



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, 24 October 2023 at 2:00pm**

**Expert Witness:**

- **Sandra Miller, Aboriginal rights activist and advocate for Indigenous health and welfare**

**Commissioner April Lawrie (Chair):**

Before we proceed, I'd like to do an acknowledgement of country that we are on the land of the Kurna people, country that has never been ceded, always was, always will be Aboriginal land, and when we give respect to the traditional owners of the land, that being Kurna, that we have regard for not only their children here on Kurna country, but all our Aboriginal children and young people across South Australia in which we hope for a better future. Thank you.

**Denise Rieniets, Counsel Assisting:**

We'll just have you affirm your evidence if that's all right before we start. You're comfortable with that?

**Sandra Miller:**

Yes.

**Carla Ringvall, Assistant to Counsel Assisting:**

I'll ask you to repeat after me and maybe Ms Rieniets could pass you this in case you get lost. So, if you wouldn't mind repeating after me. I solemnly affirm that the evidence I will give.

**Sandra Miller:**

I solemnly affirm that the evidence I will give.

**Assistant to Counsel Assisting:**

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

**Sandra Miller:**

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

**Assistant to Counsel Assisting:**

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

**Sandra Miller:**

Sandra Ann Miller.

**Counsel Assisting:**

Sorry Sandra. Can I just say you don't need to disclose your home address and you're retired haven't you so?

**Sandra Miller:**

I've retired.

**Counsel Assisting:**

Thank you. That's fine. Thank you for coming in, Ms Miller. I understand that you have quite a significant history working with the the department.

**Sandra Miller:**

Yes, I have. Approximately 40 years thereabouts.

**Counsel Assisting:**

In what role did you work in?

**Sandra Miller:**

Started out as a community worker and then when the department took the step of...

**Commissioner Lawrie:**

What year was that?

**Sandra Miller:**

I can't remember, before you came in, a long time. You were still at Uni I recall. And the department took the step of converting all Aboriginal community workers to social workers, basically. So, I moved into that area and worked in district centres for a while, but most of my work has been in administration, so in the area of Aboriginal units within the department, both in health and in welfare.

**Counsel Assisting:**

So, in that role, in those roles, particularly in administration, what what was your involvement with community, Aboriginal community organisations and the community?

**Sandra Miller:**

Well, the community generally, yes, we as workers in the department in those early days we did do a lot of work with the Community going out and actually doing home visits both in, well, there was a role with that I played under the Aboriginal Health Council, for example, which was a visiting role

with Aboriginal households. Back in those days, we had what was called the Aboriginal housing program and we had, in fact, the entire list of all of the houses that was placed under that umbrella for Aboriginal families, so we knew where to go. We knew where the families were and it was sort of a health and welfare type role because in our conversations with people when we visited, we weren't just looking at how their health was holding up, but also the conditions that they were living under, how many children were in the home, were they're going to school. There was a whole host of, it was quite a little sort of like welfare role without calling it that. So, back then, I mean, I think it was really essential, it's still needed today actually, I don't know why they got rid of that, but you know, that's not for me to question, I suppose. And it was really pivotal in understanding what was going on within families and you could, as a result of that you can call in other service providers who should be involved, education department if the children don't appear to be going to school, if there was major health issues we could get people to doctors or get a home visiting doctor that we had, we had two doctors at that stage at the Aboriginal Health Council. Don't know that they do that sort of role anymore, the Aboriginal Health Council, I think it's much more administration and yeah, things change.

**Counsel Assisting:**

Yeah. So how did the community accept you? Was there a sense of distrust about you being workers in the department?

**Sandra Miller:**

No, not at all, no. And that was the, that's the thing I think that's really essential here is that families were far more likely to open the door to an Aboriginal worker than they were to a non-Aboriginal worker. And one of the roles in those earlier days that we played, we played in welfare was we would accompany the white social worker, because that was, we were the door openers and once we, and most of us know each other, that's the other thing, I mean I can't say that's the case for me these days because I don't know the next generation down at all, I don't know whose children is who anymore but that's 'cause I'm not out there anymore doing that sort of work.

**Counsel Assisting:**

But you did in those days.

**Sandra Miller:**

Oh, yes, very much so. That was a really important role to play in being a door opener, if you like, making people feel that they could trust what we were doing. Those home visiting, look at one stage I went and did a placement with the Aboriginal Child Care Agency, which has now become AFSS. I took a secondment to ACCA, and I was responsible, along with a woman called Trish Fitzgerald, in again, door knocking every Aboriginal household that we could in order to recruit foster parents because we need a, we needed a pool of foster parents if we were going to push the child placement principle, around, you know, Aboriginal children being placed with Aboriginal families. And we ran those training program, recruitments and training programs out of at that time Nunkuwarrin Yunti, which was just called the Aboriginal Community Centre.

**Commissioner Lawrie:**

Wakefield Street.

**Sandra Miller:**

Yeah. Again, and that was a really successful program as well, but it, and that's the other thing that's happened now, ACCA in its original form is no longer there, it's become an arm, and this is my interpretation, of the department where their role is to basically support whatever the department's

directions are that they want to take with a particular child. They will attend family case conferences, which are ordered by the courts. I was personally involved in two of those [redacted – identifying information], I was advocating for, and I found the ACCA'S role like.

**Commissioner Lawrie:**

AFSS.

**Sandra Miller:**

AFSS. Quite disappointing in the role that they played in both of those.

**Counsel Assisting:**

In what way?

**Sandra Miller:**

Well, they did, for me, they weren't, they weren't looking at what was in the best interest of the child around the child placement principle. They weren't, they weren't questioning. I mean, I'm probably a bit domineering and that's why they weren't going to question me too much because I'll say what I need to say and I'm pretty firm about it [redacted – identifying information] and I might have been a bit intimidating but my experience was that they didn't do their role in protecting my interests. In fact, I found the Judge better, the Children's Court judge was much better in making people sit down and talk about what was going on. Well, I can't remember her name now. I told you yesterday, I don't, I'm not good at names anymore.

