

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into capturing data on family violence perpetrators in Victoria**

Melbourne—Monday 9 September 2024

#### **MEMBERS**

Ella George – Chair

Annabelle Cleeland – Deputy Chair

Chris Couzens

Chris Crewther

Cindy McLeish

Meng Heang Tak

Jackson Taylor

#### **WITNESSES**

Dr Jill Gallagher, Chief Executive Officer, and

Sheree Lowe, Executive Director, Balit Durn Durn Centre, Victorian Aboriginal Community Controlled Health Organisation.

**The CHAIR:** Good morning. My name is Ella George, and I am the Chair of the Legislative Assembly Legal and Social Issues Committee. I declare open this public hearing of the Committee's Inquiry into capturing data on family violence perpetrators in Victoria.

I begin today by acknowledging the traditional owners of the land on which we are meeting, the Wurundjeri Woi Wurrung people of the Kulin nation. I pay my respects to their elders past, present and future and extend that respect to First Nations people across Victoria.

I am joined today by my colleagues Christine Couzens, the Member for Geelong; Meng Heang Tak, the Member for Clarinda; and Chris Crewther, the Member for Mornington.

On behalf of the Committee, I would like to thank everyone participating in this inquiry through submissions and hearings. We are on our eighth day of public hearings today, and we are greatly appreciative of the time and effort that people have taken in contributing to this important inquiry. The Committee recognises that evidence to this inquiry may be distressing, and we urge people to reach out for support. You can contact Lifeline on 13 11 14, 1800RESPECT or the Blue Knot helpline on 1300 657 380.

The Committee has held seven days of public hearings in July and August, and today the Committee will hear from the Victorian Aboriginal Community Controlled Health Organisation and Victoria Police.

All evidence given today is being recorded by Hansard and broadcast live. While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of today's transcript to check, together with any questions taken on notice. Verified transcripts, responses to questions taken on notice and other documents provided during the hearing will be published on the Committee's website.

I am now pleased to welcome from the Victorian Aboriginal Community Controlled Health Organisation Dr Jill Gallagher AO, CEO, and Sheree Lowe, Executive Director of the Balit Durn Durn Centre. I invite you now to make a brief opening statement, and this will be followed by questions from members. Thank you.

**Jill GALLAGHER:** Thank you, members of the panel, and thank you for the work that you all do. We look forward to seeing the outcome. The Victorian Aboriginal Community Controlled Health Organisation, or VACCHO as I will refer to it, is the peak representative body for Aboriginal health and wellbeing in the state of Victoria. We represent 33 Aboriginal community controlled organisations throughout Victoria, and our focus is on advocacy, policy capacity, promoting health and wellbeing and also providing advice to government. Our members say they service families and communities holistically, and they are dealing with the impacts of family violence on a daily basis.

I want to paint a little bit of a picture before I do go on, and it is about prior to colonisation. Prior to colonisation Aboriginal people had a matriarchal society. Our communities had complex social structures and our own ways of knowing, being and doing, which governed our way of life and, importantly, gave people purpose and fulfilling roles to play. Many of our communities are still matriarchal. However, the respect for this historic structure and the way we have organised our communities is heavily challenged by the patriarchal colonial systems and expectations that have been imposed on our communities for 250 years.

The massacres, the dispossession, the marginalisation and the abuse of power colonisation brought with it dislocated people from their physical, dislocated people from our cultural and our spiritual essence and beliefs. All of these impacts of colonisation continue to deeply impact our people, the Aboriginal people of today. Colonisation also brought with it patriarchal beliefs of men's superiority and gender power imbalances that did not exist prior to colonisation. Of critical importance, family violence is not—and I will repeat, is not—innately an Aboriginal issue. Family violence is a systemic and patriarchal problem which permeates throughout all of society, and our communities have been trying to deal with this for decades through both our community mechanisms and in partnership with government through ministerial taskforces and bodies like the Dhelk Dja forum.

Data has been used to unfairly demean our people and community. It has been used to paint Aboriginal people as inherently violent, and this is simply not true. Racist assumptions have led to inaccurate data collection as a result of a lack of cultural safety training existing for first responders. This is particularly true for police. Often there is an assumption that because Aboriginal women are victims—who we like to refer to as survivors—of violence, Aboriginal men must be the perpetrators. That is the assumption. In reality Djirra tells us that approximately 80% of the women it sees are experiencing violence from non-Aboriginal partners.

The Committee has also heard evidence from VALS that supports this finding—the Victoria Aboriginal Legal Service; I thought I better spell that out. Non-Aboriginal men are not as often officially reported by police and therefore do not get captured in the data as frequently as Aboriginal men. Additionally, it is known that sometimes non-Aboriginal men will say that they are Aboriginal because they think that it will give them access to different or better treatment and different or better services, and this skews the data in such an incorrect way but also means our members are facing a level of service response burden because of the misidentification of the perpetrators.

Data tells us that Aboriginal communities, particularly women and children, are disproportionately impacted by family violence right across this continent—right across Australia. These impacts are felt far and wide and are causing significant loss, further trauma and disruption for families and our communities. However, we know within the mainstream that family violence is already under-reported, and it is estimated that up to 90% of incidents of violence perpetrated against Aboriginal women go undisclosed—90% go undisclosed. There are more barriers for Aboriginal people, in particular women who are experiencing violence, to report this.

