

OUTLINE OF EVIDENCE OF SISSY EILEEN AUSTIN

FEBRUARY HEARINGS 2023 (CHILD PROTECTION)

2 MARCH 2023

I BACKGROUND

- 1. My name is Sissy Eileen Austin and I am a proud Gunditjmara woman.
- 2. I live in Ballarat, Victoria.
- In this outline, I share with Yoorrook my experiences with and perspectives on, the Child Protection system.

II MY FATHER'S EXPERIENCE AS A MEMBER OF THE STOLEN GENERATIONS

- 4. My dad, Neville Austin, is a member of the Stolen Generations. He was removed at 15 months old from the hospital as a baby. He was in foster care and orphanages for around 15 or 16 years, including St Gabriel's Babies' Home, Alambie Orphanage, Blackburn South Cottages, The Gables Orphanage and failed foster placements.
- 5. We have grown up knowing Dad's story. I don't want to tell his story, it's his to tell, but I'll say a bit about my own memories of some of the key things that happened during my lifetime.
- 6. As I was growing up, Dad wanted to access and organise all the records he could get a hold of, to try to piece together his family's story. His files became so big. He told us to always keep records.
- 7. He would yarn to us about how being kicked out of the system was almost more painful than being initially removed. He would talk about how blakfullas would be kicked out of the system as quickly as they were taken into it, and then have to navigate Country on their own, making connections.
- 8. He also talked about going to Fitzroy, because that's where the blakfullas are, and that's where you'll find your mob.
- 9. My dad was the first Victorian member of the Stolen Generations to receive a letter of apology from the State Government. When my dad was in the process of suing the State of Victoria, it was such a big thing for us. I was around 15 years old and we were the only Koori kids at the school.
- 10. I remember being on a bus with my sister and hearing the news on the radio about Neville Austin suing the State government and getting a letter of apology. We looked at each other, and said "that's Dad" almost in disbelief. We were proud, but we knew that we wouldn't celebrate it on the bus, we would celebrate at home. I do remember getting bullied at school at about that time, people being racist about Dad.
- 11. A nun at one of the orphanages that Dad was raised at posted him an envelope of photographs from when he was a baby. The nun had kept the photos for years, hoping that she would find him some day.
- 12. Dad was so happy to receive photos of himself as a baby. He framed them and put one side by side with a picture of my younger brother when he was about the same age, because they looked so alike. Dad was so grateful, and we were so proud of him.
- 13. At the time he received the apology, it felt like good change was coming. We would never have thought that his grandchildren would go through a similar experience to him, being removed. We thought that Dad had received a letter of apology, it was in the past, it wouldn't happen to us.
- 14. Now that I have had direct experiences with the same Child Protection & removal systems that my Dad got an apology for his experiences with, it absolutely breaks his heart. There have been many points over the past few years where Dad has shut down and not been able to be there fighting these systems, because it is too hard for him to see Child Protection's involvement in our lives. It really signifies the lack of healing for him.

- 15. Dad also talks about the apology letter being meaningless now. He pursued it for his mum, Eileen Austin. That was his main driver. My nan (Eileen) had a lot of pain because her son was removed.
- 16. As kids, we witnessed the emotional rollercoaster that dad went on when he was suing the State Government. Dad had to go to meetings with psychiatrists all the time. He would come home and be in bed for days. We understood that he was going through something.
- 17. When he got the letter, it was a moment of celebration, but we saw what he went through to get there, that no-one else would have seen.

III MY EXPERIENCE IN BECOMING A CARER FOR TINJANI

Tinjani's removal from her dad

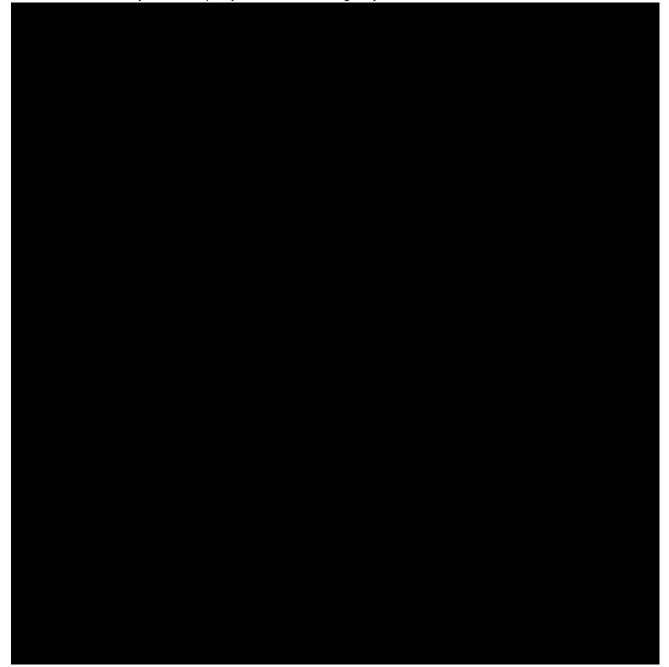
- 18. My younger cousin, Tinjani, was raised by her nan, Aunty Milly. When Aunty Milly passed away, Tinjani was removed from her dad. Tinjani was 8 years old at the time.
- 19. Tinjani's dad had promised Aunty Milly that he wouldn't go back to jail. But he was so broken after Aunty Milly passed away, and Tinjani and her dad were robbed of the opportunity to grieve together when Tinjani was removed. He ended up back in jail.
- 20. Tinjani was removed to a number of different spots. When she was around 13 years old, she eventually ran off from a placement and called us from Southern Cross Station in Melbourne, because the lady who she was placed with had been treating her badly and she had nowhere to go. Tinjani then came to Ballarat, where I began to look after her.
- 21. Child Protection were not overly controlling when it came to Tinjani, atleast at first. They were kind of happy with me looking after her, initially almost unofficially. The Department of Families, Fairness and Housing (**DFFH**) removed the Order for Tinjani, which is what her previous carer wanted. This lessened DFFH's involvement with Tinjani to a certain degree.
- 22. I now know that I was regarded a kinship carer. I wouldn't have even known what kinship care was back then. It was just my cousin living with me, doing what I needed to do. I felt I needed to care for Tinjani particularly because of the love, respect and admiration I had towards her Nanna, Aunty Milly. I felt a responsibility to care for Tinjani, now that Aunty Milly had passed away.
- 23. I eventually got money to help me with caring for Tinjani two years later, but I didn't even know that there were kinship care payments available at the time.
- 24. I was also not invited by DFFH to put myself up as a foster carer.

