



TRANSCRIPT OF DAY 9 – PUBLIC HEARINGS

PROFESSOR ELEANOR A BOURKE AM, Chair
MS SUE-ANNE HUNTER, Commissioner
DISTINGUISHED PROFESSOR MAGGIE WALTER, Commissioner
PROFESSOR THE HON KEVIN BELL AM KC, Commissioner
MR TRAVIS LOVETT, Commissioner

TUESDAY, 4 APRIL 2023 AT 10.04 AM (AEST)

DIRECTIONS HEARING

MS FIONA McLEOD AO SC, Senior Counsel Assisting
MS SARALA FITZGERALD, Counsel Assisting

MS GEORGINA COGHLAN KC, Counsel for The State of Victoria
MS GEMMA CAFARELLA, Counsel for The State of Victoria

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Yoorrook Justice Commission


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<RESUMED 10.04 AM

CHAIR: Good to go, Counsel? Thank you. Good morning. Today Yoorrook is conducting a further directions hearing, but before we get started, I would like to invite Commissioner Lovett to give an Acknowledgement of Country.

COMMISSIONER LOVETT: (Speaks Dhauwurd Wurrung language). I just acknowledge Country, pay my respects to my ancestors as a proud Kerrupmara, Gunditjmara man, I also acknowledge that we are on the lands of the Wurundjeri People of the Kulin nations here today. I also acknowledge and pay my respects to Bunjil, their spirit creator, and Waa or Waang Waa, as the crow, the lore man, laws, customs and traditions. It is important in Aboriginal culture that we always acknowledge our intentions. That's why we do an Acknowledgement of Country and we acknowledge and state our intentions for why we are on Country, what business we are going to be doing on Country.

And I recognise also the strong and ongoing connection the Wurundjeri People have to this meeting land, to the Birrarung - some people call it Yarra; it's really the Birrarung - and recognising their ongoing connection, as I said, to this land, to these waterways, is incredibly important. We are here talking about truth-telling and we look forward to building on the conversations that we had last week. Again, really important that we do acknowledge that we are on the lands of Traditional Owners or Aboriginal people, and to recognise that sovereignty was never ceded. That's really important.

And it was great to hear the State last week acknowledge - and we have heard it before but still reminding us that they are also acknowledging that we haven't ceded sovereignty because we haven't ceded our sovereignty to this land or these waters, so thank you very much, everyone. Passing back to the Chair.

CHAIR: Thank you. I'd like to pay my respects to the Traditional Owners of this land we're gathered on also, and a day like today we remember ancestors and Elders and we try to do them honour in our work. Thank you, Commissioner Lovett, for that acknowledgement.

So today's purpose is to hear from the State regarding its progress in firstly responding to the Notices to Produce that have been issued by Yoorrook and the provision of the evidence required for the hearings. Yoorrook wishes to hear from the parties regarding a revised timetable going forward and in circumstances as noted at the last directions hearing. The State's delays have impacted on the intended schedule of Yoorrook's hearings, for the State witnesses, for Ministers and for the Police Commissioner. May I now have appearances, Counsel.

MS MCLEOD: Commissioners, I appear with Ms Fitzgerald to assist you.

CHAIR: Thank you, Counsel. And appearances.

MS COGLAN: If the Commission pleases, I appear with Ms Cafarella for the State of Victoria.

MS MCLEOD: Commissioners, we pay our respects to the Wurundjeri, the Traditional Owners of the land that this Commission is meeting on today. We acknowledge all Peoples of

the Kulin Nation, acknowledge the Elders and ancestors of our First Peoples, the custodians of the lands and waters we occupy across Victoria, all Elders and all First Nations People following this public hearing.

5 Today, we return for further directions to manage the current work of the Yoorrook Justice Commission on two critical issues, Child Protection and Criminal Justice. This morning the Commission was informed of an amendment to the Terms of Reference extending the time for the delivery of your interim Critical Issues report, amongst other things, to 31 August this year, or such other date as may be agreed. That short extension means that the production of
10 the Critical Issues report is now expected to be manageable, assuming that the State provides the outstanding materials under the Notices to Produce in a timely fashion in accordance with the revised proposed timetable to be explained to Commissioners this morning.

