



## OUTLINE OF EXPECTED EVIDENCE OF SHELLEE STRICKLAND (GEGAC)

### DECEMBER HEARINGS 2022 (CHILD PROTECTION)

6 DECEMBER 2022

#### I BACKGROUND

1. I am a Gunaikurnai woman and am the CEO of the Gippsland & East Gippsland Aboriginal Co-operative (**GEGAC**). I have held this position since March 2022.
2. I previously worked as the Executive Family Service/ Health Manager at Wathaurong Aboriginal Cooperative during the COVID-19 pandemic (starting in this role in 2018). I also previously worked as senior Quality and Compliance Manager at the Victorian Aboriginal Health Service, where I helped introduce the first Aboriginal Dental Service get through the National Accreditation Standards.

#### II ABOUT GIPPSLAND & EAST GIPPSLAND ABORIGINAL CO-OPERATIVE

3. GEGAC started in 1972 as the East Gippsland Aboriginal Women's Group, in response to the poor health and housing outcomes for Aboriginal families across the region. In 1975, the group became incorporated as East Gippsland Aboriginal Medical Services Co-operative Limited, and then changed to GEGAC in 1978.
4. GEGAC is located across a number of sites in Bairnsdale and Morwell, and offers a full range of holistic services for Aboriginal people including:
  - (a) Medical
  - (b) Housing
  - (c) Community wellbeing
  - (d) Family support
  - (e) Education
  - (f) Employment
  - (g) Most importantly, a place of cultural connection and representation for all Aboriginal people
5. Our vision, as set out in the GEGAC Strategic Plan (2022-2027) is a self-determining, connected and culturally strong community that is thriving, happy and healthy.
6. Throughout 2021-2022, GEGAC delivered 5,815 GP appointments by our medical team (including 531 Koori Maternity Service appointments), supported 125 local families through Integrated Family Services practitioners, and supported 5 young people through Nungurra crisis accommodation (as well

as 83 supported by the Nungurra outreach program and 45 supported by our Children Youth Homeless program).

### III THE SAFETY OF ABORIGINAL CHILDREN MUST COME FIRST

7. Aboriginal children should be placed in Aboriginal homes, but not at the expense of a child's safety. The safety of children must come first. It is not just about following the Aboriginal Child Placement Principal (**ACPP**). It is about what is in the best interests of the child.
8. There is a lack of understanding from Magistrates and the Department of Families, Fairness and Housing (**DFFH**) about Aboriginal Children in Aboriginal Care (**ACAC**) and the ACPP. This is the biggest issue for me. Strict adherence to the ACPP is leading to adverse outcomes for Aboriginal children, and Magistrates need to understand the dangers of strict adherence to the ACPP where there are concerns for the child's safety. Overall, a lack of appropriate placement options is leading to compromised placement decisions.
9. I understand that for a non-Aboriginal worker, it is a sensitive topic and they want to abide by the ACPP rather than having to face the consequences of deciding not to put the child in Aboriginal care. I understand that – but it is different where you are talking about circumstances where we are involved – as a woman with authority in the community that is speaking with evidence – we must be heard. While s 18 has come a long way, the system still does not listen to Aboriginal people enough. Cultural connection can be achieved through a community of households and programming, not just within one placement/home.
10. In one case, I was involved for a 5-year period working to assist an Aboriginal girl that had suffered abuse. I knew the child was unsafe – but I had no authority. Magistrates don't see us as a credible authority with knowledge of our communities. There is also an issue communicating with child protection. I've had to get solicitors involved to try and get the right language so they understand – it shouldn't be that hard. The system is too often a placement system, instead of a child wellbeing system. We need *many more* appropriate and safe households for better placement options.
11. Sometimes, we need to be brave enough to say that it isn't safe for kids to go home. I have tried to educate Magistrates, as Aboriginal children are being placed in unsafe kinship homes (e.g. where there is an Intervention Order against a family member who attends the home) and are subject to sexual and physical abuse. It happens more often than it should. GEGAC must then advocate on behalf of the children to remove them from the unsafe circumstances which is difficult and time consuming. The children continue to be abused while GEGAC is trying to place them elsewhere. DFFH are bound by the ACPP and do not always have the authority either to ensure safety when children are placed back in an unsafe environment.
12. Magistrates are not getting enough training to understand Aboriginal culture. I've been advocating for years and trying to get a meeting with someone to try and get through how dangerous cultural ignorance is for our community. Something as simple as sitting around to have a yarn amongst Aboriginal community leaders and Magistrates would go a long way for improving cultural understanding.

