



OUTLINE OF EVIDENCE OF AUNTY RIEO ELLIS (GRANDMOTHERS AGAINST REMOVALS VICTORIA (GMAR VICTORIA))

DECEMBER HEARINGS 2022 (CHILD PROTECTION)

7 DECEMBER 2022

I OVERVIEW & EARLY LIFE

1. I am a Jinaburra/ Bundjulong Elder.
2. My parents were part of the Stolen Generation, and they were always on the move to avoid having their children being taken.
3. I lived out in the bush with mum and dad and my siblings as they were all seasonal workers growing up and felt lucky to live in that life.
4. When my mother passed away in 1977, my sister and I cared for our four younger brothers.
5. That was made possible by having a good case worker at that time which meant keeping our family together.

II ADVOCACY FOR FAMILIIES AND ESTABLISHMENT OF GMAR VICTORIA

6. I have been involved in the Child Protection space for decades.
7. I have informally fostered at least seven children, including four of my brothers. I have also had four children in my care formally through Child Protection.
8. I have worked for decades to help mob and families who were having issues with the Child Protection system. Initially I didn't have a formal name for the help that I provided, I just helped (as we do).
9. The first branch of GMAR was established in NSW in 2014. A meeting with representatives from GMAR NSW occurred to set up a chapter in Victoria, through the advocacy of Lidia Thorpe.
10. I attended that meeting and was involved in the establishment of Grandmothers Against Removals Victoria (**GMAR Victoria**), which was formed in June 2018. GMAR Victoria is a grassroots group of volunteers around Victoria, working to try to advocate for Grandparents' rights and lower the rate of Aboriginal children in out of home care. Ultimately GMAR Victoria wants to stop the forced removal of Aboriginal children, by advocating for and providing support to families.

III WORK OF GMAR VICTORIA

11. GMAR Victoria has volunteers operating out of Bairnsdale, Mildura, Warragal, Warrnambool and metropolitan Melbourne. We are seeking support to travel around to recruit more people and possibly operate out of more locations.
12. GMAR Victoria's work includes:
 - Taking phone calls from parents/family members dealing with Child Protection and helping to talk them through the system and provide information and advice;

- Providing supervision and/or monitoring for children to have contact with parents in the home to ensure the provision of a culturally safe space;
 - Standing with families when the Department wants to come to assess the home;
 - Attending at homes where Child Protection or the police are present, or asking to speak to police and case workers while they are there, talking to them and advocating for families;
 - Supporting families through court processes and writing letters of support;
 - Assisting to ensure children removed from their families maintain a connection with their family and culture, and that re-unification is being pursued as the top priority and with supports in place;
 - Preventative measures such as assisting families to access supports to strengthen their families and help them avoid removal of children; and
 - Walking with families and helping build their confidence and reminding them that they are deserving parents.
13. We are well known in Community. We take phone calls at all hours. It may take three or four phone calls, but we'll eventually be put in touch. That is the Koori grapevine.
 14. Sometimes Child Protection and the police come in the evening or on weekends. We know of cases where police have arrived at 7am on a Saturday morning and sometimes at 11pm to remove children. Where we can, we travel to the family's home to help, or otherwise provide advice over the phone, and meet up to provide support later. I'm sometimes put on the phone to the case worker or police while they are there.
 15. We also attend court hearings relating to Child Protection to support families and advocate for them, when we are allowed to do so.
 16. We are effective in working with families because we keep it real. We can say "*I am not the Department*" when it comes to the parents and children. When we're talking to parents about relapsing, we don't always believe what we're being told at first, but we can say, "*don't bullshit me, I'm your Auntie, you've got to tell me the truth. I'm here to help you and not anyone else Darling*".
 17. If we can get there as soon as possible, we can understand what is really going on, build them up, and help keep that family together.
 18. If a family member relapses, we don't kick them while they're down. We pick them up and support them.

IV PERSPECTIVES ON THE CHILD PROTECTION SYSTEM

Systemic racism

19. I believe the Child Protection system is fundamentally racist.
20. Child Protection (or as I often call them, child removal), interfere in the lives of Aboriginal families, and have no respect for privacy and/or our culture.
21. Aboriginal families should not have child removal or the police going into their homes, opening cupboards, asking questions, without Aboriginal representatives with them.
22. The system does not understand Aboriginal families. Child removal case workers do not make enough of an effort to understand the culture and practices of the families they are dealing with. They judge us because we're Aboriginal, and not following white societal norms for families.
23. It has been going on for years. To us in Community, it's no longer the boogymen under the bed, its child removal.

Caring for children

24. Nobody knows, loves or cares for a child more than their own parents, family and Community.
25. I always say, we (Aboriginal families and communities) have the greatest vested interest in the future of that child.
26. We would never advocate for a situation where a child would be unsafe. We recognise that there are some cases where a child must be removed but endorse that the child be placed with family and/or Community.
27. In a lot of situations though, issues can be addressed with supports and tackling the causes. This can mean families can be kept together.

