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Wiyi Yani U Thangani Project Team
Australian Human Rights Commission
By Email: wiyiyaniuthangani@humanrights.gov.au

QIFVLS Submission – Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality

Dear Project Team,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) is pleased to write in relation to the design of the Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality (the Framework), and the establishment of a First Nations Gender Justice Institute (the Institute).

We echo the calls of delegates to the 2023 Wiyi Yani U Thangani National Summit in advocating that the Framework must be a culturally appropriate, co-designed and self-determined scaffold for the future, grounded in First Nations women's ways of knowing, doing and being, truth-telling and best practices. We agree with the consensus view since the National Summit that the Framework must utilise the existing Ways of Working as referenced in the Wiyi Yani U Thangani Implementation Framework.

Our response in support of the Framework will emphasise the value of ensuring strong accountability and evaluation approach.

Who we are

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault. We are a member of the Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks), and we are dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#).

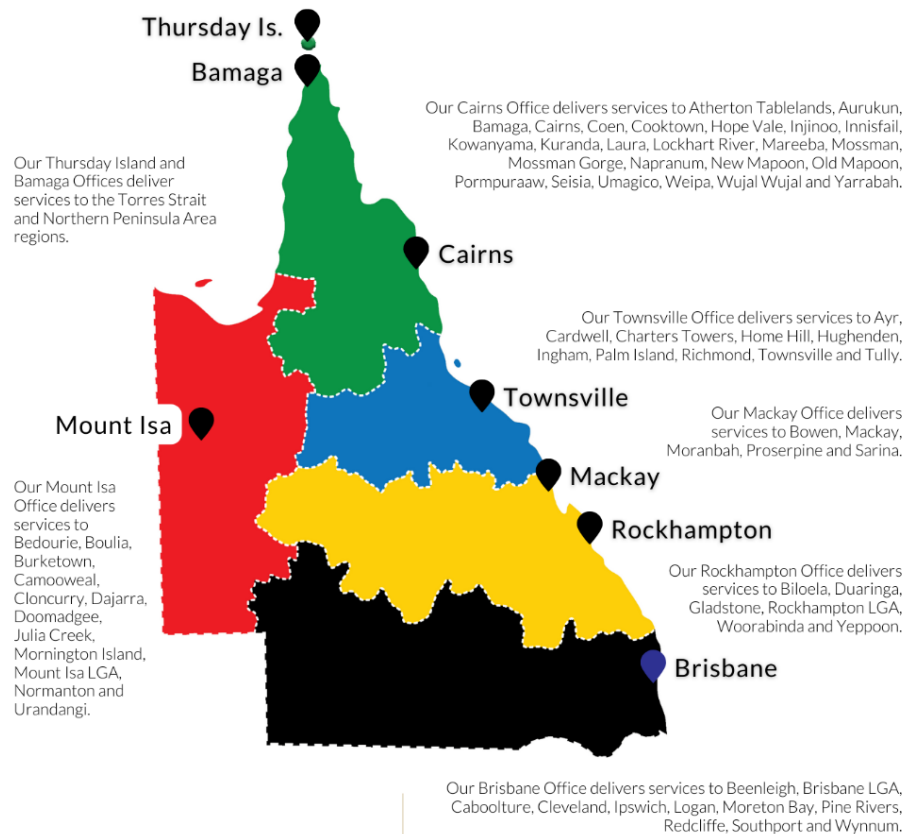
Of the 19 socio-economic targets outlined in the National Agreement, our aim is to work with governments and the community to achieve Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) alongside the other inter-related targets. Target 13 is not an isolated objective, and we highlight that in seeking to achieve all the socio-economic targets, a combined and coordinated approach between the government, communities and the community-controlled sector is required. To this end, efforts to meet the targets are underpinned by a set of four priority reforms that government parties to the National Agreement must meet:

- Priority Reform 1 – Formal partnerships and shared decision-making;



- Priority Reform 2 – Building the community-controlled sector;
- Priority Reform 3 – Transformation of mainstream institutions.
- Priority Reform 4 – Sharing data and information to support decision-making.

QIFVLS is primarily an outreach service. As can be seen from the map below, we operate out of eight offices across Queensland, delivering services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Our services extend from domestic and family violence to family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications.



