



COMMISSIONER FOR
ABORIGINAL CHILDREN
& YOUNG PEOPLE

TRANSCRIPT OF PROCEEDINGS

April Lawrie, Commissioner for Aboriginal Children and Young People

Denise Rieniets, Counsel Assisting

Hearing for the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia

Tuesday, 10 October 2023 at 1:30pm

Expert Witnesses:

- **Prof. Muriel Bamblett AO**
- **Sarah Gafforini**

Denise Rieniets, Counsel Assisting:

Thank you for joining us. I'll ask the Commissioner to do the acknowledgement of the welcome to country, please.

Commissioner April Lawrie (Chair):

Yes. Hello, I'd like to acknowledge that the land we meet on is the land of the Kurna people and for those who are in other country, I believe it's Yorta Yorta Country or.

Prof. Prof. Muriel Bamblett AO:

No, Wurundjeri.

Commissioner Lawrie:

Wurundjeri Country, yes, of course.

Prof. Muriel Bamblett AO:

I wish I was on Yorta Yorta.

Commissioner Lawrie:

Yeah, Wurundjeri Country yes and that I wish to pay my respects to Wurundjeri and to Kurna

because we're here gathering on Kurna country where we sit today. I'd like to pay my respects to elders, past and present, and I think it's really important to acknowledge all our families, all our children and young people who are on Kurna Country, to our Aboriginal communities, but also all those Aboriginal children, families right across South Australia, indeed the nation, who we pay homage too, with the work that we do. Thank you.

Counsel Assisting:

Thank you. I'll just ask my associate to have you affirm your evidence, please, Professor Bamblett, if that's alright with you?

Prof. Muriel Bamblett AO:

Sorry.

Counsel Assisting:

I'll just have my associate have you affirm your evidence before we start.

Prof. Muriel Bamblett AO:

Oh, ok, alright, yep, yep, yep.

Counsel Assisting:

Thank you.

Carla Ringvall, Assistant to Counsel Assisting:

Thank you, Professor, I'll just ask you to repeat after me. I solemnly affirm that the evidence I will give.

Prof. Muriel Bamblett AO:

I solemnly affirm that the evidence I will give.

Carla Ringvall, Assistant to Counsel Assisting:

Will be the truth, the whole truth, and nothing but the truth.

Prof. Muriel Bamblett AO:

Will be the truth, the whole truth, and nothing but the truth.

Carla Ringvall, Assistant to Counsel Assisting:

Thank you. And can you please state your full name, occupation and address?

Prof. Muriel Bamblett AO:

Yep, my name is Muriel Pauline Bambett [address provided] and my I'm the CEO of the Victorian Aboriginal Child Care Agency and Chair of SNAICC, the National Voice for children.

Carla Ringvall, Assistant to Counsel Assisting:

Thank you.

Prof. Muriel Bamblett AO:

Now, Sarah's gonna help me. Can I get her affirmed as well?

Counsel Assisting:

Certainly, yes.

Carla Ringvall, Assistant to Counsel Assisting:

Yes, I'll just ask you to repeat after me, Sarah. I solemnly affirm that the evidence I will give.

Sarah Gafforini:

I solemnly affirm that the evidence that I will give.

Carla Ringvall, Assistant to Counsel Assisting:

Will be the truth, the whole truth, and nothing but the truth.

Sarah Gafforini:

Will be the truth, the whole truth, and nothing but the truth.

Carla Ringvall, Assistant to Counsel Assisting:

Thank you. And if you could please just state your full name, address and occupation?

Sarah Gafforini:

Sarah Ann Gafferini [address provided] and I'm the Director of the Office of the CEO at VACCA.

Carla Ringvall, Assistant to Counsel Assisting:

Thank you.

Counsel Assisting:

Thank you. And Professor Bamblett, you mentioned the other day when I spoke to you that you would consider doing a presentation for today.

Prof. Muriel Bamblett AO:

Yep, Yep. So we've got one. Sarah's tried to capture some of our conversation the other day. It went on for a little bit, so we've tried to sort of capture as much of that into this presentation, so we'll put it up and we'll go. Do you want us to go through this and then ask questions after it? It's quite long.

Counsel Assisting:

I think that that would be helpful.

Commissioner Lawrie:

That would be helpful.

Prof. Muriel Bamblett AO:

But if you if you feel you really want to stop us and ask some questions, please do, ok.

Counsel Assisting:

Thank you.

Presentation Starts.

Prof. Muriel Bamblett AO:

Slide 1

Thanks, Sarah. I too want to acknowledge the traditional owners of all the lands that we're on and acknowledge the lands and waterways of this beautiful country and, as I heard someone say the other day, that beneath the cement and all of the things that have built on this country, that it's still Aboriginal land and the significance has never been lost on any of us. So, I want to acknowledge obviously you April and amazing work you're doing over there and really have been pleased to be a part of this and find it really knowing that it is a very safe environment to do, to be able to come and speak to you, so really thankful of the fact that you've made it, made us feel welcome and safe to do this.

Commissioner Lawrie:

Thank you.

Prof. Muriel Bamblett AO:

In talking to you today, we believe it's important to, first off, unpack the fact that Australia has eight child protection systems, and from my experience they're very different and they've got different elements, some good, some bad. But I think the risk of our children coming into the child protection system obviously is in the data and it's just seems very much on par with other countries, you know where children of colour particularly are overrepresented, but particularly First Nations children are overrepresented and so, what we we can really see is that the child protection systems from our point of view attribute unnecessary risk and trauma on our Aboriginal families and their children. So to me today I want to touch on a few elements of the Aboriginal child placement principle, our learnings from Victoria and how we've tried to address some of the systemic and historical barriers to applying the five pillars and hopefully some of the recommendations that South Australia could have in the provision of support to families for the purpose of reunification and placement within. I know that might go to the next slide. Sarah.

Slide 2

I guess it's really to put the context in Victoria, we have 16 Aboriginal community controlled organisations in Victoria that are gazetted. So in order to deliver child and family welfare, your Aboriginal child and family welfare, you need to be get gazetted to provide child protection. At the moment, if you look at the numbers, 32% of Aboriginal children and that's around 830 of 80% in Metro and Inner Gippsland and Ovens Murray regions are under the control of the Victorian Aboriginal Child Care Agency, though that's over 800 children. If you look at other regions. So we within the Aboriginal, those 16 Aboriginal community control organisations, then 392 and mainstream obviously have 53%, which is something we're working with government around around transfer and we've got a policy commitment through Wungurilwil Gagapduir to do a transition, transfer all Aboriginal children back and so it's a commitment through the Aboriginal Children's Forum but it was a binding document through beyond good intentions. But we've got an agreement with through the Centre for Excellence, with all of the mainstream CSOs to transition back to Aboriginal community control, but that wasn't able to happen until we actually got the Department on board. And so there are some documents that talk about and we're able to make them available. And one of them is the Aspirations Report that talks about where we're at with transitioning or transferring Aboriginal children back to Aboriginal community control, so it talks about some of the particular challenges for some of the ACCOs, who don't really want to enter the tertiary, don't want to do placement, but what are the what do we do in those communities where they don't want to do it, so might move to the next slide, Sarah.

Slide 3

But this gives you a bit of a synopsis, so we offer 70 programs across our seven sites and so we've got almost 1000 staff. VACCA covers Melbourne Metro, Morewell in Gippsland and Ovens Murray, which is up Albury Wodonga and so. Unfortunately, when we go to a region for some reason the child protection notifications actually become much more pronounced, and so particularly when we went to Ovens Murray, there was very little child protection up there, now the numbers are really quite high and we really don't understand that at the moment. But as you can see, these programs are very much focused, and we never started off like with this footprint, but as, we started to do progress working with young people and then we found out that, you know, youth justice and justice programs and then we were working, you know, with families in child protection and a lot of the parents were in prison and so we started running men's programs, working with Aboriginal men in parenting and so supporting men in prisons. And then we got funding for the Koori Women's Diversion Program and so that meant we were able to work with women in the prisons and and and

a lot of those, those women had children in child protection and had a history of family violence. So you can see that and, you know, like the links with family violence, with homelessness, and so VACCA has been able to extend at lot of our service reach to the service side of it but we've also been able to strengthen our practice and and we deliver as far as cultural strengthening programs, healing and, you know, therapeutic responses to children and, you know, Community support, particularly around emergency relief. A lot of our families, I think, would end up in child protection if we didn't have access to good brokerage funding and and the ability to provide so, you know, monetary support, it's not a lot, but it helps families, you know, with food, with food and essential services. So you can see here therapeutic family once that's when we've had the most significant growth. In 2018, we were funded for 500,000 for Aboriginal family violence, today we're funded 15 million for family violence. So that's where we've seen the biggest growth and so we've got therapeutic clinicians, we've got Aboriginal people, we run working in the Orange Door network, so we have, we're running Aboriginal men's programs camps, therapeutic, healing, trauma, all sorts of programs and services that aimed at working with families in the context of family violence. This gives you a big focus, obviously is training, research, policy and advocacy, and I'll talk a little bit more about that. A new program at all, it's a long program we've had for a while now is the Kinship family finding and cultural support. So Kinship family finding the government funds us to do family tracing, to do genealogies for Aboriginal children, or to locate Aboriginal families. So we get funded and so we have access and and relationships with Birth Death and Marriages and so we have access with the title all over Australia to access different records, to be able to establish children's identity and help them do their genealogies, so which is really important. We also provide support to all the cultural support workers. So across Victoria, we have a number of cultural support workers that are funded to work in each of the ACCOs delivering Out of Home Care Services, so we and we bring those coordinators together so and the other role that the Department funds is cultural, family violence cultural safety workers and so they work with mainstream organisations to make them receptive and culturally safe when working with Aboriginal families. You did give me licence to go on and on, didn't you?

Commissioner Lawrie:

Yes, this is this is no, keep going, I wanna hear. Thank you. Yeah.

Slide 4

Prof. Muriel Bamblett AO:

Yeah, yeah. So this gives you an idea about youth footprint and so we've tried to sort of give you a sense of, you know, things that we do across and this is really hard to read. And Sarah might be able to read it better from her point of view. Can you read that Sarah?

Sarah Gafforini:

Yeah, yeah.

Lawrie, April (CACYP)

Small font, yeah.

Sarah Gafforini

If I make it bigger it just gets blurry. I think here though, the most important thing really is to show that from VACCA's point of view we view kids as pre birth, so zero all the way through to 25 years old and that we need to have the continuum of programs across. And while we have age ranges, we're not you, if you could read this, we can send it through, you'll see the overlapping ages as well. So we as Aunty Muriel just talked about in that previous slide, really wrapping around our kids, but you can see from you know across zero to 18.

Prof. Muriel Bamblett AO:

I've I've made it, I've made it big enough that I can read it now. So if.

Sarah Gafforini

OK.

