



TRANSCRIPT OF DAY 6 – PUBLIC HEARING

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

FRIDAY, 07 JUNE 2024 AT 10.03 AM (AEST)

DAY 6

HEARING BLOCK 7

MS FIONA McLEOD SC, Counsel Assisting
MR TONY McAVOY SC, Counsel Assisting
MR TIMOTHY GOODWIN, Counsel Assisting
MS SARALA FITZGERALD, Counsel Assisting
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<THE HEARING COMMENCED AT 10.03 AM

CHAIR: Good morning and welcome to today's hearing of the Yoorrook Justice Commission. We are continuing our inquiry into the historic and ongoing social
5 injustice for Victorian First Peoples, Hearing Block 7. But before we start I would like to ask Commissioner Hunter to do the Welcome to Country, please.

COMMISSIONER HUNTER: Thank you, Chair. So I would like to welcome
10 you to the Lands of the Wurundjeri people, the Lands of my ancestors and my Elders. I would also like to acknowledge all those that come before us, to give us voice here today. I would also like to acknowledge that there's a lot of Sorry Business going on at the moment. So again, if you are listening to these hearings
15 on online, 1300-YARN or reach out to somebody if are you finding this difficult, or particularly with the passing of quite a few people in the last few weeks. So may Bunjil look over us as we conduct Aboriginal business and again, Wominjeka, come with purpose, and welcome to our Lands. Thank you.

CHAIR: Thank you, Commissioner Hunter.
20 Counsel, may we have appearances please?

MR GOODWIN: Thank you, Chair. Mr Goodwin as Counsel Assisting,
appearing. I thank Commissioner Hunter for her welcome and I also acknowledge
25 the Traditional Owners of the Country upon which we currently meet, the Wurundjeri people of the Kulin nation and I pay my respects to them as a Yuin person from the south-east coast of New South Wales. Today we have representatives of the Department of Families, Fairness and Housing to discuss housing and homelessness issues as they affect Aboriginal Victorians. I will first
30 invite Ms Coghlan to announce her appearance on behalf of the State.

COMMISSIONER NORTH: Mr Goodwin, just before you do I think it should be noted that Commissioner Hunter is joining us, but online. Walter, sorry.

CHAIR: Yes.
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MR GOODWIN: Yes. Thank you.

And thank you, Commissioner Walter.

MS COGHLAN: Thank you. I appear for the State of Victoria with Mr Nicholas Petrie today for the housing panel.
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Thank you, Commissioner Hunter, for the welcome.

CHAIR: We acknowledge that today's hearings are being held on the Lands of the
45 Wurundjeri people of the Kulin nation. We pay our respects to Elders, past and present. We acknowledge that sovereignty was never ceded. We pay respect to

other Aboriginal Elders and of other communities and First Peoples who might be watching today, whether here or online, and otherwise acknowledge the evidence that the Commission has heard before today. The State continues to come with purpose.

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MR GOODWIN: Thank you. I will now introduce the witnesses or allow them to introduce themselves.

Ms McCammon, starting with you. Could you please introduce yourself and your role to the Commissioners?

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MS PETA McCAMMON: Yes. My name is Peta McCammon, I'm the Secretary of the Department of Families, Fairness and Housing.

MR GOODWIN: Do you undertake to tell the truth to the Commission today?

15

MS PETA McCAMMON: Yes, I do.

MR GOODWIN: Thank you.

20

And, Ms De Kretser, could you please introduce yourself and your role to the Commissioners?

MS DANNII de KRETSE: My name's Danielle de Kretser. I'm the Deputy CEO of Homes Victoria within the Department of Families, Fairness and Housing.

25

MR GOODWIN: Do you undertake to tell the truth to the Commission today?

MS DANNII de KRETSE: Yes, I do.

30

MR GOODWIN: Thank you.

Just to commence, Ms McCammon, I invite you to read your opening statement on behalf of you and Ms de Kretser.

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MS PETA McCAMMON: Thank you. Good morning, Chair. I want to acknowledge the Traditional Owners of the Land on which we are meeting today, the Wurundjeri people of the Kulin nation and pay my respects to their Elders past and present. Sovereignty was never ceded. I acknowledge all Traditional Owners, Elders and First Peoples throughout Victoria and extend my respects at today's hearing, including those watches on the live stream. Appearing at the hearing today I acknowledge the contemporary experience of Aboriginal people cannot be de-coupled from the historical experience of dispossession and dislocation.

40

First Peoples' contemporary experience of significant rates of homelessness is connected to, and stems from, past practices that have deprived First Peoples of their home and land. The impacts continue to be profound. This Commission has

45

heard, and First People have said many times that they are negatively impacted by not only the impacts of dispossession and colonisation, but also current systems of housing. For its role in perpetuating systemic intergenerational injustice, on behalf of my Department, I apologise.

5

We understand that systemic and interpersonal racism frequently limits rightful participation in the housing market. We know that First Peoples' ways of knowing, being and doing are not always understood and respected. I also acknowledge that the absence of stable housing can impact all facets of a person's life. The effects of this disadvantage can continue to compound for generations.

10

I understand these statements lack meaning without action and that acknowledging these injustices is a small step towards meaningful change. I thank the Commissioners for allowing me to appear today and acknowledge what you are doing to drive and accelerate change. I would also like to extend my genuine thanks to the First Peoples who have shared their truth with the Commission to date, their evidence is a profoundly important part of the State acknowledging its history and undertaking real and enduring change.

15

This Commission and all the truth-telling before it is a crucial moment for our Department. Dannii de Kretser and I are here today to be part of truth-telling and we will respond to your questions with openness and honesty. Thank you again, for inviting us to appear.

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MR GOODWIN: Thank you, Ms McCammon. How long have you been Secretary of the Department.

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MS PETA McCAMMON: Approximately 14 months.

MR GOODWIN: And briefly, what has been your work experience to date prior to accepting that role?

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MS PETA McCAMMON: My experience is solely within the Victorian public service. I started as a graduate. I've worked in a number of different departments, I've worked in this Department about five times under different names. Department of Justice, I've also worked in the Department of Treasury and Finance and the Department of Premier and Cabinet.

35

MR GOODWIN: Before becoming Secretary have you worked in any specific areas of the Department that, or other departments that have dealt with housing?

40

MS PETA McCAMMON: I actually had worked when I was VPS4 in public housing policy, actually with Dannii de Kretser.

