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TRANSCRIPT OF DAY 4 – PUBLIC HEARING

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

**WEDNESDAY, 05 JUNE 2024 AT 10.07 AM (AEST)**

**DAY 4**

**HEARING BLOCK 7**

**MR TIM GOODWIN, Counsel Assisting**  
**MS SARALA FITZGERALD, Counsel Assisting**  
**MS GEMMA CAFARELLA, Counsel for the State of Victoria**  
**DR LAURA HILLY, for Dr Heather Holst, Victorian Commissioner for Residential Tenancies**

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**<THE HEARING COMMENCED AT 10.07 AM**

**CHAIR:** Counsel, we're ready to start? Okay. Good morning and welcome to today's hearing of the Yoorrook Justice Commission. We continue our inquiry  
5 into the ongoing social injustice of Victorian First Peoples in Hearing Block 7. Before we commence the hearing, I would invite Commissioner Hunter to give a Welcome to Country.

**COMMISSIONER HUNTER:** Thank you, Chair. I would like to acknowledge  
10 we are on the lands of the Wurundjeri, pay my respects to Elders past and present, to your Elders and ancestors, all those that have come forward to give evidence so far, and acknowledge all those that have gone before us to allow us to have voice and pave the way for us to be here. So Wominjeka.

**CHAIR:** Thank you, Commissioner Hunter. Could we have appearances, please,  
15 counsel?

**MR GOODWIN:** Thank you, it's Mr Goodwin appearing as Counsel Assisting  
20 and I thank Commissioner Hunter for her Welcome to Country and I also pay my respects to the Wurundjeri Peoples of the Kulin nation and to their Elders, and to the community.

**MS CAFARELLA:** Good morning, Chair, Commissioners. Gemma Cafarella,  
25 appearing on behalf of the State of Victoria. On behalf of the State I thank Commissioner Hunter for her Welcome to Country and acknowledge that today's hearing is being held on the land of the Wurundjeri people and I acknowledge the Elders past and present, and that sovereignty has never been ceded. The State also pays respect to all Aboriginal Elders of other communities and all First Peoples who are here today or watching online today. Thank you.

30

**CHAIR:** Thank you. Thank you, counsel.

**MR GOODWIN:** Thank you, Chair. Just before we commence with the  
35 witnesses, I just want to attend to one administrative matter that I failed to do yesterday. Could I just tender the relevant documents for yesterday's witnesses? So there's a collection of documents relevant to the evidence of staff of the Victorian Aboriginal Health Service, and there are documents relevant to the evidence of the representatives of the Victorian Aboriginal Education Association. So I tender those documents.

40

**CHAIR:** Thank you. That will be added.

**MR GOODWIN:** Thank you, Chair. Then, today we have a panel of  
45 representatives of various Aboriginal community controlled organisations to discuss housing issues. So I will allow each of those persons to introduce themselves and perhaps if I just start with you, Simon. Could you please introduce yourself and your role to the Commissioners?

**MR SIMON FLAGG:** Yeah. Simon Flagg, a Wemba Wemba man and a community member of the Woiwurrung Country . I'm the CEO of the Wathaurong Aboriginal Co-op.

5

**MR GOODWIN:** And, Simon, do you undertake to tell the truth to this Commission today? Thank you. And then, Tony, if I could get you to introduce yourself to the Commissioners. Thank you.

10 **MR ANTHONY CRAIG:** Thank you. Good morning, everyone. Tony Craig is my name. I'm the CEO of Goolum Goolum Aboriginal Co-Op, based up in Wotjobaluk Country in the beautiful Wimmera.

15 **MR GOODWIN:** Thank you. And do you undertake to tell the truth to the Commission today? Thank you. Dallas, if you could introduce yourself, please.

20 **MR DALLAS WIDDICOMBE:** Good morning, Commissioners. Thanks, Commissioner Hunter, for the welcome. My name's Dallas Widdicombe, I'm a proud Dharug man. I'm also very much the privileged CEO of the Bendigo & District Aboriginal Co-Op and I thought it would be important, I heard through Aunty Jill Gallagher's evidence on the 27th, she told us a story about a young Aboriginal boy that was lost and ran all the way back to his co-op, past to the police station. That was me, so it's really great to be here today. Thanks.

25 **MR GOODWIN:** Do you undertake to tell the truth to the Commission today? Thank you. And, Darren, if you could introduce yourself.

30 **MR DARREN SMITH:** Morning Commissioners. My name is Darren Smith, I'm a Palawa man from Tasmania. I'm the CEO of Aboriginal Housing Victoria. I'm also the chairperson of the Aboriginal Housing and Homelessness Forum and Aboriginal Housing Victoria is recognised as the lead agency for Aboriginal homelessness policy and advocacy in Victoria and we provide the secretariat to the Aboriginal Housing and Homelessness Forum and the Victorian Aboriginal Housing and Homelessness Framework Implementation Working Group as well.

35

**COMMISSIONER NORTH:** You are also the star of the video of Damien Bell, which I looked at the other day.

40 **MR DARREN SMITH:** I have to admit, I think Damien was the star.

**CHAIR:** Thank you, welcome, to all of you. Thank you for coming today.

**MR GOODWIN:** Darren, do you undertake to tell the truth to the Commission today?

45

**MR DARREN SMITH:** I do.

**MR GOODWIN:** So just to commence just with the history and role of each organisation, I might start with you Darren. Could you please briefly describe the history and purpose of Aboriginal Housing Victoria?

5 **MR DARREN SMITH:** Sure. I'm just thinking if I give you the really short  
version. Aboriginal Housing Victoria was established as the Aboriginal Housing  
Board of Victoria in the early 80s and it was established after two years of  
meetings across Victoria, and a concern from Aboriginal community leaders and  
Elders about the treatment of Aboriginal people, the inability to access public  
10 housing and the treatment of Aboriginal people in public housing. And it was  
established with an objective that one day, consistent with self-determination the  
Aboriginal Housing Board of Victoria would own the properties and manage them  
on behalf of Aboriginal people in Victoria.

15 So Aboriginal Housing Victoria is the - there are two - there are now two  
registered Aboriginal housing providers in Victoria. Aboriginal Housing Victoria  
is one of them. We're the largest Aboriginal housing provider in the country and  
as I mentioned in my introduction, we have the policy and advocacy lead role in  
Victoria as well.

20 **MR GOODWIN:** And you mentioned about a number of properties being  
transferred to AHV, so if I get this right, in around 2016, 1,448 property titles  
were transferred from Homes Victoria, or what was then Homes Victoria to  
Aboriginal Housing Victoria. What's the effect of that transfer and why was it  
25 important?

**MR DARREN SMITH:** Well, it's important because it gives more control back  
to the Aboriginal community and as an owner of property you have the ability to  
deal with the properties and you have the ability to leverage your properties, and  
30 you have the ability to grow more housing. So it's critically important. And one  
of the things that happened with the Board post the title transfer was that they  
really had to think about what their role was, and that's what led to Aboriginal  
Housing Victoria stepping up into an advocacy and policy leadership role, which  
is consistent with where they came from, because there was a gap. There was no  
35 peak body for Aboriginal housing and homelessness and there was no one that was  
really looking at the issue facing Aboriginal people in terms of housing in  
Victoria.

**MR GOODWIN:** That was a particular concern that was highlighted by the  
40 development of the Aboriginal Housing and Homelessness Framework, Mana-na  
woorn-tyeen maar-takoort, which translates in Guditjmara as, "Every Aboriginal  
person has a home." We'll get to the detail of that framework shortly, but an  
element of that framework was the creation of the Aboriginal Housing and  
Homelessness Forum and as you mentioned you are also here in your capacity as  
45 the chair of that forum. Could you please briefly describe the background to the  
forum and why it was a desire of the - of Aboriginal Housing Victoria and other  
organisations to create that forum?

**MR DARREN SMITH:** Look, I think it was really the appreciation of the gap in terms of the number of people that were needing housing, and those that were looking for housing. So, you know, knowing and understanding that it just  
5 seemed to keep growing unabated. The Aboriginal Housing and Homelessness Forum actually commenced as a steering committee for the development of Mana-na woorn-tyeen maar-takoort, and so once Mana-na woorn-tyeen maar-takoort had been completed and it had been presented to government and it had been accepted by government in Queen's Hall in Parliament in 2020, it was -  
10 there was a discussion about continuing the Aboriginal Housing and Homelessness Forum with a view that there needed to be - continue to be community input into overseeing implementation of the framework.

And one of the really significant things that we uncovered, because we didn't  
15 realise at the time, was just how significant the homelessness rates are for Aboriginal people. You know, understanding that actually Aboriginal people are accessing homelessness rates in the highest rates in the country in Victoria, and that it was growing. It was growing at roughly 10 per cent a year, year-on-year. It tells you that there's a very significant problem, and understanding that 17 per cent  
20 of the Aboriginal Victorian population was accessing homelessness services is incredible. If it was in the mainstream there would be 1 million people accessing homelessness services in Victoria every year. It would be an absolute crisis. But it had been overlooked and not understood, and government didn't have their eye on it.

25

**MR GOODWIN:** And how many organisations participate in the forum?

**MR DARREN SMITH:** It's a pretty open forum. We have roughly 36 to 38  
30 Aboriginal organisations that participate. That includes a number of the unregistered housing providers in Victoria that are mainly Aboriginal community-controlled organisations that deliver health and community services, and a range of other services. It also includes Traditional Owner groups. So in recognition of Treaty and in recognition of the role of Traditional Owner groups, it was felt that they potentially, in the future, would have a role in terms of the delivery of  
35 Aboriginal housing or at least an interest. So it was opened up to the Traditional Owner groups as well.

**MR GOODWIN:** And the forum has provided a submission to the Yoorrook Justice Commission.

40

**MR DARREN SMITH:** Yep.

**MR GOODWIN:** And I'll ask some questions in regard to that shortly, but I'll just take that moment to tender that submission. Thank you, Chair.

45

**CHAIR:** Thank you.

**MR GOODWIN:** Turning to each of the representatives of the co-ops, Simon starting with you, did you just want to give a brief description of the work of the Wathaurong Aboriginal Co-Operative and in particular its work on housing issues for the community?

5

**MR SIMON FLAGG:** Yeah. So Wathaurong was established in 1980. Similar to how we are today but a way smaller table with our community wanting to find a place that was safe for our community. And as Darren mentioned before about safety and having opportunities for our community, it wasn't the greatest in  
10 Geelong so they determined they wanted to create an organisation based on community, culture and advocacy and we probably call it self-determination now, which is why the organisation was created. From there we have grown to be an organisation now, that runs programs. Everything from birth to Dreaming, we deliver a service in one way, shape or form and housing for us, is a component but  
15 it's not the only thing we do.

As Darren said, they are the sole housing focused organisation. For us, we started providing housing roughly in the 90s, so we have been doing it for three decades now and it really came again at - why we were created was for the community.  
20 The community needed housing and they needed a space where they could go and be heard and listened to, and find housing that suited their needs. So we started very small. But it wasn't just purchasing housing for community.

The co-op back in the 90s was also purchasing houses from community that were struggling to afford them and enabled them to rent in that house as well. I know that, because I was one of those families. So, without that support, my family would have been in, my parents would have been in, you know, dire straits trying to provide for their family.  
25

While housing, like I said, isn't our priority, it is a critical key component that ensures our community is housed, safe and that we can provide the wraparound supports that we need. We have got roughly around 20 houses and we continue to look at how do we grow that. But unfortunately, funding for us isn't there. We aren't a registered housing provider. We've looked at it as part of this current bid that's happening, but for us as an organisation it continues to - the challenge that we have to look at is how do we stay true to what we were created by community and the supports that they need, and how far do we continue to divert and grow as an organisation. I know I'm going off topic just a little bit, but I think it's  
35 important to understand from an ACCO perspective where we are in this.

40

In 2014 our organisation had a protest from our community that sat out the front of our organisation, and the reason for that protest was we had gone away from being an organisation where you'd come, connect, engage with mob, learn about culture and the likes to a service delivery organisation, where you only came if you  
45 needed a service. And, again, I can testify to that. I've born and raised in Geelong community. The org was created the same year I was born, so I've been along with the whole journey.

But for 10 or more years, I didn't go back to the co-op in my mid teens and early adulthood because I wasn't in trouble with the justice system, I didn't have chronic health issues. So the orgs that we created, that were there to support community weren't providing that function. And our community stood up and for us now it's a real catalyst looking at that everything that we take on, how is it diverting us away from who we were and why we were created.

So housing - to become a registered housing provider from our perspective changes the whole way we do our work and why we do it. So for us it would either change the constitution. It would be setting up another board that would govern our housing. And the way we would oversee our housing and the way we sent our rent and we support our community would change and we wouldn't have the control over that.

So our housing isn't there to make money. It's there to ensure that it doesn't run at a loss and it breaks even, but it's there to ensure our community have housing and it's to look at if they have got health needs or they've got social and emotional, wellbeing needs or they want to connect greater into culture that we have all those supports that we can wrap around them. We don't just provide them a house. We want to provide them a connection with our community and culture.

So to us, that's really important. We would love to grow more housing and have a greater support and the waiting list continues to grow. I know just for us at the moment it's sitting around 30 to 40 families waiting for housing. Again we only have 20 houses and once the communities move in they very rarely move out. So it is a long-term plan and game that we need and we have been working with Darren and Aboriginal Housing Victoria. We attend a lot of those committees.

We are on other committees such as WDAC, the Western Districts ACCO Collective where we are advocating for further funding into our space. Again, we talk about self-determination. We talk about transferring of power and giving community and Aboriginal people a lot more say in our space. But as soon as the government release new frameworks, i.e. the 'Big Build' project they're doing it still comes with the same restrictions and it's still aligned to you have to either fit their model or you miss out.

And so we ultimately as an organisation have had to say, "Right now we are not going to change who we are to go after funding for housing, because it changes the whole organisation." So we've got to look at other ways to provide housing for our community and we will continue to work with Aboriginal Housing and the likes to advocate for greater housing in that area, but unfortunately we don't meet the requirements and we're not going to change our organisation to meet it.

**MR GOODWIN:** And I'll come back to the Big Housing Build directly and explore some of those issues but just to bring the Commissioners and anyone watching into the frame, my understanding is that the major announcement of

funding for building of housing including social housing, access to grants under that fund is limited to registered housing providers. That's right?

**MR SIMON FLAGG:** Yes, that's correct.

5

**MR GOODWIN:** And there are only two Aboriginal community controlled registered housing providers, that's Aboriginal Housing Victoria, and I hope I get this right, I think it's Rumbalara is also the other registered housing provider?

10 **MR SIMON FLAGG:** Yes, to my knowledge. There are other ACCOs now looking at becoming housing providers. I know one in our region is looking at it. Again, it's because they want to provide housing for their community. It's not something that they would want to do if they had the choice, but they said the need for growing the housing properties is the key focus.

15

**MR GOODWIN:** And we received - Commissioners we received a submission from the Mallee District Aboriginal Services, which stated that they're in the process of seeking such registration. And, Simon, just to also flag something that came up in the framework that one of the recommendations in the framework is that the government consider more flexible options for access to grants including under the Big Housing Build for the Aboriginal community controlled sector without having to register as an Aboriginal - as a registered social housing provider. The difficulties you have described are the context for that type of recommendation. Is that right?

20

**MR SIMON FLAGG:** It is. And again, it's not - I feel a lot of departments and when they're writing new strategies and policies don't understand the ACCO lens and how we work and hence a lot of the times we're missed within the new development framework. So, again, I mentioned the Big Build. We weren't even really considered in how could ACCOs that have been providing housing for 30 years, how do we get into that space. We know our community. We are the ones that have our fingers on the pulse understanding the needs and requirements and yet most of the time we are not at the table, at the conversation.

25  
30  
35 So we are now in the forum that Darren's team run with the housing partnership but, again, we can put that up. It's up to the Department and the Ministers to review it and determine if they want to change. So it's still a lot of talk, not a lot of action from my perspective, and ultimately who is hurting the most is our community. How do we get more houses into our region? We don't even have a regional strategy. We aren't brought to the table and in some ways we can look at ourselves and think we can do more.

40

45 How do we pull ourselves through our own tables? How do we bring ACCOs and Aboriginal housing and start creating regional strategies around how much housing we think we need over the next five years and how can we achieve it as a collective? It's still very much we wait for the Department or a Minister to call



meetings, rather than us being the lead in that space, saying, "This is what we need for our community how do we achieve that? "

5 **COMMISSIONER NORTH:** Simon, did you say you had 20 houses?

**MR SIMON FLAGG:** Yes.

**COMMISSIONER NORTH:** How did you fund those?

10 **MR SIMON FLAGG:** So they've just be purchased over the times. Some have  
been through grants and the like, some have been through the organisation taking  
out loans and purchasing properties, because community have been on the verge  
of losing their house. So the co-op has flown in and make sure they are able to  
purchase it and keep the family in a house. That's the whole essence of what  
15 ACCOs are. We are there to ensure we can support communities. So if somebody  
is struggling, that used to be the ethos of ACCOs is we get in there and support  
them. Now, buying houses is a lot harder. We've got a lot more programs that we  
deliver and a lot less resources we can provide to do that, but it doesn't mean we  
don't look at how we can support families when they are in that situation.

20 **COMMISSIONER NORTH:** Thank you.

**MR GOODWIN:** Tony, I know you've got some views on these matters that we  
have been discussing as well, but can I just invite you also to just introduce the  
25 Goolum Goolum Aboriginal Co-Operative and briefly describe its history and its  
work on housing? And in doing so, feel free to reflect on some of the comments  
that Simon has made as well.

**MR ANTHONY CRAIG:** Thank you. Unlike Simon I'm a fraction older than  
30 the co-op, but Goolum Goolum did celebrate 40 years in the last 12 months, so  
we've been around quite a long time. Again, like all ACCOs it was community  
need for services right across a full spectrum of services that our Elders got  
together and created Goolum Goolum. And we are quite remote in terms of our  
location, up in the Wimmera. I think the nearest ACCO to us, full service ACCO  
35 is close to 200 kilometres away. So we have a huge area we have to cover. And  
it's one of the less dense populations, but it's quite a demanding position to be in,  
to cover that entire area. We can do day trips up to the southern Mallee to see one  
client. We can do a whole range of things.

40 So like most of the ACCOs we run a full suite of services, everything from  
housing to health and everything in between. And over the years, we've grown  
dramatically. You know, we are - I think when I first walked in the door 13 years  
ago, there was less than 15 people there. We are now 70-plus people and we run  
a huge range of services. So for us housing has always been a really important  
45 component of supporting community. And our history with housing was a lot of  
the houses we started with were the old Commonwealth Chip Housing Program  
they called it and we were granted some properties. We still have some of those

properties and you can imagine that was back in the late 80s, early 90s and they're quite old and run down now.

5 So for us, we've always been able to provide a certain level of housing. We have 20 properties in our portfolio at the moment, but we have a need for at least double that in our community. We have waiting lists of 20 to 30 people and in the rental market in Horsham, there's a lot of regional areas there are no vacancies and there are never any vacancies if you are an Aboriginal family. We know how that system works. It puts a lot of pressure on us to be the housing provider and  
10 I know Dallas will talk about this and Simon talks about it, we are providing constantly crisis accommodation, short-term crisis accommodation.

I think when we talk about housing and homelessness, we overlook so many people couch surfing, so many people living in overcrowded houses, so many  
15 young people wanting to make their move in life and start their own journey independently, but there's just no properties available for them. So it's a really important part of the strengthening the community and creating their opportunities and their future wealth. It's a real barrier, housing.

20 For Goolum Goolum we are quite, I guess proactive in this space. We are currently engaging in developing our own master plan, because the frustration I guess in dealing with government departments is we have to wait and we have to abide by their frameworks and their plans. That doesn't always match and this Big Build I think is a classic example. ACCO housing is a small part of what the  
25 ACCO does, but it's a critical part of what we do. It's not - we've proved over 30 plus years it is sustainable, it's viable and it has a huge impact. And I could tell stories of young couples renting a house at a very affordable rate for years and then their next step was to save their deposit and build their own home and start their own families.

30 That's for me - I often refer to I talk to our board with creating Aboriginal wealth, you know. It's not wealth as a lot of people. I see it as wealth of opportunity to start their own journey in life. So it's really important to us and right now we are doing our own master plan, because we can't wait and I think the current  
35 environment around Big Build and that excludes ACCO housing. The ACCO housing model that has been around for 30-plus years has proven to be viable, it has proven to be sustainable and beyond a doubt is absolutely essential and I think it's a massive oversight to exclude the model that has been around. We don't need to be registered or certified. We have been doing this for a long time. We are  
40 audited in so many other areas, it's just - it seems a massive oversight to me, or a deliberate oversight, I'm not sure which.

**MR GOODWIN:** Thanks, Tony. Now, my understanding is that both  
45 Wathaurong and Goolum Goolum are members of the Western District ACCO Collective, I think you mentioned that before. The Western District ACCO Collective have provided a submission to the Commission. So I will take that opportunity to tender that submission, Chair.

Dallas, I know that Bendigo & District Aboriginal Co-Operative does not directly deliver housing as part of its portfolio of services. But I just wondered if you could describe the history and work of the co-operative and at least how you see housing issues arise for your community members.

**MR DALLAS WIDDICOMBE:** Yeah, thanks. So the history that, you know, that we have all been involved with in Bendigo is - we are quite a new co-operative. 2001, Bendigo & District Aboriginal Co-Operative was established. In about 1988, Dja Dja Wurrung Association is what we knew as our co-op and out of that become - in 2001 the health service separated from, I guess the Native Title group. So as Simon said earlier, it started in a lounge room with some women in our community that decided that, you know, our families needed somewhere to go.

It wasn't an extra service for us. It was a service. It was somewhere to provide services, because we weren't getting them anywhere else. So that's how it started. We don't have housing ourselves, but we do have - we do provide emergency accommodation. We also have - we run services from maternal, child health to aged care. We have got a kindergarten with 60 Aboriginal children and three and four year old kinder. It's really important for us to build connection, so these young people know that our co-operative is a safe place for them.

We have got - I've got a number of examples of just why the housing - it's just so hard to work with families when housing is an issue. We have, if you are trying to - simple things like trying to help someone out with their fines, if they've got nowhere to live they don't care about their fines, you know. Even women escaping domestic violence and not having anywhere for them to go apart from interstate, you know. Just on one family last year we spent \$17,000 on emergency accommodation. I sent two letters to the Minister and I was able to secure a home, and it shouldn't take that much to be able to secure someone a home.

We've also got a program called APRAP which is the Aboriginal Private Rental Assistance Program. Really tricky program. Our people are not the first ones on top of the list at private rental real estates. So we just have to work with it the best we can, but it is a really tricky program. But, you know, I really welcome the opportunity to have a go at housing. We did, you know, in the 90s we had - Darren might be able to correct it but I think we had 12 homes that we transitioned over to Aboriginal Housing Victoria but since then no, we haven't had any community housing.

**MR GOODWIN:** What are some of the barriers for entry for the co-op to be able to manage a portfolio of houses? You said you might want to do it, but what would some of the barriers be?

**MR DALLAS WIDDICOMBE:** I think one of the reasons is you need access to, you know, a huge amount of funding which would - as Simon said before with the Big Build we would have to register as a housing provider, which I read

something a number of years ago that said you 200 homes to be profitable or at least break even. So the chances of that aren't huge.

5 So I think that's definitely, that's one of the biggest barriers. But just something Tony said earlier about that young family that got to save for a deposit. I think one of the things that, you know, really upsets me, we think about - we are providing public housing to our people. How long until it is going to get we can provide generational wealth to our young people? We should be - they should be stepping stones to buying your own home and leaving to that your and your children or your children's children. We see it so much in non-Aboriginal families yet we don't have it in ours.

15 **MR GOODWIN:** So I want to turn to some foundational issues and key barriers in terms of housing security for Aboriginal Victorians. I might start with you, Darren. If we can bring up page 7 of the Forum's submission and - that's the framework, sorry, the Aboriginal Housing and Homelessness Forum submission. Thank you. Yes. And just, if we focus on the first three paragraphs.

20 And, Darren, this is something you mentioned in your opening, and your opening answers that some of the key statistics highlight the problem of housing and homelessness for Aboriginal Victorians in that nearly 19 per cent of Aboriginal Victorians need the support of specialist homelessness services. In one of the other strategy documents, it's mentioned in the blueprint that we'll come to, it's mentioned that that translates to about one in five Aboriginal Victorians being homeless, compared to one in 50 for the general population based on the statistics – sorry, that was actually in the Forum submission as well.

One of the powerful comments is the one in bold, so in the third paragraph:

30 “Our communities are culturally rich and diverse, with histories and heritages that were shaped over many thousands of years. Homelessness was unknown prior to colonial settlement.”

35 From your perspective what is the impact of historical dispossession on Aboriginal housing and homelessness today?

40 **MR DARREN SMITH:** I think you can draw a line with early settlement, early colonisation and the dispossession of people from Country and the practices of dislocating people from Country and moving families around Victoria. And then, you know, if you trace the history and just take a superficial look you can also see that there were, you know, practices of control, assertive control over people on missions, and outside of missions, excluding people from contact with families.

45 And I think all of those things contribute to Aboriginal people losing their economy, losing their homes and then being dislocated into the fringes of towns and having marginal connections with the economy, and having an inability to control their destiny because of that. And then, you know, when things got a bit

better, there was still political exclusion, economic exclusion, which meant that Aboriginal people were locked into the housing at the fringes of towns.

5 And it then endured and you can see how it relates to a whole range of other issues as well. So you have increased contact with child protection, child removal, the criminal justice system, institutionalisation, deep trauma in families, and deep and complex disadvantage within families, and income inequality. And if the only way that you can be housed is if you are relying on being able to purchase into a market that doesn't really value you and excludes you, and I'm talking about the private rental market, then you are going to be marginally housed. And this happened, and under the eyes of government, without them acknowledging or addressing the issues.

15 **MR GOODWIN:** Did anybody else want to reflect on the connection between historical dispossession and the housing prices today?

**MR SIMON FLAGG:** Yeah and I guess I go from personal experience, because it's the most for me, logical one is that we also have started late in housing, if you can call it, as a community and wealth and generation and the like. So my mum who is in her late 60s is one of 12. The remaining siblings that are left, there's five. They range from 70 to 60. When they grew up they grew up in a two-bedroom tin shack on the Murray River with a dirt floor. So we are talking about 60 or 70 years ago. Now, it's not that long ago. So our community moving into housing and having not just the opportunity to rent it but to purchase it, because we have got to remember in Australia, Aboriginal people haven't always been always able to purchase houses let alone go to school and all those issues.