**Counsel Assisting:**

That's alright.

**Commissioner Lawrie:**

I understand when you went from being a community welfare worker into the role of a social worker, what did the department do to support you in the transition? Were there any further studies that you did?

**Sandra Miller:**

Some people had to do further studies, I didn't at the time. I think my qualifications got me through, plus...

**Commissioner Lawrie:**

What were your qualifications?

**Sandra Miller:**

My community development, so three years community development there at the Institute of Technology. So they could convert that to the social worker role, but yeah, some people did have to go back. And I have to say it did, it did not go down well with the non-Aboriginal social workers. They were quite angry about the fact that Aboriginal people were taking this next step up on their level, the playing field, without having what they saw as the correct qualifications and whatever they had to go through to be there. Usual story but I don't take any notice of any of that.

**Counsel Assisting:**

Can you talk a bit to us please about some of the programs that you were instrumental in setting up?

**Sandra Miller:**

Yeah, while I was working in the, and I don't want to take credit for doing all of this stuff on my own, I

would often come up with the ideas, but there was always a team of people, I never did anything by myself, and one of the programs, well, there's several programs, actually there was the community, I can't even remember what they call, community youth programs, young offender programs. We started out calling them young offender programs and decided that was a negative and so we turned it into a youth, just a youth community program and they was so successful, and I was a social worker at that time at the Ceduna office...

**Commissioner Lawrie:**

Are they the Youth project centres you're referring to?

**Sandra Miller:**

Youth project centres? No. They ran out of Far West Coast, they were community youth programs I think they were called, but we had set them up in every major Aboriginal community. That is every community that had a large Aboriginal population. That was federal funding that did that, but it was the department who had to make available the youth workers at the time out of the district centres to run those programs. Now that that program in particular was really successful and we ran a review after 12 months with the late Doctor Andrew Duguid and that report had to be somewhere on someone's, in someone's shelf, where it showed that the success of the program was such that just taking Ceduna itself as an example, there were no offending in that community for a whole 3-month period. Not one offender. We had to also change the criteria for young people coming into the program, because what they were doing was deliberately walking up the street and breaking a shop window so they could come to the program, so we opened it up to all of the children, those that we thought were the naughty ones, had to go into this room and, you know, do a bit of counselling and work through what their anger issues were and the others who were just mischievous got to go on camps and do, you know all sorts of activities that should be available for all kids. I don't think we had any, oh, there might be one or two non-Aboriginal children who hung out with the, you know, their black friends that came to the program, but basically was mostly for Nunga kids. Then, of course, the feds stop funding, and the state didn't pick it up. Usual story. And that program came to an end, and of course now we've got half the youth detention centres, more than half, in fact, filled with our kids again. That was one program. The other thing that we set up through the Aboriginal Coordinating Unit was a thing called the Children's Aid Panels and that was for young offenders, all young offenders, but it came out of the idea from the Aboriginal Coordinating Unit at that time for Aboriginal kids, but we stretched it across to everyone. And that was made-up of a social worker, the district centre where the kid lived, their manager or their senior person, you know, plus a police officer from that area who knew about the offending. And that also had a huge success rate because children got to then talk to the three panel members about why they were doing, you know, why they were offending, what was going on in their homes, and that then could be followed up by whoever needed to follow it up with, whether it was a youth worker or social worker or medical, you know, you found out all sorts of things from the kids when they felt OK about talking. I've got no idea what happened to that program, but again fell over. Were you around then, April?

**Commissioner Lawrie:**

Yeah, I was around in the early days when they were running.

**Sandra Miller:**

The other thing the Aboriginal Coordinating Unit set up under the leadership of Sue Vardon, who was so supportive around the Aboriginal topics, do you know Sue Vardon? Was the Aboriginal child placement principal. We wrote those and that proved to be really successful in keeping children out of, you know, non-Aboriginal placements, plus at the same time we'd done this whole recruitment

around foster parents, Aboriginal foster parents, and there was also, I think some of the success of that program was the fact that in every community I went around and set up the family care conferencing. Now the family care conferencing was made-up of volunteers, usually older people in the community, a couple of younger men and women would be part of it. There was no expectation for payments, although I don't think that that if it ever comes back that that should be the case, I think people should be financially compensated for, you know, their knowledge and skills and experience that they bring to the table. But that proved to be a real success because for every child who needed a placement, you would have the community members around the table talking about what's going on. There's no there's no confidentiality in our community, everyone knows everything. So that was all put on the table. People would talk about what was in the best interest of this child and they would come to an agreement with the social worker whose case it might have been about what action they were going to take. The other thing we had at the same time though were these group homes, every major centre around the state had what was called a group home. In the case of Port Augusta, they had three as the community was a much, much bigger community. Ceduna had one most other places had one. And you didn't then have to split a family of three, four or five kids up. They would just all go together to this group home.

**Commissioner Lawrie:**

Who were who were the workers?

**Sandra Miller:**

They were community members. They were usually you know a married couple who might have had one or two children of their own as well, and they would take these other foster kids in as part of their family structure. They were quite big group homes say 5 to 6 bedrooms to cater for that and it kept the kids not just in their community, but having access to their family, not having to change schools and you know, it was, it was a, in my view it was a perfect structure for keeping families together.

**Counsel Assisting:**

Do you know what happened to that?

**Sandra Miller:**

Cut funding. And again, the group parents did not get paid, they were...

**Commissioner Lawrie:**

They were trained?