MR GOODWIN: So it's come full circle then (crosstalk)?

45

MS PETA McCAMMON: Yes.

MR GOODWIN: What are the key portfolio responsibilities of the Department as a whole?

5 **MS PETA McCAMMON:** We have responsibility for housing and homelessness, child protection, out-of-home care, disability, family violence and we also have a number of policy responsibilities in relation to equality.

MR GOODWIN: So the CEO of Homes Victoria reports to you, is that correct?
10

MS PETA McCAMMON: The CEO, yes, reports to me. But the CEO also has some separate legislative responsibilities that reports directly to the Minister for Housing and that mainly relates to the asset management.

15 **MR GOODWIN:** Thanks, Ms McCammon.

Turning to you, Ms De Kretser, how long have you been deputy CEO of Homes Victoria?

20 **MS DANNII de KRETSE:** I started in July last year.

MR GOODWIN: And briefly what has been your work experience prior to undertaking that role?

25 **MS DANNII de KRETSE:** I started 20 years ago in the Victorian public sector as a housing officer, trying to get people homes in the inner parts of Melbourne and for 20 years I've worked in various different roles across multiple departments, in policy and also in some operational leadership roles, including different departments like the Department of Premier and Cabinet, and Justice and
30 Community Safety and Education.

MR GOODWIN: And how much of your experiences have been typically focused on housing issues in the government?

35 **MS DANNII de KRETSE:** My early career was - and I'd say it was the most substantive part of my career, probably about 10 years in the early part in operational and policy roles and coming full circle in this very privileged role.

MR GOODWIN: Just focusing on the role of Homes Victoria then,
40 Ms De Kretser, there have been a number of government departments' agencies responsible for housing since 1938, and the establishment of the Housing Commission of Victoria, Homes Victoria is the latest such agency and was established as a separate government agency in 2020, at the same time as the announcement of the Big Housing Build. Is that correct?

45 **MS DANNII de KRETSE:** Yes, if you don't mind if I just start by also acknowledging the Traditional Owners of the Lands we are meeting on, the

Wurundjeri people of the Kulin nation and pay my deep respects to Elders past and present. And to also, thank Commissioner Hunter, for your welcome to these Lands. I also want to past on my respects to all First Peoples listening here and here today. I also want to acknowledge sovereignty was never ceded and in our
5 role in the Department and particularly Homes Victoria we also very much need to acknowledge that these always were and always will be Aboriginal Lands.

MR GOODWIN: Thank you, Ms De Kretser. In regards to Homes Victoria, could you briefly describe what the functions and responsibilities of the agency
10 are for Commissioners?

MS DANNII de KRETSER: Of course. Homes Victoria is established under the Housing Act and its role is housing assistance for Victorians. And mainly its functions relate to social housing and homelessness services in a broad sense.
15

MR GOODWIN: And one of the functions, as I understand it, from the material we have received is to acquire property and land including vacant land, is that right?

MS DANNII de KRETSER: That's right.
20

MR GOODWIN: And that land, as I understand it, can be used for general rental stock, or specialised facilities for refuge or crisis accommodation, or for relocation purposes in unique circumstances, say in the case of a natural disaster. Is that
25 right?

MS DANNII de KRETSER: Yes.

MR GOODWIN: Could land be acquired by Homes Victoria to be used specifically for Aboriginal social housing purposes?
30

MS DANNII de KRETSER: Yes, it can be.

MR GOODWIN: There are a number of policies and legislation that are outlined in a number of materials provided by the Department to the Commission that
35 govern land acquisition and land use. Do any of those policies, as you understand them, prioritise consideration of Aboriginal social housing in acquisition decisions?

MS DANNII de KRETSER: Not to my knowledge, no.
40

MR GOODWIN: Is that something that the Department would be willing to consider?

MS DANNII de KRETSER: Absolutely.
45

MR GOODWIN: Homes Victoria is also able to access Crown land for the purposes of building social housing. Is that right?

MS DANNII de KRETSER: Yes, and surplus land as well.

5

MR GOODWIN: Yes. And what's the typical process at a higher level for determining whether to access Crown land for that purpose?

MS DANNII de KRETSER: The Department of Transport and Planning operationalises a list of land sites, Homes Victoria gets access to that list, and we try and look at that list to say, "Can you - is this suitable for social housing?" And in that consideration, we need to think about Aboriginal community housing as a subset of social housing as well.

10

MR GOODWIN: And I know that The Department of Treasury and Finance has significant responsibility in regards to that issue, and it has provided information to the Commission that there is no current program to identify opportunities for Crown land to be set aside for First Nations housing purposes. Has Homes Victoria thought about advocating for such a program to access Crown land for purposes of Aboriginal social housing with its departmental colleagues?

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MS DANNII de KRETSER: Yes, we have.

MR GOODWIN: And what has been the progress to date on that type of advocacy?

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MS DANNII de KRETSER: Progress has largely been around us, land that we hold, using that for Aboriginal specific community housing. In terms of a program that is - absolutely considers it in every instance across surplus and Crown land - that is not existent at this point in time, so there is a lot of progress to make on that.

30

MR GOODWIN: That is something the Department would be again, willing to investigate and consider?

35

MS DANNII de KRETSER: Absolutely.

COMMISSIONER LOVETT: Can you elaborate on what work has been done? I didn't get clarity. Is it just thinking, like we have thought about it, had conversations or has some analysis been done around that particular question?

40

MS DANNII de KRETSER: Probably two parts. Because The Department of Transport and Planning are responsible for the release and Department of Treasury and Finance hold the policy, our role has been around the table to very much advocate that use for social housing. But on the second part it's about land that we hold and thinking about that practically for use for Aboriginal specific housing.

45

So I sort of separate the two, because it's about what we can do in the here and now while we are trying to advocate for the policy to change.

5 **COMMISSIONER LOVETT:** Yeah. And in the second option how much work has been done? Can you give us tangible things around papers being put up, options, papers, considerations to ministers for consideration around options?

10 **MS DANNII de KRETZER:** Sure. As part of the Big Housing Build we have an initiative that 400 homes, Homes Victoria itself is developing for Aboriginal specific housing. 109 of those homes have been developed and handed over for management purposes with the potential for the transfer of that land to Aboriginal organisations. So that's 400 homes that we are very much focused on delivering on our land at the moment or Homes Victoria's held land.