30 So we started from a long way back compared to most Australians. So how do we understand that and support the growth any way we can? So with this master build and the big plan that they've got now, their aim is to generate, you know, hundreds of properties into our community but, again, it's only through their model. They're not listening to us in the way that we have grown, understanding these complexities, understanding the changes that families face and some are still dealing with traumas that go all the way back there.

35 So how do we support our community to own houses, not just rent? Then we have the other complexities that I still can't believe happen in this day and age. So only seven weeks ago there was a community member living in our area and he was successful in securing a rental property through Aboriginal Housing, which was great and this community member was rapt. But the building developer or the owner of the building, you needed a fob access to get into the property. Aboriginal housing did their part, we have been advocating doing our part.

45 He had this house for five weeks. For four weeks he's been living on the streets because he couldn't get the fob. So their strategy is, "Until you get a fob you can't move into the property." So they were happy to accept people living on the streets. So how crazy to say, "I've got a house, but I'm homeless" and only late

last Friday was he able to secure the fob and be able to move into the house. That's a current challenge that we face. We can build the properties, but then you have these little hiccups that hinder it. And during that period this community member was very heightened, stressed, suicidal, you name it, all those things and I don't blame them because you have a house, yet you can't access it. That's  
5 crazy to me.

Then we go back to 70 years ago our community lived on dirt floors. So there's a lot that has happened to our people that (1) I still don't think is known and understood and we have got a long way to go. So understanding that history and  
10 context, it wasn't that long ago. It's one generation from me. They are the challenges and complexities that we face.

**MR GOODWIN:** Dallas, and Tony, did you want to add anything to that? No.  
15 Yeah, go for it, Darren.

**MR DARREN SMITH:** I think that's a really good reminder, because one of the things I didn't say in the introduction was when the Aboriginal Housing Board of Victoria was first formed one of the other concerns that they had was that there  
20 was still Aboriginal people living on the riverbanks from the Murray down the Gippsland, out the west as well. So there has been this real exclusion and also a reminder that I don't think government really saw Aboriginal people in Victoria up until the 60s and 70s and then started to think about Aboriginal people and what it meant as a group.

25 And there's even been a prevailing attitude during my working life where senior people within departments have the view that, "Why would we invest time and effort into Aboriginal people who are 1 per cent of the population?" Which is entirely wrong on many levels. And the other point I just wanted to make is while  
30 public housing was available, again, Aboriginal people had difficulty getting access to public housing and then staff who were working with them within departments did not understand Aboriginal people and understand their history, the trauma, the institutionalisation and how that was reflected in the way they lived in their properties and some of the things that they had to confront.

35 **COMMISSIONER LOVETT:** I think it's interesting you made the comment about the senior bureaucrats making their comments about, "Only one per cent of the population." Because we had Alan Brown yesterday talking about the history and advocacy of VAHS. And he'd met with a politician not too long ago as well  
40 who said that Aboriginal affairs won't win votes. So just a further reminder today that whether it be Ministers or whether it be government in or government out, or bureaucrats having particular views and low expectations as we heard also from Professor Ray Lovett, low expectations set for our people. I just wanted to make that comment.

45 **MR GOODWIN:** Darren, while we're with you, the submissions from both the Forum and the Western District ACCO Collective, as well as another submissions

have highlighted a number of key barriers to housing security and one prevailing theme is just simply the lack of social and public housing for Aboriginal Victorians. Put simply, there just aren't enough houses to keep up with demand. And I might get some of the data wrong, but my understanding is that Aboriginal Housing Victoria operates around 1,500 properties. There are other ACCOs that run smaller numbers of properties, for example, we have heard about 20 from two ACCOs each. But there are about four and a half thousand Aboriginal families on the register, which is essentially a nice way of calling it a waiting list for housing.

10 In your view, what are some of the key problems that have caused such a demand? And what is the impact of the lack of social and public housing for those families?

**MR DARREN SMITH:** Where to start. The first thing is the lack of investment in social housing so, you know, at least over the last decade, if not extending back for 20 years. So there's just not enough social housing to go around to meet the needs of people that need it. And I think, you know, part of that is recognising that social housing has now - at one time public housing was low income housing for people and it was an opportunity to meet the needs of the most needy, but also to provide a step-up for people so that they could, you know, have a little bit of assistance to enter the home ownership market or into the private rental. It's not the way it functions anymore. There's just not enough housing.

It is really about housing those with the most vulnerable and the most need. That's one issue. The second issue is the housing markets aren't working. So it's a national priority at the moment, because new housing has become unaffordable for home owners, for new home owners and the private rental market is just - it's jammed. The vacancy rates are so low at the moment, which is why you see the Commonwealth Government investing in building 40,000 houses nationally. So that doesn't help.

Aboriginal people, particularly in regional areas and my colleagues here can probably talk to that more directly than I can, the private rental market, Aboriginal people experience racism and prejudice and difficulty in getting into the market. And, you know, what we hear is that the private real estate agents in regional areas know the names of the families. So you just have to have your name on an application and you will be immediately put on the bottom of the pile.

So when markets don't work, it's the people at the bottom who get crushed by the markets and so that's what we have been seeing, we are seeing with Aboriginal people in Victoria. The other factor is the fast growth in the Aboriginal population. So the Aboriginal population is growing at a much faster rate than the broader population. We have people on, you know, there's an income disparity so we have more people on lower incomes, so we're more exposed to what's happening in the market.

**COMMISSIONER WALTER:** Damien, just a question. Both the Minister and the Premier talked about that transfer of the 800-odd houses in 2016, so as a very

positive thing that the State had done in Aboriginal affairs. I just want to get a bit more context about that and sort of what brought it about and then, like it's eight years later now, what's the continuing policy? Are there more houses coming or was it a one-off?

5

**MR DARREN SMITH:** I think they're considering it. There's roughly 3,600, I think it is, it's up to now, Aboriginal renters in public housing, which is more than there was in public housing when there was a transfer process to Aboriginal Housing Victoria, and at that time - and this is the tenancy transfer back in 2009, 10 2010, we are about 1300 renters came across and we were managing their tenancies.

I think how it came about was the advocacy of the Aboriginal Housing Board. Going back right from the start there was always an intention that they would take 15 on - they wanted to own the stock and they wanted to manage it and they wanted to manage the tenancies for Aboriginal people. And my understanding is it was in the Labor policy platform for a number of years, and it was really advocacy at the point of the 2014 election and working with the central agencies, working with the Director of Housing and working with the Minister at the time, to tell them that we 20 thought it was time. It's time for them to start the process.

So when there was a change of government, and the Labor government came in 2014 with that election policy commitment, they were prepared to consider the title transfer and they weren't just going to hand the properties over. We had to 25 prove to them and establish that we could manage those properties. But there were some agreements made about how that would happen and it happened.

**COMMISSIONER HUNTER:** As both the Minister and the Premier stated, I think we asked, "What's an example of good sort of practice where you have 30 enabled self-determination?" Would you say that the complexities that come with that, like was it a good example of self-determination and what were the complexities that come with that housing?

**MR DARREN SMITH:** So the key issue - the key issue was the condition of the 35 properties that were being transferred because they were aged properties, they were deteriorating and there had been an Auditor-General's report back in 2012 and that had pointed to the asset management failures of the Director of Housing and questioned the condition of the properties. So when we were going through the title transfer process, the thing we had to demonstrate was that we knew and 40 understood the maintenance liabilities of the properties and we had asset management strategy and plan in place so that we could manage them over a period. And we had to demonstrate that by providing 15 years of financial projections to do that.

45 **COMMISSIONER HUNTER:** Can I just ask, so you're getting back - so I don't want to put words in your mouth, so correct me if I am wrong. You are getting back properties that aren't maintained. You have to show that you can maintain



them. Was there any money given or funding given to bring those houses up to standard?

5 **MR DARREN SMITH:** There was - and to be clear, we didn't know the condition of the properties, because they couldn't provide us with property condition assessments. And we had to do some modelling based on property condition assessments that we undertook. So we didn't know the condition of all of the properties. So there was a bucket of money and it was of the order of, I think it was \$6 million that accompanied the transfer.

10  
15 But, you know, it's always an ongoing issue, the condition of properties, and that can be reflected in the fact that during COVID with the stimulus building works, there was a package of funding that was made available. It was \$34 million to undertake works in all of the properties that we manage, but also in the properties of a number of the unregistered Aboriginal housing providers as well.

20 **COMMISSIONER LOVETT:** Out of all those properties, though, how much - like how many of them needed work? So would it be 50 per cent of them needed work. Can you give us some rough understanding?

**MR DARREN SMITH:** At the time back then?

**COMMISSIONER LOVETT:** Yes.

25 **MR DARREN SMITH:** There would have been more than what the \$6 million was going to provide for.

30 **COMMISSIONER LOVETT:** You had to dip into our resources to be able to get them to, I guess, a habitable state.

**MR DARREN SMITH:** Every housing agency has to set aside capital and they have to set aside an operational maintenance budget to manage the condition of the properties. So - and the issue with social housing, of course, is always that the returns are tight. So you need to have strategies in place in order to manage your portfolio and one of the strategies is actually being able to dispose of properties, that you - are uneconomic. So that's always been part of our strategy as well.

40 **COMMISSIONER LOVETT:** Can you just share the community expectations on the organisation? Because publicly government would have made a big announcement around how many properties, because we hear about when they are announcing money and when they are announcing how many properties that the organisation gets. Then that creates a community expectation that you have got all these 1,500 extra houses, 1,300 extra houses, what's -

45 **MR DARREN SMITH:** It is the key challenge, managing community expectations around the conditions of the properties. So I don't know that it

necessarily raised expectations, but there is always an ongoing expectation from community around maintaining the properties.

5 **COMMISSIONER WALTER:** Just to finish this part off, so it was a one-off, came from Labor party election in 2016. Is there anything in the wind that you've heard of about a continuing of transferring of properties?

10 **MR DARREN SMITH:** There are - there is a pilot that's being discussed at the moment about a (crosstalk) transfer, and there's also discussions about some programs to build new houses and transfer them across too. And AHV has been the recipient of a transfer or transfers over the last two years, where 109 properties have been transferred across for management, not the titles and not the assets, but the management of those.

15 And I'll be really frank, I think we will argue until we are blue in the face that one of the things that we need for the smaller housing providers out there is to facilitate transfers of existing stock and also transfer new builds across to the ACCOs so that you can build their scale. Because we actually need as many providers, Aboriginal providers, out there, who are able to manage the houses,  
20 because the scale of the issue is so great. We need an additional 5,000 social housing just based on population projections that we conducted over 20 years, which is, it's a bit less than 300 a year.

25 And that's not - we are nowhere near that at the moment, with the properties that are coming across. But management transfers and asset transfers of existing stock are a way that you can assist smaller housing providers to scale up so that they can meet those kind of - the issue is, and I think you mentioned it, the 200 properties is kind of an industry - you know, it's a rough industry benchmark. And what it really means is that as an independent housing provider, you can manage most of  
30 your functions at a fairly adequate level. It doesn't mean you are going to be able to go out and build a lot of new housing without additional support, but you will be able to manage your portfolio.

35 You will be able to have the right mix of housing officers and finance staff and your back office staff, your asset managers, your property staff in place so that you don't need to cross-subsidise it. And that's kind of a point for smaller Aboriginal housing providers, is that they are very possibly cross-subsidising the housing programs from their other revenue and it's diminishing the kind of returns that they actually get.

40 **COMMISSIONER LOVETT:** Waiting lists. You know, we need to understand and community needs to understand who are listening in as well, you know, how important this subject is around waiting list times and stuff. Can you give us any indication as to what the average wait list is? We have got women escaping  
45 family violence, people continually kept in incarceration because they can't get bail, because they don't have a house to go to. So just to try to understand how -

what are some of the times of people having to wait? Is it years? Is it months? If you can share.

5 **MR ANTHONY CRAIG:** I can jump in from our perspective, at Goolum Goolum, with our 20 properties and with 100 per cent occupancy rate and that's been the case since I started there. We have had no one leave, so without new stock we can't meet our ever growing waiting list.

10 **COMMISSIONER LOVETT:** And your waiting list is growing out to how many?

15 **MR ANTHONY CRAIG:** It's growing. We have got probably about 30 people on the waiting list. We can probably say that 15 or 20 really need a property. As I said earlier, it's about overcrowded houses, young people wanting to get out on their own and I think we talked about domestic violence and that. We don't have any control over that either around the transitional housing back into community and that. We are a part of a program to have a refuge and healing centre developed in the Wimmera, in Horsham. It's work we did with Gunditj Mirring people down in the south-west. And one of the questions I asked at the time, I  
20 said, "So whilst we appreciate the investment in this refuge and healing centre", I said to the government, "What is your strategy around the transitional housing?" I got a blank response. So I don't think the planning is all that fantastic.

25 And we have just talked about the transition of houses over to AHV. That's fantastic. There's not one new property involved in that. So it wasn't meeting demand. It was just transferring of titles. It wasn't around the growth or meeting the demand. And I'm sure Simon has got - some of the biggest Aboriginal population growth in Victoria is on his Country. We need growth on that investment and diversity of that, what housing is, whether it's transitional houses,  
30 crisis housing, permanent housing. So I think it's a very broad issue.

**MR SIMON FLAGG:** Our waiting list is - again, it's the same as Goolum's. When a community member roughly passes is when our houses open up. Then you've also got complexities if they are living with a family, and that family wants  
35 to take over the lease of the property. So the last 10 years we have had three changes. We purchased the new property so we could put a family in and then the other two have been due to communities passing to the Dreaming. So we don't change over a lot, but if you ask most of our community they say they will prefer to be on our housing list and wait. But obviously they're on mainstream, they're  
40 also on Aboriginal Housing. We just don't have the housing to support it.

We do have a growing population moving into Geelong. I should have mentioned that my organisation covers Wyndham to Colac and back around the surf coast, so it's a large area and more community want to sit on our waiting list. They just  
45 know they are most likely not going to get a house in their lifetime, which is real shame and we want to explore how we can get more. There has been programs

that have helped us in that regard with government creating removal of first mortgages and all those sort of things, so we own all our property outright.

5 But it is a challenge for ACCOs to think about taking on debt and growing our stock and the like, so there are those challenges. But yeah, our waiting list is generally till our community pass on.

10 **COMMISSIONER HUNTER:** Can I ask, what does emergency accommodation look like? I think you mentioned something before, Dallas, what would that look like in your orgs?

15 **MR SIMON FLAGG:** At our org it's relocating community into hotels, motels, caravan parks, wherever we can get them in. Again, we - you know, it's not for housing. It's family violence, it's a number of different things that our community get placed in for emergency housing and we are now starting to face issues around finding places that will take our community in. Every time we go to book now they go, "Yeah. No, we have got no vacancies."

20 **MR DALLAS WIDDICOMBE:** I've instructed my staff, because if we say, "Hi, it's Dallas from BDAC", they are full, you know? And just that one example I said earlier about a young lady, three children, escaping family violence, we supported her for 49 nights in a motel. So in excess of 17k it cost us. So, yeah, but even that there's just a list of motels we can't even ring, because they just as soon as they get a whiff that it's us they just say they're full or they say, you know, 25 they can't have anyone that night.

**MR SIMON FLAGG:** And it wouldn't be a week goes by that we don't put someone up for a night, two nights.

30 **COMMISSIONER HUNTER:** And as Commissioner Lovett pointed out, women and men can't get out of prison unless they have got housing, children can't be returned from protection unless they've got housing, yet there's no housing.

35 **MR SIMON FLAGG:** Crisis accommodation.

**COMMISSIONER HUNTER:** And we are the highest in incarceration and child protection.

40 **MR DALLAS WIDDICOMBE:** And I think that was - it's absolutely everything. We can't work with our families on any issue unless we have stable housing, so it's everything.

45 **MR DARREN SMITH:** Can I follow up? To give you an idea of the waitlist and the time to get housed you - you know, the government doesn't talk about what the time to get a house is. So we have got about 1,600 properties at the moment. We turn over about 120 a year. There's 6,000, there's a few more people

on the Victorian Housing Register than what you mentioned, because there's also transfers, which are accounted for separately. It would take us by ourselves how many years? Probably 30 years, 50 years, to house the people that are on the VHR. But if you look in general there's roughly 60,000 people, not just  
 5 Aboriginal people, on the Victorian Housing Register.

There's about, you know, roughly 60,000 houses in the system. Even if you looked at 10 per cent of that being turned over each year, that's about 6,000. It's about 10 years to house everyone that's on the Victorian Housing Register. And  
 10 the issue is that it depends on where you go, where you are looking. If you are looking in the northern suburbs, the demand is off the charts. So it's very difficult to house people in certain locations and it's different, different across the state.

**MR ANTHONY CRAIG:** And here we are sitting on vacant land with plans and opportunity. We are just waiting for government investment. We are ready to  
 15 grow our stock, we know how to manage our stock .

**COMMISSIONER LOVETT:** Have you got a proposal in with government?

**MR ANTHONY CRAIG:** We are developing it, a master plan for our properties, because that includes some decommissioning of old properties and making  
 20 everything new. So it takes a bit of work, because we are doing that, we are self-funding that. We have learnt from bitter experience if we are going to wait around for government to change our direction, we will be waiting a long time. So  
 25 we have taken that financial responsibility to develop a master plan that includes property surveys, it includes architects, it includes a whole range to ensure that when we are ready and government, they won't have to ask too many questions for us.

**MR SIMON FLAGG:** We also provided a submission that we did through the Commission to the Minister as well, which had a number of recommendations  
 30 from WDAC. But as Tony just pointed out, there are a number of ACCOs out there looking at how we can do housing differently, for instance, at Wathaurong we are looking at - we have also got some vacant land and we are building a 3D  
 35 printed house in partnership with Deakin and a few others to try and see if there are cheaper ways we can provide housing for our community, which is a lot more quicker. We continue to look outside the box on how we can get more housing, but we still need more housing so we can do ourselves.

**MR GOODWIN:** And Tony, you mentioned earlier about the problems for the community accessing the private rental market and that has come up a number of  
 40 times throughout the course of submissions. And the framework highlighted and there was a specific report commissioned by the Commissioner for Residential Tenancies about that issue. I just wanted to provide you with an opportunity to  
 45 describe how that problem arises in a real on-the-ground sense for a number of your community members.

**MR ANTHONY CRAIG:** It's so real, the vacancy rates are just non-existent in rental properties full stop. So the real estate industry, the way it's set up now is it's very impersonal. You basically make online submissions and if they know who you are in Horsham, you are an Aboriginal family or you're a family that's on welfare, you go to the bottom of the list full stop. Because they have got plenty of people wanting to rent a house. Anyone in the mainstream system is pretty much automatically removed from those lists and whilst it's not stated, it's understood that there's a pretty strong element of racism in that.

10 I have staff who are living in fear, because they're in the private rental market and as soon as those properties are sold there's nowhere else for them to go, because they will know they will go to the bottom of the list. And they've got jobs, but because they're part of Goolum Goolum or part of the Aboriginal community, they just know they're not going to get a property in Horsham. And we can't attract staff into our area, because we haven't got housing.

20 So for us to live in a community where we can't support them, it's really frustrating, it's really disappointing. Because as I said, we are ready to do this but we are just waiting on government to meet that need. But the private rental market, it's tough. It's really tough. And I'd hate to be on the waiting list.

**MR GOODWIN:** Did anybody else want to raise any issues about the private rental market? Just to cover off on another issue that was raised in terms of a lack of emergency and transitional housing, and the particular issues raised for those suffering from family violence and engaged in the child protection system or exiting incarceration, Dallas, I just wondered in terms of your co-op running some crisis accommodation services, how you see the intersectionality of Aboriginal people's engagement with various systems playing out in terms of their housing needs?

30 **MR DALLAS WIDDICOMBE:** Yeah. Well, I mean, ours is just providing funding for emergency accommodation, but also for staff if it's keeping a family together. I think that it goes back to, I think Commissioner Hunter said it before, if women haven't got a place to take their children, their children will be taken away, if they're not providing a safe place, you know, as it is seen. I think exactly the same as all co-ops would be able to say that we have men arrive with bags that have been released from any prison around Victoria, with either one or maybe two night's accommodation and then that's it.

40 So what does that person at times revert to? What they know and they end up back inside. You said child protection and - sorry, escaping family violence, we're just - these are all band-aid fixes. I know I saw the Commissioners look at each other before when Darren said a "pilot." We are all sick of pilots. We are not a pilot community. I've got so many examples of where pilots have been quite successful. We have worked with young mothers and babies to stop the pre-birth reports and you get to the end of the pilot and, you know, we had 25 mothers and children go through and 24 went home from the hospital.

And the department said, "We are not sure where we're going to get the money." So they also didn't expect the pilot to work. You know what I mean? It happens all the time. We get funded for a pilot and then it works, "Well we're not sure  
5 where the rest of the money is going to come from." Yeah, I just think all of this is band-aid fixes, emergency accommodation, all that. There needs to be more planning and more investment.

**MR GOODWIN:** And I wonder, connected to that issue and I might go to you, Tony, the Western District ACCO Collective as well as the framework mentions  
10 the importance of the Housing First Principle and I just wondered if you or someone else could explain what that principle is and its importance?

**MR ANTHONY CRAIG:** It's very simple, housing - housing is everyone's right, I think and Dallas touched on it earlier. We can't deal with anything in our  
15 community without stability and the primary force behind stability is housing and until we get to that point we are going to keep running pilots and we are going to keep putting band-aids on a whole range of things, whether it's child protection, justice, the family violence space. Without housing we can't do what we want to  
20 do.

Our communities can't be safe and secure, and they can't thrive and we're talking in real deficit language all the time here. Our families are entitled to thrive and be  
25 successful in life. So housing is the absolute starting point. I think it is fundamental to any discussion we have around strengthening Aboriginal communities, so - from my perspective. And I think it's a really absolute point, we can't unpack a whole lot of things if we haven't got those starting points.

**COMMISSIONER LOVETT:** May I ask, youse are all involved in different  
30 governance forums and so forth in your own right. How much engagement has the Minister for Housing had with your mob?

**MR SIMON FLAGG:** From WDAV's perspective, we sent a letter out in March  
35 around a submission, along the same lines as the submission that was made to Yoorrook and to date WDAC hasn't had a response.

**COMMISSIONER LOVETT:** Anyone else?

**MR DALLAS WIDDICOMBE:** From my point of view the only real contacts  
40 we've had is when I've just been at wits' end and had to send letters, and she had written back or someone has.

**MR DARREN SMITH:** We have met with the Minister on a number of times. I've got a monthly catch-up with her chief of staff, which was actually just  
45 yesterday. The Minister is attending the Aboriginal Housing and Homelessness Forum meeting in June, on 21 June and I am aware that she has been going out

and about and talking to various different Aboriginal community-controlled organisations.

5 So we met with the Minister with the Aboriginal Advancement League in relation to one of the projects that I talked about, that was part of the 34 million. So there was a refurbishment of the Gladys Nicholls Hostel, so we met down there with the Minister and had a discussion with the Minister. We then went to a meeting with the Victorian Aboriginal Legal Services about Baggarrook and talked to the Minister about Baggarrook. So for those of you that don't know, Baggarrook is a  
10 prisoner transitional housing facility that VALS provides to support to the women and we provide the property and tenancy management of the facilities. And I'm also a member of the Ministerial Homelessness Committee and so she has attended those meetings on two occasions as well.

15 **COMMISSIONER WALTER:** Can I just ask, the forums and things have been going quite a while.

**MR DARREN SMITH:** Yes.

20 **COMMISSIONER WALTER:** Have they been productive? Have the outcomes flowed from those things or is it more - I guess I'm asking you to rate them on their efficacy?

25 **MR DARREN SMITH:** I do, but I don't think the failure is - I've jumped around - I'm getting to - I think we have made progress since 2020 and I've got a list of achievements here that I can talk to that have been made in that time. But do I think we are in a position where I can confidently say that we are making lots of headway in terms of tackling the really pointy bits, which is reducing Aboriginal homelessness and increasing the number of Aboriginal people being housed and  
30 I would say, no. I'd say that we need a significant investment over the next five years into a number of things, including growth of funding for more Aboriginal housing, and just to be clear about the position that we have, we do have a view that addressing the Aboriginal housing need is a responsibility of everyone. It's the responsibility of mainstream housing providers. It's the responsibility of  
35 public housing and it's a responsibility of the Aboriginal housing providers that can step up into the space.

40 So while - but the position is that where there's an alternative and where it's possible to actually invest into the Aboriginal community in a way that is consistent with Aboriginal self-determination where the assets are owned and controlled by the Aboriginal community, that is where government should be investing. It shouldn't be investing into growth, into community housing, mainstream community housing and itself without actually making a really good effort to ensure that we've got processes in place that can support Aboriginal  
45 housing providers to grow and scale up.



That means unpacking the barriers that are being talked about this morning around how that happens and working with the community to achieve it. So I think it's been really useful for the Aboriginal members having the AHV and having that place where they can come through and work with Aboriginal housing and homelessness issues, but in terms of where we have got to we do not have the level of investment and resources to tackle all the issues that are actually in front of us at the moment.

Can I just provide a little bit of data around just going back a step? So these figures are from 2022-23. So the number of Aboriginal people accessing SHSS, the Specialist Homelessness Service System, 11,860. In that year young people under 18 who are presenting alone to the Homelessness System requiring assistance, 1,913. That's a massive number of people. And put that in the context that the Homelessness System, if you present homeless, it is not very good once it's supported you in providing you with a home.

It's also not very good in terms of providing you with temporary accommodation. There's just not enough resources in the system. The number of people who are presenting who have experienced family violence, 50 per cent of Aboriginal people, non-Aboriginal people 42 per cent. Although family violence is the main reason for presenting, it's 28 per cent of Aboriginal people and 28.9 per cent and in terms of people exiting custody, 5.2 per cent of Aboriginal people, of the Aboriginal clients that are presenting have been exited custody and are in need of accommodation.

**MR GOODWIN:** I want to pick up on the particular vulnerability of children in the system. In the Forum submission at page 9, if we can bring that up and highlight the final paragraph, which is 2.4. So it's the very last paragraph, 2.4, the Forum calls for urgent action to be taken to curb the increasing numbers of children requiring homelessness service support in 2022 to '23, 2,863 Victorian Aboriginal children accessed the Specialist Homelessness Service that you just mentioned, Darren. This included almost 1,800 children under the age of 9 of whom 934, so more than half, remained homeless at the end of their support period. And there's a call for, obviously, urgent action to fix that problem.