Challenges with enrolling Tinjani in school

- 25. The hardest thing during that period of time was trying to get Tinjani into school. At the time, we were living in a tiny two-bedroom unit in Ballarat. I was begging for a letter from DFFH to say that Tinjani was with me to help get her enrolled at school. It was a battle, week after week.
- 26. Tinjani was so all over the place at the time. It was such an unsettling time for her.
- 27. Throughout this whole time, Tinjani regularly wrote weekly letters to her dad in jail, but never got any letters back.
- 28. Tinjani eventually got into the school and attended for a week. However, the school realised that the enrolment forms hadn't been done properly, due to Tinjani's placement with us not being formal, and we weren't her official carers, so the school made her temporarily leave.
- 29. To be re-enrolled, Tinjani had to go into a room with all of these people that she didn't know, all adults. They made her sign a legal agreement that she would attend school as an independent student. This meant that Tinjani could sign herself out of school and I would have no idea what was happening with school, or where she was.
- 30. The school never treated me as a guardian. This was all because DFFH wouldn't formalise the placement. At this time, I wasn't getting any payments for caring for Tinjani.
- 31. I remember at one point sitting around with some Aunties, trying to work out how to navigate these Government systems. Someone recommended that we go to Centrelink and get Tinjani signed up, with me on the forms. I was 21 at the time. I remember we were sitting in the waiting room at Centrelink with a white worker, who was the kinship worker at the local ACCO. He knew the situation we were in. He said some inappropriate things about an Uncle in community, about blackface not being actually racist. Tinjani burst into tears and walked out, and the Centrelink thing went out the door. That was a full day of a failed attempt just to get Tinjani into school.

Mistakes in Case Plan for Tinjani

- 32. When we finally got Tinjani's stuff sorted, we received a really gammin Case Plan. An extract from this Case Plan is at Attachment 1.
- 33. The first thing the Plan says is that Tinjani's mob and traditional country is "Currently Not Known".
- 34. All they need to do is look up Tinjani's last name, or talk to Tinjani or me. She knows exactly who she is. It was so offensive to receive that Case Plan in the mail. By this time, Tinjani had probably been in the Child Protection system for 10 plus years and case managed by ACCOs such as VACCA and BADAC.



46. It was a really messed up and stressful time. But Tinjani and I were really bonding as cousins amongst it all. We got a house together, and loved setting it up as our own. We would go op shopping, and we would cope by going to the cemetery to decorate grave, to keep us grounded. We would blast Beyonce's 'Halo' in the car. I was keeping also her connected to her siblings. I would hide the Court dates from her, shielded her from it as much as I could. I didn't let it dominate our lives.

Complaint to DFFH regarding treatment of Tinjani

47. On 10 October 2017, I wrote a letter of complaint to DFFH regarding the treatment of Tinjani within the DFFH system. A copy of this letter is at **Attachment 2**.

48. In this letter, I addressed:

- (a) The fact that DFFH did not speak to Tinjani and ask whether she was okay after a traumatic experience with a carer, which resulted in Alkira and myself breaking into the house and escaping with Tinjani;
- (b) The "failed practices" of DFFH in relation to getting Tinjani back into school, where DFFH "should have been advocating and pushing for Tinjani to be back in school and receiving her education";
- (c) The fact that DFFH did not follow up our requests for Tinjani's birth certificate, assistance with locating and establishing contact with locating and enabling contact with Tinjani's father;
- (d) The lack of communication from any case workers at DFFH with Tinjani at the time that we moved to Daylesford
- (e) The AFLDM meeting that DFFH arranged out of the blue, and the lack of support, preparation and contact that DFFH provided to myself and Tinjani going into this meeting;
- (f) DFFH's failure to follow up on the threats made against Tinjani, although they had advised at a previous AFDLM meeting that they would deal with these threats;
- (g) The fact that Tinjani had been in my care and I had not received any payments or financial support from any government service or agency for her; and
- (h) The fact that DFFH had closed Tinjani's case file, even though this information was not directly communicated to me by DFFH.

49. In this letter, I also stated that:

- (a) "There are multiple instances where the involvement of [DFFH] in the lives of Koorie families and children causes great anxiety and distress"; and
- (b) "There are also many instances where children in out-of-home care need to have their voices heard, they need proper support, and they need DHHS looking out for their safety and wellbeing as top priority"; and
- (c) Tinjani and I are strong, young Gunditjmara women, and that we "will ensure that our voices are heard and that our story is told, in an attempt to ensure that there is no more silencing of Koorie children's voices and experiences in out-of-home care".
- 50. At the end of my letter, I also included a list of questions for DFFH to address regarding the treatment of Tinjani.
- 51. DFFH responded to this letter on 25 October 2017. A copy of this letter is at Attachment 3.
- 52. In their letter, DFFH provided dotpoint responses to most of the topics in my letter.
- 53. I then responded to DFFH's letter with comments on the statements in their letter. A copy of my response to the letter from DFFH is at Attachment 4. In this response:
 - (a) I questioned why information and plans made by DFFH had not been communicated to Tinjani and myself.
 - (b) I pointed out a number of mistakes and untrue statements. For example, I disagreed with DFFH's statement that I had agreed to facilitate and monitor contact between Tinjani and her father upon his release from prison, because I was very hesitant in regards to the safety of this.
 - (c) I pointed out that carer payments were only progressed for Tinjani nearly 10 months after she was in my care.
 - (d) I pointed out that DFFH had no involvement in enrolling Tinjani in school. Although they eventually wrote a support letter for Tinjani to enrol in school, it was extremely delayed. Tinjani was only allowed back into school as a result of obtaining a lawyer and Tinjani signing as an independent student.
 - (e) I stated that the dates of conversations between myself, Tinjani and a Child Protection practitioner that DFFH had mentioned were remarkably inconsistent and false.
 - (f) I pointed out that DFFH had not responded to each of the questions I had asked at the end of my letter.

