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TRANSCRIPT OF DAY 2 – WURREK TYERRANG

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**MS SUE-ANNE HUNTER, Commissioner**  
**DISTINGUISHED PROFESSOR MAGGIE WALTER, Commissioner**  
**PROFESSOR THE HON KEVIN BELL AM KC, Commissioner**

**TUESDAY, 6 DECEMBER 2022 AT 10.01 AM (AEST)**

**DAY 2**

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Yoorrook Justice Commission

  
**LAW IN ORDER**  
Where work flows.

CHAIR: Appearances, please, Counsel?

5 MS FITZGERALD: Fitzgerald, Counsel Assisting.

Ms Cafarella: Good morning, Commissioners. Cafarella on behalf of the State of Victoria.

CHAIR: Thank you, Counsel.

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MS FITZGERALD: Commissioners, I will now call Aunty Glenys Watts. Aunty, can you tell the Commissioners your name, your mob, and where you live?

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AUNTY GLENYS WATTS: My name is Glenys Watts and I'm the daughter of Rita and Tom Watkins, granddaughter of Gwendoline and Les Hudson, who was the daughter of Percy and Lucy Pepper. Lucy was the daughter of William and Lillian Thorpe, and they were Tatungalung, Brataualung, and lived in areas around Bairnsdale. Percy Pepper's parents were Louisa, from Brataualung and Nathaniel Pepper, who was Wotjobaluk. Louisa's mother was Mercawan, from the Brataualung mob and that was around Port Albert and Wilsons Prom area of Gippsland and I currently reside in Gippsland, just out of Bairnsdale. I have come

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down for the day. Thank you for inviting me to do this submission for the Commissioners.

MS FITZGERALD: Aunty, will you repeat the truth declaration after me.

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**<AUNTY GLENYS WATTS, AFFIRMED**

MS FITZGERALD: Thank you. You've prepared an outline of evidence, which you completed yesterday afternoon, are the contents of that statement true and correct?

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AUNTY GLENYS WATTS: Yes.

MS FITZGERALD: You also provided Yoorrook with a copy of two books that were prepared about your ancestors that you will speak about, materials that were produced from a travelling expedition, four videos, and an audio of a radio program. All of those things will also go into evidence and I will tender them all now, Commissioners, because we are going to hear some of that evidence during Aunty Glenys' appearance here today. I tender exhibit 2.1 and following.

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**<EXHIBIT 2.1 BUNDLE OF DOCUMENTS**

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Aunty, you've introduced yourself insofar as you've indicated who your mob are, who you come from, will you introduce yourself and tell us about the current positions that you hold and also about the job you've just recently left with the Aboriginal Engagement Unit of DHHS or DFFH?

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AUNTY GLENYS WATTS: So I am currently a member of three minister appointed boards: the Gunaikurnai Traditional Ownership Land Management Board, and I'm the Chairperson of that, the chairperson of the Gippsland Lakes Coordinating Committee, and I'm on the East Gippsland CMA Board as well. I'm on the board of GLaWAC and I'm on the Elders' Council of GLaWAC as well. I did work for the Department of Human Services for about seven

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years, and that was up until August 2022 this year, and it was in the Dhelk Dia, an Aboriginal led strategy to address family violence based in that Aboriginal Engagement Unit. Thank you.

5 MS FITZGERALD: Now, Aunty, if you will tell us a bit about your ancestors. Firstly, about your great-great-great grandmother and then about the Peppers. It would also be useful to know how you found all of this information - about your journey of finding out about them.

10 AUNTY GLENYS WATTS: So my great-great grandparents lived through the white settlement of Gippsland. The massacres of Aboriginal people, the rounding up like cattle and being put on to missions, then removed through the Half Caste Assimilation Act 1886 and the government policies and procedures of the day. All of these things happened to children and I believe it is still happening today. The policies and removals are still happening.

15 All of this I will talk about as evidence from my great grandparents and from family and I have got the books you mentioned, like, the *'Footprints'* book, that mum and I worked on, which is the archives of Victoria, and *'You Are What You Make Yourself To Be'*, which was Uncle Phillip Pepper's book, my grandmother's brother. I also have another photo there, which is Lucy's family, Lucy Thorpe, and it starts off with William Thorpe, Lucy Thorpe, my  
20 grandmother, Gwendoline, my mum, myself, my children, and my grandchildren, and that breath of life, mum always said, goes on because it's passed down from generation to generation.

25 MS FITZGERALD: Aunty, just so that the Commissioners know the characters in the story you are about to tell, if the Commissioners could be shown that, and perhaps just step through again who everyone is across the top, if you can remember it from memory.

30 AUNTY GLENYS WATTS: It starts off with William Thorpe and he's sitting there with a boomerang in his hand. The next one is my great grandmother, who is Lucy, and her daughter is Gwendoline. She's in that small photo. The next is my mum and myself and then it goes on to my son and two daughters and my great grandchildren who are sitting on mum's knees. I have actually got another two since then as well. But, like I said, the breath of life goes on and it is all around Gippsland.

35 MS FITZGERALD: Thank you, Aunty. I will return that to you at the end of the hearing. Now, can you tell us a bit about what you found out about those - your oldest known relatives, her life, and the children that she had?

40 AUNTY GLENYS WATTS: So, Granny Louisa, her journey started when the so-called big hunts were on for Aboriginal people. Her mother, Mercawan, was raped and that was where the colour changed, apparently, according to her grandson, Phillip Pepper, in his book, *'You Are What You Make Yourself To Be'*. Mercawan was from Port Albert, Wilsons Prom in Gippsland and her and Louise travelled up and down the coast. When they were at Yarram was when Louisa actually lost her mum, who was killed by squatters, and they both had  
45 pellets in them. Louisa still had pellets in her when she was died.

She was then taken in by a doctor, Dr Arbuckle, and she took on his last name. She started to want to look for her own people so she ended up being put on to Ramahyuck mission in Gippsland. Ramahyuck Mission was established in 1862 by Hagenauer, who was a reverend

at the time, he'd come down from Ebenezer, and that site was going to be in Maffra. It was one of three Aboriginal missions established by the Mahovan Missionaries in Victoria.

5 The local farming community opposed the mission being built in that location, so it was moved to near the Avon River near Lake Wellington in Sale. That was where Granny Louisa met and married Nathaniel Pepper from the Wotjobaluk tribe of the Wimmera region because he had come down to actually follow Hagenauer from Ebenezer. The couple had four children, one being my grandfather, Percy Pepper, of grandfather.

10 Granny Louisa and Nathaniel Pepper lived on Ramahyuck Mission. While Nathaniel helped preach the bible at Ramahyuck, Louisa was in charge of the Ramahyuck Orphanage. She was known as the keeper of the Gunai language, was a health and childcare worker for many years. She acted as a nurse and midwife as well for the Gippsland Aboriginal community. She played an important role in holding together family and cultural traditions especially  
15 when this cultural knowledge and language was not allowed to be practiced on the mission.

Granny nursed Nathaniel in bad health until his death around 1877. At some time after Nathaniel's death, Louisa married John "Jack" Connolly and hence she became Louisa Pepper-Connolly and known as Granny Connolly. She had another four children while still at  
20 Ramahyuck. Granny Louisa also remained in charge of the orphanage, which, at times, housed up to 20 children as consumption was taking over, taking a toll on Gunaikurnai people and other Aboriginal people.

25 So in 1886 the government assimilation policy, better known as the Victorian Half Caste Act 1886 had come into effect. It was the Act to provide for the protection and management of Aboriginal natives of Victoria. Granny Louisa's family were caught up in this Act. In 1889, her youngest son, Percy Pepper, was removed from her and the family was - he was sent to an orphanage in Brighton. He was about 11 at the time.

30 MS FITZGERALD: Aunty, just to clarify this timing, at the exact same time that Granny Louisa Connolly, Percy Pepper's mum, was running an orphanage, her own child is removed from her to be taken to an orphanage somewhere else?

35 AUNTY GLENYS WATTS: That's right. He was put into a white orphanage which was in Brighton. It must have been devastating for her to actually have that happen, instead of he being in her care, and especially she had to sign documents to say that he was orphaned or something to that effect, but he wasn't orphaned, she was - actually, she'd given birth to him.

40 So that was pretty hard for us and the family to actually realise what had happened to him in all of that as well. So him being sent off, this was an arrangement in order to educate grandfather Percy Pepper and it was also intended to weaken the kinship ties that he had or what the family had.

45 One year later, after Percy was removed, the rest of the family were exiled as well as mixed blood and the Aboriginal Half Caste Act 1886 forced the rest of the family to move off Ramahyuck Mission into the town of Stratford. So grandfather Percy was at the orphanage for around seven years. My mum used to work for the Aboriginal community, she was working for bars at one stage and the Children's Hospital as an Aboriginal liaison officer, and she said they had to go and stay at that orphanage - stay there for accommodation, and she  
50 said the place had so many bad spirits and vibes in the place that she couldn't stay there.

5 So after that seven years of Percy being in the orphanage, until August 1896, he was then sent to be an apprentice baker in Lake Boga near Swan Hill. He was there for about a year and someone from Gippsland had called in and told him that someone had died back on country, and he decided he was going to run away, so he wanted to reunite with family.

10 This period of time was most traumatic, for Granny Louisa, grandfather Jack, and Granny Louisa tried to keep helping other Aboriginal people. Though her services were very much needed by the Ramahyuck residents and other people. So they were still bringing her back on to Ramahyuck to actually do things as well, because she could speak the five Gunai clan languages, which helped the mainstream community as well to communicate better with the Aboriginal people, as well as her knowledge of understanding the cultural and birthing practices and health and well-being of the community.

15 By discussing and having her traditional cultural stories documented, which also included 'How to Discipline the Young', 'The Waterhole near Seaspray', 'The Massacres of Port Albert, 'Stealing Girls'. Granny Louisa told stories of how men came and stole her and another young girl from their tribes camp at Port Albert, and about how they actually found a white kangaroo, would take them back home. She talked about the *bugheen* man, the clever  
20 bloke (indistinct) of the tribe and how they got him to sing in language and get the one who took the girls away. They sang that bloke right back into the camp and how they would punish him in Gunai law. All of Granny Lucy's stories have been documented in her grandson's book, from Phillip Pepper. That's '*You Are What You Make Yourself To Be*'.

25 Her descendants still have some of the Gunai languages and stories along with tribal life, passed down to the new generations. Granny Louisa was recognised for her contribution to the Gippsland community in a time of adverse policies and the way government policies tried to destroy Aboriginal culture and families.

30 So she was put into the Victorian Honour Roll in 2020. Granny Louisa has already been recognised in the following ways: a stone monument commemorating Louisa Pepper-Connolly has been placed in the main street of Bairnsdale, just outside Coles in the middle nature strip. She's in the '*Encyclopedia of Aboriginal Australia; Aboriginal and Torres Strait Islander history, society and culture*', and also in the online Australian  
35 Women's Register.

40 Granny Louisa's legacy includes history of Aboriginal and European relations in Gippsland and particularly the effect of the policies on individuals, families and communities, reminiscent of traditional lifestyles and customs, and life on Ramahyuck Mission, and we have been able to get some photos of her being on Ramahyuck Mission from different archives as well. So it's those - it's because she was the keeper of languages and oral stories and they have been written down by Uncle Phillip, it sort of has helped our family to actually be able to research more about her. I think it shows the resilience as well of family.

45 Lucy Thorpe then married Percy Pepper in Lake Tyers and they are my great grandparents. So mum and I did work with the PROV, the footsteps, 'The journey of Lucy and Percy Pepper, and we did a travelling expedition and we did the three or four DVDs and also a podcast with the ABC. The idea was so we could get other Aboriginal people to find their stories in the archive, because it does actually put the picture about how they were treated and  
50 exactly what was going on, especially when you read it in their own words because they are

the ones writing the documents and they are writing to government asking permission for everything, virtually. They were virtually living in two worlds.

5 They were living on the outskirts of the two worlds. They weren't allowed to go back on to the mission, and they weren't allowed to be - well, they didn't really fit into white society. They weren't accepted all the time, and the Aboriginal community and their friends and families that were still on Lake Tyers in Lucy's sort of case, they had to get permission to actually go back there all the time.

10 MS FITZGERALD: Aunty, will you describe the huge amount of material that you were able to obtain through the PROV , the Public Records Office of Victoria, can you describe the sort of material you obtained, the letters, who they are from, and the sorts of things that they talk about?

15 AUNTY GLENYS WATTS: The letters were actually asking the government - the government virtually controlled all aspects of their lives, and it is documented in that book, so the requests were about supplies, they were cut off from the government, they were living in a tent and Granny Lucy ended up with tuberculosis, a disease which affected the lungs and had to ask government for handouts via letters.

20 Percy showed a great lot of strength trying to hold the family together and through his kinship ties, a major part of the Gunai life. The fact that they were thrust into western society, and he'd been taken away, he got his family and he wanted to really keep that family together. I think the government, when they were asking questions about rations and clothing and different things, it was always to the government secretaries. There was no leeway for human needs. So in those days, my grandfather also said it was far better to beg than to steal, because he had to virtually ask for things because they were living in tents and everything else.

30 Nothing was hidden in the letters, it was written as if it was written by them and it was sad to read them signing some of the letters that they were half caste, or your servant, or "I'm so sorry to trouble you again." They were strong and proud, but the barriers were there to actually stop them from proceeding.

35 MS FITZGERALD: Aunty, I might play a clip, one of the exhibits in the tender bundle is ABC radio program that was done about your family, and that will be clip 7, and it is, I think, an actor who is reading out one of the letters.

AUNTY GLENYS WATTS: Yes, that's right.

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**<RECORDING PLAYED**

45 AUNTY GLENYS WATTS: I think hearing Percy Pepper actually say that his land had been removed once before and different things. He was actually begging to try to keep the soldier settlement property that he was one of probably only five or six people in Australia, I think it was, that actually received soldier settlement property, and he signed up for World War I in 1917, where he actually went to - did active duty in France.

50 He received some head wounds which were caused by shell blasts. And so - and he'd heard that Lucy wasn't very well back home. So he wanted to actually go back home to look after

her as well. When that happened, I suppose, too, Granny Lucy was so sick, he'd gone back on to Lake Tyers Mission to actually see family up there and she was told he was allowed to actually stay on the mission but the rest of the family weren't allowed to. So the government was controlling where they stayed and what they did.

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So she stayed for a little bit and she decided that she would actually go back down to Koo Wee Rup where the soldier settlement block was and they ended up carrying her out to a boat or a canoe of some sort by stretcher to actually send her back down to Koo Wee Rup. She was only back there probably a month when she actually died and it was during that time that Percy Pepper was arguing or asking for permission to actually keep his block of land, when writing all these letters, to see if he could swap it for a better block. The block was actually known as the swamp at Koo Wee Rup. So it was swamp land.

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So when you think about that, you know, we don't have the same rights as passing down or economic development that non-Indigenous people that got decent land, they have now passed their land over to families and generations, where our generation didn't get that opportunity at all. It was removed, he'd built a house there and everything, and I think he was only on the land for four years and the place was under water for three of those years. So he was trying to grow potatoes as well. So it was pretty low-quality swamp land and I believe he was given this land because he was Aboriginal as well.

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MS FITZGERALD: Aunty, one of the things your witness statement talks about is the fact that community were not allowed to speak language, in particular, on the missions. One of the clips from the video material that your family has put together shows BJ Cruise talking about language. What relative is he of yours?

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AUNTY GLENYS WATTS: BJ Cruise was Aunty Sarah's son and Aunty Sarah was my grandmother's sister and Lucy and Percy's daughter.

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MS FITZGERALD: That's clip 3. If we could play clip 3 which speaks about language.

**<RECORDING PLAYED**

AUNTY GLENYS WATTS: It was on Lake Tyers where that was made.

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MS FITZGERALD: In your witness statement you talk a bit about your own personal memories in the kitchen, remembering family dancing and singing, but then also remembering the shame that came sort of being, you know, enjoying those moments with them. Could you tell the Commissioners about your personal experience?

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AUNTY GLENYS WATTS: Yes. Well, family used to get together and they'd be singing and dancing and even mum would be - get the clapping sticks out and she'd be jumping around and doing little things, and then they all start laughing, or whatever, and then they would be, shame job, you know, because they weren't supposed to be doing anything like that back in those days.

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Uncles would even do a bit of dance and whatever as well and I was saying to some of the Gippslanders the other day that some of the dancers that are in these old home videos, it was a bit different to how, you know - it was really quite different to some of the ways they

actually dance today. So, yes, it was - it was sort of downgrading, that they weren't allowed to speak the language or to actually do their cultural activities as well, not outside of the house.

5 So, yes, Lucy also tried to get - when Lucy died, she asked my grandmother and Auntie Ellis to actually play a hymn on the organ at their house at Koo Wee Rup and while they were playing the hymn she actually died and he tried to get her buried back with her parents up at Lake Tyers and that didn't happen either. They said no, because if she was buried up there, that meant that the whole family would want to go and visit her. So they decided no, she wasn't allowed to be buried at Lake Tyers. So she was buried at Pakenham and at Pakenham, 10 at the moment, Lucy is there, Gwendoline, my grandmother is there, my mum's there, my dad and my uncle. So that's like a little family.

Mum always said she would love to have her taken back up to Lake Tyers because that was where her wish was. I think there was lots of evidence in the '*Footprints*' book where 15 different community people, even a white lady called Mrs Bon, actually asked for permission to try and get her buried up there but the government of the day said no.

MS FITZGERALD: I wanted to talk a little bit about today and your - the evidence you can give about what's still going on today. In your witness statement you talk about ongoing 20 racism in the child protection system. Could you just provide a bit of background for how you are aware of these things and how you've come into contact with the child protection system and then there are some examples which you give in your witness statement which would be great if you would speak to.

25 AUNTY GLENYS WATTS: Elaborate on. So being placed in DHHS, we were in cubicles of four, and four of us were sitting there - three of us were from the engagement - Aboriginal Engagement Unit and I was doing the Dhelk Dja and across from us there were another two pods of four and one right beside us. So it was virtually - this wall, if this was a wall, there was another desk beside me, and what happened is that the child protection workers would 30 actually be talking amongst themselves across the room, either running down the Aboriginal Community Controlled Organisations that they were supposed to be taking - helping because there was a mandate that they were supposed to take over Aboriginal children, and I just felt like it was lateral violence, the way they were talking.

35 Child protection were really rude. They'd talk about some children and they'd be talking to youth and I used to cringe at my desk thinking, you know, this isn't right, you've got to talk to them at least like human beings and have some respect and dignity when you're talking to them because they are already traumatised by being taken away and they were talking down to them. They didn't really - so, in the end, I ended up putting in a complaint. I thought it was 40 really bad for them to be doing that sort of thing.

