

Establishing an Aboriginal-led evaluation and review mechanism in Victoria

Community engagement report

October 2019



VICTORIA
State
Government

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Aboriginal readers are advised that this document may include photos, quotations and/or names of people who are deceased.

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Our commitment to Aboriginal-led accountability of government

The Victorian Aboriginal Affairs Framework 2018-2023 (VAAF) is the Victorian Government's overarching framework for working with Aboriginal Victorians, organisations and the wider community to drive action and improve outcomes.

The VAAF commits to establishing an Aboriginal-led evaluation and review mechanism (Mechanism) to track government's progress against the VAAF. This includes evaluating and reviewing:

- government's efforts to achieve the goals, objectives and measures set out in the VAAF
- government action to enable Aboriginal self-determination.

Purpose of this report

This community engagement report summarises the knowledge, expertise, thoughts and feelings shared by community and Aboriginal organisations on developing a Mechanism. We have tried to represent what we have heard as accurately, comprehensively and transparently as possible.

The views contained in this report are reflective of those expressed by community engagement participants and are not the views of the Department of Premier and Cabinet.

Thank you

Thank you to all community members, Aboriginal organisations and government representatives who engaged with us through this process for sharing your time and expertise. Thank you also to the Local Aboriginal Network Brokers who were central in organising community engagement sessions, and Community Conversation hosts for their efforts.

Where we have been

From February to June 2019, we undertook community engagement to hear Aboriginal Victorians' views on the development of an Aboriginal-led evaluation and review mechanism. Twenty consultations were held across the state.

Regional Forums From February to April 2019, we held open community forums and one-on-one meetings in communities across Barwon South West, Grampians, Loddon Mallee, Hume and Gippsland regions. We listened to community members, Traditional Owners, Elders and representatives from Aboriginal organisations. After each forum, we shared a draft Community Report Back with participants to make sure we had accurately reflected participants' views.

Community Conversations Community members were invited to host a Community Conversation. This involved a discussion about how the Victorian Government should be held accountable for spending and outcomes in Aboriginal affairs. Community Conversations were held in Morwell and Bendigo and the information from these discussions has been incorporated into this report.

Submissions and surveys We received written submissions and online survey responses via our website, engage.vic.gov.au. The information from these responses is reflected in this report.

What we heard

Key topics discussed

When talking with people about Aboriginal-led accountability, our conversations centred around three key topics:

- On what design principles should the Mechanism be based?
- What functions should the Mechanism carry out to hold government accountable?
- How should the Mechanism be structured? Options presented were:
 - as an independent statutory body
 - as a community-led, place-based mechanism
 - as part of an existing Aboriginal accountability mechanism
 - or in some other way.

The following is a summary of what we heard on these three key topics.

Design principles

Membership

Most participants supported all-Aboriginal membership of the Mechanism to ensure it has community respect and is self-determining. However, there was some support for majority rather than all-Aboriginal membership. Suggested non-Aboriginal members included:

- subject-matter experts
- those with a solid understanding of how government operates
- representatives from non-Aboriginal organisations
- lawyers from Aboriginal legal services.

Suggestions for how non-Aboriginal people could be engaged included as 'associate members' without voting powers, guests or full members. It was noted that any non-Aboriginal members would have a responsibility to drive change within their own organisations and should take care not to dominate discussions.

Regarding composition of membership, there was strong support for:

- membership extending beyond just those who are regularly consulted by government, by including a diverse range of family and cultural groups, as well as Stolen Generations members
- representatives from local, regional and statewide levels to facilitate better understanding of local priorities and to dissolve silos
- diversity of gender, age, sexual orientation and disability status
- diversity of skills, experience and expertise, with the relevance of these being determined by community
- members with cultural authority and strong connections to community.

Participants raised the importance of membership appointments being transparent, independent, community-led and for fixed terms.

Independence

Most participants strongly supported the Mechanism being independent and identified this as integral to its success. This included having bipartisan support to ensure the Mechanism is not perceived as aligned with a particular government or political party. The importance of the Mechanism having community-defined priorities, rather than a government-driven agenda, was also noted by participants.

While independence was perceived as crucial, most participants acknowledged that government would need to be involved in the Mechanism to some extent, whether through providing funding or potentially developing legislation to establish the Mechanism. However, there was a desire for any government involvement to be non-directive.

Community Support

Some participants expressed that broad community support for the Mechanism is vital for its successful operation. They noted the Mechanism will only be as strong as the community chooses it to be, and community support and legitimacy is likely to be dependent on the Mechanism having community-based members, rather than government appointments

Resourcing

Most groups discussed resourcing, specifically long-term, ongoing and sustainable funding for the Mechanism. Participants expressed that this kind of resourcing will support self-determination, help avoid lateral violence caused by competition for resources, allow for long-term outcomes and ensure the Mechanism remains independent of government. One group raised that the Mechanism will need to be resourced to act quickly and drive an immediate response when critical issues arise.

