



Royal Commission
into Family Violence

WITNESS STATEMENT OF ANDREW JACKOMOS

I, Andrew Jackomos, Commissioner for Aboriginal Children and Young People of level 20, 570 Bourke Street, Melbourne, in the State of Victoria, say as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Current role

2. In July 2013, I was appointed Victoria's inaugural Commissioner for Aboriginal Children and Young People, the first such position in Australia.
3. As part of my role I advocate, monitor, evaluate and provide advice to government and service providers about policies and practices that will promote the safety and wellbeing of all Aboriginal children and young people, particularly vulnerable children.
4. As Commissioner for Aboriginal Children and Young People, I co-chair the Taskforce 1000 Steering Committee with the Secretary of the Department of Health and Human Services (DHHS). Announced in September 2013 the Taskforce 1000 commenced in July 2014 in response to the over-representation of Victorian Aboriginal children and young people in out-of-home care. Taskforce 1000 is focussed on improving outcomes for Aboriginal children and young people in care through critical reflection of their individual plans, and consideration of all aspects of their placement and care, including education, health, Aboriginal identity and connection to culture.
5. The Taskforce is examining the current plans and experiences of all Aboriginal children and young people currently in out-of-home care in order to identify and respond to particular issues that impact on their stability, development and cultural connectedness. Approximately 500 children have been reviewed as part of Taskforce 1000 to date.

Background and experience

6. I have over 35 years' experience in Aboriginal affairs policy and administration. Prior to my appointment as Commissioner for Aboriginal Children and Young People, I was the Director of the Koori Justice Unit in the Department of Justice for 14 years. During my time as Director of the Koori Justice Unit, I was responsible for coordinating the development and implementation of three phases of the Victorian Aboriginal Justice Agreement, as well as the establishment of the Aboriginal Justice Forum and growth of the Koori Court network within the Magistrates', Children's and County Court jurisdictions.
7. From 1997 until 1999, I held the position of Policy Manager at Aboriginal Affairs Victoria where I was responsible for development of the Koori Services Improvement Strategy. From 1992 until 1996, I was the Victorian State Manager of the Aboriginal and Torres Strait Islander Commission (**ATSIC**) and prior to that I was the Chairperson of the Yuroke (Melbourne) Regional Council. My previous roles include as Manager of the Aboriginal Programs Unit at the Department of Education and Training, National Operations Manager of Aboriginal Hostels Limited and Regional Manager for the Aboriginal Development Commission in North Queensland
8. I am a member of the National Congress of Australia's First Peoples and attend as an independent at key forums including; the Aboriginal Justice Forum, the Human Services Aboriginal Roundtable (which is currently being reviewed) and the Indigenous Family Violence Partnership Forum. In 2006, I was awarded the Public Service Medal and was admitted as a Fellow of the Institute of Public Administration (Victoria) in 2006 and National Fellow of the Institute in 2013.

Family violence in Aboriginal communities

9. Family violence in Aboriginal communities is considered broader than in non-Aboriginal communities, encompassing a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that may be perpetrated within families, intimate relationships, extended families, kinship networks and communities.
10. As evidenced through Taskforce 1000 and police data, family violence in the Aboriginal community is overwhelmingly perpetrated by men against women and children.

11. The 2014 Department of Human Services *Working with families where an adult is violent* publication quotes 2006 prevalence data that “Aboriginal women are 45 times more likely to suffer family violence and 10 times more likely to die as a result than non-Aboriginal women” (Domestic Violence Victoria, 2006 quoted in DHS 2014 p. 34). Given the rapid growth of the Victorian Aboriginal population since 2009 and the changes to awareness, reporting and police responses to family violence, this is likely to be an inaccurate illustration of the current situation, however it is useful in general trend information.
12. Unfortunately in opposition to current evidence a significant section of the Aboriginal community still rejects the notion that family violence is gendered, including some members of the eleven regional Indigenous Family Violence Reference Groups and some DHHS Indigenous family violence coordinators.
13. The focus of Victorian funding and policy has been a non-gendered approach leaving significant shortfalls in services and focussed responses to the high proportion of women and children who are victims of family violence.
14. Successive Commonwealth and Victorian governments have failed to confront this very difficult issue because of this division of beliefs between some Aboriginal organisations, networks and individuals.

