



22 August 2019

Indigenous Evaluation Strategy  
Productivity Commission  
Locked Bag 2, Collins Street  
MELBOURNE VIC 8003

Attention: The Productivity Commissioner

Online only: [www.pc.gov.au/Indigenous-Evaluation](http://www.pc.gov.au/Indigenous-Evaluation)

Dear Commissioner,

**Matters for submission: *Productivity Commission Issues Paper June 2019 – Indigenous Evaluation Strategy*:**

The Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation (“QIFVLS”) welcomes the opportunity to provide feedback to the Productivity Commission’s Issue Paper, which is aimed at developing a whole-of-government evaluation strategy to be utilised by all Australian Government agencies, for policies and programs affecting Aboriginal and Torres Strait Islander people.

Please find below submissions made on behalf of QIFVLS that we ask be accepted for your consideration. In this submission, QIFVLS focuses on the proposals and questions most relevant and having a direct impact upon its service.

**Who we are:**

QIFVLS was established in 2009 when four (4) legal services became one (1), Cape York Family Violence Prevention Legal Service, Indigenous Family Violence Legal Outreach Unit, Indigenous Families Support Unit and Helem Yumba Family Violence Prevention Legal Service. This was followed in 2014 with the establishment of our office in Brisbane servicing the Local Government Area.

QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program (“FVPLS”) through Department of Prime Minister and Cabinet’s Indigenous Advancement Strategy (“IAS”). FVPLS fills a recognised gap in access to culturally appropriate legal services for Aboriginal and Torres Strait Islander victims of family and domestic violence and sexual assault.

QIFVLS is an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO), comprised of a 9 member board of directors – 7 identify as Aboriginal and or Torres Strait Islander and 2 specialist directors in the areas of Legal and Finance.

QIFVLS is a unique, specialised and culturally safe frontline legal service that supports access to justice and keeps victims of family violence safe. QIFVLS addresses the need to reduce violence and increase safety in Indigenous communities.

QIFVLS provides services in the areas of domestic and family violence; family law; child protection; sexual assault and victims assist Queensland applications. QIFVLS supports its clients through all stages of the legal process: from legal advice to representation throughout court proceedings.

In addition, to address an area of unmet need, QIFVLS' within its current funding through the Department of Prime Minister and Cabinet, developed and implemented our Case Management Practice to compliment and run alongside our legal practice. The case management practice operates in Rockhampton, where it was initially conceived in 2016 and in Mount Isa.

QIFVLS developed a case management practice as it was observed in Rockhampton and in Mount Isa that when our clients presented to QIFVLS with a legal need it was their unmet non-legal need that was at the forefront. The case management practice is a non-therapeutic model based on the principles of the Case Management Standards of Australia but tailored to be delivered by an ACCO for and by Aboriginal and Torres Strait Islander peoples. Clients entering into case management are assisted to address their non-legal needs whilst also responding and addressing their legal needs. This is a holistic, wrap around service delivery model that utilises strong referral pathways with existing service providers in community, whilst allowing a client to set achievable goals at a pace determined by the client, thereby achieving self-efficacy and self-determination.



As demonstrated by the above map QIFVLS is mainly an outreach service where our teams go into rural and remote communities to meet with clients. QIFVLS services over 50 Aboriginal and Torres Strait Islander communities throughout Queensland. It is recognised that Queensland is nearly five (5) times the size of Japan; seven (7) times the size of Great Britain and two and a half (2.5) times the size of Texas<sup>1</sup>. Bearing that in mind, QIFVLS has five (5) offices in Queensland –

<sup>1</sup> <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>

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- (1) a service delivery office and its Head Office located in Cairns responsible for servicing Cape York communities as far north as Umagico and Bamaga; Cooktown; Atherton Tablelands, Innisfail and Yarrabah (and communities in between);
- (2) a service delivery office in Townsville responsible for servicing Townsville, Palm Island, Charters Towers, Richmond and Hughenden (and communities in between);
- (3) a service delivery office in Rockhampton responsible for servicing Rockhampton, Woorabinda, Mt Morgan, Biloela (and communities in between);
- (4) a service delivery office in Mount Isa responsible for servicing Mount Isa, the Gulf of Carpentaria communities, as far south as Bedourie and Birdsville and across to Julia Creek (and communities in between);
- (5) a service delivery office in Brisbane responsible for servicing the Brisbane local government area.