Under-reporting is a result of a number of factors, including the legacy of colonisation; overpolicing, which continues to occur in our communities today; lack of trust in systems; fractured kinship ties; disempowerment; disconnection; and the impact of racism that still exists. There is a very real fear that reporting instances of family violence will result in child removal, and Aboriginal children are already over-represented in out-of-home care. We are in Victoria the worst in this country. Djirra have seen multiple cases of children being removed from mothers where there are concerns over family violence, with no meaningful attempts to provide safe and secure alternatives for the mother in order to remain with her children. Under-reporting also happens because police are not aware of the Victorian family violence Act definition of who can be captured as a family in relation to Aboriginal communities.

Another key concern when it comes to perpetrator data collection is the issue of misidentification. Aboriginal women are often misidentified as the perpetrator of family violence because they do not fit western assumptions of family violence victims. Both Djirra and VALS have reiterated this as an issue and report frequently assisting women who have been misidentified as the primary aggressor by police. Aboriginal women are then locked up unfairly, again often meaning children are removed from the families. Police misidentification can have huge impacts on the outcomes of other family violence related legal proceedings, including family law cases, victims of crime applications and implications with the child protection system. Therefore when the data is not accurate, this paints an inaccurate narrative. But it also means that services that address the issue associated with this cannot be accurately funded and supported.

We have outlined a number of recommendations in our written submission, which we are happy to talk on further. We recognise that this is a hard problem and made harder by the fact that the vast majority of perpetrators against Aboriginal women are non-Aboriginal men, so where are they getting their services? Therefore we need to recognise that this is everyone's responsibility to solve. For the Aboriginal survivors, solutions and supports need to be in the hands of Aboriginal organisations. Solutions to these issues start with listening to Aboriginal voices. We must embed the principles of self-determination and Indigenous data sovereignty in all parts of the data system. Our people should have control over how data about our people is collected, captured, interpreted and utilised. Aboriginal people should be in the driver's seat to find the solutions and supports for our people.

This connects to Closing the Gap. The most recent Closing the Gap report illustrates the lack of progress we get when non-Aboriginal people decide on and manage the solutions to issues facing Indigenous people of this country. The solution is always in the power of sharing. We know we get the best outcomes for our people, for Aboriginal people, when Aboriginal people get to have a say in the things that affect us and our everyday lives but, more importantly, get to have a say in what the solutions are.

I will end on this stark contrast. In Canada there are two national days of action to end violence against First Nations women, but here in Victoria our women are locked up in cells as they are misidentified as perpetrators. We must see change and we must implement it with speed. Thank you for listening.

**The CHAIR:** Thank you, Jill, for that opening statement. The first area that I would like to hear from you a bit more on is around misidentification. That has been a theme that has been raised by many other witnesses throughout this inquiry and in particular the disproportionate impact that it has on First Nations women. So my question to you is: what can the Victorian Government do to reduce misidentification and then also rectify it when it does take place?

**Jill GALLAGHER:** Off the top of my head—and I will throw to Sheree in a bit—we have first responders, and in the cases of family violence it is normally the police that are the first responders. We need to educate them about the issues that face our women, our survivors, in this space on how they identify an Aboriginal person and even collect that data and how we interpret that and manage that. I think it is about education programs for the first responders. That would at least help with that misidentification in the data space. Do you want to add to that, Sheree?

**Sheree LOWE:** Sure. I think misidentification comes in a couple of ways. One is identifying who is and who is not Aboriginal, and I guess following on from Auntie Jill's comments, mandating training to be able to assist in that identification could help that flow-on in that service system. We know that that point of incident recording is the trigger of the service system that follows. Although when we think about misidentification at the front end of responding to a scenario, it might not seem very significant at all, but it is what triggers the service system that wraps around them, whether they are perpetrators or survivors, flowing on from that—when there is misidentification, people end up in the wrong places or people are not getting culturally safe services and those types of things—and how that looks. So being able to invest more in that front end of identification is really important, whether that is mandating cultural safety or anti-racism training for first responders and Victoria Police.

But it is also just being able to unpack what that looks like, because as Auntie Jill mentioned in her opening address and also in our recommendations and as you have heard from others, often in those responsive scenarios there is that misidentification or confusion about who is the perpetrator of the violence and who is not. I think that is because sometimes when police and other first responders come into scenarios they may not be seen in a similar kind of scenario as in a Western kind of context. There might be a lot of what may be perceived as violence or acting out in how they interact with each other. So it is not only that cultural safety training, but it is that training and development of being able to understand that scenario and what is happening in that way. When responding to those scenarios, particularly for an Aboriginal woman who is not necessarily responding in a way that may be perceived or assumed as that of a victim—so they may not be retreating or they may be yelling, and they may be responding in that way for protection—often that is seen as not how people would normally perceive a victim in those scenarios. So it is being able to understand that. And when we say 'understand that', it is being able to understand the relationship of Aboriginal people with systems and understand that relationship with Aboriginal people—particularly with police and other authority spaces, where those systems have failed Aboriginal people generationally—and being able to really work in those scenarios. We appreciate the fact that in those scenarios the priority is keeping everybody safe, but there are aspects of being able to identify and support them in those right ways, because then we know from the flow-on from that, particularly in a health and wellbeing context where our member services are providing some of those wraparound services, that they are providing the right services at the right time for the right people.

**The CHAIR:** Thank you. On mandated cultural safety training, are you aware of any mandated training across the Victorian system?

**Jill GALLAGHER:** The health system has just mandated training into health services at major hospitals. That is part of their ongoing contract, which is really good. VACCHO have developed standards around what particular standards the training should meet to go through an accreditation process, and we will be embarking in the next few months on trialling, with three hospitals, that mandated cultural safety training that meets those standards.