Response to family violence in Aboriginal communities

15. Many service systems and mainstream services lack an understanding of Aboriginal familial structures and kinship networks. As a result of colonisation, dispossession of land, separation of communities and children being removed from families (in what is now known as the Stolen Generations), Aboriginal communities carry great trauma from experiences that are transferred from one generation to the next.
16. The *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* heard many personal accounts of the impact of this on individuals which was recounted and analysed in the *Bringing them home* report published in 1997.
17. Services today must know about this history and its impact in order to be accessible and effective for Aboriginal families. Removal of children led to breakdown of culture, communities and families. The government or the mission manager controlled many Aboriginal people's lives for several years, and well into the 1960s. Children who were removed often grew up with no Aboriginal parents or role

models and without Aboriginal social structures or cultural and familial values. They were not permitted to make decisions or take on responsibility and cultural obligations which children who were raised in strong, loving and culturally rich family and community were.

18. Many Aboriginal children now being removed by Child Protection have parents and grandparents who themselves have been in Child Protection and whose family were impacted by the Stolen Generations. Resources must be injected into healing and rebuilding families and communities to prevent the increasing numbers of Aboriginal children going into out-of-care.
19. When the cumulative trauma of intergenerational poverty and marginalisation by society are untreated, other complexities such as drug and alcohol abuse and the violence experienced by the community escalates. These issues create particular challenges for addressing family violence in Aboriginal communities, which is further compounded by the extraordinarily high rate of removal of children by child protection.
20. We can look back to the past treatment of Aboriginal families and the enormous harm that is caused to children who are unnecessarily removed from their families, including the breakdown of community, family and culture. However, the present out-of-home care system continues to fail Aboriginal children.
21. Aboriginal children and young people are significantly over-represented in Victoria's statutory child protection system and are around seven to eight times more likely to be the subject of a report to the DHHS than non-Aboriginal children. Aboriginal children now represent one in six Victorian children or young people being placed in care. Aboriginal children are ten times more likely to have an out of home care experience. I anticipate that without serious resources and effort being put into strengthening families and addressing the key drivers, 1500 Victorian Aboriginal children will be in State care by the end of 2015.
22. The rate of placement of Aboriginal children in particular areas of Victoria is higher than others and the average Victorian rate is higher than the average national rate. As an example, the 2014 Report on Government Services states that the Victorian placement rate for Aboriginal children is 62.7:1000, compared to non-Aboriginal children which is 5:1000. The national placement rate is 55:1000. Seven areas in Victoria have rates higher than 85:1000, with the highest being Inner Gippsland at 116:1000.

23. The work of Taskforce 1000 has shown there is a direct correlation between family violence and children entering out-of-home care. Specific data on the drivers has been collected by the DHHS, but at this stage has not been made publically available. As an illustrative figure, approximately 80 per cent of children reviewed have experienced family violence, and this is often co-existing with other key factors such as alcohol and drug misuse, parental mental illness and neglect. In the cases reviewed by Taskforce 1000 to date, the majority of cases involve male perpetrated violence against women and children. Taskforce 1000 data also identifies family violence as a key reason why children cannot be reunified with their parents.
24. There is research about the potential for children who are victims of family violence to become victims or perpetrators of family violence as adolescents and adults. Given that there are more than 1,300 Aboriginal children in out-of-home care and we know that over 80 per cent are victims of family violence, we must acknowledge that they are at risk of being victims or perpetrators and we must respond.
25. The State must create opportunities for children in care to meet with other children, to heal, to be immersed in their culture and link in with other Aboriginal children and strong Aboriginal role models. There are examples of such programs around Victoria which are mostly funded through one-off grants. The potential for many of these children to be involved in family violence as they grow must be recognised and the opportunity to avert this should not be missed. A systemic approach is required. Programs such as the Journeys Program for boys aged 14-17 years in the Mallee area, the Victorian Aboriginal Child Care Agency cultural camps and the Wayapa Wuurk reconnection programs should be supported and expanded.
26. The *Children, Youth and Families Act 2005* (Vic) does not include a definition of family violence. The 'Best Interest Principles' which underpin practice and decision making do not explicitly refer to family violence, but rather talk about "unacceptable risk of harm to the child" (p. 23) and the responsibility of DHHS "to promote the prevention of child abuse and neglect" (p. 30). This type of abuse needs to be named in the key legislation that aims to protect children.
27. Given that family violence is a significant driver of Aboriginal children into out-of-home care and the overrepresentation is unacceptably high, legislation and any supporting practice guides should include explicit definitions of family violence.
28. The Victorian Aboriginal Family Violence Prevention and Legal Service (**AFVPLS**) has extensively published concerns regarding the need to reform and strengthen