### Submissions:

Questions on Objectives:

a) *What objectives should a strategy for evaluating policies and programs affecting Aboriginal and Torres Strait Islander people seek to achieve?*

b) *To what extent are the evaluation practices of Australian Government agencies consistent with the United Nations Declaration on the Rights of Indigenous Peoples? How could practices be improved in this respect?*

- a) The primary objectives to be achieved, in a strategy aimed at evaluating policies and programs affecting Aboriginal and Torres Strait Islander peoples are:
- ensuring that Aboriginal and Torres Strait Islander peoples are actively involved in decision making affecting them and play a valuable part in the co-design and all decision making stages;
  - ensuring that Aboriginal and Torres Strait Islander peoples 'voices are heard and not used merely as a 'tick and flick' mechanism;
  - to incorporate Aboriginal and Torres Strait Islander knowledge, priorities and perspectives during evaluation. This ensures meaningful engagement and utility from inception through to conclusion.
  - to ensure that Aboriginal and Torres Strait Islander peoples are able to achieve self-determination, in whatever form that may take, in each of their respective communities.

As in the 2017 Indigenous Expenditure Report (IER), QIFVLS recognises the complexities in estimating the Aboriginal and Torres Strait Islander component of government expenditure and that these estimates help policy makers with a clearer picture of the efficacy of government services. The IER reports<sup>2</sup> that it is not able to provide information on whether spending achieved its desired outcomes and that to do so would require tracking expenditure from governments to individuals and then determining the impact of the expenditure. The IER says that the tracking is best done through evaluation of specific policies and programs. It is clear to QIFVLS that this exercise (an Indigenous Evaluation Strategy) is purposeful for the government, it is however a much bigger exercise for the Aboriginal and Torres Strait Islander Australians, in that, it is about finding a better way to improve program design, delivery and accountability – to and for Aboriginal and Torres Strait Islander peoples.

<sup>2</sup> PC News December 2017

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- b) They are currently not consistent with the United Nations Declaration on the Rights of Indigenous Peoples at all. It is QIFVLS' experience that the current evaluation processes are 'top down', have had no input into the actual evaluation framework from ACCO's or Aboriginal and Torres Strait Islander people and are driven by the nature of party politics. The end results of such evaluations have had little to no benefit to ACCOs or Aboriginal and Torres Strait Islander people and communities.

Practices can be improved in a new Indigenous Evaluation Strategy that openly recognises and explicitly instils within its framework the core principles from the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) namely:

- The rights of indigenous peoples to determine and develop priorities and strategies to exercise their right to development and be actively involved in developing, determining and administering programs (Article 23);
- The rights of indigenous peoples to participate in decision making affecting them (Article 18);
- States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (Article 19);
- Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

By embedding these four (4) core Articles from the UN Declaration within a new Indigenous Evaluation Strategy and actively engaging with Aboriginal and Torres Strait Islander people in the strategy's design; its priorities/ objectives and in its development and implementation, this is not only consistent with the ethos of the UN Declaration but supports one of the underlying themes from the *Uluru Statement from the Heart* – to empower Aboriginal and Torres Strait Islander people to have a voice in decisions impacting upon them leading to a path of a “...fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination<sup>3</sup>.”

[Question on components of the Indigenous Evaluation Strategy \(p.2\) and Question on Evaluation Approaches and Methods \(p.16\):](#)

[Do you agree with the main components of an Indigenous Evaluation Strategy suggested by the Commission? Should other components be included? Is so, why?](#)

QIFVLS agrees with the main components of an Indigenous Evaluation Strategy suggested by the Productivity Commission.

QIFVLS has embedded its own evaluation strategy in its Case Management Practice (CMP). QIFVLS is in the process of developing a Process and Outcome Evaluation Framework aligned to the evaluation tools

<sup>3</sup> Uluru Statement from the Heart, 2017

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embedded in the CMP with a view to supporting and developing QIFVLS evaluation capability and for continuous improvement of the CMP.