15 **MR GOODWIN:** We will get to some of the data soon, but clearly there's a lack of social housing for Aboriginal families and we will look at the data that highlights that. In those circumstances, it's incumbent on the whole of government, and I acknowledge that there are other departments involved and potentially responsible for decision-making in this area, but it's incumbent on the
20 whole of government to consider in a serious way unlocking Crown land and surplus land for the purposes of Aboriginal social housing, isn't it?

MS DANNII de KRETZER: Very much so.

25 **MR GOODWIN:** And to that end, the 2023 Housing Statement released by the government mentioned an initiative to unlock surplus government land for housing, with aims to include social housing. Now, again, recognising that another department is specifically responsible, to your knowledge has any of that land been set aside for Aboriginal social housing?
30

MS DANNII de KRETZER: No, none has, to my knowledge.

MR GOODWIN: Do you know why not?

35 **MS DANNII de KRETZER:** I think the lists of land are still being worked through as well, it's in its infancy of implementation. The land that is set aside is Homes Victoria identified land at this stage.

40 **MR GOODWIN:** In terms of the functions and responsibilities of Homes Victoria, again, in regard to specifically selling land, other government agencies, local government and the Commonwealth have a first right of refusal for the sale of large or expensive land valued over \$2 million. Is that right?

45 **MS DANNII de KRETZER:** Not for land that Homes Victoria has access to and sells, because we operate as a public non-financial corporation. Any land or any properties that we sell, that is reinvested back into building more social housing.

MR GOODWIN: So that's a requirement, right, almost a condition precedent to the sale of land for Homes Victoria?

MS DANNII de KRETSER: Absolutely.

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MR GOODWIN: Do any rights of refusals on land that Homes Victoria might sell exist?

MS DANNII de KRETSER: No, we - if we were to sell land it is to grow housing assistance for people.

10

MR GOODWIN: In terms of that land that might be sold, would it have, in terms of any policy considerations associated with that sale of land, would that land remain having the potential for social housing or is an element of the decision to sell because it is no longer fit for that purpose?

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MS DANNII de KRETSER: In a policy sense land is one of the most prohibitive costs in building new social housing, so from a policy sense we try to retain holdings of land or the holdings be used within the community housing system in order to increase social housing.

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MR GOODWIN: Turning then to the state of housing insecurity for First Peoples in Victoria. I want to first get an understanding of the housing system from a big picture perspective.

25

So just on those issues, Ms McCammon, I think it's important that we all understand the terminology that we use then. So in the Department's materials as I understand it "social housing" is really an umbrella term to cover housing for low income Victorians. Is that right?

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MS PETA McCAMMON: Yes, that's correct and it covers community housing, public housing.

MR GOODWIN: So breaking that down, so public housing is government owned and managed housing for low income Victorians?

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MS PETA McCAMMON: That's correct.

MR GOODWIN: And community housing is typically owned or managed by not-for-profit community housing providers?

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MS PETA McCAMMON: That's correct.

MR GOODWIN: And to be a community housing provider, is it right that you have to be registered as one under the Housing Act?

45

MS PETA McCAMMON: That's correct.

MR GOODWIN: What are the type of registration requirements that are typically imposed on an organisation that is or wishes to be a community housing provider?

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MS PETA McCAMMON: I might ask my colleague, Dannii to talk to that.

MR GOODWIN: Yes.

10 Ms de Kretser?

MS DANNII de KRETSE: There is a range of requirements. They go to governance, financial viability, tenancy and property management, demonstrating standards around tenancy and property management for the tenants in those homes. They're the broad category of the requirements.

15

MR GOODWIN: And then across both of those categories, public housing and community housing, there will be First Nations tenants. That's right? Yes. And in terms of Indigenous community housing, it's typically described as Indigenous community housing, that will be operated by both registered and non-registered Aboriginal Community Controlled Organisations. Is that right? Yes.

20

And, Ms McCammon, I understand that there are currently three registered Aboriginal Community Controlled Organisations; Aboriginal Housing Victoria, Rumbalara Aboriginal Cooperative and Aboriginal Community Housing Victoria, which is an arm of a mainstream organisation, Community Housing Victoria. Is that right?

25

MS PETA McCAMMON: That's correct.

30

MR GOODWIN: And so again, Aboriginal Victorians would access all these types of housing that we have just discussed?

MS PETA McCAMMON: Yes, that's correct.

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COMMISSIONER NORTH: Can I ask what the purpose of registration is? Is this in relation to land, which is owned by the community organisation or is this land and housing owned by government?

MS DANNII de KRETSE: Generally owned by the community, community housing organisations. And to answer your question about purpose, it was set up in the mid-2000s or around 2003 and it was when more increase in social housing was through community housing providers as opposed to directly through public housing from the State, including Aboriginal community - or there wasn't one at that point in time, an Aboriginal community housing provider.

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45

The purpose of the registration system is essentially for tenants to have - it's setting a standard around the property of the home, the condition of the home and the tenancy attributes. What that means is essentially making sure that the rents are affordable for someone living in that home and that no person in the home
 5 pays more than 30 per cent of their income in rent. So it was set up in that regard, and it doesn't have - it's a mainstream system, and it doesn't have acknowledgement of Aboriginal Community Controlled Organisations' holistic way of delivering services.

10 **COMMISSIONER NORTH:** Why would bodies seek registration? From their point of view what's the point? And, of course, a number is the three Aboriginal community organisations aren't registered.

15 **MS DANNII de KRETZER:** At the time the reason for seeking registration and the ongoing reason is really to access State funds, to increase social housing. That has been the primary reason for community housing organisations to register.

20 **COMMISSIONER NORTH:** So it's a condition of obtaining State funding that you be registered?

25 **MS DANNII de KRETZER:** It is, with one exception, which is you can also apply for State funding if you intend to be registered, or wish to partner. So we have agencies that seek funding and their submissions for homes can be considered simultaneously to aiming to obtain registration.

30 **COMMISSIONER NORTH:** I think we've heard that the registration requirements are such as to deter some organisations from applying. Is there a value to the world, if you like, in having a registration process? It sounds a bit like retaining control where it's unnecessary.

35 **MS DANNII de KRETZER:** Yes, the registration process is very significant and we do - I do acknowledge that, and I do acknowledge -

40 **COMMISSIONER NORTH:** Sorry. When you say, "significant" you mean onerous to complete?