- (g) I pointed out that DFFH had ignored some very important sections of my letter, including:
 - (i) The significant trepidation, stress and overwhelming emotional weight on my shoulders going into the AFLDM meeting with Tinjani, none of which Tinjani's caseworker had any knowledge of due to there being no contact or relationship built prior to the AFLDM meeting; and
 - (ii) The fact that I disagreed with the contents of the Case Plan for Tinjani, which stated that Tinjani's traditional country was unknown.



Tinjani's request for help with finding her siblings at Aboriginal Justice Forum meeting

- 62. There was an Aboriginal Justice Forum meeting that I went to in Ballarat. Tinjani was there because I was there. She came after school with all the other Koori kids it's a good opportunity to see mob. She was about 16 years old at the time.
- 63. When they were doing the questions at the end of the Forum, Tinjani got the microphone and asked if anyone could help her find out where her siblings were. It was heartbreaking.
- 64. We had tried to locate Tinjani's siblings, but couldn't get anywhere so here she was, at a public forum on a microphone begging for help. It took so much courage.
- 65. Andrew Jackomos, who was the Commissioner at the time, sat down with us afterwards and said that he would help us find Tinjani's siblings. Tinjani told him her siblings' names and dates of birth, which she knew off by heart. But we never heard from anyone again. It was so disappointing for her.

Connections with Tinjani's siblings following carnival

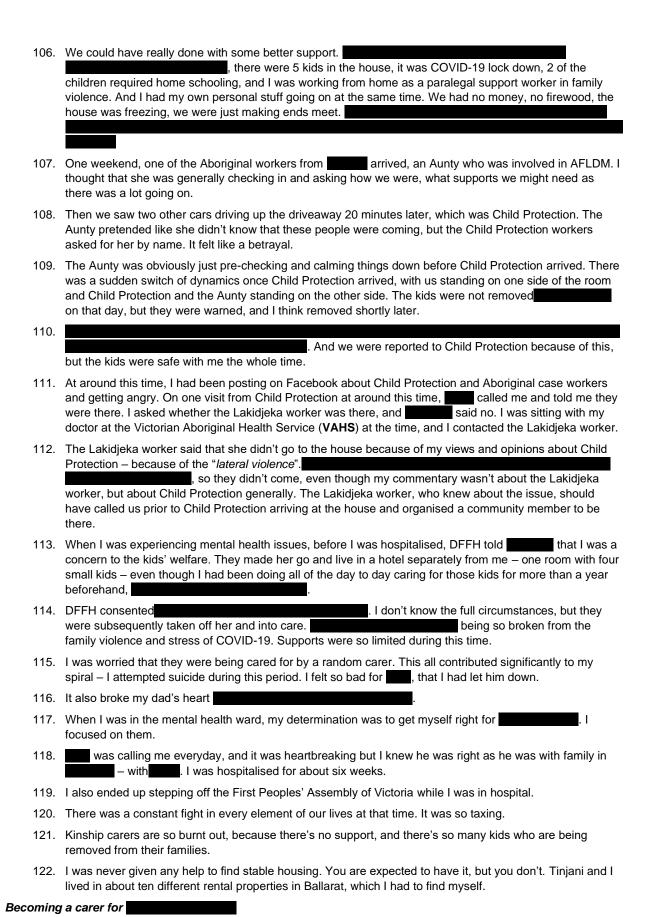
- 66. I remember that Tinjani was once at a community football and netball carnival, where she was introduced to the resiblings unexpectedly. It was a shock. She came home and cried after that.
- 67. Me and my sister decided we were going to have to take it upon ourselves to track down and stay connected with the carers for Tinjani's siblings. We set up a group on Facebook

 It has been really successful, there are lots of discussions where we support each other, share cultural knowledge and information regarding First Peoples events and the kids' day to day lives. It's helpful for those carers who aren't in community to keep across what's happening.
- 68. The emotions post-sibling contact are heartbreaking. When the siblings are seeing each other, they don't want to leave. We've had to physically drag the kids out of each other's cars. I felt like I never knew the right thing to say, the carers and the kids need more help about to manage these emotions.