QIFVLS proposes that the Indigenous Evaluation Strategy consider the implementation of a “process and evaluation framework”, which would be a more likely choice in any evaluation strategy as QIFVLS, in its current evaluation framework is focusing on practical client outcomes and asking very real questions about the program design and clients’ lived experiences.

QIFVLS is supportive of a principles based framework, and observes that the Australian Government needs to consider comparable systems of evaluation across Aboriginal and Torres Strait Islander specific and mainstream policy and programs.

It is noted in the Issues Paper the multiple agencies and sources both Australian and overseas, that speak of frameworks and general principles. We also note that the Productivity Commission in its Issues Paper, has estimated that less than 10% of Indigenous specific programs are evaluated and that many have lacked suitable rigour and independence. QIFVLS point is that it is not the area of developing a principles based framework (which we support) but a mechanism for actuating the principles. QIFVLS agrees to the element of a Principles Based Framework if it includes Indigenous friendly / appropriate perspectives, methods and approaches to evaluation.

According to Whiteside et al (2016), Grey says that embedding evidence based practice and evaluation means, locating the best evidence to answer the question (‘what has been the outcome for you’ (the client), for the program (in QIFVLS’s case, the CMP) and for the organisation, QIFVLS. These “Interpretive” approaches are usually at the bottom of the hierarchy.

Evidence Based Practice should not be used as a stand-alone practice. There are five key steps underpinning evidence based practice when making decision and actioning change in an organisation:-

1. identifying an answerable question,
2. locating the best evidence to answer the question,
3. critically appraising the evidence in terms of validity, significance and usefulness,
4. integrating this appraisal with professional expertise and clients values and circumstances; and
5. evaluating the outcomes and continuing to self- improve.

We see that QIFVLS’ approach to evaluation is close to the theory which underpins evidence based practice and suggest that in any program design underpinned by a framework of principles in an Indigenous Evaluation Strategy, it should include an Evidence Based Practice approach.

Likewise QIFVLS proposes that the Productivity Commission consider the principles of Community Based Participatory Research which are: co-operation between community members and researchers, co-learning processes, incorporates community capacity building, empowering and achieves a balance between research (evaluation) and action (which are espoused by Prentice et el. (2017)).

It is recognised that there are past failures to engage and recruit Aboriginal and Torres Strait Islander peoples in the design of evaluation methods. Researchers and evaluators working with Aboriginal and Torres Strait Islander peoples should be flexible in the selection of data collection methods, they should be collaborative and respectful as espoused in Maar et al. (2011).

QIFVLS has taken particular note of a Yarning approach (semi structured oral interviews accompanied by surveys using open ended questions (most significant change approach) in evaluations. This approach is invaluable, in QIFVLS’ opinion, as it allows Aboriginal and Torres Strait Islander people to communicate in

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a relaxed, familiar, and culturally safe environment (Fredericks et al., 2011) as yarning allows for honesty and openness to unfold through relationships that are developed and renewed as the yarn progresses. “Yarning”, under the umbrella of an action research process, embraces the concepts of empowerment, respect and inclusivity rather than being hierarchical.

QIFVLS has incorporated a qualitative tool in its Case Management Practice in a survey form, “*Telling your Story*” which is aligned to the capturing of “change” from the client, the stakeholder and QIFVLS’ staff perspective who are involved in the clients matter. This is also a “narrative” approach to capturing the client’s story and measuring outcomes progress and success through the journey of the client.

QIFVLS knows that the choice of an evaluation approach is aligned to the evaluation purpose, for example, the CMP has a “realist” evaluation approach as it determines what works, for whom and in what context. Participatory approaches are a must as Aboriginal and Torres Strait Islander involvement must extend beyond evaluation into true partnership and relationship building.

QIFVLS believes that accountability, purposeful program co-design, program and policy delivery are the key objectives in developing an Indigenous Evaluation Strategy. If a mechanism can be developed for support through monitoring allowing for growth and empowerment, rather than target setting then this is a pathway to a fair Indigenous Evaluation Strategy. Incorporating Aboriginal and Torres Strait Islander people’s knowledge, priorities and perspectives during evaluation is important and valuable. The evaluation process needs to incorporate meaningful engagement and it must have utility.