I put in a complaint to management and my manager actually then got all of the child protection managers in so that they could talk about what was happening. I did mention it to 45 somebody else in the room, in that office, who was right up the front near reception and they said, "Yes. We hear it all the time too, we think it's disgusting", and one of them said that she'd actually put in a complaint as well. So management did get us - all the Aboriginal team coming in. When we were in there, I didn't have to say boo.

50 One of the other girls, her father had been removed as a child as well, and she actually let everything go and she just said, "It makes me really feel sick because this is how they are



treated, this must have happened to my father as well", and she felt really upset and the guy that was in that pod as well he said exactly the same. He said they just didn't know how to shut them up.

5 In the end, I started saying to them, "Will you please not talk over the top of my pod because I'm working and you've got - you know, you should be being respectful to me as well." After that, COVID sort of hit and we were all told to work at home for two years, or I was at home for two years. So I didn't really know whether anything had been put into practice. I know  
10 when I was in the office, before COVID hit, one of the women walked past and said, "Oh, we are going to the union about this", and I said, "All you have to do is be respectful and go into another room or treat people like humans", I said to her in the end, because she was just - they were just horrible, and there was a group of them. It wasn't just one or two.

15 MS FITZGERALD: Aunty, I might play another clip, which is clip 6, because it is you speaking, but it also usefully introduces the next theme that I would like to touch on with you, which is how Aboriginal family structures and culture differs from mainstream white Australia. So that's clip 6.

**<RECORDING PLAYED**

20 AUNTY GLENYS WATTS: This is family members sitting around, putting together comments about the book. It was funny, some of that, sitting around yarning with them, because we didn't even realise, Cheryl and I and - because we'd actually asked - I had asked one of those - my age group of those descendants to actually talk about the '*Footprints*' book,  
25 we thought, "We haven't heard about Grandfather Percy Pepper being removed, we better not tell people just in case it actually is, you know - we don't know what they know, we don't want to upset people", and things like that. But when we were sitting around that table, we realised that the aunties and mum and that all said, "Yes, it needs to be told", and they actually told us all about it as well.

30 It was funny, they were talking about even Grandfather Percy Pepper when he was living in Fitzroy, going across to visit Hagenauer, who was a minister somewhere local there, and they used to say, "Oh, he's going over to visit his relatives." And we always thought of - because they said that, we thought maybe there was German in us. So Cheryl and myself actually  
35 went and did a DNA test. We don't have German in us. So that's why we know that what Uncle Phillip had written in his book, that the white blood came in from other areas, yes, from the rape, probably, at the start, and that's what he said too.

40 MS FITZGERALD: Aunty, I'd like to go back to this idea that you were talking about in the video about just different ways that families operate in Aboriginal communities and what's your experience of whether child protection have any understanding of the different ways that Aboriginal families and communities work and if you could speak about some of the examples that you've got in your witness statement.

45 AUNTY GLENYS WATTS: Yes. I don't think that they do understand how we all link in and how we can actually work with each other and how we do take on the different roles. So, you know, I can be a sister and a cousin and aunt, a mother, and whatever, but we do look after each other, and the same - I think we were talking about how the young kids will come home from school and, you know, they might eat Weet-Bix in the afternoon, or whatever,

they eat when they are hungry, they don't eat, you know, when they have to eat. So us doing things a bit differently makes a difference.

5 MS FITZGERALD: The Weet-Bix example, is that something that you've seen a child protection worker be disapproving of, having Weet-Bix in the afternoon?

10 AUNTY GLENYS WATTS: I haven't actually seen them doing that, but it's like things that we do are different and the same, you know, even burials, I went to - one of the women whose brother had actually died, he - she rang me to see if I could help, and I said I don't have anything to do with child protection. She wanted to know why her brother couldn't be - the children had been taken into child protection and into foster care, and they weren't allowed to actually attend his funeral, and she wanted to know why. I think it - from what she told me afterwards, their reasoning was really ridiculous, it was about, "Oh, they'll go to their - it will be a drunken wake or something and they'll all start fighting", or something, and that just doesn't happen at our funerals.

15 I thought, "How can they make assumptions and say things like that and deny those kids even going to their father's funeral?" That was really horrible as well. I have had other families actually coming to me saying that they have rung child protection, they have wanted to talk to them, and they are supposed to be giving evidence so they can get their children back, and they have wanted some of their files, or something, and child protection, they'll ring the front desk, the front desk does not - they'll try and put them through, but they don't answer their calls and they don't ring them back.

20 So I would actually sit there and listen to them and some of them were - you know, when you've lost your kids, and you're trying to get them back, it's so sad to hear their stories of what they are trying to do and how they have, you know, changed, they have done this, they have done that, and it's really heart wrenching listening to them and child protection can't take five minutes to actually listen to them and even hear their stories.

25 So I would listen to them, hear their stories, and when they have calmed down I actually say to them, "Look, I will see what I can do. I will try and get in contact with an Aboriginal Liaison Officer that works in that department." It took them a while to actually get somebody to work up in Bairnsdale area. They had to go down, an hour and a half, down to Traralgon to actually see an Aboriginal Liaison Officer and every now and again she'd come up to Bairnsdale. So I got in contact with them and said they'd get in contact with them as well. So it was pretty downgrading to actually hear some of the stories that people would actually ring about. Then I had other families as well.

30 MS FITZGERALD: One of the issues that you raised in your witness statement is a lack of support for foster carers who are receiving kids who are really highly traumatised, which ends up meaning those placements just don't work. There were two of them, I think, in your statement. Did you want to speak to those?

35 AUNTY GLENYS WATTS: Yes. One of the families - this really upsets me because she's a nurse, she's an Aboriginal nurse, her brother is an Aboriginal doctor and her husband is - you know, he's a really well respected person as well up in Gippsland, and they decided that they'd foster three Aboriginal children, and they were all from the one family. She kept on saying to DHHS, "These children are traumatised, they need psychologists, they need help, can you please get us some help around what we can put in place for these kids?"

Eventually nothing really happened. They did get some - I sort of talked to them about you could get some horse whispering through another agency, which was community health at Latrobe Health, and so they actually was able to get that as carers. But it was almost like it didn't matter what they put up to DHHS on what their needs and issues were.

So one day the issue was taking the three kids with her own 18-year-old daughter - she only had one daughter, or they only had one daughter - and she was taking them to a barbecue at the park, and she stopped because they didn't have any tomato sauce, so she ran into the shop, came back out and the 18-year-old was in the car with them and somebody had made a report, I'm not sure whether she said it was the police, or whether someone from DHHS had seen them and said that she'd left the kids unattended in a car.

So the next minute they came in, within a day or two, and uprooted the kids, took them away, took them off, you know, the foster parents. The foster parents were - he was so upset about it he ended up having a mild stroke because it upset him so much that these kids that they were trying to help were removed. It was almost like there was no - you know, they didn't do anything really to help the kids. I think they have said now that those kids are now living in all different places, they are not together or anything. That was really annoying as well.

There's been other little things like that as well. I have a girlfriend that used to foster children. She had six of her own and they'd all grown up and they were fostering all the way along when they did have their own six children, and one of the kids told DHS that they'd been slapped by someone, I don't know whether it was a father or someone, because they must have been mucking up, and, anyway, they ended up going in and removing kids that were there, and she was just absolutely devastated. She couldn't believe it because she said that she - that's all she did. She wanted to look after kids. She's younger than me.

I think she may have just turned 60, I'm 66 at the moment, and I thought that was her life, looking after kids, and she loved it so much, and yet she wasn't able to actually give those kids what she needed and everything else because they removed them. Do you want me to talk about some of the other ones?

MS FITZGERALD: Thanks, Aunty. There was also - I think you have a connection, some knowledge about a teenager who was placed, and is it - is it a him?

AUNTY GLENYS WATTS: It's a him.

MS FITZGERALD: His behaviour was so hard to manage and the carer wasn't given any support there.

AUNTY GLENYS WATTS: That's right. The person that was in our pod, he actually said he thought he'd like to - he was living on his own, he used to have his daughters come every fortnight and stay with him, and he said he wouldn't mind fostering. Anyway, he got a call and they could give him a teenager, a male, and the young lad was actually put into his care virtually straightaway without actually explaining what was wrong, what he'd gone through, or what he needed, or anything, and the young lad was traumatised as well because he'd been pushed from pillar to post. He actually threatened his kids as well, so the young boy did, and in the end they had to send him back.

He said to us that if he had have got proper systems put in place before he took on this child, or the young person, he said he told the boy that he would actually still mentor him and if he ever wanted someone to talk to, he was there for him, and I think he's still doing those sort of things today. The same thing happened with another manager, who was Aboriginal, at the  
 5 Department. He and his wife had fostered children as well, and he was just - he rang virtually one night and said, "Can you take a baby?" So they were taking this baby off the mother, then and there, and the mother had been drug affected, or whatever, but the child also, he thought, was drug affected as well. That child - he said, "We got virtually nothing with the child, no medicine, no nothing to actually support the baby." He said it was horrible. The more they  
 10 kept on complaining and saying something, they still didn't get any history or anything. So that was a real problem for them as well and for a manager to actually say that and they'd actually been fostering children as well. It was - they just don't seem to have any protocols in place, in how they do that sort of thing, or how they, yes, help families.

15 MS FITZGERALD: Aunty, earlier you were talking about lateral violence in the workplace. As I understand it, that's not between you and your other Aboriginal colleagues, it is, in fact, from a whole different team where you were having to listen to Aboriginal - them speaking about Aboriginal people in a way that you found very upsetting.

20 AUNTY GLENYS WATTS: Yes. Well, especially when you're having - you know, the organisations are there and they're serving a purpose for the community, especially our community controlled services that are down in Gippsland, we have got quite a few down there, and they are all trying to do their best and these people, even though they are supposed to have gone through cultural awareness, or doing whatever, would just put them down and  
 25 I'd think, "How dare you?" I was really thinking they need to have some sort of system in place.

I did actually go to an Aboriginal - I think it was a network meeting where they got Aboriginal people from around the State all together, and I did bring it up at one of their  
 30 discussion points that these things are happening and what are they doing about it as well because I felt like I'm only down here and they are all up here because I think they need to start doing something about this. It is just not right. They talk down to people, they are talking about our organisations, and it's like there's just no respect there at all.

35 MS FITZGERALD: Do you remember any of the things they're saying about your - I'm assuming you mean Aboriginal Controlled Organisations?

AUNTY GLENYS WATTS: They were just saying they are hopeless, they are this, they are that. How dare they take kids from, you know, this point and put them over there, things like  
 40 that. I was just thinking, "This is crazy". It's awful. I ended up saying to the managers in a meeting, saying to them, "Isn't it your responsibility to actually get these people to work with them and actually support the Aboriginal Community Controlled?"

They are actually just putting more people on board to actually take on more responsibility in  
 45 that child field, or child protection field, but the processes are not in place for what the community - you know, what they are doing.

MS FITZGERALD: The time these things are being said over the top of your cubicle in front  
 50 of you, were those child protection work colleagues aware that you were an Aboriginal person?

AUNTY GLENYS WATTS: Of course they were. They knew that we were - it's written in a big sign saying we are the Aboriginal Engagement team. They knew that I worked for Dhelk Dja as well, because it's written everywhere, and even through the Dhelk Dja, we would send people to The Orange Door, the women would go there, the first point of call was the child protection people, they just - you know, they came back to me saying, "Why did you send us there? We are here trying to keep our family together". And it doesn't matter if they are sleeping on someone's couch, as long as they are with the kids, that was all they were concerned about and they were caring for the kids and keeping them safe.

Even another family whose husband had been removed, he'd gone into jail, she was really scared about the father coming out of jail and there's nothing in place for them to actually get the father and the mother to talk as a mediator while they are in jail, while they're actually under protection, because when they come out, the first thing they do is go to the mother's house and they attack again, or whatever, and the children, again, are then subject to child protection.

MS FITZGERALD: Just so I'm clear about that incident, while the father's in prison, no work's done to keep things safe, but as soon as dad gets out, child protection goes to the house because he's now a problem?

AUNTY GLENYS WATTS: Yes, that's right.

MS FITZGERALD: A threat.

AUNTY GLENYS WATTS: And that mother did reports about those sort of things as well and she ended up getting a lot of cameras put around the house and different things.

MS FITZGERALD: Aunty, I don't have any more questions for you, but the Commissioners may well have some questions.

COMMISSIONER WALTER: I'm astounded - well, I'm not astounded but I should be astounded that this disrespectful talk is going on in the workplace in a place that is supposed to be - who has all these mandates to try and keep Aboriginal children and families safe. Can you give us any idea of where you think some sort of intervention could be made to actually turn the Department a bit more into something that is - that isn't just reinforcing all the trauma that Aboriginals have gone through since colonisation?

AUNTY GLENYS WATTS: I think they really need to put some money to taking the children away, if they are working with the family, or whatever. You know, that family sometimes hasn't got adequate housing, and hasn't got, you know, the wage coming in, especially if they have been through family violence they are usually separated from their partner, or whatever, so they haven't got enough money. Some of the money that they are actually putting into foster caring and different things can be put into that family to actually get them working together.

They could give them home help, they could give them food vouchers or something to actually help keep them together. I just think there are different ways they could do things without removal of the kids as well. I just think it's horrible the way they act, yes. I think there needs to be a few steps in place beforehand.

COMMISSIONER HUNTER: Aunty, thank you so much for telling us your story. It's an amazing story, the Peppers in your family. How long did it take to put all of that together, roughly?

5

AUNTY GLENYS WATTS: The book?

COMMISSIONER HUNTER: The whole history of knowing who --

10 AUNTY GLENYS WATTS: Who we are.

COMMISSIONER HUNTER: Yes.

15 AUNTY GLENYS WATTS: I think you know bits and pieces all the way along anyway, and Uncle Phillip had put this book out in the 1980s, or something, and, you know, because we grew up with them as well, you know, we have got lots of home movies of Uncle Phillip and all them mucking around up at Numeralla and wherever and we spent a lot of time when we went on holidays actually with family. We didn't go anywhere else.

20 It's the same, like I was saying, my grandchildren - my children, their grandfather died, and I remember going to - thinking, "Oh, well, we have got to get ready for a funeral", and then all of a sudden I get a message saying no, there is no children at the funeral. I sort of said, "Why?" Because we are part - living and dying is part of how you heal as well. So the kids weren't allowed to attend his funeral but that's the way other cultures do things, I suppose,  
25 too.

The same - I used to be a hairdresser after I left school, my dad was a hairdresser, and he changed his salon into hairdressing from ladies on one side and men on the other, and I had three people working for me, I had a couple of Aboriginal apprentices, I used to go out to  
30 Worawa College and cut hair out there, because it was in Healesville, and this client came in one day and said, "Isn't it lovely you've got a little Aboriginal women helping you, dear", and I said, "Well, that little Aboriginal woman is my mother and she owns this shop", like this to her, it was okay, next time she comes in, we're too busy for her.

35 But these sort of things happen and people still do, they use these - I mean, we were waiting for a taxi - I was waiting for a taxi out the front yesterday when I came up to meet (indistinct) and one of the lads had called the taxi for me and this taxi drove up, turned around and we thought, "Oh, he's coming back, that's good, that's our taxi", and it was the right taxi that he's rung. The next minute he just turned the corner and zoomed off and he was yelling out to him  
40 to come back and stop and it was almost like, well, okay, maybe if I had have been standing there on my own because I - I've got my dad's colouring, I might look like my mum, but I've got my dad's colouring, and my - you know, I thought is that why that taxi didn't want to pick us up because I had another Aboriginal man standing beside me? You know, it still happens today. It's just horrible.

45

COMMISSIONER HUNTER: Aunty, I'm just going to ask you a straightforward question: do you think the system's racist?

50 AUNTY GLENYS WATTS: Definitely. Definitely. The bullying these people, the way they talk back to - they don't treat people like humans. The trauma that they must have been

placing on these youth, you know, I would have hated to be in their shoes and have somebody talking down to me and telling me and dictating, and when I asked one of the families, "Well, how do you get on with VACCA?" They virtually said, "Oh, that's just another black organisation trying to be a DHS." I said, "I don't think so. I think they are there to help you." But they seem to think that the only thing they do is actually report them more to DHS. So I don't - I tried to say to them, "But they're an Aboriginal organisation that can be doing some right, you know, good things for you." But, yes, they weren't really impressed there either.

10 COMMISSIONER BELL: How does that racism come out in relation to removing children? Does it come out by Aboriginal families being judged by a different standard, a higher standard, or what?

15 AUNTY GLENYS WATTS: I think they have got a preconceived idea of Aboriginal families before they even go out there. I think they have already decided whether they're going out there because the person - they don't look at the background of the person and why they are acting up, or why they have drug and alcohol problems or anything else. Why don't they actually put that family - "To keep your kids, go into detox, and then we'll work with you to get through it." Half the time they can't even get into detox.

20 I was on the board of Ngwala Willumbong for seven or eight years as well and, you know, it was so hard to get people into detox. They could always go through rehab afterwards so that they could learn how to manage a household again. But getting them into detox, I think that would be a big thing too. But the racism is there because that's what they - yes, the police going to different places as well.

25 Now the police up in Bairnsdale, we have actually got a bit of a protocol with them that they will take the Aboriginal Liaison Officer, or do some sort of work if they have to go out to family violence, because the first thing that happens is DHS becomes involved. They don't have anything like that at DHHS either, you know, they'll just step in. Then they'll say, "Well, what's your - what tribe do you come from?" And all of that type of thing, and, you know, "Oh, we'll put a plan in place." But these plans, I think - sometimes I think they are gammon. They don't do a lot.

30 CHAIR: Could I ask: is this mainly in a major town like Bairnsdale or is it dotted around other little towns, the way people are treated; is there any difference at all?

35 AUNTY GLENYS WATTS: Well, some of the people that I was talking to, there was one that lived in - who was a grandmother who had grandchildren with her, she was up in Swan Hill way. There was another one that had the children that she was fostering taken off her and her husband is Aboriginal. She wasn't Aboriginal. She's in Yarra Glen. The others were in Orbost. I think it's scattered. I don't think it's just one area.

40 CHAIR: Thank you so much.

45 COMMISSIONER WALTER: I have one final question: we have seen, as we've worked - prepared for this and worked with this, there are a huge number of reports that have been written about child protection and the dramatic rates of removal. We have seen hundreds and hundreds of recommendations. Do you have any insight into why, despite report after report, recommendations after recommendations, there seems to be nothing has

changed and, in fact (indistinct) expressing these racist views, do not feel that there is any - that they are not accountable?