45 **MS DANNII de KRETZER:** Yeah, onerous to complete. It's a significant undertaking on behalf of agencies, so yes.

50 **COMMISSIONER NORTH:** They don't get anything out of it, but you say tenants get some security that Homes Victoria, I think is it called, oversees then the operation of that organisation?

55 **MS DANNII de KRETZER:** The registration system is overseen by The Department of Treasury and Finance and the regulator for housing agencies is positioned in the Department of Treasury and Finance. The benefit or the intended benefit is that tenants in those homes have protections above the

Residential Tenancies Act and those protections are about affordability, they are about standards of service. That's the intention of the registration system. But the benefit is also where we have, as Homes Victoria, additional capital grants to increase social housing so those registered providers can grow their assets. And the registration system is also about generating an increase in social housing.

COMMISSIONER HUNTER: But there's barriers to First Peoples actually - orgs registering?

10 **MS DANNII de KRETZER:** Yes, there are.

COMMISSIONER HUNTER: So you acknowledge that there are. And is anything being done about that?

15 **MS DANNII de KRETZER:** Yes, there are barriers, and there is stuff being done. We have about \$3 million invested in trying to support Aboriginal organisations to become registered. At the moment, I'm aware of around eight organisations that are looking at registration or actively seeking registration. That goes to things like funding grants whereby they can look at their existing assets.
20 So of the 18 Aboriginal organisations that are not currently registered but hold housing assets, we provide grants to support that. We provide a staff member that's employed by an Aboriginal organisation and works with the registrar of housing agencies in The Department of Treasury and Finance to assist in the registration process.

25 We aim to reimburse 50 per cent of costs in seeking registration. So they're the sort of things we are doing at the moment to acknowledging how onerous it is to try and build up Aboriginal organisations becoming registered.

30 **COMMISSIONER HUNTER:** We have got three. Sorry, Trav. We've got three. We've got, did you say eight interested?

MS DANNII de KRETZER: Yes.

35 **COMMISSIONER HUNTER:** Where are they? Like is it working? If we have had three and we have still got three, you've said eight are interested, is the process enough to get people across the line to be registered if they want to be?

40 **MS DANNII de KRETZER:** I think we need to do more, and I think I need to acknowledge that some people don't want to become registered and it's really important - I really hear that, and at the end of the day, if it is that Aboriginal people would prefer a service that is the service that they want to receive from their housing organisation, we need to work through what that needs to look like by way of the system around that.

45 **COMMISSIONER LOVETT:** How does the registration and requirements to obtain funding to - support self-determination? That's kind of what we are trying

to achieve here. A lot of the government commitments around self-determination and a lot of organisations may say to you they don't want to pursue that pathway, because it's onerous and there's so many barriers. But really, the question is how is it supporting self-determination?

5

MS DANNII de KRETZER: It's a system that wasn't built up under self-determination and I think right now we are at a critical moment or a key moment where we need to - and I'm very interested in what the Aboriginal Housing and Homelessness Forum would like to do with this system as - yeah.

10

COMMISSIONER LOVETT: Yeah. I'm sure the advocacy has been there from them already, because we have heard them come forward and talk about how onerous the registration process and the requirements are. So it's one thing to sit here and say are you keen to hear from them but if they are coming here I'm sure they have already articulated through the Housing and Homelessness Forum what their aspirations are and what their expectations are.

15

MR GOODWIN: Can I build on Commissioner Lovett's question? This was directly a recommendation in the framework, to jump ahead to the Aboriginal Housing and Homelessness Framework that was developed in 2020. There was advocacy in that framework from Aboriginal Community Controlled Organisations that registration requirements or funding criteria be more flexible. And given the various systems of audit and registration that many ACCOs have to participate in across government, some sort of recognition that meeting certain standards in one system might be used to meet another system. So essentially, in that context and Commissioner Lovett's question, what work has been done by Homes Victoria in responding to that type of demand?

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MS DANNII de KRETZER: I have to premise this answer on we're not the agency responsible for the registration system. It is the Department - and that's not to - so not - work hasn't been done to the extent that it needs to be on that system, and how that system needs to evolve.

35

And to come back to your question, Commissioner Lovett, in terms of the views of the Aboriginal Housing and Homelessness Forum, we've got views of organisations that - indicating that the registration system is onerous, and they do not want to join it and it's going to, I guess to use the word interrupt their - like the way that they want to deliver services. But we have also got eight organisations aiming to participate in the registration process and some registered organisations.

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So we have got a mixed group of organisations that we've just got to work through what is it a group of organisations do, what do all Aboriginal organisations as a sort of consensus like us to do. And there's some work that started in the Aboriginal Housing and Homelessness Forum on that. And so, to come back to your question, that's sort of why we're also wanting to hear from what the Forum would like this to look like.

COMMISSIONER LOVETT: You mentioned other departments, I think the Department of Transport. Are they at the table with the Homelessness Forum?

5 **MS DANNII de KRETSER:** The Aboriginal Housing and Homelessness Forum is 38 Aboriginal organisations (crosstalk) that are government invited. I am not sure if they've been invited. I would have to come back to you on notice.

COMMISSIONER LOVETT: Do you know if they're at the table?

10

MS DANNII de KRETSER: I haven't seen the Department of Transport and Planning at a forum I've been to, no.

15 **COMMISSIONER LOVETT:** And I think this is what we are grappling with, is that if there are other government departments responsible for requirements and thresholds that aren't at the table, it does make it hard for your Department. But still, how are we going to cut through and make sure that our senior people representing our organisations, working really hard are coming to the table, a lot of the time volunteering their time - and senior bureaucrats are getting paid to be
20 there and we need to ensure that our people are meeting senior people who can make decisions and cut through the barriers.

25 So pretty underwhelming to hear that the Department responsible for those key areas, given it's a significant area that's come up at a Commission and they're not at the table. How long has the forum been going for, a couple of years, yeah?

MS DANNII de KRETSER: Yes, it started sort of, yeah, mid 20 - prior to the creation of Mana-na woorn-tyeen maar-takoort (crosstalk). Yeah.

30 **COMMISSIONER LOVETT:** A few years now. There's been a few years for that Department to come to the table. A lot of the intersection around the issues are Department of Transport. Is that right?