Darren, and I'll invite anyone else to comment as well but, Darren, what is the type of urgent action that needs to happen to attempt to solve that particular problem?

**MR DARREN SMITH:** Look, I think we need to understand better who these children are that are presenting for a start. I suspect a number of these children are people who are either involved with child protection or have previously been involved with child protection. I think they need a house, and they need wraparound support, and, you know, for a child to manage a tenancy they need a whole lot of supports that are in place.

**COMMISSIONER HUNTER:** Can I just add to that so the State is the legal guardian of these children, which I would say - I agree a majority, I know we don't

have the exact numbers yet they are not supplying housing for them. So tell me what would happen if you were an Aboriginal parent and you weren't, the child would be removed. So how do we ask the State to be - sorry, I just - that is just the most appalling figure that children under 9 not having homes.

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**MR DARREN SMITH:** Yes, I will - I want to say two things. I'm surmising about the involvement with child protection. I don't directly know. I do know that there is a significant number of children and Aboriginal children that front up to the homelessness services, who have actually exited the child protection system. So that's a fact. But I don't know how it relates to this data, so I just want to put that.

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**COMMISSIONER HUNTER:** No, I get it. But if you are nine there would be a good chance. I get why you are surmising to that, so I get why you get - but the homelessness service would then report them to child protection anyway. How do we have children in this country, nine-year-olds, homeless. That's an indictment on this country, right?

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**MR DARREN SMITH:** I also don't understand that data as well, because if that is 1,800 Aboriginal children out of 2,863 who are presenting by themselves, that is incredulous. It could be, and I don't know, because I know that this is very recent data and I'm just - I think it's, it would be a good thing to ask Homeless Victoria next week what this actually means, because we've just been working on this. So just uncovered it recently. So I don't know if they're unrepresented, there's 1,800 children under nine that are presenting, some with their parents, some not with their parents.

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**MR ANTHONY CRAIG:** I think it would be all with their parents and with their guardians and you can assume they have got child protection, because if they are homeless they're going to have it. I don't know. It is, it's just, you think about 934 young people that are still homeless. It's just devastating.

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**MR DALLAS WIDDICOMBE:** This is the intersection, this whole life service model that ACCOs are involved in. Where you have a weak point like that, how can we protect those families and keep the kids safe?

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**MR ANTHONY CRAIG:** Can I just say on another point that I do have delegated authority over 110 children at the moment. I'm one of three organisations that do. None of our children are homeless at the moment. So it goes back to if we're going to make headway we need to be running our own services .

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**MR GOODWIN:** And I want to jump on that. Darren mentioned the services that is something particularly prevalent that is in the ACCO model of service delivery and community support. So in particular, Simon, and, Tony, I know that both of you have discussed the unique capacity of your organisations to provide that type of wraparound service, and I just wanted to ask you to describe that

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model and what it means for the housing services you deliver, and its connection in to other supports that can be provided to family. I'm not too sure if, Simon, you want to start and then Tony can pick it up.

5 **MR SIMON FLAGG:** Yeah. So with our model we provide health services, social and emotional wellbeing. But if I even bring it back to our simple process of our maintenance team. So we have our own maintenance team to do lawns and maintenance, we have our own building team. And part of their role is when they go in the house it's not just there to service the house. It's there to connect with the family, chat with them, get to know them, understand what challenges they're facing and help let us know what other services and supports they need.

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It's not just about paying your rent and us coming in and doing an inspection. It's about us ensuring that the house is up to standard. But if a family is struggling with mental health or they're needing supports or they haven't been to the doctor for a while we can connect them so they don't get missed. So that's the whole model of an ACCO is it doesn't matter what you come to us for. If you've got other issues we pick you up, you walk in you are wrapped around with all of the supports around you, rather than having to leave our service, go to Centrelink, go to a doctor, go to the police. You come to us for everything. So that's ultimately the model. And looking at, obviously this stat.

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Another one that we haven't touched on, because that's just I can't believe in this day and age we are still talking about that many children being homeless, let alone people being homeless. The other challenge that we are facing now more so than ever is (1) yes we have a growing population. Since COVID we have had an influx of our community moving down to our area from Melbourne and other regions due to a number of factors. Properties are largely bigger, cheaper, and the likes. But we also have a population that's growing older, that we haven't even really factored in our services and the like. So dementia is now starting to become a big issue in our community. They need housing and supports that - and carers to live in housing with them. So we have to think about how do we transform our houses to accommodate that.

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We have got more community presenting with disabilities, how do we transfer houses into disability and how do we just build more disability houses for our community? So it's one thing to say, "Yes we need more houses." We do, but it's also how do we support the growing issues and growing population in a number of factors that are going to present. I know in our community we have got a number that need disability housing. I've got no idea if you have got a waiting list. Aboriginal Housing know what the demand is from their perspective of providing.

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But this isn't one issue, it's multiple issues that again, if we don't come together as collectives and work out what do we need for - for instance, for WDAC in the west and where is it needed and how do we break that down and how do we grow it and what's a realistic opportunity to achieve that, we are going to be here again in another five, 10, 15, 20 years saying the exact same thing.

So how do we - we talk about self-determination. We talk about changing the dial and doing things differently, but the first step in that is giving over power and control and that's generally where I found from my perspective and I worked 20  
5 years within government now being on the other side, letting go of that power control is the biggest issue.

**COMMISSIONER LOVETT:** And I'd like to draw attention to the meetings of the Minister. How much is the Minister getting out and about and actually how is that - going to the other comments about the effectiveness of the engagement.  
10 You hear a lot about the strategies and government's commitment to self-determination, but we haven't seen any yet.

**MR DARREN SMITH:** I think that's a really good point. Last week we were at a forum with the Victoria Aboriginal and Community Controlled Sector members meeting and VACCHO presented a model of the services we deliver, this work we have been encouraging to happen. Because when you look at that document you think, "Why in the hell do we do this job?" It's so complex and so broad. It's whole of life. Simon, there you go. It's an incredibly complex model of service  
20 and I think it goes back to issue. We are trying every day to have a whole-of-government approach, because we have a whole of life-approach to our community. We don't disconnect at any point.

Yet we are arguing with government, because housing doesn't sit with DFFH. It sits with justice, it sits with the child protection system, it sits with a whole of government response and this is why education, everybody needs to play a part in this response and identifying those particular needs, whether it's disability, whether it's ageing, whatever. We just continually struggle to get that whole of government response and it's so frustrating because we do all these other services  
30 and they do them brilliantly and Dallas was talking about his work with children, you know.

Really courageous work being done by ACCOs across the state and taking on challenges that not many people would want to do and we do it really well, but here we are always isolated. And I think in this particular issue we feel like we have been excluded, not even, you talk about being listened to, I think we have been excluded because our ACCO model of housing works we have not had that conversation yet.

**COMMISSIONER LOVETT:** And for me and for us here, we are running out of streams. We started education, we are yet to hear anything about self-determination happening. Child protection, not happening. We get transferred over a broken system. Justice, same deal. We are talking about housing. We are still trying to find when government has really delivered original  
45 commitment around transferring power and resources. They really are running out of streams.

**MR DALLAS WIDDICOMBE:** I think government will be able to tell you great models of self-determination. Why are they telling us great models? Shouldn't it be us behind the great models of self-determination, not government?

5 **COMMISSIONER LOVETT:** Of course. That's why I'm asking youse the question. 100 per cent. Government telling government how good they're doing and we have got a blueprint here. Are youse backing the blueprint?

10 **MR SIMON FLAGG:** Probably my biggest frustration having come back into the community sector has been the lack of understanding around what self-determination means. The amount of time I have met with ministers and I meet with the Department. I feel they are not on the same page because sometimes we can get commitments from ministers and then we work with the Department and the amount of blockages and roadblocks we face are ridiculous  
15 and sometimes another department is working really well in self-determination, but the Minister isn't.

**COMMISSIONER WALTER:** So what's the barrier for them understanding? Like it's a pretty simple concept. It's been around for a long time. It has been  
20 explained and explained, and explained. Why is there lack of learning? Why is there an inability to -

**MR SIMON FLAGG:** I think it's listening.

25 **MR DARREN SMITH:** I think it's more than that. I actually think it's political will, because there is a lot of commitment. And one of the things that, through Mana-na woorn-tyeen maar-takoort we have been able to get an agreement on is that any new investments into housing and homelessness, 10 per cent should be allocated for Aboriginal housing and homelessness. That's reflected in the current  
30 budget outcome, where there's - through the budget there was 190 million invested into homelessness and 10 per cent of that has been set aside for Aboriginal homelessness initiatives. And we have been able to have a process where they will listen to us about how that is best, that resource is best used.

35 But the issue is, I think, is that there isn't the political will to tackle the issues at the scale that's required to achieve substantial change. And, you know, it's complex and it's interrelated, but why aren't we working with that level of complexity and coming up with solutions.

40 **CHAIR:** Well, that makes it difficult to believe in the ability of government to transfer powers for the things we have expectations about now, very hard. Is it not?

45 **MR SIMON FLAGG:** I believe it is. Again, it's because - and I use examples. So for in our out of home care space they always talk about us in regards to taking leadership and having ownership and the ACAC model is the model they presented. But what if we don't think that's the model for our community? It's

either, "Take this or you miss out." So where is the flexibility and self-determination to enable each organisation and community to determine what works for them best? Because I look at all the frameworks and the money spent on Aboriginal affairs all over the time, where has it gotten us? And it's continually  
 5 driven by governments and departments.

Again, we continually say, "Self-determination led community and let us lead this space, and you will get better outcomes." You can argue whether it's racism or the like, but that transfer of power comes down to they either don't trust us or don't  
 10 think we can do the work. Yet they keep funding us to run programs that they set the parameters. In out of home care we get set how many hours our case workers are meant to work with kids and the likes. Not that we ever sit down and follow that. We'll go over that all the time, because that's what we need to ensure that those children stay with the family.

15 So again, stop developing models and telling us how it works. What is your outcome? And let us figure out how to make that, achieve that. Because again, the way that we have developed our orgs over the last, for my organisation 44 years and others some longer, some shorter, is it's really helped ensure our  
 20 community is thriving. And Dallas is an ACCO kid. I'm an ACCO kid. I wouldn't be here today if it wasn't for my community organisation. How do we ensure to create more and enabling the power to sit with us rather than sitting with government? Because the current model doesn't work but they're too afraid to change it, I I believe.

25 **MR SIMON FLAGG:** I think it's a dangerous period too, given what we hear from government is financial constraints. We are at a crisis, so our problems are escalating and yet we have been told there's no money around to address these things. Well, there is money around. You've just got to shift things around and  
 30 prioritise things. I don't buy into this government's broke business. There's money around. It just needs to be directed where it's most needed and I think we have got a pretty good case where it's most needed.

35 **COMMISSIONER LOVETT:** Can I ask about the 10 per cent you mentioned earlier? Did the government negotiate with that or did they tell you that was the 10 per cent?

40 **MR DARREN SMITH:** No. We negotiated that with government and in Mana-na woorn-tyeen maar-takoort we said that we needed targets, we needed to set targets with government and there was kind of a rationale for it, 10 times over represented within the homelessness system, et cetera. So they should be, and the population is one per cent so at least 10 per cent. That kind of target around an investment makes sure that housing and the homelessness for Aboriginal people is  
 45 always being considered by government, because every time they go and invest again they have got to think about what does it mean for Aboriginal people.

But it's a fall-back position. It's not the position where you are going to see the substantive change in outcomes. Those investments are yet to make their way out there. We have made progress.

5 **COMMISSIONER LOVETT:** If you go to that now? Yeah. Sure.

**MR DARREN SMITH:** Can I provide, rather than read through it, can I provide it to you later or table it?

10 **COMMISSIONER LOVETT:** Yes.

**MR DARREN SMITH:** So we have got a report that we provided to the Aboriginal Housing and Homelessness Forum which documents the key achievements since Mana-na woorn-tyeen maar-takoort and you can see progress.

15 But we really need to be in a position, and going back to Mana-na woorn-tyeen maar-takoort there's two really strong themes that the Aboriginal community had. One was we needed a strong safety net of housing, social and affordable housing for Aboriginal people and homelessness services that are effective for Aboriginal people. If you look at the system as it works at the moment, Aboriginal people  
20 you would say roughly get treated the same as non-Aboriginal people through the system.

That means we get access to levels of support roughly the same as non-Aboriginal people. We get housed at the same kind of rates through the Homelessness  
25 System. Formal equality, but that doesn't change the housing and homelessness crisis that we have got in the community. We are not making progress. There's got to be greater priority given to Aboriginal people within the system and that's what we are fighting for as well.

30 We don't have a strong safety net. Most of the resources still sit in government and in the community sector. So the mainstream housing and homelessness providers are - roughly 19 per cent of clients accessing homelessness services are Aboriginal. Last year, three per cent of the funding was going to Aboriginal organisations to support those clients. The mainstream system does need to  
35 support Aboriginal clients but that's pretty, that's a long way below where it should be.

With recent investments I think it's boosted to five per cent, but a long way to go. The other theme is about moving to housing independence and to wealth creation  
40 through home ownership. There's a really strong theme through Mana-na woorn-tyeen maar-takoort but the logic of Mana-na woorn-tyeen maar-takoort and it's a long-term framework for 20 years, a roadmap, is that you've actually got to be able to house people, then you can work with the people that are housed. You can work with the organisations, the Aboriginal housing providers, and you can  
45 work with them to think about how do we turn our minds to home ownership and create those pathways from social, affordable housing, private rental into home ownership.

And we think that in the next five years there needs to be the investments into creating a strong safety net commencing the work around that transition and that pathway to home ownership and wealth creation, and to do that we need  
 5 investments into the capacity and the capability of Aboriginal housing and homelessness providers and more funding and more resources being diverted to there. We need a foundation for long-term change. That's what we think we need.

**MR GOODWIN:** Just arising out of the framework, was the development by  
 10 AHV and other ACCOs of the blueprint for an Aboriginal specific homeless system. If I can just go to page 14 of the blueprint, it shows a diagram of the flow of services from entry to exit for the Aboriginal Specific Homelessness System and the requirement for integration between access and supports. So it's page 14 of that blueprint. I think because it's double-paged, it will be 8, page 8, yeah, there  
 15 we go. Thanks. And if we can just highlight the figure on the first page under 'Service Arrangements'. Thank you.

So an integrated service model between screening, open entry points, various service delivery models including transitional housing, longer term housing,  
 20 immediate and emergency accommodation and then ensuring exit into longer term social and affordable housing, private rental or home ownership with support. Underneath there's a range of supports that are required including case management and linkages into service systems, which aligns very much with what  
 25 many of you were talking about in terms of those wrap-around models that ACCOs provide.

Simon, my understanding is that, at the risk of people rolling their eyes, a pilot project for Wathaurong regarding Aboriginal specific homelessness entry points. I  
 30 think that was mentioned in the Forums submission. Did you just want to talk about, to the extent that you are able to, that pilot project and just the importance of building ACCO capacity to be an entry point for families in terms of not only housing needs but a range of needs?

**MR SIMON FLAGG:** That program, the pilot, we only received funding late last  
 35 year and have only really started to commence that program this year. So it's still fairly new, but it's aimed to do exactly what it says. To support communities that are homeless, that are also have some additional funding there to help with, I really hate having to say this but providing our mob with crisis accommodation all the way down to providing sleeping bags, tents, you name it. It's there for that  
 40 whole round of space.

So it is really disappointing when we can't get community into crisis accommodation, again, that's a whole another challenge not being able to secure  
 45 places and having to send community off in sleeping bags. Like, to me, that's appalling that we have to do it but we are really at our wits' end with accommodation and crisis accommodation where we can send community. It's a continuing growing issue.



For me, the biggest opportunity with this pilot program is we work with every area we have talked about today from out of home care, from family violence, to justice, prison, leaving prison and likes and ACCO has a program in that space.

5 We do everything in it. So they are not having to come to us from another lens, they are already involved in some way shape or form. The key issue we continue to face though and the barrier we have no accommodation. There's just none. We will work with a department, largely DFFH if we need something like immediately and sometimes they can accommodate us and sometimes they can't.

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My question is we don't even know, in the region we support is how much accommodation is out there. How much the department has, how much is sitting within Aboriginal Housing's collection, what is ours, and what is the mainstream and how we are ensuring that as collectives we are utilising all those properties to ensure that we reduce the amount of people that are facing homelessness. We don't even come together with that. There's so many misses and not connecting that if we actually pool together and work together and - and that's what the Aboriginal Housing is starting to do, is identifying what's out there and what opportunities. It's from that Forum we put our hand up to become a pilot for homelessness and crisis accommodation.

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So it is through that, and that Forum actually endorsed us to become a pilot as well. So there are having networks and that, but for us it's still an early program. Like we are still really finding what it does, but we know from other programs it's massive, in that the community are going to have now, with some resources that are there to help them but the biggest resource we don't have is housing accommodation.

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**COMMISSIONER LOVETT:** You said a bit earlier about tents and sleeping bags, but where is mob going? Just pull up the side of the road, that's where my mind goes.

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**MR ANTHONY CRAIG:** I laugh at the notion that it qualifies as a entry point, if you are homeless, and an Aboriginal person you will land on our doorstep I'll guarantee you. That's the great thing about an ACCO, that's where an Aboriginal person feels safe and that's where they go. We don't have resources directly, so we send them down to the community service who are responsible for crisis housing and I can guarantee you even now in our area they don't get a swag, because they can't afford it so I don't know where they are going. I know where they are going, because you see them.

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The issue is without housing this is just band-aid on band-aid, on band-aid and I couldn't imagine what the government is spend anything crisis accommodation, because we use a whole brokerage from a whole range of services. Someone comes in, they go to the mainstream, they will get maybe one or two nights maybe in a motel, and back on our doorstep. We don't have resources to sort things out. We hope someone in the community steps up and helps them out.

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**MR SIMON FLAGG:** Just on that point, because some people might be thinking, "Well, why can't they stay in accommodation the whole time?" We'd love that. (1) We don't have the resources to do it. (2) our community members  
 5 that are living homeless have a number of triggers and traumas that they are dealing with. So, you know, when we are putting them into accommodation it might not always work out, because we don't have the wrap-around supports that we can provide them.

10 So it's not a matter of not wanting to housing longer term. Sometimes they wear their own welcome out at the facility that we are housing them, whether it be motels or caravan parks and they won't let them stay any more. So then we are left with, we can't let them go on the street with nothing. So it's sleeping bag, tents, whatever we can do to provide them. But these are the challenges we face.  
 15 And if you are moving from one crisis to the next, you start to get heightened and all the other issues that you are facing, the mental health struggles on somebody that doesn't have housing is massive.

How do you get those supports when you don't have a regular base, you are  
 20 continually moving? So you might start doing your treatment, but they might be in Bendigo or Horsham next, because they can't deal with what their current situation is. So they move and then they are starting over again, so we are just repeating the circle over and over.

25 **COMMISSIONER LOVETT:** You would have seen by helping many of the mob coming forwards people re-engaging in or being reincarcerated because they can't get housing. Therefore, they end up absconding or going to break the law, because they are trying to feed themselves and find accommodation and so forth. We know it costs over \$100,000 for an adult and over \$200,000 for a child to be  
 30 incarcerated. Then again for me it comes back to Ministers, senior bureaucrats, you know, and the accountability and responsibility around self-determination.

**MR SIMON FLAGG:** It's very sad when you hear an adult or a kid to say they want to go inside, because it's the only roof that they've known.  
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**COMMISSIONER LOVETT:** Say that again? "Inside" you mean gaol?

**MR SIMON FLAGG:** Back into prison, juvenile justice, into mainstream  
 40 prisons, because it's the only steady roof they know that they have and meals. For me that is a broken system.

**COMMISSIONER LOVETT:** You've heard that recently, it's not 60 years ago.

**MR SIMON FLAGG:** I hear it all the time.  
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**MR DARREN SMITH:** Can I make a follow-up point? It's not the absence of housing. It's the absence of housing and support programs for people with

particular needs. I think what you are talking about, Simon, exemplifies that. So one of the most difficult things to try and do and we have tried to take this on is to work across different portfolios. And the issue with housing is that there might be capital available for a period of time, but there's no - it's not accompanied by the support dollars to provide particular supports.

So, you know, we can provide more social housing, but if we are taking people in who are experiencing family violence, have they got the wraparound supports they need? And particularly if you are talking about kind of short-term, temporary, transitional housing. Have they got the kind of supports they need to go with it? Because often what you find is it makes their circumstances worse for them, because they're alienated and they are not able to access the supports. The same thing with people leaving prison. You can provide a house, but if they don't have the supports to assist them to reintegrate back into the community and to continue to address the kind of issues they have been dealing with which led to them being involved with the criminal justice system in the first place, then the tenancy is at risk and they're on a pathway back into prison.

There is a range of other examples. People with disability, the system does not identify the disability needs of people so that you can work with them. People with significant disabilities require houses that are modified to meet their needs. The Victorian Housing Register doesn't adequately capture what those needs are, so that you can work with them. Some people actually need a house that's purpose built for them and it doesn't come from the housing system. It might be in the NDIS, but they don't talk to each other.

**COMMISSIONER LOVETT:** What about funding parity? So I think you talked about a little bit earlier, but can you just elaborate on the kind of funding that you mob get for housing compared to mainstream to do even just the basic level of services. Is there equity in that?

**MR DARREN SMITH:** The way that the housing system is established, it assumes that you have got sufficient scale that you can manage your properties and manage your tenancies within the rents that you receive. So there is not additional renter support dollars that are provided to housing providers through the housing system. There are programs that are in place, but they're inadequate and they're not far enough.

One of our big issues is that we manage 1,600 properties on social housing rents which are discounted rents, and we don't get any recurrent dollars to support any of our renters. So - and because we are state-wide that means, also means that there's a cost in terms of being able to engage with service providers and we can't do it at the level that we can within the rents that we receive. So there's a big issue with the design of the housing system. If you go back to the housing first principles, you asked a question about that as well, the idea of housing first is it's a way of addressing homelessness. You provide people with a house, then you

work around what the support is that they need and you provide them with the support they need.

5 One of the other principles is you don't put requirements on people to get the housing. You don't have to access a drug and alcohol rehabilitation program in order to get the housing. You house them, then you support them. And the way that the homelessness system works, the way that the housing system works, there's a big problem with vulnerable people and people are not getting the support early when they're homeless and they're not getting it once they get housed. The  
10 supports that you get from the homelessness system into housing for the most part disappear pretty quickly. So vulnerable people are always vulnerable to losing their tenancy through the way that the housing system works.

**MR ANTHONY CRAIG:** I think it goes back talking about the ACCO  
15 perspective and the ACCO model. We are so perfectly suited to investing in housing because we have so many wrap-around services and we have this mentality of early intervention and prevention of crisis. All of our services with children, our Elders, everybody we base our model on that wrap-around services. So we are a perfect candidate for investment in housing, because we have that  
20 capacity and we have more capacity than the model that - the social housing model, because we can draw on other program areas to support our tenancies.

Our property maintenance group. We don't do everybody - every person's house in Horsham. It's not just because they are our tenants or on a Commonwealth  
25 home package, for example. We go and do it because that provides dignity and sustainability of housing. And often these days we are always mowing the lawns in your properties, because sometimes your resources don't allow you to do that, provide that service. But ACCOs are so well positioned to be invested in as a housing provider, because of that capacity. And we are talking about mental  
30 health, AOD. All of the wrap-around services you would ideally have around a tenancy and it's the reverse, you know. Tenancies are given but there's no other supports in the public system and it creates all these other problems and we say we've got the model so invest in us.

35 **COMMISSIONER LOVETT:** Just with that disparity around audit and compliance do you feel like you mob have to jump through hoops that other mainstream providers wouldn't have to jump through? Are there any comments on that, if anything, that you are aware of?

40 **MR DARREN SMITH:** I wouldn't say so much in the housing space, because we don't get housing funding, but in other places definitely.

**MR ANTHONY CRAIG:** We are compliant with all the Acts. As a housing  
45 provider we have a housing model that enables us to do that and it doesn't require us to be a social housing provider. So our particular model is that we engage agents to manage our tenancies and that's the lease, property inspections, et cetera, et cetera. We maintain control overall other aspects whether there's rent arrears,

et cetera. We manage those because again, we work with our community to ensure they are sustained.

5 We believe our model and it's a scale as a provider of 20 or 30 houses we can't afford to have property managers on our staff, because you need 100, 160 houses per property manager, qualified property manager, to sustain it. So we outsource that component to an agent. And the deal is that agent respects our tenants and we give them cultural oversight, very strong cultural oversight to ensure that there's no tension in that relationship. So it's a really good model of how it can work and  
10 we pay six to eight per cent to an agent and get all of that coverage.

**MR SIMON FLAGG:** Just on - we have tried the model agent, it didn't work for us in Geelong and we've now brought it back in now. So we have our own property manager. Again, so community speak with their feet. If they didn't think  
15 our model was where they want it to be, whether they need a house or not, they get up and leave. So the fact we have had housing for three decades now, shows community and more mobkeep coming to us wanting housing, we just don't have it for them.

20 **MR GOODWIN:** I note the time and I was intent on getting a gold star as Counsel Assisting for finishing on time and have completely failed. So I will just wrap up in the next five minutes if that's all right, Chair.

I wanted to end on some of the examples that are community-led potential projects  
25 that have an opportunity to deal with some of the issues that we've discussed. And in the Western District ACCO Collective and you mentioned this briefly, Tony, but I wanted to just give you an opportunity to expand, Goolum Goolum Aboriginal Co-Operative have commissioned a KPMG study and architectural concepts for your existing land to build 10 to 15 houses that will deal with, in  
30 significant part, with your own wait list. And I think you mentioned rather than sitting and wait for government to deal with it, you are kind of moving ahead. I just wanted to understand from your perspective what that project looks like and what it's potential is.

35 **MR ANTHONY CRAIG:** Well, again, it's getting on with looking after our people. I just get so frustrated going through the machinations of government. So we've been to our board and said we need a master plan for our housing. Because I spoke earlier with - we had a lot of the old chip housing and it's aged and the old four bedroom weatherboards on huge blocks of land and they are not meeting the  
40 needs of our community. So we went to the board and put up a proposal that we engage consultants and an architectural firm to do a master plan for us.