5 AUNTY GLENYS WATTS: I can't speak why they don't think they are accountable but I know I was at a Dhelk Dja meeting once and the Commissioner, Justin Mohamed, was there doing a report on the children, and afterwards I said to him, "So how many of those child protection children have committed suicide? How many of those children came from family violence and been removed because of family violence?" They couldn't - he couldn't answer me. He said they didn't look into it in those ways. I said, "Well, why aren't you?" Because the  
10 suicide that's happening around the State is really bad as well. There's really high numbers and I'd love to know how many of those parents that are suiciding, or the young people that are suiciding, is because of them being removed from their families.

15 There was one young girl - I can't say that she suicided because she'd had her children removed, but to me, you know, I just felt like that was a reason why she did because she was struggling trying to get them back. Another young girl was struggling trying to get her children back as well, and she'd actually worked with us on family violence to try and put a message out there that sister girls could help each other, you know, "If you're in trouble, go and talk to someone", and all of that. So we made a DVD around it. But it's really hard for, I  
20 think - yes, I can't talk on behalf of where they are coming from.

COMMISSIONER WALTER: It's become normalised.

25 AUNTY GLENYS WATTS: Yes, I think it is. I think it is normalised, I think they have this pre-concepted idea. The rest of the organisation, they are forever asking us to fill out questionnaires and different things about how you're feeling and after working in there for six or seven years, I had probably six managers, I reckon. They moved me from spot to spot to spot and eventually I said, "Can I go into the Aboriginal Engagement Unit?", you know, and it was still in the same office, but there was no real system and, in the end, I'd say to my  
30 managers, "Well, I'm doing this job, if you want me to do something different, come and talk to me, but this is what I have got to do", because I felt like I was reinventing the wheel all the time.

35 Then you'd hear these little things going on on the side, and community talk, community know what's going on and, yes, to help the community more, I thought I've got to say something and so that's why I ended up putting in the complaint that I did but, like I said, I still don't know whether anything was really done about it.

40 MS FITZGERALD: I just have one question about the cultural plans. You said you think the plans are gammon, and just for us non-Aboriginal people, and particularly in the audience, what do you mean by that?

45 AUNTY GLENYS WATTS: Well, I think that sometimes the Department are supposed to look at the plans as well and make sure that the Aboriginal children are actually going to do different things. They might let them go and do NAIDOC week or something like that or if there's a cultural event on they'll go and do something around that.

50 It's supposed to - I would see it as an education for DHHS as well, to say, "Well, this is where this family comes from", or whatever, and having the right people to actually talk on behalf of country is really important as well for these children. So they learn about their ancestors



and who their group is and who their - all about their country. I don't know - they would go to a co-op for that information rather than a traditional owner group where the traditional owner groups could add more meat to the bones sort of thing because, yes, it doesn't pad it out enough.

5

Even when we used to do cross-cultural awareness, which was made compulsory down there at Bairnsdale, they had got the Koori Heritage Trust to come in. You'd think, "Oh, God, that's a generic one that's going around the State", but you need the meat on the bones from our area, not from someone coming out of town.

10

MS FITZGERALD: Thank you, Aunty. One last question: when you got a taxi yesterday, I think it was about 4.30 in the afternoon, or 5, and I think you were there with Robbie?

AUNTY GLENYS WATTS: No, it was Joey.

15

MS FITZGERALD: With Joey. Do you remember the name of the taxi company that Joey had called?

AUNTY GLENYS WATTS: No, not really. But Joey could tell you that because he had it on his phone and he said, "I will come with you to ring them." But straightaway you get that - you know how you get that feeling, that's the feeling that makes you, yes, feel bad.

20

MS FITZGERALD: Thank you so much for coming today, Aunty, and the evidence you've given.

25

**<THE WITNESS WITHDREW**

MS FITZGERALD: We will have a short break for the next witness now, Commissioners.

30

CHAIR: Thank you, 10-15 minutes?

MS FITZGERALD: Yes. I think 10. We have a pretty full morning.

**<ADJOURNED 11:13 AM**

35

**<RESUMED 11.32 AM**

MC McLEOD: The next witness is Aunty Muriel Bamblett and Sarah Gafforini. Before I ask the witnesses to take the oath, we need an order, which I hope is on the table with you there. The order that we are seeking, pursuant to section 26(1) of the Inquiries Act 2014 Victoria, having regard to the matters set out in sections 26(2)(b) and (e) is as follows:

40

*"The case studies and case examples set out in the submission made by the Victorian Aboriginal Childcare Agency dated 5 December 2022, not be published by Yoorrook. The PowerPoint presentation of the Victorian Aboriginal Childcare Agency entitled "VACCA Nugel 'Community Protecting Boorais Launch'" tendered with Aunty Muriel Bamblett's evidence and dated August 2022, not be published by Yoorrook; (3), any oral evidence given by Aunty Muriel Bamblett at the public hearing in respect of the matters in 1 and 2, to the extent captured in a transcript or video recording, not be published; and, (4), a copy of this order is to be published on Yoorrook's website with the website address given."*

50

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And then there's a note to the order in relation to it being an indictable offence for a person, including a body corporate, to knowingly or recklessly contravene an order of a Commissioner under section 26(1). I seek an order in those terms, Chair.

5

CHAIR: I make those orders in the terms sought, Counsel.

MS McLEOD: Thank you. Aunty Muriel, would you take an oath if that is your preference.

10 <AUNTY MURIEL BAMBLETT, AFFIRMED

<SARAH GAFFORINI, AFFIRMED

MS McLEOD: Thank you very much. Before I go to the witnesses' biographical details, Commission, we received a submission last night, a substantial submission, which I hope you have available to you. That submission will be part of the exhibit. It's obviously a very comprehensive submission, and I have spoken with Aunty this morning about the intention, if we don't have time to get through all of it or in a sufficient detail to satisfy your inquiries, that we would seek to have Aunty come back, and she is very happy with that course. Just turning to some biographical details, Aunty, can I ask you to introduce yourself to the Commission?

20

AUNTY MURIEL BAMBLETT: Yes. Hi, Commission. My name is Muriel Bamblett and I'm a Yorta Yorta, Dja Dja Wurrung, Taungurung and Boon Wurrung woman and with ties as well with Wiradjuri. I'm CEO of the Victorian Aboriginal Child Care Agency and also hold a position on the First Peoples' assembly and I am the Chair of SNAICC, and so have a number of positions that represent the rights of children. I begin by warmly acknowledging the Traditional Owners of all the lands that we are on today. I acknowledge the Wurundjeri people as true owners of this wonderful land, their Elders past, present and emerging.

25

30 Can I also acknowledge you as Commissioners and greatly respect the work that you're doing and hope that today we can add some value to the work of the Commission in highlighting the injustices that have been perpetrated in the past particularly against our Aboriginal children at the hands of both governments and community sectors NGOs, or church-based organisations that were there to protect the rights of our children.

35

I hope that we have given a very full response and I know that we are being asked today about other areas. So we'll talk through those. I thank you for the opportunity to be here and I acknowledge you as Chair, Aunty Eleanor, and the great work that you do. Thank you.

40 CHAIR: You are very welcome and we are very pleased you are here today.

MS McLEOD: Ms Gafforini, can I ask you to introduce yourself as well, please.

45 SARAH GAFFORINI: I'm Sarah Gafforini, I'm a Budawang woman of the Yuin nation. I am director of the Office of the CEO at VACCA. I too would like to acknowledge that we are on unceded land today, the land of the Wurundjeri people, and I pay my respects to Elders past, present and emerging, and to you as well, to the Commissioners, and the important work that you do. Thank you.

MS McLEOD: Aunty Muriel, can I start with you. You mentioned your role chairing the secretariat of the National Aboriginal and Islander Childcare, that is the peak body, for Aboriginal and Torres Strait Islander Child and Family Services in Australia?

5 AUNTY MURIEL BAMBLETT: Yes.

MS McLEOD: You were the Chair of that body for about 10 years from 1998 to 2008. Are you familiar with their most recent publication: the Family Matters Report 2022?

10 AUNTY MURIEL BAMBLETT: Yes. I was until 2008, so three years ago, I took back up the position of Chair. So I am the current Chair of SNAICC. So, yes, we launched the Family Matters report two weeks ago in Canberra with Minister Bernie and a number of the Aboriginal Elders.

15 MS McLEOD: If I can divert for a moment, that Family Matters reports measures trends, to turn the tide in overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia?

20 AUNTY MURIEL BAMBLETT: Yes. It's embarrassing, the numbers of Aboriginal children, significantly higher. If you think about Victoria, when the Bringing Them Home report was launched, there were 379 children in out-of-home care when that report came out. Mick Johnson said at the time if Australia doesn't do anything in 10 years' time that number will double. Here we are in 2022, and that number is now 2600. So it's a significant overrepresentation. Victoria's got the highest overrepresentation as per State or Territory.

25 MS McLEOD: The reason the current report, a State by State breakdown, or a snapshot of the position in each State, including Victoria, do those figures and those findings inform your submission that you've prepared for the Commission?

30 AUNTY MURIEL BAMBLETT: In part. But a lot of the figures that we put are actually figures that we get as well from Victoria, from the Department of Family Fairness and Housing. So we get regular reports every three months through the Aboriginal Children's Forum.

35 MS McLEOD: Okay. We may come back to that report as we go through your evidence. You also worked on the Northern Territory Child Protection Inquiry from 2009 to 2011, and you sit on a number of boards and communities concerning children and the Aboriginal community generally, including the Victorian Children's Council, the Commonwealth Redress Scheme Advisory Council, Social Services Taskforce, Victorian Government Road  
40 Map to Reform, Ministerial Advisory Group, Aboriginal Justice Forum and the Aboriginal Community Elders Service.

AUNTY MURIEL BAMBLETT: Yes. There's a few missing. But I think it's probably better  
45 not to go through them because I don't think we are going to have time to get through the whole list.

MS McLEOD: It's a prodigious work effort, if I may say so. You also recently this year gave  
50 evidence to the Senate Legal and Constitutional Affairs Reference Community Inquiry on missing and murdered First Nations women and children.

AUNTY MURIEL BAMBLETT: That's right.

MS McLEOD: Is that inquiry reported yet?

5 AUNTY MURIEL BAMBLETT: Not yet, no. They are still hearing evidence, and so a significant, obviously, inquiry but VACCA has given evidence to many inquiries. We not long ago had given evidence to the Tasmanian inquiry on child protection. So I think there's a lot of interest in what's happening in Victoria and what we are doing.

10 MS McLEOD: Thank you for that. You have been recognised with various awards for your contribution to the Victorian community, including appointment to the Order of Australia in 2014, AM. The appointment to Adjunct Professor in the School of Social Work and Social Policy at the La Trobe University Faculty of Health Services in 2009, a Victorian Honour Roll in 2011, and the Doctor of Letters and Social Work, *honoris causa*, from the University of Sydney in 2017. You are also a recipient of the centenary of federation medal 2001 amongst your awards and recognitions.

AUNTY MURIEL BAMBLETT: Yes. I think, you know, one of the earlier awards was the Vida Goldstein award for - and I think that was in recognition of contributions to women's issues. I think that's important. You know, the accolades really aren't for me, they are for our community. I think most Aboriginal people are conflicted about getting mainstream awards because at some stage you feel conflicted about taking an award that sometimes embellishes or puts on a pedestal so many people that have done injustices to Aboriginal people. So I think many of our people, particularly the Australia Day awards, it is really hard to be in a room sometimes with people that have done so much wrong to our people.

MS McLEOD: Tell us about VACCA and the work of VACCA?

30 AUNTY MURIEL BAMBLETT: VACCA was established over 40 years ago, obviously, by Aunty Mollie Dyer. Aunty Mollie Dyer was working at the Victorian Aboriginal Legal Service. So what - Aunty Mollie Dyer was working with young people, the numbers of young people that were appearing before the courts that had a history of being in child protection, had a history of being placed away from their Aboriginal family, not knowing who they were and coming to the legal service to help, to ask them not only to represent them legally but to also help them find their Aboriginal family. So the numbers were significantly higher.

40 So Aunty Mollie, at that time, went as well to the Australian adoption conference and presented there about the issues. So at this adoption conference there was the Commonwealth Minister, Margaret Guilfoyle was there at that time, and so people like Pat Turner, who is now co-chair of the Coalition of Peaks, but also our CEO actually put up a submission to start to begin to fund the Aboriginal childcare agencies. So VACCA and a number of childcare agencies across our nation were funded and that was the seeding funding to begin child welfare - a child welfare footprint in Australia.

45 MS McLEOD: In your submission at page 5 you describe VACCA as the lead child Aboriginal and family support organisation in Australia and the largest provider of Aboriginal and family violence justice support and homelessness services in Victoria. You note that:

*“We work holistically with children, young people, women, men and families, ensure they have necessary supports to heal and thrive, we do this by advocating for the rights of children and providing everyone who walks through your doors with services premised on human rights, self-determination, cultural respect and safety.”*

5

You mentioned to me this morning that there was an aspect of the submission that you'd like to develop further, given the opportunity, and to make a special supplementary submission about the impact of family violence on children.

10 AUNTY MURIEL BAMBLETT: Yes. So I think, yes, I'm particularly interested - but before I go into the evidence, I do want to read a statement. Can I read the statement first?

MS McLEOD: Yes, please. Of course.

15 AUNTY MURIEL BAMBLETT: Thank you, everybody. I guess in making an opening statement, I do want to say that summing up 45 years of VACCA's history of advocating for better outcomes for Aboriginal children in Victoria, and their families who have had contacts with the child protection, criminal justice systems, obviously for us it's impossible in one day.

20 We hope that our submission, even though it is quite extensive, that it's just the start of a conversation. While this is the first official truth telling process for Aboriginal Victorians, we have been asking governments to listen to us for over 45 years. In this process today, I say that it is time to own the past. Thinking of the quote, of Jack Nicholson in *A Few Good Men*, 'You can't handle the truth', we all know how vitriolic he said that. The question for me  
25 today is can Victoria handle the truth?

The massacre sites in Victoria are well-known, as are the history of government child removals. The truth I want to hear is what have government done or failed to do for  
30 Aboriginal Victorians knowing this history. After so many inquiries, reviews and Commissions, what truth-telling do governments and their departments need to tell, what is in the hidden records.

We know that the scalps of many of our Aboriginal people are in Canberra. We know of the  
35 massacre sites. Every problem Aboriginal Victorians have today is a direct result of past policies, legislation, and discriminatory practice. This is the past and the present. This Commission, I respectfully ask, needs to put a stop to the future continuation of this pattern.

40 It's easy to say truth-telling is not just about government. Truth-telling means understanding that they did not and have not acted alone. We need to hold all those religious and private institutions accountable as well. They have profited and have been rewarded initially by government to assimilate us as Aboriginal people, destroy our links to our culture, our language and our Country.

45 We raise in our submission the need for Aboriginal Victorians to have human rights and for the right of Aboriginal people to self-determination, to be recognised. This is our right. Aboriginal Victorians have always been activists. I'm proud to be here today to tell my truth, to tell VACCA's truth, and continue in the footsteps of those who have come before me.

50 If we think about the child protection system, and if you look at the child protection system, you will see that I asked for - We need a distinct Aboriginal Children Youth and Families

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Act. One that is properly funded and run by Aboriginal people. If we learn from what we know is true, government and mainstream providers can get close to the results that Aboriginal solutions can achieve.

5 The Inside Policy report of 2019 found that VACCA - and this is really important - reunified families at 24 per cent, and these are children on long-term orders, compared to five per cent by government. That has improved to 12 per cent, the Department's rate, but still double the reunification rate. Imagine those 2600 children, if we had control of all of those children, almost 50 per cent of those children would be going home. They would stay at home and they  
10 would stay safely.

We have done this work with less funding. Our submission shows there is no denying that Aboriginal lives are valued less than non-Indigenous children. The money values are there in black and white. Don't look at early health funding. It gets even worse. Aboriginal families  
15 don't get funded early health supports in Victoria. ACCOs have to do this themselves. In Victoria, if you are Aboriginal and want help, you have to wait until you went into the child protection system. This saddens me so much. So many families have to rebuild because they can't ask for help early.

20 If you heard Aunty Glenys speaking this morning, she talked about family violence, and has asked we would want a further explanation of the impact of violence on children, on the developing brain, and all of these inquiries and recommendations say for women and children, but then all of the focus goes to women and perpetrators. So we need to see children. We have to look at the past to see the challenges we face today, the patterns of  
25 removal, disconnection from country.

In Victoria, we have seen so many children. We have children from Northern Territory, Queensland, Tasmania, Aboriginal children, these children, come into our care system, they were brought here on the premise that things would be better. Victorian Aboriginal people  
30 only make up a third of those children that we care for in out-of-home care. Isn't that telling you something? The other two-thirds had grandparents, parents removed from their country, they were multi generation removals. We have a number of children we support at VACCA who are a sixth generation. I know you heard from my cousin Jackie Charles, his family, his nieces, his great nieces, great nephews, there is a whole number of children whose generation  
35 who have been in child protection.

The government, we know, has been - you know, all of this in the State that I know is in the best - we have got the best child protection system. Everybody points to Victoria. Why have we got such an overrepresentation? Why have we never explored the birth right of these  
40 children? Why have we not explored the fact that not having strong culture, and not having strong Aunts, not having strong Uncles, how that's impacted.

This government has been innovative and invested record amounts but it's at the tertiary end of the system. We are at the bottom of the cliff waiting for families to fall off. We are 20  
45 per cent of children in care, but we get 7 per cent of funding for family services - 7 per cent - so where's the investment going?

I want to be proud, though, I live in a State with the lowest child removals, not the worst, but unfortunately I don't. The State that strengthens families, prevents children from entering care  
50 and has the best justice system. We have got the most money but that's something I want to

be proud of, but I'm not proud of. We have to look at the past to see the challenges we face today, the patterns of removal, the disconnection from country.

5 In Victoria we have the descendants of so many families. We have funding to ACCOs to take on guardianships, but this is being drip-fed. If we are serious, if we have 2600 children, why are we only getting funded for guardianship for 200 children? If we are getting such good results why isn't government pouring more into Aboriginal services?

10 About the criminal justice system: now, it's true that the out-of-home care system criminalises children. But I also know the work that we do at VACCA and other ACCOs do to actually stop children from entering the youth justice system. Why isn't that visible? I know this because the data tells me, if we have less than 225 Aboriginal children engaged with the youth justice system, and we know, or actually incarcerated, under 14, but what about the 2600 children? Why aren't they translating to juvenile justice? So we are doing  
15 things. See it. See what we are doing. I think it's important.

20 Child protection is not a guarantee but there is a pipeline route to justice. You will hear that 85 per cent of children in the youth justice system have child protection involvement but this isn't the full truth. It is not cause and effect. We need to ask ourselves, what are we doing right to stem, as an Aboriginal service, to see what we do good. Over COVID, police trialled a diversion program in high report areas. It worked then and it's still working still. Why haven't we heard about this?