Further QIFVLS believes that an Indigenous Evaluation Strategy should be built into program designs and form the basis of a funding criteria guideline, meaning the policies and programs are evaluation ready.

[Question on applying the Strategy to Mainstream programs:](#)  
[What is the best way to address mainstream programs in the Indigenous Evaluation Strategy?](#)

Whilst QIFVLS recognises the need to draw on the knowledge and experience of mainstream stakeholders and partners in Government, business and the not for profit sector, this should not overshadow nor negate or diminish the voices, experience and expertise of Aboriginal and Torres Strait Islander people and ACCOs in creating, building and applying the Indigenous Evaluation Strategy to both mainstream programs and Aboriginal and Torres Strait Islander specific programs.

There are a number of non-Australian Government agencies that deliver programs directed to improving outcomes for Aboriginal and Torres Strait Islander people. The finalised Indigenous Evaluation Strategy should be applied across all sectors in the policy cycle to ensure consistency, best practice and best outcomes for Aboriginal and Torres Strait Islander people.

[Question on Government Programs:](#)  
[What lessons from these and other major Australian Government programs impacting on Aboriginal and Torres Strait Islander people would be useful in developing an Indigenous Evaluation Strategy?](#)

Aboriginal and Torres Strait Islander people and ACCOs have stated on numerous occasions, including most recently at the ANROWS 2<sup>ND</sup> National Research Conference<sup>4</sup> in the Warawarni-Gu Guma Statement (Healing Together in Ngurin Ngarluma) the following key messages that should be adopted in the development and implementation of an Indigenous Evaluation Strategy:

- *Our women and girls **and** our men and boys must have a strong voice, a seat at the table, to be the architects of our own lives, our own destinies. This is our fundamental human right.*
- *“Nothing about our mob, without our mob”. This is not a slogan. This is critical not only for our healing, but for yours as our fellow Australians; this is the starting point for our relationship.*
- *When engaging with us, you must identify **the right people** to engage with. We must include our Cultural Bosses and not just the CEOs and managers of organisations in communities.*
- *Co-design means taking a “blank page” approach where we set the parameters; we say what’s in the foreground; we say what’s in the background; and all the complexity within (see: Linda Smith, 1999).*
- *We need an open and transparent process about where and how data is collected, and where and how research is conducted; and by whom This data collection must as a first step, be based on our stories about our realities; this provides the foundations to knowing what needs to be asked, how it needs to be asked, and who should ask the questions.*
- *We need data sovereignty. Our data must be owned and controlled by us. We need to establish a system where our people have access to our data and our stories a system where we can see who is seeing the data and how that data is being used.*
- *It is not okay to continue to compare our data to the data from non-Indigenous people. A more valid way to use our data is to track our progress, to tell the story of our journey over time.*

Further, it is evident from the Australian Government programs referred to in the Issues Paper, most notably the initial Closing the Gap, pledged on 2007 by COAG and the fact that by 2018 only 2 of the 7 targets are on track to be met, that Aboriginal and Torres Strait Islander knowledge, expertise and voice should have been consulted; drawn upon and utilised from inception. This situation has now finally been rectified by way of the formal Partnership Agreement on Closing the Gap 2019-2029 between COAG, the Australian Local Government Associations and the National Coalition of Aboriginal and Torres Strait Islander Peak Organisations in March 2019.

Similarly, this has been the situation experienced by QIFVLS in relation to the Indigenous Advancement Strategy (IAS) and the Safety and Wellbeing Program, where there was a lack of consultation with ACCOs such as QIFVLS before programs (released under the 3<sup>rd</sup> Action Plan for example) were awarded to non-ACCOs leading to duplication and inefficiencies.

<sup>4</sup> 15-17 May 2018, Sydney.

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[Questions on evaluation practice in Australia \(p.22\)](#)

In what ways are Aboriginal and Torres Strait Islander people and organisations contributing to policy and program evaluation?