15 Even with this extension, there will be challenges. There is no room for slippage. The new timeline will still require the Commission to work under considerable pressure to produce a report consistent with your mandate, and the expectations of Victoria's First Peoples including those who have engaged with Yoorrook to date.

Commissioners, there are four procedural matters to canvass at today's directions hearing.
20 They are Notices to Produce, an index to documents, witness statements, and to give you an indicative hearing schedule.

First, can I come to Notices to Produce. Last week, the Commissioners extended the time for production of materials outstanding under a number of Notices to Produce issued to
25 government to 6 April of this year, this coming Thursday. The State foreshadowed to Counsel Assisting that it would need further time. Yoorrook has subsequently received some further material under those Notices and we understand that more time is needed. We understand from correspondence recently received from the Victorian Government Solicitor's Office, but extension until Thursday of this week is not sufficient for some of the material that remains
30 outstanding.

While we expect to receive material from the Department of Families, Fairness and Housing and the Department of Health by the due date of 6 April 2023, there are three agencies who require further time. In particular, in relation to the documents sought from the Department
35 of Premier and Cabinet, an extension of Notice to Produce 002-011 is sought until 14 April 2023 for the production of documents that are not the subject of a reasonable excuse claim and have been identified as being responsive to the Notice.

In relation to the documents sought from the Department of Justice and Community Safety and Victoria Police, an extension of Notice to Produce 002-007, 002-008 and 002-010 is
40 sought until 21 April 2023 for the production of documents that are also not the subject of a reasonable excuse claim and have been identified as being responsive to the Notice.

We observe that we do not presently have a timeline for the resolution of issues concerning
45 documents that are the subject of claims by the State for non-production pursuant to section 18 of the Inquiries Act.

The second matter is concerning an index of documents. Late last week, the State produced an index or list of all documents that have been identified by the State as being responsive to

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these Notices to Produce and which in large part are yet to be produced to the Commission. Overnight, Yoorrook identified some priority documents on that list which the State has been encouraged to expedite the production of to support preparations for hearings. Yoorrook already identified some documents on that list - sorry, also identified some documents on that list which have not been fully described and has asked for those details to be provided by midday tomorrow.

The third matter concerns witness statements and agency responses to nominated topics and questions. On Friday, we received witness statements from the Attorney-General, other relevant Ministers and the Chief Commissioner of Police as promised. As indicated at the last directions hearing, the Department of Justice and Community Safety material that was initially received did not address the 71 detailed Justice-related questions that we had asked. We have been assisted by the witness statement received by the Attorney-General, which canvasses some of those matters. However, we still do not have a direct detailed response to all of those questions. We seek a direct response to all of the Justice questions not addressed in the Attorney-General's witness statement by 14 April 2023.

As Yoorrook continues to review the material produced to date, we anticipate that follow-up requests may be made of the State for documents and data, in the case of matters that have only so far been generally described, notwithstanding our previous requests for relevant documents to be cross-referenced with copies enclosed.

Finally, can I touch on our planning for our hearing schedule. Assuming that Commissioners are minded to grant the further extension sought and Yoorrook receives production of those Notice to Produce documents on the promised dates, and the required documents are produced and not withheld by the State pursuant to claims for non-production in accordance with the agreed protocols, we expect that it would be possible to schedule the government hearings to start towards the end of this month.

On the assumption that there are no further delays or significant issues with the production of documents, we anticipate scheduling hearings across three weeks, being the weeks commencing 24 April, 1 May and 8 May. Timetabling witnesses for these three weeks is currently underway. Further details will be provided to the State, the First Peoples' Assembly of Victoria and published by Yoorrook once finalised.

Commissioners, the timetable remains very tight. Any delay by the State in fulsomely producing responsive documents will affect our ability to meet that reporting deadline. The report production process, including procedural fairness processes, will need to be progressed with a far more compressed timeframe than is normally the case, and the State, First Peoples' Assembly of Victoria, and parties affected by possible adverse findings will need to have resources at the ready to promptly respond.