#### IV LIMITATIONS OF THE CHILD PROTECTION SYSTEM: LEGISLATION, POLICIES, AND FUNDING

13. GEGAC and other Aboriginal organisations are constrained by the legislation, guidelines and policies which are preventing Aboriginal children getting the support they need. For example, the size of Aboriginal Family Preservation and Reunification programming does not match the scale of community need.
14. I want to see Magistrates listening to us, as an authority for our community. We know what is going on in our community as our community disclose information to us. We *are* the authority – we live and breathe community. However, we can't do anything - the Department still acts as the relevant authority.
15. I'm frustrated, as from start to finish, the process doesn't work. Cultural support plans are a good example – while they should happen, they don't move – they are not fluid and responsive to changing circumstances.
16. CCYP only regulates Aboriginal Community Controlled Organisation (**ACCO**) accreditation to provide ACAC services. CCYP doesn't regulate the child protection sector more broadly. In my view, there is a lack of support services available for children with complex needs or trauma.
17. Mandatory reporting is another major problem. The way it's set up is not right. There are instances where family members breach IVO orders which we are required to report. Because we report the breach, the family member takes the anger out on their family and blames them for the report. I have staff who feel horrible because they feel they have caused kids to be hurt by following the mandatory reporting rules.

#### V FUNDING AND SUPPORT FOR ABORIGINAL KINSHIP CARE AND FOSTER CARE

18. Kinship funding is minimal, and taking a child into care is a real financial burden for kinship carers. Foster care payments can be quite significant, but kinship funding is nothing. The Carer Allowance structure for both Kinship and Foster Care is the same – there are five levels of payment. The difference is that Kinship payments are automatically commenced at level one, then if this needs to change because of complexity, then this needs to be *negotiated*. Whereas, with Foster Care payment level is assessed *upon placement*. Therefore, Kinship placements are generally paid at lower rates – despite Aboriginal Kinship placements being complex in nature. The rates range from Level One average \$496.63 per fortnight, to Level Five average \$1739.47 per fortnight. That disparity needs to be reviewed. Similarly, the process to become an accredited foster carer is too difficult. Only 1% of Aboriginal people pass the foster carer accreditation process. The tests are not written for people with low literacy, or with low socioeconomic backgrounds. That process needs to change, to ensure child safety, and become more affordable. On average, it takes 6 months to become an accredited Foster Carer – these are unacceptable barriers to moving Aboriginal Foster Carers into the system.
19. Aboriginal people will not become kinship carers with such minimal financial support given the current cost of living. Even if they wanted to, they cannot afford it. Aboriginal children have a higher likelihood of being on the spectrum, foetal alcohol syndrome, on top of the trauma sustained from being removed from their family. The kinship care payments are insufficient to help kinship carers deal with

these problems. There do exist other funded OoHC programs which may suit Aboriginal placements better, such as the Circle program – but this program is not widely available.

## **VIII ABORIGINAL LEADERSHIP IN CHILD PROTECTION INITIATIVES**

20. Aboriginal organisations should be leading initiatives in child protection. However, this is still led by the Aboriginal Children's Forum (**ACF**). While Aboriginal organisations raise the same issues with ACF, nothing is changing. Whilst the government invests in local governance for Family Violence, Homelessness and Family Services, there is not a *local sector-based local governance mechanism* for Aboriginal OoHC – despite the massive over representation of Aboriginal children in this system.
21. Similarly, while there are regular reviews of DFFH policies (e.g. Wunguruwil Gapgapduir), there are no tangible changes to day-to-day operations being made or felt on the ground.
22. The system is culturally tokenistic. For example, I have to sign off on GEGAC accepting children, even where the child isn't from our country. Each mob is very different – me signing off on this is very culturally tokenistic.

## **IX CHANGE AND REFORM**

23. In order to improve the services available in child protection, I consider that the following urgent changes are needed:
  - (a) cultural training should be provided to Magistrates and judicial officers;
  - (b) the support available for kinship carers should be significantly increased;
  - (c) the process for Aboriginal people to apply to become foster carers should be simplified;
  - (d) GEGAC and other Aboriginal Community Controlled Organisations should be recognised as authorities on matters relevant to our community;
  - (e) cultural support plans should be fluid and respond to changing circumstances;
  - (f) further services provided for children suffering from trauma;
  - (g) the mandatory reporting regime should be reviewed;
  - (h) engagement with child protection should be simplified – it shouldn't require lawyers to draft language to make them understand;
  - (i) local sector-based Aboriginal-led OoHC alliances, where the placement of children can be negotiated, and the goals of the ACF can be enacted; and
  - (j) the scale of appropriate programming (e.g. reunification programming), needs to match the scale of the problem.

**CONFIDENTIAL ATTACHMENT - CASE STUDIES**