responses to family violence in the Family Courts, “including expanding the definition of family violence under the Family Law Act” (AFVPLS Victoria Policy Paper Series June 2010 p. 24). They also raise concerns regarding the “often clumsy interaction between the Family Courts and child protection intervention” (p. 25) and I hear examples of this through verbal discussions with families.

29. Specialist services for Aboriginal people are required that have an understanding of the definition of family violence in the context of the Aboriginal community and which Aboriginal people feel culturally safe to access. AFVPLS is an example of a service which provides support to family violence survivors who do not access mainstream services and who cannot access the Victorian Aboriginal Legal Service due to conflict of interest (for instance, the Victorian Aboriginal Legal Service may be representing the perpetrator).
30. The AFVPLS provides critical, culturally safe and appropriate legal assistance, casework, counselling, outreach and court support to Aboriginal adult and child survivors of family violence. The agency is a stand-alone service structured according to a collaborative, referral-based model, and maintains close links with Aboriginal family violence workers and refuges, and housing, counselling, drug and alcohol, and allied health services. Those programs run by and for Aboriginal people, built on a foundation of culture, show the most successful outcomes for Aboriginal families. I have read the AFVPLS’ submission to the Royal Commission and I endorse their recommendations, with the exception of recommendations 17 and 22.
31. The Victoria Police *Living Free from Violence - Upholding the Right* 2009 publication makes an explicit link between family violence and child abuse. The report notes that in 2008-09 there were 33,918 family incident reports to Victorian police. In 12,047 of these children were present. Police made notification to DHHS for 4,079 children (p.17). While Aboriginal status is recorded in Family Incident Reports and data regarding Aboriginal children would be available, it is not provided in this report. However what this highlights is that many children exposed to family violence receive no intervention until the critical point when child protection intervene.

Prevention and early intervention initiatives

32. It is clear from the over representation of Aboriginal children in out-of-home care and the enormous growth in this number, that not enough is being done in early intervention and prevention of the known drivers. Data provided to the Commission in 2012 for a sample group of children showed an indicative trend on service costs by age; indicating only around 8 per cent of aggregate costs were incurred before 12 years of age.
33. Family violence can affect all Aboriginal children and young people, from the unborn infant to adolescents. Culturally appropriate and Aboriginal led initiatives are required throughout the life-course of an Aboriginal child in order to reduce the risk of family violence occurring, to minimise the extent of family violence to which children are exposed and to minimise the harm caused by family violence.
34. There has been a failure to provide ongoing funding for existing programs that have been identified as promising or proven to be effective in reducing harm to children.
35. Mallee and District Aboriginal Services (MDAS) and the Queen Elizabeth Centre in Melbourne formed a unique partnership to deliver a program to teenage mothers called *Bumps to Babes and Beyond*. The program works intensively with pregnant women and their partners/family through a Maternal and Child Health service within an Aboriginal organisation. From 26 weeks of gestation until babies are 18 months of age, parents are supported to develop skills around positive interactions with their babies and connecting to services. The outcomes for the 14 families in the pilot included a high proportion of breastfeeding, fully immunised children, regular maternal visits, no children involved with Child Protection and mothers and fathers networked with other parents and community groups
36. The Victorian Aboriginal Health Service with support of the Healing Foundation launched a new program this year, *Breaking the Cycle of Trauma - Koori Parenting: What works for us*. The program recognises that intergenerational trauma can have a big impact on children and parents wellbeing. It is part of a 12 month trauma education project which includes staff training and education.
37. Kurnai College in Churchill Gippsland have an innovative program to re-engage young Aboriginal and non-Aboriginal mums in education through a flexible learning model supported by the Salvation Army. Anthony Rodaughan the Principal has shared this model with other communities, including Mildura. Programs such in this

in schools are initiated by passionate principals rather than as a systemic approach by the Department of Education and Training.