**The CHAIR:** And are you aware of any mandated training across the justice sector, so police, courts, corrections?

**Jill GALLAGHER:** No, I am not.

**Sheree LOWE:** It is not formally mandated, to my understanding. There are sections of training in the Victoria Police manuals. I think that through the Yoorrook hearing we heard that there may be a 30-minute kind of induction in the police academy but following on from that nothing more and nothing substantial. There have been many bodies of research and evidence into what makes good-quality cultural safety training, and I guess anything below that half a day or three hours to four hours of training is probably insufficient. There are also recommendations in certain professions too, as a part of their holistic professional development packages, to include cultural aspects to that but not to the extent of mandating and not to the extent of being prescriptive enough of what the training needs to involve to actually have an impact on and change in service delivery in that way.

**The CHAIR:** Would you recommend mandated cultural safety training across the justice sector?

**Jill GALLAGHER:** Yes. 100%.

**The CHAIR:** Is there anything else on that area that you would like to add?

**Sheree LOWE:** I think the other thing that we did not touch on just around mandating cultural safety training but also in that misidentification is that this training would have to be nuanced to the foundational aspects of the impacts of colonisation, which we spoke about—anti-racism and those types of things—but also be nuanced into what that justice system and frontline response looks like. One of the other things we did not touch on is around the definition of ‘family violence’. From an Aboriginal perspective it is quite different and diverse to what is outlined in the legislation just given our kinship structures and our broader definition of what family looks like as well. I think in that training there would need to be some nuances to be able to help that frontline service to be able to incorporate the skills that they need.

**The CHAIR:** Thank you. I will hand over to Christine.

**Chris COUZENS:** Thank you. I would like to acknowledge the Wurundjeri people, whose lands we sit on today, and acknowledge their ancestors and elders and First Peoples in the room with us today. Aunty Jill and Sheree, thank you so much for your time and that powerful statement that you made. Thank you so much for that and all the work that you do in community.

Just sort of flowing on from the previous questions, a lot of police stations have Aboriginal liaison officers now. Do you know what role they play in the family violence area, or are they not playing a role at all? This might be one for the police later, but I thought you might know something.

**Jill GALLAGHER:** I am not sure what their role is. I think their role is to actually assist the police to be able to navigate the Aboriginal community and also assist the community to be able to navigate the police. I am assuming, but I do not know for sure—unless Sheree does.

**Sheree LOWE:** That is my understanding as well. What was the second part of your question, sorry, Christine?

**Chris COUZENS:** The Aboriginal police liaison officers and what role they play and if it relates to the family violence area or if it is, as Aunty Jill said, maybe just –

**Sheree LOWE:** It is more of a generalist role, and there are two roles within police. So there are the ALOs, Aboriginal liaison officers, who are Aboriginal people working within the police system. But there are also PALOs, so police Aboriginal liaison officers, who are sworn officers that are assisting—they are kind of like champions or allies within those spaces. But it is not my understanding that either is specialised in family violence. The nuances and understandings that come with that and the complexities that come with that as well—they are more generalists, if that is the right word, in general policing matters, engaging with community, understanding and then being a part of their cultural awareness at that localised level but not to the degree of advising around family violence matters. They might get drawn into that, but it is not to say that within their role the Aboriginal liaison officers are trained to understand family violence and those responses around family violence.

**Chris COUZENS:** And in terms of misidentification, which is a huge issue, do you think it would be worth having those liaison officers somehow linked to –

**Jill GALLAGHER:** To the first responders?

**Chris COUZENS:** Yes.

**Sheree LOWE:** I think it can help. The other impact of that at the back end is through the court system, where misidentification sometimes gets filtered through as well. So in those specialised programs as well post incident but also kind of having to respond to those misidentifications, it gets a bit of a back end against complexities around who can get represented by each agency depending on who has identified and who has not—who gets that culturally responsive support. So I think that there is some confusion, as in our opening statements, that because there are some designated roles that support Aboriginal people, there is a different or a special kind of service. But it is really about people who are specialised in understanding community and understanding those historic underlying aspects that have brought people into those situations, so being able to have a bit more of that empathy and understanding of the drivers but also understanding those complex kinship and community relationships and navigating those aspects. Obviously the system is under-resourced and stretched, so when you are dealing with people who are misidentifying or getting lost in the system, it kind of detracts the resources in those ways. I just do not know—in those roles, the ALOs, I think they play a critical role, but I wonder whether or not there is space for specific roles in those family violence matters just given the nature of what that looks like and the growing demand in those ways. I think that there has been a lot of focus on the relationships between Aboriginal people and police, so I think those roles are already stretched. So stretching them even more—there may be scope there to look at what that additional resource may look like, but also, as in our opening statement, how we build it up with that capability of all, because it is an all-of-community responsibility as well.

**Chris COUZENS:** And just picking up what you mentioned, Auntie Jill, about child protection stepping in, particularly as we are in a family violence area and the increased numbers in Victoria, are you suggesting there is a link between family violence and child protection or child removal?

**Jill GALLAGHER:** Yes. A lot of women who are either victims or survivors of family violence really do not want to make that happen for fear that their children will be taken off them. So they will not disclose and they will go undercover, if you know what I mean by that. I know a situation where a non-Aboriginal partner was perpetrating violence against this Aboriginal woman—really bad violence. The police were called by neighbours, and the children were taken away straightaway.