**Sandra Miller:**

Yep, they were trained. They were trained in how to manage children and children with difficulties. But they were in, the children were in their own communities, so they had access anyway to whoever their medical person was whoever the social worker might be, and so on. But it was such a huge success, it was so successful in fact, that I was being asked by Interstate agencies to come and talk to them about that program because people started to hear about it and saw that it was working really well.

**Commissioner Lawrie:**

Do you see in the same vein as residential care, group homes?

**Sandra Miller:**

Which bit? Oh, residential care. No, I don't. You've got, the residential care is not a family setting. It's

just different social workers coming in and out, you know, lots of kids who don't necessarily get on with each other. There's no assessment about what each child would need as far as this, those sorts of settings you're talking about, it's just about getting the child into a bed somewhere. Yeah. I've never seen them as a success.

**Commissioner Lawrie:**

I understand at one time when you were heading up the Aboriginal Coordinating Unit in Department for Community Welfare, I think Department of Families and Communities, you coordinated or over, had oversight of the Aboriginal family care model, program sorry.

**Sandra Miller:**

Family care. Yeah, that, that's what I'm talking about, the family care committees, that's, that came out of that family care model. Yeah, I don't. Well, I wasn't heading it up at that time, can't remember who was might've been Sandra Saunders, John Brown, David Rathman, they all came through, but I tended to be much more on the ground doing that sort of community contacts. I headed up the unit when it became the Department of Human Services, remember? You were working there then.

**Counsel Assisting:**

So, the family care committees can you tell us a bit about what they were, how they were put together?

**Sandra Miller:**

We, I certainly went out to the community, talked to whoever the Aboriginal workers were in a district centre who would who then gave me the names of people they thought would be interested and who would have the right sort of makeup to sit on a panel. I would do a door knock and speak to people about that and, you know, back then everyone's really enthusiastic to be involved and be part of making decisions about, you know, their young people. We're talking about their own, you know, children in their community. And we always had a full complement of people, you know, participating in those sort of panels and we when we needed them. Cup of tea, a biscuit and sandwich that's all they wanted and to be picked up. So social work, that was the social worker's job to go and pick people up, they needed a lift to the centre. And most of the meetings happened in the Aboriginal community centres in most towns where people felt comfortable, not in the district centre themselves. Look, I think the other thing I think that we could be doing is the department could be engaging a lot more with what's called the list. You know, Charlotte Kelly's court room? Well, I helped set that up with a lawyer from ALRM [Aboriginal Legal Rights Movement]. What's her name? Valentine, Lynn Valentine, and, because Judge Kelly had come back from New South Wales and had seen the model over there and wanted to talk to a few people here about whether it would work here so again, I got involved with Lynn and we set up, you know, consultations with various people using ALRM's boardroom at the time because I was a board member at the time, so I took liberties and yeah, we made it happen. The thing about the list though is that it's a federal model, and feds and the states don't work together. I mean if we can get past that we should have, I don't know if it's a principle or whether it should be legislated that the department cannot remove a child without first bringing it to Judge Kelly's court. Because in her courtroom she can order people to participate, you know it's Nunkuwarrin Yunti if it's a health issue, any other service providers that are around Anglicare, whoever it is, and that once it's court orders, as you know, people have got to do it. And the families, they've had a huge success. I've just recently been talking to Kirsty Malard? Is it Malard? I can't remember who.

**Commissioner Lawrie:**

Maylin.

**Sandra Miller:**

Yeah. Who's the Aboriginal worker that I help recruit into that position. You know that Coulthard's working there too?

**Commissioner Lawrie:**

Dwayne. Yes, I do.

**Sandra Miller:**

Oh, I didn't know that. Out of the loop when you retire. But that there has been a real success there because of that sort of court court ordered you know, practice that people have to undertake, without removing the child in the first instance. But I don't know if the feds and the states will ever work together. I mean, if we if we could get the department to at least agree, like they did about the child placement principles, not that they're sticking closely to it from my observation, but we could then get them to go to Judge Kelly's court rather than straight to the children's court. The problem is, once the department hits the children's court, then Judge Kelly can't be involved.

**Counsel Assisting:**

No.

**Sandra Miller:**

It gets stuck. But we need to bring back the family care committees. You know, there's a new dynamic as well that we're dealing with and that's the amount of drugs in our community, not just our community all communities, and unless we start putting in place programs to address people's drug use that they are just not there. [redacted – identifying information]. He wants to get off it, but it takes so long for him to get an appointment with somebody that he falls over again and then we have to start again it up again. There are just not enough spaces for people, for young people anyway, to get that sort of assistance around their drug use and a lot of, you talk to our kids, and they don't want to be using drugs, but they're so addicted, they just can't walk away from it. That's something else I think that's a problem that's always going to affect you know, future of our young people is drugs. In fact I think drugs probably more invasive than alcohol these days, do you think?

**Counsel Assisting:**

In terms of, if you say that you you feel that the family care committees need to be brought back. Is there still the momentum and the the will within the communities to revamp those, do you think?

**Sandra Miller:**

I haven't been out there and talked to anyone, so I don't know about that. The people who were on it, you know, 20 years ago and probably all are all deceased mostly. There's lots of deaths in our community and losing your Elders, you know, it's really devastating in terms of the community stepping up and taking responsibility because it's your Elders who keep, you know, keep the community accountable. But we've lost so many of our Elders. You go to Ceduna more often than I do, I hardly ever go home now, the people that I would mix with aren't there anymore, they've all passed away.

**Commissioner Lawrie:**

In your mind, what was the value of the Aboriginal family care program with the committees, the you



know, the model I believe had an Aboriginal family care worker at the community level. From your understanding, what was the value of that program? And why is it no longer around?