25 In our youth programs for children in out-of-home care we use mentoring, cultural camp, homework clubs, sport and our Elders and our ACCOs do this. We wrap our children in culture, show them where they belong and we see results, we see reduced offending, we see school improved, we see our young people getting jobs and actively contributing and becoming mentors to our younger ones. We see this with similar histories and issues but does mainstream Australia see that? No.

30 I think if we had a similar guardianship model that we have in child protection for juvenile justice, I believe we could better support young people to stay out of the justice system. My final words - obviously not the final words for the day, but in summarising - please don't forget history, or we are deemed to repeat it. Treaties are critical and you have heard of things  
35 that government can act on. Please, though, I urge you as a Commission, don't wait for the Treaty. It can, I believe, improve processes. However, we can't afford to wait. It is important that you tell the story for us.

40 There's a commitment from the Premier now to child protection, to actually raising the age of criminal responsibility, but we can't wait. I urge you to please go to this government, tell them that it's critical that we raise the age urgently, that we put things in place urgently for child protection. It's important and it's time to own the past. It's important that we are seen as acting, hearing and that we are doing something. Not like those who knew of the massacres and did nothing, knew of the removal of our children and did nothing, knew of the abuse of  
45 our human rights and did nothing, those church-based organisations were funded to run our missions and reserves, they walked away once the government funding stopped, and left us vulnerable, left us at risk of child protection, of starvation.

50 They then established homes to place our kids, where their abuses are now well documented through stories before the Royal Commission, into institutional sexual abuse. Many of these

organisations are now purporting to want to help our people. Surely it's time we looked at those. Thank you very much.

5 MS McLEOD: Thank you very much, Aunty, for that opening statement, and a lot of things to draw out there. I just want to pick up on one thing you just said in relation to Premier Andrew's comments in relation to the age of criminal responsibility. The media reported the Premier's comments yesterday as saying:

10 *"In Victoria we don't rule it out as going alone."*

15 You would be aware that ahead of the meeting of Attorney-Generals at the end of this week, last week, the Northern Territory passed legislation to lift the age of criminal responsibility to the age of 12, and the ACT has moved to raise the age to 12 to 14 within two years. So 12 now and then 14 within two years. What do you think is the sticking point in terms of this desire to have a national approach and why do you say Victoria should be courageous and move immediately to raise the age to 14?

20 AUNTY MURIEL BAMBLETT: Firstly, I think the Northern Territory should have raised it to 14, not 12. I think that that really is not good enough. I think this has become a political football. I think it's playing politics with children's lives and I think that we have got to stop putting politics and what's best for politicians - we have got to put children's lives before that and start to look at how do we really change. I just cannot fathom how you can see a 12-year-old, or a 10, 11, 12 or 13-year-old locked up in a juvenile facility, and put into a jail cell. How can that be humanly possible? I think Australia is well behind.

25 I think Victoria is one of the most progressive States. I cannot believe that we are waiting for other States and Territories to join in before we will change our legislation. I think that, you know, ACT and the Territory have actually started, Tasmania is having discussions, but I just cannot fathom why Victoria. I think it's become a political football and I think it should go outside of politics.

30 MS McLEOD: Do you see that as an urgent matter?

35 AUNTY MURIEL BAMBLETT: Absolutely. I mean, if you think about it, the reality is that these children come from families, and we need to work with the families. We need to understand what's happening in the families, what's contributing to a child that's offending, what's happening in the home, are there drug and alcohol, mental health and family violence? Do we need to work with those families. So my preference obviously is for family-based treatment orders to be put on the parents.

40 I'm quite punitive but I think that, you know, we need to understand why children are offending, why children are on the street, why children are not in the family home being cared for, nurtured and understanding what's happening in the family.

45 MS McLEOD: Do you know how many children in Victoria we are talking about coming into these potential custodial sentences from the age of 10 to just under 14?

50 AUNTY MURIEL BAMBLETT: I think there's about 200. I mean, Victoria hasn't got a high juvenile justice number because - but I think locked up at any one time, there are very few numbers. My understanding is there are four children that are actually in custodial settings at



the moment. So that's four - the reality is that if you look at other States and Territories, if you look at the Northern Territory, quite significant. So I think - but most of our - Victoria has a very unique system where most people that are on orders, they are sentenced in the community, so it's the capacity to be able to get referrals because it becomes a juvenile justice approach rather than a child protection approach, and I think that what we need to understand is juvenile justice sees children as children in their own right but don't actually have the authority to work with the families. I think that what we need to do, if we are thinking about how to improve juvenile justice for children under the age of 14, you actually need to be able to work with the families as well.

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MS McLEOD: You just mentioned there a couple of different government departments. Could I just canvass with you all of the government departments that have a role in child protection including when there's an overlap with youth justice. So we have got the Department of Families Fairness and Housing and we have got Department of Health generally?

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AUNTY MURIEL BAMBLETT: Yes. The Department of Health have a role, yes.

MS McLEOD: So what's the role of the Department of Health?

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AUNTY MURIEL BAMBLETT: I think - well, the Department of Health, obviously, mental health services, disability. There's a range of services that you would see health working with young people and you would have, as I said, disability, mental health, and the reality is that most of the health services as well service young people in the justice facilities. So their role is to make sure that their social and emotional well-being - so there's a critical role for Health in all of these services as well.

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MS McLEOD: Just pardon me for a moment. I did have a note somewhere, sorry, Aunty, of all the different Departments that had a connection or a possible connection in this.

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AUNTY MURIEL BAMBLETT: I mean, I think there is housing and homelessness because young children and young people in the justice system. So housing, homelessness, family violence, there's mental health. There's obviously a range of services. So when you think about service integration and service coordination, how do we work best for young people in the justice system? But how do we actually, as well, use the courts and work with the courts. Should we have different approaches in the court for young people? I think it's important.

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We have got our own child protection court - I can never say the name, my apologies - but Ash Morris does an amazing job and the courts and Magistrate McPherson - imagine if we did that for young people in the justice. We don't have a justice approach in the courts.

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MS McLEOD: In child protection, just taking that as a primary portfolio of responsibility, we have had five ministers, I think, in 14 months, and now a new minister appointed to that portfolio. Do you think that portfolio would be assisted by a whole of government approach to the issue of child protection so that each of the other departments was somehow regularly involved in the contribution to design and development of policy?

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AUNTY MURIEL BAMBLETT: There's no doubt. I mean, if you think of children and, you know - we have obviously got in Victoria the National Close the Gap, so there's a lot of commitments that are made through National Close the Gap and one of the targets is to

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reduce child protection notifications. The Premier signed off to that agreement. So we know that children come into care because of family violence. We know that children come into care because of homelessness. We know that children come into care because parents are incarcerated, because of mental health.

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I think that we need to understand that children come through multiple areas and it requires a whole of government response to be able to look at how do we actually make sure that we see children because they are quite often invisible in the system. Even when we see them, we tend to focus then back to the issue rather than looking at how do we actually better support.

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If you think about it, Aboriginal Housing Victoria has a lot of Aboriginal houses. They own 800 houses in Victoria. Now, they see a lot of those vulnerable families, they see a lot of those vulnerable children, but are they funded to even see or work with those family supports? During COVID Aboriginal Housing was funded to work with vulnerable families at risk and that funding was able to achieve really good referral pathways to us, to health, to other services, but then when COVID finished they took the funding.

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Victoria is famous for giving funding for initiatives or for short-term and not for recurrent funding. So we recently saw research that Victoria - for Aboriginal services our funding for initiatives and non-recurrent is 50 per cent whereas mainstream is 80 per cent. So mainstream have sustainable long-term funding but Aboriginal services don't.

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MS McLEOD: What's the impact of having to - of organisations having to seek that funding on a year-on/year-on year basis?

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AUNTY MURIEL BAMBLETT: I think some of the big challenges we have obviously are workforce, getting an Aboriginal workforce. The integrity of us is that we have to have an Aboriginal workforce for our community, we are interfacing. If we aren't able to bring Aboriginal people into our workforce - if you look at the universities and TAFEs, there is no Aboriginal social workers coming out and we have no - we are lucky to have one social worker a year, but if you look at our workplaces, we need 100, I need 500 social workers at the moment and I'm not getting 500 social workers.

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If we fully support self-determination and our growth awards self-autonomy, then we need to have our Aboriginal workforce and we need to have a dedicated strategy for people. One of the really clear challenges is to make sure that we have the infrastructure to deliver on self-determination, to be able to deliver on better outcomes.

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MS McLEOD: One of the things you emphasise in your report, and that we hear in other evidence that the Commission will hear this week, is around those early interventions or early provision of multiple services. So that children are wrapped around with everything they need before they enter the child protection system. What's the impact of the recurrent funding - sorry, what's the impact, first of all, of having multiple departments with multiple interests in terms of the provisions of those multiple services?

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AUNTY MURIEL BAMBLETT: Yes. Gosh, how long have you got? I mean, I think from our point of view, you know, early help is around parenting support, early help is around our families feeling they have rights before a service system to be able to go and seek help that, you know, if they are not coping, that they can go and speak to someone and get help from someone. Our people often don't feel they have the same rights.

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Non-Aboriginal people know that if they are struggling they can go to any service and demand it as their right. Our people often feel that if they go and ask for help, that their parenting will be judged and their children will be taken away. It is really critical. But, I mean, governments fund - we are caught between Commonwealth and State. The Commonwealth has the view that real Aboriginal people live in other parts of the country and so there's a lot of early help, parenting, supports, you've seen relationship counselling, play groups, all of the early intervention based.

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10 Most of the priority goes to remote areas and we are not dismissing the fact that there's a need but Victoria gets very little funding. If you think about how much better we would do with relationship counselling, when families start to break down, when parents are not coping, that we can provide relationship counselling. We have got parenting resources that go to mainstream organisations and there's no Aboriginal parenting information. There's no resources and there's no information about parenting, about basic parenting.

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20 Imagine if we had a centre where people could come in and talk and just talk about, you know, issues they are dealing with around, you know, they have got a new baby, they are not coping with the new baby. I think it's about how to - one of the things that we can put in place now but most of them are held by mainstream and government doesn't hold them to account for any outcomes on what they are delivering. So they'll get funding to work with Aboriginals and when they don't deliver they still get the same bucket of money.

25 MS McLEOD: That differential treatment by the Commonwealth, in terms of support of remote and regional services versus urban or closely urban, or nearly urban services, is that a political tussle between the State and the Commonwealth or is something else going on there?

30 AUNTY MURIEL BAMBLETT: I think that the State and the Commonwealth - the State picks which battles it will battle. So I think it will - you know, if it's going to win the housing or the Indigenous, they'll go with the housing. So it's about we're a political - we are a political football, we are often not seen as, you know, we need to fight for our Aboriginal people in Victoria to have. If we are not regional/remote, and if you think about Melbourne, the biggest Aboriginal population is here in Melbourne metro, yet the Commonwealth really only want to see our rural and remote.

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40 So they will build cultural centres outside of metropolitan Melbourne. We cannot get any resources to build anything in Melbourne metro area. So I think that the - you know, like, you think about it, you look at the imagery of where the Commonwealth - when they want to do a story on Aboriginal, they never come to Victoria. The Commonwealth has a lesser focus. They almost dehumanise us into we are not Aboriginal enough because, you know, we don't to them fit the image of Aboriginal.

45 When they want to roll out Aboriginal or even think about problems or address issues, they don't come to Victoria. Very few politicians actually fight very hard for Aboriginal Victorians.

MS McLEOD: Would you venture any suggestions as to why they might be taking that approach?

AUNTY MURIEL BAMBLETT: Look, I mean, I'm smart enough to know, I'm on national committees, I know the need is in the Northern Territory, I know the need is in Queensland and Western Australia and remote parts of South Australia. I think there are - but we, as Aboriginal people, we have rights in every State and Territory and the Commonwealth has a responsibility to deliver to all of us as citizens of this country. So it's not right that, you know, they tend to focus their energy and it comes down to dollars. I mean, if we don't get relationship counselling, if we aren't getting parenting programs, but if someone isn't holding governments to account, then I think it's unfair to us, as Victorians. We should get our fair share.

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We contribute more of the tax dollar, quite a healthy bucket of money to the Commonwealth. Where's that money coming back for Aboriginals? Who asks the question? Does anyone ask the question?

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MS McLEOD: I just want to pick up on something else you said then, or just before, about people not - or women not seeking support, or not seeking services because of the fear of judgment. Is there a stigma or is there a problem with the mandatory reporting requirements that those health care service providers, schools and police, have that's inhibiting women reporting issues of family violence because of a fear their children will be removed?

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AUNTY MURIEL BAMBLETT: I don't think it's a number of things that - I mean, I think a lot of our - it's different, family violence, in Aboriginal communities. There's the shame factor, "Don't want people to know my business, don't want to know, and don't want my husband to be locked up." So how do we come up with different responses and see family violence and be able to treat family violence?

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So I think in Victoria, you just take Glenys Watts, she's done an amazing job down in Gippsland, and I think the Dhelk Dja, we are so far ahead in the family violence space as to any other State and Territory. The massive investment in family violence, the fact that we have got, you know, five Aboriginal refuges in Victoria. I think we are doing our bit. I think it's more about how do we actually make sure that our women are safe, that they are safe to come forward, that we do all the safety planning.

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As I said, I think, it's more about how do we empower women to be able to come forward and seek help and support them. How do we do a lot more work earlier with young women, with girls in schools. The education system, we have to work around peer support. We've got so many young girls that are struggling with their peers in the school situations. So I think for us it requires - and I think the investment has to be really significantly into how do we change.

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Some of the systems are really - if you go to a government agency, they don't see our culture, they don't see the fact that we are Aboriginal and treat us differently, so, you know, the first thing that an Aboriginal person will do is watch the person's body language, whether they are interested or not. So I think a lot of the issues that we have, Australia doesn't see us as First Peoples and understand our culture.

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If I went to a Muslim country, I would learn about the Muslim culture, but most Australians have never, ever learnt about Aboriginal culture, how to engage with us, how to work with us, how to talk to us or how to treat us.

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MS McLEOD: Can I come back to that in a second. You just reminded me, of course, that one of the very important portfolios for a Minister is Treaty and First Nations, concurrently held by the Minister for Family Violence, and we heard from Minister Williams earlier in the year. So certainly in terms of a whole of government approach, that portfolio should be at the table, I imagine, and important to treaty discussions going on in terms of self-determination, control of processes, control of outcomes for First Nations people; would you agree with that?

AUNTY MURIEL BAMBLETT: Yes. I think the Minister now for Family Violence is Ros Spence. We have already had really good engagement. There is a national plan now. So I'm on that national Aboriginal Torres Strait Islander Advisory Council for developing a domestic violence, family violence and sexual abuse. One thing we haven't addressed in our, obviously, submission is the issue of sexual abuse in our communities. I think it's historical and I know that many of our women have been exposed. That's one of the most significant issues in the historical sexual abuse, not being able to respond.

The very fact that when white Australia came here they saw women as commodities, they saw us as open - I guess, open slather, the very sexualised nature, the fact that our women wore very little clothing meant that, you know, white Australia saw us as a commodity for them and you can read through all of the history and all of the letters about the sexual abuse. The fact that the reason why so many of our fair-skinned children were taken away from missions and reserves because there was, you know, activities perpetrated by the white protectors of our children.

My dad was 14, fair-skinned, lived on Lake Tyers mission, and he was removed because he had fair skin, at 14, only because he had fair skin.

MS McLEOD: What are the flow-on effects of that activities and behaviour that was not subject of any intervention, or it was encouraged by the State back --

AUNTY MURIEL BAMBLETT: You can see the harsher penalties. So, you know, to remove us from the site of the community, so they knew that - my father, being on Lake Tyers, he was going to be a visible sign that something had happened. It would question what was happening on the missions and the reserves at those times. I think, for my dad, I mean, it set up a life. How do you at 14 go and find a life? How do you actually go and find a job when you've got no trade and you've been taken away, you've not been taught your traditions around hunting and gathering and being able to - so I think, you know, I guess I'm very fortunate that my dad was hard working and he was able to provide for me in my life.

MS McLEOD: Just coming to your report and picking up your earlier comment about the role of institutions. Page 10 of the report, you begin a series of recommendations. There are 52 recommendations in total. Can I just ask you to look at recommendation 9 in relation to the recommendations you make around adoption and permanent care orders? Can I ask you to speak about - you've mentioned government, can I ask you to speak about the role of other institutions and your concerns around access to institutional records.

AUNTY MURIEL BAMBLETT: Yes. Did you want to respond, Sarah? No. At the moment, as Aboriginal services, there is a permanent care order, when a permanent care order is made, they will ask for an Aboriginal organisation to actually write - interview the family and write a report to the court. What is really, really difficult is quite often we are asked to write this

report after the child's been in a placement for four/five years, and it's very, very difficult to be able to - and what we find is for many of these children, no-one's ever done the work to find their Aboriginal family, connect them back, and find grandparents. So we are almost always caught at odds with child protection and the courts, because we want to pursue the child's links.

What we found is that a lot of our children have never kept the links with their Aboriginal family and community and so when these permanent care court orders go through, we put a lot of emphasis on maintaining connection. But let me tell you, the permanent care orders aren't worth the paper they are written on. They are not. They don't hold any - they are just written.

We had a permanent care order written on an Aboriginal girl, a young Aboriginal girl, who came from a big Aboriginal family in Victoria. The girl was Aboriginal, there was a commitment made in the permanent care order that the child would keep connections with their Aboriginal family, their large Aboriginal family. When the child was fostered, basically, the carers changed her name, changed her identity, said that she was Torres Strait Islander and not Aboriginal, and she has never had access or met any of her siblings or cousins. There's no room for anybody to be able to fight.

So, to me, it doesn't matter what we write into a permanent care order, or what we would - we would never be able to change it. The issue is with it. Adoptions, we don't actually have any role - no Aboriginal service. In Canada and in America you actually have to get approval from a Traditional Owner, so the child's Traditional Owner group, to be able to adopt a child out of that - it's basically about the Traditional Owner group being able to give permission for that family to adopt. But there are conditions as well that Traditional Owner group will put in and then the court has to comply with that.

In Australia, there's no court orders, there's no capacity to review and there's no capacity to follow up with those conditions - when those conditions are applied. That means that anybody who fosters, or permanently takes a child, doesn't have to comply with any cultural obligations. They don't have to return the child to country, they don't have to do any language immersion, they don't have to have anything to do with siblings, they can completely cut off complete links with the child's Aboriginal culture.

MS McLEOD: Aren't the cultural management plans meant to address those issues?