35 **MS DANNII de KRETSER:** And The Department of Treasury and Finance who do participate in part of the governance as well.

40 **COMMISSIONER LOVETT:** 100 per cent, you know. And it's not the first time we have heard the Department of Treasury and Finance aren't at the table as well, but the point we are trying to make here is that our people are coming, volunteering their time to advocate for resources and self-determination, and they're not being able to meet with the right people at the table.

Thanks, counsel.

45 **MR GOODWIN:** And just so I'm clear, Ms De Kretser, it's the Department of Transport and Planning that has responsibility for registration of housing providers?

5 **MS DANNII de KRETSER:** Department of Transport and Planning has responsibility for operationalisation of land policy in the state. The Department of Treasury and Finance, who are participating in parts of the governance around driving Mana-na woorn-tyeen maar-takoort are responsible for the registration system.

10 **MR GOODWIN:** So if we wanted a more flexible registration system that would be the responsibility of the Department of Treasury?

MS DANNII de KRETSER: Yes, with our input, yes.

15 **MR GOODWIN:** And they are participants in the implementation working group associated with the framework?

MS DANNII de KRETSER: Yes, they are.

20 **MR GOODWIN:** So they're on notice that this is a demand of the Aboriginal community controlled sector?

MS DANNII de KRETSER: Yes, they are.

25 **MR GOODWIN:** So just to - this was something I was going to ask questions about later, but I think given the interaction between the Commissioners and yourself it's probably worth discussing right now. So, of course, the Big Housing Build is a \$5.3 billion investment in housing in Victoria, including over a \$1 billion investment in social housing and a specific commitment to allocate 10 per cent of those funds to Aboriginal social housing, which translates to about 820 houses. That's right?

30 And there are a number of grants available to community housing providers for the purposes of the Big Build but, as I understand it, only registered housing providers have access to those grants. Is that right?

35 **MS DANNII de KRETSER:** Yes, with the exception that you can apply for the grants and become registered or partner with a community housing provider and we have seen that occur. It is occurring right now.

40 **MR GOODWIN:** But, nonetheless, registration is essentially a requirement for access to the money?

MS DANNII de KRETSER: Yes.

45 **COMMISSIONER NORTH:** It doesn't guarantee a grant?

MS DANNII de KRETSER: No, it does not. We do reinvest 100 per cent of big costs if any grant is unsuccessful as well. So no organisation is left having paid for something and invested time in something that isn't successful.

5 **COMMISSIONER NORTH:** That's for all registrants under the Big Build, not just Aboriginal ones?

MS DANNII de KRETSER: I'm aware it is for all Aboriginal organisations applying under the Big Housing Build. I'm not across the broader, sorry.

10

COMMISSIONER NORTH: And if they're successful in getting registered for the Big Build, what's the position about their cost of application then, is that reimbursed?

15 **MS DANNII de KRETSER:** No, I don't believe it is. Sorry, with the caveat, the registration cost is reimbursed 50 per cent, the big costs are not reimbursed.

COMMISSIONER HUNTER: Is that also, you mentioned if they did partnership or went with another - so an ACCO could possibly go with a mainstream provider and apply together?

20

MS DANNII de KRETSER: Yes.

COMMISSIONER HUNTER: Has that happened?

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MS DANNII de KRETSER: Yes, I'm aware of a couple of instances at the moment in live applications where that has occurred.

MR GOODWIN: As I understand it, and correct me if I am wrong, the funding grant rounds are due to expire this year for the Big Housing Build. Is that right?

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MS DANNII de KRETSER: We've got over 9,000 homes completed or underway and 4,000, above 4,000 homes delivered at this point in time. We still have some homes to build under the 12,000. But we also have the social housing growth fund, which is a continual fund that makes funding available for community housing and Aboriginal community housing and we have additional capital streams as well, coming in. There was a billion-dollar regional housing fund and we also received close to \$500 million from the Commonwealth Government for more housing. So all of that has a target for Aboriginal housing too.

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MR GOODWIN: And just in terms of the Big Housing Build itself, so that bucket of \$5.2 billion, when essentially, is it proposed that all of that money be allocated?

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MS DANNII de KRETSER: It will be finished, the \$5.3 billion, we are aiming to finish quarter 4, for 2027-'28.

MR GOODWIN: So there is time to consider the flexibility of criteria for access to the Big Housing Build for Aboriginal Community Controlled Organisations who do not wish to seek registration?

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MS DANNII de KRETZER: Yes, and for all other funding rounds that we currently have or may have in the future.

MR GOODWIN: And I presume you heard or are aware of the evidence of a number of Aboriginal community housing - a number of Aboriginal Community Controlled Organisations that have housing programs, small but important, for their communities, who don't seek to be registered and don't seek to partner with another organisations as a matter of their exercise of self-determination. Can you understand their frustration that they spoke about, to put it mildly, about lack of access to a significant government investment in social housing by reason of that requirement?

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MS DANNII de KRETZER: Yes, I can.

MR GOODWIN: And is the government, or the Department actively considering changes to that criteria to allow for greater flexibility and access to funds?

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MS DANNII de KRETZER: The first step in that, I think would be the Aboriginal Housing and Homelessness Forum indicating to us what position they'd like to take on this, because of the mixed views that there may be across Aboriginal organisations.

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COMMISSIONER NORTH: As I understand it, a number of the unregistered ACCOs have been doing this for, like, decades, and it must be galling for them to be told, "Well, we are only going to get government funding to expand our operations if we submit to control of the Department." I really don't - I mean, I understand there's a need for integrity checks, but all these organisations have to comply with ASIC requirements of being registered as a corporation and so forth. Is there some justification for the requirement that you've mentioned - I think the only one - is that they have to guarantee that tenants are not paying more than 30 per cent of their income. I mean can't they be left to work that out for themselves? That's what self-determination is, I think.

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COMMISSIONER LOVETT: I think, to build on that there seems to be an expectation of government that we all have to have a homogenous view. There's going to be varying views, you know, just like in mainstream community. We don't always agree on which pathway to take and at the end of the day we are trying to navigate a colonised system that wasn't set up for us and some of our people, you know, are still really fighting against that model, and other people have decided that having to navigate the model is the only pathway forward. So I just want to reiterate that. We are not all homogenous, we don't always agree and that's a strength of ours.