**Sandra Miller:**

Well to my knowledge it's not around because the department, you know, deemed it unnecessary, I guess, I don't know, stopped funding those positions. I mean the value of those positions was that they could walk around and speak to people in the community, and you know, be present the whole time. On that note, I thought of the family care workers became the community workers. Do you remember when you supervised all those community workers that were spread around the state?

**Commissioner Lawrie:**

No, I believe that was Colleen Davidson.

**Sandra Miller:**

No, you supervised all the community workers, they were all employed by the Aboriginal Coordinating Unit under Brian Dixon. You were the manager.

**Commissioner Lawrie:**

Oh, the community development health officers.

**Sandra Miller:**

Yes. I don't know if they took over from that role in terms of, you know, door knocking and being present and, in the community, 'cause that was a successful program as well. Very good program. These things just stop operating, I don't know why, they do it to us all the time, you know, constantly changing the goal posts. I mean, a really early example was that Aboriginal schools, what was it called it? Somewhere in NSW, highly successful back, I think 60 years ago and decided not to fund it anymore and then no one you know can't fit into the mainstream. There's a bit of problems with that too. I think we've got a school here called Warriapendi which takes Aboriginal students, non-Aboriginal students can go there as well, you know, their associations are with other Aboriginal kids, so there's usually a couple of non-Aboriginal kids there, but I don't think that the teachers that I guess they're all teachers, come with the right set mind of, you know, what their role is in supporting kids through that system when they've fallen out of mainstream. Yeah, I've had a couple of run ins with them about, you know, was this just a head count so they can get their funding when really a lot of kids were still falling out from Warriapendi as well. They're going to move to Mile End to that new, the old TAFE Centre there or something. That's great. I think that's a much better location than where it is on the corner of South Road and Richmond, South Road and Richmond, right on the corner, busy intersection. No, no real yard space for the kids, going to Torrensville I think is a great idea. One of the positives of the new freeway going through.

**Commissioner Lawrie:**

Forced relocation.

**Sandra Miller:**

Yeah.

**Counsel Assisting:**

Sandy, can you speak to us about the importance of Aboriginal leadership within the department, within these programs that are, for them to be effective within the Aboriginal community?

**Sandra Miller:**

Look, it's really important. Again, not just because it's an Aboriginal person. You have to have the

right people. I've seen programs fall over under Aboriginal leadership because we didn't have the right make up at the time. However, generally speaking, if you've got a healthy team of Aboriginal workers, you get a lot of work done, you get, you get to know what's going on you know, in the community because people come from a community perspective. What I'm seeing these days is a lot of Aboriginal people who you don't see outside of the work area anymore. They're all become public servants. I shouldn't say that, should I? That's, this is all getting recorded. Yeah I'd be going flat out trying to find who out there in the public sector that is, you know, really committed to working on behalf of the community.

**Commissioner Lawrie:**

So, what does Aboriginal leadership bring to an organisation when you're looking for the right Aboriginal person in that leadership role?

**Sandra Miller:**

You've got to, well, you know, you have to be professional. You used to accuse me of taking no prisoners when I headed up the unit. So, you know your workers have to be accountable and you have to make them accountable. You need to, you need to be able to you know, refocus your community, remind them regularly about what their jobs are. A good leader is someone who will lead by example as well, not just, you know, just talk about the issues. I don't want to go into personalities or talk about people in particular, but I'm associated at the moment with a number of health areas, and I'm just so frustrated with the way that they operate because there's no leading by example. So, if you've got a leader who's as slack as, why would your workers bother? I don't know. And I kept you know, I would keep my distance from the workers that I had a bit of a them and me sort of personality, so I didn't go out drinking after work with the workers. I didn't socialise at that level. If there was some particular social event that was being organised, then I would attend those but I think people were probably pretty happy to see me leave early. So yeah, I think leadership is something that you have to demonstrate yourself and keep your staff together and on the, you know, same track, have your regular staff meetings so that everyone knows what's going on in the place. I don't believe in secrets either, I always have an open-door policy, people can come and talk to you at any time. Yeah, I don't know.

**Commissioner Lawrie:**

Well, I'm just thinking, you know, having an appreciation for what you described as leading your team and you had the support of Sue Vardon as you described about...

**Sandra Miller:**

And then there was Christine Charles. We had a couple of very good leaders, women in particular, that came along in the department. Jim Birch was OK, but he allowed the division to run down in terms of removing funding when they were doing an audit of Treasury, I guess, was trying to save money. So, you cut the black programs, Sue Vardon and Christine Charles would never do that. Ever. And yeah, what, sorry, what was your question?

**Commissioner Lawrie:**

Well, it sort of feeds into what you're talking about in terms of you've, you're in the, you've been in the role as leading an Aboriginal unit, you had the support of...

**Sandra Miller:**

60 people that's gone down to three or four now.

**Commissioner Lawrie:**

Yeah, significant downsizing over time. Yeah, but that leadership is more than just leading your team, it's what you do across the system. What have been some of the challenges in terms of Aboriginal children and young people and creating change that you saw for yourself what you have to do to affect that?

**Sandra Miller:**

Yeah, it wasn't, it wasn't about what I saw across the system, but more about what I felt was needed in the Aboriginal community and so, it was then just a case of getting people on side, working out in the department who the people were that I could convince, I mean we did a lot of that, particularly you and I. We had a lot of meetings with people that we know it's important in the decision making and we would meet with those people and talk about what the issues were and get people to see sense and what we were saying before it was then taken to the executive table. Because you knew then that you had a couple of people around that table who were going to back you when you came up with a suggestion about how something could work differently. It sort of happened, sort of naturally I don't think we've really planned it. We just knew that if you're going to get change, you had to bring some other change agents with you, I guess, otherwise you're standing out there on your own.

**Commissioner Lawrie:**

And a whole lot of data.