Aboriginal Child Placement Principles

28. Under the Aboriginal Child Placement Principles, children should only be removed as a last resort. And where children are removed, care should be taken to keep the child with family (including siblings) and within their Community.
29. In practice, we see this is not followed. Children are being removed where it is not a last resort. Children are also going straight to non-Aboriginal care, without considering the possibility of extended family or Community.
30. Sometimes family and Community carers that would like to help are deemed “not suitable”. Other times, children are sent to Aboriginal carers that we know are only suitable for a small amount of time and are only helping to stop those children going into the system i.e. their grandchildren, nieces or nephews.
31. The families and GMAR Victoria are often not consulted about where the children could or should go, including possibly with extended family or other members of Community.
32. GMAR Victoria often has to raise the Aboriginal Child Placement Principles and advocate for these to be adhered to.

Focus on individual children and not the family

33. The Department does not prioritise keeping children with their parents or keeping siblings together when removal does occur.
34. We have seen children removed from their mothers because the mother “has a history” with the Department, or where the mother herself was a victim of domestic abuse. That’s not right. I tell the Department that Australia has a white history, what are you doing about it?
35. Removal from parents already causes trauma for children such as grief and loss. That child only knows one parent. Let’s put supports in place.
36. Keeping siblings together should be a top priority.

Broad discretion

37. Children are being removed because they ‘may’ be subject to harm, in the environment they are in. This is too vague and could apply to almost all children in Australia.
38. 85% of children we work with have been removed on unsubstantiated evidence.
39. Case workers seem to focus on whether there is an “environment” of risk, rather evidence of actual harm or neglect.
40. We have seen concern be raised where a child has dirty feet from playing outside.
41. In one situation, I was on the phone to a case worker where she made a comment to me about there being a pile of clothes on the floor. Aboriginal people are being held to a standard that white people are not held to.
42. Outcomes in Child Protection cases depend on the particular case worker. The case workers are inconsistent - for example, some will take issue with marijuana whilst others will not. A good

outcome is dependent on having an understanding worker, but this is not common (it's like common sense is not common anymore). It is important for case workers to have common sense instead of blindly doing things by the book - we are dealing with human beings.

43. With most Aboriginal families, there is also a very high turnover of case workers. We have seen a case of a three-year-old who has had five different case workers since she was removed at Christmas last year.
44. We see siblings from the same family all get allocated to different case workers. They are not working to keep the siblings together. There is no consistency in decision making or actions that could impact the children and family as a whole.
45. Siblings with different case workers also then have varying access to their parents, based on the discretion of the individual case worker.

Self-determination

46. Aboriginal Family Led Decision Making is meant to provide a voice for Aboriginal families in relation to Child Protection.
47. However, the decision from the families is often overridden by the Department. What the family wants and suggests is regularly not listened to. This is not true self-determination.
48. Section 18 of the *Children, Youth and Families Act 2005* (Vic) gives power to Aboriginal Controlled Community Organisations to have responsibility for managing children's case plans, but ultimately the Department is still making the decisions, still dictating to Aboriginal Organisations. They may call it walking beside them, but they are still dictating.
49. Parents also do not have input in cultural plans or other decisions being made after a child is removed. Maintaining connection with culture is a requirement of the Aboriginal Child Placement Principles, but this is not being prioritised.
50. Regularly we see no cultural plan in place. Where there is one, it is written by case workers without input from parents or children.
51. Who better to explain how to support a child's culture, than their family?

Impacts on children and families

52. Where children are removed from families, the impact on parents can lead to a life of despair, alcohol, drugs and risky behaviour, sometimes even suicidal ideation.
53. This continues the cycle where children are then removed, sometimes for a long period of time, or even permanently. Often orders for removal will get extended and families cannot oppose it because they can't afford a lawyer. Even when parents jump through all the hoops, often they won't get reunification. What does the Department mean by reunification when they keep moving the goal posts and putting up barriers?
54. We also do not see therapy or counselling being provided for children who are removed. Involvement with Child Protection and removal brings on trauma for children, hence intergenerational trauma.
55. We have seen situations where children are removed and are not getting the care and support they need. It has been reported to us that children with autism are being put in motel rooms on their own in front of the TV without adequate supports, such as touch and sound therapy, and they are removed from their regular routine which they require.

V EFFECTIVE SUPPORT FOR FAMILIES

56. GMAR Victoria offers a number of supports which help keep families together, including:
 - Advocating for families and explaining the Child Protection process;
 - Understanding what resources are available to families and helping them access these resources;

- Helping families to address underlying stressors and other factors contributing to risk that may lead to removal; and
 - Walking with the families, reminding them they are deserving and that their children love them and helping to build their confidence.
57. GMAR Victoria's success in supporting families is partly due to respect for Elders.
58. GMAR Victoria is able to help people access support services and get off drugs and alcohol because they listen to Elders.
59. We see the big picture, understand Community, and are able to assist in a unique way.