Prof. Muriel Bamblett AO:

So I mean in the in the out of home care, so the zero to 18 we've got as as I spoke about Kinship Family Finding, Nugel, Therapeutic Residential Care. So we when I started at VACCA we had two group homes and we had one residential facility the [unclear] centre. We now have, I think 11 residential units that we're running. We're converting them slowly to therapeutic residential units, 2 bed units, so that we can work intensively with young people. We run kinship care, we run kinship care for support, which is a really interesting program because that is about providing supports to grandparents, to families that are, you know, I mean, many of our kinship families are more vulnerable than many of our foster carers, and so being able to provide them with support with respite to be able to make sure that you know if they need that we pick up children and take them to school and so being able to support our kinship carers is probably the thing that means we're able to keep carers longer. In this area is out of home care, obviously our cultural camps, we do a lot of cultural camps with kids. Koorie cultural placement and support, so that works with mainstream organisations that have got our Aboriginal children and have had them longer and you know about cultural support. We do a lot of work for children in the home as well. Books in home. So we provide children with books, reading books and and really encourage literacy and reading. We run the Navigator program, which is the 12 to 17 year olds, and that you know is working really with young people to keep them out of, to keep, to be able to work intensively with them. We have the young fellas building safe and strong futures, so that again is a program where in the Dandenong region it's not all these programs not are not consistent. If I said that there's eight different approaches to child welfare from each state and territory, even in Victoria across the four regions that we have within differ who funds us. There's four different approaches to child protection, four different funding models and four different they all fund everything different, and so a lot of our funding tends to be we applied for grants and so we applied for one in Dandenong and what that program does is work with highly vulnerable, complex children. The there's a group of that they work with that are young people and our staff pick the young people up in the morning, take them to gym and so they like to go to the gym and work out. Then they take them to the local neighbourhoods house and they have breakfast. Then they take them to school and a couple of nights a week they pick them up after school and they go and do homework clubs and do activities with other young people. Feedback from a lot of the Elders and from people that were seeing these young people, they've said these kids had no chance, they they would have ended up in juvenile justice and you've been able to break the cycle. So I think those sort of comments are the things that make you really want to keep doing it. We've got youth justice programs, there's Art Mentoring, Leaving Care programs, Better Futures, Narrun Yana. And so we you can see different programs across the different. So that's just to sort of give you a bit of sense of that one.

Commissioner Lawrie:

Are those programs, you know, initiated from within the community or they programs that are introduce by way of, you know, a government initiative? I'm trying to ascertain.

Prof. Muriel Bamblett AO:

It's a combination, like Navigator is, but we put an Aboriginal overlay over them at it, it's strange 'cause when they're first funded, they're just put out, as you know, a program. And then when we,

you know, put up, do a lot of work with them and change the program, they call them an Aboriginal program. And so but, in reality, Navigator and and better futures, leaving care. It's probably leaving care, we'd love to change the name 'cause it's a shocking name, but Youth Through Care, a lot of those programs we've developed, we've got funding, various funding, Youth Through Care came with Commonwealth, that was a partnership with that we had with Jesuit Social Services. So when we first got the funding, the department Commonwealth didn't want to fund us to do it, but they wanted to fund Jesuit. Anyway, Jesuit came to us and said, look, we've got this opportunity to do some work with young people in the Justice system and I basically said when they said would you work with us and I said, look, I'll work with you but only with a view to you completely moving out and letting you know, transferring it over to us. So four years down the track, you know, we were eventually able to get that program transferred over to us, so it can be done. So when we started it was really quite hard to work with the mainstream and the way that they work but by the end of it, they were really sort of learning a lot more from us about different approaches and different ways. But it's so dependent on really good people working in those programs.

Slide 5

The next slide is around our family violence footprint. So this gives you a bit of a sense of what what we do in the family violence space, which is, as you know, I spoke to you before, it's our most significant investment. So you can see, I guess it's hard to read, but under the Northern metro we've got therapeutic programs, we've got women's and children family violence case management where sit in the Orange Doors and what we've found since we've been part of the like Orange Door access to our programs and services the Department usually has between the six to eight week waiting periods to and that that is an awful long time when you've had an incident of violence 'cause, you're more likely to have gone home. So our turnaround time is very short and it can be almost immediate or, you know, within a two week time frame which I'm, you know, even that to me is too long. But it just goes to the point that you know, you need to have a different you need to be able to deliver those services. So we do a lot of work, we get funding as well through Dhelk Dja that's our family violence, we've got a family violence taskforce or, or not taskforce, but caucus that sit down and come together and there's funding made through that through the Victorian Dhelk Dja Partnership Forum. And so that's with between the Aboriginal community and Family Safety Victoria and so there's a lot of funding that comes from there. So they fund us for healthy and respectful relationships. So we're we do videos and work with young women and young men around building really good relationships. I'm not quite sure if I'm just, is there anything that I think the men's behaviour change program, a lot of people said why are you doing that? And we what we find is that a lot of the men that, we focused on the behaviours rather than how the behaviour impacts on children and how it impacts on child welfare and on women and on parenting and so a lot of our work is really around doing the work to get children back home and understanding the changes that dads need to do and get children home. We've done a lot of work round developing the multi-agency risk assessment framework to make it culturally responsive, so that now we're working on the adolescent approach to it. So it's really about how do we actually work respectfully with Aboriginal, how do we make it safe? How do we actually? Well, how do we make the tools culturally appropriate when assessing and and assessing risk and when managing risk and and understanding the context of family violence. So that's very quickly about family violence but you can see where it where, there are 17 sites for the orange door and I think VACCA is in eleven of those 17 sites. That gives you an idea of how much and we, we actually produce reports and data out of that and so if you want have a look at any time of one of any of our data, just let us know and make sure we.

Commissioner Lawrie:

Have those have those risk assessment tools, are they limited to those 16 or so organisations that are the ACCOs, that are the 16 gazetted organisations, or are those frameworks more broadly about how the mainstream system also picks up on the frameworks that have been developed by VACCA in the space of domestic and family violence?

Prof. Muriel Bamblett AO:

Yeah, I mean, we've worked with the government and make one tool, not an Aboriginal tool and we include a lot of the cultural elements into that multi-agency risk assessment framework. So did you want to add anything, Sarah?

Sarah Gafforini:

It is compulsory, I think the defining point of MARAM is that it's not just for the practitioners as well, it's a whole of organisational framework and approach, so everyone from reception through to the CEO has to undergo the training and I think that's the real power of it and there's three levels. So it's not it's, there's more than 16 ACCOs that deliver family violence as well, so it extends out past them plus to the mainstream.

Prof. Muriel Bamblett AO:

Because it includes those not delivering child welfare yet, so it could be that Dardi Munwurro is operates a lot of the men's programs that they would be applied at that and there's a lot of, you know, different places that run programs for in the family violence, a lot more providers in the family violence space. Yeah. All right, we'll keep moving. I think I'm on the Slide 6 of 23.

Slide 6

The compliance burden I didn't put a lot in, but I spoke about that. There's quite, quite a lot of compliance burden for VACCA and so and and I think it's important when thinking about it, how do we make sure that we create the ability, because I mean, if I didn't have a really good client compliance, if I didn't have good accreditation good, you know systems in place. So I wouldn't be able to sleep at night, I'd be, you know forever concerned about whether I've got processes in place for people to report to be able to understand what's happening so you can see here what we do here in Victoria, there's client incident management systems. So whenever there's an incident, it has to be reported within three days and that goes to the Commissioner. So you would have heard from Mina about a reportable conduct child safe standards and the client information system. So all of these things we're mandated to report on and notify and investigate, so the CIMS investigations focus on the child, the reportable conduct scheme investigations tend to focus on the behaviour or the issues that have been perpetrated by the adult. And we, you know, obviously, there's a lot of work that goes into the investigations and so we actually employ, is it three staff Sarah? Three investigators that work full time on investigating our client incident, incidents that are happening and so it's, you know, being able to be able to prepare the report, but also come up with the response. Some of our people, like one of our workers, came from the Australian Federal Police, so that's how skilled the work has to be, how complex the environment, and our staff are specially trained and is you know, because they have to gather really gather information, interview victims, witnesses and and, you know, be really sort of clear about what the conduct is and understand the behaviours and the seriousness of it and be able to make sure that we put things in place to protect children into the future. But umm, but go to the next slide, Sarah.

Slide 7

Obviously critical for us and a lot of our focus, you know and everybody's focus at the moment, is workforce. I mean in Victoria it's the same with South Australia, I would say. Finding a skilled

workforce, we're not getting, you know, social workers coming out or even child welfare workers or even skilled workers coming out of the TAFEs or universities. For us, we've had to build our own workplace, and so we offer, obviously, for all of our staff then when once they start, they must enrol in some sort of training to get accredited, whether it's a Cert 4 or whether it's diploma, an associate diploma, we have agreements with universities, Swinburne University, to get to have. So we average about 47 staff a year going through formal accreditation. So it means that, and then we bring on, we can average between 20 and 40 trainees a year and they go on to full time employment. So it's a really big, big focus of back up and we couldn't have done it 10 years ago because we just didn't have the skill base in the organisation to support formal qualifications, but now being able to make sure that we've got, you know, performance development, that we've got, you know, commitment around supervision, we've got strong supervision policies, strong training. You have to be trained in everything that VACCA, you can't even put a child into a car seat without being trained first. You get trained, I'm, I've never seen so many training for different things, but it it absolutely. So a lot of our work, you know, is aligning and building an organisation, so aligning our assistance and processes with a massive reform. Thinking about everything you know, digitalisation, making sure that you know all of our staff have all of the appropriate systems that were at to access that they can do their casework at home, in the car, and be able to work wherever, there's a lot of focus. It's a set of our professional development. We're really sort of pushing a lot of our stuff. We've got an internal leadership, internal management training and developmental opportunities, so. And not perhaps, you know, would know, but obviously everything has to be linked to the strategic plan. We really we didn't want to make really a lot of strategic plans to make a statement and just it doesn't have any real meaning. What we've tried to do is really link it to our work and what it and link it to our staff. And so it's really important that we, our strategic plan is a breathing document. We do benchmarking what we you know we've done, we've done many times when I first started we were benchmarking with Berry St, MacKillop, all of the big mainstream, to see if we our staffing and our salaries were if we weren't. So we've now got into a routine their either benchmarking us, we're benchmarking them and so we also get every two years we go through a massive, you know, 400 question feedback which you know is quite exhausting, but it actually is aimed at finding out, you know, getting from our start about how they feel, what we need to focus on and what do we need to change in the way we work. As you can see, we have a real commitment to mental health support, so we have an employee assistant program. We've been able to negotiate with VAHS, so we've given some resources to the Victorian Aboriginal Health Service, to provide counselling support to our staff and so our Aboriginal and non-Aboriginal staff are offered that and we'll also have a choice about Annex another one for some of our Aboriginal staff, don't want to go to the Aboriginal Health Service they just want their privacy respected. So as I said mentoring, traineeship student placement, we get thousands of requests for student placement. So we're really trying to manage that. But I said Theresa went on leave one time and I had to go into a computer to get something and there's literally hundreds of secondment, you know, requests for student placement secondments to VACCA. So I mean some of the challenges are competition for Aboriginal staff, we're all trying to cut each other's throat. The government really actively pursues our staff now so and, you know, tries to get them to go into government and because of the pay they can get, you know, \$50 to \$100,000 in some cases \$200,000 more than what you can get in an ACCO. So we have a commitment to support Aboriginal and non-Aboriginal staff, but we do have put a heavy focus on understanding the value of an Aboriginal workforce and and the importance of Aboriginal supervision, and so we also have learning and development, but we also have an external training arm so that we are training mainstream employees as well and so our learning development is really, really, really intensive. It requires we've done a sort of an employee life cycle starting with day one, you know, making sure that we're committed to, you know, retaining our staff. Work for,

workforces, WorkCover's really killing us at the moment, I think it's it just gets more and more expensive. I think I'm not much of it, I think our cut was over \$1,000,000 for work cover pay that I don't know if there's anything you could ever do about it, but seems unreal, might go to the next slide. Sarah, do you want talk to this one?