Powers and accountability

There was strong support from participants for the Mechanism to have robust powers to hold government accountable for Aboriginal affairs outcomes. Many advocated that this should be extended to holding Aboriginal Community Controlled Organisations, peak Aboriginal bodies, service delivery organisations and the Aboriginal Representative Body (to be known as the First Peoples' Assembly of Victoria (Assembly)) to account. Broadly, participants did not want the Mechanism to just have an advocacy role, but to have an active role in facilitating change.

The line of accountability for the Mechanism was also raised, with a recommendation that it should be between the Mechanism and the Victorian Parliament, rather than a minister. A few groups highlighted the importance of the line of accountability being directly with decision-makers. Participants also raised the need for a policy about how government will respond to any reports or findings from the Mechanism and advocated for transparency in how the Mechanism is undertaking its responsibilities.

Accountability to Aboriginal communities

Community members considered it important that the Mechanism represents the views of, and is accountable to, Victorian Aboriginal communities.

The Mechanism would need clear guidelines outlining its accountability processes. Examples given by community members of how the Mechanism could be accountable to community included:

- clear, public guidelines explaining its powers, functions and processes
- an adequate complaints procedure and publicly-available information on how complaints are managed

- a robust decision-making framework and communications strategy to report back to community on what action it has taken in response to issues identified by community members.

Some participants raised the risk that not all leaders from Aboriginal organisations speak for and consult with community. It was raised that occasionally community ideas are ‘watered down’ by those participating on boards, or that organisations may prioritise their own agendas rather than community priorities.

Aboriginal approach

Many participants raised the importance of the Mechanism ‘doing business’ the Aboriginal way, rather than being bureaucratic. This included reflecting diverse Aboriginal culture, following community timeframes for decision-making, ensuring cultural safety (particularly if the Mechanism is an ombudsman and to avoid lateral violence), using Aboriginal language and terminology and using a strengths-based approach. A few participants also raised the importance of government creating the space for community to govern itself in a culturally safe and relevant way to ensure the Mechanism is genuinely community-owned, rather than being government controlled or managed.

Additional design principles

Additional design principles suggested by participants included:

- cultural safety as central to the operation of the Mechanism, including allowing community to heal and prepare itself to take on more responsibility, and using a trauma-informed and culturally-appropriate approach to policy
- ensuring the Mechanism is a unifying process, as some people raised that self-determination has unintentionally created divisions in some communities
- engaging the Commonwealth Government and local governments in the Mechanism
- the importance of data sovereignty for self-determination
- respecting that Traditional Owners hold intellectual property on spiritual and Country matters
- ensuring that the Mechanism upholds human rights in its operations.

Functions

The main function of the Mechanism proposed by community members is holding government accountable for achieving outcomes and the use of funding in Aboriginal affairs. Participants also highlighted the need for accountability relating to the cultural safety of services and government processes. Some participants additionally noted the need for accountability regarding the quality and depth of engagement between service providers and Aboriginal communities.

Information sharing and transparency

Most participants identified data sharing as a key function of the Mechanism. Participants expressed three key purposes of this function:

- to increase transparency around the outcomes which are being achieved by government and service providers
- to enable community to identify priorities for their local area
- to empower community to hold government and service providers accountable for outcomes.

Closely related to this was the commonly-expressed desire for the Mechanism to increase funding transparency by sharing information on local funding decisions, processes and allocations. Participants reported that this would:

- increase awareness of what services are available for Aboriginal community members, including from non-Aboriginal organisations
- support Aboriginal community members to participate in the allocation of funding, and the evaluation of its effective use
- improve the accountability of service providers and government to local Aboriginal communities.

Enabling community decision-making

Most participants identified enabling community decision-making as an important function of the Mechanism, and the underlying purpose of the above functions. Participants described different ways this could occur, for example:

- community members developing local plans which direct funding to local priority areas
- community members participating in local funding decision-making, including the review of funding applications from service providers based on community-identified criteria.

Influencing government policies and systems

Although many of the functions that participants identified related to the local community level, there was also clear support for the Mechanism to have a broader scope in its functions related to improving government policies and systems. Some of the suggestions raised by participants included:

- providing input into the development of government legislation and policy on both general and Aboriginal-specific matters
- guide the government on improving coordination between departments, as well as between local, state and federal governments
- advise the government on how to implement more culturally-appropriate approaches and processes.

Providing a single point of contact

Many of the community engagement sessions raised the importance of the Mechanism being directly accessible by community members as a 'one-stop-shop'. Suggested functions related to this included:

- serving as an intermediary between community members and government departments, agencies or non-government service providers when community members raise a complaint
- elevating the views of community members to relevant forums and decision-making bodies, including the views of members of the Stolen Generations
- facilitating coordinated government engagement with communities
- referring community members with queries to the appropriate services
- providing mediation and advocacy on issues raised by community members
- serving as a neutral meeting space for communities.

Conducting investigations, reviews and evaluations

Some of the community engagement participants expressed the need for the Mechanism to conduct investigations, reviews and evaluations. It was noted that these should be initiated by the Mechanism itself in consultation with community, rather than by the government.

It was expressed that these investigations, reviews and evaluations should not be limited to Aboriginal-specific policy and service delivery, but also include community-wide issues where they affect Aboriginal people and interests.