**Chris COUZENS:** And that is commonplace?

**Jill GALLAGHER:** Yes.

**Chris COUZENS:** Okay.

**Jill GALLAGHER:** Just to add to that, it is instead of providing wraparound services to the victim on what they need just to keep the family together.

**Chris COUZENS:** Okay. Thank you. VACCHO suggests that Indigenous data sovereignty principles should be embedded as a mandatory feature of any body, system or process for collecting data on family violence perpetrators. What does that look like in practice, do you think?

**Jill GALLAGHER:** Well, basically—and I will let Sheree also talk to this one—the Indigenous data sovereignty principles should be embedded throughout all policies and documents and how governments or in this case the police force, or whether it be ambulance or whatever, collect their data and how they analyse that and how they get it correct. Indigenous data sovereignty principles need to be embedded throughout all that. In an ideal world we would be able to maintain and manage our own data and put our own cultural lens over our sovereignty of that data, because sometimes data is used against us. But if we had the ownership of it, then we would put our lens on it for the better of what we are trying to find out for a start and how we are going to fix that. So it is vital that we have data sovereignty principles over all data that is collected.

**Chris COUZENS:** And that is a target of Closing the Gap?

**Jill GALLAGHER:** Yes.

**Chris COUZENS:** And are you aware of any work going on in that space at the moment?

**Jill GALLAGHER:** Look, now you are testing my old brain here, Christine. But, Sheree, are you aware of any?

**Sheree LOWE:** There is a little bit happening collectively in this space, but I think that from a Victorian context we have been talking about this a lot around how we capture our stories and narratives. In particular in this case, if I think back, many years ago I participated in our local Indigenous family violence regional action group, which is now the Dhelk Dja action groups, and the whole purpose around that was and continues to be around being able to not necessarily change the narrative but challenge that narrative. We have seen that in the misidentification and under-reporting. Indigenous data sovereignty kind of goes to the core of that, of having that localised knowledge and being able to match that. We know that some of those figures that are being reported which drive the bigger narrative actually are misconnected to what is happening on the ground. The match of all of that data coming together just strengthens the ability to have solutions that meet the needs on the local ground, whether that is service access, whether that is around under-reporting or whether it is about building those relationships with local police and first responders on how that looks like.

I know that from the work of the IFVRAGs and now in that Dhelk Dja world that raising that awareness and being able to start that narrative is really core to this Indigenous data sovereignty and how we look at the numbers. But then what that looks like in translation is really important—and having ownership of that. There is lots of focus on that, whether it is through treaty or whether it is through other aspects on how that data and narrative are matched better, because what we do know, as Aunty Jill just said, is that when we are in control, when our localised members, community controlled organisations, are providing that service delivery on the localised level, that is where we get the better outcomes and are able to address the issues at that localised level.

**Chris COUZENS:** How can accurate and reliable data be collected on perpetrators of elder abuse in First Nations communities?

**Sheree LOWE:** That is really tricky. That is a really hard response. Did you want to go first?

**Jill GALLAGHER:** Yes, please. Thank you, Sheree. I probably just want to make some general comments. It is a tricky space. There is not a lot out there that helps people in a situation where you know there is elder abuse happening. There are no laws out there. Even the police cannot help you, because they see it as a civil matter. Elder abuse is usually referred to VCAT.

I will give you an example. Just recently, in the last five years, there was an elder who was being financially abused and also made homeless and also put into a home against her will. They managed to get enduring power of attorney and other family members of that elder tried everything to get the police involved. They actually had to go to VCAT all through the COVID lockdowns, and after 18 months of VCAT hearings they got vindicated and that elder had her money returned to her. That elder went to a home of her choice, which was an Aboriginal aged care facility. She was also a prolific artist and she had done all this amazing artwork. One of her children stole her artwork and would not give it back, and the police could not do anything. No-one could do anything. So this area, for me, seems very grey. Even though we have commissioners for elders and we have all these positions, nothing seems to be able to be done when there is actual elder abuse happening. To try and navigate that is really hard.

**Sheree LOWE:** I think when we go back to that training, it is really important to include aspects around that. VACCHO sits at the Dhelk Dja partnership forum, and through that forum we hear a lot of the difficulties around police trying to police that matter in a sensitive way, but kind of not knowing. Also on that flip side, and this is where we go back to that data sovereignty and everybody working together to address that overarching kind of challenge, it is matching each of those stories up and kind of working on both sides in building that response to be more culturally responsive but also from a community perspective wrapping around and supporting elders to actually start to report those types of things.

Historically, as we mentioned before, those systems have never really worked in favour of these people, particularly our elders. So to trust in a system that has not really served them well is really hard, but also then reporting matters around family when they have spent all their life keeping families together is really sensitive.

There needs to be some more awareness and campaigning from a community perspective as well around what supports happen in that case, because it is one thing to report a matter of family violence, it is then what happens after that. It is a big step to report it and then it is really important to have services in place to capture and support the flow-on from those next steps that happen from that. I do not think that we have got that in our system just yet, so it is really important. I guess from a broader community perspective it is hard to encourage that if you do not know what that response is going to be—a lot of pain and not knowing the consequences of that. It just makes it really hard when it comes to elders. That is all across the board, but particularly for our elders, our most vulnerable members of the community.

**Jill GALLAGHER:** But prior to contact, Christine, we had our own ways of dealing with it if that happened. We had our own laws, we had our own law people, and it was sometimes very harsh, but now we have a system that does not help. So we have to try navigate that and it is really difficult.