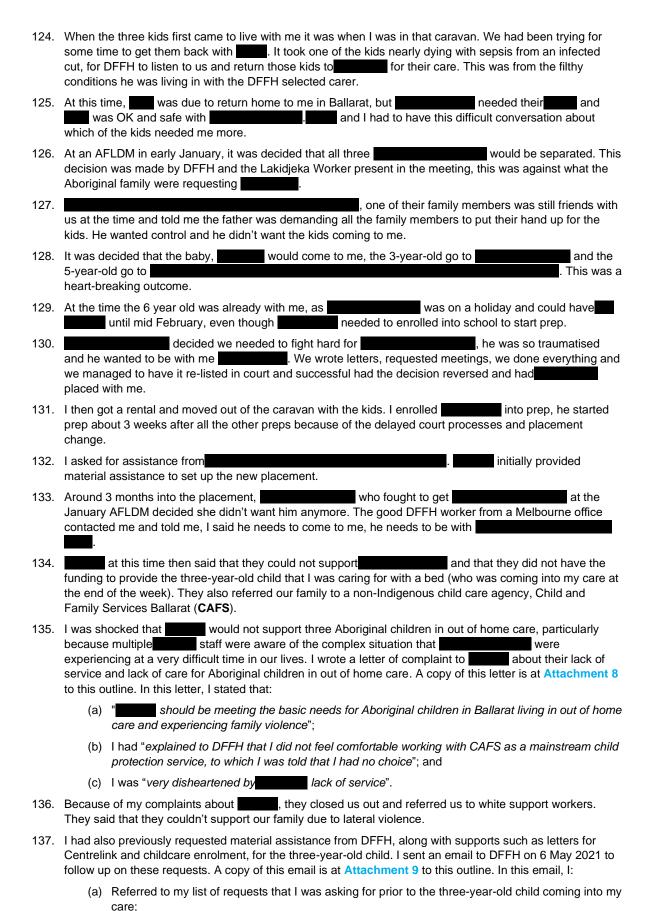
Disparity I	between foster care and kinship care arrangements
74.	were on the highest carer payments when were looking after them, but these higher-level payments stopped when they came into my care. We were put on the base rate. were baffled by this. They had been getting all of these things, such as however, once they were in kinship care with me, DFFH said that he didn't need it anymore.
75.	was also on the waiting list to get assessed. When was 9 years old, we complained to DFFH and VACCA about the delay in having him assessed, which we had been requesting repeatedly. A copy of this letter of complaint is at Attachment 5 to this outline. As we wrote in this letter:
	(a) "Vital time has now been lost for [in regards to having access to supports that could have been provided for him if he had had an assessment and diagnosis" earlier on;
	(b) "missed out on early intervention and much needed therapeutic care in regards to that would have assisted him with techniques to help him manage, navigate, adjust and process all of the changes he has been through"; and
	(c) The lack of assessment and support for was "bordering on a Human Rights issue".
76.	, has started high school this year and he still hasn't been assessed.
77.	When the kids were staying with properties of their adult daughter (who was around 20 years old) to move out so that bedroom.
78.	I felt disrespected by the workers involved in case. I had to be assessed to become carer, and it took a long time for DFFH and VACCA to provide me with updates about whether could be placed in my care. I had to travel to Preston as part of this process and sit in a room, notwithstanding that by this time I had been successfully caring for Tinjani for more than 5 years, and on weekends for several years. I remember crying all the way home after that assessment – they made me feel like I didn't have the capacity to care for him. They kept hammering that I was going to have 10 years of DFFH in my life, how did I feel about that?
79.	I played Briggs' version of 'The Children Came Back' all the way home to try to maintain my motivation. When I got home Tinjani had cleared out the spare room and decorated it all for the was so beautiful. In the moment I knew what I was fighting for was right. I still don't know how she got the heavy things out to the shed.
80.	I wrote a letter to DFFH and VACCA about how distressed was about not knowing where he was going to live and and requested urgent assistance in regards to kinship care arrangements for him. A copy of this letter is at Attachment 6 . As carers, we all felt very anxious about
81.	On one occasion, when had been staying with myself and Tinjani for six days, picked up. refused to leave and was crying in front of us, asking why had to explain to that I had to have an assessment for to be allowed to live with myself and Tinjani.

82.		ded up living with me in Ballarat. But I was not impressed with the communication from DFFH and As I stated in the letter at Attachment 6, it was confusing and degrading.
83.	from DF	tter at Attachment 5 to this outline, I also complained about the lack of support that we received FH and VACCA when were in kinship care placements with and I, g the lack of case-workers in the communities where we lived with the children. In the letter, I stated
	(a)	had been in their kinship placements for 12 months, and "[t]hroughout the duration of the 12 month period there ha[d] been no support";
	(b)	"The children's files have not been transferred to their regions, meaning no support has been able to be accessed";
	(c)	"There ha[d] been extensive excuses made for why the children's files have not yet been transferred", which had "created stress and frustration and resulted in two un-supported kinship placements"; and
	(d)	"VACCA had attempted to case-manage the children from a-far and this did not provide the support needed to ensure a supported/thriving placement".
84.		ember 2019, VACCA also closed files and advised that we would receive a all from new workers later that on that week. We didn't receive any phone calls.
Caring arr	rangeme	nts for
85.		got moved to really quietly. We were really frustrated about that. He was in b, but then he was moved to this really white town.
86.	We real	y like the white carers for, and they have turned out to be really good. They want to learn to be connected to culture. They are in our Facebook group.
87.	They en	ded up driving down once a week to keep him connected. They try really hard to learn culture and are often leaning on us for that. There are no issues with them, they are
88.	They are	e sometimes shocked when things happen easier for them as carers than it is for us. For example, got a passport whereas has struggled.
89.		and he is in their permanent care after consultation with a l.
	experien	ce with carers
90.	really ra	white carers, who I have found to be cist. has been with them for around three years.
91.		
92.	These c	arers:
	(a)	Refuse to bring to community events like carnivals, because they say that bringing around those people is overwhelming. When they do come to the carnivals, they force the kids to get a group photo. If you look at these photos, it's heartbreaking.
	(b)	Act like they do not want anymore, but at the same time won't even let us see for a weekend. They are so controlling – always book the closest accommodation possible, so that they can be on hand when we see
	(c)	Have previously raised another Aboriginal child, They've raised him in a way where he doesn't "want" to be Aboriginal. They tell us not to talk to him about his Aboriginality. This child is really racist to
	(d)	Have previously raised another child, who has spoken out to us about how these women treated her. For example, they constantly introduced her to others as having foetal alcohol syndrome disorder. I understand that they have hit her as well.
	(e)	Have sent me concerning messages on Facebook,

	was equally as concerned about these messages. A copy of an email that I sent to staff members at DFFH and VACCA about messages that one of carers had been sending me is at Attachment 7.
	(f) Have previously had a child in their care that called 000 alleging she had been assaulted by them. Child Protection have told us that the child is lying and they have no concerns for safety.
93.	It's draining because and I are so committed to keeping these kids connected with family and culture, we put ourselves through seeing these carers, but some of them say the most racist things.
94.	We have complained so many times to Child Protection about these particular carers, but they just do not care. There'd be so many meeting minutes where we raise these things. For example, a picnic was once organised at the kept running off. One of the two carers, who thought we couldn't see her at the time, gave the biggest smack. It was really aggressive. We complained to DFFH, and they just said that they would talk to the carers about their "no smacking" policy.
95.	
96.	We were told that they would advertise interstate for a carer, because they couldn't find anyone willing to care for in Victoria. They have asked us whether could take could take they won't even give us support for the other children, like the assessment that is still waiting for. We don't know how we'd support without support for .
97.	Child Protection were asking again three weeks ago about whether anyone could look after said that they needed to know within three days, because they were about to do a de-identified campaign looking for a carer, or otherwise move interstate.
98.	These two white carers also told me to join a closed group on Facebook called There are so many white carers in that group complaining that they're not getting any help from VACCA. They are getting Aboriginal kids and saying, "What can I do with our Aboriginal child today?"
99.	They also run down our mothers, such as by criticising how they're dressed at Court.
Mistakes	n cultural plan for
100.	We received a book from VACCA in the mail for which had his family tree completely wrong. Even knew it was wrong, and he was 10 years old. VACCA appeared to me to have googled culture, we have no idea how they pulled it together.
Other con	pplaints regarding treatment of
101.	and I were never invited to any of the Children's Court proceedings about unsuccessfully begged for:
102.	When and I have gone to gatherings of the second part of the second pa
V PEI	RSONAL IMPACTS OF BECOMING A CARER (INCLUDING FOR
103.	This next part of the story is also quite hard to share, but I have spoken publicly about it before, because it's important.
104.	When Tinjani was around 18 or 19 years old and living independently by this time, I had a mental breakdown. Who I had been caring for, He was removed from me because of my mental health, but he was already with for the school holidays.
105.	This was during a pretty rough time, all during COVID-19 lockdown. There was a massive breakdown in every angle of our lives. There were so many of our kids being removed. The Djab Wurrung trees had just been cut down.