**Sandra Miller:**

Well, you know that was the other problem we had in the beginning, there was no data. We had to insist that those, that information got gathered so that we could prove our case. I think it's gone back to that too, hasn't it? Like, everybody's just in the one bucket now and they can't really tell you, what's that family something program where all States and territories have to put in data about whether they're closing the gap or not.

**Commissioner Lawrie:**

That's the national campaign for Family Matters.

**Sandra Miller:**

Family Matters. Yeah, that's happening there but I don't know what's happening here in South Australia particularly, you probably know more about that than I would.

**Counsel Assisting:**

Would it surprise you to hear that the numbers of children, Aboriginal children in state care is increasing dramatically in this state?

**Sandra Miller:**

Not at all. No, I'm aware of that. In fact, one of the other things that we were very instrumental, there was a very small group of senior people five or six of us that would meet regularly at ALRM called.

**Commissioner Lawrie:**

Can I help you?

**Sandra Miller:**

Yes.

**Commissioner Lawrie:**

The Aboriginal Community Leadership Reference group.

**Sandra Miller:**

That's them, and we really were pushing for that review that was done by Margaret Nyland is it?

**Commissioner Lawrie:**

The Royal Commission.

**Sandra Miller:**

Yeah, there was a Royal Commission. We were really pushing for this role. We wanted an Aboriginal Commissioner. We also wanted a peak body. We wanted the family care committees to be reinstated. There were a number of things that we pushed for. We didn't get very far with any of it under that review, I think there was a paragraph about that big talking about the Aboriginal issues. I was absolutely appalled when I saw that review, but we didn't give up and we kept fighting for the for the Commissioners role and finally got that through but then people started dying, how dare they? And we haven't got them at the table anymore and we don't have another generation that's come up behind us.

**Counsel Assisting:**

Why is that do you think?

**Sandra Miller:**

Why do I think that there's not another generation? This this might be, I don't know if I want this minuted but this might be something that drugs are being bought in, with that sort of middle range of the next generation, in that middle range or whether it, look I don't know why that is the case. We've got another generation of younger people like April's age group and down who are now stepping up.

**Counsel Assisting:**

So, you're talking about the generation between you and April?

**Sandra Miller:**

I'm talking about the middle range. All those no voters that we know were partying to that referendum. That's an interesting exercise too a whole another topic. Yeah, walking around like people won't look me in the eye, just won't, young people all smiling and happy and say hello but not that middle range age group. That's why I say they're the no voters. Anyway, another topic.

**Counsel Assisting:**

Thank you. The importance of cultural safety within the community, can you speak to that please.

**Sandra Miller:**

The other, the other thing that April, myself in particular, but others as well have been pushing for this peak body to be established. Now that came out of that Aboriginal Leadership Reference group as well and it's taken, what, five years?

**Commissioner Lawrie:**

Mm hmm.

**Sandra Miller:**

Just to get the department to agree. We were a little bit angry about the fact that they bought SNAICC in to do it rather than a South Australian group, but I'm now thinking it's probably in our

favour that SNAICC did it because it's taken away any sort of favouritism or you know, any negative comments that might come from our community about it. And SNAICC recently advised us that the state had funded it, I don't know to what extent, I don't know the financial figure, but they've now advertised for people to apply to be part of the peak body, I think they called it the development group. So, in other words, a group of people who thought the right set of experience and knowledge to set up a peak body. I've applied for that, I am retired but I've applied for that, haven't heard anything back yet, the Voice got in the way, things came to a screaming halt for a while, but I think that will go ahead.

**Counsel Assisting:**

And what do you see the role of that, what do you see the role of the peak body?

**Sandra Miller:**

Well, I'd like to get together with whoever the people are that SNAICC end up choosing to bring this together because I've got some ideas of my own, but not everyone would maybe agree with that. I mean, we need our own district centre, for example, fully staffed by Aboriginal staff. I would welcome any non-Aboriginal person in there provided they take advice and work to the Aboriginal principles that we might be setting down. There are lots of non-Aboriginal people who are very supportive who are, you know, really good social workers that I would be happy to work alongside of. Once we've set up the peak body, I think having a district centre with an advisory body of Aboriginal Elders and others who take part in decision making around every case that comes through the door. I don't want to make it a strictly, all places must come to this Aboriginal peak body, it's certainly voluntary, if you don't want to, you know, be part of the Aboriginal program and you know you've got people out there, lots of Aboriginal people voted no, you'll have Aboriginal families who don't want to be managed by an Aboriginal structure, they think they can manage by themselves, got to then ask well, why are you in the system at all if you think you can do it yourself? But you know you don't force people to come. Yeah, look until I can talk with others about what that might look like, I can't specifically say what it would be, but I think I think having a district centre with our own staff and not every Aboriginal person is going to be suitable either it needs to be a strict recruitment process that takes place. [redacted – inflammatory evidence<sup>ii</sup>].

**Commissioner Lawrie:**

With the point about cultural safety then, what role would the peak body have? There's a whole list of Aboriginal staff also in the in the system, as child protection would be.

**Sandra Miller:**

No, I don't know April. I don't know how to answer that one.

**Commissioner Lawrie:**

I suppose what I'm asking for is that we've got spiriling rates of Aboriginal children going into care, we've got an Aboriginal workforce within the very department that is charged with the responsibility of making applications to the court for removals. So, the decision making sits within the child protection agency. We have a peak body being developed you know, at this minute for South Australia to bring our Aboriginal community voices into the child protection system, cultural safety is important for our children and our young people, that's why we've got the Aboriginal and Torres Strait Islander Child Placement Principle, but what does that then mean for our workforce that's working in this in this environment as well.

**Sandra Miller:**

If you're, if you're talking about those that are still in the department.

**Commissioner Lawrie:**

Well, this is today. Yes.