Slide 8

Sarah Gafforini:

Yeah, I've, I've really, we really wanted to put in the fact that you know, one of the things that's the point of difference for VACCA, but also it really does link into this Inquiry, in terms of child placement principles, is our Aboriginal children's healing team and we developed this as an organisation mainly from our own internal resources, because we realised that our kids weren't getting, you know, the right therapeutic supports. And so our we have a multidisciplinary team, we've invested in getting our own psychiatrist one day a week, our own GP, we have mental health social workers, psychologists, we have art therapists, speech therapists. As you know, getting access to mental health supports in the community is really hard and we just don't get funded for the therapeutic work within child protection as much as what the kids need. So this is our team and our model but what we've also done is embedded our healing team into our residential care units, so they're actually physically there. That means that you know, if we have some sort of afterhours emergency, which is always when they happen, we can, we can get access to really good quality mental health supports that the kids know and that they trust, so they don't have to go out to an external provider or possibly, you know, like the CATT team or something like that. So it's we strongly believe that you, you know, healing has to be that essential part and that really does, I suppose a a placement with VACCA means that you get access to these extra supports, and we've been growing this and refining it and really tailoring it to the needs of the children and the young people as we grow, but also as the needs of our young people change as well. We noticed, especially during COVID that you know the feelings of isolation and loneliness and connection have been really important and so that's what we've been building on here as well. They also do secondary consults to external organisations. They, where they can help with disability assessments and. We don't get funded, one of the biggest issues is around getting access to, you know, developmental delay or ADHD or autism assessments and so not that we provide that, but we're really building our capacity to address developmental considerations. They also do behavioural supports through to our carers and really try and wrap in and give all of the supports that we can so that our kids can heal and thrive.

Slide 9

Prof. Muriel Bamblett AO:

Good. Thank you. Go to the next slide, Sarah. I mean, I guess you would have heard of that at every every state and territory has some sort of a a plan with regard to child and family welfare, and so many years ago, Andrew Jackomos did the Taskforce 1000 and out of that we, you know, he produced two reports and those two reports really sort of drove the need and and in there were a number of recommendations he wanted, he put up a similar model to the Aboriginal Justice Forum that he wanted the Aboriginal, all the child and family welfare providers, to come together and to, you know, really sort of work together collaboratively around coming up with Aboriginal models and really addressing the the issues that were raised in his report. And when he did the Taskforce 1000, he what he did, the Taskforce 1000 and at the time there were, you know, just on 1000 Aboriginal children that were in child protection and he what he wanted to do was interrogate each one of those files to understand what was happening, what were the blocks, what? What did we know? What did we not know, and how do we understand what was in what, what are some of the barriers to really good outcomes for children and so when he held these forums it was quite amazing

because the Department and everybody took him so serious. There were legal reps sitting in the room interviewing child protection, interviewing whoever was the, you know, had the care of the child and they went through into those cases. And, you know, and Andrew was quite, you know, sort of open to sort of be sceptical about the Aboriginal and whoever had the child and, but he was very clear in his, you know, sort of comments with regard to Aboriginal organisations, he categorically said Aboriginal organisations do child welfare much better than mainstream and you can see the better outcomes. So it was really heartwarming to hear that but what he said is that there needs to be serious commitment, there needs to be a plan and really needs to, you know, sort of it be driven by the fact that we need all children to be strong in their culture and proud of the unique identity, because so many of the children we are seeing, and I mean when I've looked at what I've done, is looked at all of the cultural support plans and asked Theresa in my office to collect some more to actually look at how many of those children come from Victoria, how many come from other states and territories, and we were very shocked to find out that almost 50% of children that are in Victoria's child protection system aren't from Victoria. Many of them have had a significant history of removal, and particularly from areas such as Tasmania, seem to be the predominant area where children were transferred to Victoria and so and you know, not not as many from South Australia, but a lot, a lot of border children, and particularly a lot of families moving down for better access to housing because you're more likely to get a house in Victoria then you would, you know, in in some other states and territories and particularly NT. So we also, and so a lot of that commitment as well was to resource and support Aboriginal organisations to care for Aboriginal children and families, because we knew that many of the ACCOs didn't have the infrastructure, didn't understand, you know, really sort of what what went into caring for Aboriginal children but the one what we've seen is all the organisations that are doing it now are absolutely killing it the things that they're doing, you know, they're more involved in camps, they're linking some of those vulnerable families into and getting some really great outcomes as far as referrals to drug and alcohol treatment programs, behaviour change and children are staying home and children are going home. Commit to culturally competent and culturally safe services for staff, children and families, capture, build and share knowledge. These are the priorities for Wungurilwil Gagapduir and so and obviously the big one which is last on this list but never far from our thoughts around prioritise Aboriginal workforce capability and so it's great to have Aboriginal staff, but if you're not building their capability and also engaging, I mean, you know career development and you know, but also not just keeping them hidden in an office and and just going to and from casework, giving them opportunities to participate in the community is really important to our Aboriginal staff, I think. We encourage staff to attend NAIDOC so that we'll give them NAIDOC day off, to go and watch. So we try and you know, do things that during NAIDOC week. We will have a children's day activity in each of the regions. So we invest probably I don't know 40,000 to hold NAIDOC activities across each of the regions. I think we fundraise for Christmas. How much do we get, Sarah, about \$100,000?

Sarah Gafforini

We raise about 120,000, but we get so many toys donated.

Slide 10

Prof. Muriel Bamblett AO:

Yes. So we do a lot of fundraising and you know a lot of, we get a lot of support from a lot of people to give Aboriginal children Christmas presents. So the vision for Wungurilwil Gagapduir is the next slide. So it sort of gives you a sense of what it is that you know we, what we want to change, and so what we do is work out what do we want to change, what needs to happen, what's the data that we need to do, how do we develop a pathway to change? How do we monitor progress and what does

the success look like? I'm not saying that we do this perfectly, but it is something that was always our vision and our agreement cycle and we just revamping this. And so what we're doing is looking at a refresh of Wungurilwil Gagapduir so that we can actually start to refresh and say what do we need to do. You know, we've got a little bit tired, so I think I think you suffer from fatigue once you get into four or five years into a strategy and so, Queensland's done the same thing they've just done a refresh of theirs, so I looked at theirs and I think that it's useful to do that as well. Go to the next slide, Sarah.

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A lot of the work that we're doing at the moment is building an Aboriginal evidence base, and I know that we had we had SNAICC policy partnership yesterday on our Close the Gap and one of the things that you know, is exciting, SNAICC's setting up a centre for excellence. Queensland's got a centre centre for excellence. We would love to have that, but that doesn't just because we haven't got it doesn't mean that we aren't doing the work, so do you want to go through this Sarah, this stuff? I shouldn't call it this stuff, it's information.

Sarah Gafforini:

What we've done for our Aboriginal evidence base is really we have a framework that applies to the whole of the organisation, which is our community, cultural therapeutic ways sorry, and within that building Aboriginal evidence around what works through Aboriginal ways of knowing being and doing is really important. And so the key ingredients that we think are important to building that Aboriginal evidence is really about establishing the range of guiding principles, so within cultural, therapeutic ways, it's heal, nurture and protect, and so that guides areas that we focus on in our research, but also our approach. We want to generate the Aboriginal knowledge, so actual Aboriginal people doing the research, gathering the data, it's designed by us for us. We do use partnerships to make sure that we balance the need to, you know, meet Western thresholds, because that's what's perceived as a higher order research or evidence, but also making sure that it represents what we want. We have the outcomes framework, we we have that now, which has been finished. We really look at the quality of evidence. So is it quality for us? We talk a lot about data and indicators, but are they meaningful for us in what we are evaluating. So, not just all your publicly available data, but what's important to community and to drive service enhancements. And again, it's about that applicability. We have a focus on knowledge transfer translation, so really trying to look at that knowledge, see what it it means in practice and then how to actually embed that into our practice. Very much a big focus on lived experience. So we everything we do from our policy papers through to our funding submissions, you know really look at, you know, what are the experience of practitioners mainly, but also we use case studies a lot to really drive how we do that. Aboriginal theories and knowledge systems in place in program design. So really looking at trying to really embed the Aboriginal ways of doing into things that we're doing and really prioritise and privilege culture. And that's probably a good summary, we have invested heavily in our own databases so that we can capture more, you know, up to date data from our clients so that we can see the trends about what's actually happening and does that correlate to what we're hearing. So that this is still a ongoing process and we're still building on this and getting better at it. And I think the next stage is really about how do we build into our practice implementation science. So we can develop amazing frameworks or theories of change, but if we don't implement it well that's when things can fall over, so that's one of our focus areas. Muriel? Is she there?

Commissioner Lawrie:

Yeah, on mute.

Sarah Gafforini:

Ah.

Prof. Muriel Bamblett AO:

I was gonna say, Sarah, I'm happy for you to do the next two slides, this one and the next one.

Slide 12

Sarah Gafforini:

Ok. So last year when we were going to give evidence to Yoorrook, which is our truth telling process here, the Premier Andrews at the time said that he was interested in really changing the way, you know, really investing in changing the overrepresentation and in January this year he said, gave us a commitment that he wanted Aboriginal decision making in Aboriginal hands, and he asked us what our ultimate asks were and to come backwards. And so one of the first things we did was this we really looked at the model that operates at the moment and how we wanted to do things differently. We didn't want to throw out things that we know were important, which is about safety and making sure that, you know, children are removed if they need to be to protect them, but really a different approach that we know would work from our experience. So you can see here that early help is not, it's often confused for early years, but we really wanted to make sure that this was a real menu of services so it's early help and early in need, not just early years and we call that strong and deadly communities. So really focusing on the community supports, families together. I think that the biggest part is really about the new commitments that we had that help us do this model was through the state budget. So we get to expand our Aboriginal children and Aboriginal care. We'll talk about it soon about rolling out investigations and how we can act earlier. We'll be looking at the intake model and the Aboriginal led case conferencing that you can see underneath the diversion is really about working with families before they have to undergo an investigation. And then there's all those other circles of care that we talked about and how that wraps around our families. So we really just, it's really about family strengthening and keeping kids at home where we can. And where they are out of home, returning them sooner and not having them then re-enter care later on. We really want to return kids and they stay there, they stay home and they have strong, you know, functioning families. So we changed our model, but it is still, you know what's in the current funding sphere and we have so many ideas about how we would actually change this and do things differently as well, which are part of the ongoing conversation. Did you want me to talk to this one, or did you want to do that?

Prof. Muriel Bamblett AO:

No, you're fine.

Slide 13

Sarah Gafforini:

This one, ok. So when we looked at the terms of reference for this Inquiry, really wanted to just give you a little bit more around the Victorian context around the Aboriginal child placement principle. So it was interesting for me 'cause I'm still, I've only been in this space for three years to see that the Aboriginal child placement principle was actually adopted in 1979. So that's two years after VACCA was established. But the most important part here is that the prevention principle was only added this year. So we've had four of the five in the act and in our legislation for a very long time. But we haven't had prevention and I think that that speaks to the numbers that we have in Victoria because we do have the best system, we have amazing legislation, but we haven't had a focus on prevention. I think that speaks for itself.

Prof. Muriel Bamblett AO:

Do you wanna just touch briefly on the numbers for children in care and how much funding we get the proportion of funding we get for prevention?