We have got a pretty good idea of what we want in terms of the land we have and two or three homes we know we could decommission and rebuild and do that in  
45 a timely manner we're shifting people, current tenants. So no one would lose their tenancy in the time being. So we are at the stage now where surveying all of our properties that we have made the commitment from our board and at this stage it's

50 to \$75,000 is the upfront cost for us. So at the end of that, I would say within 12 months we will have - and our architects are very interested and have some experience in the public housing sector and social housing. And they are very interested in getting into this space and designing appropriate housing for our needs and for our community at a really high standard.

So I'd say within 12 months we will be able to go to government and say, "Here is our proposal, it's costed, it's thought through. We know we can sustain it." And we'll be ready but at this stage I'm not actually eligible for anything as an ACCO housing provider. So I'm doing it in the hope that we have some impact.

**MR GOODWIN:** And Simon, I think you or Tony mentioned that Wathaurong is partnering with Deakin University to have a 3D printed community home co-designed and built on land already owned by the ACCO. I wonder if you want to expand on what that project looks like and what it might mean for the co-op.

**MR SIMON FLAGG:** For us it's just looking at ways we can build houses more quickly. Obviously 3D printing is something new that's come into the market. We have some land available and we are trying to figure out what are the quickest ways to get accommodation for our communities. So 3D printing can be done within a week and you've got the outskirts of a house built and obviously the inside and the likes. But for us it's still a work in progress, figuring it out. We haven't started to build, I think that's starting next month in July. That's really exciting.

Hopefully we will have an opportunity to present to other ACCOs and Aboriginal housing around what 3D printing means and what that presents for community and also it's a lot more sustainable for our environment. So we are now starting to really focus on, we are carers of land. How do we ensure that we are caring and also looking after our community? So I think we will come back with more info later this year but the aim is looking at alternatives to quicker housing.

**MR GOODWIN:** And, Darren, the Framework sets out a number of comparative models of potential innovative solutions to some of the intractable problems that are identified in terms of housing security for Aboriginal Victorians. One of those solutions is one that has been trialled - well, working in the United States to great effect, which is a build-to-rent model. Just wondering what your familiarity is with the concept of building to rent and what potential that model might have here in Victoria.

**MR DARREN SMITH:** There's opportunities through funded programs at the moment, so for build-to-rent. There's opportunities to work with developers to - not necessarily to acquire properties, but to take on tenancy management, so rental responsibility. So the Victorian Government and the Commonwealth Government fund these types of programs and there's opportunities for build-to-rent. It's not the same as owning the asset at the end and it's always got to be the preference but the opportunity provided by build-to-rent is that there might be particularly in

medium and high density apartments that are being built for more affordable rentals opportunities that otherwise wouldn't exist for Aboriginal people, which is an issue.

5 Because where things are going with the Housing Statement, if you read between  
the lines, they are looking at a new planning template for Victoria and part of that  
is reducing urban sprawl and building on the urban fringes and increasing the  
densification of regional centres and in Melbourne. And the outcome is that if we  
10 don't actually find a space in there for Aboriginal people, all of the housing will go  
to non-Aboriginal people and we will be living on the fringes. And we won't be  
close to jobs and opportunities and services and all the other things that come with  
it. An example of that is the suburban rail loop where there's going to be centres  
and there will be housing providers part of it, social and formal housing, part of  
the development of those of the suburban rail loops.

15 **MR GOODWIN:** Thank you. Those were my questions, Commissioners, unless  
you have any.

20 **COMMISSIONER LOVETT:** One more just about systemic funding. So  
probably more targeted to you, Darren, or any of youse really. So does  
government write to youse to let you know when funding opportunities, you  
know, become available or like you're talking about, you know proposals that you  
are putting to government. Is there a time that they kind of let youse know or how  
25 are you made aware when governments are looking to get housing more broadly  
and stuff?

30 **MR DARREN SMITH:** There's a variety of ways that they do that. They do use  
the Aboriginal Housing and Homelessness Forum to get information out. Our  
criticism is that they don't actually allow sufficient time to do the planning and to  
invest in the development of project proposal, and we've been saying to them that  
they need to change the way that they do it. They need to change the way that  
they procure housing, because it often excludes Aboriginal organisations from  
participating.

35 An example of that is the Housing Australia Future Fund where the way that they  
have described the subsidies that will be available and the need to provide the  
up-front finance for construction and the need to borrow money, it's going to  
exclude a lot of Aboriginal organisations. And there will be a gap in terms of the  
40 funding contribution, because we know that there are differences in the types of  
houses that the Aboriginal community wants and they're slightly more expensive.  
And we also know that the costs of housing Aboriginal people is higher, because  
of the level of disadvantage of the people that we're housing.

45 So there are structural reasons that we are excluded from opportunities and we  
need to work with government. I'm going to take the opportunity to say just  
a couple of other things as well. There needs to be -

**COMMISSIONER LOVETT:** Before you do that, how long is the timeframe that they give you to respond? So you know last minute then what is the time, one month, two months?

5 **MR DARREN SMITH:** You might get given four months (crosstalk) .

**COMMISSIONER LOVETT:** How much would a proposal cost to do something like that?

10 **MR DARREN SMITH:** If you are building 100 houses, it might cost you half a million to a million dollars to develop up a proposal.

**COMMISSIONER LOVETT:** There's no guarantee that you will get that proposal?

15

**MR DARREN SMITH:** That's correct.

**COMMISSIONER LOVETT:** Half a million you have got to lay upfront.

20 **MR DARREN SMITH:** And the kind of fundamental argument that we put to them is that you are not talking about a mature sector that's operating at scale. So you are asking ACCOs to compete both in terms of their criteria and their idea of what value for money is against a mature, competitive sector that's operating at scale. So they need to do some work and they need to change the way that they  
25 procure and fund, so that Aboriginal organisations do get access to the funding that's available.

**COMMISSIONER LOVETT:** You had some other things you wanted to say, but I just wanted to get that out.

30

**MR DARREN SMITH:** I was just going to mention that there are planning reforms which will create more opportunities that can be implemented. So there are opportunities through development processes, through procurement but also through legislation about setting targets for Aboriginal housing, much like you can  
35 set targets for social housing, and also in terms of land release. So government releases surplus government land and they can change the way that they do that so that it creates opportunities for Aboriginal organisations to actually access that land, so that they can build more housing for Aboriginal people.

40 **MR GOODWIN:** Thank you, Commissioners. Those were my questions.

**CHAIR:** Thank you very much. That was very valuable session, very valuable. Thank you. We will -

45 **MR GOODWIN:** We will recommence at 1 pm with the next panel.

**CHAIR:** That's right, we will adjourn until 1 pm. Thank you.



<THE HEARING ADJOURNED AT 12.22 PM

<THE HEARING RESUMED AT 1.03 PM

5

**CHAIR:** Let's resume, then, this session of the Yoorrook Justice Commission, it is resumed.

10 **MS FITZGERALD:** Thank you, Chair. If the Commission pleases I will now call today's next witnesses, Mati Keynes, Hayley McQuire, and if we could have on the screen, Associate Professor Nikki Moodie.

**CHAIR:** I think she's a long, long way to -

15 **ASSOCIATE PROFESSOR NIKKI MOODIE:** I am here, you just may not be able to see me.

**MS FITZGERALD:** Professor Moodie, can you see the room now?

20 **ASSOCIATE PROFESSOR NIKKI MOODIE:** I cannot. I can see the Yoorrook slides, but I can hear everyone clearly.

**CHAIR:** Welcome, Nikki.

25

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Thank you, Chair.

**MS FITZGERALD:** Are you able to see us now, Associate Professor?

30 **ASSOCIATE PROFESSOR NIKKI MOODIE:** No, but the audio is very good.

**MS FITZGERALD:** Thank you. I will just see if we should correct that or proceed.

35 **ASSOCIATE PROFESSOR NIKKI MOODIE:** I can see myself. I can see you also.

**MS FITZGERALD:** And are those the only options?

40 **ASSOCIATE PROFESSOR NIKKI MOODIE:** I can see the interpreters, the transcribers and stenographers. I can see you in the room and some people walking behind you, so I assume -

45 **MS FITZGERALD:** If you keep it up on me, I will be asking a lot of the questions so that's probably the most useful.

**COMMISSIONER NORTH:** Maybe we have to talk, is the sound activated. Does that make a difference?

5 **ASSOCIATE PROFESSOR NIKKI MOODIE:** It does, yes. Thank you very much. I apologise for the user error, everyone.

10 **MS FITZGERALD:** Commissioner North, you have intuitively figured the system out. The camera goes to the person speaking. If the Commission pleases I will now call Dr Mati Keynes, Hayley McQuire and Associate Professor Nikki Moodie. I might start with you, Associate Professor Moodie now we have established the link. Do you undertake to provide truthful evidence to the Yoorrook Justice Commission today?

15 **ASSOCIATE PROFESSOR NIKKI MOODIE:** I do.

**MS FITZGERALD:** Ms McQuire, do you undertake to give truthful evidence to the Yoorrook Justice Commission today?

20 **MS HAYLEY McQUIRE:** I do.

**MS FITZGERALD:** And, Dr Keynes, do you undertake to give truthful evidence to the Commission today?

25 **DR MATI KEYNES:** Yes, I do.

**MS FITZGERALD:** Thank you, witness. If I could now ask each of you to briefly explain your professional background as relevant to the relevance of education today. If we can start with you, Associate Professor?

30 **ASSOCIATE PROFESSOR NIKKI MOODIE:** Thank you for the opportunity to introduce myself. My name is Nikki Moodie, I'm a Kamilaroi woman and I'm joining you today from the unceded lands of the Yuggera and Turrbal People in Meanjin or Brisbane. I am a sociologist of education. I have a PhD in sociology and have dedicated my academic life and professional expertise to understand the experiences of Aboriginal and Torres Strait Islander Peoples in the education system and the institutions that serve our community's needs.

35

40 **MS FITZGERALD:** Thank you, Associate Professor. Ms McQuire, I understand you are the national coordinator and co-founder of the National Indigenous Youth Education Coalition. Could you speak to the coalition's work and any other work that you do in this space?

45 **MS HAYLEY McQUIRE:** Good morning, everyone. I'm Hayley McQuire, a Darumbal and South Sea Islander woman. I was born and raised in Rockhampton, central Queensland but have been living in beautiful Wurundjeri Country for the last four years. If I can I would like to acknowledge and pay my respects to the owners of these lands and also pay my respects to the deep knowledge systems

and learning systems that have cared for these lands, and the fight of Victoria mob in advocating for education rights that even though I was born and raised in central Queensland, I have benefitted from that tireless activism of the Victorian community.

5

Yeah. I'm CEO of the National Indigenous Youth Education Coalition. We are an Aboriginal and Torres Strait Islander youth-led organisation which is committed to realising a First Nations led education system and we believe that Aboriginal and Torres Strait Islander are an essential part of achieving that goal. My professional background has really come from more of the international education space where I've worked with young people to advocate for education rights internationally, through volunteering with United Nations and then have also worked with education coalitions in the South Pacific, but then have also worked in the Indigenous vocational educational sector here.

15

Yeah. In working with my co-founders, a group of deadly young Aboriginal and Torres Strait Islander women, we created a National Indigenous Youth Education Coalition. It's a network of volunteers, about 10 years ago, but we have been a solid, proper organisation for the past four years. Yeah.

20

**MS FITZGERALD:** Thank you. And, Dr Keynes?

**DR MATI KEYNES:** Thank you. Good afternoon. My name is Dr Mati Keynes, I am a non-Indigenous historian of education and I also would like to acknowledge and pay respect to the Wurundjeri people today and acknowledge the long history here on Wurundjeri land of self-determined education including at very important sites in recent times, such as the Koorie College and Northland Secondary College. And yeah, I'm appearing today as an expert in the history of education, I have a PhD in history and my thesis was on history curriculum and the history of history teaching here in Victoria, and yeah I'm a researcher at the University of Melbourne. So, thank you.

30

**CHAIR:** Thank you and welcome all, if I may say. Welcome.

**MS FITZGERALD:** We might start, Dr Keynes, with some work that you've done with the Coalition. In March this year, the National Indigenous Youth Education Coalition released a research report on its School Exclusion Project and we will talk a little later about school exclusion, but it contains a timeline of education in Victoria that is useful to start our discussion with, with the past.

40

If the operator could bring up page 34 of that report, which is the start of the Victorian timeline. Hopefully that will come up on screen. I'll get my own copy of it. At page 34 of that report is one of a number of state-based summaries of the history of education within Australia. Dr Keynes, can you step us through some of the key historical facts in that timeline of education in Victoria as it relates to First Peoples, starting with the establishment of schools and education systems in Victoria?

45

**DR MATI KEYNES:** Yep. Certainly, I can. Education legislation was passed in all six of the colonies between 1872 and 1895 - 1895 with Victoria being the first to do so, 1872 and this legislation purported to make education free, compulsory and secular for all children. The act included the compulsory clause and it established the first education department, but this legislation made no reference to First Peoples and reforms over coming decades to implement this first system of schooling, made no provision explicitly for First Peoples.

But despite that, the Victorian Government had previously considered the question of schooling for Aboriginal children, including those living off the reserves. This was documented in a government commission of 1866 into the development of a compulsory school system and there, one Commissioner suggested that, and I quote:

"There seems no reason why we should charge ourselves with the education of Aboriginal children."

And this was on the grounds that they were:

"A migratory people, their admission to our common schools could not be otherwise than distasteful to our own people."

So this demonstrates that the government was aware of Aboriginal children living off the reserves and that they opted to provide no schooling for those children. Then, as documented in the timeline there, a number of other important pieces of legislation sort of swiftly followed the Education Act. There's the Protection Act of 1886, which you probably heard a lot about in this truth commission, and in 1891 responsibility for Aboriginal children's education was vested with the Education Department specifically. So the Protection Board was not responsible for the provision of schooling, it was invested with the Education Department.

But despite this the Department refused to develop a concerted response to First Peoples education and I would say this was in keeping with the broader government's sort of attitude and approach and the narrative that there were very few First Peoples here in Victoria. Those that were here were treated equally and I can provide some examples of how that attitude was expressed.

**MS FITZGERALD:** And that's the narrative it's, "There's not many but we treat them equally to the extent that there are some"?

**DR MATI KEYNES:** That's correct.

**MS FITZGERALD:** Sorry to interrupt. Just bringing us to modern day Australia. Are there any other aspects of that timeline that you wish to highlight before we start looking at schools specifically?

**DR MATI KEYNES:** I suppose some other important moments to note in the timeline is that from 1957 the newly created - and I apologise for the use of offensive and outdated terminology but I use the historically correct terms - the Aborigines Welfare Board was made responsible for new legislation that

5 emphasised cultural and economic assimilation, and this was a national kind of approach adopted from 1937, but with the interruption of the war implemented from the post-war period. And this identified education as essential for assimilation and as a result, the boards started to exert considerable pressure on Aboriginal families, including and especially through enforcing school attendance

10 and the policing of the compulsory clause.

**MS FITZGERALD:** Thank you. We've heard quite a lot throughout the Commission about the Aborigines Act 1890 which made the Board For the Protection of Aborigines responsible for what is termed the "care and custody and

15 education of the children of Aborigines." What did giving the Board responsibility for care and custody but also the education of First Peoples' children mean for the removal of Aboriginal children?

**DR MATI KEYNES:** Well, it's difficult to say with clarity, because as

20 I mentioned - sorry, although the Protection Act had this legal responsibility for the welfare of the child it was the Education Department that was vested with responsibility for schooling. So I can say that those on the reserves and those off the reserves were considered highly migratory, highly mobile and along with children of the very poor, for instance, they were considered sort of beyond the

25 scope of government support service. I don't know if that answers your question, but I can't say with clarity what it meant other than in the history of education schooling, yep.

**MS FITZGERALD:** Thank you. Perhaps for the panel more broadly, or

30 Dr Keynes, what happens in that history when Aboriginal students and families started to engage with the education system, a system that wasn't designed for them?

**DR MATI KEYNES:** Yes, I can respond quickly and then maybe open to the

35 others. As I laid out in those functional years of setting up the schooling system it's clear that the Department refused to develop a kind of concerted response to First Peoples and I would say their attitude was characterised by, sort of apathy. But despite this and despite the system not being designed for them, families and children did engage with government schools from the 1880s onwards.

40

So it's difficult to say specifically on a systemic kind of level the precise level and the location of that engagement due to the government's lack of policy and a lack of separate records being kept but despite this, we know from oral history, from autobiography, from personal accounts, that Aboriginal families absolutely sought

45 out schooling and they did so wherever they lived. I can provide examples of the kinds of engagement, if that's helpful.

**MS FITZGERALD:** Yes, that would be useful.

**DR MATI KEYNES:** So as you may know, schools on reserves were closed down in the late part of the 19th century through to the early 20th. So children  
 5 attended generally their closest state schools and when children were barred from those schools, which they were in many places, they, in fact, sometimes attended schools on the remaining reserves. And that was the case at Antwerp in 1902 where children were barred from the state school there and attended the mission or  
 10 the reserve school at Ebenezer. Certainly communities protested the attendance of Aboriginal children, we showed this in the report across the entire country, but we also identified examples here in Victoria.

For instance, in 1890 families living at Framlingham before it was closed enrolled their children at the Hopkins Falls state schools and there the parents withdrew  
 15 their children in protest and acting as a sort of school strike to protest the children's attendance. And this was repeated at Barmah in the 1920s where First Peoples children had been barred in some sort of informal sense. And in 1929 we know from newspaper reporting that children were then admitted and settlers called for a public meeting to protest this, and decided to send a delegation of four  
 20 people to Melbourne to petition the Minister of Education to quote:

"Enter an emphatic protest to allow Aboriginal children to be able to attend the school."

25 So that is sort of settler protest leading to exclusions. There were formal kinds of exclusions that occurred that was not always captured in the government records. We find this in the oral testimonies of, for instance, Aunty Nettie Nicholls, who recalled not being able to attend with her sisters at the state school at Swan Hill until Pastor Doug Nicholls intervenes. But it's not clear whether this exclusion was  
 30 endorsed by the Department or whether it was an informal, local level kind of exclusion.

If I could make one last point it's to say that although schools were kind of not designed for First Peoples and so they were accidentally in some way assimilatory  
 35 in this early period, engagement with schooling did not mean that assimilation was the outcome. And there is evidence that shows education and literacy skills in particular were used by First Peoples for their agendas. We see this in 1902 and I can quote from the Board here where they state in their annual report that:

40 "It is a much more difficult matter to deal with 20 educated blacks than four times the number of the original and totally uneducated."

Again at 1912, the Reverend Stähle at Lake Condah, he wrote to the Board in Melbourne and complained about letter writing of the residents and he told the  
 45 Board that:

"Their education assists to give them trouble."

So, I just wanted to point to this, you know, recognition that organised and resourced communities on reserves were using education for their own purposes.

5 **MS FITZGERALD:** This is the bind that you speak about, which is assimilatory on the one hand, but incredibly powerful on the other hand. And I think the Commission has heard some evidence on a previous day with Ngarra Murray about her own grandmother who went to the school at Cumberagunja. She tried  
10 to go to the Barmah school which was across the river in Victoria and they lined up all the black kids and lifted up their shirts to check the colour of their skin on their backs, which is obviously another history being retold there.

Obviously at this time there were deep and strong First Peoples knowledge and learning systems already in existence. Ms McQuire, how did colonial system  
15 impact on those knowledge and learning systems?

**MS HAYLEY McQUIRE:** Yeah. So I think it's important to think about the role that education systems have. I think education systems in themselves act as kind of mirrors to the values that dominant society says are important for future  
20 generations to hold on to.

Within settler colonial education systems, land is viewed as an economic basis, whereas for me in my perspective, land is a knowledge base for First Peoples, and it's from land that languages and cultures are drawn from. So there's a different  
25 kind of viewing connection to land and the connection that knowledge systems play.

Through the act of colonisation and through what we demonstrate in the timeline in our School Exclusion Report, is that education systems have been complicit in  
30 removing Aboriginal and Torres Strait Islander people from the connection to their place, to their land which can be seen as connections to those essential knowledge bases. And so through, you know, movement or through the denial of being able to practise your language or culture within learning systems, is an act of, yeah, disconnecting Aboriginal and Torres Strait Islander people from practising their  
35 culture and continuing to create learnings that reflect the values and the intent of what they think those knowledge systems are for.

So yeah, I think through this kind of history, education systems have broken up communities and families and has done a disservice in being able to really create  
40 learning institutions that align with what their aspirations of the communities are, both politically, economically, culturally and socially at a systemic level.

**MS FITZGERALD:** And when you say that education systems have broken up families, can you provide an example of why that, or how that has occurred?  
45

**MS HAYLEY McQUIRE:** Yeah. I think within the context of our report, we found that as soon as - as soon as you - colonies were established, education

5 systems or institutions were - sorry - schooling systems were established and children were removed from families to be put into either reformatory or industrial schooling. Reformatories were, especially in Victoria were a means of collecting criminal students; whereas industrial schools were kind of seen as providing training for neglected children.

10 So there's a history there of where - and, of course, when you've got the removal of children into missions to be re-educated, there's the connection there of being complicit in breaking down family units.

**MS FITZGERALD:** And what were those children being trained for in the reformatory schools and those other schools, what was the education for?

15 **MS HAYLEY McQUIRE:** Yeah, so there was - it was kind of to be made for like labour, cheap kind of labour, housemaids or kind of technical trades. There was, across the country examples where the quality of learning was not the priority for Aboriginal learners. Mati, you could probably expand more on the direct historical records.

20 **DR MATI KEYNES:** Yeah. Sure. I can say from 1881, the Protection Board had the power to send First Peoples' children that we deemed neglected and I should say as well that status was incredibly loosely established and often with no detail other than that, "neglected" provided. They were able to send them to industrial schools and reformatories, often these were non-State entities but later  
25 become the province of the Education Department. And they were sent to work as apprentices, often with its guaranteed qualifications and no real formal training, and this sort of system remained in place until at least 1957.

30 **MS FITZGERALD:** And, Dr Keynes, can you speak to the specific role that you consider schools played in the colonial settler state?

**DR MATI KEYNES:** Sorry, just trying to find the right bit of my notes. Schooling generally had - has, and has in the past, had different purposes. These intersect and clash at times. In the early foundation of the school system here in  
35 Victoria I'd say there was four main purposes. The first being establishing the state, its architecture, its laws, and therefore forming citizens for that state. So the school system was, the Education Acts in Victoria followed very closely behind the constitution acts and the acts establishing new acts. You pass legislation to create the citizens of that state and to teach them their duties and rights.

40 The other purpose closely related is developing a shared identity, a national identity or an imperial identity and here in the case in the early period in Victoria, which is to attach that citizen to the state and sort of win over their hearts and minds. You can't presume that the citizens will naturally buy into this new state  
45 project. You have to win their hearts and minds and establish in them a shared kind of history and, of course, this was the history of the British empire and the British world at that time.



Then the third purpose would be building social cohesion. In other words, eradicating difference and teaching people to live together. And schooling was seen as a way to curb differences; religious, racialised and otherwise. And,  
 5 finally, Hayley mentioned the economic purpose of schooling, to support the economic goals of the State, to develop in citizens values such as capitalist values of industry, efficiency, individualism and these types of things and to train them in the skills and dispositions required for that economic project.

10 And, of course, that economic project, as Hayley has mentioned, is founded on a very different understanding of the land and extractive kind of economy. And schooling was absolutely used therefore to further the aims of settler colonialism, which included at its heart dispossession of First Peoples from their land and also children and cultures. And so schooling legitimated dispossession and it did this  
 15 in many ways, but most prominently by justifying the myth of terra nullius and teaching the white civilisation was superior, and that First Peoples' culture was disappearing.

**MS FITZGERALD:** Associate Professor, some of the work you've done also  
 20 speaks to the purposes of the education system within the colonial system and, in particular, its relationship with the economy. And those comments, I think are about the past, but also about the present. Can you speak to the purposes of the education system within the colonial system?

25 **ASSOCIATE PROFESSOR NIKKI MOODIE:** Yeah, absolutely. Thanks so much. And to reaffirm and restate all of those things that Mati was just talking about, those four purposes of what schooling is meant to do is really the same the world over. It's not unusual, it's not different anywhere. We're aiming to build  
 30 with these systems a citizen that can participate in the future vision of what a country is meant to look like to imperial powers and that's not just an Australian story, that's a global story.

So what we see with these kind of settler colonial or kind of imperial schooling systems is really the progression of a set of ideas through a child or a family's  
 35 engagement with the schooling system, that is designed to eradicate the idea of an accomplished professional, worldly Indigenous society that exists with its own aims and objectives and desires, and hopes and aspirations.

40 So what these schooling systems do is that they - as Mati said, one of the key purposes of the schooling system is to train people to be part of the workforce, that's the goal, right, to have a sense of belonging to the nation state. And it's just so clear that no matter where we look, First Peoples don't have a place in that. First Peoples' goals, aspirations, knowledge systems, are at all stages not deemed  
 45 to be a genuine part, a necessary part, a core part of creating that sense of belonging of the state.

So then what happens is that you get the denial of First Peoples' own aspirations, whether that may be emancipatory, or liberatory, to participate in the economy, whether it's to assert rights, none of those things have a place in that schooling system. And those schools, people who are involved in it will go to sometimes  
 5 extraordinary lengths to prevent that inclusion in those systems or to prevent the establishment of First Peoples' own education and schooling systems where that may even be possible.

**MS FITZGERALD:** And you've said previously that certain types of people are  
 10 treated as a threat to the goals of the nation state, in particular, the economy and First Peoples are one of those categories of peoples. Why do you think that's the case?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** I think Dr Keynes kind of  
 15 alluded to this before, when they noted that a literate First Peoples that asserts rights and engages in letter-writing campaigns, that organises, that is part of its resurgence of an Indigenous civil society is a real threat to this sense of kind of belonging. And so we see that time and time again.

20 As First Peoples participate in education systems and settler colonial systems and use those tools, use English literacy, use knowledge of the legal system, use medical knowledge that is gained through these western or settler systems for our own purposes, it kind of becomes a bit of a threat to the existence of the state, as Dr Keynes kind of noted.

25 So then what we see, particularly through things like the Mabo decision, is that First Peoples' rights to land, to our own futures then are things that can kind of happen as a result of participation in the western schooling system. So it's kind of in the interests of the state, in a lot of ways, to exclude, to ensure that First Peoples  
 30 don't reach those highest levels of attainment, that our own disruptions to the system which have been so violent and served us so poorly, that can't be changed. It becomes very, very difficult to get a shift.