**Sandra Miller:**

Well, they've got a choice. They can take part in an interview to come and work in this structure and then they'll just have to sell their views and ideas about how they're going to protect our children. Now my understanding is that the role that a lot of the Aboriginal, what are they called? Family practitioners? No, what are they called? What's the Annette Groat role?

**Commissioner Lawrie:**

PACs. Principal Aboriginal Consultants.

**Sandra Miller:**

Their role changed from the original concept that when we put them in place, and their role then was to support families, to advocate on behalf of the children, to argue strongly with the social workers in district centres about following the child placement principles, about following up with if there were suitable relatives who can take the child on, and if not, another Aboriginal family in that community. And that role completely changed. They became part of the department in removing children. There's no other work that I can see that they were doing outside to protect the children, which is why it's important that we try and get some sort of legislation that the department cannot immediately go to the Children's Court but must send families first to Judge Kelly's court. Then you've got some hope of stopping that removal. Plus, we've got the other problem too now, there's not many Aboriginal foster parents around, but there's the need now for a whole new set of recruitment so that we've got trained foster parents who will, and I know there's a lot of people out there who can do it.

**Commissioner Lawrie:**

So just on that point alone then, there is the remark that the system can't find enough Aboriginal people?

**Sandra Miller:**

Well, they haven't tried. There's not been the effort to do what we did back in the early days, and that is the door knock, to find out where people are, specifically go and speak to people about what's needed. I mean, you know people say yes or no but.

**Commissioner Lawrie:**

Do you think your relationship with the Aboriginal community provided that advantage of being able to engage and to find?

**Sandra Miller:**

Provided what?

**Commissioner Lawrie:**

Provided you the advantage of going out to communities, doing door knocking, engaging with Aboriginal families as part of their recruitment into foster care?

**Sandra Miller:**

Do you think my relationship with the community helped that?

**Commissioner Lawrie:**

Yeah.

**Sandra Miller:**

Yeah, it did. Yeah.

**Counsel Assisting:**

So, what you we're saying before about the people who were not able to make eye contact with you, that generation? Are they the generation that are not stepping up to be foster carers, and is there a reason for that that you know of?

**Sandra Miller:**

No. That's why I said before, I'm not sure whether they have been affected by children being removed from them and so they're not, they don't have the capacity to even look, you know, after other children. I'm not sure 'cause I'm not doing the door knocking and out there talking to people anymore. Nor do I want to, really, you know, I mean, you know, done my bit, but I'd be happy to support others and, some sort of training programs.

**Counsel Assisting:**

For those.

**Sandra Miller:**

You know, I've only, my partner and I lived together. We're in a big house. I could easily do fostering, but I won't 'cause I don't trust the department.

**Counsel Assisting:**

I was just about to say, is that reluctance to step up a trust issue?

**Sandra Miller:**

Absolutely. No, I don't trust that when a child is dropped at my door at midnight that I'll see a social worker the next week.

**Counsel Assisting:**

Right.

**Sandra Miller:**

It will just be left to me to do it all and I don't have that capacity. The system has to start recruiting people who are going to actually front up the next day to make sure that you've got everything you need. Not expect that I'm going to go out and buy all the nappies and the and the bottles and school uniforms, whatever it might be. And and someone in my age group, I would expect that to have somebody turn up every morning take my children to school or to kindy or wherever they have to go. I would expect be able to ring whoever my social worker is to say the child has got a toothache, I need someone to come, and you know, like the service is just not there, people just get left to manage by themselves. This was one of the big complaints I started hearing when people started to stop fostering. We've got a whole group of grannies in Port Adelaide, the grannies group, all of whom were foster parents, who complained every fortnight when I'm there about, you know, what's going on with their grandchildren, how no one's helping, great grandchildren. A lot of them are still quite healthy. A lot of them could foster children, you know, emergency. I don't, I think when you get a certain age, you don't do the long term, but we always need emergency foster parents. They could all do it provided the social worker turned up the next day. And that's the thing, they would say you can't trust the social workers, you won't see them again.

**Commissioner Lawrie:**

What do you think in all your experience works in preventing removals for Aboriginal children and young people?

**Sandra Miller:**

Well, like I said before, you need to have your community backing with those community, with those family care committees, you need to have community houses, family care centre houses, I don't know what you call them these days, where a child or three children can all stay together, siblings can stay together in their community. When it comes to young offenders we need to have more programs that engages young people in activities. Look, I can only talk about Ceduna one from firsthand experience 'cause I was a social worker in that office at the time. The kids just loved it. They looked forward to, oh, when are we going on my next camp? You know, they would come in, they had fantastic working relationships with the youth workers, is that what they were called? Yeah youth workers in the district centre, and the youth workers just behaved like their older brothers, with all of the kids you know, it was fantastic. They'd be taken camping. Just keep them engaged, not wandering around these little country towns, bored. I mean, there were other programs that got established in Ceduna that I was never involved in. I think some youth programs where, was there a youth centre set up there?

**Commissioner Lawrie:**

Yeah, a youth project centre.

**Sandra Miller:**

I was never involved in any of that, but long gone, but I don't know what's happened to those April, do you?

**Commissioner Lawrie:**

They were all defunded.

**Sandra Miller:**

Yeah. Things just stop happening when they're successful.

**Counsel Assisting:**

So, from a long involvement with the department, it sounds that what you've seen is the cycle of funding, defunding, funding, defunding, so something picks up and can be successful, but falls away because the money is not there.

**Sandra Miller:**

It's been happening for a long time. I haven't seen any new funding that's come in for community development type programs for many, many years. I think probably since the Aboriginal Coordinating Unit stopped being a unit. It went to a branch and now it's I call it a twig. Three or four people.

**Commissioner Lawrie:**

Oh, that's the unit you're talking about in health.