Our Solicitor Assisting team will be in touch with the relevant parties in the coming weeks to provide advanced notice of anticipated timeframes and requirements. These timeframes are far from ideal for those who will be doing this work within the Yoorrook team and they, in turn, will need to impose difficult deadlines on the State, Assembly and other interested parties, including those from under-resourced sectors.

However, given the urgency of Yoorrook's work concerning ongoing systemic injustices for Victoria's First Peoples within the Criminal Justice and Child Protection systems and its eagerly awaited findings and recommendations, we trust that all interested stakeholders will continue to cooperate in supporting Yoorrook's processes.

5

Commissioners, you made plain at the last directions hearing that there is no appetite for excuses, nor is there an appetite to continue to monitor the timeliness and sufficiency of the State response. Your expectations are very clear. Those are the issues that Counsel Assisting seek to raise today. Counsel for the State will address you on the request for an extension of production of materials under the notices to produce and other matters.

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CHAIR: Thank you, thank you, Ms McLeod. I invite Ms Coghlan to address the Commission.

15

MS COGHLAN: Thank you, Chair, and thank you, Commissioners. Thank you, Senior Counsel Assisting for those opening remarks. And thank you, Commissioner Lovett, for your Welcome and Acknowledgement of Country. I would like to begin by also acknowledging on behalf of the State the Traditional Owners of the land on which we meet today, the Wurundjeri Peoples of the Kulin Nation. And I pay my respects to their Elders, past, present and future.

20

I acknowledge the First Nations people and Traditional Owners here today, as well as all First Peoples who have participated in this important inquiry. I further acknowledge that sovereignty has never been ceded, and I acknowledge the deep and continuing connection to lands, waters and sky that is maintained by all Traditional Owners across the State to this day and in perpetuity. The State continues to come with purpose.

25

As foreshadowed by Ms McLeod, I will get to the extension that is sought in relation to the Notices to Produce, but first of all, I'd like to acknowledge the extension of the interim report and the final report. The State acknowledges the impact of the delays on the Commission's ability to adequately prepare for the hearings involving State witnesses and that delays have affected the Commission's ability to deliver its second interim report by 30 June 2023 and its final report by 30 June 2024, as required under the Letters Patent. In recognition of the Commission's previous interim report recommendation for an extension and the State's present delays, the State has approved extensions of time for the Commission to provide its interim reports and final report.

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This morning, Lieutenant Governor James Angus on the advice of the Premier and in the Governor's absence issued Letters Patent with the following amendments.

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A two-month extension to the Commission's second interim report to 31 August 2023. Provision for a further interim report to be delivered by 31 December 2024, which is to include findings and recommendations based on the inquiries the Commission has conducted to that point.

45

A 12-month extension for the Commission's final report to 30 June 2025, which is to include an official public record based on First Peoples' experiences of systemic injustices since the start of Colonisation, First Peoples' testimonies published in accordance with relevant

information and data sovereignty protocols, and the Commission's final findings and recommendations.

5 The amendments to timelines also provide for the government and the Commission to agree on revised reporting deadlines. So any future changes to delivery timeframes can occur without the need for further amendments to the Letters Patent.

10 Moving, then, to the issues of interest to the Commission today. The State continues to make its best efforts to maintain its commitment to being responsive and cooperative. It has continued to provide documents and has provided a number of statements, which I will address shortly, and also the index of documents, and the work continues at pace.

15 As to the Notices to Produce, today we seek further extension of four of those notices. As foreshadowed by Ms McLeod, they relate to NTP-002-011, which relates to DPC by the 14th of April; NTP-002-007, which relates to the Department of Justice and Community Safety by 21 April; and then two further NTPs, 002-008 and 002-010, by the 21st of April also.

20 As was communicated in correspondence before the directions hearing last week, further time was sought then to comply with these various Notices. Of course, it's understood the need to come back today to seek further time. What was foreshadowed before the prior directions hearing was a staggered approach for production, so responses to two notices by Thursday, the 6th; further responses by the 14th; and then further responses again by the 21st.