123. I lost my house during the hospitalisation, I couldn't pay the rent. My community bought me a caravan through a Gofundme.



- (b) Stated that I was strong in that I did not want to do this backwards as has always been done previously, where you have the child placed in your care and have to beg for what you need afterwards;
- (c) Noted that the only request that DFFH had been completed by that time was the enrolment for this child at an Aboriginal community-owned childcare service; and
- (d) Referred to statement that they did not have funding to purchase a bed for this child.

Unsafe changeover arrangements

138.	While I was looking after	kids, I had to deal with	children being force	d to re-connect
	with their violent father. The	he last time that they had seen him, he ha	ad been bashing	. That was the
	hardest part.			

139.	The eldest child (five years old) would particularly always talk about "that night" when his father was	
	assaulting whilst had her newborn daughter in her arms.	would
	repeatedly tell me and people he trusts that he tried really hard to "get dad off mum to save mum and	1
	. This would always break my heart every time would bring it up.	

- 140. While I was looking after **Exercise**, Child Protection was insisting on the kids being connected to their father, who they didn't want to see. Ballarat Child Protection explained to me that they had to see their father and that the visits would be supervised by either the department or a selected family or friend (selected by the father).
- 141. Ballarat Child Protection were arranging changeovers for the kids to go to their father, and they were at one point physically forcing a 2-, 4- and 6-year-old into the Child Protection car outside the Police Station and outside my house. The Child Protection workers actually pinned them down in their car seats to force them to see their dad.
- 142. It was incredibly confusing for them as they were terrified of their father and the people who were claiming to protect them, including me, were forcing them to do something they did not want to do. The two boys who could verbalise their wants made it so clear.
- 143. I ended up having to encourage them to see their father, in an attempt to ease their hurt, pain and anxiety. I hated it but I felt it was the only thing that might ease their distress.
- 144. During lockdown, they had been making the kids go into the Child Protection office to do Zoom calls with their father, but they had to stop it because the 6-year-old child was so stressed and angry about being forced to do it, he was acting up with the Child Protection workers. When the kids were staying with me, I had to repair so many smashed windows because one of the kids did not want to be forced to visit their father. I had a worker from one of the organisations come to see what it's like when the kids came home from a visit with their dad, holes in walls and windows smashed.
- 145. At this point, Child Protection said to me that the 6 year old child had become a safety concern to their staff so they're now going to give him the option to attend visits. The 6 year old would either tell me or his school principal (who he loved) if he wanted to go or not, from this point on he said no every single time until the other kids started coming home with presents.
- 146. Eventually, they changed their attitude when their father started bringing presents to every catch-up. Then the kids wanted to see him.
- 147. Child Protection was making me do the changeover for the kids all through this period, even though I had a current Intervention Order on the children's father, who ran at me with a knife one of the nights I went down to rescue her and the children.
- 148. I had meetings with Ballarat Child Protection about this. I was saying to Child Protection that it wasn't safe for me to do the changeover because of the father's violent behaviour and other family members. Child Protection told me that there was no-one else available to do the changeover, and I just had to do it. They even suggested that I leave the children alone in the foyer at the Police Station. I felt like I was being coldly dismissed by workers who had absolutely no idea what it was like to walk in my shoes.
- 149. One time I refused to meet the father and his family to get the children, this was after hours and was supposed to have been organised by DFFH. The father ended up dropping the children off at Ballarat police station and I got a call from after hours Child Protection telling me the kids were at the police station.
- 150. It was absolutely exhausting. At one point a worker told me that the wellbeing of the children is the priority over my concerns regarding my safety.
- 151. Out of desperation, I reached out to The Orange Door in Ballarat. My support worker at The Orange Door wrote a good letter for me about Child Protection putting my mental health at risk by making me do the

changeovers, but they just did not listen. A copy of this letter is at Attachment 10 and a copy of the email from my support worker to DFFH staff is at Attachment 11. The letter stated that:

- (a) I was "at risk of harm" and "this risk is likely to be increased with any exposure" to the children's father that being exposed to the children's father at changeovers exposed me to the risk of harm;
- (b) Visitations with the children's father occurring out the front of my home were of particular concern to me, because of the risk of my address being disclosed to the children's father;
- (c) Based on my support worker's professional opinion and the significant history of family violence that I have been exposed to or been a survivor of, any exposure or contact with the children's father is "likely to be a triggering event and harmful to [my] emotional health and wellbeing";
- (d) This "undue stress impacts [my] role as primary care giver" to the children; and
- (e) My support worker strongly supported my request not to be involved in supervised visitations, where Child Protection had "sole responsibility" to facilitate and supervise visits with the children under the conditions of the order.
- 152. Aunty Rieo Ellis from Grandmothers Against Removals Victoria (GMAR Victoria), who was helping me during this time, also absolutely ripped Child Protection and told them that I was not going to the changeover.
- 153. At this point I had GMAR Victoria, the head of the Family Violence Unit at Ballarat Police, The Orange Door, CAFS all advocating for myself with regards to these visits with the father and his ongoing abuse via the child protection system. I remember them verbalising what I was feeling and experiencing perfectly. But still Child Protection Ballarat did not listen and kept repeating that this contact was court ordered.
- 154. I also told Child Protection that the kids shouldn't be going to their father for a start, but we didn't get a choice.
- 155. I ended up having to bring support people with me every time for the changeovers.
- 156. There was also a lot of uncertainty about whether changeovers or contact would happen each week. I would often not find out whether the children were having contact with their father until the last minute. This made the children incredibly distressed and affected their emotional wellbeing. It had a significant impact on the children and the placement.
- 157. I raised my concerns about the lack of communication about whether contact was occurring with DFFH many times. A copy of an email chain where I made complaints to DFFH about the lack of communication and unsafe contact arrangements is at Attachment 12.
- 158. The kids are just voiceless and so are the carers.

