

19 January 2024

Commissioner June Oscar AO
Aboriginal and Torres Strait Islander Social Justice
Australian Human Rights Commission

By email: wiyiyani.uthangani@humanrights.gov.au; niamh.kealy@humanrights.gov.au

Dear Aunty, Commissioner, June,

CALL FOR SUBMISSIONS:

Wiyi Yani U Thangani Framework for Action for First Nations Gender Justice and Equality (working title) ('the Framework') and the establishment of a First Nations Gender Justice Institute ('the Institute')

Thank you for inviting the National Justice Project (NJP) to make a submission to this phase of Wiyi Yani U Thangani. We recognise the importance of hearing and being guided by the voices, experiences and perspectives of First Nations women and girls. We therefore present the collective perspectives of our First Nations staff, in the hope that our personal and professional experiences may be of some assistance to you and the team as you move forward.

Our contributions are influenced heavily by the work that we do to combat systemic discrimination, including representing families in legal processes and measuring and addressing racism and discrimination. It is impossible to distinguish between personal and professional when working with mob for rights, justice and accountability.

Measuring Change Outcomes

What change do you want to see for First Nations women and girls, in all their diversity, with their families and communities, to live their lives in the way they want?

For First Nations women and girls to live their lives in the way they want, we want to see:

- (a) The removal of barriers to accessing quality healthcare, including in regional or remote areas, and in custody and detention settings.
- (b) The elimination of discrimination, whether that be due to sex, race or disability or an intersection, which impede on the ability to participate equally in and be heard within our communities and spaces we inhabit.
- (c) The elimination of all forms of discrimination, including systemic, and other barriers to participation in public systems, government action and decision making affecting those

individuals. This includes out-of-home care, access to services, the coronial system as well as law reform and policy making.

- (d) Adequate resourcing for support systems to navigate government department decision making and action, in particular within the out-of-home care sector. This includes financial assistance and culturally-appropriate legal and advocacy services.
- (e) Promoting accountability and safety for future generations by placing pressure on governments to deliver meaningful responses and action to address the findings of research, inquiries, coronial processes, investigations and royal commissions. It is disrespectful to the communities and families who have been impacted by various systemic harms and who have contributed their experiences, knowledge and expertise, only to be ignored by successive governments. We must demand more than research, inquiries and lip service. Any process must be backed by resourcing to implement the necessary changes.

What would you feel, see, hear, sense or collectively understand if this change was happening?

If these changes were to occur, this would be most evident through an increase in confident and safe participation in the community and in engagement with public systems. This participation can be exemplified through:

- (a) Women and girls confident in attending medical centres and hospitals, without fear or hesitation.
- (b) Voicing our truths and suggestions in various forums and having them be heard, considered and implemented on merit.
- (c) Women and girls are provided opportunities to influence decisions affecting them, including in health, out-of-home care, legal processes, interventions and services, and are adequately supported.
- (d) Women and girls are safe and confident in participating in processes, including in leadership roles, and are not deterred by fear, racism or discrimination.

In your experience, what practices and approaches are most effective in collecting data, measuring and evaluating change?

Through our collective experience, we believe that the most important and effective practice for collecting data, and measuring and evaluating change is ensuring that these components are determined by those affected, with genuine collaboration within communities. Importantly, the process must be enriching and not another process to burden communities. Communities should determine what success looks like, what is measured and how to evaluate based on their own self-determined decisions and not governments or researchers.

How do you want to see local change practices and data collection to inform national priorities and achieve systemic outcomes, and how could this relate to the Framework?

We want to see accountability on governments to invest in implementing the necessary changes as identified through learnings and as determined and prioritised by communities. Data, together with stories shared through inquiries and legal processes are only as powerful as the actions that are taken with that knowledge. Time and time again we see the issues and challenges, but also the solutions and recommendations put forward with little action. Therefore, we absolutely support knowledge being fed into national priorities toward desperately needed systemic outcomes, but we need to demand that with that knowledge comes action, resources and commitment.

Further, success should be celebrated and shared to inspire others.

Ensuring a strong accountability and evaluation approach

Should government (and other stakeholders) be accountable to community determined outcomes? How can this be included in the Framework?

We strongly believe that the government, and other relevant stakeholders, should be accountable to the community that they serve, and that government performance indicators should reflect community values and standards, and not solely focus on the economic cost or efficiency. This should include, for example, that the performance of the relevant child 'protection' department is measured by the feedback from families that interact with it.

Further, governments should be accountable to responding to community who have shared their stories, experiences and expertise through any public review or inquiry.

What does the Framework and the Institute need to do to incorporate diverse lived experiences and to ensure that no one misses out on opportunities to contribute to and hear this work?

For the Framework to efficiently and effectively incorporate diverse lived experiences and ensure maximum opportunities for contribution and participation are available, community contacts must be diverse, and information must be disseminated through diverse channels including for those that may not have technology or internet access and by those who wish to participate but may require assistance.

We recognise that the process to implement change is just as important as achieving outcomes. How would you want to see implementation processes evaluated over time?

It is essential to collect feedback from the community as to the implementation process at various stages and not just once the project is 'complete'. Data collection could include some demographic data to evaluate the range of people contributing to any review sort and help to identify any gaps in feedback.

Protecting and strengthening data sovereignty and governance

We respond to the following questions generally without having a thorough understanding of the purpose of intentions of the database.

CONTACT.
info@justice.org.au
(02) 9514 444

JUSTICE.ORG.AU

POST.
University of Technology, Gadigal Country,
CB01.17, P.O. BOX 123, Broadway, NSW 2007

The National Justice Project
ACN: 609 620 028
ABN: 23 609 620 028
Liability limited by a scheme approved under
Professional Standards Legislation.

What are your hopes and aspirations for what the Institute's database on First Nations women's and girl's lived experience and voices could look like? How can we ensure safe and considered access and use of the database?

The database should allow for a repository of stories and voices shared in various mediums that are both truthful and reflective of the strength of First Nations women and girls. It is important to consider the need for personal privacy and any identification risk of individual women and girls so that their voices can be a witness but not cause risk to them when balancing questions of access and use. Further, informed consent is critical, and it should be clear who is accessing the data, for what purpose, and who is benefiting from it.

How do we ensure that this living database is used and owned by First Nations women and girls?

It is important to ensure that access to the database is simple and that information is protected so that women and girls are able and willing to contribute. The website design and ongoing upkeep should be directly informed by the audience and be a welcoming digital cultural space.

How can the Institute support First Nations women and girls to access, contribute to and use the database? How can this help women and girls to make decisions about their own local priorities to measure what works on the ground?

The database should be simple to use as well as accessible on a mobile and tablet in addition to a computer. It is important for educators, community leaders, and community organisations to be on board with the database and understand how to use it in order to communicate the message to those at the grassroots.

Do you have any additional thoughts, views or experiences about strengthening data sovereignty and governance that could be included in the Framework and the Institute's work?

We are of the belief that communities should be able to determine how and what data is collected, and furthermore, how it is transferred back into the community. This requires constant communication between those measuring outcomes and members of the community. Too often, communities are researched and consulted, prodded and promised, without adequate follow-up.

Thank you for this opportunity to contribute to these important conversations.

With much respect,

**Ariane Dozer
Gayiri, Badtjala**
Projects & Partnerships
Manager, Solicitor
arianed@justice.org.au

**Karina Hawtrey
Kamilaroi**
Solicitor
karinah@justice.org.au

**Jacinta Wright
Ngemba**
Senior Paralegal
jacintaw@justice.org.au