**Sandra Miller:**

Yeah, because that. Yeah, the whole Human Services unit where we looked at everything from youth offending to health to children's welfare, you know we looked at everything. We didn't put things in boxes. I don't know, I don't know what's going on with the Education Department, but our kids are just falling out of the system. [redacted – identifying information].



**Counsel Assisting:**

One of the things we've heard in terms of the evidence we've been hearing over the last couple of weeks from a number of people is that the child protection system, as we call it, was never designed to work and has never been effective and cannot be fixed and made effective in the, as it works now. We've thrown, and we've seen that with the increasing numbers, no matter how many reviews we have that tell us what's wrong with it, no matter how much funding gets put to it, the sense overwhelming that I think would be fair to say we're getting in this hearing is that it's not fixable. It needs to be rebuilt.

**Sandra Miller:**

Not in this form. No I would agree with that. It's not fixable and unless we have, which is, you know what the referendum was all about, unless we've got a true voice and we are responsible for the outcomes, it is not fixable. There's no trust and it and it's going to be even worse now with this, with the referendum going down. People are so angry, you know like.

**Commissioner Lawrie:**

Aboriginal people?

**Sandra Miller:**

Yeah. Aboriginal people just so angry, so disillusioned, so feeling so, like, don't even want to be here, you know, want to go live somewhere else, some other country, you know, I'm not. I don't want to live in any other country, this is the best country in the world to live in, it's the people on it that's the problem. I think it's fixable. I don't agree that it's not fixable, but in its present state it's not going to get any better until we do these other things and put things back in place that we know work. In fact, it was MaryAnn Bin-Sallik who did the review on the family care model and that report must be sitting somewhere. I thought I gave you everything, April, but you said you haven't got it.

**Commissioner Lawrie:**

No, we do, we have it in the literature review.

**Sandra Miller:**

OK.

**Commissioner Lawrie:**

So just on that point about DCP not being fixable, what do you think is needed in terms of...

**Sandra Miller:**

Our own centre, our own recruitment of staff, the ones that we know are going to do the work the way we want them to do it.

**Commissioner Lawrie:**

Are you aware of things happening over in Victoria with?

**Sandra Miller:**

I was going to say if, if in fact I am chosen to be one of the people to develop up this peak body, whether that will happen, but if I was, I would want to go and have a look at Victoria and I understand Queensland has also got a model that works quite well, but I haven't looked at the stats and I don't know how they do it, but I'd like to have a look.

**Commissioner Lawrie:**

So, both Queensland and Victoria have in their legislation the capacity for the state authorities to

delegate authority out to you know community controlled organisations or NGOs to deliver on some of the functions laid out in the legislation.

**Sandra Miller:**

See, I've got an issue with that, like farming it out to other organisations, it really does depend on who those organisations are and how they're operating now. I don't see Anglicare or Relationships Australia or Lutheran Care, doing a really fantastic job at the moment and a lot of those organisations have also got some of the state housing.

**Commissioner Lawrie:**

So that's some of the contracts.

**Sandra Miller:**

Yeah, the contracts that they actually manage the houses. It's not working, like what they've done under the funding agreement from the feds, all they had to do was show that they had an Aboriginal person employed there and they've all done that and then the rest of it sort of you know.

**Commissioner Lawrie:**

You're saying they're the wrong indicators?

**Sandra Miller:**

Well, yeah, it is the wrong indicator. You don't just have one Aboriginal person working in the place who then recruits a whole heap of other Aboriginal people who then just do the same work that everybody else in the organisation does.

**Counsel Assisting:**

I think the Victorian model is very different.

**Commissioner Lawrie:**

Yeah, it is. It's called the Aboriginal Childcare authority and it is an Aboriginal run, operated and answerable.

**Sandra Miller:**

And are they, are the stats showing that they are succeeding?

**Counsel Assisting:**

Significantly.

**Sandra Miller:**

See, that's what we need.

**Counsel Assisting:**

Yeah, it's an organisation of a 1000 staff. It's huge.

**Commissioner Lawrie:**

This is VACCA, the equivalent to what we had in South Australia. They've grown significantly with taking on those additional legal authorities.

**Sandra Miller:**

Well, you know, if we can get AFSS back and make it operate the way that ACCA used to, you might have a better chance of, you know.

**Counsel Assisting:**

And one of the things that VACCA do too, they've implemented their own social work training course through some of the tertiary institutions.

**Sandra Miller:**

That's a good idea.

**Counsel Assisting:**

So that they're looking, they're looking at social work from an Indigenous, an Aboriginal lens with Aboriginal versions of attachment theory and all that sort of stuff, and they're bringing them through, there was something like 40 a year they're bringing through that course.

**Sandra Miller:**

What a good idea. I found social work quite difficult, and I failed twice doing legal aspects of social work because I just wasn't taking what the lecturers were telling me to be the truth, 'cause I was a senior student by then I had already been married and two kids and so on. So, you know, I was able to speak up and say, well, that's not true, that's not the way the law works at all. This is what happens, and they failed me! I got the picture eventually and gave them what they wanted, but I've never believed it. So that's excellent.

**Counsel Assisting:**

That's a it's a really extraordinary model.

**Sandra Miller:**

I'd like to go and have a look at that too. Anyway.

**Counsel Assisting:**

But yeah, so that's it's different from the model you're talking about of the church groups, Anglicare and those taking it on, it's a completely different model, as is the one in Queensland.

**Sandra Miller:**

It's the same as Victoria?

**Counsel Assisting:**

Not as well established at this stage, I don't think as Victoria, but it's working towards it certainly. I mean, Victoria's been around for a very long time. It's not it started at grassroots.

**Sandra Miller:**

Well actually ACCA started in South Australia under Brian Butler's leadership. He was the one who started all the ACCAs, and then the other states all picked it up as well and, you know, they drew up their constitution and then had a structure around each state and territory being represented on the ACCA board.