Sarah Gafforini:

Yeah. So there are there's 2600 Aboriginal kids in out of home care in Victoria. And when you look at it throughout the system, we start off at about 11% if you look at the early help, which is around investigation stage, but we only get 4% of the funding and then our kids just increase and increase as you go through the stages of kids being in out of home care. So they're you know 28% of the out of home care population, but we never get proportional funding at any stage. So to make, you know, return more kids home we could do so much more in that earlier stage. But a second they're removed they're there for a long time and that's the part that we don't like and which is why we've got our Nugee program and the guardianship, we put in that dot point there about, you know, you can have amazing legislation and we had the opportunity to start Aboriginal guardianship in 2005 but we didn't get there until 2013, 2015, so it took ten years of lobbying to actually start the process and let us actually deliver that. I talked about the commitment this year, Auntie Muriel talked about Taskforce 1000, I think the other two parts of the context that are really important is, you know, SNAICC did a review in 2020 and I think it speaks to what we in this room know that there is a general lack of understanding about Aboriginal kinship systems and child rearing practices and that they're often viewed as a deficit where they're not, it's just different. The SNAICC Review also found that placement decisions are made that should say too quickly, without consideration to Aboriginal families, and that speaks a lot to how poverty is used as a default for neglect and that less families are able to come forward because they think they can't afford it or they don't get the right supports or you know, as we've talked about, family isn't found and we'll talk more about kin and that impact. This year you would have seen it the 2023 Yoorrook Report recommendations and this says exactly what we say, you know, main recommendations are keeping siblings together. We have the opportunity to use Aboriginal family-led decision making. It's meant to be used as a preferred option, it's only used 24% of the time. And again here it's about the teeth of your legislation and your, I suppose your Commissioner as well. It's compulsory in Victoria to consult with ACCOs, but it only happens at 63% in investigation stage and 21% at permanent care. But that being said, we're really only funded at those levels as well, so while, I don't think there's a desire to consult up to 100% even though it is compulsory. Even if they did, as an ACCO, we probably wouldn't be able to meet the 100% threshold because we just don't get funded to do that, we don't have enough staff to do that. I think one of the interesting things that was in the Yoorrook Report is that while the Aboriginal child placement principle has been around for a long time, it indicates in that report that it's the first time that state child protection staff will be offered training in the Aboriginal child placement principle. And so I feel like they have had training before, but we do have new legislation that makes it, you know, more makes it compulsory to look at the considerations of decision making and really I think as we've talked about, one of the recommendations it found that there is discrimination against kinship carers in terms of how they're supported, how they're paid, but also in placement decisions. So that's our current context.

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Prof. Muriel Bamblett AO:

So I think as Sarah showed you and what she's reiterated is that we do have really good legislation, but at the moment there's no consequences for not following the Aboriginal child placement principle, except for the child and family, when it is not followed so we, we and every every state and territory has the same issue and and one of the points we were raising in a conversation just the

other day was around it seems that the mainstream organisations, once they place a child never make any active attempts to actually comply with the Aboriginal child placement principle as well, so it seems to be the only one where there's the real obligation and responsibility is the Aboriginal sector and the Department. So what is the obligation? So if you've got, like Anglicare and they've got a high number of Aboriginal children, what are their obligations and responsibilities to place children with the Aboriginal child placement principle? So the the bill we managed to get this year, we managed to get a bill introduced and passed and that has a statement of recognition at the front and one that has binding principles. This wasn't an easy process and it took 18 months of development and it couldn't have happened if we didn't have our own legal team. And what what is is proving of greatest value to VACCA is having legal expertise, having lawyers employed in your organisation, and to be able to prepare your reports, but also in writing legislation, in writing policy. It's it's at the moment, it's not all the wording we wanted and and it was backwards and forwards, but we did fight to ensure the principles were binding and that it would change practice. It is about, you know, the decision makers like the court will need to be asking practitioner questions about how they apply the statement of recognition, and it provides advocates, family and ACCOs and others with the legal arguments when reviewing the deficit practice, so the child protection practice, but then ultimately Aboriginal, we have to ask ourselves as well whether we follow our own practice, because sometimes it can be quite challenging. This bill also progresses rights and self determination to include the expansion of section 18, which is the guardianship legislation to include investigations. So, we're sort of cautiously excited about how this, I mean, we're only going to be funded for 87 targets, so this is a bit that concerns us is you know, how quickly the government will run out a final reform agenda, but I think there's, you know, I we've just met this morning with the Treaty Co-Commissioner, Co-Coordinator, Rueben Berg, and we're talking about how do we actually, you know, develop Treaty binding principles and start to sort of look at what does, what can the Treaty as well, what legislative, what things can the Treaty actually, you know, put in place and so I think from our point of view, I think that that's an opportunity that provides a greater oversight and greater accountability mechanism and I think it fits really importantly into that. There's been the expansion of Aboriginal parent in the Act to recognise Aboriginal family dynamics and avoid more children being on orders to the Secretary. There's also alignment to section 13 of the Aboriginal child placement principle with the SNAICC review and that, and that's to strengthen participation preservation. So we'll go to the next slide.

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An important part is the work of the Marram-Ngala-Ganbu. So Marram-Ngala-Ganbu is a Koori hearing day in the Family Division of the Children's Court. So they have a dedicated magistrate, and they sit down. And so it's a big table, similar to what you're sitting at but it's got cultural artefacts on it. And the magistrate doesn't sit at the bar, she sits at the table. Many of the other magistrates were really sort of, you can't do that, there's no protection, you know, blah, blah, blah, but two of the two of the magistrates really were keen to sort of say no how can you be have a, you know, sit with Aboriginal families and be up on a bar and just creates a very unsafe and not culturally responsive environment and so what we've seen is huge success through that, huge, and through this we've been their role is to provide more effective, culturally appropriate and just responses to Koori families, and so they actually employ a Koori services coordinator and family support officer they handle cases from start to finish, so it's not like this magistrate's on she's going to pass to another one tomorrow and another one which happens often in the children's court. It's it's one magistrate along that follows all the way through that, and they really sort of apply a therapeutic justice practice approach and so it is really about judicial case management of every, every aspect of the law. Sarah, can you? I'm going to cough, I have a cough, can you take them?

Sarah Gafforini:

Yep and so I think that they've added onsite counselling, childcare facilities and the different court assessment processes and they can support in those referrals you know, to therapeutic drug treatment programs, parenting programs and those other parts. Did you want to talk about that case where the magistrate sent people home?

Prof. Muriel Bamblett AO:

Yeah, I think we've had lots of feedback reports. We get reports from the courts. We actually get courts reports from the legal profession. We've got a letter from the Victorian Law Reform Commission about a number of the court reports that our staff put in, but the one case I want to talk about and I got my data wrong because I thought it was because we know we do a high five when one child goes home and so when they were Magistrate MacPherson came she wrote a letter to us and she said today she had the pleasure of sending eight families in getting all of their children who are on long-term orders and who are on orders for over 2 years. She had the pleasure of sending those eight families home with all of their children. Now these were highly complex families and it just goes to show you that when you when you have an Aboriginal organisation that does the hard work and that really understands and hangs in there with families, does all does, you know, really sort of does all the referral pathways make sure that that, that, whatever the magistrates say that you follow up on it and that you can get children home. I think that what we've what we find through the work of the Court and through our Nugel team is that we can get children home now. Our reunification rate for children is 24%, the department is 12. So that means that you, an Aboriginal child placed with VACCA is more likely to go home if they're on a long-term order. Now, if we applied that same thinking to the 2000 children, if the reunification rate we, we could potentially see half the children that we've got in care go home if they had the same level of you know, access to the court access to, you know, judicial, you know, supervision by the Court or case management by the Court. If there's, you know, on-site counselling at at the courts they provide on-site counselling to the parents but and it, as well there's a drug therapeutic drug treatment programs that have been accessing but I think they're thinking about cancelling the court drug treatment court. They there are also parenting programs for educational training and regular court, so these are things that if we work in parallel with the courts, we can get really good outcomes for Aboriginal families and we can get just outcomes and equitable and so what we really repurposed our court reports and so our court reports what we've been getting feedback from the courts and even from the legal is that they are based on what's the best information, really good information and from my understanding, and I don't know a lot about contested hearings, but they they keep saying we've only ever had in all the years since we started ACAC which is six years ago, we've only had one contested hearing, but I'm not sure if that's a great. Do you know April, if that's a good stat or not?

Commissioner Lawrie:

Oh well, this is the first time I've heard any data on contested hearings, so I can't comment on the comparisons, so it's something I'll certainly need to examine, yeah.

Prof. Muriel Bamblett AO:

Well, it's it's about whether everything that's in the order is, you know is, meets the needs of the client that the lawyers don't disagree that the courts don't disagree. So I think that's my understanding, but sounds sounds good, doesn't it?

Commissioner Lawrie:

It does.

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Prof. Muriel Bamblett AO:

Anyway, we might go to the next slide. So the prevention principle and the delayed impact, I think from our point of point of view, I think if you have the things in place, if you you know really want to, you know, prevent and stop and I mean this was really obvious went and went to the NT, but they make all these orders and there's no ability to address either formal, there's no treatment programs, there no healing supports, there's no early help, there's, you know, there's no capacity. If you're struggling, you can't go into an organisation and say, look, I'm I'm, I've got a baby, I've haven't got a house. I haven't got a home. If you can't offer those basics. And so a lot of our focus is really, you know, through funding through the Commonwealth for Emergency Relief, we offer, you know, a lot of supports to families, to keep children out but we've also got a strong family support system, family services, we hang in with families, so it's all of the, you know, the model that we put up, but it's not something one single entry point. We often, we have a really big focus on strength based and and language. A lot of people, a lot of our Aboriginal people, we've tried to change the language of child protection rather than investigation, we're changing the language to tell tell us your story. A notification is about you know just really, sort of, because people that see investigation as a horrible a notification a protective application, you know, all of these things really create trauma for people, so a lot of our model is changing the language and what we call it is we call it using Big Aunty Energy and so understanding you know that child protection should be about support and you know, being able to offer like be be a Big Aunty to families when they're in strife. So I think participation looks to be strength based. We might go to unborn. Do you want to do this Sarah? Quick to move your finger on that button.

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Sarah Gafforini:

I think the first point is really about talking about what Aunty Muriel said before around the different, you know, we have eight different child protection systems, but where that's really obvious is when it comes down to, you know, unborn and when a child protection system can act, I suppose, or government can act. And you know, concerns about the safety of an unborn child or children at birth can be reported, only can be reported at birth at all States and territories, so Tasmania is the only jurisdiction where there are mandatory reporting requirements as well. So as a general principle referral to child protection, we think, you know should be at the earliest opportunity after pregnancy is confirmed. But so that you can preserve the family, like removal should be the last resort. So as you probably know, New South Wales, Western Australia, Queensland and Tasmania have statutory provisions for investigations during pregnancy to determine whether or not the unborn child will need protection after birth, but in Victoria, for you, ACT and Northern Territory, legislation doesn't allow for those investigations until the child's birth.