How do we better enable Aboriginal and Torres Strait Islander organisations to lead evaluation and strengthen their evaluation capability?

How effective do government agencies work with Aboriginal and Torres Strait Islander organisations when evaluating policies and programs? What can agencies do better?

The current process and consistent with the submission of the National Family Violence Prevention Legal Services Forum to the Productivity Commission (of which QIFVLS is a member), is that we have had a largely negative experience of the evaluation process. We are largely overlooked in the initial design of frameworks that will evaluate and consider impacts upon Aboriginal and Torres Strait Islander people and communities. If we are consulted, it is only after evaluation frameworks have been settled alongside the objectives and questions to be asked. More often than not, the objectives and frameworks do not properly articulate, align nor capture the lived experiences of Aboriginal and Torres Strait Islander people and community and the real, practical outcomes they have achieved.

As stated previously in this submission, to be truly effective, an Indigenous Evaluation Strategy must involve Aboriginal and Torres Strait Islander people and ACCOs from the outset – so that there can be proper co-design and the right objectives and questions can be framed given their direct causal connection to Aboriginal and Torres Strait Islander people. This is and should be, self-determination in action.

Consistent with the submission of the National Family Violence Prevention Legal Services Forum to the Productivity Commission, QIFVLS also supports Indigenous data sovereignty and data governance. We must have access to our data and be in a position to control its use so it is not manipulated to suit political purposes and political gain.

[Questions on evaluation overseas \(p.22\)](#)

What lessons can we learn from evaluation arrangements in overseas jurisdictions?

Are there any particularly beneficial international models for the evaluation of policies and programs affecting indigenous people? What makes them effective?

Consistent with one of key message from the Warawarni-Gu Guma Statement that *'we must have a strong voice and a seat at the table; to be architects of our own lives and destinies,'* QIFVLS supports the National Family Violence Prevention Legal Services Forum that a good evaluation model demonstrating best practice led by an Indigenous person is Maori evaluator, Nan Weiphenā's framework for evaluation. This framework best captures the call for self-determination, so eloquently spoken to in the Warawarni-Gu Guma Statement: *"Nothing about our mob, without our mob"*.

Likewise, the Productivity Commission should look to the work that has been done in Canada (the Whole of Government requirements – Policy on Results) and New Zealand (the Commissioning Model – Whanau Ora) for guidance as to how that has worked for the Indigenous peoples of Canada and New Zealand.



[Questions on the Independence of Evaluations and Evaluators \(p.32\)](#)

What degree of independence between evaluators and policy makers/ program delivery areas is necessary and/or desirable?

It is highly critical that there is a strictly maintained and adherence to, independence between evaluators and policy makers. Evaluations should not be utilised as a tool to suit political agendas.

The maintenance of independence is critical to ensuring transparency; removing any allegations of bias (whether actual or perceived) and strikes to the heart of the integrity of the process and of the evaluation (and the data captured) itself.

[Question on Cultural Capability \(p.34\)](#)

How can the cultural capability of evaluation commissioners and practitioners and their respect for Aboriginal and Torres Strait Islander culture, knowledge's, history and values be demonstrated and improved?

This can be improved by embedding within the actual workplaces of evaluation commissioners and practitioner's yearly strength based cultural competency training delivered by Aboriginal and Torres Strait people and/ or ACCOs. This is a practice successfully utilised by QIFVLS within its business and QIFVLS has been asked to deliver yearly cultural competency training to external not for profit agencies that operate within some of our catchment areas such as Cairns for example.

[Question on engagement suggestions :\(p.44\)](#)

How and who should we engage to maximise community and expert input to this project?

QIFVLS would suggest that the Productivity Commission engage and obtain input from Australia's National Research Organisation for Women's Safety (ANROWS) as well as Our Watch. Both agencies have produced a number of reports that have a causal connection to Aboriginal and Torres Strait Islander peoples and have adopted methodology in the capture and evaluation of data that has allowed aboriginal and Torres Strait Islander voices to really *speak*.

Yours faithfully  
**Queensland Indigenous Family Violence Legal Service**

**Wynetta Dewis**  
Chief Executive Officer

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