25 The reason for that was to recognise the work that was required. The reason for that was to provide those Notices ahead of what was understood to be revised hearing schedules, and so that the order of production would precede the timing of those hearings. The timeline for production was proposed on the basis of what was considered achievable in the time available, and that remains the case.

30 In the additional time that's already been provided, so since the last directions hearing, the State has continued with its work. There has been further production. There has been further mobilising of a large pool of public officials - public officers, I should say - legal representatives to deliver the State's response to the Notices in a timely way, and also to prepare the witness statements that were delivered on 31 March, and in conjunction with the further work for witness preparation.

35 The production of documents continues, and we respectfully seek further extensions on those four notices beyond 6 April 2023 as required. In the event that the extensions are granted, I am instructed that we expect to be on track to meet the proposed compliance dates.

40 As for a timeline for the resolution or issues the subject of reasonable excuse claims, it would be premature and not possible for the State to provide one at this stage. The State is moving through production in accordance with the agreed protocol. We appreciate that particular portions of that protocol were read out at the last directions hearing. The protocol includes Cabinet consideration of some documents.

45 So these processes are ongoing and there are limits to the capacity that I have to comment on them. What we can do is assure the Commission that the work continues alongside the production that is occurring more broadly. And we can say further that there is real utility in the provision of the index, which we understand the Commission has requested, and

identifying those key documents that the Commission is interested in, in order for those to be prioritised.

5 We understand there are to be further notices to produce provided to the State. We are yet to receive those. As always, the State appreciates as much notice as possible in order to comply, which has been assisted in the past with draft Notices, despite the fact that the State hasn't necessarily complied. We will continue to work cooperatively with Solicitors and Counsel Assisting in order to comply in this regard. We have made a request for two weeks - between
10 two and three weeks' notice for Notices to Produce, but we are told that that is not necessarily going to occur. But we'd appreciate the ongoing work with Solicitors and Counsel Assisting in order to discuss dates as they are proposed.

In terms of the witness statements that have been provided, we understand the Commission received statements from the following witnesses on Friday, 31 March: A statement of the
15 Attorney-General; a statement for the Minister for Police, Minister for Crime Prevention; a statement for the Minister for Corrections, Minister for Youth Justice, Minister for Victim Support; a statement from the Minister for Child Protection and Family Services; and a statement from the Chief Commissioner of Police. The suite of statements further responds to questions posed by the Commission, and this was in addition to previous - two previous
20 statements that had been provided along with the agency response, accepting the criticism of that.

This completes the production of statements. The State observes that the Attorney-General's statement provides direct responses to close to half of the Justice questions that have been
25 posed by the Commission and that the Minister for Corrections, Minister for Police, Chief Commissioner of Police also provide answers to Justice questions. We understand the request that further direct responses be provided in relation to those questions that have not been answered.

30 Last week I took on notice, Commissioner Walter, the question around who and why the decision was made to not answer the 71 questions from the Department of Justice but instead to give a narrative, multi-page document. In conjunction with the three Ministers' witness statements that I've just referred to, which the Commission has now received, and the DJCS Secretary on advice of the Aboriginal Justice Unit, it was considered that the most effective
35 way of communicating all the information requested by the Commission was in the narrative form.

The State has heard the Commission's concern and criticism of that approach and also you may not be assisted by the navigation tool that's been provided which seeks to address the
40 questions that have been posed and where they're identified in the agency response. And it was always contemplated that witnesses could give further evidence around those matters.

In the circumstances, the State, of course, wishes to continue to assist the Commission. In doing so, the State will engage in further conversations with Counsel Assisting and Solicitors
45 Assisting and seek to understand what is considered to be unanswered, taking into account both the agency response and the ministerial statements, but, further, the most efficient and effective way of ensuring the Commission has the information it needs.

This is also in the context of, from the State's perspective, the acknowledgement of resources being directed in efficient ways in the upcoming hearings. And if it would assist, I'm instructed that DJCS executives could meet with staff from the Commission to further explain the agency response.

5

Having said all that, the State's committed to provided responses to the questions posed, and we want to do that in an efficient and effective way.