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And then, you know, Australian States and territories don't recognise the legal personal personhood of a foetus and and it limits child protection jurisdiction to after a baby is born and until then, intervention is provided on a voluntary basis and we know that, you know, lots of our women don't access that antenatal care or if they've had a previous report, they're going to tick the five boxes that make an unborn report really quickly. And in some cases, if you've already had child protection involvement it's an automatic unborn report for your second child, regardless if it's a different father or a different circumstances, it could be five years later, but it will still trigger one. I think the extent, you know, the children's best interests, parental involvement and participation in in case planning needs to be more actively encouraged. VACCA has an Aboriginal led systems-based solution to

Aboriginal baby removals, so but here we had to get the support of philanthropy to actually invest in our Bringing Up Aboriginal Babies at Home Project and so that involved us getting funding off a group of eight different philanthropy organisations that came together. And that we co-designed that model with the community down in Frankston, so we had multiple consultations to do that and the three years later, at the end of that pilot, again pilot because we don't get long term funding is that we've been able to embed that worker, a VACCA worker in the Frankston hospital, within the Maternal and Child Health Unit and so it's really let us have enhanced coordination between antenatal care, child protection and Aboriginal services. I get to go to different meetings where government goes oh yeah, we've got BUABAH, no, excuse me, we've got BUABAH. So you know that it's really successful when government's claiming credit for it and claiming credit for it so much one of our staff in Frankston said, oh, did you know government's got this? Ah, no, we do. But really, you know, it was born out of our staff seeing that we had lots of young mums in Frankston, lots of young mums that have come out of care themselves and they just don't have that support person there to help them through the process and keep their kids at home. And so it's really holistic, it's family inclusive. So we work with Mum, Dad and any family that wants to be involved. It is case management, but it is really wrapping around supports early in pregnancy and after pregnancy, so there's lots of talk about the 4th trimester and how important that is once the baby's actually born. And it really is an empowerment process and its inclusion. We do include child protection in the decision making, so it's taking some of that fear out of asking for help and it's been really successful.

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But I know we talked about data as well, did you want to talk to this one or did you want me?

Prof. Muriel Bamblett AO:

No, you you're on a roll.

Sarah Gafforini

OK. Aunty Muriel's always pushed the Aboriginal Children's Foundation, you know, to reflect on there's this study from the USA, where if you de-identify the kids you can actually see that it's American, so if they were African American kids, they were more likely to be removed just by essentially ticking the box. And so at the last ACF DFFH in September, did a similar study where they just looked at known risk factors and this is the data they gave back to us which was really shocking actually. While we kind of knew it to be true, it's always hard when it's in your face. And so when they just looked at known risk factors, Aboriginal accounts for 45% of meeting that threshold for unborn reports. So Aboriginal kids are five times more likely to have an unborn report just because they ticked the Aboriginal box, and then the same as into care entry so 17 times more likely to go into care, and Aboriginal alone accounted for 65% of the risk factors and I think that that should be more shocking to more people, but it was just kind of presented as a data blip and that's it. So I think, you know, racism is very real within the system and that we need more data like this to actually show, you know, where we can change the system and how we can change policy and practice, but I wanted to make sure that we put that in there for you just to show it cause we've never had this data before ourselves, it's very fresh.

Commissioner Lawrie:

Thank you.

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Prof. Muriel Bamblett AO:

Yep, alright. I mean we're getting to close to the end, so we've only got a couple of more slides.

Commissioner Lawrie:

Yes.

Prof. Muriel Bamblett AO:

So I mean clearly whatever investing in look, it's been an uphill battle, we've had to put some really, you know, terrible racism issues from the Department, but when we talked about, you know, like government needed to invest in the 16 ACCOs many years ago, one of the chief Minister's Chief of Staff, but they don't have the infrastructure, they could never do it and so when we started to, even when we began on this journey in 2005, Gill Callister the secretary at the at the time, and Kim Peek were trying really sort of talking to the Aboriginal community, say, would you be prepared to take on guardianship? And we were all like and, you know, my husband at the time was no, no way, stay away from it, you don't want to do this. We but Gill, Gill Callister, put in the room, she said at the moment, Aboriginal organisations have got little or no influence and she went through, you know, the various stages of influence, and she said you can have status and no influence, influence and no status and so she talked about the fact that by having by taking on guardianship that that would be the most dynamic way for Aboriginal people to influence child protection, and so she basically said, you can sit on the fence or you can just sit behind the fence at the moment, which is what you know, basically we were doing, not taking it up and just throwing stones at the Department and blaming everybody and putting numerous reports out saying how horrible child protection was or we could actually do it ourselves. So but this, as I said, there's there's been a lot of people that just would not believe that ACCOs could do it. And so when we begun this journey, when we, when we went to Canada and had a look at what they were doing in guardianship and we took a number of the ACCOs and a few of them came back and said no way, wouldn't touch it with a 10 foot pole because it obviously we went to Manitoba where they were 8000 children in care and 6000 were First Nation's children transferred the whole child protection over to First Nations and so and the first child death that they had, you know, the community wanted wanted, you know, wanted their heads in a noose. And so the Premier or Prime Minister of that particular province, or you know, Minister of that particular province, stood behind the Aboriginal organisation but, you know, the thing is, is that for us, when we came back to Australia, 1 organisation hung in there and that was Bendigo and District Aboriginal Co-op and today Bendigo is on a par with us every step of the way we've brought them on the journey we've given them all our resources, all our materials, we've developed them all. And because we're, you know, got a lot more infrastructure. So today Bendigo is, you know, an Aboriginal Community Controlled Organisation that delivers health, early years, child protection, justice, family violence, the whole raft and they've grown, you know, doubled in the size of their staffing and the footprint around family violence, housing and homelessness has grown significantly. And through strengthening a lot of this work, they've actually strengthened their governance. They've been able to strengthen their, just by giving them more depth and more funding, they've been able to strengthen their governance, their accountability, and now they're well recognised within the state as a leading organisation, but since they've come on board we now have 5 ACCOs that we've got three that are will be taking on full guardianship, they've got two, Rumbalara, Ballarat just moved, so we've got 4, three that are gone, Njernda's on the way, so, and they were up another two that are entering the tent so at the so we're almost heading to half of the state are moving to take on ACAC or Aboriginal guardianship. But one of the, a key bit of the work that we're also doing is working with the Department around identifying system leaders to be able to, you know, understand what, what, what needs to change because the funding at the moment is very, you know, ad hoc, like we've we've got 140 million for child protection, but we're not guaranteed that that long term so what we really sort of clear about doing is putting an evaluation framework in front of the work that we're doing now, making sure we capture evidence that we have data that

we're actually being able to demonstrate what you know, the value of that 140 million. We obviously need workforce. You know, self-determination, the principles that we have in Victoria, leadership and culture, we we've got a funding policy commitment from FSV and from DFFH, FSVs is really sort of not formalised but they every time a submission goes in, they put in for 10% of the funding to go to Aboriginal. We have a number of partnerships with mainstream and so our view is that there must be a sunset clause or an end date and that no contracts or you know, there should be no commissioning or tendering of services without a sunset clause for a mainstream. We know that we need to set timelines for change, you know, if you for us when we we we couldn't really get legislation we couldn't get ACAC or guardianship on board. We kept having delays. There was always something wrong with the legislation and so but we drew a line in the sand and we said we've got to have a date and when we met with the Premier one of the things is that we put a dates in the rooms and it was really quite he was surprised at how ready we were for a reform agenda that we had the blueprint and that we were able to say this is what we're going to do. This is what we want and he kept looking around the room, pleasantly surprised that we were as advanced, I just think he thought he was going to have a conversation, but we basically put out a blueprint for reform and he, he said, I want the Department to go away, cost it for me and come back with a budget. We came back with a budget. We told him about what we needed, and he committed to \$140 million to fund it. So I think when you do, have those sorts of commitment and that and there some of the things that we've been talking with the Treaty Assembly the first People's Assembly is, you know, why did it take the Premier to do that? Why isn't there? What do we need? And they're really keen to look at how what policies and legislation and frameworks can they put in place? To make sure that reforms don't just drop off, or that there's a constant appetite to change the way the systems work.

Slide 21

Prof. Muriel Bamblett AO:

So the next slide is family preservation and reunification. So there's been a lot of investment in Victoria on family preservation and reunification, and so this was a program and like I would love to tell you that every time a new program comes out, the government says yes, we're gonna have an Aboriginal one, they don't. So when they advertised this family preservation, they were tendering it out and there was to be no Aboriginal at all. We had to go back and aggressively argue that a number of those had to be Aboriginal. They then had to go through the data. We have to meet all of these particular criteria to get it up. Initially they just offered a couple and then we had to argue and go back and and then they said, well, not all the ACCOs are ready for this, and so they didn't offer again, they didn't offer it to every ACCO so what we're finding is that given, you know like what we talked about ACAC and that capacity you know under guardianship to have more children go home, it makes sense that the thing that our Aboriginal family and reunification program, if we had it early enough and if you think about like the child protection diversion programs that we're running for every dollar invested, there's a \$5 saving. If we start to be able to with all of our programs that we've got I think that there's a capacity really and we will see we're already seeing it, but once we take on investigations, once we have more Aboriginal children under ACAC, I think that we you will see we will see changes in the data. I'm not sure, Sarah, if there's anything I should add to that.

Sarah Gafforini:

No, I just think the question around kin is more important, is important.

Slide 22

Prof. Muriel Bamblett AO:

And so we'll go to kin. I think that this is kinship care has always been a really big issue and I mean a couple of years ago, I mean, when we looked at transitioning Aboriginal children to Aboriginal

community control, we found that the Department was actually the biggest carer of Aboriginal children, because all kinship care sat within the Department, and so it was really a big challenge to get it out of the Department. Initially what happened was the Department just wanted to transfer some of the kids that they didn't want and so we had to be really, really, you know, astute in what children we took, and we basically said we're not going to take any children until we actually do an assessment. And the worst case scenario that we had was a child in Gippsland. The department wanted us to take this Aboriginal child, the worker down there said not until I see got to sight the child and you know, talk to to the carer and to the child if it's age appropriate. When they went to the house, the child was, you know, only 2 year old when they visited the family, the family was quite a big family, you know, solid family, family, family size, not just numbers of siblings, but they were obese. And what the worker found when they went in there was this child that was very thin. Anyway, she basically and the child did not look well, so the worker said we're not prepared until there's an urgent check on this child. When they took the child to the doctor, an independent doctor, they found that the child was two weeks away from, so malnourished, they said another two weeks and the child wouldn't have survived. But what was really interesting is they placed the child and they never asked the father of this child who was doing really well, but he was in another state and nobody bothered to find him. So when we removed the child we took, we took up. We put the child in one of our therapeutic placements and so the child was, you know, fattened up and really healthy and doing really well and then we we actually found that the father was in a job doing really well, had a new partner, they'd had a new baby and so we went and looked for this, found this dad and dad took this you know, 3 year old child now into the care and anyway gorgeous thing was they dad sent us a video of his older child going to school and of this younger one coming up and cuddling the little one as they came out of school so it was just, you know, it goes to the thing that we don't look for fathers, we don't ask about where men are, particularly Aboriginal men, tend to preference, and a lot of our kin is to non-Aboriginal kin and so it goes to the white side of the family. And this is the Department and the Department will often say, oh, yeah they're with kin, but they don't actually say, well, they're not actually with Aboriginal kin, they're with non-Aboriginal kin. There's often really big issues around they don't place them with their siblings and you know there's a, sets of challenges for us is separating Aboriginal and non-Aboriginal siblings. So the Aboriginal child can go with one family and the non-Aboriginal child go with the other and so our view is siblings, should we should always work in what's in the best interest of the Aboriginal child and not, you know, separate them because of, you know, the parents that they have. Our family finding support's underfunded, not prioritised. So we're reviewing that and looking at how do we do it better. We're looking at how do we do use kinship family finding to confirm Aboriginality for children, because a lot of the children we have there, we have a requirement in our cultural support planning that all children that all children have a confirmation of Aboriginality. There's really, quite often there's not a lot of good media and there's no real incentive to be a kinship carer in the community. We know that cultural support plans, there's no resources or brokerage dollars to go and do, and so there's no real understanding, I think de-identification and confirmation of Aboriginality are big issues. So what we find, we find that, and what's really most distressing is a child that's been identified at first placement and then two or three years later, we find out that this child isn't Aboriginal and it's really, really challenging because you see pictures of them with the Aboriginal flag and they're participating and you know, all of a sudden we find out that their parents are not Aboriginal and we have to do the work around de-identification. I think reunification always, I think kinship care kids drift, we tend to not reunify them or do the work to reunify, and sometimes the grandparents don't believe that their families will change and really want to keep a hold of their grandchildren, so it it's quite hard to sort of really and you know, and we've seen some of the most hardened grandparents change their mind and really thank us for doing the work to get the child back home because they

can see that their grandchild does do much better and they can be grandparents, not be carers. And so I think we're we're trying to do a lot more work in that space, but we're really trying to encourage grandparents to be grandparents. I think I'm not sure if you've got the next slide Sarah?