35 And so you can't kind of permit a system whereby Indigenous peoples are able to assert sovereignty over land, because that's primarily how settler states like Australia make a lot of money. It doesn't kind of work out that way. And so the schooling systems don't train First Peoples to assert governing authority over land. They certainly can't include Indigenous knowledge systems, only in real partial or piecemeal kind of ways. Usually Indigenous curriculum is included as a bit of  
 40 a hook, right, to get Indigenous kids kind of in the door, a kind of tokenistic kind of acknowledgement. So what we see is the breaking up of the Indigenous knowledge system as part of inclusion as a very tokenistic way of signalling the inclusion of First Peoples knowledge or education or training systems in those settler systems.

45 **MS FITZGERALD:** Thank you. I think we might now move to the topic of school exclusion, which was the subject of the report I spoke about at the start.

And if I could get for the start of that the operator to bring up page 6 of that report, which just sets out the key findings. If we could just zoom in on the bottom orange box, 'Key Findings'. Now, I might just ask Ms McQuire just to step through the key findings of that report, and what the report does and intended to do.

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**MS HAYLEY McQUIRE:** Yeah. So really, the purpose of the report was to provide a history of the ways that Aboriginal and Torres Strait Islander learners have been excluded from education, from schooling since the very establishment of the Australian education system. So what the report found was that Aboriginal and Torres Strait Islander students have been systemically excluded from public schools across Australia and that this exclusion has occurred through government failure to provide access to schooling, and through explicit policies of exclusion, including the development of a segregated schooling system.

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We also found that Aboriginal and Torres Strait Islander learners have been disproportionately impacted by exclusion, including the use of disciplinary exclusion measures within schools. So, for example, the report points to 2007 the Department of Education and early childhood development report, which found that of 700 Koori students in secondary schooling, 16 per cent left in years 9 and 10, 22 per cent left in Year 10 and 11 and 41 per cent left in years 11 and 12.

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We also point to the school exclusion study by the University of South Australia, which looking at publicly available data found that in 2019 in Victoria 6.5 per cent of all exclusions were directed at Aboriginal and Torres Strait Islander students, even though they only represent 2.3 per cent of the student population. We also found that access to up-to-date data was difficult, including data on the levels of suspensions as well. So what that also means is it's difficult for public scrutiny or accountability around school exclusions.

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**COMMISSIONER WALTER:** Why is the data hard to get? Because you think it's pretty straightforward. You just count the number of suspensions and the number of exclusions and it's a frequency count.

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**MS HAYLEY McQUIRE:** Yeah, I think it's more so access to the public on that information. Mati would probably be able to speak more closely to -

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**DR MATI KEYNES:** Yeah, what I can say is that not all states make that data public and not all states identify Aboriginality within that, as well as other measures of intersectional experience.

**COMMISSIONER WALTER:** What happens here in Victoria? Is it available and is Aboriginal identity recorded?

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**DR MATI KEYNES:** As far as I know it is not available and I would have to check if the status is recorded. Yes, I will check for you.

**MS FITZGERALD:** My recollection is perhaps somewhere in that report there is a reference to a requirement, a 12-month requirement to - that schools are only required to hold that information for 12 months, which I will identify perhaps before our government witnesses come.

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**COMMISSIONER WALTER:** It's a little bit hard if you only keep data for 12 months.

**MS HAYLEY McQUIRE:** Just to point to that last finding of the report, because I think it's really important to highlight that this exclusion has been actively resisted and pushed back on from families and communities across the continent, including in Victoria. And I think the ways that that has happened, I mean Mati provided -- Dr Keynes provided examples that were also documented in the report.

15 So, for example, yeah, the Northland College that was established here in the 90s. When the Victorian Liberal Kennett Government announced that they were going to close the Northland College, which at the time had the highest population of Aboriginal secondary - highest enrolments of Aboriginal secondary students, there was public protest about that. And the community organised within themselves to provide a mobile rebel school to make sure that students were still having access to a culturally safe education.

I think sometimes there's this myth that Aboriginal parents or families don't care about their children's education, whereas what the history and the examples show in the timeline is that that's actually false; that Aboriginal families have always continued to rock up at the school gate. They've continued to always ask for a quality, fair, just and relevant education for their children, and that is clearly demonstrated in the timeline of Victoria and of Aboriginal communities in Victoria.

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**COMMISSIONER WALTER:** Can I ask you, so I know that school principals of schools have to register formal expulsions and formal suspensions. But we did hear from witnesses earlier about informal suspensions and expulsions, soft ones where it doesn't have to be officially recorded. Do you have anything you can offer the Commission on those?

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**MS HAYLEY McQUIRE:** I don't have verified, but there are - so there are different forms of exclusion and informal exclusion can include things like the curriculum being relevant to you, you know, whether you feel safe and included in a school. So those are all different kinds of informal exclusion. There's also been examples in, I can't speak directly for Victoria, but in my experience, working with young people in education across the continent, examples where students are asked to leave of their own accord rather than having a formal expulsion recorded. So that kind of pressure to withdraw before they finish or to move schools, yeah, personally had discussions with young people about that.

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**COMMISSIONER LOVETT:** I wanted to fast forward to page 21 of the report, but if you've got other questions.

5 **MS FITZGERALD:** The only other question I was going to ask about school exclusion was at the moment the review mechanism for suspensions focuses on the exclusion of each individual student without looking at what is happening at a system level, and I might allow the panel to decide who best to answer that. What's the issue with looking at suspensions at an individual level? Associate Professor, did you want to deal with that issue, the individual versus the system  
10 when the complaints are about individual expulsions?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Yeah, absolutely. I can handle that and Dr Keynes and Ms Mcquire will correct me if I say something not in accordance with the report. But the biggest issue when we are looking at  
15 individual level data and this is partly problematic. Whether government departments even collect that data in the first place is an open question. But then usually the status that is retained is at an individual level. So whether or not that a student is perhaps Aboriginal Torres Strait Islander. So that level of identifying data.

20 What we don't then tend to see is patterns across regions or in accordance with language groups or communities. So there's no kind of collective sense about how different - how people from different language groups or different communities are being treated within this kind of schooling system. So the level at which the  
25 data works when that is available is useful to understand these patterns and these patterns over time, but they can often miss a really important part of the story about the reality of First Peoples' experiences, and particularly community identification, what information is important for local communities, for parents, for Traditional Owner groups, to have about the experiences of their own young  
30 people in schools and education systems, that level of data transparency or availability, we are a very, very long way away from that in Australia.

**DR MATI KEYNES:** Chair, could I just add a quick point? Just to follow from Associate Professor Moodie's point about lack of data, I would also say that  
35 historically as I mentioned in the very beginning, you know, the government's policy was that there were no First Peoples here. They didn't record information about First Peoples in a systemic way and that lack of reporting has allowed there to be a longstanding lack of accountability and in some ways this reporting around suspensions and expulsion sort of continues that pattern.

40 And I just point you to the important working done by my colleague, Dr Beth Marsden whose historical research has been documenting the systemic patterns through very difficult work through the historical archives and also oral histories that often hold the keys to establishing those patterns. It can be found, it's just  
45 difficult to do so.

**MS HAYLEY McQUIRE:** If I can just add to what Dr Keynes was saying. I think by focusing on individual instances, there's also the risk that we place too much blame or too much focus on a young person or the attitudes of their families, rather than focusing on the systems that have perpetuated the exclusion. And I think by focusing too much on just individual occurrences we forget like Associate Professor Moodie said, we forget to think about the current grammar of schooling which speaks to the invisible architecture of how education systems are organised. So everything from like how classes are structured, how school buildings are built, how teacher standards are enacted, different types of credentialing, how work is assessed. All those decisions speak to a colonial grammar of schooling, which really reinforces those settler colonial narratives and excludes, you know, non-dominant groups.

And it reproduces that inequity from one generation to another. And I think that's another thing, is this is an intergenerational impact. If your grandfather was excluded that's going to have impacts to the children, and it's this intergenerational impact and educational debt that's owed to generations of Aboriginal people that's really important to understand as well.

**COMMISSIONER WALTER:** Just to finish finally on the data thing, really, the patterns, the lack of data, all the things that you've mentioned is really just a continuation of the colonial pattern?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Yes.

**CHAIR:** Look, I'm actually having a bit of difficulty with the timeline, because I see it as an education timeline as the source, but not a continuous timeline that runs besides it in terms of what happened with the Aboriginal acts and you do have early in the timelines Aborigines Act 1890 it actually started back in 1860. Then you referenced the 1958, and then you've got other references for education. I'm having a little bit of difficulty with the continuity of information about what was said about Aboriginal kids in schools because it came, the control came under these other acts as well in terms of people being moved away from where their natural schooling space should have been.

I notice you've got the 1967 conference in, but there was also a big conference in the 1930s from states that also had a big impact on, and it was very racist in terms, in the terminology used, which I think is an important one that would have - I would have expected to see in this timeline. And just coming back to Victoria, I also see you've got VAEAI starting in 1985 but actually VAEAI had a precursor organisation, VAECG which started in the mid 70s.

And it was a bit of a flow on from what happened in Monash at that time and people that were impacted by that early work. So I'm having a bit of difficulty, because it's short and selective. And also from an education perspective, which was very harsh and clearly not really talking to us. And my difficulty is that the control of Aboriginal people, especially parents if we're talking about schooling,

was under the other act, the Protection Act, because that's where people's movements were controlled completely. They were made go, or not allowed to go. So I just wanted to make that point.

5 **DR MATI KEYNES:** Can I add something? Thank you, Commissioner, for your astute observations about the timeline. I will say that it was much longer in each state and it was reduced considerably. So some of those things may have been in there, but that's no excuse. We also recognise, of course, the impact of the legislation targeting Aboriginal people in Victoria had a huge influence on all  
10 aspects of life.

But I think in this report we were aiming to demonstrate the systemic patterns of exclusion in education and through, you know, decisions made by school authorities, education departments and in education legislation. Because there has  
15 been a lot of attention on the Protection Acts and less I would say, on the Education Department so that was our goal but of course things are missed so I apologise.

20 **CHAIR:** If people can't go somewhere, they might have wanted to go to school, whether it was over the river in New South Wales and were you quoting some stuff from New South Wales and I actually thought were you speaking about Victoria at the time. I mean, there's no - it leaves an unexplained situation.

25 **COMMISSIONER LOVETT:** I think for me the principles apply, no matter where it happened around the country it still happened to our people, not to take away what the Chair is saying. Page 21 and the timeline I would like for somebody to read out 1943 please. Page 20 - 21, sorry.

30 **MS FITZGERALD:** This is in the New South Wales timeline?

**COMMISSIONER LOVETT:** Yeah.

**MS HAYLEY McQUIRE:** Page 21.

35 **MS FITZGERALD:** 1943.

**MS HAYLEY McQUIRE:** It says:

40 "Aboriginal students were excluded from Lismore Public, North Lismore Public after protest by non-Aboriginal communities who opposed their attendance. Aboriginal students were sent to a school at Runcester, but many received little education owing to transport and logistical difficulties in getting to the school. Children of parents who obtained exemption certificates, often referred to as dog licence, were able to attend public  
45 schools."

**COMMISSIONER LOVETT:** I mean 1943. When was World War II? 39 to 45, if I remember correctly. So it's all good for our people to go and represent the country at every major conflict, wars, wars that weren't ours, but protest from non-Aboriginal people during that time around excluding our kids from that. Can we then please read out 1946? Now, I understand this is New South Wales but at the end of the day again, we have heard loud and clear in this Commission that doesn't matter which state, it happened everywhere. Can we please read out 1946?

**MS HAYLEY McQUIRE:** Under 1946:

"Aboriginal children could be admitted to public schools if they had a medical certificate to prove their health status and did not live on a reserve."

**MS FITZGERALD:** And, Dr Keynes, can you speak to this precise issue that Commissioner Lovett raised, which is the idea that First Peoples might be too dirty or infectious to go to school? That comes up in other parts of the various timelines, doesn't it?

**DR MATI KEYNES:** Yeah, this was one of the systemic patterns as you identified that health was often a spurious, but often-used excuse to keep Aboriginal kids out of schools and this was often weaponised by the local settler families, saying they're unhealthy or have certain, you know, diseases and so on. They don't have shoes, this kind of thing, across the country.

**MS FITZGERALD:** You accept this, although it's in the New South Wales timeline it is an example that happens throughout the country.

**DR MATI KEYNES:** I can tell you I was in the archives in Western Australia last week and found it everywhere there. So - and elsewhere. Yes.

**COMMISSIONER LOVETT:** That's the point I'm making. It's a systemic issue. Whilst it's identified in this report in New South Wales, these things happened tactically, strategically at a systematic level across the country. 1943. 1946. Not long ago. We keep hearing when it comes to our people, "It's all history, it's not in our lifetime." Many of our family members have someone who had grown up during these times. It's not too distant. It's not 200 years ago.

**MS FITZGERALD:** Commissioner Lovett, you will be aware that there are other submissions that are from now, which record the extent to which teachers are being asked to, specifically in relation to Indigenous children, to monitor whether they're wearing shoes, whether, you know - so that sort of surveillance, it appears, is still occurring.

**COMMISSIONER LOVETT:** Still occurring, that's right. It hasn't stopped.

**MS FITZGERALD:** If we can now move to something a little more structural and perhaps this might be a question that also involves Associate Professor



Moodie. But starting with Dr Keynes, just moving to a new topic which is curriculum, and if you could address for us the role of the curriculum with respect to how we as a community view Victoria's colonial past.

5 **DR MATI KEYNES:** Yeah, thank you for the question. I'm sure you will be aware that curriculum has been a very potent and favoured tool of governments to legitimate the settler possession of this state and country, and to a broader society as members of the British empire and later the Commonwealth and the nation. So for more than 100 years in Victoria from at least the 1870s to the 1970s, the  
10 curriculum was based on a white settler national master narrative, which was about the benevolent progress of the superior white civilisation here.

And it routinely and systematically objectified First Peoples and I provide three examples of that in my submission, but I can briefly outline them here, which is it  
15 routinely confines Aboriginal people to a distant past. It places them in a time before history, a time I can quote you here from an extract, "On a spot where we stood someone in the blank utter darkness before Australian history began, of a time which no history will ever be written", for instance, comes from the school, from the early 20th century.

20 So they confined Aboriginal people to a distant past. A second sort of example is use of racial stereotyping which I won't repeat here. But, you know, we are centrist, which are often juxtaposed with enlightenment, civilisation, Christianisation and often depicted First Peoples as threatening or engaged in  
25 violence, for example, as engaged in hunter gathering, these types of things. And later this intersected with that racial biology Social Darwinism discourse about it being a doomed race around there was this sense of lament and sadness about that, that comes through in the materials.

30 And finally the erasure, of course, of First Peoples' own aspirations as Associate Professor Moodie noted. This is consistent, so until very recently in Victoria key moments in Aboriginal political history have not been included in the curriculum. I would say that has contributed to a major lack of public understanding and awareness of that long history of resistance.

35 And I suppose in very recent times, since the national curriculum has been implemented here since 2012, there's more accurate representation of settler colonial injustices included. However, for a number of reasons I've argued in my research in my submission, it still continues to legitimate settler colonialism.  
40 I would say that is because of what Associate Professor Moodie noted that it is really about a settler colony, the settler state and not a fundamental transformation of that curriculum. But I can speak more to some of that more recent research perhaps.

45 **COMMISSIONER HUNTER:** Sorry. Can I just ask what curriculum are you talking about? All, or in schools, universities or state?

**DR MATI KEYNES:** Yeah, so in the period 1870s to 1970s, I'm talking about school curriculum although the word "curriculum" today sort of implies a study design, you know, a set of dot points but that didn't exist in the past. So I'm referring to readers, texts, that were used in primary schools for the teaching of literacy and numeracy and civics, and so on. And then in more recent times I'm referring to the study designs and mostly my research has been about history curriculum, humanities and social sciences where they have this claim to representing the truth as opposed to, say, an English literature curriculum which doesn't have that sort of authority so to speak. But, yeah.

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**COMMISSIONER HUNTER:** You would say most of them now when it's in there now is an elective, really, in most. I will say without revealing my age in the 1970s sort of middish I was taught that Captain Cook discovered Australia. When I went home to my very proud Wurundjeri father it wasn't a pretty sight. He went straight up to the school, but that's what I was taught.

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**DR MATI KEYNES:** And that's throughout history, yeah.

**MS FITZGERALD:** Moving to you, Associate Professor, you have addressed one of these points made in the submission, is that although curriculum is important, in your view it's not the most important aspect for decolonising schooling. Why do you say that?

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**ASSOCIATE PROFESSOR NIKKI MOODIE:** I say that possibly fairly controversially, because it is often the content of what is taught in schools that most people remember as adults. It's the facts like Commissioner Hunter just said, you know, people are taught false, incorrect, inaccurate, overtly racist, traumatic, difficult material and they're presented this as fact. And so we often get into a conversation with curriculum where the answer is positioned as, "Well, we just need to correct those errors. We just need to take out everything that is racist, inaccurate, hurtful, and replace it with another version of the truth and then that will be the job done."

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So that's where you get conversations which are about changing the curriculum of what is taught in a school, and not changing the system. So we use curriculum to mean the schooling systems and it just doesn't. There's a lot of other things that are required in order to change schooling systems and I do want to very deliberately talk about the fact that I'm not using the word "education system", I'm using the word "schooling system", because there are many different types of education systems.

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But when it comes to having a debate over whether or not fixing the school curriculum will be enough, it will not. Fixing the school curriculum or improving it or having better representation of Aboriginal and Torres Strait Islander people's, histories, knowledges and cultures is not a bad thing, and it is an important part of the process of decolonising education. But in a lot of ways, we're putting

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a band-aid on a really big problem and that problem is that that schooling system was never designed to serve us.

5 It was designed to be part of the system that broke up families, that made people feel worthless and not included, that created a master narrative of the way that white Australians should think about the world and there's no place for us in that system and there never was. And the only way that we end up then becoming included is this kind of very piecemeal, simple way of understanding First Peoples as part of the history of Australia, as Dr Keynes mentioned before.

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So these schooling systems tinkering with the curriculum is not the thing that ends up serving our needs. It can be a part of the solution to the problem, but it won't get you where you think it will.

15 **COMMISSIONER WALTER:** Associate Professor Moodie, what does that do to the First Nations child? How do they learn about who they are within that system?

20 **ASSOCIATE PROFESSOR NIKKI MOODIE:** This is something that settler colonial schooling and education systems are designed to make impossible. So it is very difficult for a settler colonial schooling system to ensure that the First Nations child understands who they are, where they come from, their language and ancestry, their role in taking care of Country and some argue that that's actually not the job of a settler colonial schooling system that's the job of an education system that is perhaps controlled or in some other ways managed by First Nations People themselves.

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30 But what participating in that kind of schooling system, in that settler colonial schooling system will usually do is usually make someone feel pretty invisible, if not actively harmed, denigrated, disregarded. And when you start to see that narrative of dehumanisation, of invisibility generation after generation, after generation, it becomes an absolute heroic commission from families and parents and guardians to be able to go back to the school gate after those generations of being dehumanised, of being treated sometimes with appalling violence, to be told that you have no history, you have no art, you have no culture, you have no sophistication, your societies weren't - were just hunter-gatherer societies, so all of these kinds of master narratives. So what that does to families and communities generation on generation on generation on generation, the kind of strength that it takes to keep going back to the school gate is absolutely extraordinary.

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45 But we keep doing it because we know that there is knowledge in western schooling systems. There is English literacy there. There are things that we need and things that we are entitled to and things that system should be able to give to us. So we have a double-edged problem. We have how do we make sure that this settler colonial education system is place where we can be welcome, that teaches a different way of thinking about the world and then we also have the transference

of our own knowledges, languages, education systems, which might be a different system.

5 **MS FITZGERALD:** If the operator could bring up the final slide, which is a quote from some of the evidence given by Uncle Brendan Kennedy in our land justice hearing block.

10 And, Associate Professor, I think this might come up for you as well but if it doesn't, I will read it for you. And this is some evidence given by Uncle Brendan on Country, he said:

15 "What the school is telling our little babies is that, 'We do not value you. We do not value your culture, we do not value your parents, your grandparents, your Elders or Aunties or Uncles.' That's what the education system is telling our children. It's telling our children, 'We don't value your culture. This culture is better than yours.'"

20 That's a hard thing for a little five-year-old kid to have to deal with. They get hit with this because this little fella and at the time there was a little fella, Uncle Brendan was talking to. He's never been hit by full on colonisation yet. Little fella, he has not been hit. We've been hit and we fought back, but the kids have not been hit full on with the sledgehammer. As soon as they walk into that school. The teacher goes bang, "Sit down on the ground in this room and shut up." You know, that's what they did. We used to get the cuts. You know what the cuts are?  
25 The cane. If you didn't sing the national anthem, God Save the Queen, but that's where it begins, that's the ongoing dispossession right there."

30 Thank you, Associate Professor. This is evidence that was given by Uncle Brendan in relation to what's happening now. It's not a historical reflection. What can the State learn from what Uncle Brendan has to say?

35 **ASSOCIATE PROFESSOR NIKKI MOODIE:** It's heart breaking, isn't it, to read these things because it's a hard thing not just for a little fella, but it then becomes a hard thing for when that little fella himself has his own little fellas running around. The way that education systems, schools, teachers, principals, everyone who is involved in schooling and teaching kids doesn't necessarily have a personal investment in a different way of being. And so what we tend to see happening with this transmission of intergenerational trauma about schooling is that there's no circuit breaker.

40 There's no system that says, "We understand the hurt and trauma that has happened to you both individually and in a collective sense, and here is a strategy that repairs that collective sense of wellbeing." So at the moment, education schooling systems tend to propose individualised and piecemeal strategies. And  
45 that's where we see the system being able to continue as it always has done. Schools are still places where people experience individualised harm and violence,

and school sites are still places where disciplinary action and intersystemic or interagency harm is perpetrated on First Nations children and their families.

5 School sites are still places where allied health, police and others, welfare, child safety, use the school site as places from which to remove children, as places that begin a school to prison pipeline, for example. So until there is a way to understand the collective wellbeing or the role that that child has in their community broadly, in their First Nations community as a member of their language group or nation then schooling systems won't be able to change this kind  
10 of harm from happening to people today or into the future.

**MS FITZGERALD:** Ms McQuire, we're moving now on to looking at what a completely different system might look like, not the system that Uncle Brendan is talking about. There's been some discussion, there was some discussion in the  
15 submission about self-determined learning systems. What is a self-determined learning system?

**MS HAYLEY McQUIRE:** Yeah. I think to draw on what Uncle Brendan was saying, I think it starts with understanding who the Indigenous learner is, who do  
20 we view as that Indigenous learner and what their rights are. I think it's really important, firstly, to remember that Aboriginal and Torres Strait Islander young people have a really important role in our communities. The Coolangatta Statement on Indigenous Peoples' Rights to Education speaks to the unique role and responsibility that young people have because it's to young people that truth and wisdom is going to be bequeathed.  
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So as part of that Aboriginal and Torres Strait Islander young people are looking at a future where they're going to face really complex global issues, like climate change, caring for Country, while at the same time being responsible for passing  
30 down the longest continuing knowledge, cultures and learning systems in the world. That's the kind of weight that sits on the shoulders of the Indigenous learner.

At the same time I think what we have discussed through this panel Indigenous  
35 learners are going through an education system where they're not being equipped with the types of skills, agencies, critical literacies that they need to be an Indigenous citizen, a person who is able to enact that custodial responsibility and enact those custodial ethics we have not only to each other and to our place, but to lands, seas, waterways and skies. So I think a self-determined system starts from  
40 that premise, of being responsible, for caring for young people and equipping them with the kinds of skills and knowledge they need to act and live indigenously as young blackfellas.

Earlier I discussed the grammar of schooling and although I don't have all the  
45 answers, there are people far more experienced than me, and full of answers. I just imagine what could it look like if we were to establish a First Nations grammar of schooling where we think about how does learning systems - how are

they organised from the pedagogy that's used to the teaching standards that's enacted, to the forms of credentials that are created to the types of school systems and buildings to the types of school governance systems that are operating at the local level. What could Indigenous grammar of schooling look like and mean for that Indigenous child, for that Indigenous learner?

So I think it's really important that through the process of truth-telling and speaking back to the histories and experiences of Aboriginal and Torres Strait Islander people and Indigenous learners in Victoria, across multiple generations that we open up the opportunity to discuss jurisdictions, and what does jurisdiction look like within a self-determined education system. Jurisdiction over curriculum, jurisdiction over school governance, jurisdiction over funding. I think it really comes back to thinking about the infrastructure that's involved in an education system.

**MS FITZGERALD:** Associate Professor, are there any Indigenous run learning systems around the world for us to learn from?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Thank you so much. There are so many. There are so many First Nations, Indigenous, tribally owned schooling and education systems that run from early years education all the way through to tertiary education. These are often established as community run enterprises. Sometimes they start in old, disused warehouses or shipping containers or classrooms, and after many years become fully fledged institutions of their own making.

But there are absolutely First Nations owned and operated schooling systems in New Zealand, in North America, Canada, mainland United States, and also in other places. And one of the key features of those First Nations owned and operated education and schooling systems is that they serve primarily the aspirations of their local communities by teaching language, culture, but also, importantly, create local jobs and address the skills, the shortages that local communities need. So there are many examples, but I won't go on too much unless anyone else wants to add something.

**MS FITZGERALD:** I did want to leave some time for Commissioner questions so I might leave it there, although the Commissioners might have some more questions about that. Thank you.

**COMMISSIONER HUNTER:** I have one and you may or may not be able to answer it. In the current system of schooling, is there any way that that could be safe enough and cultural enough to change for our kids to learn in? Anyone? I know it's a big question. A big question.

**MS HAYLEY McQUIRE:** I'll try to respond as best I can. It doesn't really work giving the eyes to someone on video call. No, I think there is the space and I think like I know we've talked around a lot of the difficulties and challenges, but there

are good champion educators and there are schools that are working with their local communities at the local level to try and make that learning experience more safe.

5 I think the question is really like when we're thinking about what  
a self-determined education system might offer is really around having the  
freedom from having to continually negotiate with settler colonial systems and  
like, having - I think from my experience and if I can share an example of the  
work that I'm doing with my Darumbal people in Rockhampton around creating a  
10 Darumbal led learning charter and asking local schools to sign on to our terms of  
referencee and our learning ambitions is that they're based on trust and it's based  
on - you're still kind of at the operating within the current system, you know,  
operating on one good teacher or one good principal which is not - which is  
subject to change. So the work can change. So I think it's -

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**COMMISSIONER HUNTER:** It's not sustainable, right, to rely on one person.  
So is it that the education system, the structures, I guess it's the structures I'm more  
getting at.