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COMMISSIONER NORTH: I think the point I was seeking to ask you about is you here, have established bodies who have been doing this for decades. So there might well be an argument in a new area where you've got no proven record, but
 5 where you've got bodies that have been doing this for 20, 30, 40 years, looked after their community, can you explain to the Commission what the justification is for having, you know, layer upon layer of extra governance when there is, of course, a fundamental governance process already in place? I find it just in conflict with the commitment of government to self-determination.

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MS DANNII de KRETZER: I agree it is, and I think we need to really rethink this system.

COMMISSIONER HUNTER: We have heard evidence a couple of days ago around Wathaurong that has 20 houses and a massive waiting list and the only way you can get on it is for someone to pass away. But people feel safe in that system and yet the government wants to challenge their governance to fit their criteria and it doesn't work. They are talking about giving out sleeping bags for people for home. This isn't good enough.

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MS DANNII de KRETZER: It isn't, and we need to rethink the registration system precisely on how you've described it.

COMMISSIONER LOVETT: Are they? Are you doing it - or you need to - or are you? There's probably two different things there.

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MS DANNII de KRETZER: We need to. We are. What we've done is looked at trying to get people to join the registration system, but we haven't thought to tear it down and start again.

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COMMISSIONER HUNTER: We all know these systems don't work for mob. We have heard it time and time again.

MS DANNII de KRETZER: Yeah.

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COMMISSIONER HUNTER: You have both worked in a lot of the systems across - so how do we still, in 2024, not make this accessible for First Peoples to have the basic right of a roof over their head? And we have to jump through hoops, which we've heard not only from the organisations, but our first lot of
 40 evidence from Elders, from people out in community and we're the First Peoples of this Land and we don't have a roof over our head.

COMMISSIONER LOVETT: I just want to remind people, just talking about the skills and experience and expertise, this is not the first time you have worked in overseeing Aboriginal affairs. In both of your careers youse both would have had, particularly yourself in your role in Department of Justice, you would have seen the plethora of work and advocacy going on, the Justice Caucus, so the same

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principles are applying, our advocacy doesn't change. The words might be different where it's justice system, housing system, education system, but the principles are still applying. Sorry I cut Commissioner Walter off before.

5 **COMMISSIONER WALTER:** I was just going to say I was nonplussed to hear you say a number of times that you were waiting for the initiative to come from the Forum. I really don't think that's good enough to put the onus back on people coming to these forums. It's up to the Department who has the power and the knowledge to start initiating change and bringing ideas to the forum, not the other way around.

15 **MR GOODWIN:** So then moving to some of the key data associated with Aboriginal Victorians and the housing system, as we heard on Wednesday from Professor Wendy Stone of Swinburne University, post-World War II, Australia has operated a high privatised housing system that heavily focuses on and privileges home ownership.

20 Ms McCammon, do you agree that we have comparatively high rates of home ownership in Australia.

MS PETA McCAMMON: Sorry, could you -

MR GOODWIN: Internationally, sorry, compared to globally.

25 **MS PETA McCAMMON:** I believe we have higher rates but I - yes.

MR GOODWIN: Yes, that's what I mean.

30 **MS PETA McCAMMON:** Yep.

MR GOODWIN: So, nonetheless, the social housing sector provides important services for short, medium and long-term housing needs to persons who might not be able to access private home ownership or the private rental market. But would you agree that, on average, Aboriginal Victorians are more in need of support from the social housing sector proportionately than non-Aboriginal people in Victoria?

40 **MS PETA McCAMMON:** Yes, and in response to my question around home ownership I should clarify there's about a 20 per cent difference between Aboriginal people and non-Aboriginal people in relation to home ownership, and we know that First Peoples are overrepresented on our wait list and also within community housing. So, yes, more reliant on the safety net.

45 **MR GOODWIN:** And as a number of the departmental materials themselves acknowledge, the genesis of the problem in the housing system for Aboriginal Victorians is the historic dispossession of Aboriginal Victorians from their Lands.

MS PETA McCAMMON: Yes, absolutely accept that.

MR GOODWIN: And that has significant flow-on effects in a number of ways, but just focusing on home ownership. It, in particular, has a significant impact,
5 given the lack of access to the intergenerational wealth creation that owning your home generates for other Australians?

MS PETA McCAMMON: Yes, it has generational impacts.

10 **MR GOODWIN:** So not only in terms of private home ownership, but do you agree that in every aspect of the housing system, from social housing and community housing to the private rental market, to home ownership, that Aboriginal Victorians experience structural disadvantage?

15 **MS PETA McCAMMON:** Yes, I do.

MR GOODWIN: So I want to highlight that structural disadvantage by examining some key data that has been provided to us by the government or from other sources. So as you mentioned, in terms of private home ownership
20 according to the Victorian 2021 Census data 45 per cent of First Peoples owned their own home compared to 68 per cent of non-First Peoples. Is that right?

MS PETA McCAMMON: That's correct.

25 **MR GOODWIN:** And that figure of 45 per cent might be slightly inflated, given that a higher proportion of Aboriginal and Torres Strait Islanders do not complete the Census?

MS PETA McCAMMON: Yes, that's correct.
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MR GOODWIN: So those people who don't complete the Census are instinctually more likely than not to not have a fixed address or be homelessness.

MS PETA McCAMMON: I think that's a reasonable assumption, yep.
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MR GOODWIN: Then turning to the private rental market, this is actually a growth area for Aboriginal Victorians. So 38 per cent of Victorian First Peoples rented private dwellings in 2021, which was an increase from 34 per cent in 2016.

40 **MS PETA McCAMMON:** Correct.

MR GOODWIN: However, among other things, average earnings for an Indigenous household is lower than a non-Indigenous household in Victoria?

45 **MS PETA McCAMMON:** Yes, that's correct.

MR GOODWIN: Also highlighted from the report, Excluded From The Start, which I assume you are aware of, racial discrimination in the private rental market system can be a significant barrier at all stages of the renter's journey for an Aboriginal Victorian.

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MS PETA McCAMMON: Yes, that's correct.

MR GOODWIN: Then turning to social housing, it's clear that Aboriginal people are overrepresented in the social housing system.

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MS PETA McCAMMON: Yes.

MR GOODWIN: So as at 30 June 2023, 3,766 Aboriginal Victorians were in public housing operated by Homes Victoria. That's one in 10 Aboriginal Victorians in public housing in the state.

