ongoing discussions with the Commission and Institute on ways in which we can collaborate to achieve our shared goals for systems and societal change.

² Australian Indigenous Data Sovereignty Principles in Yoorrook Justice Commission, Information Sheet 4 - *Indigenous data sovereignty and data governance*, 2022 (available online at: <https://yoorrookjusticecommission.org.au/>).

Conclusion

The NSW Aboriginal Women's Advisory Network again thanks the Australian Human Rights Commission for the opportunity to provide our feedback.

If the Australian Human Rights Commission has any questions about this feedback, or wishes to speak to us further, please contact the NSW Aboriginal Women's Advisory Network's Acting Program Co-ordinator, Shaquille Robinson by email: s.robinson@awan.org.au or phone: 02 9560 5432, 0484 914 523 and the Network's Policy and Advocacy Officer, Bianca Tini Brunozzi by email: b.tinibrunozzi@awan.org.au.

Yours Sincerely,

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