38. *Sisters Day Out*, is a program of one day workshops across the state facilitated by AFVPLS that engage Koorie women, and in particular young women for the purpose of preventing family violence by facilitating community networks to reduce social isolation, raise awareness and promote community safety. AFVPLS are also developing a new program called *Young Luv* to commence shortly with a focus on young people developing positive relationships.
39. Bubup Wilam Child and Family Centre is another example of a child centered and family focussed service working with vulnerable children and their families in the northern metropolitan region. Bubup Wilam is based in Thomastown and means "Children's Place" in Woi Wurrung language. Its programs aim to instil and strengthen children's sense of Aboriginal identity and personal self-esteem as their foundation for lifelong learning, health and wellbeing.
40. Underpinning the Bubup Wilam learning program is an emphasis on strong family and community connections. The Bubup Wilam program recognises that building strong, respectful and trusting relationships leads to strong identity as members of an Aboriginal community.
41. Bubup Wilam and a similar service Dala Yoroo in Gippsland were previously funded under the Early Childhood National Partnership as part of the Close the Gap initiatives of COAG. I understand that they have been notified that support from the Commonwealth will be withdrawn after July 2015. Whilst the Whittlesea Council is providing in-kind support through premises to Bupup, this will have a significant impact on parents who are likely to have multiple and complex needs and whose children need access to a high quality culturally specific early childhood program. A significant number of parents are on community orders and many children are known to child protection. It is my understanding that the State has not stepped up with recurrent operational funds to keep these valuable services fully operational. And that is a great shame given the resilience they are providing many vulnerable families and children.
42. The Rumbalara Aboriginal Cooperative in Shepparton provides integrated health, justice, family, housing, aged care and disability services to the Aboriginal community. As part of its family services platform, Rumbalara offers an early intervention and parenting program which provides practical parenting support and

advice to Aboriginal mums and dads, including on topics such as early childhood development and social connectedness with other Aboriginal parents. It also offers an *Aboriginal Cradle to Kinder Program* which is an intensive ante and post natal support service for young mums under 25 years and their children. Rumbalara is also one of the first organisations in Victoria to host an Autism support group for Aboriginal families. In addition, Rumbalara offers an Aboriginal Family Violence Program which delivers support services to Aboriginal women and children experiencing family violence and to Aboriginal men who use violence against family members.

43. To better work with families of children at risk we need to fully understand and forecast demand for services for vulnerable Aboriginal children. We need to both understand the unmet needs and service availability and gaps. We also need to know where services exist but may not be accessed by Aboriginal people and the barriers to this access. The trigger for many early intervention programs is referral to Child FIRST or a report to child protection. It is important to notice vulnerable families before they reach crisis point and strengthening and supporting families at the earliest opportunity. This is good for the family and is more economical when considering the cost saving of averting families from costly tertiary and statutory services. Programs that build resilience and that focus on culture are preventative, but are less likely to be the recipients of recurrent funding.

Aboriginal Community Controlled Organisations, where they exist, often know their community well and can play an important role in identifying and engaging vulnerable families in holistic responses. Data in the *Koorie kids- strong in their culture submission* provided by DHS in 2013 showed a trend that child protection rates were high and increasing in locations without a strong, active ACCO and improved in areas with strong ACCO services. It is necessary to ensure that ACCOs are seen as an essential element of the service system and that they are well supported to provide intensive and early intervention services. (e.g. Bumps Babes and Beyond).

44. Serious long term workforce planning is needed to attract and retain Aboriginal staff. An effort must be made to monitor the cultural competency of government funded family services and for any new funding such competency must be a key criteria that is met prior to funding. Long term investment in Aboriginal community controlled services, or equal partnerships with mainstream and Aboriginal services should be explored as models of service.