DFFH's ongoing insistence on maintaining connection between and their father 159. I sent to the kindergarten, so that they could participate in the cultural programs.

- 160. However, DFFH were able to go and pick the kids up from the kinder and take them to go see their dad, without letting me (their carer) know. I wouldn't find out until I'd awkwardly get there.
- 161. The kinder weren't allowed to call me to tell me that this was happening, and they were really sorry about this. I would try to yarn to the kids about what was happening daily, it was traumatising for the kids not to know who was picking them up. The kids would say that I'd tricked them, by dropping them off and not picking them up.
- 162. The school principal of would attend care team meetings and advocate strongly on behalf. She would talk about the difference in behaviour throughout the day when he knew he was seeing his father after school.
- 163. The school principal went above and beyond to support myself and the kids. The school was safe place.

Respite Care

- 164. As the placement progressed, I requested for respite, I was told that the respite carers needed to be approved by both the children's mother and father.
- 165. It is of my opinion, that the father continued perpetrating family violence towards myself through consistently rejecting family, friends and community members who were putting themselves forward to provide respite care.
- 166. For example, there was one week where I started feeling highly burnt out, not because of the kids or work but because of Child Protection. I needed a rest and advised that Tinjani had offered to have the boys for

- the weekend and baby girl would stay with me. DFFH put this to the father and he said he didn't want his children around Tinjani.
- 167. It got to the point where I just gave up with regards to respite, I had absolutely no respite carers due to the father's behaviour and you get to a point where you have to pick and choose your battles.
- 168. I really don't think the violent father should be able to dictate who provides respite though.

Transitioning back into her care

- 169. I cared for for around 14 months while
- 170. Once was clean and got going again, we would take the kids into rehab to visit her and she would come and stay with us on weekend visits. She had put us through a lot, although it was because of her trauma and I loved seeing her heal and seeing the beautiful fighting Gunditimara woman she was again.
- 171. What we did was incredible. We had a plan where we'd have move into my home once she was discharged from rehab. We made sure it was a slow transition for everyone.
- 172. She slowly transitioned back into the 'mum' role again. I let her have her bad days, and our parenting styles were different but we made it work through open communication and an understanding of what we had both been through.

Allegations of abuse

- 173. Around a month into moving in with me and the kids, the abusive father was very angry at our success and strength. He reported to DFFH that I was abusing the children.
- 174. On a weekend visit, he took pictures of small cuts and bruises on the children's bodies and sent them to DFFH the following Monday. I received a call at around 3pm and DFFH advised me about the report and then proceeded to tell me that they had already attended the children's school and kinder, where they made the children undress to view the cuts and bruises.
- and I were horrified. We asked Ballarat DFFH if Lakidjeka were present and they said no. They said that they tried to get onto Lakidjeka but they didn't answer their phones. It's moments like these, where DFFH selfishly rob the children of their safe places in their kinder and their school.
- 176. The children then explained to _____ and I that their father told them that they had to tell DFFH that I was hitting them. The 6 year old said he was really sorry that he broke dad's promise not to tell anyone that. The 6 year old told _____ and I that his father had made him and the younger kids sit in the bath until it was cold, talking to them about "saying ______ hits _____".
 - 177. Following this incident and I requested an urgent meeting, which Aunty Rieo attended as well as all of our support people. The police officers from the family violence unit also attended, as they had begun assisting with advocacy around how violent this man is and exaggerating his criminal record and offending particularly around family violence.
 - 178. We again expressed that the father was using the system to further perpetrate family violence and Child Protection should have considered that before acting in a way that was traumatising, shameful and scary for the children.
 - 179. We also questioned what made it so incredibly urgent to act without having gotten onto the Lakidjeka worker. The Lakidjeka worker attended this meeting and sat muted with their camera off the whole meeting, while our GMAR volunteer done all the advocacy.
 - 180.DFFH didn't take the father's reports any further after we had a successful meeting with all of our supports. This doesn't take away the emotional exhaustion of yet another event such as this though.
 - 181. It hurt so deeply to be accused of hurting the children that I love.

Return of back into her care

- 182. Even though we were happy, Child Protection weren't happy with us all being in my little two bedroom house, with sleeping on the couch. They imposed a requirement that we get a three-bedroom house by a particular court date.
- 183. DFFH doubted our ability, it was almost like they set us up to fail, but the ancestors and Bunjil helped us, and we got a three-bedroom house just before the court date.
- 184. I had to let go of my deadly little house. We sacrificed all for the kids and all with the vision to have Child Protection out of our lives.
- 185. Aunty Rieo organised a crew of cleaners and helpers to come up from and helped make it smoother, because we were on such a tight timeframe. We moved in and only had a day to set up the

- house, because court was going to be in two days. We needed help to put the bunk beds back together and tick the boxes for DFFH.
- 186. DFFH were so shocked that we got the three-bedroom house. But they didn't congratulate us. They came and did an inspection the day before court, and they asked, "Where's the washing machine?" We needed a new frontloader, to fit in the house. But it was like, "Are you serious?" to even raise that. We had just moved houses with three small kids, in next to no time, and it was overwhelming with some out of rehab and into the world. It was reflective of DFFH being shocked that we'd actually done it, and needing to find something to criticise.
- 187. We had to take a gamble that moving would actually help get the kids back anyway. We had to take the gamble and move into a house that was so expensive. We could only afford to stay there for about four months, but the real estate agents were really understanding, and they were trying hard to help us get a house with the right number of rooms. We did the transition and then transitioned out of that house.
- 188. wrote to DFFH about the pressure and what they had put on her since she got out of rehab, and not congratulating her for getting out of rehab.
- 190. We celebrated this moment with the kids, we bought pizza and went and ate it beside the creek.
- 191. I continued living with and the kids for around 6 months until we decided that it was time for us to part ways physically. We moved into our own houses. It was good timing though and now I am back to just
- The kids will still fearlessly say they have two mums, and me. One time at the school gate when I picked up and me. One time at the school
- 193. now has all of her kids back in her care, but is still struggling with ongoing family violence from the children's father.