20 **MS HAYLEY McQUIRE:** Yeah, and I think there is space because - but it  
requires, I feel like Aboriginal leadership and governance and control. I think  
there's space within the, like independent schooling system around - that's where  
a lot of Aboriginal led schools are growing from. But if we can do that investment  
in independent schooling or, say, Catholic education why can't we do that same  
25 kind of investment at a systemic level for an Indigenous led learning system. I  
think that it's not to say it's creating some kind of exclusion. It's about creating  
space within an Australian education learning ecosystem where we can lead and  
design governance models, pedagogy, curriculum that matches the learning  
ambitions that we have for ourselves and our learners in our communities, I think.  
30 Yeah, I hope that -

**COMMISSIONER HUNTER:** No, no, that's - it's tricky, right?

35 **COMMISSIONER NORTH:** Can I ask as a follow on from that question? We  
have in Victoria Worawa, which is an Aboriginal school and I just wonder  
whether you know about the curriculum that they use there and whether that  
conforms to some of the issues that Commissioner Hunter raised, whether that's  
sort of based on Indigenous culture or whether it's just a place where colonial  
settler education is conducted for Aboriginal students.

40

**MS HAYLEY McQUIRE:** I probably don't have the closest of relationship with  
that school to be able to adequately comment, yeah.

45 **MS FITZGERALD:** Associate Professor, do you have any experience of the  
Worawa school?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** No, I am aware that they aim for a very holistic curriculum, that is focused on the whole person, but the details of the day-to-day, I'm not familiar with. I'm sorry, no.

5 **DR MATI KEYNES:** Also the independent school sector has much more freedom to determine the curriculum than a government school I would say, just as a note.

10 **COMMISSIONER WALTER:** I note you talk about the importance of First Peoples governance around First Peoples leadership and that would seem to be completely. But is there space within the current schooling system, especially the government schooling system for that First Peoples leadership and governance?

15 **MS HAYLEY McQUIRE:** Yeah. I think there's examples of that happening through the work that VAEAI do and the work that VAEAI do in being a constant advocate to government and through the network that they have established. Yeah, I'm not too sure about how that plays out, say, at the local, everyday public school level.

20 **DR MATI KEYNES:** All I can say is history does show us it's possible in the government system. We saw it at Northlands and we saw it earlier than that. We saw it in the code schools, but in each of those cases something that was flourishing within the government system was chronically underfunded, under mind and in some cases, illegally shut down. So history shows us it's possible, but  
25 today that's not a question I can answer.

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Perhaps I can weigh in to reinforce that message, if that's okay. Commissioner Walter, there is, I guess, in accordance with the kinds of aspirations that First Nations People often have, not  
30 just in Victoria, or in Australia, but certainly globally, I guess, to my mind there tends to be a difference between having a seat at the table and being in the driver's seat. Having a seat at the table is important for having conversations with non-Indigenous teachers, principals, students, families, about the kind of country that we all want to live in together.

35 And curriculum and settler colonial schooling systems are very much focused on creating a narrative about how we want to live in the world. And living in the world together in a way that really takes those true core principles of reconciliation seriously is absolutely one way to go about addressing the issue of  
40 exclusion, of underservicing, of not provisioning First Nations children's - First Nations children with their full rights as First Nations Peoples. But what we do tend to find is that those schooling systems that are not subject to First Nations governance and authority control will be undermined. They will be underfunded.

45 They will be subject to repeated attacks in a whole range of ways, and we're seeing this currently in Aotearoa, New Zealand where previous gains that were thought to be very safely held are now coming under attack as the result of



a change to a very conservative government. So the difference between having a seat at the table is that sometimes someone is going to want to change what's on at that table. They are going to want to change what is served, they are going to push their chair back, they are going to change the crockery and the cutlery, they are going to put something else on the table which you may or may not want to eat. The difference between that and being in the driver's seat is a profoundly different aspiration for First Nations children, families, and broader communities.

**COMMISSIONER LOVETT:** I've got a question around, in this inquiry we have heard a lot of legislation, so we talk policy. There's thousands of strategies and policy documents, some of them well intended but hardly ever delivered on. But when we see true changes in government is when we enshrine things in legislation. So we know what it's like to have legislation against us and youse have talked about that through the timeframe.

And I don't think for many years, if ever, there's been any specific reference in a positive light around what our people see for the future, around what education should look like in legislation where we are referenced in a positive way about expectations, around what needs to be changed. Because it's hard to get legislation in as we have just heard, about being in the driver's seat, but it's also hard to get rid of it once it's in there. So my question to youse is have youse thought - any ideas around what could be enshrined in legislation to help our people go from, you know not only surviving education and getting through, but thriving? Question for anyone.

**MS FITZGERALD:** Professor Moodie, did you want to go first? Associate Professor, did you want to address that first.

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Yeah, look, Commissioner, I've got a laundry list, really, of things that could be done and, look, legislation can be changed but it does tend to offer a certain kind of durability. There are currently frameworks that the Victorian Government has are really, on balance not bad. The Victorian self-determination framework, Marrung, all of these are frameworks and established good ways of working. They are innovative in many ways.

But the difference between the funding provisions, the authority to set up and establish Indigenous schooling systems, the way in which Indigenous languages are taught from one generation to another, the way that First Nations communities want those languages to be taught are really substantial questions that can absolutely be addressed through kind of a legislative process. But for me what's kind of missing in that equation is what are the kinds of schooling systems and experiences that First Nations people in Victoria want. I think that's probably where I'll - yeah, that's one of the complexities about working in that legislative context, I think.

**COMMISSIONER LOVETT:** Because you refer to frameworks and stuff we have heard a lot about that. We have heard many departments have intended not implemented hardly any of those, you know. And I understand we are navigating a colonial system here and the main system that they seem to implement is  
 5 legislation. So - and I think that's probably the morphous of the question really around if we are in their system how do we further enshrine our people's cultural rights but also as a part of that architecture.

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Usually it's around funding independent schooling systems and that's how that happens, whether that's through Treaty settlement process. So that's how the Māori tertiary education system was established in New Zealand was through initially very small community initiatives that were then funded by Treaty settlements. Where schooling systems are community-owned, so compulsory education systems, they are usually  
 10 independent and privately funded. But I'm not aware of any provision that allows for those to exist in Victoria, but I may well be incorrect.

**COMMISSIONER LOVETT:** May be an easy one to lighten it up to finish off. What keeps you inspired and motivated about the work that youse are doing?  
 20

**DR MATI KEYNES:** Great question. Thank you, Commissioner. I'm inspired by the historical record which is replete with, as you all know, these stories of systemic resistance, self-determined education, campaigning is incredibly sophisticated political activism for education of First Peoples own design and also  
 25 all the stories of these incredible learning sites and spaces where First Peoples children have thrived and, yeah, learning that history and trying to get those stories out there and shift this discourse of deficit and so on. That's what inspires me to get these stories out there as much as I can.

**MS HAYLEY McQUIRE:** Yeah, thank you for that question. I think what inspires me is, I honestly just think our young people are so deadly, like, I feel like we have so many amazing, incredible Aboriginal and Torres Strait Islander young people across this continent who are - who want what's best for our communities and who want to care for our place. And I think it's our responsibility as adults  
 30 and it's the responsibility especially of the state where we say we make the promise to the next generation that we are going to prepare you for your future that we actually deliver on that.  
 35

And within that, we make room and we make space generation for multiple  
 40 futures and multiple learning ambitions that serve the interests of our young people. I really think our children and our young people are so precious. They have a lot of responsibility and it's really - it's really on us to create the types of learning and environments that are fit for them and fit for their futures, fit for  
 45 Indigenous self-determined futures.

**MS FITZGERALD:** Associate Professor?

**ASSOCIATE PROFESSOR NIKKI MOODIE:** Just to echo what Ms McQuire said, the most inspirational things for me when I see the impact of cousins who go to school together, of kids who are learning their language and understand their responsibilities and they know that they belong to something, that's not just the  
5 country of Australia. They understand that they belong to people. They understand that they belong to place, and they have a sense of their obligations and responsibilities. And when we see that, when we see people, young people who have that opportunity, they can see the future. They understand what it means to be a proud, knowledgeable, expert First Nations person. It changes the world, and  
10 it has the potential to change the world for everyone who's in it.

As we face existential threats of climate change, it's First Nations knowledge that shows the way about how we're going to need to live together. It's First Nations knowledge about how we come together to be in relationship with each other in  
15 fair and just ways and when we see the strength of our people together, there's nothing that we can't achieve, and I continue to be inspired by that.

**MS FITZGERALD:** Thank you, panel. Commissioners, we have obviously another panel. Given the time would it be appropriate to take a 10-minute break?  
20

**CHAIR:** Indeed, yes.

**MS FITZGERALD:** Until 2.50? Just a quick set-up so we don't have a late  
25 night?

**CHAIR:** Yes.

**MS FITZGERALD:** Thank you panel.

**COMMISSIONER LOVETT:** Thank you.  
30

**COMMISSIONER NORTH:** Thank you very much.

**<THE HEARING ADJOURNED AT 2.41 PM**  
35

**<THE HEARING RESUMED AT 2.58 PM**

**CHAIR:** Ready to resume. Thank you.

**MR GOODWIN:** Thank you, Chair. If the Commission please we now have a panel of experts in housing and homelessness, and I'll give them an opportunity to each introduce themselves. But just by way of summary, we have  
40 Jenny Samms from Housing Choices Australia, Dr Heather Holst, the Commissioner for Residential Tenancies, Professor Wendy Stone from Swinburne University and we have joining us online, Associate Professor Andrew Peters  
45 from Swinburne University. I might first allow Dr Hilly to announce her appearance on behalf of the Commissioner.

**DR LAURA HILLY:** Thank you, Chair, and thank you, Commissioners. My name is Laura Hilly and I appear on behalf of Dr Heather Holst who is the Victorian Commissioner for Residential Tenancies. I want to acknowledge the Wurundjeri people and pay my respects to the lands upon which we meet today. I acknowledge that sovereignty was never ceded. And I would also like to acknowledge all First Peoples here today in the room and who are watching online and pay my respects to their Elders and to the ancestors. Thank you for the opportunity to make this acknowledgement and Dr Holst will also, at an appropriate time make an acknowledgement.

**CHAIR:** Thank you all. Welcome, Jenny, Heather and Wendy. Also welcome to Andrew, Professor Andrew Peters. Thank you.

**MR GOODWIN:** Thank you very much, Chair. I might just then start with Jenny.

If you could please introduce yourself to the Commissioners and explain your role thank you.

**MS JENNY SAMMS:** Thank you, Tim, and thank you, everyone, for having me here today. My name is Jenny Samms. Before I go further, I would like to acknowledge Traditional Owners, the Wurundjeri Wurrung people, pay my respects to Elders past, present and emerging and also note that the land hasn't been ceded. I work for myself and a bit for everyone these days. You mentioned Launch Housing, Tim, I'm on their board, I'm not part of the staff of the organisation, I'm on a few other boards. I co-chair a subcommittee of the implementation working group for the housing strategy, Mana-na woorn-tyeen maar-takoort and the subgroup is focused particularly on implementing the blueprint for a reformed homelessness system for Aboriginal people.

I am on the IWG and the Aboriginal Housing and Homelessness Forum, et cetera, et cetera. I was CEO of Victorian Aboriginal Housing between 2017 and I was a public servant for about 35-plus years. So that's me.

**MR GOODWIN:** Thank you, Jenny.

And then, Heather, if you could please introduce yourself to the Commissioners and introduce your role as Commissioner for Residential Tenancies as well.

**DR HEATHER HOLST:** Thank you chairman. I too will start with an acknowledgement to pay my respects to the Wurundjeri people as the Traditional Owners of this land. I pay my respects to the Elders, past and present, to the Elders of any other communities who are here and all Aboriginal and Torres Strait Islanders joining us one way or the other today.

So I am currently the Commissioner for Residential Tenancies. That's a role I've held since 2018. It's the first time such a role has been, in Australia, actually. So the Victorian Government made this appointment in 2018 in recognition that the voices of renters were too soft, too faint in the policy-making process. So my  
5 brief is to be an independent voice unashamedly on behalf of renters. I have a long background in housing and homelessness, having started as a volunteer at the Tenants Union in 1989 when I got huffy about my landlord pretty bad.

10 And I've worked in housing and homelessness ever since then including Home Ground, Launch Housing, four years previously in homeless policy in the Department as well. And I also am a historian, that's the doctor, so, yeah, I have got that background as well. One more thing I'd say is that I'm also a member of the implementation working group that Jenny has referred to for Mana-na  
15 woorn-tyeen maar-takoort, yes.

**MR GOODWIN:** Thank you very much. And, Wendy, if you could please introduce yourselves to the Commissioners and explain your role at Swinburne University.

20 **PROFESSOR WENDY STONE:** Thank you, Tim and thank you, Commissioners. I would also like to begin by paying respects and acknowledging Country so I pay my respects to the Wurundjeri people, to Elders, to emerging leaders, past, present, and acknowledge that the lands are unceded and are unceded, and also take an opportunity at this point to acknowledge much of the  
25 research evidence I'll be speaking to today has been informed by people across the lands of Victoria and Australia, and really acknowledge that input. Thank you.

I'm based at Swinburne University of Technology and along with my colleague, Andrew Peters and I work within the Centre for Urban Transitions. We are very  
30 interested in the ways that urban processes can produce and distribute opportunity, but also where that goes wrong. And so this centre intersects with a long interest of mine across my career around social justice and equity. And I suppose the reason that the expertise I bring today is broadly across the intersection of housing policy with social policy and specifically also in relation to an Aboriginal private  
35 Rental Access Project that was conducted with a steering group and which Heather and Jenny were part.

I guess my career started at the federal level at the Australian Institute of Family Studies. And so I bring a perspective around life course, life stages and also  
40 communities, not only about housing is built form and shelter but also what it can provide and what it can enable people to achieve. So thank you very much.

**MR GOODWIN:** And then online, Andrew, just provide you an opportunity to introduce yourself to the Commissioners and explain your role at Swinburne  
45 University.

**ASSOCIATE PROFESSOR ANDREW PETERS:** Absolutely. Wominjeka, Tim. Thank you very much. Thanks for having me. I was going to say it's an honour, but it's partly a responsibility. It's great to be able to participate and it's wonderful to have this voice heard, particularly by such esteemed people here. I'm  
 5 a Yarra Yarra, Yorta Yorta man with also Ngurai Illum Wurrung, connections to Wemba Wemba as well through my mother's side of the family, Aunty Dot Peters, the late Aunty Dot Peters. I obviously acknowledge Country as well. I get the pleasure to work on Wurundjeri Country where I grew up every day.

10 My role at Swinburne, I'm an Associate Professor of Indigenous Studies, so I generally look after the Indigenous Studies undergraduate program at Swinburne and involved in a range of projects across the university. A few years ago, I worked with a colleague, a former colleague of Wendy's on a national  
 15 homelessness research project where we looked at particularly the effects of homelessness on Indigenous people. And my contribution there was obviously looking at cultural aspects of both the research process and the results, and talking to Indigenous people, and so I joined this project as well.

20 Wendy invited me to join in the same vein. So I contributed to developing and structuring an Indigenous research protocol around conducting the research in obviously culturally appropriate and respectful and safe ways. Talking to the Indigenous participates as well and also adding a cultural lens, I guess, to the data  
 25 analysis and with my background. I've been at Swinburne for 25 years as a lecturer and a few years before that as a student. Grew up in Healesville, so very strong connections to the community through Coranderrk. So very well aware of a lot of these issues too. Myself, growing up with mum in an Aboriginal Housing  
 Commission house. So yeah, that's what I've brought to the project - hopefully.

**CHAIR:** Thank you. Thank you very much.  
 30

**MR GOODWIN:** Thank you, Andrew. So just turning back to you, Heather, could you just briefly explain the function of the Commissioner for Residential Tenancies and its key responsibilities in the Victorian Government landscape?

35 **DR HEATHER HOLST:** I'm appointed by the Minister for Consumer Affairs. So even though my work sits in housing, rental policy is the responsibility of Consumer Affairs. So that's where my Minister sits. So I'm there to advise that  
 40 Minister and the Department. So I get involved in new policy areas in recommending things that need to be considered. I also work across into Homes Victoria a fair bit, sometimes with the central agencies of Treasury and Finance, Premier and Cabinet, but more often Consumer Affairs and Homes Victoria would be my main ones. I also do quite a lot of work trying to together the different  
 45 parties who work on renting, because there's a lot of different elements to it and they don't always pull together, basically.

**MR GOODWIN:** And in terms of, I suppose, specifically in terms of residential tenancies, I assume that that also means that you are engaged with, and require

some level of understanding of various other systems that engage with residential tenancy issues. So, for example, the child protection system, the justice system, the health system, those aspects of it. Would you say that considering some of those systems issues is also part of your role?

5

**DR HEATHER HOLST:** I would, yes, absolutely. So, for example, specialist disability accommodation is now covered by the Residential Tenancies Act. So the situation for people who need that sort of accommodation, who are perhaps covered by the NDIS, perhaps under guardianship, who come into contact with a different section of VCAT, all that kind of comes into my world as well.

10

I would say I probably have less to do with child protection and justice than I did when I was working in homelessness. That was extremely important, to be building programs that worked across those different entities, and domains. But, yeah, and I think part of the reason I was appointed was I could bring that knowledge with me into this role too.

15

**MR GOODWIN:** Well, we'll definitely pick your brain about those issues as well later on the panel. Just turning to you, Wendy, an element of your work is the Housing Futures Research Program at Swinburne University. I just wondered if you could briefly explain the background and work of that program to the Commissioners.

20

**PROFESSOR WENDY STONE:** Thanks, Tim. So I came into Swinburne to join senior colleagues who had established a very long program of work around things, aspects of housing, like the now quite well-known trends around declining home ownership in Australia, the increase in private rental, the decline in social housing. These are national trends, but they're also very much part of the Victorian picture.

25

30

So my work sits in a space in which we are using various forms of data analytics to track the components parts of each of these sectors, if you like, and the way that changes in one aspect of the housing system can influence others. So where we have barriers to home ownership and reduced access to social housing, we have a lot of pressure in the private rental sector. These types of trends are what we really kind of monitor and, in particular, who is most adversely affected, who is missing out on opportunity for housing, and particularly around housing precarity.

35

So one of the aspects of my work over the last, say, 10 years, is really tracking the ways that particular cohorts of people can systematically be disadvantaged in the way that the housing system in Australia has been changing. So some people are faring very, very well and with a financialised housing system that has benefitted some people, in particular. In particular we hear a lot about baby boomers. It is not that simple. There are people across generations who are disadvantaged by high and increasing housing costs. But there are some people, younger adults, single parent families, Aboriginal and Torres Strait Islander people and other peoples who can be identified as having really structural systematic disadvantage.

40

45

So on the flip side, the only, I think, good thing to come from this sort of crisis situation that we are in in housing is there are also innovation points that can be identified and I welcome speaking to those, if there's time today. One of the  
 5 insights from the pandemic interventions around housing security was that there are - there really is the possibility to actually intervene in ways in homelessness and housing precarity that became really apparent in that period and which we can build on.

10 There are also specific ways that we have identified in the project report that we will speak to more in detail where we did pick up on some innovations and some systems that could be potentially scaled up for real impact and improvement. So broadly to sum up, whether or not the component parts of the housing system act as a system in a coherent logical way, our work tracks and monitors those and  
 15 their impact on the lives of people and how people can in turn shape those instruments and those governance arrangements and the built form.

**MR GOODWIN:** Thank you. Jenny, I know that you've had a long engagement with the housing and homelessness sector, but I, in particular, just wanted to give  
 20 you an opportunity to discuss the Council to Homeless Persons and your engagement with the Council. What is that organisation and what are some of the key pieces of work that it does?

**MS JENNY SAMMS:** Well I'm not on it now and I think Darren Smith's actually  
 25 the so-called Aboriginal member. You can't be representatives when you are just one person. The Council to Homeless Persons is a peak body that represents essentially the specialist homelessness service sector. Heather, you can cut in if I get any of it wrong.

30 **DR HEATHER HOLST:** Yes.

**MS JENNY SAMMS:** I was on it for about three years and it was around the time of Mana-na woom-tyeen maar-takoort development which, from a consultant  
 35 point of view I took a lead role in, which as a secondary thing we did the Blueprint for Aboriginal homelessness reform. So I strongly believe we've got to have complementary mainstream. I don't like the word "mainstream", but I guess it's the easiest way to describe, mainstream systems against Aboriginal services. I have to say though at times I found it an uneasy relationship.

40 It wasn't unpleasant, but it was uneasy insofar as a peak body representing essentially the mainstream, not Aboriginal organisations. And it really brings out that thing where you are battling for presence, for appropriateness and for funding. So, you know I'm being pretty frank that. There was a lot of goodwill. I don't  
 45 think it's a helpful sort of form of organisation to provide any sort of reform or change for Aboriginal people experiencing homelessness.



**MR GOODWIN:** And that's partly why the Blueprint is around an Aboriginal-led homelessness strategy?

**MS JENNY SAMMS:** Yes.

5

**MR GOODWIN:** So I just want to step back and because we haven't heard evidence about the housing system from a bit of a bird's eye view, and to just get a sense of how, what you described, Wendy, as the structural and systemic disadvantages faced by Aboriginal and Torres Strait Islander peoples fits in that system more broadly. And so, Wendy, I'm just wondering, building on what you already have discussed in your answers about the housing system at large, if you could provide us with just a bit of a housing system 101 about how the landscape operates and how the key trends of change that have impacted on, or embedded structural and systemic disadvantage.

15

**PROFESSOR WENDY STONE:** Thank you, Tim. I suppose - I think to speak very frankly, I see housing and property rights as really fundamental, I suppose. The way that these are experienced and enacted today fundamentally relate to colonisation. We have a settler colonial system, which is based very firmly in private property rights. Australia is particularly private and individually focused in this regard, even compared with similar types of countries, the UK, Canada and so on. So we have, after World War II, a landscape in which home ownership was really encouraged and supported through policies.

20

25 So we have a relatively high home ownership or mortgage rate in Australia, sitting always around the sort of 67, 70 per cent mark on average across the country. Typically from that period to now, we've had also reasonably high public and community housing, so social housing sector, really to support key workers, families, the social housing sector has over this period and particularly in recent decades become one that responds in a kind of context of extreme scarcity really, to the needs of people increasingly who are living with very complex needs, really high levels of housing assistance need, support needs.

30

35 So it's really shifted over time in the composition of people who live within social housing despite perhaps not being retro fitted in other ways in policy terms. And similarly, I'd say with the private rental sector, I'll get to the point around Aboriginal and Torres Strait Islander people shortly, but with the private rental sector, the work of the Victorian Residential Tenancies Commissioner, the office, and the innovations that Heather and this branch of the Victorian work have undertaken are really leading in Australia.

40

45 So with social housing declining, home ownership difficult to achieve and also increasingly difficult to achieve, the pressure in the private rental sector means that this is the site where people are living now long-term and it's a very, very precarious part of our housing system. We used to think of this as a transitional sector, it didn't get a lot of policy attention, because people weren't living in it

long-term. Where as it has shifted, people are renting in this sector for life, potentially for long-term. It's highly precarious.

5 So for Aboriginal and Torres Strait Islander people, I think just very broadly, very, very broad-brush statements and from a non-Aboriginal Australian perspective, but working across this sort of sphere for a long time, I think that there are points of disadvantage across this whole system. So the ability to afford home ownership, the ability to gain a loan to be assessed as suitable for a loan depends on a range of factors. So it's employment, income over a certain level, and often it  
10 also requires in practice, if not in law, sort of double income to achieve the rates now that we need, for people to afford home ownership now, these are really, really hard hurdles to get past.

15 Social housing has become so marginalised and so whittled down, including in Victoria that it's actually really a site, which we learnt in our research prior to the Aboriginal Private Rental Access Project, in other work I've done around housing aspirations, nationally, that despite private rental being really not a preferred tenure overall for most people in Australia, it is increasingly becoming a tenure that Aboriginal participants that we have spoken with were looking to as a means  
20 of achieving a greater level of independence, than they perceived to have in some cases from - in comparison with social housing. So including within this project, so comparing Aboriginal Housing Victoria with private rental.

25 Parts of the system are really problematic in that intersectional disadvantage comes into play to lock people out of the benefits of home ownership, and increasingly I guess the deep dive that we were able to take in the project was to look at some of the quite insidious ways that the points of discretion within housing systems, and points of lack of data transparency can enable, in my view, direct racial discrimination and/or systemic intersectional discrimination to occur.  
30

The compounding effects of those mean that where people, Aboriginal and Torres Strait Islander people, cannot access home ownership or social housing, private rental really is the main other option. Where people are locked out of private rental or even in private rental, private rental can be a really precariously  
35 experienced housing form. Leases are typically short-term compared with other countries. In Australia typically a lease is 12 months. Some countries have indefinite life leases, tenure leases, these kinds of really secure sort of rental sectors. We don't, despite some progress in this regard including through the work of Heather and other colleagues.  
40

So private rental precarity is a pathway to homelessness. It's a known pathway to homelessness. And the impacts of homelessness I think we all are probably well aware of, can include at the most extreme reduced life expectancy, violence, trauma, retraumatising and the systemic effect that actually causes harm. I think  
45 we have heard and we know from our evidence that not all Victorian Aboriginal people are doing badly, if you like, in the housing system, as a whole.

There are really some good points of opportunity around home ownership support programs and Aboriginal private rental assistance programs. But overall, we live in an increasingly financialised, ratcheted up, high-cost housing system of private property rights in which it is very, very difficult for people to compete for housing if they're effectively not just a dual income, high income sort of household and that really disadvantages people.

**MR GOODWIN:** Thank you, Wendy. Andrew, if I can bring you in at this point. As an Aboriginal researcher, we will get into the findings of the Rental Access Project shortly, but I'm just interested in your high-level thoughts. As an Aboriginal researcher, who came into this project not with a direct expertise in the housing sector, but obviously very quickly having to come across some of the issues that Wendy has discussed, what are your high-level reflections on the structural and systemic disadvantage faced by Aboriginal and Torres Strait Islanders in the housing system following your involvement in this research?

**ASSOCIATE PROFESSOR ANDREW PETERS:** Basically, I wasn't surprised by what we found at all. As I said, having lived it, I'm a private renter myself at the moment for a variety of different reasons and as I said, I grew up with mum on a single income as a sole parent in the Aboriginal housing sector. So I had some insight and experience into that but I wasn't surprised by what we heard and what we found out, particularly around the experiences of people trying to enter private rental. Private rental is, for Aboriginal people in particular, I think it's seen as a rather exclusive market and it's not something that we enter into equally as other people.