AUNTY MURIEL BAMBLETT: Yes. The cultural support plans are there, they are developed, but it's up to the goodwill of the foster carers to whether they actually, after the permanent care application's gone through, as to whether they can just rip it up and, you know, because it's not - there's nobody that follows up on it. There's no capacity.

MS McLEOD: So there's no accountability for those cultural plans. You mentioned the goodwill of the carers. Is there also an issue about capacity of those carers to implement those plans?

AUNTY MURIEL BAMBLETT: I mean, there are some extreme examples. I ran into a previous permanent carer of a previous foster carer VACCA that went to permanent care. I ran into her at an Australia Day event and she came up to me and said, "If I'd have known going to permanent care meant that I was going to lose my VACCA family, that I wasn't

going to have access to your Christmas days, to all of the events and activities that you run for children in foster care, I would never have moved to permanent care."

5 So it's tragic that Aboriginal organisations like us can only maintain or keep connected with the children that are in our care but once you move to permanent care you have to give away any links with any Aboriginal services because quite often we are the Aboriginal family of many of our Aboriginal children and many of our Aboriginal carers and many non-Aboriginal carers. So it's sad when, you know, they do move to permanent care, that they do lose us.

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MS McLEOD: So how is that impacting on the children that you're seeing?

15 AUNTY MURIEL BAMBLETT: I think if we get all the processes, if the carers really do the work to keep the child connected to culture, I think that, you know, there's obviously lots of examples. I think as a - to be truthful, as the foster care system we are much better with girls, we are much better at looking at young girls. I think we struggle with how do we support young men. I think one of the things we really need to think about is what to we need to do to raise and think about young boys that haven't been raised - I mean, we are not living in traditional times but we know that many of the young people that are in out-of-home care, 20 where they don't have strong connection with Aboriginal culture, where they don't have strong Aboriginal role models, they are more likely to end up in the justice system because they are conflicted about their culture, they are conflicted about their identity, they don't fit in. So how do we actually create situations where children feel connected and have that. So a lot of our work is around making sure that we are doing a lot of peer supports.

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One of the most successful programs we have is in the southern region where we have a number of young people that we pick up for the breakfast program. They come beforehand, they do all sorts of boxing clubs and then they have a breakfast together. Then they go to school, and we are finding their attendance at school - then afterwards we pick them up and we do homework clubs and then we drop them off afterwards.

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So we are finding that that has multiple - and many of these young children would have ended up in justice. What we do is link them in with strong Aboriginal men, but not all of our communities have that capacity. So how do we build our own infrastructure around strong Aboriginal men that work with children in child protection?

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A lot of people don't like child protection. They think, "Oh, we don't want to touch it", but what we are seeing is that now, with the number of Aboriginal community controlled organisations across Victoria funded - at the moment there are 19 Aboriginal organisations funded. We are seeing a lot more exposure to camps, cultural business, ceremonies and including men's yarning circles, women's yarning circles. Those are the essential things we need to build into the system. What is the cultural business of child protection that we need to embed into all of our responses and work with children and families.

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45 MS McLEOD: You just mentioned school attendance there, and the report talks about the correlation between school attendance and/or non-school attendance and the youth and then adult justice systems, so if these programs are demonstrated to be working in terms of encouraging school attendance, you would expect a flow-on effect in the justice system.

AUNTY MURIEL BAMBLETT: That's exactly right, but also to better mental health, better, you know, psychological health and ability. We know that children are conflicted about who they are, they don't know who they are. They struggle throughout the whole system, so it's important that our children know who they are, are strong in their Aboriginal - we know that most children that go through the multi-functional Aboriginal children's services, or any Aboriginal early year services do much better, they are ready for school, and then they are strong in their culture. I think people don't realise when a child goes to school and somebody says you are Aboriginal, for a child to be proud of that, that's what we want, we want to create children that are proud to identify as Aboriginal and strong in that, and don't have that fear factor, to be proud of being an Aboriginal child.

MS McLEOD: You mentioned before we came into the room the early learning - the early parenting centre. There is one of those now operating. Can you tell the Commission about what that early parenting centre is and does and whether we need more of them?

AUNTY MURIEL BAMBLETT: There has been funding made available to First Nations health in Frankston, to develop an early year centre, but our issue is it's great, and it is needed, but it's going to have a really greater function on child health.

I had triplets myself and I wasn't coping when I came home from the hospital, no sleep - sleep deprivation, and back then there wasn't any home help or anything. I went to maternity and child health and they wanted me to go into an early parenting centre to be able to help me, but I didn't know the language of Stolen Gen, I didn't know about removal. All I knew was that you couldn't trust mainstream organisations to help you. So, in my mind I said no, I won't go in, I'm not going in, but my health deteriorated so badly, these babies were taking me an hour to feed and by the time I finished the first one, it was time to start on the third, and I was just in a world of pain.

The centre really did help me. It help me put the kids in routines and it was there - and we'd been working with the QEC very much around integrating a lot of our child welfare programs with QEC. They had broken the mould. They are a mainstream organisation but have a commitment to Aboriginals and have worked with us for a very long period of time to change the way government thinks about Aboriginals and working with Aboriginals. We got joint funding with them to run a mainstream program. QEC - the government said we'll put it in QEC and QEC said no, we'll put it in VACCA. Government said, "What about all the white clients", and they said "Don't Aboriginal people have to go into white organisations every day? Why not put it in VACCA."

So we put it in VACCA and everybody still came. So there is some real racist stereotyping for Aboriginal people, but the early parenting centres can be a critical. Government is committed to, you know, all these early year services but not one of them is Aboriginal, not one, and they don't see the need for an Aboriginal early years parenting centre. Look at all the unborn notifications. We are waiting for babies to be born in hospital to remove kids. Imagine if we had our own early years parenting centres. I think we could change the world.

MS McLEOD: Obviously you are a fan of the early parenting centre?

AUNTY MURIEL BAMBLETT: My children came home, they actually took their bottles and went to sleep. My life was chaos, but I had a two-year-old that helped me as well.



MS McLEOD: In the context of the discussion around self-determination, you address that issue in the submission. I want to take you to page 21 of the Commission.

5 COMMISSIONER HUNTER: Could I ask a question, if that's all right? Auntie Muriel, just to go back to permanent care, as you mentioned before, would I be correct, is there a certain amount of time a child needs to be in care before they can be put on a permanent care order?

10 AUNTY MURIEL BAMBLETT: It's usually a timeframe of about two years. Governments have been trying to make it that it's, you know, that - stability - what they are trying to do is really sort of - it's a bit of a catch. I've heard Aboriginal children say, "Why didn't you make a decision to place me with my aunt earlier rather than keep trying to make me back to mum when mum wasn't changing?" Then we had mum sort of really doing the hard yards and putting the intensive work in and children have gone home, but it's usually about two years.

15 COMMISSIONER HUNTER: There is no oversight of a child once they've gone into permanent care?

20 AUNTY MURIEL BAMBLETT: No follow-up, no. I mean - America's moved to a process where they are moving to permanent care much more quickly, and they are in a world of pain. I saw a presentation in America - I put this up, all children will go to permanent care earlier. Then you have another organisations set up because of the number of permanent care breakdowns, because child protection is bringing children back.

25 COMMISSIONER HUNTER: Can I ask - sorry, Counsel - do you see a high rate of children being returned from permanent care? I know you spoke about young boys, but I'm just wondering, is there a high rate of return from permanent care of kids coming back into care and, if so, male or female?

30 AUNTY MURIEL BAMBLETT: I guess because it takes so long and most of these children have stabilised in those placements but it would be really great if we could go through and explore records and actually, you know, do an investigation about whether people have complied. I think you can see the most extreme - and you would know - I think the worst permanent care plan I saw written was that a child from a very big Aboriginal family in Victoria was going to be permanently put into a family and they were moving to South  
35 Australia.

40 In a report to the court they wrote they would take the child to the museum as part of the child's exposure to culture. So they - not really understanding or thinking if you just take them to the museum that that would fulfil the cultural obligations. Clearly, I think white Australia doesn't have an understanding of cultural obligations and what they mean  
45 Aboriginal people. Even for a lot of our young people, I think, cultural obligation, responsibilities, language, all of those things, are critical that we build into just generally into our community because if don't fulfil our obligations then our next generation don't actually honour what are our traditional obligations, as First Peoples, to learn a language, to be able to know our stories and to be able to pass those stories on.

COMMISSIONER HUNTER: Would you say there are children in permanent care would be lost to culture, lost to community, would they start - let's relate it back, say, to --

AUNTY MURIEL BAMBLETT: You saw what happened with Russell Savage, you saw what happened to him, where he - you know, that was a family that fostered him, went to permanent care, they never fulfilled any of the obligations. They took him overseas. There was no permission to take him overseas. We didn't - if it's a foster carer, they would have had to have got approval. So I think if you are looking at the failures of the child protection system, just have a look at Russell Moore-Savage.

MS McLEOD: Following up on Commissioner Hunter's questions, the permanency objective of the Act, presumably, has an intention of stability, to give the child some stability, but it sounds like what you are saying is that it's counterproductive because it means children don't have - there's no visibility of those children once they're in care and, in fact, they can be lost to the system?

AUNTY MURIEL BAMBLETT: Yes. I mean, some of the foster carers that we get are racist. They want the child, but they don't want an Aboriginal child. They want a perfect little child but they don't want anything to do with the Aboriginal family or any - because, you know, a lot of racism. We have seen some families that have wanted to change the name of the child, have fought us in court to change the identity of the child, and have brainwashed the child to say the child is not Aboriginal. So there are extreme cases.

[Redacted]

MS McLEOD: Just as a general observation, do the Children's Court give weight to those sort of submissions, of parents who are saying that they wish their child to be exposed to culture and have a sense of connection, or is that something that courts are not presently able to manage and deal with appropriately?

AUNTY MURIEL BAMBLETT: I think you can see, like, through the dedicated child protection court that we have, you can see the difference, where Magistrate McPherson, Ash Morris they do all the work. The magistrate actually sits down with Aboriginal families and does the work. I think, obviously, the legal professional would know, they are a law unto themselves, no disrespect to you, but - and it's adversarial. So we get caught in the middle of child protection, the magistrate, and then Aboriginal people wanting to put - Aboriginal just doesn't have the threshold for legal. So being able to be Aboriginal, there's no recognition of what it is to be Aboriginal and then to be able to establish and have a database for the magistrates to be able to say, "Has the child got a return to Country, have they got a genealogy, have they had - you know, do they know their Aunts and Uncle, have they got story"?

That doesn't meet within the court's barometer of looking at the best interests of children. So stability, health, education, all of those things are important, but for Aboriginal children, knowing who you are, being able to connect, being able to be able to live as an Aboriginal child, is critical as well.

MS McLEOD: So that brings me back to the placement principles and where I wanted to take you with the legislation that lapsed in the last Parliament, which you discuss on page 22,

in the context of this issue of self-determination. Do you have page 22 there, the last paragraph:

*"We also wish to highlight?"*

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AUNTY MURIEL BAMBLETT: Yes.

MS McLEOD: The Children Youth and Families Amendment Act Child Protection Bill 2021, followed by the Children and Health Legislation Amendment Statement of Recognition and Other Matters Bill 2022 lapsed in the last Parliament. We know that. Do you know whether that's back on the agenda now for the new Parliament?

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AUNTY MURIEL BAMBLETT: I might get Sarah to answer that.

MS McLEOD: I mean, we can ask government for their input into this question as well, of course, but --

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AUNTY MURIEL BAMBLETT: I just want to make sure Sarah's put on the spot as well.

SARAH GAFFORINI: We do know that it was meant to go through in the last sitting, however, The Queen died, and that --

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MS McLEOD: Threw a spanner in the works?

SARAH GAFFORINI: It definitely did. So we do have - we have reassurances that it will get back on the agenda as soon as possible.

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AUNTY MURIEL BAMBLETT: Within the next three months.

SARAH GAFFORINI: So as soon as we can.

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MS McLEOD: We assume in the soon-ish sittings of next year. That Bill, the recognition Bill, initially had an increase to the age of criminal responsibility, but that was controversial and it was removed; is that the history of it?

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SARAH GAFFORINI: There's a little bit more to it than that. It's actually linked to the Youth Justice Bill. So in getting the Statement of Recognition Bill through, which is really focused on our ability to take on investigations, so that we can act earlier to help families to possibly stay together, to put those strengthening mechanisms in place, on a child protection notification. Hopefully so we don't have to remove children. If we had kept the raise the age and everything together, the bill may not have passed, and then my understanding is that the Youth Justice Bill, which is currently also being worked on, would have then taken the raise the age out of the Children, Youth and Family Act and put into the Youth Bill.

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So there are lots of moving parts but the most important part of getting this legislation pushed through is our ability to take on the investigative function, which still, as Aunty Muriel talked about before, has arbitrary targets. So within - when we get to start that process, hopefully as soon as possible, we still have a target of - for VACCA we only get to investigate 90 targets. We currently have 800 kids in care. So that's 90 notifications. Again, in terms of what we spoke about in guardianship, there are 2600 children in out-of-home care but we only have

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targets for 200 for guardianship and then the same for this for investigations, between ourselves and Bendigo, there's targets of 130 for investigations, yet we know that there's a pipeline of kids coming into child protection. So --

5 MS McLEOD: What's the consequence of that?

SARAH GAFFORINI: The consequence is we are going to burn through that target really quickly and unfortunately that comes with fixed resources. If we hit the target of 90 in three months, we don't know if we'll be able to then actually support more families and our aim with our approach to this is that with those - our outcome is for those 90 families that we get to engage with is to strengthen them, to keep the child at home. We could be doing that for so many more families.

10 While it's us and Bendigo that are on a trial, imagine what we could do if it was State-wide. We only get to do it in the north. VACCA operates in the east, the south and the west, but we just get the north. So it's very limiting.

AUNTY MURIEL BAMBLETT: Piecemeal.

20 SARAH GAFFORINI: Yes.

MS McLEOD: Sorry, Aunty, I missed you?

AUNTY MURIEL BAMBLETT: I said it's piecemeal. What it means, there are 500 notifications within a month and we are only going to work with 90. So if I was one of those other Aboriginal families that didn't get the same service, we are really sort of going to be discriminating against many of the Aboriginals. So how do we actually prioritise? So, again, it's piecemeal, like, giving us a little bit, and it's always this thing about we have got to do an 'as if', to demonstrate that we can do it. They are not even, at this stage, relinquishing all of their power and authority, so it's still a little bit - we had to do 'as if' guardianship and it took us so long, like, the legislation was in place in 2005, it wasn't until 2017 that we took on full guardianship.

35 So even with the investigations, if we start with 90, imagine how long it's going to be before we can actually roll it out. But I think the Department can - they just don't like giving up their power and authority, and they have got a real view that we as Aboriginal people, we are not - we don't have the same standards. I definitely know that we have much higher standards. We have seen situations where we have rescued children, where the Department have been failing. We have one particular case where there was a child almost at death when we went to visit this child, and they had not visited or seen this child, and if it wasn't for us taking over --

MS McLEOD: At all? They had not visited?

45 AUNTY MURIEL BAMBLETT: They had not sighted the child. They had talked to the carer. They had not sighted the child. Before we took over this kinship placement we said we want to sight the child and family. That child was almost two weeks from death from malnutrition. If it wasn't actually for us actually taking on that child, and actually wanting to see the child, that child would today not be with us. Now the child's with the Aboriginal father.

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That's the other element that we haven't put in. Aboriginal men don't figure in child protection as well. So we don't often look for Aboriginal men. If you're with a non-Aboriginal woman, we tend to go with the non-Aboriginal woman's mum, maternal. We are a very maternal system. I think it's referenced and particularly Aboriginal men in child welfare often don't even get considered to be carers of their children or their family considered to be able to take on the care.

MS McLEOD: Auntie Eva Jo gave evidence yesterday about having to choose between her son and her grandchildren because her son was seen, in effect, as a harm factor, a potential harm factor. So having to make those decisions must be very difficult for family.

AUNTY MURIEL BAMBLETT: Auntie Eva Jo's son is so lucky to have her. She knows child protection and she fights child protection every day. That's what we need is strong Aunts, strong Mums, strong Uncles fighting for children. But not everybody has an Auntie Eva Jo as a grandparent to be able to fight the system or understand the system.

MS McLEOD: Those 90 children that come within your target, are they just the first in the door or are they prioritised in some way? How are those - once you get to 90, that's it, there's a cut-off through the year or how are those --

AUNTY MURIEL BAMBLETT: I think they are going to try and work with the most complex. I think VACCA's view is try to work with the most complex families, the hardest ones, rather than, you know, for easy ones. When we took on the (indistinct) we could have taken much earlier - you know, families much earlier and been able to really get some easy runs, but we didn't do that. We actually put children that were on long-term orders because we knew that they were the most complex.

So we had one day - in a one-day sitting of the court, with Magistrate McPherson - I wish I could remember the name of the court. Do you know it? Anybody know it?

MS McLEOD: Are you asking about the name of another Magistrate?

AUNTY MURIEL BAMBLETT: Marram-Ngala Ganbu.

MS McLEOD: We are hearing from her on Friday.

AUNTY MURIEL BAMBLETT: She did a video and talked about in one day, a sitting, five children went home. Now, these are children that were on long-term orders, been in care for over two years, and we do a high-five when one child goes home, but five children in one day, the work that we did between - and this was - one was for a young mum with three children, and those three children, the mum had been through Odyssey House, had done all of the programs, all of the services and done all of the things and she's produced a video for us to say that if it wasn't for our Nugel program, and the work of a combination of a good court system, of having decision-making with Aboriginals means that children go home.

MS McLEOD: I just want to come back to the Act, or the two Acts that we have been talking about, I take it you would see the passage of those Acts as urgent reforms that the government needs to act on as soon as possible?

AUNTY MURIEL BAMBLETT: There are parts of the Act that, you know, like, the government hold you to such - and then there are so many parts of the Act that they just don't hold themselves to account to, which is very frustrating. So, you know, obviously, guardianship, and the fact that it was in legislation for all those years and they didn't do it, so it's in legislation now, and they are only drip-feeding it out. The Aboriginal child placement principle has been in legislation for a number of years. I mean, in 2005, when we were reviewing the legislation, we had to really sort of strengthen the language because the Act at that time read that the courts may take into consideration the Aboriginal child placement principles. So we had to work really hard to get it into realm, taken into consideration. What's happened over the years, and the ideologies of governments have changed, the reality is that nobody really - I know you want to ask the question about self-determination, but in looking at a child protection system, what we have got is a system where Aboriginal people are passive recipients, so we are sitting here waiting for government to tell us what we should do about how we protect our kids. We sit in the courts and the courts tell us what we need to do.