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MS PETA McCAMMON: I believe that's correct, yes.

MR GOODWIN: And that doesn't include First Peoples in Indigenous community housing?

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MS PETA McCAMMON: No, it doesn't.

MR GOODWIN: That's a shocking figure, isn't it?

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MS PETA McCAMMON: Yes.

MR GOODWIN: And at the same time, 5,815 Aboriginal Victorians were on the Victorian Housing Register, waiting for social housing.

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MS PETA McCAMMON: That's correct.

MR GOODWIN: So even if you add up the number of people in public housing at that time with the capacity of the Indigenous community housing sector, which is about 2,000, just over 2,000 homes, there are about the same number of people on the wait list than there are in homes in social housing.

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MS PETA McCAMMON: Yes, that's correct.

MR GOODWIN: That's a completely unacceptable position, isn't it?

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MS PETA McCAMMON: Yes.

MR GOODWIN: Now, of those people on the Housing Register, 34.1 per cent identified financial difficulties or housing affordability stress as the primary reason for seeking assistance. Are you aware of that figure?

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MS PETA McCAMMON: Roughly, it doesn't surprise me, yes.

MR GOODWIN: So about a third of Aboriginal people are attempting to access public housing, not necessarily in crisis in the same way that one might think of, nonetheless that's an extremely important point I'll return to, but a third of Aboriginal Victorians are seeking housing simply because they lack access to the private rental or ownership market. Is that right?

MS PETA McCAMMON: Yes, and I think that is exacerbated by the complete lack of affordability in the current market and as you said, the low incomes compared to the non-Aboriginal community.

MR GOODWIN: So that just continues to add pressure on the system, particularly the social housing system, where you have Aboriginal Victorians with a lack of access to intergenerational wealth creation, primarily because of their dispossession from land; racism in the private rental market which is growing, but has significant issues associated with access. And so you have a third of people simply wanting social housing in circumstances, because they simply can't afford access to any other system.

MS PETA McCAMMON: Yes, that would be correct.

MR GOODWIN: Turning then to access to specialist homeless services. So 17 per cent of Aboriginal Victorians attempted to access specialist homeless services in 2020 to 2021. So as the Aboriginal Housing and Homelessness Forum has highlighted, that's nearly one in five Aboriginal people compared to one in 50 for the general population. That's right?

MS PETA McCAMMON: Correct.

MR GOODWIN: What's your reaction to the astounding disparity in regards to Aboriginal Victorians having to access specialist homeless services?

MS PETA McCAMMON: I think it's fair to say it's a crisis.

MR GOODWIN: And what does that mean in regards to the responsibility on government to respond?

MS PETA McCAMMON: There is a responsibility to respond.

MR GOODWIN: Is it more than that in terms of it being a crisis?

MS PETA McCAMMON: I think when we look at that number, I guess the other concerning thing is that that has actually grown over the last decade. Perhaps we are starting to see a little bit of a rest in those numbers, but it is a truth that that has been growing. So I think the concern is obviously supply, obviously supply is an issue there. But also I think the models of support and the models of

responding clearly need to also change, because it's, yeah, it's an astounding figure.

5 **COMMISSIONER LOVETT:** You mentioned the word before about "crisis" and sort of, started to elaborate. Can you elaborate any further on that?

10 **MS PETA McCAMMON:** I think those numbers are so incredibly high for the Aboriginal population, and I know in previous submissions that has been translated to, if that was in the non-Aboriginal population it would be over
15 a million people. I think that the system would break. I mean is struggling - so - and I think the other thing - I'd make the observation - is we're also seeing different types of people presenting to the homelessness system, more complexity, more families, working families as well, children . And as I said in my opening statement, when we talk about homelessness, it also affects every
15 other aspect of a person's life. So it's very difficult to participate in society or to achieve without a home.

COMMISSIONER LOVETT: In saying that, how does that make you feel?

20 **MS PETA McCAMMON:** Sad.

MR GOODWIN: And in terms of that problem getting worse, this is at both a micro and macro level. So even in the six months between June last year and December, the number of First Peoples households on the Victorian Housing
25 Register climbed from 5,815 to 6,684. So just over 800 households. So that's roughly a leap in six months of 13 per cent. So clearly the problem is getting worse, isn't it?

30 **MS PETA McCAMMON:** Yep.

MR GOODWIN: And by my very rough and poor calculations, that would essentially be a family of four a day accessing specialist homeless services in those six months.

35 **MS PETA McCAMMON:** I think you were talking about accessing the register, were you or -

MR GOODWIN: On the register, yes, sorry.

40 **MS PETA McCAMMON:** Yes, I will trust your maths, yes.

MR GOODWIN: Yes. Now, of those households, 4,174 are in the category of priority access. So that's urgent need. And that's an unacceptable figure as well, isn't it?

45 **MS PETA McCAMMON:** Yes, yeah.

MR GOODWIN: And a quarter of those in the priority category, about 23.6 per cent, are on the register for emergency management. What would that category entail?

5 **MS PETA McCAMMON:** I might ask Dannii to provide a bit more detail on that.

MS DANNII de KRETSER: Sure. Emergency management is when there's an emergency across the state and we rapidly need to rehouse people. So a flood, a
10 fire or an arrangement like that.

MR GOODWIN: Would it include family violence risk?

MS DANNII de KRETSER: Family violence risk is under the homelessness
15 support category, which is high up on the list.

MR GOODWIN: Yes. Yes. So I just want to go to a graph that highlights the problem. And this is 2022 Annual Report Card that reports against Mana-na
woorn-tyeen maar-takoort, the Victorian Aboriginal Housing and Homelessness
20 Framework. So for - that's at page 13 of that document. And this is at tab 10, for Commissioners. If we can highlight the graph, thank you. Yes, thanks.

This is a little bit old, slightly old data, probably about three years old, but I think
it highlights the problem. So you have the rate of specialist homelessness services
25 clients per 10,000 head of population, and the higher figure is in relation to Indigenous Victorians.

COMMISSIONER HUNTER: Sorry, counsel, what do you class as a specialist?

30 **MR GOODWIN:** That might be a good question actually for Ms De Kretser..

MS DANNII de KRETSER: It's a homelessness service, Commissioner. So it's called, the sector calls itself a specialist homelessness service, but it's
35 a homelessness service, which includes Aboriginal organisations delivering and mainstream organisations delivering.