**Chris COUZENS:** And one more quick one, and you may not be able to answer this, but I am just curious whether you have any feedback on any men's behaviour change programs in community and what your views are on those.

**Jill GALLAGHER:** I think it is limited. I think there needs to be more. I mean, I know we do not like the term 'victim'; we usually like the term 'survivor'. I also do not like the term 'perpetrator', because in a relationship like that if there is someone that is not quite right, they need help. Yes, we have got to make sure that safety is our first priority as a first responder. I am not saying that should not happen, but by the same token there has got to be service there for the whole family, not just lock the perpetrator up and then poor old mum has got to go and do whatever. In our case, the kids might be in out-of-home care for a stint, so that is more trauma. We have to treat the family if we are going to deal with this ongoing issue of family violence. We really do—treat the whole family.

**Chris COUZENS:** Great. Thank you.

**The CHAIR:** Thanks. Chris.

**Chris CREWETHER:** Thank you, Chair. And thanks again for your evidence and time and your submission as well. Just elaborating on a question Christine asked about Indigenous data sovereignty, can you explain further from VACCHO's perspective what Indigenous data sovereignty principles are, just going back a step?

**Jill GALLAGHER:** Okay. Do I have them with me? I cannot think of them off the top of my head. Do you want to –

**Sheree LOWE:** Yes, I can just touch on that. For us, from a VACCHO perspective, we align, since a couple of years ago, nearly seven years ago or so now—there is a body that is the data sovereignty collective. In the work that we do and when we talk about data sovereignty, we align with that collective, which has a language name. I might kind of mispronounce it, but I will have a crack at it.

**Jill GALLAGHER:** Go on, then.

**Sheree LOWE:** Maiam nayri Wingara. They break that down into three aspects. One is around the Indigenous data. As Aunty Jill mentioned earlier, the ways of knowing, being and doing, how we capture data and how we think about data look very different from an individual and a collective perspective. When we talk about Indigenous data, that is what we talk about.

And then there is the sovereignty, which aligns more to the rights of Indigenous people to own our data, capture that data and express it in the ways in which we interpret that. We talk about that a lot in policy development as well. When we have Aboriginal people shaping policy right from the outset, when it is going to have a direct impact on them, then it looks really different when there are Aboriginal-led solutions, because we are accessing, analysing and interpreting that data from a whole different lived-experience perspective. It is interesting, last week we were talking and getting guidance from the newly elected elders council, who will inform treaty work, around language as well and how we can be sitting and using the same language but the interpretation and what that means for different parties is really broad.



The third part to the Indigenous data sovereignty is around who governs the data and how we bring that together. I was going to throw to you and then say ‘These are the specific principles’ in our little tag team. But that governing around who owns it is really important as well, and how we use it is critical too. I think that it this perspective when we talk about data, how that sits within that broader data system is really important because the data is so skewed. It is hard to make some really firm statements around the data because of the under-representation, because of the misidentification and those types of things. But, Auntie Jill, I will throw to you for the more specific principles.

**Jill GALLAGHER:** Thank you. Just in dot points, so it is on the record, the principles consist of:

1. Exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.
2. Data that are contextual and disaggregated (available and accessible at individual, community and First Nations levels).
3. Data that are relevant and empowers sustainable self-determination and effective self-governance.
4. Data structures that are accountable to Indigenous peoples and First Nations.
5. Data that are protective and respects our individual and collective interests.

They are the principles of data governance. But really, I mean, you have access to good data and you have access to be able to interpret that data with a narrative, with the story that goes with it. That power that you have brings hope. And that is what a lot of our communities do not have a lot of—hope. So data sovereignty is not only to get the correct picture but also to know what we are doing is making a difference. That is the important thing, and it is our story.

**Chris CREWTHER:** Thanks. What are the barriers to implementing these principles, or what will be difficult?

**Jill GALLAGHER:** Money. Finances. I mean, VACCHO ourselves have embarked over the last, I do not know, five or six years on our own data sovereignty plan with our 33 Aboriginal members across the board. But to do what I have just outlined properly takes a lot of resources. You have got to have the infrastructure, all the IT, in place. Do you know how much it costs to employ a data analyst? Really a lot of money; I wish I was on that salary. All that goes with having access to good data comes with the responsibility of who is going to fund that. But it needs to happen, so we are doing that. We have created our own data lake where we also want to access data that government has. We want to be able to help our members to collect their data properly, not just widgets, and be able to tell the narrative and the story of it and then put that out for public knowledge. But it also informs are we hitting the mark.

**Chris CREWTHER:** Thanks. And who will ensure compliance with these principles, and what do you see your role as in that regard?

**Jill GALLAGHER:** Okay. Well, VACCHO’s role is taking a leadership role, in my opinion, and demonstrating how we can do it and how we can do it good. I do not know about how we monitor who is doing the compliance of it all; I am not 100% sure how we do that. But I know we are working very closely with government in the health and wellbeing space and DFFH around how we can be better at that. Do you want to add anything to that?

**Sheree LOWE:** I think some of the things that we have spoken about around who helps that accountability I guess and who owns that and what that looks like. I think that in that space for me it goes to those collaboration principles. I guess it sets out, when we talk about the governance or who oversees the data, making sure that there is Aboriginal representation on there to help guide and look into who those experts are, because although VACCHO has a really significant interest and it is really important, this matter, within our community, we are not necessarily the lead agencies around family violence. So bringing those voices around the table, the Dhelk Dja partnership forum, that whole of government of being able to redesign this data system, because what we know currently in the data system is that there is less information captured around perpetrator data than there is around the survivors and what that looks like and that support around them.