So with the changes in the legislation, what we want to be able to do, is move to being really sort of the most influential in being able to change - make decisions and change decisions, and bring greater awareness to the courts and to systems about Aboriginal people, because at the moment, if you read the data, if you look at the numbers of investigations and then if you look at the number of notifications, investigations and protective applications, if you look in, the further the overrepresentation. So we are a small - we are a smaller percentage as compared to mainstream investigations, but the further in. So what that says, we have got a racist system that is more likely to intervene, it's less likely to put things in place to keep children safe. So you have to say it's a racist system.

MS McLEOD: I take it from what you are saying that you would see the principles of self-determination and the best interests of the child as complementary?

AUNTY MURIEL BAMBLETT: Complementary. But also being able to challenge systems in the way that we think. I mean, in America, in one, you know, sort of part of America, I don't know whether they call them capital - countries or States. States. Anyway, one of the States over there, they actually introduced - they found that the numbers - we know that children of colour are overrepresented across, you know, every State and every country and so one country in America, and I can send the report, what they did is de-identified. So they took away the identity of the child and the name of the child, because obviously names - people know particular family names and what they found is that the numbers of children of colour actually reduced by just taking away the name of the children and the heritage of the child. They were able to actually see. So I still think that we have racist systems, very racist systems. You only have to look at the Northern Territory. You only have to look at the numbers of children. Why so many? Why so many Aboriginal children in the Northern Territory in care?

MS McLEOD: We have only got to page 27 of your statement so far. It's all been very instructive, thank you. The three things you had wanted to mention as a matter of priority were the raise the age, the early parenting centre and the passage of this bill, which is the subject of one of your recommendations.

AUNTY MURIEL BAMBLETT: I still want to also hold to account the mainstream organisations.

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MS McLEOD: The institutions and their records, yes. So what I might do is invite the Commissioners to see whether they have any questions at this point and then I will do a quick page flip to see if there are any of those other issues that you said you wanted to highlight in the remainder of your report and what we'll do is we'll get you back so we don't lose the opportunity to hear from you on these other important issues.

AUNTY MURIEL BAMBLETT: Yes, thank you.

MS MCLEOD: Commissioners.

COMMISSIONER BELL: I've got a million questions but I'm not sure we have got time really. Perhaps I will confine myself to just one question or one topic. You mentioned human rights, you opened on that subject, and the Victorian Charter is supposed to bring human rights accountability to government, including the child protection system. It's supposed to ensure that Aboriginal culture is respected, in making decision-making, it is supposed to ensure that the system operates in a non-discriminatory manner.

It is supposed to uphold the rights to family and the best interests of the child. All of these things, you've said, are wanting. The question I ask you is: do you see human rights accountability in the way that the Victorian child protection system actually operates?

AUNTY MURIEL BAMBLETT: Yes. I think our submission goes to that, around charters and conventions, and so it's absolutely critical because - I mean, the convention on the rights of the child, it clearly spells out the rights of children to identify as Aboriginal and, you know, all of our responsibilities to meet the cultural obligations of our children but there's no matrix to actually - or understanding of what that looks like and even though it's embedded in a lot of the language around best interest shouldn't be mutually exclusive of an Aboriginal child but if you're looking at all of the planning and all of the documentation, I think, as Aboriginal people, like, we know at VACCA it's important that children have a genealogy so that they can trace who they are, that they have a return to country, that they have Aboriginal educators in the school, that they're going to the Aboriginal health service, that they're going to an Aboriginal kinder, and they are the things that you can see when they are with an Aboriginal service.

If you talk to Andrew Jackomos, when he did, you know, the Taskforce 1000, when he was Commissioner for Children, what he found was when Aboriginal services are involved in any way with an Aboriginal child, the child's exposure to culture is absolutely assured. So how do we actually get the child protection system to actually include greater Aboriginal, you know, involvement, in children's lives?

One of the things that we need to put in place, some of the things, because it's not compulsory to have a genealogy, it's not compulsory to have a return to Country. None of those things are part - they are the things that we do as an Aboriginal organisation. Before I sign up a cultural support plan I ask is there a genealogy. The Department sees the - you only need three levels of a cultural support plan. So that means my mother, my grandfather and my great grandfather, whereas, to me, I want to know all of my - I want to know where all of my family comes from.

So I think we still get caught up in a Western construct of how do we do it quickly and neatly and just tick a box rather than follow, you know, a really sort of well-researched way to

ensure children enjoy the richness of who they are, and that we actually envelop them in their own culture, not just give them a book and say, "Here's what you are to do as an Aboriginal person." Thank you.

5 COMMISSIONER WALTER: We've heard already - and we're only in day 2 - of a system in which Aboriginal voices are not heard, where the overrepresentation of Aboriginal children rises with every level of intervention, where there is no trust or little trust from Aboriginal families, where change is piecemeal, grudging and tiny. Is the system redeemable or is it totally broken for Aboriginal people. It may be achieving what it's meant to achieve but can  
10 this system be fixed or does --

AUNTY MURIEL BAMBLETT: I think it can be. I think the thing is that we keep introducing western systems that don't work. So how do we change the western construct of a system that isn't really working for - and at the Aboriginal Children's Forum we have a  
15 number of other organisations, like Anglicare, McKillop, Australia Child and Centre for Excellence, and they see what we are doing in the Aboriginal space and their view is we need to turn the child protection system on its head and actually listen to Aboriginals and everybody says it all the time, you get it right for Aboriginals and you get it right for all children.

20 So we know that we are seeing better outcomes but we still go back to Western models. We want to hang onto Western evidence and Western evaluation and Western systems. So, at the moment, there's an overreliance of bringing in Western MST, multi systemic therapy, cognitive behaviour therapy, CBT, and all these Western constructs that you can't change and  
25 that don't suit Aboriginal families.

Nobody wants to build in an Aboriginal evidence base about what works. Have a look at what Aboriginal communities are doing every day. Have a look at, you know, not meaning to really sort of highlight it, but have a look at Heywood. There is very little child protection in  
30 that community because they have got strong Elders, strong Aunts, strong Uncles, they are doing early years work. You have got people going up to the school talking to the schools. Build on what works, strong Aunts and Uncles. They haven't got all of their Aunts and Uncles in the prison system, they haven't got Aunts and Uncles that are dying early. They have got strong family matriarchs, Aunty Laura Bell.

35 You can go across our State and see many of our Elders that are really standing up for children and putting really great things. We have to put back into our communities what is Aboriginal strength, who are our matriarchs, who are our patriarchs, who are our men that, you know, can lead us through some of these really big challenges.

40 MS McLEOD: Just one question, if I may ask you about, in your report you do a comprehensive review of the implementation of some of the recommendations of the *'Bringing Them Home'* inquiry report and you mention the use of the national *'Sorry Day'* scorecard, which was last produced in 2015. One aspect of that scorecard is to look at the healing reparations policy environment. Can I invite you to offer some observations in  
45 relation to the issue of healing and reparations, including anything you would like to say about memorials?

AUNTY MURIEL BAMBLETT: Obviously, therapeutic is a big focus. I think  
50 understanding therapeutic, people see it as medical, but therapeutic is the possum skin cloak,



the healing different ways, Aboriginal people heal, whether it's through song, art, poetry. Margaret Rowell, when she worked at the Aboriginal Health Service, she asked Aboriginal children to draw what makes them feel safe, and 85 per cent of Aboriginal children drew the Aboriginal flag.

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How do we actually move to healing in a cultural context because it's not quite often built on Western sitting down with a counsellor and actually being, you know, asked to talk about your trauma. It's actually understanding Aboriginal trauma and where trauma has come from, whether it's historical or whether it's learned or whether it's generational, and whether it's poverty-driven, whether it's - you know, the fact that so many of our people live with family violence.

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I mean, the State of Victoria's children in 2009 talked about the fact that Aboriginal children are born into trauma. So they live in houses where there's a number of funerals, where there's bad health, where there's family violence, where there's suicide (indistinct) and Richard Franklin talks about the cultural load that Aboriginal people bear, you know, just having to live as an Aboriginal person and have to deal with that.

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So, for us, in child welfare, understanding that any time you remove - any time a child hits the child protection system, they have been through trauma, the family have been through trauma, through a high level of violence. But do we have a system that actually addresses it? Do we focus on cultural therapeutic ways, do we actually, you know, embed culture, healing treatments, do we think about men's business, women's business, do we actually work with families in the context of, you know, where they are at with their violence, with their mental health, with their issues. So, I think, no, we don't, but I think we are moving that way. I think - in Victoria, we have a number of healing services. We have got Nargneit Birrang, which is a healing program but it's never been fully rolled out, we know what we have got to do, it is just trying to get government to see that as critical for Aboriginal people that we need to bring about healing.

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I think that I would love the Commission to have a focus on what does healing and how do we actually heal the past and what could we have done in the past to heal.

MS McLEOD: You have probably addressed this in various places in your evidence but the importance of healing, including reparations and justice for those people who have been affected by past violence, violence in the past, through colonial acts that you've described in your evidence, how important is that healing for children at risk of child protection exposure or interaction with child protection systems today?

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AUNTY MURIEL BAMBLETT: I think, out of all of this, I mean, I think most people would say, "I just want acknowledgement that what's happening is wrong, I want to be able to hear that it's not going to happen for another one." I think having dealt with a number of clients that have gone for reparation, through the Royal Commission into institutional sexual abuse, a lot of what means - what means a lot to people is so get a formal apology and acknowledgement. Also, for many it's the fact that - many of our people don't realise their rights. So there's this real sense of, "I don't have any rights to claim against sexual abuse, against the violence perpetrated", so what we are finding is that a lot of people are really getting caught between redress and not understanding that what happened to them in a lot of these institutions was wrong and they have rights.

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So a lot of our people aren't taking up their rights to be able to pursue legal action particularly for sexual abuse at the hands of many of the institutions that were placed - put there to care for them.

5 MS McLEOD: Aunty, I don't want to rush your important evidence, as you described in your submission about the interaction of children in the justice system, including police, police discretions, court systems, sentencing. So if you are content to do so, we'll get you back on another occasion.

10 AUNTY MURIEL BAMBLETT: Yes. Look, I mean, I know that you're going to hear from the Victorian Aboriginal Legal Service and I think if I was to really sort of hone in on some of the things, I think that we have an amazing Justice Agreement in Victoria. I think that we are up to iteration 4 of that Justice Agreement. I think we are the only State or jurisdiction that is actually still very much committed to it. I would hope that we could recommit and  
15 make sure that we do.

What I'm a bit concerned about, though, is the investment. Everything that's been invested in has been into the institutions. So into police, into prisons, into sheriff's offices, into the courts, and they are critical. Unless you see as well the role of the Aboriginal sector in being  
20 able to as well deliver on justice outcomes - and I don't mean locking up people or having parole officers - I think about how we actually can address justice issues but also draw the correlation between high-risk families, children, and to, I think, the integration of family mediation. I think an approach where we can work more closely with families is critical.

25 MS McLEOD: Can we get you back to talk about those things?

AUNTY MURIEL BAMBLETT: It would be lovely to, yes.

MS McLEOD: If the Commission pleases. Is that an appropriate time? That will conclude  
30 Aunty's evidence for today. So I will tender her statement and attachments to her statement and then we'll make a time that's convenient to the Commission and to VACCA to have her back.

**<EXHIBIT 2.2 STATEMENT OF AUNTY MURIEL BAMBLETT**

35

**<THE WITNESSES WITHDREW**

CHAIR: Thank you. Shall we adjourn until 2 o'clock. Thank you.

40 **<ADJOURNED 1:12 PM**

**<RESUMED 2:00 PM**

MR McAVOY: Thank you, Chair. This afternoon we'll be hearing from Jill Gallagher. I  
45 understand, Chair, that you have been made aware by Ms McLeod in the morning session that we will be seeking an order pursuant to section 26 for some of the evidence to be given on a closed or restricted basis. I ask whether those orders have been made at the present time or not.

CHAIR: Not those orders. I have just done the one from this morning. I'm not sure that - are they in the written request?

5 MR McAVOY: I misunderstood. I thought that those orders were - we were speaking about the same orders. I will make that application at the appropriate time later this afternoon.

CHAIR: Okay. All right.

10 MR McAVOY: But there will be a piece of evidence from this witness that will be on a restricted basis.

CHAIR: That was the previous witness' evidence, sorry. It will be done in time.

15 MR McAVOY: Thank you, Chair. I call Jill Gallagher. You will note that Aunty Jill is currently in the witness area with a support person.

**<AUNTY JILL GALLAGHER, CALLED**

20 MR McAVOY: Before we commence, could you just tell the Commissioners your full name, Aunty Jill?

25 AUNTY JILL GALLAGHER: Thank you, yes. My name's Jill Gallagher. I am Gunditjmara woman from Western Victoria and also currently the CEO of VACCHO and also prior to that - well, during that time, I was also the former Treaty Commissioner. So, thank you, is that enough?

MR McAVOY: Thank you very much. In relation to the evidence that you are to give this afternoon, that evidence will be truthful evidence to the best of your knowledge?

30 AUNTY JILL GALLAGHER: To the best of my knowledge, yes.

MR McAVOY: We are aware that you know some of the Commissioners quite well, Aunty Jill, but I would ask you to simply will I describe for the Commission what VACCHO's role is.

35 AUNTY JILL GALLAGHER: VACCHO is a peak body for Aboriginal health and wellbeing in the State of Victoria. We currently have - our role is to try and influence governments, try to influence government decision-making, their policy-making and also how they provide funding to Aboriginal community controlled organisations.

40 We have been in existence now for 25 years. We were first incorporated back in 1996. Prior to that, there were a lot of people before me who played the role in trying to be a strong voice for Aboriginal people in the health and wellbeing space. We had the tripartite agreements, we had the Victorian Aboriginal Health Service, and some Elders who set up that health service  
45 who fought hard to have a strong voice to governments, not in governments, there's a difference, in relation to trying to influence the government policy.

MR McAVOY: Thank you. And VACCHO, as an organisation, has made a submission to this Commission?

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AUNTY JILL GALLAGHER: Yes, we have. We have made a submission in relation to our views in relation to child protection and also the justice system.

5 MR McAVOY: Thank you. You can assume that the Commissioners have a copy of that submission. Is there also a capacity building or capacity development role that VACCHO has with respect to its members?

10 AUNTY JILL GALLAGHER: Yes, there is. VACCHO has 32 Aboriginal organisations who are based around the State of Victoria. Not all of them provide all the social determinants of health services. Some of them - 16 of the 32 have clinics, and I will use Rumbalara as an example. Rumbalara is one of our biggest members and they started out as a little health service in a little old shack and they have grown to be a health and wellbeing service that tries to address the social determinants of health for their communities.

15 So that ranges from health service to residential aged care, to aged care in the home, early years. They try to do prevention work in the child protection space. Maybe I wouldn't call it child protection space because they try to do prevention work in the areas to try and support families and do prevention work with those families.

20 MR McAVOY: And there are members that are not providing health services as such?

25 AUNTY JILL GALLAGHER: Yes. We have some of our members, only a short - you know, like Mullum Mullum gathering place is not a service provider, so to speak, but they do provide support to their communities around connections, staying connected as a community. It is really hard - well, I know it's really hard, for me, anyway, I mean, I live in urban Melbourne and staying connected to my mob in Melbourne, where I live, it's really hard because it's a big built-up city. So those hubs, those gathering places, are really important for those issues alone and we do provide to our members support and capacity development, if needed, around a whole range of clinical governance to governance in general, supports, financial supports, legal advice or supports, if they are needed. So we do a lot of that work.

MR McAVOY: I just want to ask now if you can describe in broad terms VACCHO's interaction with the child protection system.

35 AUNTY JILL GALLAGHER: VACCHO's interaction with the child protection system is limited. We are not an expert body in child protection. There are other Aboriginal organisations who provide that expertise. What VACCHO is - what our focus wants to be is how do we change the system. How do we focus on - and listening to the evidence prior to my evidence now, there's a lot of focus on the children once they are in care. And so it should be, but my focus, as VACCHO, and what our members should be focusing on, how do we prevent our children going into care, how do we strengthen our families? We don't do a lot of that. And that's where it needs greater focus from not only the service provision, but also government resources, to allow that.

45 MR McAVOY: So from that perspective, and with that interaction in mind, is it possible for VACCHO to make any observations as to how well the child protection system in Victoria services the Aboriginal community?

50 AUNTY JILL GALLAGHER: I think the numbers speak for itself, really. I think we have got about 18 plus in Victoria alone - 18,000, sorry, not 18, 18,000 - I better make that

clear - 18,000 plus Aboriginal kids in Victoria in out-of-home care and it's growing. I remember when Andrew Jackomos, here in the State of Victoria, became the first Treaty Commissioner for Aboriginal children, and he set up - and it was mentioned in the previous evidence - he set up Taskforce 1000.

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The reason why it's called Taskforce 1000 is that there was 1000 kids in care at that time, 1000 Aboriginal kids in care at that time. So how many children have we got in out-of-home care now? We are not making any difference to stopping our kids going into care. The current system, as the previous - Muriel was talking about, the system's not right, and she's so spot on. The system isn't right. I know the government, and with other Aboriginal organisations, they talk a lot about - and put up on a pedestal section 18 and section 18 is about transferring the decision-making to Aboriginal communities.

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I'm not knocking that, I'm not saying that's a bad thing, I'm just saying it's not the only thing we should focus on, because if I was the CEO of one of those organisations, I wouldn't want that responsibility, with the current system that's not doing right by our children. We also have to focus on changing the system, regardless of who makes those decisions to remove a child from a family or a community. Regardless of who makes those decisions, we need to focus on changing the system that hurts us more than it protects us.

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MR McAVOY: VACCHO also has some interaction with the criminal justice system. You've nodded, yes?

AUNTY JILL GALLAGHER: Yes.

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MR McAVOY: From VACCHO's perspective again, how fairly or appropriately does the criminal justice system deal with Aboriginal people or service Aboriginal people in the Aboriginal community?

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AUNTY JILL GALLAGHER: We all know that our children going into out-of-home care usually means those children, when they become adults, are going to go into the adult criminal system. That's pretty well documented. I don't need to quote those statistics. So current correctional services does not meet our needs, as human beings, it does not meet our needs. It doesn't even meet the needs of non-Aboriginal people, let alone our own people. I believe the system is riddled with racism; the system focuses on punishment and not rehabilitation; and the system needs to change.

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Alone, just this year, in 2022, we had five Aboriginal people die in custody in Victoria. Five Aboriginal people die in custody because they committed a crime of poverty. That's got to stop. Veronica Nelson - I will mention one of those deaths - Veronica died in 2020, a young Aboriginal woman. Her only crime is poverty. She got picked up for shoplifting. She was denied bail for shoplifting. She was denied bail twice for shoplifting. So she went to Dame Phyllis and she died. I'm sorry.