Family violence as a cornerstone

The *Wiyi Yani U Thangani Report* in 2020 first drew our attention to the troubling data that 3 in 5 First Nations women have experienced physical or sexual violence¹. This speaks to the crisis we witness as a family violence prevention legal service daily across our offices in Queensland.

¹ Australian Human Rights Commission (2020), *Wiyi Yani U Thangani Report*, https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf, page 44



The Australian Institute of Health and Welfare (AIHW) has found that First Nations women are 34 times more likely to be hospitalised due to family violence than non-Indigenous women and 11 times more likely to die due to assault². The AIHW also found that family violence is the primary driver of children being placed into the child protection system with 88% of First Nations children in care having experienced family violence³.

The scale of this problem, however, is far greater because it is known that First Nations women are less likely than other women to report family violence or seek support because of a range of factors including judgment, discrimination, shame or fear. This depressing backdrop informs QIFVLS' experience that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, adult criminal justice system, housing and/or homelessness, health and the family law system.

We find that these 'connectors' are further compounded or exacerbated for those living in regional, rural, and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim-survivor escaping a violent relationship⁴ (i.e., domestic violence support services and shelters; actual police presence within a community).

Thus, QIFVLS is a strong advocate for uniform, holistic and consistent strategies that will improve responses for victims of crime and family violence. In this regard, we support a coordinated strategy whereby the Framework and the Institute incorporate the National Agreement on Closing the Gap, alongside the *Aboriginal and Torres Strait Islander Action Plan 2023-2025, under the National Plan to End Violence against Women and Children 2022-2032*.

Ensuring a strong accountability and evaluation approach

Our response seeks to highlight the necessity of ensuring a strong accountability and evaluation approach in the formulation of the Framework and Institute. In the process of establishing an independent Framework and Institute, it is vital that government and other stakeholders, namely government agencies, statutory authorities and non-government agencies are held accountable to community determined outcomes. In this way, we can emphasise the institutional responsiveness to the changes that First Nations women and girls desperately want to see in their lives and communities.

It should be a given that all associated agencies and organisations must embed First Nations gender justice and equality as key principles in the course of committing to strong accountability and evaluation mechanisms. The Australian Productivity Commission's July 2023 draft report into the priority reforms of the National Agreement on Closing the Gap reveal that governments and government agencies need to take stronger steps to action and embed the priority reforms if we are

² Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>, page 113

³ Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>

⁴ Australian Institute of Health and Welfare (2016-17), *Alcohol and other drug use in regional; and remote Australia: consumption, harms, and access to treatment 2016-17*. Cat.no. HSE 212. Canberra.



to see genuine progress. QIFVLS suggests there are opportunities for the Framework and the Institute to find common linkages with the suggested accountability measures in the Productivity Commission's Final Report. We note that the Final Report is due to be handed to the Joint Council on Closing the Gap on 24 January 2024.

Evaluation and accountability mechanisms

Examples of evaluation and accountability mechanisms that can be utilised include the use of benchmarks and targets. On this point, we outline the value in adopting a coordinated approach that incorporates the four priority reforms under the National Agreement alongside the dedicated Aboriginal and Torres Strait Islander Action Plan 2023-2025, under the National Plan to End Violence against Women and Children as well as the United Nations Declaration on the Rights of Indigenous Peoples.

Alternatively, if a decision is made to establish the Framework and the Institute through legislation, one option for accountability would be to insert legislative provisions requiring an annual report to be tabled in Parliament. If not tabled directly, perhaps the Institute could provide a report to a relevant minister with the Minister subsequently required to table the annual report in Parliament within 14 days of receipt of the annual report.

Incorporating diverse lived experiences

There are some measures the Framework and Institute could take to incorporate diverse lived experiences, ensuring no one misses out on opportunities to contribute and hear this work. We suggest that the Framework and the Institute utilise regular opportunities for yarning with community members around the country. What is paramount is providing a space where every woman and girl has an opportunity to be heard.

Conclusion

We take this opportunity to thank you for considering our feedback. We trust that you appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don't hesitate to contact me at plo@qifvls.com.au.

Yours faithfully

Queensland Indigenous Family Violence Legal Service



Thelma Schwartz

Principal Legal Officer