10 In terms of the hearing schedule, the State understands that timetabling is underway for further hearings, subject to the extensions that are being sought today. The State understands that the Commission requires those documents before witnesses are examined and that preparation time is also needed. The State's been working consistently to prepare witnesses to give evidence, and this pace of work will continue in the lead-up to the State witness appearances before the Commission.

15

The State appreciates that the timelines are tight, and the State's committed to providing as timely a response as is possible. In the event that unforeseen matters arise, the State will reach out to Solicitors Assisting, Counsel Assisting to raise those matters, but that does not detract from the commitment the State is making to be responsive and to be cooperative.

20

Can I invite any questions of you, Chair, or Commissioners?

25 COMMISSIONER WALTER: Just to go back to what you just said about the 71 questions from DJCS, so DJCS are not actually proposing to answer those 71 questions directly; is this right?

30 MS COGHLAN: No, and that's the way I've expressed that, so that's not so. It's how that's done that I'm seeking to explore. At the moment, the request is being made that DJCS executives meet with Commission staff to discuss how it is the questions, the DJCS response is responsive. Furthermore, how can the questions be answered more directly?

COMMISSIONER WALTER: This is going to need to be done before we hold our hearings.

35 MS COGHLAN: Yes.

COMMISSIONER WALTER: I'm at a loss as to why we just don't have the answers to the questions.

40 MS COGHLAN: Yes. It's in the context of, of course, the ministerial statements, and we do say that they are - particularly the Attorney-General's statement, does respond to over half of them but I understand -

COMMISSIONER WALTER: We can't be ducking - trying to find answers within statements.

45

MS COGHLAN: Yes.

COMMISSIONER WALTER: We need clarity.

MS COGHLAN: Yes, that's understood, Commissioner.

5 COMMISSIONER LOVETT: Just going back to the point you made before, authorisation pathway internally to Justice, and you referred to the Koori Justice Unit; is that right? So that's the Aboriginal team - my interpretation would be the Aboriginal team in the Department of Justice and having sort of broadly also made the decision around, you know, how to respond to Yoorrook?

10 MS COGHLAN: Yes.

15 COMMISSIONER LOVETT: Do these engagement teams that are set up across the Departments, how much authority do they really have? I mean, they are playing a coordination role, I would assume. Kind of how government sets themselves up. So I don't know if, you know - that that is really - I mean, the excuse that could be provided, that it was the Aboriginal team in the Department of Justice. That's probably not fair on them as well as individuals, and it is a big Department. These are huge Departments with large workforces, large resources.

20 And we have heard from community who have come here before us that, you know, a lot of them have had to use their internal resources to prepare statements in response where we all know pretty clearly here that the VPS, Victorian Public Service, know how to mobilise a workforce when they need to. But, yeah - so I'm just trying to really understand how much authorising environment these - you know, the Yoorrook response teams really have in actually making that decision around not being able to respond to the questions that we've

25 asked. Yeah.

MS COGHLAN: Yes, I didn't intend to convey that that was the position.

30 COMMISSIONER LOVETT: Right.

MS COGHLAN: So in terms of how that came to be, it was much broader than that, so that it did involve, as well as advice from the Aboriginal Justice Unit, there was consultation with Justice Ministers in the context of the statements they were providing, and it's also in relation to contributions from the Secretary. So I didn't mean to convey that it was in any way to lay

35 blame on a particular group within the Department by any means. It was a decision that was made that has not satisfied the Commission. It was made with good intentions, and it's - although there is criticism of the document, it involved an incredible amount of work to pull together, and I understand weeks, if not months, of work. But it is accepted that it doesn't answer the questions directly.

40 COMMISSIONER LOVETT: Yes, I just want to make that point, because to be part of our Commission not only around the truth-telling, but also recognising the trauma, this impacts on our people and the cultural safety of our Aboriginal people who work for government in the VPS as well, which is really important to us as well.

45 MS COGHLAN: Thank you, Commissioner.

COMMISSIONER HUNTER: I want to echo that as well. Because I think last week was mentioned five people in the response team, and I want to echo that this is a lot for our

people. Not only for our people, but we understand our people working in government, and, dare I say, we will not be using them as a shield and neither should the government.

MS COGHLAN: That is completely understood, Deputy Chair.