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MR McAVOY: We can have a break for a moment?

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AUNTY JILL GALLAGHER: No, it's okay. I will calm down. She died because she was poor because she couldn't get a job because she was a blackfella. The system needs to change to stop that. Veronica's only one person. I know every Aboriginal person in this hearing knows these are not just statistics. These are our families. I knew Veronica. She lived just

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down the road here in Collingwood. These are our families, these are our brothers, our sisters, our cousins, our uncles, our aunties. They are not just statistics. It's real and it hurts a community.

5 I remember just recently I gave a speech, I can't remember where, and I spoke about - sorry, it was when - I don't really want to bring this issue up, when The Queen passed away, and we talked about Sorry business in our communities, our flags. If you look at our organisations right around this country, our flags are flying at half mast 24/7. That's the trauma our people feel. So the system is not right. It comes from a racist punitive approach.

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When I was the Treaty Commissioner, I went into every prison because I believed our people who were incarcerated had the right to vote in the elections of the First Peoples' Assembly. Our brothers and our sisters who were in there at the time wanted to talk about a lot more than just voting. The fact that they couldn't - the fact that they said, "You know what, are we allowed to vote in these elections", told me a story, that they felt valued and they felt they were important also.

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So I saw a lot of hurts. I saw a lot of wrongs that were committed in the name of Correctional Services and not just about the five deaths that happened just this year alone of our people here in Victoria. The health services in prisons. I'm not sure how many people realise that Victoria's the only State that contracts private providers, health providers, to provide health services to the most vulnerable of the vulnerable, and that's our people in prison.

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We subcontract - the government contracts private providers, and that should not happen.

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Every person in prison deserves the right to access a public health model approach; not a private provider who is more concerned about this - sorry, I don't know whether you can see that - then better health outcomes. That's got to change. We need a public health model provided to our people in prison right across this State.

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For our own people, Aboriginal people in prisons, we actually need Aboriginal community controlled health services, contracted to provide that. I will probably - I know the Commission's already aware of it but there's a model that already exists in Canberra in the ACT, Winnunga Aboriginal Health Centre, an Aboriginal community controlled health organisation, who are contracted by the ACT government to deliver health services to Aboriginal people in those prisons up there, and it works.

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MR McAVOY: That's something that you say could be done in Victoria?

AUNTY JILL GALLAGHER: No doubt about it, yes.

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MR McAVOY: I just want to take you back to something that you said earlier. You covered a little bit of territory. One of the comments that you made is that the system is racist, and I give you the - I ask whether you have any views about where that racism - how that racism plays out and where it stems from.

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AUNTY JILL GALLAGHER: I might answer where it stems from first. I think it's - well, it might be obvious to me and the rest of the Aboriginal communities, it might not be obvious to the general populations, but it comes from the colonisation invasion, whichever way you want to call it, that happened in this country. That's where it comes from. Just recently I was reading a book, and it was published by a couple of Aboriginal women, and it was called,

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5 *'Letters from Victorian Aboriginal Women'*, between '18 something and 1926. Those letters drew the racism - you know, the controlling racism where you need permission to leave a mission. The massacres that were committed on our people, the forced removal of our people from their traditional countries, that's all documented, that's not myth or oral histories, it's all publicly documented.

10 That's where the racism comes from. It stems from the very early colonial settlements and it still continues today. It still impacts us as a peoples today and how it manifests that I see in prisons is the - and I got this through my role as the Treaty Commissioner, to a degree, you know, speaking to Aboriginal people employed in those prisons, speaking to Aboriginal prisoners themselves, the stories that they have told me about the acts of racism, calling them black dogs to their face.

15 There was one incident where a staff member told me that one of the Aboriginal inmates applied for Sorry Business leave, low-security prison, and because the correctional officers - it was a really - I nearly said it there, didn't I - because of the correctional officers' racist attitudes, they didn't want to process it. They left that up to the Aboriginal liaison officer.

20 The terminology - so, basically, that person didn't get to go to the funeral that that person needed to go to because the paperwork wasn't put through on time and the way it should, and that was their job to do because it was a black person, they said, "No, that's not my role, that's your role." So that's what I mean by that. The other - the language that some prisoners have told me that they use with them, you know, "coons, Abos", and just their attitude.

25 MR McAVOY: So those acts of racism, are they things that - are you able to say whether they are things that people are experiencing rarely or are they commonplace every day?

30 AUNTY JILL GALLAGHER: Can I say, I think institutionalised racism is an everyday event.

35 MR McAVOY: Institutionalised racism, do you say, in the agencies that we are looking at, in this part of the truth-telling Commission, are those institutions the types - are they institutions that have or suffer from institutional racism?

40 AUNTY JILL GALLAGHER: Tony, I don't understand the question, but what I might do, if it's okay with you, if I haven't answered it, tell me, some of the problems that I see within correctional services, when it comes to our people, are there, whether it's racism or whether it's just, "I don't care", or whether it's a mentality that they are there just to uphold the law and punish, some of the solutions to some of that, I believe, is have a very strong training ground for correctional officers.

45 In some parts of the country, and in some parts of the world, a correctional officer has to undertake two years of training because it's not just keeping law and order; it is about rehabilitation. Here in Victoria, it's eight weeks and it's all about law and order. So I believe there needs to be - for the correctional system there needs to be good ongoing cultural safety training at all levels of the correctional system to address that racism.

50 MR McAVOY: Do you say the same thing about the Department of Families in relation to child protection?

AUNTY JILL GALLAGHER: In relation to child protection, I don't know whether I'm expert enough to say yes or no on that but what I believe should be happening in relation to children in out-of-home care is apart from the preventive - apart from government's focusing  
 5 also on stopping the kids from going into care, and our services focusing on stopping our kids from going into out-of-home care, the focus should be once the kid - if they are in care, and once they are in care, then the focus should be how do we grow that child to become culturally strong in their identity, in their community, and know where they are from.

10 An Elder once gave me a good talking to about 20 years ago, she's still alive today, and her name is Aunty Melva Johnson, she said, "Jill, if we do not grow our boorais strong in culture, they will not be able to face what the world's going to bring to them." So my belief is that our kids, whether they are in care or whether they are in and out-of-home care, or whether they are in home care, all should be grown strong in culture. That's the answer. That's the ticket.  
 15 And that healing, not just a clinical model of people talk about trauma-informed care, we need more of it, but we also need Aboriginal healing as part of that care.

MR McAVOY: Continuing on from that point about Aboriginal healing, the submission makes the point that, with respect to child protection and criminal justice, both systems, the  
 20 structures in those systems is punitive dominant and siloed. Can you just explain for the Commissioners what you mean by "punitive dominant" and "siloed"?

AUNTY JILL GALLAGHER: In the correctional system?

25 MR McAVOY: Yes.

AUNTY JILL GALLAGHER: Basically, it's my belief that correctional officers, their training is - and it's only eight weeks - but it's focused on keeping law and order within the prison. The focus still has to do that, by the way, to a degree, but I believe the focus should  
 30 change to a rehabilitation model. That's where the focus should go. So training for correctional staff should be around the rehabilitation on top of keeping law and order.

For example, what I mean by that is that somewhere in Spain, I can't remember where, but I remember reading there's a youth correctional facility, the main employers of that  
 35 facility - and there are no walls and there are no bars, and it's youth - the people that they employ to work in that facility - so it's a youth detention centre with no bars - are mainly social workers and educators for young people. No bars.

That makes a safe nurturing environment for children, whether they are in care or  
 40 out-of-home care, but that's what I believe should happen. The correctional services needs to take a focus more around rehabilitation. Otherwise, we will be building more prisons.

MR McAVOY: What do you say as to whether corrections are siloed in the way they do their work?  
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AUNTY JILL GALLAGHER: That's a bit harder to answer that but they are siloed. There's a whole raft of strategies that government need to undertake, and I've just got to be careful, but I would point to the Commission, Yoorrook Commission, to actually seek government's approval - I don't know whether you need approval, Commissioners, but if you do, but over  
 50 the last 18 months I have been involved in the review of the culture of correction services



here in Victoria. That report was handed to the government on 1 December this year, so just last week, was it? Or this week? Anyway, just recently.

5 In that review, it highlights all the issues that we found through that review. It also highlights and recommends a number of solutions. So I would encourage Yoorrook to use its powers and access a copy of that report.

MR McAVOY: Thank you. I won't press you further on that point then. In the VACCHO written submissions, there's a recommendation that the Victorian government should increase the proportion of funding given to ACCOs who provide child and family support services; what do you mean by that submission?

15 AUNTY JILL GALLAGHER: Basically, our thinking is - and I spoke about it earlier - the big focus, and even the Premier this morning came out and announced that he will be overhauling the child protection system. I don't know what that means or what it looks like but, basically, my view is, and VACCHO's view is, that we still need to look at how do we stop our children from going into out-of-home care. How do we stop our children from going into youth detention centres. That's what we got to look at. Otherwise we'll be here in another 20 years and the numbers would have doubled, if we don't do that.

20 We already have a service system out there that can play a big role in this prevention space. We have 26 or 24 Aboriginal organisations that deliver services to their communities. They deliver the wraparound services that I spoke about earlier. They deliver to address the social determinants of health. But what they don't get funded for is to do a lot of that prevention work. That's what VACCHO's calling for - the same amount of investment, if not more, that we put into the tertiary end of the child protection system should go into the prevention end. We don't have to recreate a whole service system. We have it there already.

30 So I think the focus, when it comes to child protection, is not about who's going to become section 18, whether it's my responsibility as a the CEO of one of those organisations, to actually make a decision whether I'm going to take the children away. It's about how do we stop that decision being made. That's the focus that we should now look at because how long have we been in this space when it comes to child protection? The numbers haven't declined. So whatever we are doing, it's not working and we've got to stop it.

35 I believe the Aboriginal organisations that are sprinkled throughout Victoria, some of them get some funding to look at, I don't know, family reunification, or to develop, what do you call them, the cultural plans for children in out-of-home care, some of them do that sort of work, but it's not enough. The resources are pittance when it looks at prevention. We need prevention and early intervention into Aboriginal children and families.

40 MR McAVOY: Thank you. Following on from that answer, is there - sorry, your submission refers to an increase in resourcing of particular preventive measures, such as residential, alcohol and drug detox services and other types of services. Can you just say something as to the importance of targeting those particular areas, what's so important about additional funding for the residential sector?

50 AUNTY JILL GALLAGHER: One of the biggest issues when it comes to drug and alcohol in our communities today is access to detox and rehab. It's a humongous issue. When you look at the amount of need that's there within our community, we can't meet that need. To get

into a detox facility, you can be waiting for months. By that time, Jill Gallagher says, "Oh, no, bugger that for a joke, I'm going to go and have another drink."

5 I remember about two years ago, 18 months ago, the State Government invited VACCHO to a meeting to talk about \$40 million - and I'm making a point here - \$40 million and it came out of the drug and alcohol space and they asked VACCHO to the table, "What do you reckon we should do with this \$40 million?" We already knew you what they needed to do with their \$40 million but they came with a preconceived - a decision that was already made that they already knew what they were going to do with their \$40 million.

10 Three areas in Victoria, Gippsland, Gunaikurnai country, the western districts, raised issues with VACCHO that they are struggling to get their people into rehab or detox first, and then rehab, and it's not there. It's just not there. So our people have fallen through those cracks. So that affects families and it affects whether, you know, if you've got mum and dad, who might have drug and alcohol issues, eventually, if that's not dealt with, then they'll probably end up in child protection or in the correctional services. So having access to those detox and rehab facilities is vital. It's vital to help that prevention.

20 MR McAVOY: I'll just take you to another recommendation from the VACCHO submission and that is that the Victorian government should mandate cultural safety training for all publicly funded mainstream services within the child protection and criminal justice systems and that this training is provided by an external Aboriginal organisation.

25 AUNTY JILL GALLAGHER: Okay. I can talk to that because this is one of my passions, and I have been at VACCHO, for those in the room who know me, for 22 of the 25 years it has existed. For years we have been advocating to government at many levels that mainstream services, the big hospitals that we've sprinkled throughout Victoria, they need to be culturally safe. The system needs to change to not discriminate against people, our people, in hospital. I'll tell you what I mean by that - and this happened this year 2022, and I won't mention names or which hospitals - but there was a young Aboriginal man - when I say  
30 young, he's probably 30 or 40, to me that's young - but a young Aboriginal man entered a hospital, major hospital, and he was quite ill, and his treatment was really bad to the point that security marched him up to his ward in front of - public ward, public hospital, marched him up to his bed, body searched him, searched his belongings in the drawer looking for  
35 drugs.

40 He's another person that I know quite well. He got out of hospital and he rang me and he said, "Sis, they do not deserve to fly our flag." I said, "Why?" He said, "This is what they done to me and all I was doing was having a cigarette in the courtyard." He died four days after being released from that hospital being treated like a criminal in a public hospital system. That's one horrific story. There are many more.

45 Over recent years, governments have got very good at making organisations, black and white, safe in the rainbow tick. VACCHO is an organisation. We receive government funding, we receive government health funding, and if we want to continue to receive that funding, we've to be rainbow tick accredited. But it is not the same requirement to be culturally safe for our people.

50 MR McAVOY: How important is it that that training be provided by an external Aboriginal organisation?

AUNTY JILL GALLAGHER: It is important to keep that independence, and I think it's important that it's not just Jill Gallagher going in and telling her story to a bunch of GPs, or a bunch of administrations within the health system. It's about how do we change that system where you don't discriminate with Aboriginal people.

So it's important to have that independence. What some hospitals have done over the years is got their Aboriginal staff on top of everything else to provide that culturally safe training. That's not good enough. And it has to be to a set of standards, not just Aunty Jill coming in and telling her story. It has to be a set of standards that they are held accountable for and it's doable and it can be done.

MR McAVOY: Is it something that needs to be maintained or is it a sort of once every couple of years type of agreement?

AUNTY JILL GALLAGHER: I think it could be something like - you know how the - well, the rainbow tick, that's accredited and that's maintained, but also - what do you call them - reconciliation action plans, organisations who have done - and there are advanced action plans. I forget the actual wording of what it is but that's maintained and they have to meet a set of standards. So cultural safety training is not just about making that system or the people who work in that system aware, it's about how do we change that system.

MR McAVOY: There's a further recommendation in the VACCHO submission that the Victorian government should ensure that ACCOs, Aboriginal Community Controlled Organisations, are involved throughout all stages within child protection and criminal justice systems ensuring that Aboriginal people have access to culturally safe holistic services that maintain a strong connection to their culture, kinship and community. Can you just explain what that recommendation is about?

AUNTY JILL GALLAGHER: That's basically trying to basically say that we already have an Aboriginal service system there that does what it can - well, it does what it can with the limited resources it has but if there was a refocus - well, maybe not, refocus is the right word, maybe if there was an additional focus in the child protection system around preventing our kids going into care, then I believe the service system that's most appropriate to deliver those preventive services are the service system that you've currently got out there, and that's the Victorian Aboriginal Community Controlled Health Organisations.

MR McAVOY: From a health perspective, though, once they are in the system, is the maintenance of connection with their culture and their community important for their health and wellbeing?

AUNTY JILL GALLAGHER: Very much so. It's imperative, actually.

MR McAVOY: And the best organisations to assist with that are Aboriginal community controlled?

AUNTY JILL GALLAGHER: Yes. Now, whether that be the current service system in partnership with the traditional owner organisations, that - because they need to play a role in that area, I mean, we all, as Aboriginal people, should be playing a role in making sure our children grow strong in culture. I saw a slogan - I think it was from the Canadian First

Peoples, when I went over there for the healing and spirit conference, they had a slogan on a T-shirt and it basically said, *'It Takes a Community To Raise a Child'*, I've never forgotten that.

5 It's not just - in the child protections, it shouldn't just be VACCA, it shouldn't just be VACCA's outreach, it should be the whole service system that raises that child, and the Victorian Aboriginal community health organisations play a vital role in that and so do the traditional owner groups.

10 MR McAVOY: I take it the Traditional Owner groups have a role because they connect people to Country?

AUNTY JILL GALLAGHER: They connect people to culture. Exactly right. And maintain that connection.

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MR McAVOY: Is there also a role for Aboriginal community controlled organisations in assisting people to exit child protection and criminal justice systems?

AUNTY JILL GALLAGHER: There certainly is.

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MR McAVOY: How might they do that?

AUNTY JILL GALLAGHER: I'll deal with the child - not child, the correction - adult correctional system services. I remember many years ago when - it would be about, I don't know, 15 years ago, and the then consultant who won the bid to provide health services into prisons here in Victoria, their name - their company name was Pacific Shore Health. Pacific Shore Health is an American company, I think, from memory. They approached VACCHO and basically said, "We'd love to have a meeting to see how we can provide culturally safe health services to Aboriginal prisoners because we have got the gig now, we've got the contract." I said, "Well, that's fantastic, that's amazing", but, of course, it was all for nothing. We don't have any funding for that. That's, "No, no, no, the health services should provide that free of charge." The health services can provide an Aboriginal health worker. One Aboriginal health worker is not going to make a difference in a big way. That's not the answer. The answer is - and it's not just health services, by the way.

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I mean, could you imagine having, say, VAHS, say, for example - and I'm only using them as an example - VAHS having a contract to provide health services into some prisons here in Melbourne and can you imagine at the same time they are also contracted to look at exiting the correctional system or services, as an Aboriginal person. So they would be involved in the pre-planning, if someone's due to be released, and they would be involved in providing the wraparound supports that may be needed in relation to an Aboriginal person coming out of prison.

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At the moment, nothing like that exists, never has. We have advocated for over 25 years. Well, a lot of people before me have advocated for the past 40 years. But it hasn't happened. So you can imagine a blackfella getting out of, say, remand here in Melbourne and they've got no supports attached to their release. They have got nowhere to live, they haven't got a job, how are they going to live on the streets?

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If VAHS was contracted to provide not only health services but also the support services once being released, that's that wraparound service. That would be amazing. That's what I mean by that. So whether that could work in the correctional system - sorry, the child protection system or not, I don't know, but I think it's worth having a go because nothing else is working.

MR McAVOY: Yes. Now, the final recommendation in the summary of recommendations that the VACCHO submission refers to is in relation to the creation by the Victorian Government of a social and affordable housing contribution and some amendment to the Planning and Environment Act to give councils greater autonomy to implement local versions of such a scheme. Is it suggested that there be support for more social and affordable housing for Aboriginal community members?

AUNTY JILL GALLAGHER: That's what I'm suggesting, yes. Basically, we know that with the one and only Aboriginal organisation, and that's the Victorian Aboriginal Housing Board, they have housing stock that they rent out, but there is big waiting lists still. We've still got a lot of our people living rough and we need to look at how we can address that.