VI CHALLENGES ENCOUNTERED BY GMAR VICTORIA

Funding

60. We do not receive any funding from government and are dependent on donations. Funding from government often comes with strings attached and may impact on our independence.
61. Due to the lack of funding, we are limited in the support we can offer to families. Where we can, we like to offer practical support such as travel for parents/families to attend appointments (including fuel, and sometimes car registration costs), food, and the payment of small, occasional bills (e.g. keeping the gas or power on). All we ask in return is for families to come to us if they're feeling down or having a hard time.
62. We cannot typically offer larger support e.g. in getting legal assistance or in regularly paying rent, which may help families to prevent removal.
63. Our operating budget is modest. At our peak, we had approximately \$600/week after getting some independent funding. We no longer have this funding stream. We depend on volunteers to facilitate GMAR Victoria's meetings, including by assisting Elders with travel.
64. We currently have 78 cents to our name, but are still doing what we do, for Community. We are rich in pride and culture, but poor in the bank.

Recognition

65. We face challenges from a lack of "official" recognition for the work we do.
66. When GMAR Victoria attends Court, we need permission from the judge and Department to say anything. Even when the family would like us to.
67. We were once referred to as "agitators" and "protestors" in the court room and told to keep quiet in his room by the Judge.
68. We have previously been told by a Child Protection practitioner that they don't have to talk to GMAR Victoria because "you're not incorporated".
69. We know more about what is going on in a family than the people that are allowed to talk.
70. We would like to have the ability to intervene in court cases without the permission of the Department, where the family wants us to i.e. be made an automatic party to the proceedings as the Department is.
71. We would also like to be notified when an Aboriginal Child Protection case is going to court, in case GMAR Victoria can provide assistance.

Support Services

72. Support services are important in helping families stay together.
73. VACCA runs some fantastic programs, but GMAR Victoria doesn't have power to refer families to them.
74. Only the Department is able to refer to VACCA - even the Victorian Aboriginal Health Service can't refer.

75. VACCA programs rely on referrals from Child Protection - where is the self-determination there?
76. We would like to be able to have the power to refer families to VACCA programs - we have a good understanding of Community and what supports are needed.

VII PRIORITIES FOR THE FUTURE

Funding without strings attached

77. GMAR Victoria offers a lot of support to families with very limited funding. GMAR Victoria could have a much bigger impact with reliable funding.
78. In particular, funding is needed to help provide families with support and also to help families obtain legal assistance to negotiate the Child Protection system. Where families can't access legal assistance this seriously impacts their cases. If there is a decision to adjourn for three months, we don't know the ropes on how to try to get it heard more urgently and/or how to revoke an order.
79. Through not knowing, our kids are being kept away from home.

Background checks

80. We regularly see cases where children are prevented from staying with extended family or Community because of background checks, and not due to contravention of Working with Children policies.
81. The Department requires any person who will take responsibility for a child to have a background check. We often see these rejected because of offences from decades ago that didn't even cause danger to a child.
82. People are being rejected from caring for children because of these background checks, where it would not be an unsafe environment for a child.
83. We saw a case where a baby was living with their aunt for six-months before the child was threatened to be removed because the aunt did not have a Working with Children check. They knew this when they placed the child in her care. The child had not suffered harm or been in danger that entire time. The carer was not supported in getting the background check.
84. GMAR Victoria assisted the carer to get the relevant check so the child could remain with that family.
85. Background checks are being used as a tool by the Department to prevent children staying with family and Community.

Self-determination and Aboriginal consultation

86. Families and Community need to have a voice in terms of what is happening within their families.
87. The Department should be seeking input from parents, family and Community and organisations like GMAR Victoria that have a good understanding of culture and Community.
88. Self-determination needs to be real, which doesn't happen when input from parents or Aboriginal organisations is ignored, and the Department ultimately makes all decisions.
89. Court rooms where Aboriginal Child Protection cases are being decided also need to be made culturally safe and appropriate.
90. Things like having the judge sit with us, not up high, equalises the mob in the room and takes away the fear of being judged.
91. I have attended Marram-Ngala Ganbu at the Broadmeadows Children Court with a family. The Magistrate listened to what GMAR Victoria had to say. Our families have had good results there.

Support for families

92. When children are removed and taken into out of home care, carers receive significant support including funding, housing and cars. This same support is not provided to the families, to keep them together.
93. We at GMAR Victoria believe we should be providing support to the parents, to keep the family together.
94. Removal is often poverty and oppression driven, and associated with drugs, alcohol and family violence. Things like not being able to pay the bills is also contributing.
95. Proper supports and early intervention could be instrumental in preventing removals.
96. Parents may be self-medicating through drugs and alcohol because something is wrong - that is a medical issue. When Child Protection gets a notification, they should be asking: "*what can we do to support the family?*".
97. If we can address issues at the root with support programs, we can prevent the need for removals.
98. We at GMAR Victoria believe it takes a village to raise a child, so we are trying to bring that back, like we used to do years ago.