In addition, it was expressed that they should cover government policy and service delivery along with the work of government-funded organisations. Although several community engagement participants recommended the outcomes of these be made public, others noted there was a risk of damaging reputations and relationships within Aboriginal communities.

It was also expressed in multiple community engagement sessions that the Mechanism should ensure it reports on positive outcomes as this would promote the good work being done in communities, facilitate the sharing of information and the development of partnerships.

Enacting consequences

There was a common view presented in community engagements that the Mechanism would need to have sufficient powers to enact consequences in response to investigations, reviews and evaluations. It was also noted that the Mechanism would need to have sufficient powers to compel government to respond to findings and recommendations.

Education and training

Some community engagement sessions identified education and training as a potential function of the Mechanism. This was described as developing the abilities of young people in leadership, advocacy and community organising, with a focus on the skills that would be needed to hold government accountable.

Options

The majority of participants supported a combination of an independent statutory body and a community-led place-based mechanism

The majority of groups preferred a combination of an independent statutory body (e.g. ombudsman, commission) and a community-led place-based mechanism which could feed into the statewide body. Participants said that this would ensure the Mechanism had power, leverage and authority to hold government accountable, while also ensuring action was led by community voice.

Commentary about an independent statutory body

Participants expressed that a statutory body would need to be credible and have strong influence and authority over government in order to be effective. Some suggested that a statutory body embedded in legislation would be more difficult to dismantle in the event of a change of government priorities. One group suggested that statutory appointments could be made by the Assembly (which is currently being established through the treaty process).

Some suggested one statewide statutory body would be most effective, whereas others suggested several Aboriginal commissioners for different sectors (e.g. health, education, housing). Some raised concerns that a statewide body wouldn't truly represent local issues, and therefore an option would be to have commissioners representing different geographic regions. Several participants were also concerned that a statutory body may only be made up of the voice of one family, and therefore stressed the importance of different community members being represented on any statutory body.

The majority of participants raised the need for a statutory body to be accessible through a 'direct line', to ensure decision-makers hear community voices. Additionally, participants said a statutory body should listen to all voices, not just one voice. Several regional groups raised the risk of a statutory body being Melbourne-centric, and losing sight of priorities in regional areas.

Commentary about a community-led place-based mechanism

The majority of participants thought a community-led place-based mechanism was important to ensure local voices are heard, and to decentralise power. Some participants suggested that a community-led place-based mechanism could direct the statutory body. For example, some suggested a community-led place-based mechanism could raise an issue or priority area of their community which the statutory body could then investigate and act upon.

Some raised concerns about the establishment of a community-led place-based mechanism, noting it could cause division within the community, and that a diversity of views would prevent it from being effective. Some were also concerned about community-led place-based mechanisms being based in larger regional towns and not representing the voices of smaller communities within the region. Participants thought a community-led place-based mechanism should be representative, inclusive and broader than stakeholders that are affiliated with Aboriginal organisations or Traditional Owner corporations. Others raised the importance of considering traditional boundaries when establishing local bodies.

The majority of participants raised the need for a community-led place-based mechanism to be well resourced. In particular, organisational support for Elders was raised as a key issue. Others suggested that a community-led place-based mechanism should build on Elders Councils already in place, to ensure it has the respect of the community and proper authority.

Commentary about existing mechanisms

Many participants said that any new Mechanism should align with existing mechanisms, but importantly, do what existing mechanisms cannot.

One group noted that peak bodies have a lot of experience and knowledge, and therefore it is important that they continue to advise ministers. Other participants felt that the existing Aboriginal accountability mechanisms in Victoria are very Melbourne-centric and have been less effective in terms of addressing regional issues. Some participants also felt that the views of statewide organisations did not always reflect the views of their local communities.

Some participants did not support the establishment of another governance and accountability mechanism which they thought would further overburden the Aboriginal community. Instead, several participants thought that existing structures should be reviewed to identify what is working and what is not working prior to establishing any additional mechanism. Many also thought that government had a responsibility to improve coordination with existing Aboriginal governance structures.

Some suggested existing Local Aboriginal Networks could take on the role of the community-led place-based mechanism. However, it was noted that to have greater impact, their powers need to be strengthened. One group suggested looking at other community place-based models, such as the Community Working Party in Albury, which reviews funding submissions by local mainstream and Aboriginal organisations.

Other options

A few groups thought a combination of all three options (statutory body, community-led place-based mechanism and existing mechanism) would be the optimal model of accountability.

One group raised the option of establishing a government council, which would have a mixture of Aboriginal and non-Aboriginal members to represent and respond to the Victorian Aboriginal Affairs Framework 2018-2023, with each member of the council representing a different domain, such as health or education.

Next steps

The community advice contained in this Community Engagement Report will inform the development of the Mechanism.

Further community consultation on a potential model for the Mechanism will be undertaken in 2020 once it is clear how this accountability mechanism will intersect with the Assembly.

We hope this will give Aboriginal Victorians some more time to have further conversations within their families and communities, because this is an important and complex initiative that we need to get right.

Contact us

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