You know, for a lot of non-Aboriginal Australians private rental is a convenient interim housing condition, I guess, particularly for people who are in between buying houses or saving up to buy a house. There seem to be a lot more options for non-Aboriginal people to use private housing rental for their advantage. But for Aboriginal people, in a sense it's almost like a last resort.

And the, yeah, the experiences and some of the case studies that we found, as I say, certainly didn't surprise me because I'm very well aware of the systemic issues that we face in this country in a range of areas, not least of which in the sector of housing. And that was sort of underlined for me too with the experience in the homelessness project that I did a few years before this one.

So, as you say, Tim, I certainly needed to get up to speed on the particular issues of the housing sector, but those cultural and social issues that stem back, that are systemic problems nation-wide in a range of sectors, you know, came to the fore, and as I say it's sad to say it didn't surprise me when we came across them.

**MR GOODWIN:** And, Jenny, you've written previously about, in particular, Aboriginal homelessness being a post-colonial legacy and that was where Wendy started, when she was discussing Aboriginal and Torres Strait Islander disadvantage. And in an article you wrote that:

5 "Aboriginal homelessness' roots lie in the extreme dispossession Aboriginal people have experienced from land, dispossession of land, denial of culture and language, removal of children and exclusion from the mainstream economy."

Just based on your experience, could you describe the impact that that historical disadvantage has on exclusion and homelessness today?

10 **MS JENNY SAMMS:** Yes. Sorry. It's so deep and goes so far and wide. I think absolutely, you know, Aboriginal people weren't homeless, unless there are extreme probably natural sort of circumstances or environmental circumstances, until the land was colonised. In Tasmania of which I'm not an expert, in Victoria I don't claim to be an expert either, but you know, closer to it. I think one of the  
15 things we've all got to recognise is the speed of the dispossession, the speed of the killing was far greater than in most other jurisdictions, or what became jurisdictions. And we saw people coming in with the experience in Tasmania. They knew what to do, they knew how to move quickly, get the land, and they did it very quickly in Victoria.

20 So, you know, far south-west we saw what happened when the Hentys and others came in. So you had that immediate, you know, plundering, breaking up of families, lands, housing, and you looked at Victorian history and there were periods where Aboriginal people in, you know - sorry, it's a great generalisation  
25 because it varied across the state did re-establish themselves when the gold rushes were on, people were selling possum skin cloaks to the miners because it was very, very cold in Ballarat. They had income, they had enough often to set up small landholdings. They were taken away.

30 The soldier settler story, which we know, but your land was taken away and given to non-Aboriginal soldiers. It kept going and so every time - I could go on with those stories and probably you've all got them in your mind. But every time you popped your head up, every time you became economically independent or stepped towards it, it was taken away. So what that does to your spirit, what that  
35 does to just your energy to keep on going, to drains you beyond imagination.

Turning that into the experience of homelessness today, and one of the things that's really stuck in my mind as well was the Cultural Safety Framework I did for the Council to Homelessness Persons and consulted quite extensively, that was  
40 during COVID, so you are managing Zoom consultations with people that probably weren't into Zoom including me, but was the load that people were carrying, Aboriginal people, first in fronting up to a homelessness entry point. That was the first and really hard thing. And it brings back all those memories, as one person who is very well-known, it's like the Jacks again they're going to get  
45 our kids, we can't go there.

To actually get into the building was the first triumph and the first thing to feel proud about. But then the circulation of people, referring them around, around retelling the story. One person even said to me, he said, "Excuse me I hope I don't offend anyone. I get all these white woman, over and over again, I can't stand it. I'm not going back." So that lack of sensitivity, that lack of understanding and being treated as a curiosity, again people, they just completely disengage and once they do that they are sleeping and sleeping rough forever, just about.

I don't like the sort of narrative about Aboriginal homelessness is of a spiritual nature. It isn't. I'm not - all of what I've said, all of what I've talked about, dispossession from your Country, community, et cetera, et cetera, does create this spiritual loss. The trouble is that that can become the excuse for doing nothing. So Aboriginal people who are homelessness, like everyone else, need somewhere to sleep that's safe. They need some friends. You absolutely need friends and when your friends become the people you are sleeping rough with, that's a very hard thing to break and you don't necessarily want to do that. Because people become lonely and again that creates its own problems.

They need longer term housing. They need service support and they need reconnection with community, which may be the community you came with and it may not. It may be a new community that accepts you. It's one of the things ACCOs generally do very well. You come to a ACCO that might not have the resources and we can talk about that separately. But I've seen it over at the league over and over again, this attempt to connect you back into community. You know, "Come to the footy on Saturday". That's what we do.

I don't know if that even answers your question but that's where - that's what I think is the situation, really. Now, of course, at the moment because of all the things Wendy has talked about and Heather, and scarcitive housing, cost of private rental alongside things like family violence, we have more Aboriginal people who are homeless just like the rest of the community but there's this deep core and some particular features that are unique.

**MR GOODWIN:** I want to talk about the crunch on social housing in particular. The Commissioners have already heard evidence of just in broad figures, the lack of social housing availability and, Wendy, you've described that as a more general system trend as well that puts particular pressure on Aboriginal Victorians. If I can just go to the PowerPoint, which is the review of the social housing regulation from October 2021. And if we can go to page 6, slide 6, because I think that provides a neat - if we can just focus on the right columns - provides a neat summary of the current position where just by way of summary, you have a fast-growing population in Aboriginal Victoria. From households, 23,000 households in 2016 to more than 50,000 in 2036.

You have historical complex disadvantage, which manifests in higher rates and numbers of child protection interventions, single mothers, family violence, contact with the justice system, a number of those aspects. And then you have a group

accessing homelessness services at the fastest growth rate in Australia and lower rates of home ownership, and barriers to private rentals, so some of the things that we've been discussing. Then that results in some of the data that's collected on the right, and maybe we'll just highlight that data on the right, so it's easier for everyone to see.

**CHAIR:** Excuse me, counsel, have we got that in our folders, that one?

**MR GOODWIN:** I believe so.

**CHAIR:** What's the front page look like?

**MR GOODWIN:** It looks like this Review of Social Housing.

**COMMISSIONER NORTH:** I don't think we have it.

**CHAIR:** I think those were outside of the copier.

**MR GOODWIN:** Yes, I will see if someone is able to bring those in. It's just a summary of some of the particular data. So that results in extreme levels of unmet demand for social housing where one in five Aboriginal Victorians are seeking housing through the Victorian Housing Register and one in four Aboriginal households live in social housing where in circumstances where only one in 50 of the general population households are in social housing.

So, Jenny, I might just start with you, particularly based on your experience at AHV. What is the impact of that type of level of demand on the social housing sector from Aboriginal Victorians?

**MS JENNY SAMMS:** I'll just declare that, in fact, I did that work for the Social Housing Regulatory Review, and would it have been two years ago now?

**UNIDENTIFIED FEMALE:** Yeah.

**MS JENNY SAMMS:** The situation has got worse, unsurprisingly. Aboriginal people are also more likely to be in the priority groups in terms of needing housing which makes it difficult. The direct - sorry, I'm just gathering where I start. The CEO of Homes Victoria has committed just last week to bringing regular data to the Aboriginal Housing and Homelessness Forum on the Big Housing Build and the number of houses that are to be built by Aboriginal organisations or for specifically targeted to Aboriginal people. So that will help.

We've had a situation where the number of houses that Aboriginal Housing Victoria holds has being pretty static. The community housing providers, which are probably the smaller in number of houses but the growth area, were doing pretty badly on the whole in terms of housing Aboriginal people. There has been improvement and I think that is a little bit to do with the broader recognition of

Aboriginal issues, Treaty, self-determination. I think that has helped the situation, so there's been a bit of uptake. But the only growth area, given the lack of overall growth, is public housing.

5 Now, you know, they're doing the heavy lifting in many respects in terms of growth, but it doesn't provide the choice and it doesn't necessarily provide the geographic spread that is required and it doesn't provide the community sort of approach. And I just want to briefly go back to something Wendy said. We had a public housing system in Australia, in Victoria, where, you know, key worker housing, all of those things were normal. People expected to have housing, public housing long-term and that's changed over time. But Aboriginal Victorians and particularly the people who were resident in our houses, saw this housing as a right and a restitution, in a sense.

15 It was about, you know, "You've taken our land, you've taken away our houses and now we're living in this house and, of course, we've got the right to that", which actually translated in thinking you did not have to pay rent really and I understand that. Part of the logic of Aboriginal Housing Victoria being established by the government, there were the nice parts of, "Let's have a bit of" - probably not called self-determination in those days but the real logic was that if it was that housing was run by an Aboriginal organisation, people might feel obliged to pay their rent and the vast majority do without any doubt. It really picked up.

25 So there's sense of, "This housing is a right and not only is it my right to be living in this housing, when I pass, my children should get it." But that's not how the social housing system runs and I'm not even necessarily saying it should be how it runs, because that would create blockages. But nevertheless it tells you something about what people want, what they believe is right and their aspirations. They want a house, they want it passed down through the generations and that doesn't necessarily work. So there is extreme pressure because of urgent housing need, but also about having a house for life and I think that's a really important part of it.

**MR GOODWIN:** And we have got the slide pack now and sorry, Commissioners, that was provided to the Commission at 11 am this morning so that's part of the reason why it's not part of the folder.

40 So, Heather, I saw you nodding vigorously at a particular moment. So did you want to share any particular reflections? I know your focus as Commissioner is on residential tenancies, but just on the pressure on the social housing some time currently and its impact for Aboriginal Victorians.

**DR HEATHER HOLST:** Yes. Thanks, Tim. I was one of the three panellists, we had the good sense, Jenny, to actually do the work with Aboriginal communities of Victoria, so that we had a proper section and look - look at that. But I suppose the point that has really been coming back to my mind as I've heard my other two panellists speak here today is the absence of ownership, of home ownership. So what Jenny has just described as what people rightly expect and

need, which is a home that they can build on and can pass to their children, you know, all those things that home ownership gives you. It's because there's so little home ownership relative.

5 The housing system that you were describing, Wendy, in Australia is sort of underpinned, as you said by this expectation that had will be geared towards ownership. Well, Aboriginal Victorians had just on 45 per cent home ownership at the last census in 2021 and that compares to 68 per cent for mainstream  
10 Victoria. So this is the missing piece and it's an absolute prop. So, you know, my young people, for example, knew that they might be privately renting, but they could come back if they had to. There was somewhere that was owned. They could come to - you know, all those intergenerational transfer issues both in how people are here now with such low ownership and how they can boost their next generations as well.

15 So I felt it's not exactly your question, Tim, but I thought it was an important point to make. The other one I would say is despite the difficulty of private rental for Aboriginal Victorians, there are way more proportionately in private rental. So when I first looked at this, I have to admit to some surprise because I had assumed  
20 that the discriminatory barriers and the sort of unfamiliarity and the unpreference for it would mean that actually the figures were low. Well, in fact, they've got to be somewhere. So if they're not able in ownership, the social housing as described has not kept up with the demand, where they are is in private rental. So 39 per cent at the census, last census '21, of Aboriginal Victorians were living in  
25 private rental and that's about half again as many as the broader population.

So private rental has to be better because here is where people are now. While is work is done to catch up on the 30 year backlog essentially of building social housing and keeping pace with social housing, work has to be done on bridging  
30 those gaps into, or bridging, yeah, the gap, into home ownership but in the meantime here is private rental housing. So many Aboriginal Victorians and it has to be done better.

**MR GOODWIN:** My understanding I think from the submission of the  
35 Aboriginal Housing and Homelessness Forum is that that figure of 47 per cent of Aboriginal Victorians owning their home is probably inflated, because about 17 per cent of Aboriginal Victorians failed to complete the census and one might assume that those 17 per cent that at least some of those 17 per cent didn't complete the census, because they're homeless.

40 **DR HEATHER HOLST:** Indeed. And the other thing to say is that the owning outright figure which is the sweet part, if you own it outright with no debt, that's lower again. So that's 15 per cent, broader population, 32 per cent.

45 **MR GOODWIN:** So half of the Aboriginal population own their home outright compared to the general population.



Andrew - we can bring down that slide, thank you, operator. Andrew just to bring you in some – someone with both lived experience and research expertise in some of these issues, I just wondered if you had any reflections on what Heather just discussed in terms of that lack of home ownership and the lack of

5 intergenerational wealth creation for Aboriginal communities that that often entails. I think the Aboriginal Housing and Homelessness Forum called it the lack of access to “the bank of mum and dad”. Do you have any reflections on that, both from lived experience and your research?

10 **ASSOCIATE PROFESSOR ANDREW PETERS:** In terms of research, Tim, probably not so much, but definitely the lived experience, you know. That is my experience, for one and I know a lot of other Aboriginal people are in the same boat. But through the research we did here too, I guess we are going to talk

15 shortly about intersectionality but it's that, the nature of the financial sector too that is so heavily invested in the nature of capitalism, which inherently creates wealth for those who have wealth, that Aboriginal people lack.

And I think I speak from personal experience here too, we lack, at the crucial times of our lives, we lack the financial literacy to understand long-term the

20 financial implications of not owning a home, you know, not having that ability to get financial help when you are young to save for a deposit, for example. And on top of that, is the fact that for a lot of Aboriginal people, owning your own home isn't a major priority, because it's such an individual thing.

25 I can remember mum, when I was young talking about - I remember asking when I started to understand the notion about people owning their house, why didn't she want to and she sort of said, "That would mean I'd have to keep my money". And mum was very "good" and I use quotation marks here at giving her money to other people when they needed it, but I did, as I got older, I got an appreciation of that

30 sense of community that a lot of Aboriginal people feel and that certainly my mother felt. That owning her home would have been good for her individually, but it wasn't the priority that it is for a lot of other people.

And because of that, that sort of, yeah, you know, put us as mum and I behind the

35 eight-ball a bit, which meant that I was - and I always felt behind a lot of my friends and peers at late teenage, early 20s stage of life because they had the ability to draw on family funds, which we never had any at all. And again Trav and I spoke about this at some point too that my mum in particular was a victim, not be the right word, but the post World War II allocation of land to soldiers. Her

40 father died in World War II as a prisoner of war and the family got nothing. So that to me is a very clear and personal example of that intergenerational impact of a lack of wealth that comes through home ownership.

As Wendy pointed out before, home ownership is particular important tool of

45 wealth creation in this country and we have been excluded from various aspects of that for quite a long time. And so my experience in terms of this research is more around obviously the private rental and earlier the homelessness categories, but

certainly there are obviously connections there. And yeah, the commonalities of these issues is something that, again, didn't really surprise me but it comes out. I think much like I talk about the referendum result last year, that I was saddened by the magnitude of it but not surprised and it's the same with this.

5

I'm saddened by the experiences and the magnitude of Indigenous people in terms of access to private rental and what their housing aspirations might be, but not surprised by what we found.

10 **PROFESSOR WENDY STONE:** Can I just briefly add to what Andrew and also Jenny and Heather? I think these are really critical points. In two ways, I guess, the community aspect of housing compared with our individual private property rights and the way that Australia tends to do housing. So there are two things just to bring your attention to. One is - I guess came up in the research project, the  
15 private Rental Access Project where I remember really clearly speaking with a young woman participant who had made a lot of trade-offs in her own life to leave a smaller regional town where she perceived that she couldn't access private rental because of racial discrimination. She was known to be an Aboriginal person in that town.

20

She moved away to Melbourne and she was able to access private rental. The burden on her then became her desire to also support and enact the responsibility she felt to not only the generational aspect that we're talking about in a really linear way so far, but actually the broader cultural community aspect. So when  
25 people from her regional town came to Melbourne there was an expectation on her that they would be able to live with her. She was acutely aware that she could lose her lease.

So this, the impact of forcing people who have actually potentially had to leave  
30 Country to gain housing to then actually potentially, you know, really damage community relationships, I found really striking and extremely sad and not unusual to that case in our research. The broader point around community and collaboration compared with individual property rights is that the part of - if we compare Australian housing in this landscape one thing I didn't really mention,  
35 which Heather has also been involved in some work on, is the idea some of the other countries we have knowledge and evidence about very, very viable and highly functional, more affordable collaborative models of housing.

And these particularly in Scandinavia, in Germany, in Austria, in some of these  
40 places operate in a very cooperative way, collaborative way. We are seeing a growth of interest in collaborative housing in Australia and my personal, professional evidence view is that these models of collaborative housing and co-operatives can be a far better fit with say community land trust models, self-determination and broader kinship care. If we think about housing as an  
45 essential infrastructure in the same way we think about hospitals, schools, roads, power, all the things, housing is an a essential infrastructure. We can extend that

further to think housing is an infrastructure of care and how could that be a caring system in Australia.

5 One of the ways is to bypass the capitalist model that Andrew mentioned and work towards collaborative options and I do think that there's a really important moment in Australian housing policy in which federally there are, you know, some ears open, there are points of traction around collaborative housing that may ultimately benefit Victorian Aboriginal people.

10 **MS JENNY SAMMS:** Can I add to that if you don't mind? In Mana-na woorn-tyeen maar-takoort we took the position that we didn't want to have a situation where all we were doing was arguing for more social housing and going back, begging every year; that we wanted to break that link. And some ministers were quite critical of us because they said, "Well, you know, you're not -  
15 you've got to hang on to that because otherwise you won't have anything" and there's an element of truth.

And we were pretty strong and I think it's probably got a bit lost in the busyness of other things that it was about community and private ownership and people would  
20 have choice in that. But the point is that it wasn't just about public housing and it wasn't just about individual ownership. It was about independence from government and the private rental market, really.

**MR GOODWIN:** Before I move to the private rental market directly, Jenny, you  
25 were the CEO of AHV at the time of the transfer of over 1,400 titles from Homes Victoria, what was then Homes Victoria to AHV. And the Commission has heard evidence this morning from Darren Smith in regards to that particular transfer, and its impact. And I just wondered whether you had any personal reflections on both the opportunity that that presented for AHV, but also some of the challenges that it  
30 presented.

**MS JENNY SAMMS:** Yeah, sure. It was a hard period, but it was incredibly rewarding. When AHV was established and it was really taking the landlord  
35 function from parts of public housing, there was a lot of support and assistance from what was the old Housing Commission or whatever it was at the time, not Homes Victoria, in putting in place landlord systems, rental, and the beginnings of maintenance. So there was that help and support and it was established, but it got into a bit of a mess, I must say.

40 The long-term aim of Elders had always been ownership of the properties. It got to the point with the sort of lease arrangements that the government was proposing that we would have gone broke if we didn't own the properties, because you couldn't do the proper maintenance and upgrades without ownership and you  
45 needed the critical mass, which we had. In the first instance, we discovered that, in fact, what the Minister had in mind for us was handing over 150 houses and leaving us with 1,350 that we were managing as the landlord with no ownership which actually would have sent us broke very quickly and quite frankly there was

a friendly public servant in a senior position behind the scenes who saw that and assisted, which was very important.

5 However, we didn't get any - we might have got a bit of moral support. We got no support in terms of systems. In fact, we - the bar was set incredibly high. Like, how can you prove the financial economics of sustainability, sustaining the quality of the housing which the rest of the system doesn't do, as we know, and, you know we had to project out 40 years and all the rest. But what is your asset planning?

10 And the nature of the portfolio with these dispersed set of houses across the whole state and not apartment housing and all the rest meant there was no blueprint anywhere for doing that and Darren Smith probably admit it because he as modest chap but he is very intelligent, he is an engineer and all the rest of it. And he actually devised the model for the asset planning. It was his intellectual, no one  
15 else's but we got no help at all. I think both of us are a bit bloody-minded and when people suggest we can't do something we think we can.

We just did it but it was really, really hard. It was not facilitated, there was not assistance and right up to the very end there was resistance from certain parts of  
20 central agencies, because they were handing over ownership of stock, I recognise that. But really, we just crossed every hurdle at every point and pulled it off. I don't think that's the best way of doing things, frankly. Like, you know, it took enormous intellectual and emotional energy to do, but we did. And what has it meant?

25 That certainly meant there's critical mass. There's the beginnings of new developments with AHV, but it also provided that platform for advocacy and collecting the ACCOs, in other words the sector around us and doing this more broad work, which would never have been done. We wouldn't have Mana-na  
30 woorn-tyeen maar-takoort. We wouldn't have the Blueprint. We wouldn't have done the private rental work. So that's the soft edge of it. Most people don't look at that as a product of, you know, the critical mass that you got because you owned the properties, but it is. It really is and it provides that means of advocating and leveraging for the greater sort of benefit of the community.

35 **MR GOODWIN:** So then moving - the Commissioners have the Framework and the Blueprint, and the detail of those documents, so I won't spend time going into those in any particular detail. But one of the recommendations from Mana-na  
40 woorn-tyeen maar-takoort was to do - because of what Wendy and others have described about the growth of the private - of Aboriginal Victorian participation in the private rental market over - based on census data, it was recommended that your office, Heather, engage in a research project into barriers faced by Aboriginal Victorians in terms of accessing the private rental market. And that resulted in the  
45 piece of work commissioned by Swinburne University involving Wendy and Andrew, the report 'Excluded from the Start't, Aboriginal Private Rental Access in Victoria.

Just starting with you, Andrew, I might, in regards to the report, I know this is not directly the topic for the panel but you mentioned it in your opening, the methodology used in the report and your contribution to that methodology, which was guided by an Indigenous knowledge framework in which the findings are based in the story-telling and perspectives of Aboriginal Victorian people. I just wondered, while we have you, this being a truth-telling Commission that also is heavily based or basing its findings on First Nations story-telling, just your explanation of that methodology and its importance.

10 **ASSOCIATE PROFESSOR ANDREW PETERS:** Yes. So essentially research often and historically from universities and particularly if it's - when Indigenous Australians are the focus of that research, has been done to Aboriginal people. So it's an external, disjointed, disconnected observation, if you like, of Aboriginal people and their issues. So the notion of an Indigenous knowledge framework looks at embedding Indigenous ways of knowing, being and doing into the process itself, as well as the collection of data from Indigenous people and then reporting that back to the Indigenous people so really succinctly try and put it, Tim. We wanted to make sure that the Aboriginal people felt that it wasn't us just collecting data from them to report to the government.

20 This was us trying to provide a vehicle for their stories to be told as they want them to be told to the relevant authorities, the relevant departments, the relevant organisations to actually listen to what the issues in this private rental space are, from their point of view, not sort of taking the view of, from a bureaucratic point of view what can be done, but essentially just looking at what needs to be done. So in the report we tried to use as many direct quotes as we could to emphasise that voice and that notion of - the fundamental notions of connection, developing rapport with the respondents and the participants, and trying to, I guess let them know about us.

30 The important part about yarning in terms of research is letting the participants know who you are as well, because you are essentially asking them to tell you who they are. So that notion of story-telling was something that we tried to embed in the report to, I guess, give more clarity and more volume to the Indigenous voices that we were hearing in the data collection. Does that answer your question?

40 **MR GOODWIN:** Yeah. No, thank you very much. And just turning to the report itself, if we can go to the report, which is titled Aboriginal Private Rental Access in Victoria: 'Excluded from the Start' and go to the figure at page 12. It's a summary figure with both barriers and problems, and opportunities and solutions for Aboriginal Victorians seeking housing. If we can just turn it on its side, thank you.

45 So, Wendy, if you could just, please - well, sorry, a question first. One of the frameworks used to consider Aboriginal Victorians experience of the private rental market was what is called 'the renter's journey'. I wonder if you could

briefly explain what the renter's journey was or is to the Commissioners and how it informed the findings?

5 **PROFESSOR WENDY STONE:** Thank you, Tim. So as well as the framework that Andrew has just described what we wanted to do was to compliment the kind of the higher level, bird's eye view work that we generally do. We had this opportunity to be invited to conduct this work, which is much more of a deep dive into the lived experience of private rental. So a census might show numbers change over time, over, you know, every five years.

10 What we wanted to do here was look at the whole journey from the way that people may begin to imagine the private rental - privately rented housing as even an option or not for them, through to that sort of searching, looking, how do peel even begin to access this type of housing. What then is the experience of those processes of access points. How are they navigated, what are the power plays in that, what are the emotional worlds around that, what are the impacts.

15

What are the practical and experiential aspects of applying the private rental, that's really tough. I don't know if anyone here recently has done this. It's a really hard process and can be to apply for these type of system access points. So what was that like for private rental? What was the experience of participants in our study of actually gaining a lease, being offered a place to live in the private rental sector, moving in, actually managing that relationship between the real estate agency often, landlord, the built form, you know, the dwelling, maintaining that? What is it like to live in that? How are people managing the cost of renting and all of the associated reporting aspects of that, having inspections and those kinds of things? What was that experience like?

20

25

And then also what are the possibilities then of moving around? We know that, as I mentioned earlier, leases in Australia are typically 12 months. In reality they're actually shorter. They are between six and eight months often because people move more frequently or people are evicted, so on average they are shorter than 12 months. So what's it like for people who, for whatever reason are leaving one dwelling and still wanting to move into another private rental dwelling, what is that process like. That's all about bond transfers, all of these sorts of processes.

30

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It's about having references and so on. So we took a framework that was developed actually by the Consumer Policy Research Centre. Thank you, I knew there was a 'C' on the end. And worked closely with the steering committee, which Jenny and Heather were members, as well as Victoria Legal Aid and AHV, and we asked people about all of these different stages and at each point of this we looked at barriers and problems experiences as well as asking about potential solutions thinking.

40

45 A third framework we used was around housing aspirations. This was something I developed over quite a number of years now in larger parts of my work around really, you know, how well does anyone's housing meet their current needs. What

is their aspirational housing? In order to really have your needs met whether it's to keep your children at school, to get to that job, to do that training, whatever it is, to care for your mother, what housing is needed? And if you don't have it, what is the aspiration? How do you get from A to B? How do you get to the housing?

5 What are the points of resourcing that you may need to get there? We also use this aspirations framework to understand how people were thinking about private rental as a viable and even positive or negative option.

10 **COMMISSIONER LOVETT:** Can I ask what, if any investment has been committed to the implementation of this framework? It's pretty extensive.