There is also that lack of ability to data share, so even that data sharing could have a really positive impact on the ground when we think about safety plans and what they look like, particularly for the victims and their families. Being able to incorporate some of those principles and focuses within that collective could help with that one, data collection, but also being able to make sense of the data of how it reflects on that ground level,

because they are some of those barriers, right. So right from the outset, misidentification, is it recorded in the L17s, and then next step and that next step, you become further away, but then when you are in the doing of the service delivery, particularly for people accessing those services, retelling stories and retelling the experiences, that retraumatisation, but also navigating complex service systems that do not necessarily join up. So being able to have data that captures that may be able to just get those fulsome safety plans and what they look like, but then at that higher level, when we are talking about that accountability, you might be able to get more accurate data to be able to re-shift and re-look at resources and what that does look like. It may build that case that we need specialised family violence—I know we have specialised family violence officers, but there may be scope for more there. Until we know what that true story is, it kind of makes that grey area of providing really strong solutions. But from that data sovereignty perspective, when we think about the continuum of the data collection and analysis, there needs to be Aboriginal voice and people shaping that along the way, otherwise it is a missed cohort of the community. We have talked to the data of over-representation and what that looks like, so needing voice and representation in all of those aspects are really critical.

**Chris CREWETHER:** One final subpoint on that Indigenous data sovereignty, are these principles different in different collection points? Linking to what you said before, you mentioned that the out-of-home care in Victoria is the worst in the country, and you said there are no meaningful attempts to provide alternatives for mothers to stay with children. Do you think that the data collection that we are doing at the moment is feeding into that, and how can those Indigenous data sovereignty principles assist in that regard as well?

**Sheree LOWE:** For me when I think about that just from a person living in community, when we talk about data, which really can be somewhat technical, how I see capturing Indigenous data sovereignty and data linkages is that if we can identify challenges early and if we can work in that early intervention preventative space, as you said, particularly around families, then that use of data could be far more powerful than waiting to be responsive at the tertiary end of the system. When I think about capturing data in those early kinds of ways, it could help with further service wraparound and what that looks like, because at the moment we are just kind of waiting and being responsive, whereas I think having localised people being connected to that data helps connect the service system that could help in that early intervention rather than waiting for it to be too late. For example, because of the data or the lack of data, we do not know, like your point earlier around men's behaviour change programs, what does that look like? What else is needed within community in those early intervention spaces? At the moment we are just kind of in crisis and responding, so I think that it would be excellent to be able to capture what is happening at a localised level, to then be able to respond and support families whilst they may be vulnerable but being able to put things in place earlier. At the moment we do not really have data capturing that or not being able to inform the service system, so it might be being captured but not necessarily elevated to the right place. They are some of the things.

**Jill GALLAGHER:** I think Sheree has hit the nail on the head, but I do need to emphasise that we as a society need to do more in the space of prevention and early intervention. I made the comment before that we have the most Aboriginal children in out-of-home care in this country, which we do, and it is growing. I am not saying we do not do anything about those children who are currently in care, but we have got to stop it. That early intervention, that prevention and again not just dealing with the mum and the children—the family. We have got to look at it from a different point of view. All systems, whether it is justice or whether it is health, are set up in silos. I am not saying we change that; it is too big a task. I am not a service provider, but as service providers on the ground we have got to start looking at things differently. After I leave here I have got a meeting with the Victorian Aboriginal housing board, and that is to discuss 8,000 Aboriginal families who currently live in public housing. They will be a lot of those survivors and victims. We have got a captive audience already; we just need to have the wraparound services that go into the homes—not wait for the crisis, because we are already in it, but we have got to stop it.

**The CHAIR:** Heang.

**Meng Heang TAK:** Thank you, Chair. In terms of the early prevention, Aunty Jill, you think that there should be mandatory cultural safety anti-racism training.

**Jill GALLAGHER:** Yes.

**Meng Heang TAK:** Can you elaborate more on that? What are the things that you would like to see?

**Jill GALLAGHER:** Okay. Mandatory cultural safety needs to happen. That should be a no-brainer. I know we are in a very tight fiscal envelope, but we are not going to be in that for years to come, I am hoping. We have got to think that for early intervention and prevention, the resources need to be equal as to what we do at the tertiary end. I do not know what the state government spend at the moment on children in out-of-home care—all children, I am talking about, but also Aboriginal children. It would be enormous. We can stop that, especially for our community. We are 2% of the population. We know who the vulnerable families are. We do not need to do PhD research to find out who they are; we know them. It is easy, but we need to have the resources to be able to do that early intervention and prevention with the whole family. That is crucial.

**Meng Heang TAK:** The community-led mandatory training for police and first responders—would you like to talk more about that? Do you feel that 30 minutes in the manual training is not enough?

**Jill GALLAGHER:** No, it is not enough. As Sheree said, it does not meet standards at all, 30 minutes. VACCHO have been delivering cultural safety training for many years, but not one training package will meet everyone's needs. You have got to have a core module and you have got to be able to tailor it. Whether it is first responders, whether it is judges, whether it is politicians, you tailor it. It could be not all at once. We do it with doctors and health professionals. We know doctors are precious and they have time constraints, so we have got to work out how we get that cohort and then how we design a specific module for them. It is the same in this space. We do need to have that. I think mandatory cultural safety training is crucial to helping with a lot of this missed data and misidentification. I am not sure how we would do that. I think just mandating it would be a good start.