5

COMMISSIONER HUNTER: Thank you.

COMMISSIONER BELL: And I agree.

10 MS COGHLAN: Yes, and I wish to really articulate that they are not my instructions and I am not trying to convey that position. In terms of the responsibility for the DJCS response, for example, it's not at all directed at a group of people or anyone being used as a shield. The wrong decision was made by those who have the authority to do it, insofar as it hasn't satisfied the Commission's inquiry.

15

CHAIR: Are you done? Thank you. Thank you very much.

MS COGHLAN: Thank you, Chair.

20 CHAIR: Counsel, do you wish to

MS MCLEOD: Thank you, Commissioners. We will continue to work with the State to resolve the outstanding issues. In light of Ms Coghlan's submissions, it is appropriate, in our submission, to extend the time for compliance with the four Notices as specified.

25 Commissioners may wish to adjourn briefly to discuss, or may have other questions or comments to make at this point.

CHAIR: Do you want to adjourn or not? Thank you, Counsel. Sorry, my voice is going down the gurgler.

30

COMMISSIONER HUNTER: I'll go before the Chair, if that's okay. So the Commission has the mandate to make bold recommendations, and the government and the First Peoples' Assembly are relying on these for the pathway forward. So this is stated in the conclusion of a submission of the Victorian Government which will be the subject of evidence in our up and coming hearings. Unless the State provides us with full and truthful evidence, Yoorrook will not have the necessary information to make such bold recommendations.

35

The information we have received to date has us concerned that full and truthful evidence will not be forthcoming, and I reiterate Commissioner Lovett's point from last directions hearing. The quality of information is extremely disappointing. I want to confirm Commissioners' expectations that the evidence from the 6th onwards will meet the commitment made in the State protocol, which is - and let me reiterate again - that the State will provide the Commission with full and timely access to all relevant information, including information which is or would ordinarily be subject to a reasonable excuse claim under the Inquiries Act. And we will be really clear we have no issue as a Commission to call, if required, further directions hearings to compel the State to live up to its commitment.

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And I urge the State to continue to come with purpose for the purpose of truth-telling and to bring justice to the First Peoples of Victoria. Thank you.

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CHAIR: Thank you. I think I've got my voice back. As you know, at last week's directions hearing, Yoorrook heard about the extensive delays to the document production by the State. As a result of those delays, the Yoorrook Justice Commission has had to dismantle its original timetable for evidence from the State on Criminal Justice and Child Protection. This has caused significant inconvenience to the Commission. It has been an unwelcome distraction from the work, the ongoing work that was planned. The Commission should not need to supervise the production of the State's evidence through repeated directions hearings. Yoorrook welcomes the State's decision to amend the Letters Patent to extend the time for the Critical Issues report.

Whether the Commission can now get back on schedule, make up time and deliver our critical issues report on time sits squarely on the State for full cooperation. Yoorrook is not only a Royal Commission; it is also a truth-telling commission. It is, therefore, expected that the State work openly and honestly in this process. This means approaching the task of giving evidence from a perspective of sharing information, not withholding by claiming technical legal exemptions.

The Victorian Government must do better if we are truly to reckon with the injustice perpetrated against First Peoples in this State. This requires the State to participate in truth-telling. The work of this Commission is important for all Victorians. The quality and timeliness of the evidence produced by the State directly impacts on the Commission's ability to undertake its work. The Commission looks forward to the State's full cooperation in this work so that we can realise this historic opportunity together.

COMMISSIONER LOVETT: There is a bit of overlap in what we're saying here, because we want to really emphasise how important this process is to us and our people, but also how important this process should be to the State.

In my remarks last week, I spoke about the importance of the State engaging Yoorrook in good faith. In good faith. For the State to be transparent and being open, sharing the truth. Sharing the truth.

As many community organisations have and community members have come before us, I have asked the State to lean in, to be bold and have a heart. The tasks with which we have been charged at Yoorrook demands that we have access to the documents that reveal the truth. Yoorrook, the truth. It's not just a word from Wemba Wemba - allowed us to use their word. It comes with purpose and meaning. Yoorrook, truth.