Sarah Gafforini:

I was just. I was gonna add we had that case like recently that you were telling me about how we were asked to consider a permanent care order and we thought that we'd just do that last minute kinship finding and we actually found family. So I think in that case, family finding needs to happen at every placement decision because we can't guarantee or assume that it's been done. Did you wanna add anything to that?

Prof. Muriel Bamblett AO:

No, no, no, no, no.

Slide 22

Prof. Muriel Bamblett AO:

Last one, I think the the aim of VACCA obviously is to really focus on the needs of children and focus our work on really sort of adolescent age and stage and really sort of. But I think if I left here not sort of saying a lot of our work is about restoring and giving back culture to children, a lot of the children we've got don't know who they are, don't know where they come from. And so a lot of our work, you know, and normally I would show you a slide of Ruby and what we've done for Ruby and it, you know 15 years of being with back link all of the things. You know that we've, you know, been able to do around you know age and stage, you know, doing work with her around art, mentoring about music and singing. Now she does, you know, produce. She's set turned herself into a full-time business doing digital, you know, art and so, you know, doing this work, you know, return to countries, children, we have a really big focus on children knowing and going and feeling their own country, taking their shoes off and feeling their country and knowing where they come from. But knowing the stories of their countries, who who they are, who their heroes were who were Aboriginal people that, you know, led their particular country, you know, traditional country where they come from, we've got a to focus strong focus obviously on the cultural support and genealogies, confirmation of Aboriginality, access to cultural activities, art, dance, songs. So we do everything to try and, you know, cause kids, some kids want to do art. I can't even draw for the life of me. I can't sing. I can't dance. I could probably go to a camp, but I mean we we need to strike where children are at and so we have one young girl, she just didn't fit in, and then we found she was could write the most unbelievable poetry and so she started to develop Aboriginal poetry for us and write poetry. And then we've had others that have done different things. So from our point of view, how do we use culture? But I I think, you know, the reason we use culture so much is our Bruce Perry and he's talking about how access to culture and and being involved in culture is a resilience and and and certainly empowers children and makes children. And if you saw all the cultural support plans, there are kids with their faces painted up with Aboriginal T-shirts and participating in all sorts of different activities. And it's really amazing to see how they really gravitate towards their culture but an example of that is Margaret [unclear], who was a paediatrician at the Aboriginal Health Service, she went, you spoke one time and she said, she said and looking at what I was seeing with children, she said what I found was with asking 85% of the children that I asked about what to draw to make them feel safe, 85% drew the Aboriginal flag. So, you know, people think that the symbolism of the Aboriginal flag is only, you know, sort of this, you know, advertising tool but it actually means a lot to children. And we see it every day where they wear the clothes where they, you know, have it painted, they constantly, you know, cling to the flag. A lot of our work is around education support. I mean, we've had a great focus on making sure children are school

ready. So we run 11 play groups the VACCA runs play groups across all our regions to make sure that we're picking up on children's developmental their disability needs, making sure that they we we do everything to make sure they're school ready. Recently we've started to really look at disability as well and so create partnerships with disability services so undiagnosed disability is a significant issue for us at the moment. Digital poverty is also a really big issue. When COVID hit, we didn't, I don't even know how we didn't, you know, assess the fact that kids didn't have a computer or the ability, how do kids do their homework if they aren't able to print off their assignments and things like that. So I think from our point of view it wasn't just kids needed a computer but the technology, so I think we now have a real greater focus in making sure Aboriginal kids in care have their technology and computers to be able to do their work, their homework, and so that's critical. Now would you believe that's our last slide?

Presentation ends.

Commissioner Lawrie:

Excellent. I'm gonna ask a question. Thank you so much for that and I've, I've got a question which is about, I guess, relating to the fact that delegated authority exists in Victoria and I'm interested to know who gets to determine which organisations get delegated authority. That's one part of the question and the other part of the question is then who gets to determine like, what child, which children are referred to the organisation with delegated authority. I'm, I'm interested to know how that actually happens and whether there are a set of principles or criteria that drives that. But to understand what how it's operationalised?

Prof. Muriel Bamblett AO:

Yeah, I mean we we have, I mean we sent to Queensland all the guardianship papers and so the practice and I'm happy to send those to you, 'cause that'll give a bit of give you like the proformas, the process, but the Secretary has the delegation to transfer authority to me. So there's a, there's actually I have to pull in a report the staff put in a report, they actually there's a lot of work that's done. We work with the regions to identify children that potentially could go across and so what I'm telling you is they're not easy kids, so I'd love to say, oh, these, you know, kids, the the soft, easy kids. And we fought against that initially cause the Department wanted to give us the easy ones, and we said no, if this is going to be true, we need to take those children. So we we constantly work with them around what children are eligible but there's quite a lot of work. The reports are quite, you know really sort of focused on all elements of the child. I'm just going to try and bring up one so that I could gotta go through it. 'cause. I just take one. They come up all the time, don't worry.

Sarah Gafforini:

Do you want to find that 'cause I was gonna add, so what we found through the aspirations report that Aunty Muriel referred to earlier for why we haven't met that the transfer of Aboriginal children targets is that especially during COVID, they have one worker within each region. So we have 4 regions here in Victoria that are responsible for really looking at which kids could be transferred across through that negotiated process with us. During COVID they rediverted resources, so those meetings normally happen monthly, so it's a really active process of going through, which could kids could go, during COVID, they stopped. So we're playing catch up now and they've acknowledged that they didn't resource that properly, but we don't get the matched resourcing I think is the bigger thing we just do that out of our own process. But I'll, did you find it?

Prof. Muriel Bamblett AO:

Yep, Yep. Yep. So, there's a form that comes to me, and so it obviously has client name, date, age, date of birth, what type of order they're on, and when the order expires and then in the information

that I get, it has where the child is and has the name of the child, the relations to the child, the age, the date of birth, the address, contact, and so the one that I've got in front of me here the child obviously lives with a lot of cousins and siblings and so then there's a summary of all the protective concerns. So it's all the information about mums', you know, poor mental health and violence, criminality activity, transience and so information about the Aboriginal, what type of orders she's on. So there's a whole summary. It's just a briefing and that so that they go through, then it is about the child and so I'm not giving you names, but this mum was diagnosed with HIV and so then that means that what we need to do then, and she's passed it on to the child and so what we need to then do is work out what type of placement the family know about the child and so the family and we put all the things in place and so all of the you know this is like usually about a four page document, but it really does go into the, particularly the child protection history. Then there's a component about eligibility for guardianship and so is the child Aboriginal, has the mother given permission, the views of the family are considered. Initially I had to write a letter to the family asking, and so now we've just got we accept that families have agreed. And then we go into details about the cultural identity of the child, the mother and the child's mother and father, and where they're from. And then any, you know, parents connection to their community, connection to other families, connection to a child's cultural support plan, cultural activities that to child. Then it goes through relationships, so who are the key relationships within the child's family and so you know, mum, dad, grandmother, siblings, it cut lists everyone and sometimes it can be two or three pages just of family and people key people in the child's life. Then it has all the professional links, so you know, with its paediatrician, so this child's got a paediatrician of infectious diseases and they've got a worker at the Aboriginal community mental health and maternal child health cause the child's only a baby. Then it goes through the court order, what type of order, date of order, expiry date, first protection order, criminal justice involvement, any court appeals pending and then it goes through the current placement. The type of placement, date of placement, placement stability comments, whether the child's in childcare, kindy, school. It normally goes through health. It goes through education, it goes through and everything to sort of help, date of last health assessment any health concerns, any medications, any psychotropic medications, does the child have a disability, are they accessing NDIS blah blah blah education and so that's relevant to this and then it's full on child protection history about mum, all of details, all of the reports ever made on mum and dad. And so and then they go through placement history, case planning and then it goes through key tasks for Nugel. And so this one's pretty short because it's only a baby, so if it's a child that's got huge it lots of things that you know, it tends to be a lot longer, but. And then what happens is we submit that, I write a letter and it'll be sent to the Secretary asking for to transfer guardianship of this child to me and then I'll get a letter from from the Secretary saying that authorisation has been granted for me to take over this child. And so then the case workers do a lot of the work and what some of the things with ACAC is that the retention rate for workers is much higher than any of our other programs and job satisfaction is much higher because they can see what they're doing is making an actual difference and so changing lives, and so it's been really interesting to look at the retention rate for that program as well.

Sarah Gafforini:

The the second part of the question that you had was around how the organisations get chosen and so part of that is the organisation expressing an aspiration through to the Department and then they have a series of, you know, readiness, capacity assessments and then they go into an as if process. So they act as if they have guardianship. So it's not the full process, but they get. We mentor. We mentored Ballarat, who've just passed over the line. But the as if process takes what? Aunty Muriel,

two to three years really, because there's a lot of there's less hurdles to jump through because we did them all first.