**PROFESSOR WENDY STONE:** I think that's probably a question for Heather.

15 **DR HEATHER HOLST:** So the really different thing, I suppose about this from my point of view is it arose from a process that was already underway, Mana-na woorrn-tyeen maar-takoort (crosstalk). And we kind of could keep the momentum going and so subsequent to that, at the request of the Victorian Aboriginal Housing and Homelessness Forum, we have set up an implementation working group. I co-chair that with Glenn Pellegrin, Bunurong Land Council. And we

20 have 14 recommendations that were made actually subsequent to the delivery by Swinburne of the report and that was made with the Forum. So that the policy heads, you know, who had known all about this sort of stuff for years gave us the recommendations and we are working on those, and that implementation working group reports back to the Forum. It's convened until the end of this year and then

25 we will see how far we have got.

**COMMISSIONER LOVETT:** From a government investment point of view, has there been enough?

30 **DR HEATHER HOLST:** In each of the recommendations, never enough. Yeah, I beg your pardon. So there is - I think we have tendered you a document that has where each of them are up to. So you can see Homes Victoria are probably going better. You can see that there's work underway in some of the others. But the momentum and trying to make sure those investments are - it's a challenge, of

35 course, yes.

**MR GOODWIN:** Just in terms of the report, I know Excluded from the Start, Wendy, at a very high level, the report found that barriers arise for Aboriginal Victorians at every stage of the renter's journey due mainly to prejudice and

40 discrimination, as well as structural disadvantage, and the applying stage gave rise to the most barriers. We have the report and we have the detail of it, but if there were key takeaways that you wanted the Commissioners to know about what are some of those key findings that you would emphasise from the report?

45 **PROFESSOR WENDY STONE:** If I'm able to take the opportunity to answer your question but also maybe extrapolate, in my view, that moves away from the report a little. So the key findings were exactly that. Around that - that point of

access is where, as Jenny mentioned before, like attending somewhere to receive support if people find themselves in a homelessness situation. Similarly accessing, walking through the door of a real estate agent, understanding how to do that, here do that, where to go, this was a point at some people reported to us  
5 a great deal of nervousness, a sense of not having necessarily an understanding of what was expected in that process, limited support. There were overwhelmingly reports of perceived prejudice, people weren't treated well. Just a couple of quick examples.

10 A woman who was a non-Aboriginal woman working in an Aboriginal Victorian regional organisation who applied for rental housing for herself and her family was knocked back repeatedly and she couldn't work it out, because she could see actually in that town that that house she was applying for was still empty. So she took the organisation that she worked for off that form and she was offered that  
15 house. So that's just one example.

It's really, really hard to quantify or even really pin down cases of racial discrimination but my perception, my strong perception from this research is that those instances were likely to involve racial discrimination. We also had a couple  
20 of participants who had actually worked in the real estate industry and talked about what goes on sometimes, the conversations and so on, behind the scenes in some cases. I don't want to suggest that the whole real estate industry is racist, that's not what I'm saying. But there are certainly points of discretion within the process that seem to work strongly, systematically, repeatedly and really  
25 damagingly against the access points for Aboriginal private rental - Aboriginal people accessing this as an option.

It's about Andrew saying before, it's not an option maybe in the way that it is for non-Aboriginal people. So that point of access was really hard. There are issues  
30 around that, which are about, when somebody fills out a form in some cases people were being asked, "Are you Aboriginal? Are you not?" To report. People couldn't understand why they were being asked for that information. Was it legal? How was it being used? Who was that information given to? There was no transparency around that kind of data collection.

35 There were issues that participants raised about how previous experience may have been intersecting with their current application. There are situations, for example, where we heard from participants who had previously experienced domestic and family violence, who had left housing but on whose record for  
40 private rental was a kind of mark that they had maybe not paid the rent, had exited quickly, all of these things because of the violence that actually worked against their future housing. So there's sort of issues that arose over and over again about the way that existing databases about renters or applicants to the rental sector were being used in the applications of Aboriginal people making applications for new  
45 rentals.



That was one aspect. It was a perception that in the actual office there was prejudice going on, that came up a lot. And there were also scenarios where people, I guess, reported on this from an insider perspective, as I said. So in some cases people did report that they had worked in real estate agencies and had  
5 witnessed discriminatory language or practices. There's a real lack of transparency generally around the private rental sector about how applicants to residential dwellings are selected.

10 So what information does any given real estate agent who is usually the intermediary between an applicant and a decision-maker generally might rest with an investor landlord? What is the process? What are those conversations? This is a real area of discretion and it's very non-transparent in terms of data and process generally. And I believe that this is an area in which intersectional factors and direct racial discrimination can really adversely affect Victorian Aboriginal  
15 people.

**MR GOODWIN:** Andrew, did you want to jump in there? And particularly picking up on Wendy's comment about intersectionality and I know you have mentioned that that was something that you were particularly focused on as an  
20 element of the report. You also mentioned earlier that you weren't necessarily shocked by the report, but still saddened. Again, I mean it's really the same question. Is there anything that you wanted to emphasise to the Commissioners that arose out of that research and the report?

25 **ASSOCIATE PROFESSOR ANDREW PETERS:** Yeah. As an Indigenous researcher and Indigenous person, the key for me, Tim, and, Commissioners, is how often I would hear the message that the system is disconnected and the system - a lot of our participants felt like the system was against them. So particularly, you know, the questions they would get from land - sorry, from real  
30 estate agents would often give people or give renters the perception that the landlord doesn't want an Aboriginal person renting the house.

Now, whether or not that's the reality, that's a very common perception amongst Aboriginal people who were applying for renting and so for me that's an issue that  
35 needs to be addressed. And there is a lack of connection between an Aboriginal person understanding the rental process, the private rental process, certainly understanding their financial obligations in private rental, and the expectations of the real estate agent as well as the landlord. So that disconnection there, I think for me was underlying a lot of the, as I say, the perceptions of the Aboriginal  
40 renters and for me, you know, as we said these are their stories.

So whilst one might say that's a perception and the reality is quite different, for these Aboriginal people that is their reality, that they're not trusting of this real estate agent. They don't know the landlord at all. Most private renters you might  
45 not ever meet your landlord. I'm sort of lucky, I've got a good relationship with my landlord at the moment, to the point where he doesn't want us going through the real estate agent, because he doesn't trust them. But for a lot of Aboriginal

renters it's very, very different. They are relying on the goodwill of an agent to give them the information they need and provide them with the environment.

5 This is their home, you know. It's everything to people. So going into  
a relationship like that with very limited information and particularly feeling not  
culturally safe, you know, for me that came through a lot. And, again, a fair bit of  
that is interpretation but I'm basing that on a number of years of experience in the  
field, or sorry, experience in renting but also in dealing with Aboriginal people  
and researching. And so that was probably, as I say, following on from what  
10 Wendy said, is one of the real keys for me is that from a systemic point of view  
there needs to be much more coherence and connection.

Part of that, I'm going a little bit extra here, everyone, is that I think we have  
a clear opportunity to provide some financial literacy education for Aboriginal  
15 people around, "When you are renting a house, these are the expectations on you.  
This is what the real estate agent will expect, this is what a landlord expects."  
Now, there's a difference there obviously in our capacity as Aboriginal people and  
what a, to assume a non-Aboriginal landlord might assume. Their primary  
concern is looking after the value of their house, et cetera. Our primary concern is  
20 finding somewhere safe to live. But we need to find a balance in there, I think.  
So, yeah.

But again, for me it was that real lack of connection and lack of understanding of  
the process. Wendy talked about access points and even the application process is  
25 daunting. I clearly remember, as Wendy said, some people were saying, you  
know, "We are we being asked if we are Aboriginal?" Seeing that as a barrier. "If  
I admit I'm Aboriginal I'm not going to get this house." And speaking to a couple  
of the real estate agents, they were wanting to identify Aboriginal people for the  
support that they were aware of that was on offer. So yeah, again to me, clearly  
30 there's a disconnect in the system in that sense of intersectionality that we talked  
about that certainly needs improving.

**PROFESSOR WENDY STONE:** Tim, can I just add very briefly one of the -  
just building on what Andrew said and I'm kind of now extrapolating from the  
35 report. One of the really striking aspects of the research was when we asked  
people whether they had experienced an Aboriginal real estate agent, or investor  
and the, sort of the moment of realisation on people's faces of, "No, I haven't" that  
- the power difference and the disconnect as Andrew said.

40 So one of the, I suppose, recommendations I think or the implications of this  
research for my sake, not for the policy maker's recommendations necessarily but  
from my point of view, is the strong indication that Aboriginal owned and/or  
managed not-for-profit real estate agencies could be a very, very important vehicle  
for future private rental management and access, in a similar way that  
45 not-for-profit agencies such as Home Ground operate. I think this could actually  
provide some points of connection as well as within the regular real estate sector,

Aboriginal private rental access programs and literacy as Andrew's talking about. But actually changing the structural power base would be important.

5 **MR GOODWIN:** Heather, just obviously the report makes a number of key findings and there's been a number of recommendations that have been agreed between your office and the Aboriginal Housing and Homelessness Forum. But just I'm interested, given your long history in the sector as well as six years as Commissioner for Residential Tenancies, is there anything that you wanted to add based on that experience about what you would want to emphasise about the  
10 experience of Aboriginal Victorians in the private rental market having heard, in particular, what Wendy and Andrew have said, if you've got any additional or reflections on that issue?

15 **DR HEATHER HOLST:** Thanks, Tim. Well, I have been thinking a lot about discrimination and what's to be done. So people can make a report to the Human Rights Commission if they feel they have been racially discriminated against but all of the people I've spoken to say, "Yeah, we know that. But, you know." So I think that we need to get our heads together properly about what it would take actually and the positive duty of a provider of rental housing not to discriminate.

20 Because discrimination is, it's damage, straight up damage. If a private owner that is a property that is so derelict, it is condemned, they're not allowed to rent it out, because that will cause harm to anyone who is living there. I don't believe we should continue to tolerate a system where a private owner, because of these  
25 private property notions of, "I can do what I like it's my private property", we should be turning a blind eye to this discriminatory behaviour when it occurs.

30 So I think positive duty would be a pretty interesting thing and obviously an enforceable positive duty that's actually enforced. So that's where I've got to with it, as I've been thinking and preparing for this hearing. It made me think how soft our thinking had been so far about that discrimination part and it was mainly thinking, how can we get more people to report. Well, I think people have worked that out, "But why would I do that?"

35 **MR GOODWIN:** Chair, I note the time. If we have another 10 minutes, is that convenient for the Commissioners?

**CHAIR:** Yep.

40 **MR GOODWIN:** Thank you.

45 So also, Heather, I just wondered on your reflections, talking about some of the intersectionality that we have discussed. In the course of your experience, I think you've noticed a significant intersection between the child protection system and housing insecurity. I just wondered whether you had any reflections with the Commissioners to share about that issue?

**DR HEATHER HOLST:** Well, I think it's one of the things that really drives the need for housing security. As a frontline worker years ago, people wouldn't necessarily tell me that they had children when they were homeless for fear that I might make a report about it. To see that people were prevented from having their children returned, because they didn't have stable housing, heartbreaking. And that that was, I believe still, the sort of position of a number of court orders and sort of assumption that it's a matter of just will or something for that parent to do it.

10 And then, yeah, so those to me are just so fundamental that it tears at people, the damage of that. And strangely enough, that was actually the genesis of public housing in Victoria. The campaigners who were originally child rescuers, for goodness sake, going through the slum areas. Eventually the penny dropped and they thought, "Well, maybe we need to get housing instead of taking the children off them." Maybe we need to make that realisation again in some quarters because it cannot - it's not okay.

**MR GOODWIN:** Jenny, something that the Blueprint highlights and the Commission has heard evidence from a number of ACCOs this morning in relation to the Blueprint, a significant focus on the Blueprint is building the ACCO capacity to be an entry point in terms of housing issues. Given some of those direct issues that Heather has mentioned and you previously mentioned in your evidence about that, that being the first barrier about accessing an entry point and so what better sector to be the entry point than the ACCO sector who can both be culturally safe, as well as in a better position to provide wraparound services. Just interested in your reflections on - on building the capacity of the ACCO sector as an entry point and why that is a focus point of the Blueprint.

**MS JENNY SAMMS:** In terms of homelessness?

**MR GOODWIN:** Yes.

**MS JENNY SAMMS:** Yes. Sorry. Why I asked that because actually my, well, I have no ideal model because would like homelessness not to be at the level it is to state the obvious. I think it is the intersectionality to use the jargon of the issues that people are confronting. And we have for want of a better word the sort of traditional Aboriginal homelessness in terms of dispossession from land, culture, family and all the rest. But we now have that overlaid with all of the problems we have because of the housing shortage we've got at the moment.

40 So you've got - I don't know the numbers. It would be hard to dig down and find out what they are. But you've got probably a greater proportion of Aboriginal people just experiencing the same issues that all other homeless people are experiencing plus this historical homelessness coming from dispossession and issues around that. So going back - sorry, I'm trying to get on to the point you might be making. I'm probably going too broad, I can't help it, my mind's going all ways. You've got - repeat your point, can you, Tim?

**MR GOODWIN:** Yeah, so just in terms of the development - part of the Blueprint is about the development, an element of the Blueprint is the need to develop ACCO capacity to create entry points in terms of supports for  
5 homelessness.

**MS JENNY SAMMS:** Yeah, yeah, sorry, coming at it from that point. So given that you need the range of services for this to work and it's one thing Aboriginal Housing Victoria doesn't have because by its nature it was set up as a housing  
10 organisation. The beauty of the ACCOs is that you have the range of services geared to an individual's needs, undoubtedly under resourced. But if your family violence needs are there, if your child protection needs are there, if you are leaving the justice system there's invariably the support that can be combined with your need for housing.

15 So I think one of the things with the entry points, at the moment they are designed around homelessness, which is a bit of a traditional model but that's not really how Aboriginal organisations or people work. You don't do that. You don't say, "Look, we'll fix your little home or big homelessness problem over here and all  
20 these other things, you will go somewhere else." It is about the person and their needs. So the beauty of it is connection to community.

It is being able to draw on the service support across the board, and to sustain it, notwithstanding lack of resources over a long period. That's not the model we're  
25 got it the entry points. It's certainly not the model for homelessness entry points in the mainstream. But it is, I think where we want to go with ACCOs because that's what ACCOs do and do very well, it has to be properly resourced. You can't just have this model where you are fronting up and you refer to your crisis or transitional housing and, "Goodbye." It's not how community works and it's not  
30 what we want.

You've got to have that long-term connection and over time also, you want to move as fast as you can away from the first and only point of call being crisis or  
35 transitional housing, because sometimes people are able to go into longer term housing fairly quickly if it's available. So you need a bigger and better model that really draws on the strength of ACCOs, what they do well and connection back into communities. And, you know, notwithstanding the fact that some people have left their community for good reason, like, you know, they don't fit in with their community anymore, they need a new community so it's difficult.

40 And also I should mention there, there are a number of general homelessness services that do take Aboriginal people who no one else will, who are disconnected from their community, and need somewhere to go. And there are a number of those services that do provide that sort of neutral ground. But the best  
45 possible outcome is, and most of them do this, connection back to an ACCO where they can rebuild the long-term reconnection with community.

**MR GOODWIN:** Just kind of a final topic in terms of some models of where things have worked in terms of innovative solutions. Wendy, you mentioned co-operative land trust models. And, Heather, you've done some research into comparative models of affordable housing more generally. And I think both of  
 5 those pieces looked at Scandinavia in particular. I just wondered maybe Heather first and then, Wendy, if you want to jump in, what are the potential opportunities of some of those comparative models of affordable housing for Aboriginal Victorians in particular?

10 **DR HEATHER HOLST:** I think - I suspect there's a possibility, but I think it's a matter of putting them to somewhere like the Aboriginal Housing and Homelessness Forum for their consideration and advice. I think I get excited about them because they're quite different to the highly individual reliance on private rental style approaches. So I think probably in the first instance, they  
 15 could be a catalyst for a creative discussion and advice about what the steps should be. That would be how I would take it.

**MR GOODWIN:** Wendy, did you want to add anything about those models?

20 **PROFESSOR WENDY STONE:** I think Heather's comments are extremely wise, so strongly supporting Heather's approach there. Really very briefly, to reflect on an Australian Research Council project that I've been part of very recently with Louise Crabtree-Hayes and others we investigated the kind of value, benefits within the social housing section of the cooperative sector. So Victoria  
 25 houses the largest number of social housing co-ops in Australia.

We looked across Victoria, New South Wales, South Australia, WA and there are a variety of different models. So if this were to be looked at in a real way and I think there's ground to, particularly when we know that other systems aren't  
 30 working very well for Aboriginal Victorian people, and also just generally in Australia to meet housing need. We can look to various forms of co-operative models. Some of these are full equity models so co-ops that are based on home ownership. Some are limited equity, part equity, they are staged equity.

35 They can support mixed kind of tenure communities. And I think it would be important to look at the diversity of approaches and to build on the work that we have just done and international examples about how that could be facilitated in a really positive potentially really, really self-determined way.

40 **MR GOODWIN:** Those were my questions for the panel. Were there any questions from Commissioners?

**COMMISSIONER LOVETT:** Aunty Jenny, can you please share with us your insights on the government investment and commitment to deliver on the  
 45 Blueprint, the Homelessness Blueprint? Do you have any insights to share with us?

**MS JENNY SAMMS:** Yes. Just choosing where I start. We are in a constrained fiscal environment, obviously. We have two entry points that have been funded only for a couple of years and need to go back for more money. The entry points are similar to the general homelessness entry points but are developed, being  
 5 developed and will evolve, we hope, to be culturally strengthening, I think to use an old term. I was going to say "appropriate". It's more than that but a way of strengthening and reconnecting so that's really important.

10 It's early days. There's a number of problems with this sort of almost short-term funding approach. You fund an entry point to where? It's not the pathways into housing. There's a shortage of housing. So along you come. Yes. There will be a special effort to find you some crisis and transitional housing and that under-supply, but beyond that how do you go on to longer term sustainable housing? Those models are also trying to bring together the service support and, of course,  
 15 that's what ACCOs do well and that's part of the beauty of the model, that you do have the broader service support and, as I mentioned before, community connection in the one spot.

20 Two obviously doesn't cover the state. You need to move very quickly to cover the whole state. You really do. You're not implementing something that is sustainable by only doing it in two spots. You've got to have that coverage and then you've got to have the pathways to the next steps. And, as, I think, also a broader model of housing support not confined to the crisis end of things.

25 So I think my hesitation is, I don't actually see the long-term imperative as a reform of the Homelessness System. I see the long-term imperative as very little need for a homelessness system at all, which might sound a little bit pie-in-the-sky. But I don't think it is. That's where you have got to be. This is just getting to a point. But if we are doing this and it's really important we do it at the  
 30 moment because Aboriginal people are something like 15 times more likely to need homelessness support, if we are doing it we have got to have state-wide coverage and we have got to have it quickly. At the moment we have got Ngwala doing the sort of Melbourne, parts of Melbourne and Wathaurong doing Geelong and out a bit. Early days, that's good. But where does the rest of the state go?

35 **COMMISSIONER WALTER:** We have seen with so many things, always in early days. We're always at the beginning. We have always got hope that something will change. But there's also the real possibility that these two will be it, that the pilots will be done.

40 **MS JENNY SAMMS:** That's it. I've been a public servant for 35 years, I know. That's exactly the danger. So we've got to go back, I think next year for funding for the continuation of those two, let alone, it has got to be a state-wide model. And one of the things we have also said - cut me off if I'm going on too long, but  
 45 one of the things we have also said it has got to be a state-wide model. There will be common features that have got to be across all of those entry points but they have got to be locally based.

You know, it has got to be local community, driven by community, meeting local needs and hopefully providing the environment where people are able to go into long-term sustained housing. But it's a very limited model to only have two of them. It's all right in the first instance, but it needs to be followed up very, very quickly. You need to know if you're homeless and you're Aboriginal, you don't have to go to an Aboriginal entry point, you might go to Sacred Heart Mission or one of those, that's fine. But you have to know that you are confined somewhere that can support you in your homelessness locally. That's critical, and it has got to happen quickly.

**COMMISSIONER LOVETT:** Just going back - thanks for that, just going back to the 1400 houses that were transferred to AHV can you share some insights, we know the quality - sorry, the quantity. Can you share insights on the quality of the houses that were transferred?

**MS JENNY SAMMS:** Part of our asset strategy and planning did look at the quality of the houses. And we had to demonstrate how financially we would be able to sustain those houses as suitable for rental and we did do that. Again, I say Darren Smith has got that sort of brain, but we did do that. The thing that - we couldn't do conditional reports on every property, because we didn't have the time. So we do probably a third of them. The thing that surprised us was the houses were in better condition than we expected, actually.

So that is surprising. And it's a little bit because what you are raising is the very thing that government was worried, well, not that worried because they might have sustained - maintained the houses a bit better, but overall are worried we get the properties and wouldn't be able to maintain the value and the rental capacity of them. But, of course, and it's post me being there, that they have been maintained. There's the usual problems you have with any social housing properties, but that has happened. So the condition, yes, some of them were bad. Some of them were okay, but overall it was manageable. We didn't have a disaster dropped on us.

**COMMISSIONER LOVETT:** Last one for the panel members is in your opinion with the issues raised today how do we get to a point, as the framework says, here Mana-na woorn-tyeen maar-takoort, which means - translates to, "Every Aboriginal person has a home." How do we get there?

**DR HEATHER HOLST:** Well, I guess, what I know to do is relentlessly, step by step, absolutely always in partnership, always taking the people's advice, that it bears out on. But not being - but being as pushy as possible with government. That's all I noted.

**PROFESSOR WENDY STONE:** I think that housing situations globally, not only in Australia have actually become so difficult. We have had the issues we heard about today, but there are also very large, very big financing that are pushing precious into Australia. So massive super funds and so on, pension



scheme funds internationally that are pushing up our prices that are really playing out badly for people, and for the most disadvantaged people including Victorian Aboriginal people. I think there's a moment of what we might refer to as regovernance opportunity. So this is the pendulum has sort of swung way over to a market free-for-all. This is really reining in a lot of processes. There's a need to look at schemes to support people into home ownership. Rent regulation in an ongoing way. I think we are at the start of that process, really making the rental sector fit for purpose for long-term living, but also not giving up on the idea of various ideas of ownership. I think that bringing people's lived experience expertise in a very, very genuine way into being part of the policy-making instrument, not only program design but policy thinking, having voices and people with government from the start is critical.

**MS JENNY SAMMS:** I might have some -

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**COMMISSIONER LOVETT:** Yes. Then we will finish with Uncle Andrew.

**MS JENNY SAMMS:** Do you want to go first? All right. I'll go. Sorry I will try and run through. We have got to start with self-determination in-housing and homelessness and hopefully the homelessness situation with wind down with an improved situation in the future. Something we overlooked is prevention and early intervention. We can all think of policies where there have been perverse outcomes. Now, this has been addressed but like being pushed out of the child protection system at 18 with nowhere to go. Leaving justice with nowhere to go, leaving incarceration particularly. Not having housing, so you go into remand instead of being out in the community.

So if every government policy was examined to make sure that it wasn't inadvertently, sometimes deliberately I guess, creating homelessness for Aboriginal people, it would be an enormous step forward, because these things slip through. The coordinated and connected service support, which is what ACCOs do well. That's why we need the capacity in the Aboriginal sector. So we have to do that capacity building.

There's an urgent need for supported housing in a - sorry, I don't mean that in a traditional sense, but support for people when they are particularly living independently. It's impossible to believe that people can come out of homelessness, for instance, sleeping rough, for example, and are going to find it easy to support - establish themselves and support themselves in a house. And housing failure just becomes a vicious circle where you fail once and you fail again.

We have got to build the capacity of the ACCOs. We have got to mandate cultural safety across all of the housing and homelessness system. It's interesting really that it's taken for granted in health that you will have demonstrable cultural safety. It's not in housing or homelessness. It's not there. It's so far behind in terms was that thinking. We have got to build at least 1,500 social housing residences over

the next five years as well, so that's my - and establish a homelessness target. That's my list. Thank you for indulging me.

**COMMISSIONER LOVETT:** Andrew?

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**ASSOCIATE PROFESSOR ANDREW PETERS:** Thanks, Trav. Well, I don't have a lot more to add, because these guys are experts in the housing space. But for me it's part of this broader issue of historical ignorance in Australia and the lack of value that we place on our culture and our cultural aspects. And the importance of culture to us as Aboriginal people today and it's not it's not about us going out and celebrating and dancing and all the stereotypical things about our culture. It's connection and sharing and respect. Mum used to always say respect, caring and sharing. That fly in the face I think of government imperatives in this neo-liberal world of global capitalism that they are driven by financial decisions firstly, and then social and cultural considerations next that things like housing for Aboriginal people are falling through the cracks. And if we can start better educating these decision-makers on the role of history in who we are today as Aboriginal people, then perhaps we will get agents who have an Aboriginal client come in looking for somewhere to rent being helpful rather than thinking firstly, "What does my landlord want?" And, you know, we might have more landlords who are thinking, "I can play a role here in helping Aboriginal people."

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And on top of that, as I said before, we will get more financial literacy amongst our people, understanding the role of, you know, money, I guess in our lives and, I guess trying to understand why non-Aboriginal people tend to prioritise it or are seen to prioritise it above everything else. It's really complicated it's a really complicated issue. But as I said before, when I talked to the people in the project when I was involved these notions of connection and the role of culture just kept coming through to me. That if we can get greater understanding of how culture is important to us all today then I think we will go a long way to being able to address at least some of these problems.

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**COMMISSIONER LOVETT:** Thank you. Thanks, all.

**MR GOODWIN:** Thank you, Chair. I will just attend to tendering particular documents. So there's a number of documents that are relevant to the housing ACCO panel that were on the tender list that I will tender. There's a number of documents relevant to the education experiences panel that I will also tender, and then the reports referred to today, this afternoon in this panel I will also tender.

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**CHAIR:** Thank you. That will go on the record. Thank you very much.

**MR GOODWIN:** Thank you. That's all for today. We will resume, I believe at 10 am tomorrow.

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**CHAIR:** Thank you. Thank you very much.

**MR GOODWIN:** Yes, I think so, but yeah. It's a bit later tomorrow.

**CHAIR:** Okay. So thank you very much. Thank you for being here and we will adjourn until tomorrow.

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**MS JENNY SAMMS:** Thank you for your time.

**DR HEATHER HOLST:** Thank you very much.

10 **PROFESSOR WENDY STONE:** Thank you.

**ASSOCIATE PROFESSOR ANDREW PETERS:** Thank you, Aunty. Thanks, Trav.

15 **<THE HEARING ADJOURNED AT 4.56 PM**