Indigenous Family Violence Strategy

45. The Victorian Government is currently evaluating the *Strong Culture, Strong Peoples, Strong Families* 10 year Indigenous Family Violence Strategy (**Strategy**). The Strategy is in its sixth year and this is the first evaluation. As part of the Strategy, eleven Indigenous Family Violence Regional Action Groups have been established to implement responses aimed at educating, preventing, responding to and reducing family violence in Aboriginal communities.
46. The Indigenous Family Violence Regional Action Groups (**IFVRAG**) annually distribute funds of approximately \$600,000 through the Community Initiatives Fund managed through DHHS. Initiatives funded in each IFVRAG location are reported to the Indigenous Family Violence Partnership Forum.
47. Given the prevalence and consequences of family violence in Aboriginal communities spending on Aboriginal family violence is minimal. There is value in locally led initiatives however a gap still remains in investment in whole of state strategic responses to what has become an entrenched issue. There needs to be a targeted response to children as victims of family violence, not just bystanders or witnesses. Not only is it driving children into care it is creating a large number of children in this generation with trauma that is often not healed. There is no agreed indicator of success for addressing Aboriginal family violence.
48. The *Victorian Aboriginal Affairs Framework (2013-2018)* committed to “reducing the incidence of Aboriginal family violence.” To do this a commitment was made to developing an appropriate target. A target has not yet been established and the measure of the rate of family violence incident reporting from Victoria Police is used in lieu of this. In order to develop an effective response to Aboriginal family violence, more work needs to be done to better understand the context, prevalence and impact on families, men, women, children and the community.
49. At this stage Victoria reports the number of Family Incident Reports where the affected family member identified as Aboriginal. Between 2006-07 and 2012-13 this number tripled from 794 to 2143 incidents. The number of repeat attendances also almost tripled over the same period to 1644 attendances. (Victorian Government Aboriginal Affairs report 2013 p.48) What is not reported in this data is where children are present at incidents and the likely cumulative harm through repeat offending on them. In the Taskforce, it was also illustrated that the Victoria Police L17 form which generates this data identifies the victim. If this victim is a non-

Aboriginal person and the children are Aboriginal the children may not captured in this data as Aboriginal victims of family violence.

50. An outcomes framework for Aboriginal family violence should be developed, as part of any ongoing strategy, and data collected and published that identifies the use of services and the unmet demand.

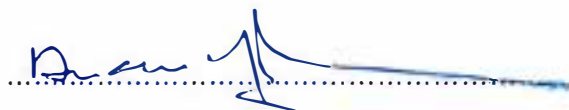
Data and indicator gaps

51. There is no main measure for family violence in Victoria or Nationally. The *National Aboriginal Torres Strait Islander Social Survey (NATSIS)* provide data on prevalence and in Victoria *Family Incident Reports* (Victoria Police) provide an indication of events. Other data sets can be analysed for family violence indicators, such as: police victim rates; court orders; hospitalisation and emergency department data; homicide data and service provision data, such as: homelessness services and child protection data.
52. As well as being inconsistent, data doesn't capture the full extent of Aboriginal family violence as per the definition agreed by the community. Police and court data mostly records reported violence and this is likely to be a gross underestimation of incidence and impact on children.
53. While there is not an agreed approach and much of the data is not released publically, all National jurisdictions have committed to a National Data Collection by 2022 as part of the *National Plan to Reduce Violence Against Women and their Children 2010-2022*. To measure the impact of family violence including on children there needs to be national agreement on the data which best indicates this. The Aboriginal community must be invited to work in partnership with government to address family violence and over-representation in out of home care. Evidence is required and data must be publically released to enable effective planning for better outcomes.
54. The Council of Australian Government's (COAG) target on family and community violence is to *close the gap for Aboriginal people by 2018*. The *Overcoming Indigenous Disadvantage Key Indicators Report 2014 (OID)* provides national data on all COAG areas with some jurisdictional breakdown of prevalence. OID data includes adults reporting violence, hospitalisation, supported accommodation, and children accompanying in supported accommodation.

55. In Victoria data provided across departments with service and/or policy responsibility is not always published or coordinated to provide a snapshot of family violence prevalence and where children are affected.

Closing remarks

56. I want to have it acknowledged, that by the evidence, Aboriginal children and their mothers, along with Aboriginal women, are the primary victims of family violence in our community.
57. I want the Royal Commission to acknowledge that until we address family violence we will not address the over-representation of Aboriginal babies, children and young people in out-of-home care.
58. I want to see the State take a lead role in facilitating the teaching of our Koorie children, particularly those in out-of-home care, about healthy and respectful relationships.
59. I want the State to acknowledge that culture is a primary resilience factor for our Koorie children and prioritise resources for cultural strengthening for children and families.



Andrew Jackomos

Dated: 9 July 2015