Personal impacts of kinship care arrangements

- 194. Fighting these systems for more than 10 years, all throughout my 20s, has taken a massive toll. There are all of these battles that seem small, that send you into a mental breakdown. I had a breakdown, I truly believe that the children being removed from spiralled her mental health and substance misuse which then led to other issues.
- 195. I would not be where I am today without the sistership of being the other Indigenous carer throughout all of these years. We've probably attended hundreds of DFFH meetings together, spent hours and hours on the phone to support one another, providing guidance and love. We do it because we love these kids so deeply.
- 196. and I have been like a tag-team, when one falls down the other stands up.
- 197. Caring for Tinjani and for so many years has been a massive weight. Now, for the first time in my whole 20s, I no longer have Child Protection involvement in my life. I'm so passionate about mob stepping up and assuming carer roles, but it is just so hard.
- 198. I'm now trying to do everything I can to wrap as much support and love as I can around the kids that I cared for. Kinship carers have to know that they won't get any support from DFFH. I will always say to anyone who's thinking about being a kinship carer, you've got to tell yourself a million times over that you're not going to get support. That took me nine years to learn. The main thing is to mobilise the mob and to make sure that they know how everything is going.

VI TINJANI BECOMING A CARER

- 200. We decided to take matters into our own hands this time round, we've learnt this very well by now. We moved the children to where they needed to be and then we advised DFFH.

- 201. Tinjani got so determined to get them when she found out, and wanted the assessment done immediately to have them formally placed in her care. She called DFFH over and over and wrote incredible emails.
- 202. Tinjani is very passionate. She doesn't want these kids to go through the same experience that she had.
- 203. I am so proud of Tinjani, being 21 years old, the exact same age I was when I took her into my care,

 . It's huge.
- 204. I have activated a support network to ensure Tinjani and the kids are supported, although I am no longer a carer, I am Tinjani's biggest cheer leader right now and will not see her burn out like I have burnt out before. I know the warning signs now and I know how to prevent it, I learnt the hard way.

VII COMPLAINTS TO DFFH THROUGHOUT MY EXPERIENCES AS A KINSHIP CARER

- 205. Throughout and my experiences as kinship carers, we have made numerous complaints to DFFH (and VACCA) about its failures and its lack of accountability and follow-up regarding issues including:
 - (a) Arrangements for contact and connection between siblings in out of home care. Sibling connection for children in our care was established due to the groundwork of carers and family members, but this does not excuse the inaction of agencies like VACCA, whose responsibility it is to keep siblings in out of home care connected. Because there were no case workers to assist with the coordination of contact, we had to organise things ad hoc, which did not benefit the children. We wanted more opportunities for the kids to just be together themselves. Sibling contact was also costly, requiring us to drive long distances and often stay overnight.
 - (b) Inadequate responses to family violence issues and the mental health implications associated with this.
 - (c) The practice of assessing carers while they are living in safe houses, and closing files while a child is experiencing family violence.
 - (d) The significant differences between financial and other supports for children in foster care as opposed to children in kinship care. For example, DFFH once refused to provide funding for an outstanding orthodontist bill for Tinjani and for Tinjani's school fees, as DFFH had no budget to assist children in kinship care. However, if Tinjani had been in residential care, then DFFH could have provided the money.
 - (e) The priority and urgency given to keeping Koori children in school.
 - (f) The lack of ongoing and consistent assistance from case workers allocated to children and families. The high change-over of VACCA workers has an impact on Koori children in out of home care. There have been extensive periods of time where no case worker has been assigned to individual children in our care, which makes us feel that the voice of Aboriginal children is undervalued and unheard and that there is no support for Aboriginal carers. There was also no formal handover between case workers, meaning that we were often asked by the new workers for the children to fill in the gaps, which is unprofessional and exhausting.
 - (g) The suitability and cultural safety of placements for individual children. As Aboriginal carers, it is challenging to navigate the social space of being around uneducated and culturally unsafe non-Indigenous carers. We have also consistently found ourselves having to educate non-Indigenous carers in regards to children's culture. This is an added responsibility that has been placed on us due to the lack of support in all areas of the children's placements.
 - (h) The lack of formal handovers between carers when children move between placements. This meant that a lot of unfinished tasks and business was left un-done and unknown to current carers. Many action items (which were recorded in the case plan minutes from AFLDM meetings) were not followed up and completed, including referrals to support organisations, dental and orthodontic work, and documentation such as passports and Medicare cards.
 - (i) The adequacy of case plans and cultural plans for individual children. The cultural plans that we have received for children in our care had incorrectly-documented family trees, or identified that their mob and traditional country was unknown.
 - (j) The mental health and wellbeing of kinship carers themselves.
 - (k) The assumption made by workers at DFFH and other agencies that community members have the ability, energy and time to speak with numerous workers from numerous agencies, particularly workers who we have not met or spoken to before.
 - (I) A general lack of care and advocacy from DFFH for the children that we have looked after.

- 206. When DFFH responded to these complaints, they often:
 - (a) Responded with incorrect or incomplete information;
 - (b) Did not address aspects of our complaints; and/or
 - (c) Were culturally inappropriate, rude and/or condescending to individuals like myself, who are only trying to help and advocate for the rights of Aboriginal children in the system, through no fault of their own.

VIII RECOMMENDATIONS FOR REFORM

207. Based on my experiences with the system, I encourage Yoorrook to consider making the following recommendations for reform:

Contact arrangements between siblings in out of home care

- 208. DFFH and/or VACCA should prepare sibling contact plans for siblings who are in out of home care and there needs to be accountability to someone (e.g. Elders Committee).
- 209. DFFH and VACCA should also be funding travel costs associated with keeping siblings who are in out of home care connected and also funding activities for them to be involved in together.