**Meng Heang TAK:** Thank you. Thank you, Chair.

**The CHAIR:** Thank you. Christine.

**Chris COUZENS:** Just a couple of quick ones. In terms of the data collection, should Closing the Gap be funding that?

**Jill GALLAGHER:** Can I say, Christine, I do not know whether you are all over the Closing the Gap—and I am probably a little bit biased sitting here, because I do not think it is working—but in Victoria one of our biggest problems in being able to monitor whether we are closing the gap is data. We do not even collect death data of Aboriginal people. I know the state government are trying to look at how they can rectify that. But here in Victoria we have no idea whether we are closing the gap, because we do not monitor. Whether they can fund it—the funding is not there anyway, just to close the gap. It is not there.

**Chris COUZENS:** If it was there?

**Jill GALLAGHER:** If it was there, yes, I reckon it could—and if we had data sovereignty principles embedded in how we collect better data for Victoria.

**Sheree LOWE:** And maybe not just limited to Closing the Gap targets, because it is the government response. It goes back to those data sovereignty principles—that maybe there will be shared points of data collection—and that framing of how we are succeeding. We focus a lot on Closing the Gap, which is really important, those determinants or outcomes on how we are measured. I guess in the space that I work in, social and emotional wellbeing—Closing the Gap target 14, I think it is—where Aboriginal people can benefit from good social and emotional wellbeing is pretty broad. But the measure underneath that is a reduction in deaths by suicide. So those two do not really align from an Aboriginal perspective, because when we talk about social and emotional wellbeing we talk about 'Are people connected to culture? Are they connected to country? Do they have access to their kindship, elders, spirituality and those types of things?' That measure is so restrictive. So there are some aspects to Closing the Gap in how it shapes the whole system of funding and response and measures—it is quite narrow in some ways—of Aboriginal views trying to fit into a government framework and doing the best with that. Although it has some strength in that, of being able to measure that we are not closing the gap. But I wonder also whether that is an opportunity to tell that broader narrative that we have been talking about today, which is across the board in all different matters when we talk about it from an Aboriginal perspective. What does that look like? I think that Closing the Gap has some structure around it, but it is very government driven, which then goes against the whole principle of Indigenous data sovereignty. But they do have a role, because if that is the place where government is, like Aunty Jill said, it needs to evolve into what that looks like. I guess from a Victorian perspective as well, as we move into treaty negotiations, accountability

is a big conversation around what that looks like in future ways of how to be able to tell those narratives and draw that accountability in Aboriginal and Torres Strait outcomes in Victoria, which might somehow align to Closing the Gap but also might have that broader suite of what that potentially looks like on the ground for us living in Victoria.

**Chris COUZENS:** Aunty Jill, you talked about the costs of the data collection system, whatever that may look like, for early prevention. Do you need data before you can establish what the early prevention approach is?

**Jill GALLAGHER:** In our space, no, I believe no we do not. That is my personal belief. I mean—Sheree is, I am—we are embedded in our community. We know the issues. It would be great to have data to back us up there, but we do not have it. As I said, we are 2% of the population, so we know the communities and we know the vulnerable parts of or communities. We just need to do something that is outside the box.

**Chris COUZENS:** So you know what needs to be done to introduce early prevention in the program space?

**Jill GALLAGHER:** Yes.

**Chris COUZENS:** Okay. Great. Thank you.

**The CHAIR:** Okay. Two more quick ones from me, if I may. Sheree, when we were speaking about elder abuse earlier you mentioned that it is hard for people to trust in a system that has not served them well. With that in mind, how can the Victorian Government increase transparency in the way that it reports back to First Nations communities on the outcomes achieved by family violence prevention initiatives or other family violence initiatives and build that trust?

**Sheree LOWE:** I think that there is an existing platform through the Dhelk Dja, which I think is one mechanism of reporting back. But I think across the board that transparency around reporting, not only around family violence—I think it is being able to not so much clarify but note where there are faults in that system of reporting, particularly around misidentification and those types of things. I think that having those kinds of disclaimers that this is the best data that we have got at this time, but also working with Aboriginal leaders in this space and being able to shape what that data reporting looks like is a good start in building that trust and those relationships and what that looks like. I think sometimes it is that simple step of ‘It’s imperfect; we know that it’s not right.’ And sometimes we have worked in spaces where we still try to make things that are not working right be the right response, rather than calling it out and just saying, ‘This is imperfect. We know this, but this is what we’ve got at hand at this time. How can we collectively work together?’

I think that trust is a really big aspect of relationships going forward, and that is talking to the right people and that transparency of what is going on. The government may not always be able to respond in the way that communities want and need, and that is part of a good relationship as well—that honesty and transparency of being able to manage those expectations—because sometimes we are like ‘Yeah, yeah, yeah, yeah, yeah’ and then it is like ‘Actually, no, no, no, no, no’ and it would have been a lot easier and better to have the no right up-front and figure out an alternative rather than going down a path and then investing a lot in and then realising that it was not possible to start with. We see that time and time again around ‘We want to work in partnership, but really we want to just consult’ or ‘We want to work in partnership, but we just want to inform you of what has been happening.’ When we set those expectations of what is possible from the outset, even if that is unknown, we are not sure where this is going to go, but we want to start the conversation about this. I think this is a perfect example of this because it is such a sensitive topic for community—all of the community. We are in a situation now in Victoria but also in the nation where a woman is dying every week, so it is a conversation that we need to be having. The answers—probably all of us are trying to put forward our answers, and I think that for us, as we mentioned earlier, having yarns with our community we have got some really good responses on how to work together better and how to capture our information to feed into that broader narrative around family violence and particularly around perpetrator data. But that is the starting point around building relationships, building that trust, having that transparency—what have I missed? Talking to the right people.