Prof. Muriel Bamblett AO:

We we, we call it an as if process before we start. So you go into sort of take on more and more responsibilities until you demonstrate. The issue that we have is that some of the regions are really good. When we first started, we had some real challenges. You know, there's one worker every time I mentioned her name, I almost start going into trauma, because this woman would make it that we had to be perfect and one of my, you know, staff Connie, she worked for child protection. She was a director high up in the department and she's like, hey, you don't get it perfect, why do you want an ACCO to be perfect? You don't, you know? And so she would push back on on the department, but it was really hard they were just didn't believe we could do it and they made things really challenging and there was a particular case and we've we've, you know, produced a video on it and it was 2 young people that were in out of home care and their mum for numerous years wanted the kids back and mum was, you know, she had mental health issues, but she was doing ok, she wasn't drinking or she wasn't, you know, her issues were more mental health and she'd moved to Stradbroke Island, she was doing really, really good. And what happened was we we had the guardianship of these, as if guardianship, and so a request was put in for the children to go up there to visit their mum on Stradbroke Island. Anyway, so we escorted the children up, did the assessment found, did the found the placement, you know, with mum to be safe, you know, even went around to other Aboriginal people in that community and they spoke so highly about her and how well she was going. Anyway, when we went to bring the children back, one of them said I'm coming but I don't want to go back. I want to stay with my mum. Anyway, we basically agree because mum was doing so well and because of the assessment, but the Department and us, we had a real out and out barney over it. We had to put it up to the next level. And at that time, Denise McLaughlin, who was a really good woman and was really socially just and really believed in ACAC. She said, I can't understand why would you say no if mum's doing well? The sad part about it is you know and like the the daughter lived with her mum for three months before she came back to Melbourne 'cause she got home sick from Melbourne 'cause they were on Stradbroke Island, there's nothing to do there for young people. But when she came back but her mum died a few months after she came back. Yeah and so they did a video, both of them, did a video about how much that meant and the importance of, you know, and why they believe so much in ACAC because they said VACCA fought for us. Now the older sibling works for us and has just went to work for the department, but she's now begging to come back to VACCA 'cause her grandmother worked for us, her aunties worked for us, her family is, you know, throughout VACCA. So Aboriginal organisations become like family to people and this young girl sees, sees us as her VACCA family. And I know that about three years ago, four years ago, I went to an Australia Day function out at Belgrave and there was a permanent carer there that came up to me. She was like Auntie Muriel I was hoping you'd be here, really, because I didn't know who she was, she said, I'm a foster carer at VACCA, she said. I would never have went to permanent care if I'd have known I was going to lose VACCA as my family, she said, I would get all your newsletters, I get invited to Christmas, I'd get invited to NAIDOC. When I went to permanent care, I lost you as my family and so it it's something that we're really consciously thinking about is if we want children to go home and stay home safely, we have to look at what's our after care, aftercare and what's our permanent care approach. Because I just think families, particularly that don't have a strong cultural, you know, background have been removed, need to have that cultural contact after leaving care.

Sarah Gafforini:

And I think to add as well, that's the part that the other ACCOs, obviously the cultural aspects is what they do well and we support them. I think the reason we put that compliance slide in the pack is that's usually where they struggle in terms of putting all of the regulatory systems in place, the workforce in place to actually meet the guardianship requirements. That's the the compliance is the hardest part, and that's why we wanted to share with you all of the different elements that we have to do for reporting the systems that you need as an organisation to be able to support, you know, all the good we can to tell you a million stories of really great outcomes, but it's that background backbone of the organisation. I suppose that makes it possible and what we've invested in ourselves to do.

Commissioner Lawrie:

Can I ask another question in relation to the confirmation of Aboriginality of all Aboriginal children in care. Since that's, is that legislated or is that a policy requirement?

Prof. Muriel Bamblett AO:

No, no, we we just do it as part of the cultural support planning and so because what what was really, really sort of disappointing to me is if we don't give them their confirmation of Aboriginality. What happened was is that seven or eight years ago, we had, I had a young fellow, beautiful young Aboriginal fella and you could see he was Aboriginal and he said no one will give me an Aboriginality and he said Auntie Muriel, you know, I've been in VACCA as foster care would you give me an Aboriginality? Now on that basis, and no you wouldn't, but he didn't have a genealogy, we've done nothing culturally with him, ever, and there was no need because, you know, we were providing him with a home and a roof, and he had good carers and everything like that. But the one thing he wanted was a confirmation of Aboriginality. So I think that that's, you know what we've got at the process. So when a cultural support plan comes to me, there's a pro forma that's attached to it and so that pro forma you know asks questions has the child been consulted, have you know and what is the education? So we go through a whole set of questions about metrics against the cultural support plan so that I can sign that off because I just want to know that they've done all the things around confirmation of Aboriginality and so one of the things that we embedded into our process that all Aboriginal children will have a genealogy and for at least 4 layers, 4 levels, I think it should be most times most people go, you know, can go back 10 levels and they do. But for when the minimum I will do is 3 levels, but now I'm finding that's not far enough for some of our kids. So looking at how do we get what, how many levels do we get, but now we've just introduced the process that to do confirmation, confirmation of Aboriginality, the kinship family finding team are taking referrals and they said we can turn them around in a couple of days. It's because we're not looking for, you know, huge lots of records, we just want to confirm they are Aboriginal. And so that helps the board. If the board gets, you know because the the view is is that you must be known and accepted, but link up expects a different definition and so we've been trying to apply that same definition because from my point of view this is the today Stolen Gen, not yesterday's Stolen Gen, so you don't want kids that walk out of care at 18 and come back in and say, you know, I want to find my family and so all the things and the kinship family finding actually leads kids to kinship wherever they come from, wherever they are, and so creates opportunities that and like, not many people know all the benefits. We had a young person that was placed out in Ringwood, I remember, and one of my really strong Aboriginal workers went out to pick him up and anyway, he was telling me about the car journey down 'cause he came from Framlingham and he said look, Auntie Muriel, he said I could have killed that kid. He said, I don't know. He's sitting there and it was like, them Aboriginal. Those people, they and he said, you know, it was and he was not not, you know, connecting at all. And he

wasn't really respectful. And he said I just, you know, just bite my tongue, but he said he'd been down to Framingham at that time Uncle Banjo Clark, who was a really prominent Aboriginal man, was living down there and the first thing they both said to him is take your shoes off. We want you to feel your country, this. And so Uncle Banjo took him around Framlingham and told him about all the Aboriginal people that lived there. What they contributed talked to him said this, this this is your family. These are your family here. They lived here. They've lived here all their life. This is what they've done. And it was interesting 'cause, you know, Dixon said on the way home, this young fellow was my family, my community. And he said just tweaked him. He just got it and he said it was just interesting to see how quickly you can, you know, engage some people through telling them that you know, they come from a rich Aboriginal tapestry that, you know that their people were warriors. And so it it just and it and as I said, it can coincide with, you know, what Dr Bruce Perry says about, you know, children need to be connected to their culture, need to know their stories and that is a real resilience. And it is, you know, it makes children much more mentally stable and able to adjust, but there's still, as I say, I think you know I've been in this for so long and there's still so much more that I've got to learn so.

Sarah Gafforini:

But not not all, not all ACCOs do it, I think is the important part as well. So we have the we have a position where we have the statewide coordinator for cultural support plans and we ran an information session and we had CEOs from other ACCOs come and they have, them and their boards actually have very different views of when and why you would do a confirmation of Aboriginal Aboriginality, as Aunty Muriel said, we we think it's the right of the child to know who they are and where they come from because it helps. Others don't, and they don't have the same investment. I suppose in their in family finding and looking back and looking at genealogies, genealogies are required as part of a cultural support plan. But sometimes if you can't confirm you de-identify and sometimes a cultural support plan is used to say, well, they must be Aboriginal but like we've talked to you, some kids aren't and so there's a few that just won't do confirmation of Aboriginality especially for kids. So we carry the burden of that and we take applications not just for kids in care. So and as Aunty Muriel said, there's nowhere to go if you haven't been part of the child protection system and how you get it for your kids as well. So VACCA is usually where people turn.

Commissioner Lawrie:

I've got another question which goes to a point that was made about when there is a transfer of guardianship to VACCA that the cost is not commensurate with what is a costing that the Department bears. So what does that look like for you in terms of the roles and responsibilities and the functions that come with, you know, VACCA and other ACCOs with delegated authority? With guardianship?

Prof. Muriel Bamblett AO:

I think we've been a little bit, we've been fairly aggressive in negotiating and so I think it is about understanding all elements. I mean I think Aboriginal organisations get duped a lot of the times. When I first started at VACCA, we didn't know all the, you know, twerks, but it was bringing Aboriginal, bringing non-Aboriginal people from the Department into VACCA that actually knew, you know, like we were sitting there with doing everything on the cheap and doing it for nothing. We had when I first started with at VACCA we were funded for 26 kids and we had over 200. And you know, I remember on a Friday night, one time somebody came back and said I can't cope with this child. You have to take it. We couldn't find any records for this child, but you know VACCA was this is, you know, obviously 20-30 years ago. But you know like I think the Department doesn't always put in the room what resources they have. We have what's really proving beneficial is things like

targeted care packages at the moment. So we've got TCPs so that they are providing resources to families to keep children at home or for for kinship carers to take on children. So for instance, this is, you know, you're not going to believe this, but it's true, a kinship carer her house was almost condemned. Her kitchen wasn't, you know, able to be, wasn't livable. We funded her for \$100,000 to do her kitchen so that she could take her grandchild. Now the alternative would be how much would it cost us to set up a system, you know, 20 years of taking that child. So the TCPs are used for like there's a young girl, she has got her brother, he's got autism and this was, for me, a really, really eye opening event we had a NAIDOC event and one of our she would have regular respite and so she left the child, we would take the child into resi-care and so we had really, you know, his autism was under control and she was his sister, older sister was managing. But she went on respite and gave him to us. We took him to a NAIDOC function and at the function they had all these lollies so he had these lollies and he had an episode and what happens is that he started really playing up, the police were called, they put hand, they put handcuffs on him, put him in, you know the car. He smashed everything in that car, he feaced all over the car. It was just we didn't know what to do. I didn't. I felt so powerless. The police couldn't do anything. The workers couldn't do anything. They rang the uncle. The uncle came down. Within two seconds he he was his behaviour had just deescalated, but I got a call from the sister the day after and she said I don't, do, I do not give him lollies, he does not have any sweets. She had a really good regimen and things like that, but just to me it demonstrated and like she gets targeted care package, a targeted care package for respite for him and she gets a targeted care package for you know all of the additional supports that he needs. It's a child with autism. Now he's another child. We've never seen them again. And you know, he's they're doing really well. So they're having targeted care packages and being able to put all those things, disability packages and everything around children. Children can go home and children can live safely. But, you know, being able to offer that. The other thing that we do well is lead tenant and so what happens is I become the contract holder, so a child, a young person leaving care wants to live independently. So he's 18, he wants to have his own flat. Like, there's no way that they'd be able to, you know, get put together the bond. They wouldn't be able to sign a lease. So I become the lease holder and I pay them. And so that means that young people leaving here have access to affordable accom. Then we, for a period of time, can pay a portion of their rent to be able to, you know, and we, you know, we're we're seeing that being accessed accessed by a lot of young people and really good accommodation not cheap you know really substandard. Because leaving care we used to, you know, set them up for a life of homelessness or really, put them more into poverty and put them into suburbs where they were but, you know, going to commit crimes, would be involved in, you know, all the people around them. If you put them in social housing most of the people there have got mental health and drug and alcohol, so some of the things that we're also got in is forget the name of the program, but it actually provides resources to carers to keep children longer, young people longer, so it provides what's that called, breaking cycles, what's it called Sarah,? I just launched with.

Sarah Gafforini:

Yeah, I, you've got me on that one.

Prof. Muriel Bamblett AO:

I'll look it up. I'll find it what it is.

Sarah Gafforini:

I think the difference too is the positions that, you know, you kinda take for granted, so in the Department you know they've got no shortage of lawyers, where we need to hit a certain threshold of the number of kids we have until we get funding for a lawyer. It's other things where in the

Department per region we know that they've got dedicated positions say for like Aboriginal-led family decision making, they have a convener and so there's 17 of those, but you know, 15 in ACCOs. I think it is. So they have dedicated roles where that might be, you know one of three portfolios, our staff members hold. So it's, we kind of have the same, but not to the the matched capacity they have. They'll often say that you know their case numbers are higher, but in reality they're not. So it's just, it's the hidden roles I think. I love to look at SEEK ads and LinkedIn ads because it tells you more about what a company is actually doing in reforming, and you see these roles crop up and you think what's that going to do and will we get a match, and you just, you don't, they're hidden. So there's a lot of that.