Funding to support kinship carers

210. Kinship carers need to be properly supported. There should be no different between the funding, resources and assistance provided to Aboriginal carers, and non-Aboriginal carers.

Process of assessing kinship carers

- 211. There needs to a change to the process that kinship carers are put through for assessment by DFFH. The process is racist.
- 212. One of the current questions that they ask is, "What are your views of Child Protection?" They asked me this question when I was doing an assessment for one of the children that came into my care.
- 213. They say, if you've got negative views about Child Protection, then you really need to consider the fact that you'll have Child Protection in your life. They're trying to turn you off taking the kids.
- 214. I want to see a change to make that assessment process safer for black carers.

Attitude of DFFH towards Aboriginal mothers

- 215. I want DFFH to see our mothers as mothers, not as drug addicts or something else. Every single child I have ever cared for loves their mother so deeply.
- 216. I want those that judge our mums for the trauma they're experiencing to get a wake-up call.
- 217. So many kinship carers that I know, DFFH try to get you on side with them and make it an "us" versus "them" situation with the mum.
- 218. I continuously reminded DFFH during the care team meetings that these kids have a mum.

Lack of guidance and education for non-Indigenous carers

- 219. There is a lack of guidance and education for non-Indigenous carers of Aboriginal children.
- 220. Whilst I have had some success in forging really supportive relationships with non-Indigenous carers, it is luck of the draw, and some carers are outright ignorant and racist.

Reliance on 'lateral violence' as a reason for refusing services

- 221. The term 'lateral violence' is thrown around very loosely. I have experienced 'lateral violence' being used as a reason for refusing services to Aboriginal people.
- 222. There need to be some proper yarns about defining lateral violence. The way that organisations like ACCOs can refuse to provide services by alleging lateral violence also needs to change.
- 223. Because Aboriginal people are so silenced in this country, social media is an important space for us to have our voices heard. But when you use social media to criticise ACCOs or their CEOs, they can stop providing services to you.
- 224. You can be up against an ACCO, or a CEO of an ACCO, who have millions to spend on lawyers. Barely any of us in the community have the same access to representation as ACCOs, and they're using money that should be going to our kids to pay law firms to silence blakfullas. So with us mob telling truths, CEOs

- of ACCOs hate that and try to silence us. I don't diss the people themselves, but it's all colonisation and represents the need for healing.
- 225. As an example, I made a complaint to the Victorian Ombudsman in June 2021 about a local ACCO. A copy of the complaint is at Attachment 13 to this outline. I complained about the way that they had treated me and the children in my care In particular, I complained about how the CEO of the local ACCO directed all of their staff to cease contact with me due to comments I had made on social media, and how we were forced to now work with a non-Indigenous child care agency (CAFS).
- 226. After the local ACCO provided a response to the complaint to the Ombudsman, the Ombudsman froze the complaint because they felt that they didn't have a place to investigate lateral violence.

IX ARTICLE ABOUT THE CHILD PROTECTION SYSTEM

- 227. While I was caring for about Child Protection, which was published by Indigenous X. A copy of this article is at Attachment 14.
- 228. It was something I felt I needed to do, to try and understand my deep anger and frustration at the system.
- 229. I would write this piece at the end of long days, once I'd gotten all the children to sleep. It became therapeutic in a way because it provided me with the validation I was desperately seeking.
- 230. The article took a while to write but that was okay. I enjoyed the pace and loved having it there to focus on at the end of the harder days.
- 231. I have had so many carers thanking me once they've read the article, which I think is just so deadly.

X POSITIVE RELATIONSHIPS AND IMPACTS

232.	2. There is a positive side to all of the effort that	and I have put in to keeping these kids connected.
	Even though it has come at our expense, we've trie	d to make sure that the kids don't know about the fight
	that has been going on.	

233.	The kids are connected, and we continue to organise contact amongst ourselves.
234.	Another positive was the consistency we've had from VAHS. The doctors at VAHS
	, and the kids have kept seeing the same doctors. It has been a familiar safe
	space for the kids, and a really important service for me.

- 235. VAHS have done some amazing advocacy for me as well. For example, the paediatrician from VAHS came with me to every meeting with Child Protection.
- 236. Aunty Rieo Ellis of GMAR Victoria has also been our rock,
- 237. I want other kinship carers to know that they're not alone in the fight. I know how much of a lonely road it is for kinship carers.
- 238. If we stick together as families, there is light at the end of the tunnel.

Attachments

Attachment	Title	Status
Attachment 1	Extract from Case Plan for Tinjani Taylor dated 21 July 2017	Part confidential
Attachment 2	Letter of complaint from Sissy Austin to DFFH regarding treatment of Tinjani Taylor dated 10 October 2017	Confidential
Attachment 3	Letter from DFFH to Sissy regarding Tinjani dated 25 October 2017	Confidential
Attachment 4	Responses to letter from DFFH from Sissy Austin (undated)	Confidential
Attachment 5	Letter from Sissy Austin and physical regarding VACCA and DHHS' failure to support Tinjani (undated)	Confidential
Attachment 6	Letter from Sissy Austin requesting urgent assistance regarding kinship placement of dated 27 January 2019	Confidential
Attachment 7	Email from Sissy Austin to DFFH and VACCA red dated 14 October 2019	Confidential
Attachment 8	Letter of complaint from Sissy Austin to dated 19 May 2021	Confidential
Attachment 9	Email from Sissy Austin to DFFH re supports for placement of three- year-old child	Part confidential
Attachment 10	Letter from support worker at The Orange Door dated 2 September 2021	Confidential
Attachment 11	Email from support worker at The Orange Door dated 2 September 2021	Confidential
Attachment 12	Emails from Sissy Austin to DFFH with complaints dated 23 and 30 August 2021	Confidential
Attachment 13	Complaint made by Sissy Austin to Victorian Ombudsman regarding local ACCO (undated)	Confidential
Attachment 14	IndigenousX article entitled "Our Kids Belong With Family": a look into institutional child removal' dated 16 February 2022	Public