If there's a waiting list with the Victorian Aboriginal Housing Board - and I know a lot of our members can't - I can't remember the figure but a lot of our members also have their own housing stock that they rent out to their Aboriginal community, wherever they are from - you know, in that area, but there's waiting lists for there too.

So there is accommodation shortage. There should be accommodation for our mob when they get out of prison and not just for one week or two weeks, and not just a motel, we need to look at how do we address homelessness when our mob get out of prison.

MR McAVOY: Is there a real - I take it from what you've said that there's a real affordability issue, if it is not government subsidised in some way?

AUNTY JILL GALLAGHER: Very much so, Tony. I mean, one of the biggest problems, when the VACCHO members - I don't know how many people remember the old chip housing that the Commonwealth administered, and then when the Commonwealth said, "Look, we're going to give you mob, you can keep those houses, that's okay, but we are not going to build up your capability or sustainability to be able to manage that and make it sustainable."

You can't make it sustainable when you are leasing to people who are living well under the poverty line. You can't charge full market rent. So that's the dilemma. We need to explore that, how do we address that.

MR McAVOY: Having secure and stable housing is one of the factors considered as a social determinant of health and the submission speaks about the social determinants of health as being a measure by which - and the health of the communities and the individuals within the community can be measured. How do those social determinants then relate to the criminal justice system and people's participation or being caught up in the criminal justice system?

AUNTY JILL GALLAGHER: Well, I mean, when you look at most of our mob, what they are in prison for, it all boils down to poverty. There is still a lot of poverty in our communities and - just look at that again?

MR McAVOY: On page 3 of the submission.

5 AUNTY JILL GALLAGHER: I'm on page 3, I think - no, I'm on page 10 - but, basically,  
you know, on page 10 of the submission, we quote this year 70 per cent of Aboriginal people  
who have been in contact with the criminal justice system have been charged with  
non-violent crimes. That's 70 per cent of our mob, who are currently in prison, are charged  
with non-violent crimes. That comes back just to sheer poverty. Not all our people actually  
10 want to plead guilty because that's the only way you can go through the Koori Courts is to  
plead guilty. If you're not guilty, but you want a fair go, what options have you got?

MR McAVOY: So, from your perspective, people who plead not guilty but are nevertheless  
found guilty should still be able to go to the Koori Court for the wraparound support  
15 services?

AUNTY JILL GALLAGHER: Yes. Very much so.

MR McAVOY: One moment.

20

AUNTY JILL GALLAGHER: No, you're right. I need a bit of a breather anyway.

CHAIR: Would you like a break? Would you like to take a break?

25 AUNTY JILL GALLAGHER: I'm okay. But if you guys need a break.

MR McAVOY: I'm just considering whether there are other matters we need to deal with  
before we go into the restricted evidence, that's all. If I might have a moment.

30 AUNTY JILL GALLAGHER: Yes.

MR McAVOY: VACCHO submissions also make some comment about the amendments to  
the Bail Act in 2017 and 2018 which has the effect of reversing the onus for those charged  
with an indictable offence, are you able to expand on that at all?

35

AUNTY JILL GALLAGHER: Okay. Look, I don't think I'm equipped enough or qualified  
enough to fully expand but, basically, what we are asking for there is, you know, the  
Victorian Government should remove the amendments that were made back in 17/18, which  
expands those required to prove reverse onus tests for those charged with indictable offences.

40

So basically what we are trying to say is that not a lot of our mob find it easy to navigate that  
system. It's really hard. I don't know whether you've ever - sorry, I've navigated that system  
as a younger woman. It is really scary, it's complicated, and when you look at all that's  
happened to our people, since colonisation, since most of our mob were incarcerated anyway  
45 back then on missions, the system is alien to them and scary and so it's really hard to navigate  
that and basically that's what we are saying.

MR McAVOY: There's another matter that's raised in your submissions and that is the access  
to Medicare by inmates within the correctional system. Can you just explain what the issue is  
50 there?

AUNTY JILL GALLAGHER: So, to me, if you go into prison, you're still a human being, and prisoners cannot access Medicare. Medicare is a Commonwealth Government thing. That's their ownership, that's their program, and Medicare's a great thing, by the way, I'm not  
5 knocking it, but Aboriginal - sorry, not just Aboriginal, all prisoners should be able to have access to Medicare which gives them broader access to a whole range of services that deal with the social determinants of health - mental health, even, you know, a GP, for me, if I need to go and I can't afford a psychiatrist, let alone find one, a GP, for me, through the Medicare rebate can give me five visits to a psychiatrist or counsellor free of charge whereas people in  
10 prison can't access that.

MR McAVOY: Yes. So that obviously affects their ability to obtain the necessary medical services?

15 AUNTY JILL GALLAGHER: Yes.

MR McAVOY: And have you had any experience of prisoners being denied access to medical services as a punitive response from correctional officers?

20 AUNTY JILL GALLAGHER: Yes.

MR McAVOY: Can you just explain about that?

AUNTY JILL GALLAGHER: Basically, I have been - I've been told, through my Treaty  
25 Commissioner role, that in prison it's really hard to get access to see a doctor. It really is for anyone, black or white. They are very few and far between. That's because they are private providers, but they are very few and far between, and a couple of Aboriginal women prisoners have told me, when I was the Treaty Commissioner, that basically that usually can be held - a correctional officer would withhold them access to that medical appointment that  
30 they have made as a punitive measure to keep them in control or punish them.

MR McAVOY: And does the lack of health services in the correctional system also mean that people are managed in a different way if they are unwell?

35 AUNTY JILL GALLAGHER: Very much so. One of the - this one I think is still in the Coroner's Office - one of the deaths that I spoke about earlier, and I won't mention names, when he went into prison he was a very fit young man, he died obese and not having a lot of access to health services, according to some preliminary findings.

40 MR McAVOY: Have you had some experience of people with mental health issues?

AUNTY JILL GALLAGHER: Very much so. Access to mental health is almost non-existent. The same - some of the women have told me that there was one woman, in particular, where she suffered with depression, and she was in a low security prison in  
45 Victoria, and they wouldn't let her have any medication for that depression and they basically said to her if she doesn't fall into line, they'll send her back to Dame Phyllis and she can get treated there for mental health. But it's my understanding the treatment at Dame Phyllis is a padded cell with a mattress on the floor and something to go to the toilet in, and that's it.

50 MR McAVOY: Not a toilet?

AUNTY JILL GALLAGHER: Sorry?

MR McAVOY: There's not a toilet to go to - to use?

5

AUNTY JILL GALLAGHER: There's something in there. They can go to the toilet, that's not the point I'm making. The point I'm making is they don't get access to mental health clinicians readily.

10 MR McAVOY: So what's the result then if people know that the response from correctional services is one which is substandard, what do people do about their mental health issues? If you don't know the answer --

15 AUNTY JILL GALLAGHER: I don't know the answer. They get into trouble internally and then go into isolation because they got into trouble because of their mental health issues. I'm assuming that.

MR McAVOY: Thank you. I'm about to ask the Commissioners to go into a restricted evidence session. I'll just give you the opportunity to now add anything further you'd like to add in open session which will be - continue to be streamed live. Is there anything else you would like to say?

20

AUNTY JILL GALLAGHER: I think I want to just basically re-emphasise the importance of prevention and early intervention. You know, governments have got to start - including us as our communities - we need to see that that's the key, that's the key from stopping our people from going into correctional services. It's also the key to stop our kids from going into out-of-home care. We have got to look at how we make our families strong. That's prevention, early intervention, and not a lot of weight or resources are equally apply to that as opposed to the tertiary end.

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MR McAVOY: Thank you. I might now ask the Commissioners if they have any questions for you before we go into restricted session.

COMMISSIONER WALTER: I've got just have one. I'm really struck by you talking about the culturally safe tick and organisations, and I have been to some of those conferences in Canada, and one of those that's always stuck with me, and I'm wondering whether you see evidence of it here, the First Nations people there talked about 'racism grooming' in the health sector where doctors, and things, likes here, would come from overseas, because we don't have enough supply, and yet were very quickly taught that when a First Nations person comes in unresponsive the first thing you suspect is that they are a drunk or that they have had drug overdoses.

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AUNTY JILL GALLAGHER: Can I tell you a personal story that will answer that and highlight what you are trying to say? A lot of Aboriginal people in this room - I can see one, Robbie Thorpe, who would know this person that I'm about to talk about - I don't have a problem mentioning his name, he's now passed, and he's my blood uncle. That's Uncle Albert George Jackson. Uncle Albert is my Mum's brother but he grew up in out-of-home care. He was taken away the day he was born on a mission.

45



When he got out he reconnected, he found the love of his life, which was Uncle Lloyd Clarke, and they lived together for many, many years. They were well known characters in Fitzroy and, to my knowledge, they were the first gay couple that came out in the Melbourne community, and they were very staunch. Uncle Albert, unbeknownst to us and to himself and his family, had Huntington's disease. For those who don't know what Huntington's disease is, it is usually hereditary and affects your capacity to walk properly. You can't control your limbs and eventually your mind goes. Uncle Albert George Jackson died of Huntington's.

Prior to his death he lived in the Collingwood high-rise, which you see from these windows, and he broke his hip falling down the stairs one day. This is early in the morning and he got taken by ambulance to St Vincent's Hospital. I met the ambulance there, because it also, Huntington's slurs your language, how you talk, he couldn't talk properly. For those who didn't know him, would think he was charged, but he wasn't.

Anyway, he ended up in St Vincent's Emergency and the doctor said to him, "Albert", he said, "What did you have for breakfast?" And Uncle Albert, in his slurred language, said "Weeties", but the doctor assumed he said "whiskey." If I wasn't there to interpret that, I said to the treating doctor, I said, "No, he's not drunk, he had Weeties for breakfast, not whiskey." So that prompted them then to do further investigations because he could hardly walk. It turned out he was diagnosed with Huntington's. So, yes, that pre-conceived conception of Aboriginal people being lazy and drunk, and no hoppers, and don't want to work still exists in our systems.

COMMISSIONER HUNTER: Can I ask you - and you might not be informed to add this - but it's about the public drunkenness issue. So Minister Gabrielle Williams gave evidence to us last year or early - this year, sorry - and they remained committed to the abolition of public drunkenness offences but it was delayed partly due to COVID. We know that they're talking about health response to that. So given that was back in May and given the commitment was made after the death in custody of Aunty Tanya Day in 2020, what would you say about the government sitting on this reform?

AUNTY JILL GALLAGHER: Can I say, when I came back from the treaty gig, back to VACCHO, it was in the height of COVID, and I wasn't aware that the government, through the Justice Department, was embarking on decriminalising public drunkenness, but I found it was good when I found out, and I thought this is fantastic. So the Department of Justice drove that agenda to decriminalise public drunkenness. They had a plan, I think it was supposed to go to Parliament December this year. It's now been delayed until next year.

Anyway, then when we all agreed, the Department agreed, that it's going to be decriminalised, what do we do once it is decriminalised? If we have still our people who are affected by alcohol, what do we do? Is there a service system there that needs to be established and set up? I just think, look, I think COVID did impact on their decision to pause it, but I know VACCHO's advocacy was around, "Well, we need to put some interim arrangements. We need to make sure the police aren't the first responders", whether it's decriminalised or not.

We don't want a repeat of Aunty Tanya Day. So, therefore, our advocacy to government has been, well, what interim measures can we put in place so that police are not the first responders? I believe it could be, and should be, for our people anyway, night patrols, where

a lot of support can be provided to people. It doesn't have to cost the government \$200 million recurrently to make sure it's a big hospital response.

5 But I was disappointed that it didn't go to Parliament this year for it to be decriminalised, and it has been delayed. So I think the struggle now is what do we put in place in the interim. We don't want our people dying if the police are going to pick them up and charge them with public drunkenness. How do we put little interim things in place?

10 I think night patrols, I think, VALS should be resourced heavily to be able to meet that demand when our mob are picked up by the police. Who's going to check on them in the cells? Should there be a health - sorry, a health professional alongside the police? There's all those questions but nothing's been decided upon.

15 COMMISSIONER HUNTER: Can I just add to that: Uncle Kevin Coombs gave evidence of a program that he had quite a while ago that worked really well. I'd like to bring that to light as well, that he gave that in his evidence. So there has previously been but again it was only funding. Thank you, Aunty Jill.

20 AUNTY JILL GALLAGHER: Thank you.

25 COMMISSIONER BELL: Yes, thank you. You referred to the rainbow tick as a quality control measure and lack of culture awareness right through to institutionalised racism is a serious problem, on your evidence, which leads to questions about how to change that structurally across the board. One way that standards are achieved in both the public and the private sector is through international standards.

30 The International Standards Association certifies standards for just about everything. Examples include assets systems, environmental management systems, risk, safety, energy, occupational health and safety, and so on. These are enshrined in law, in very many instances. This building is structurally safe because virtually every item in it is ISO certified, and has to be under law.

35 Are you aware of any examples of systems like this, either legal or not legal, which would prescribe the standards of culture awareness as a way of guaranteeing quality, as it were - the quality of understanding Aboriginal culture and its relevance to the service or occupation concern?

40 AUNTY JILL GALLAGHER: So basically you are asking are there any standard out there that we can point to?

COMMISSIONER BELL: Yes.

45 AUNTY JILL GALLAGHER: To my knowledge, no, but that's something that VACCHO is developing, a set of standards for the health sector anyway, the health and wellbeing sector. That includes mental health. We are currently exploring what those standards would look like. But what it would need is - now, whether that's incorporated into ISO or QICSA, or any accreditation regulator, quite easily the government can do it with hospitals, and that's through their funding contracts. That's simple to do. All we need to know is what those standards are and how we implement those standards. And what do they do if they breach those standards?

50

For example, I'm not sure how many people in the room - and I can't remember, was it last year that a major hospital in Melbourne - or it might have been the year before - was in the media, all over the news, A Current Affair, everyone, about the Aboriginal woman from Shepparton, who was turfed out of the hospital late at night, freezing cold, and she laid on the concrete unconscious and no-one attended to her. That's in the public arena, by the way.

So if something like that happened, and say, for example, if that hospital had the cultural tick, what do we do, how do we manage those standards, how do we say, "Well, you no longer have that tick no more, we're going to take it off you." They are the sorts of things that we have got to be - we got to be aware of and they are the sorts of things that we are working on is those standards and whether they could be incorporated into, what is it now, ISO 9000, or whatever, or any other regulating accreditation.

COMMISSIONER HUNTER: Aunty Jill, can I just add: would - because we can look into institutions, and I know that Commissioner Walter has spoken about this before, universities, looking at the standards to doctors, nursing, social - all those frontline workers, so to speak, what would your comment be on looking into those areas?

AUNTY JILL GALLAGHER: I have got a lot of comments looking into those areas. I think we need to - I mean, we, as Aboriginal people, talk about mainstream services. When I talk about mainstream services, I talk about mainly the major hospitals who play a big role in our lives and have done since they were here. Some of it's not good, a lot of it's pretty bad, and I lot - the history with our mob and hospitals is there for everyone to read.

But accessing hospitals is just as daunting as accessing correctional or a court of law system. It's just as daunting. You need those navigators. But I think - I mean, I can sit here all night and tell you some horrific stories of Aboriginal people that I have witnessed personally as an Aboriginal woman being in that hospital and witnessed - and, by the way, I can go undercover. I cannot identify if I want and they don't know I'm Aboriginal. But a lot of our people can't go undercover. They're obvious. There was one Aboriginal woman, when I was the Treaty Commissioner, and I actually lodged a complaint, but you complain against a hospital - and it goes into the black hole, and you never hear anything from it and it's all washed under the carpet, with the support of, I believe, the governments.

A lot of atrocities still happen in hospitals today. No-one looks at them. No-one does a review of hospitals with the view of looking at Aboriginal patients, Aboriginal experience of hospitals and in a modern world. So that I'm passionate about hospitals being held accountable. We can only do that through a set of standards.

COMMISSIONER HUNTER: Just really quickly, most of your recommendations talk about health response to child protection and criminal justice, do the health services get enough money to do --

AUNTY JILL GALLAGHER: No. The answer is no, definitely not. I can quote something that VAHS, the Victorian Aboriginal Health Service, they actually - and I won't say too much because I don't know the level of detail - but they employ - and I think one of them is going to be giving evidence to this hearing- but they actually employ a lot of good clinicians in VAHS ranging from nurses to doctors to Aboriginal health workers to Aboriginal health practitioners and paediatricians. There's a couple of paediatricians that work at VAHS that

have a really strong view about where the system is letting our children down - letting our children down in the protection system. I think that's really important evidence that you guys need to hear and have access to.

5 MR McAVOY: Chair, if there are no other questions from the Commissioners, there is just one matter arising that I might ask of the witness before we go into the restricted session. Auntie Jill, you were asked about the public drunkenness reforms. Your written submissions - the written submissions of VACCHO address this issue, and I'm aware that you've spoken about it on other occasions in other places, and I will just would give you the opportunity, for the purpose of the public record, to restate VACCHO's position with respect to whether the age of - minimum age of criminal responsibility ought to be raised and to what age?

15 AUNTY JILL GALLAGHER: Yes. Okay. In relation to public drunkenness, I think it must be decriminalised, but there has to be services in place to look after our mob in those areas. In relation to criminal age of responsibility in this country, in this State, I think it's appalling that in Victoria it's still 10. I am aware that the Northern Territory recently increased their age of criminal responsibility to 12. I don't think it's gone far enough. Our push and our advocacy in this State should be to 14, and that's VACCHO's position.

20 MR McAVOY: Thank you. That concludes the unrestricted evidence, Chair. I would ask that an order be made, a restricted publication order be made, pursuant to section 26 of the Inquiries Act 2014. The orders proposed are that, pursuant to section 26(1) of the Inquiries Act 2014, and having regard to the matters set out in section 26(2)(b) and (e), (1), oral evidence given by Auntie Jill Gallagher AO at the public hearing in relation to those issues expressly deemed to be sensitive in nature, not be published (to the extent captured in the transcript or video recording) and, (2), a copy of this order is to be published on Yoorrook's website with the note at, (1), pursuant to section 48(1) of the Inquiries Act 2014 Victoria, it is an indictable offence for a person, including a body corporate, to knowingly or recklessly contravene an order of the Commission under section 26(1). I'd ask that the Commission make that order.

CHAIR: I make these orders in the terms sought.

35 MR McAVOY: Thank you, Chair. We might adjourn for a few moments to allow the live stream to be dealt with. So perhaps five minutes.

CHAIR: Thank you.

40 <THE WITNESS WITHDREW

<ADJOURNED 3:27 PM

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