I spoke about there being a protocol between the State and Yoorrook under which the State has made the following undertaking: The State acknowledges that the Commission requires timely and complete access to perform its truth-telling role, to achieve its objectives, and for other purposes, that is, to the broader extent possible at law unrestricted.

The State also acknowledges that truth-telling requires it to confront and reveal the truth of current and past practices and policies, even when this is uncomfortable and embarrassing for the State, difficult or represents reputational risk. And that the Commission's role as a truth-telling and healing process is best served by achieving an open dialogue and access to the information that it requires.

5 The State's overriding objective is to provide the Commission with full and timely access to all relevant information, including information which is or would be ordinarily subject to a reasonable excuse claim under the Inquiries Act. Any restrictions on the provision or use of materials should be as limited as possible.

10 We look forward to the State in its actions in producing the remaining documents over the coming weeks living up to these words. We expect to see this aspiration turned into an actualisation.

To take the phrase from the Acknowledgement of Country provided from the State, to come with purpose. It's really important. We do listen to these words that the State shares with us. To come with purpose.

15 I have no doubt any unreasonable claims to withhold or heavily redact documents will be closely scrutinised. Yoorrook as a Royal Commission is entitled to call further hearings if necessary and if it considers that the new timetable is being put at risk. We need to be really clear that whilst we recognise that there has been an extension granted, also as well, we are investigating two really important streams of work here which I talked about last week:
20 Child Protection and Criminal Justice.

In the context to the extension, we will be investigating multiple streams in the future, Land Justice being one of them. Not only Land Justice. There is lots to unpack with Land Justice, not only just natural resource management, in a sense, or the lack thereof, the ability to be able to do that. We will be asking more of the State around being more transparent and having more access to timely information from the State. Not just the two streams, which are incredibly important.

30 There will be multiple streams and, therefore, the resources that we have heard from the State being put under significant pressure - and we were advised last week that the State will learn. The transcript says, "The State will learn." And we need to be really confident that these other streams, and this process, will be respected moving forward. Because it is going to put a lot of pressure on people. Community as well. Victorian Traditional Owner corporations and so forth, other community members who are wanting to come forward and tell their truth.
35 They are putting their hearts and souls on the line in order to come and tell their truth. It needs to be reciprocated from the State. Thank you.

CHAIR: Counsel?

40 MS MCLEOD: Would the Commission like to take a short break to confer?

CHAIR: Yes, thank you. Thank you. We will adjourn for 15 minutes.

45 <ADJOURNED 10.47 AM

<RESUMED 11.07 AM

CHAIR: Thank you, thank you. We are grateful to Counsel Assisting and to Counsel for the State of Victoria for their submissions today.

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First I want to address the issue of the outstanding questions. We expect the questions to be answered, and we are disappointed with the open-ended approach that has been suggested.

- 5 It is tying up our resources to do the job that you should have already done. The Commissioners expect to hear from you by Thursday, the 6th of April 2023 with an outline of how the questions will be answered. We will call back for a further directions hearing if required to manage this process.
- 10 In terms of the outstanding Notices to Produce, it is understood that certain documents will be produced by this Thursday, 6 April 2023 in accordance with the extension granted at the last directions hearing. In light of the comments made by the State, I have decided to exercise the power under section 18, subsection (4) of the Inquiries Act to vary the following Notices to amend the date for compliance as follows:
- 15 An extension with regard to the production of documents by the Department of Premier and Cabinet in response to Notice to Produce 002-011 is granted until 14 April 2023.
- 20 An extension with regard to the production of documents by Department of Justice and Community Safety, Notice to Produce 002-007; and Victoria Police in response to Notice to Produce 002-008, and Notice to Produce 002-010 is granted until 21 April 2023.
- 25 Yoorrook expects that any reasonable excuse claims under section 18 of the Inquiries Act will be consistent with the agreed protocol between Yoorrook and the State. I direct that a copy of these directions and the protocol be published on the Yoorrook website.
- That concludes today's directions hearings, and I would like to thank you all for your contribution and attendance today. Thank you. Thank you. Thank you. We are adjourned.
- 30 **<ADJOURNED 11.10 AM**