**Commissioner Lawrie:**

SNAICC Board.

**Sandra Miller:**

Yeah. Sorry, SNAICC board. And that's how it worked, and it was a real success. Victoria kept going. ACCA here, once Brian Butler stepped away from it, just fell over, just became an arm of the department. Awful. All of us worked there, we all got experience there, didn't we? It was a really good model.

**Counsel Assisting:**

And having you've referred to it a couple of times as an arm of the department. So, what's the, no I'm asking seriously, what's the attitude of Indigenous people, of Aboriginal people to it in terms of trust? Does it, does it play a role in building trust between the community, the Aboriginal community?

**Sandra Miller:**

No. It's meant to be an Aboriginal child care agency and the staff is full of non-Aboriginal people, so you know, just, it's not working.

**Counsel Assisting:**

Is that the only issue with it?

**Sandra Miller:**

Well, no. I think the other issue is that the staff haven't had the appropriate training to work out what their role is in supporting community and they've all just become social workers and I suspect that a lot of the non-Aboriginal staff that are in there are ex-social workers.

**Commissioner Lawrie:**

From, as in?

**Sandra Miller:**

From the department. That's what I suspect. I haven't spoken to them to find out, but yeah, that that it's not it's just not Aboriginal enough.

**Counsel Assisting:**

Thank you. Do you have any other questions?

**Commissioner Lawrie:**

Well, I do actually and it's about your time within the sector and knowing what it looks like today and what you were working through in that era of whether it be the Department for Community Welfare or Families and Communities, Families SA, under the umbrella of Department of Human Services, can you talk to us about what benefit you found from the difference in the way in which child welfare, child protection was established as part of a broader agency with what is happening today and whether you believe that that, that has contributed to the way in which the system responds to Aboriginal families and to basically to vulnerable population groups?

**Sandra Miller:**

Well, is there an Aboriginal dedicated unit within the department now?

**Commissioner Lawrie:**

On record, I don't believe so, but it's something we probably need to confirm. I don't believe there is.

**Sandra Miller:**

No. Well, that's the first thing. I mean, it's as bad as what health has got in terms of just having this little branch there of three people.

**Commissioner Lawrie:**

I don't even believe it's a branch, but we could validate that.

**Sandra Miller:**

Yeah. Well, I don't know what they call it, I call it a twig. If you don't have an Aboriginal Senior sort of

policy unit that is on top of everything that's going on in the department, questioning the process and decision making, nothing is going to change, and I think that's what's happened. I mean just on that, looking at you just reminded me, I mean one of the other things that I think I think most of the states now have got a Commissioner, an Aboriginal Commissioner, yeah. Northern Territory maybe not?

**Commissioner Lawrie:**

Well, Western Australia and Northern Territory have Aboriginal women in Commissioner roles, but they're not Aboriginal identified Commissioner roles. So, Queensland has a Commissioner holding responsibility for Aboriginal children and young people.

**Sandra Miller:**

Who is Aboriginal?

**Commissioner Lawrie:**

Yes.

**Sandra Miller:**

Are they all Aboriginal?

**Commissioner Lawrie:**

Queensland is a General Commissioner for children and young people held by an Aboriginal person.

**Sandra Miller:**

Oh, OK.

**Commissioner Lawrie:**

Same as Northern Territory. Nicole Hawks is an Aboriginal woman holding, in the acting role as Northern Territory's Children's Commissioner.

**Sandra Miller:**

Well, 99% of kids in lock up are Aboriginal.

**Commissioner Lawrie:**

Yeah, in in Victoria. As you know, Andrew Jackomoss was the first ever Aboriginal Children's Commissioner. That role is still in place in Victoria, and it is held obviously by an Aboriginal person with the Principal Commissioner being Liana Buchanan.

**Sandra Miller:**

See, I think.

**Commissioner Lawrie:**

South Australia is probably the, with Victoria, where it's an Aboriginal identified Commissioner role.

**Sandra Miller:**

I think there should be a national Commissioner who brings all the states and territories together. You know, the more senior positions that we can hold plus all portfolios, the better the decision making is and results for our families. Just doesn't work otherwise. Again, they've got to be the right people. [redacted – inflammatory evidence].

**Commissioner Lawrie:**

So, with that question in regard to the role that you've had in in government in overlooking the Aboriginal units in regards to vulnerable Aboriginal children and their families. We've heard from you

about leadership. I'm wondering in terms of accountability the importance from your perspective of Aboriginal leadership in holding systems to account for our, for the outcomes required for our Aboriginal children and young people?

**Sandra Miller:**

Well, I think, I hate to say this, but if you're going to play a leadership role in any state, you need to actually come from that state. You need to actually have relationships with people. If you, you know, come from Northern Territory and you put your hand up for a leadership position here in South Australia, you're not going to be received that favourably and you won't have the contacts, you won't have the relationships and, you know, that's your first big battle then and most people don't have time to go around, you know, making themselves known to the community if you don't actually already have that. I think that's probably one of the reasons that sometimes things don't work as well as they should [redacted – inflammatory evidence]. So, it just makes it difficult if you don't have those already built in relationships. Did that answer that question?

**Commissioner Lawrie:**

Yes. Thank you.

**Counsel Assisting:**

Thank you, Sandy, for what's been a very, very enlightening afternoon. Thank you. It was wonderful.

**Sandra Miller:**

Thank you for interviewing me.

**Commissioner Lawrie:**

Thank you.

**END**

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<sup>i</sup> *This evidence was redacted as it may lead to the identification of individuals not related to the Inquiry*

<sup>ii</sup> *This evidence was redacted as it did not add anything to the Inquiry but could have caused offence*