Prof. Muriel Bamblett AO:

Yeah, I think that the program is Home Stretch.

Sarah Gafforini:

Ah Home Stretch.

Counsel Assisting:

So is that to prevent, that means that children don't have to leave care at 18?

Prof. Muriel Bamblett AO:

That's right. And so we've got a commitment to children staying in care till 21 and so. But the Home Stretch payment actually is an allocation of funds, and I think we've just developed some resources. Do we have those? Do you have those Sarah? Yep, we'll send those across as well. I think I, I think I've sent you, I've sent you the documents, I think, no they're still in drafts, ah here we go, I'm going to send those to you, April.

Commissioner Lawrie:

Thank you. Is that the Home Stretch document?

Prof. Muriel Bamblett AO:

No, that'll be Sarah. I'm, I'm sending you the ACAC MoUs and program requirements.

Commissioner Lawrie:

OK.

Prof. Muriel Bamblett AO:

Feel like we got we're gonna send you a lot of, bombard you with documents. Yep, that that has the MoUs that we sign up to, but also the program document. So we've we've been sort of they're they're publicly available, but they're hard to find. I think have you got anything else you wanna know?

Counsel Assisting:

It's a very comprehensive presentation, thank you.

Prof. Muriel Bamblett AO:

Have I got the right address 'cause. I've sent it to [email address exchanged].

Sarah Gafforini:

We'll bombard Denise.

Counsel Assisting:

Yes, please, I'll pass those along.

Commissioner Lawrie:

Yeah, but there is, you know, it's it's been a very comprehensive presentation, but I just want to go back to something that I think just in your opening remarks around you've got eight child protection systems in Australia, some good and some bad elements but the reality is that Aboriginal and Torres Strait Islander children are overrepresented. I guess I wanted to get a sense of what was happening in Victoria to get a sense of what are those good elements and what are those bad elements?

Prof. Muriel Bamblett AO:

I think, Sarah, I think Sarah highlighted it in that diagram where she said that there's the system sees the Aboriginal before they see the issues and they don't believe the families can change, so they go to the, you know to the default position is let's remove the child. There's one hospital in in Victoria in Melbourne Metro where it's well known that they will report on on Aboriginal babies. Every Aboriginal baby that goes in there, they virtually do a report on. But it is about systems that are inherently racist in the way that they see, and so how do we, I mean that that word is a horrible word at the moment it seems to be, you know, used, you can't even say it at the moment without, somehow you know, pointing the finger at somewhere, but it is it's. You know that diagram Sarah showed if that. If that's showing. Did you want to put it up and go through it just briefly?

Sarah Gafforini:

The unborn one.

Prof. Muriel Bamblett AO:

Yeah.

Commissioner Lawrie:

The graph.

Sarah Gafforini:

Yeah.

Commissioner Lawrie:

The unborn child concerns.

Slide 19 shown again.

Prof. Muriel Bamblett AO:

So this and the reason that we asked it cause in, I think it was Boston, there was research and and I got sent from one of the other CEOs and and it was this, it was a black American and what happened was is that when they they looked at the number of notifications then they looked at and they basically deidentified it and so they focused on what were the protective concerns and the numbers of notifications on children of colour dropped dramatically and so when you when you don't know name and so you know this view if you say you're Aboriginal and you're more likely to get your child removed, so should you know if you go before child protection, take out the deidentifying information and you might get treated like everybody else. So what, what are we saying? If this what this, what this slide is saying is with the system and I think that's that's what alarms me most is. And then there was some regions, like, if you belong to a particular family, then you, you know, you're really because like, if I talk about Mildura, which is, you know, sort of, you would know where Mildura is sort of six hours out of Melbourne now in Mildura and then some of that borders some of your area too, but Mildura has 2000 Aboriginal people, right?

Commissioner Lawrie:

Oh, Yep.

Prof. Muriel Bamblett AO:

And so when you look at the data and when you look at they've, they've got the highest overrepresentation, the highest juvenile jail, the highest family violence, the highest imprisonment, and what I've basically heard is it's probably about 400 people that cause all of that. Now imagine if you chunked it off and said, what am I going to do with these 400 people that's different? What do I need to do in order to, you know, prevent all the family violence to prevent all the child protection, to stop, you know, the kids going into juvenile justice, what do we need to do? So, you know, I don't know that we take a place based, we take, you know, a broader approach to understanding what, what are the, really understanding the demographics. So if you were looking at say Murray Bridge or one of those, what would you want to know, like what's your Aboriginal population, how many of these families are actually, you know, involved in child protection, family like, you know, juvenile justice and and do you do you go with something like that or do you just keep going with the same old same old? I just think we've we've got to be able to break the cycles.

Commissioner Lawrie:

Yep.

Prof. Muriel Bamblett AO:

But I mean, the system that we've got four systems like some of the things there's two at times we find that the central office policy is really good, they're supportive, they they're saying, you know, like funding for Aboriginal community control. And then we get to the regions and their view is, is that, oh, no, we we don't believe the ACCO should be doing this. So you've got head of, central office policy not aligning regions, not taking it on, so part of the issue, [redacted]. So and who who are most of the people that are first to taking on child welfare, it's those men as CEO don't want to do child protection. So when is it feminist aligned? When is it? You know when Aboriginal men have a different view about taking on ACAC, we, I've not unpacked it, but it just sort of seems ironic that the region with some of the you know with Aboriginal, really strong Aboriginal men, really good parents, good people, not, you know, they're not the as everybody would put them up as bullies or you know, you know really, been, you know, men that are against Aboriginal women as some of them have got, are under the thumb of, heavy heavily under the thumb of really good Aboriginal women down there, so you know, grandmothers that they wouldn't dare put a foot out of place. But how we get to, you know, how we win over men to take on ACAC is really a challenge. How do we take win, win over boards, some of the boards like our board we were always talking about what it is and you know the value of ACAC and our board was, I've got a board, I think three or four of my board have been on well and truly really over 10 years. Most of them have been, two of them to 20 years of being on the board of VACCA. So you know, there's a lot of when you have that long, you know, longevity in the board, it's actually important, but it's really important that the board understand risk that they understand the strategic they are that they're engaged. It's important that they don't get involved in the operations of day-to-day operations. I think I made one mistake and I'm still and I'm still traumatised by it. I took a policy on maternal maternity leave to the board for them to consider and I nearly walked out with all women should have two years of maternity paid maternity leave. It was just it was it got it got so far out of control and so there is this. You know that now I'm very much watch what goes to the board that it's not operational because you know like having a couple of I have board member one time when he first started and the rest of the board are really great now. But when he first came he said Muriel I want to know who takes cars home at night and I've got like something like 550 cars and I thought what do you mean and he said well I want to know who takes the, excuse me, but that and then the rest of the board chimed in Danny, that's an operational issue that belongs that is and Muriel wouldn't even know herself and we don't need to

know. So he said and I said to him, look, it's fine if you ask, what's the policy about it? That's different too. But what who does it, what the or not. So the board are really, really clear, but I think some of that in local communities, the blurred lines, some of the issues that have really impacted us have been some of the CEOs have had to leave to get because they don't the organisation just you know if you're a pensioner and you're on the board or if you don't get a lot of money and if you're a CEO that's on a you know \$180,000, then you know and, you want, you want to be paid what the market is. If you've got a board that's on a pension and don't you know? What we we what we have is trying to, you know we have a number of the board that are actually allocated for remuneration of the CE so it's not and they then we we go to market to look at what the market sees and provide really good information. So but I just think these are some of the challenges when you're setting up that you've got to have you've got to pay CEOs. Do you do you know how much first CEO when I started at VACCA, how much they paid the CEO? This is like 1997. \$30,000.

Commissioner Lawrie:

Oh Lord.

Prof. Muriel Bamblett AO:

I know I said this.

Commissioner Lawrie:

It's a traineeship salary, level one entry, yeah?

Prof. Muriel Bamblett AO:

And come on that's what the Commonwealth funded. And so this was where when I started, the organisation was under almost under administration, you know, somebody said the pen was over the paper just, you know, cancel the funding. But what the board had done is paid the paid this person to come on but we'll give you \$30,000 but we'll give you a credit card and so these are the additional things. So when the media and everybody, they only saw all the credit card, you know, and it was not a lot of money wasn't spending, you know, \$100,000 on this credit card, but it just got misrepresented. There weren't policies in place, there was no real understanding of the Department to say, hey, he only gets \$30,000, market value is, you know \$80,000 at that time, we couldn't compete with that. So we, you know, and it was justifiable, but it was never, they were hung out to dry and so anyway. But the community all were all ready to hang him, right he used his credit card and it's like anyway.

Commissioner Lawrie:

And look where VACCA is today. One of the amazing exemplars. Just one there's been reference just for the record to ACAC. Are you able to just spell out what ACAC stands for?

Prof. Muriel Bamblett AO:

Aboriginal Children in Aboriginal Care, so.

Commissioner Lawrie:

Thank you.

Prof. Muriel Bamblett AO:

We we didn't like the name guardianship or section 18 and then it that our Nugel program is we we've named it Nugel and I think I wouldn't even try and say Bendigo's, but it's something like Wartaka, anyway but that the abridged version of it. But there's, it'd be really good if you could bring BDAC in and and interview Dallas because they would give you really good information as to a regional ACCO and you know and perhaps help you push for regional footprints because they're out

of Bendigo, they're they tend to get a lot of people that are transient, go to Bendigo for jobs and things like that, and so they get, they've got a lot high Aboriginal population but they also have a lot of people that go from Mildura to there that go from Echuca to there, so they're a central between Loddon Mallee.

Counsel Assisting:

Thank you very much for an absolutely wonderful presentation and for the information you've provided, Aunty Muriel, that's been just so invaluable.

Prof. Muriel Bamblett AO:

Sarah put that together after our conversation with you the other days.

Counsel Assisting:

Thank you, Sarah.

Commissioner Lawrie:

You've done a great job Sarah.

Counsel Assisting:

Fantastic. Thank you very much.

Prof. Muriel Bamblett AO:

Her people are from NSW, so she's been a godsend to us as far as our policy and our communications as well. So Sarah does a lot of the fundraising and if you look at our ever look at our website, you can see, you know, really good information so really sort of. The other thing we didn't talk about Sarah was the deadly portal, did you just want to touch on that before we leave.

Sarah Gafforini:

To help with cultural support plans, we got funding to develop deadly story, which is a online portal and what that team does. It's really only like 1.2 EFT, it's not enough, but you can access that yourself deadly story.com and they go and talk to traditional owner groups. It really is that repository of all of the cultural information of all the different traditional owner groups, but they do.

Prof. Muriel Bamblett AO:

From all over Australia.

Sarah Gafforini:

Yeah all over, and they they're developing more and more agreements with traditional owners, especially as we move towards Treaty here to get more of that information in there to help with return to countries. But they they do educational videos, they just, they do this huge amount of resources that are available to anybody, not just professionals like it could be a carer or a parent that's like, oh, what do I what am I going to do? And all ages and stages. It's a phenomenal resource, that we actually talked to your government about it, they tried to steal it, remember? They tried to steal Solomon. But it's it's have a look because it really is that background piece that you need to help with cultural support planning and and cultural immersion.

Counsel Assisting:

Thank you. Thank you very much for your your contributions and we'll close the the hearing. Thank you.

Prof. Muriel Bamblett AO:

No we've got another hour (laughs)

Commissioner Lawrie:
Thank you so much.

END