**Jill GALLAGHER:** I think partnerships are really important. If communities see that, whether it be Dhelk Dja or whether it be Djirra or whatever the case may be, if there is a partnership there to look at and unpack this

data sovereignty and how to apply it in partnership with government, I think that would instil some trust back in our community that there is an Aboriginal lens over that.

**The CHAIR:** You have spoken a lot today about under-reported and unreported family violence, and that is something we have also heard from other witnesses. Do you have any recommendations about how we could better understand the prevalence of family violence in the community when so much of it does go unreported?

**Sheree LOWE:** I think for me stigma and safety are really important aspects to have and create for people to feel comfortable in reporting. One is removing that stigma around that vulnerability and how that makes you feel as a person being in that situation. Whether you are navigating a really unsafe space and trying to make choices, whether it is to keep yourself safe or your kids safe or whatnot, there is a lot of judgement that can come around that. There is a lot of judgement sometimes in service systems when you do reach out for help if you are not totally necessarily up for completely disconnecting from the perpetrator, which is often in our cases—it is not that people want to leave their intimate partner, it is just that their intimate partner is not right for them at that time. So having that as a frame when you are accessing support, you can be judged in that service system if you are not totally up for completely stepping away. That is what I mean by those stigmas around ‘What do you mean you still want to be with this person?’ or how people see that it is just that we love them but we know that they need help and those types of things. It does not always fit well in that service model, so that stigma is part of it.

But that safety, whether it is cultural safety but also physical safety, is really important, right? Like what I said before, if the system does not respond in the way that you need it to at that time, then there is far less chance that you are going to go back a second time to that same part if you need to. Being able to meet people where they are around that to create that safety is really important, not just to raise that reporting, that under-reporting, but also being able to support people to understand what violence is, because we have many cases where people are like, ‘Well, I’m not being physically abused in that way, so I don’t have a family violence problem,’ even if there is coercive control, whether there is financial control, restricting contact with friends and family and those types of things. Sometimes people do not know that, so being able to continue with those community awareness campaigns around what violence is and what constitutes violence helps lift that under-reporting, I think.

I think that whilst the main aspect of where reporting comes from is through police and first responders and maybe through that broader aspect through schooling systems and those types of things, there is a long way to go between First Peoples relationships with those systems and being able to trust them. And then when you reach out, there has to be a service system there to catch them. There has to be a culturally responsive service system to catch people when they have put their hand up, because it is a real failing of the system at the moment that people report, then they do not get what they need and then they revert back even further but also now have that experience of ‘I reached out and sought help, but the response wasn’t there with what I needed’.

I think that they are some of the things that could be thought about in terms of how to help that under-reporting from a community experience point of view. And then from a system point of view there are those things that we talked about around that training, re-emphasising that cultural safety training around how and when we look at data. What that looks like is really important as well. One, community can respond and lift that awareness, but the system has to respond at the same time because there is no point in investing in one part without investing in the other. It is the same with how you can invest in the system, but if you do not give that confidence that there is safety in reporting, then the system is just kind of there waiting, right? What else?

**Jill GALLAGHER:** I think you have hit it on the head: more education, more awareness, more conversations in our community. I come back to this prevention. Our services need to be funded to have these delicate conversations. As I said before, it is really hard living, breathing and being Aboriginal and being in the community. We all know who is who in the zoo, and we all know if things are not right. Also from a systems point of view but also from a community perspective, it is about whether they want to report that—you know, the backlash that could be there. I think that awareness and that education are hard conversations to have in the community; there need to be more conversations about family violence. So there are two aspects: in the community and with the first responders. We have already discussed it; a lot of work needs to be done there. But by the same token we have 33 Aboriginal organisations—do we still have the IFVRAGs?

**Sheree LOWE:** Yes, the Dhelk Dja.

**Jill GALLAGHER:** The Dhelk Dja. We have a mechanism out there to have these conversations, so I think that is what needs to happen.

**The CHAIR:** Okay. One last question, which you may like to take on notice as well and come back to us: what First Nations-led data research projects on family violence have been or are being undertaken, and what can the Victorian Government do to support more First Nations-led research, the sharing of this research and the resulting data to ensure a coordinated approach?

**Jill GALLAGHER:** I do not know what research is happening out there at all, by the way, so we can try and find out and report back. But it definitely needs to happen. There needs to be more research. VACCHO just recently stood up a research accord in Victoria, so we are embarking on a whole raft of research ourselves. That is something I think needs to happen more—what is happening.

**The CHAIR:** If you would like to share with us in writing following today's hearing what research you are undertaking, it would be great to see that.

**Jill GALLAGHER:** Okay. We will send some documents around the research accord and how we see it could be going forward with research in this space.

**The CHAIR:** Great. Thank you. Thank you very much to Dr Jill Gallagher AO and Sheree Lowe from VACCHO for appearing before the Committee today. The Committee greatly appreciates the time that you have taken to prepare your evidence today and also for your lengthy submission.

The Committee will now take a short break before returning at 1 pm.

**Witnesses withdrew.**