COMMISSIONER HUNTER: So crisis point, they are actually homeless or deemed to be - what is the criteria, I guess?

40 **MS DANNII de KRETSER:** Yeah, of the 11,600 Aboriginal people that came to a homeless service in '22-'23 about half were at risk of homelessness, so about 3,000 were in private rental or home ownership. So the categories that the Secretary was talking about, which is an emerging form of homelessness, because of affordability concerns. About 2,000 were in social housing, needing support to
45 keep their home and the balance were in far more tenuous forms of accommodation, or no accommodation, really.

- COMMISSIONER HUNTER:** Do you - and it seems that government work in silos across the system. So we know we have poorer health, overrepresented in justice as you both know, you've worked in that and child protection, how does that assist in that not happening? You can't get out of jail, until you've got accommodation. I have said this I don't know how many times throughout the hearing. And so I don't know how we are not talking to each other and we are at crisis point, it didn't happen overnight. How is government not talking to other areas to understand that if we don't have housing, we can't survive?
- 10 And if you saw the other one, the nine-year-old scenario that - how do we in this country, have nine-year-olds, whether they are with their family or not, homeless? If they are homeless, child protection knocking on the door to take them. Our women rate has gone up, as you know, so where do their children end up? And they can't get housing so they can't get their children back. These systems tear our families apart and to be able to access these services is just - you know, what is are the wait lists? We are overrepresented in every system and you can understand my frustration, again and again I feel like I'm just saying the same thing. Do you have - like do departments talk?
- 20 **MS PETA McCAMMON:** Yeah, I think and the various forums, housing, whether you go to the justice forum, whether you go to Dhelk Dja, whether you go to the Children's Forum, housing is through all of those forums. I agree that we're not very good at - like we do have silos, we have programmatic boundaries, different eligibility and I think there are some improvements that can be made there, but I think there is a supply issue. I think that that is, and we see that in the numbers on the wait list, and in then the challenge is how do you prioritise within that system.
- 30 **COMMISSIONER HUNTER:** But how do we get to this point where we have got to prioritise human beings or families, be it Aboriginal or non-Aboriginal? Everybody deserves a roof over their head.
- MS PETA McCAMMON:** Yep.
- 35 **COMMISSIONER HUNTER:** And so the planning obviously - like it just doesn't happen like that, does it.
- MS PETA McCAMMON:** No.
- 40 **COMMISSIONER HUNTER:** Are we not following these trends or what? I can't comprehend how - you know, I don't know if you have done this, but I've had to explain to my daughter people are homeless, and she can't understand why people don't have a home. Like, don't people just have a home? I put that question to you, a simple question from a child, shouldn't people have a home?
- 45 **MS PETA McCAMMON:** Yes.

MS DANNII de KRETSER: Yes.

MR GOODWIN: The big housing than --

5 **COMMISSIONER LOVETT:** The Big Housing Build is set to deliver 820
properties and yet there's 5,000 people to be housed on the waiting list. Not even
close to meeting the need. 820 properties, 5,000 people. What people have to
understand is, you know, as Commissioner Hunter said, we have cultural rights to
10 this Land. We are homeless on our own Lands. Homeless on our own Lands.
Proud Gunditjmara person. We had houses, you know. We had houses. We
weren't just roaming around, we had our houses, they were taken from us. And
we've heard a lot about the story of Gunditjmara people and many other people
through the land injustice hearings.

15 We know that it's thousands of people on the list, but we are only building 820.
Homeless on our own Land. It's just, you know, the system. And we talk about
silos on the system. There's a lot of talking going on, I think but there's not a lot
of listening. We hear, you are hearing, but who is listening? We in the Aboriginal
culture we talk about deep listening. We can hear noises. I can hear a noise going
20 on in the corner, but I'm not listening to it because I'm listening to youse. Keep
listening. Homeless on our own Lands in 2024. Basic human rights, as we're
saying here, basic human right to have housing. Basic human rights. This is how
we treat our First Peoples in this country.

25 **MR GOODWIN:** In relation to the pressure on the social justice - social housing
system, it's fair to say that the numbers of housing properties operated by
Aboriginal controlled organisations has remained relatively stagnant since the
transfer of title to Aboriginal Housing Victoria. Is that right?

30 **MS DANNII de KRETSER:** Had a couple of hundred increase in housing
Victoria.

MR GOODWIN: Not enough to meet demand.

35 **MS DANNII de KRETSER:** No, no way.

MR GOODWIN: And that's likely to have put further pressure on both the State
operated and mainstream community housing sector. And, in particular, in terms
of the public housing sector run by the State, there's been an increase - let me get
40 the years right, so I'm not misleading you. Over five years to June 2023, the
number of First Peoples public housing tenancies has increased by 40 per cent. So
this problem puts pressure on all aspects of the system, doesn't it?

MS PETA McCAMMON: Yes.
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MR GOODWIN: And in terms of that pressure on both the public system and
the mainstream system, and given evidence we've heard about the desire of many

Aboriginal tenants to have an Aboriginal landlord, and I think that's backed by some survey data that you have provided us as well, what measures are in place to ensure the cultural safety of the treatment of Aboriginal tenants by both Homes Victoria and other registered mainstream providers?

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MS DANNII de KRETSE: There are policies and procedures. We know, from our tenants' own, their own words, they're not always culturally safe at all and there is significant issues in some of the data we see in our resident survey around cultural safety of our homes. And we are also seeing residents at the moment where we're looking at the potential transfer of management arrangements to Aboriginal organisations, with some residents requesting that transfer as well.

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COMMISSIONER HUNTER: Can I just ask, what's the process if someone is feeling unsafe or has a complaint, particularly around racism? What would that look like? Like what's the process? Is it an easy access process or would they do it or -

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MS PETA McCAMMON: Yeah, I think, I mean part of in terms of the public housing system, the complaints come back into the public housing system. So that - we manage our own complaints at that level. There are other avenues, though, in terms of the Ombudsman and I know the Ombudsman has - you know, gets a number of complaints from public housing tenants. So that would be, in the first instance, back into the Department, or having to escalate it to the Ombudsman.

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COMMISSIONER HUNTER: And you said there was a survey. Are people likely to use that system of complaints?

MS DANNII de KRETSE: We have a number of First Peoples in public homes that use the complaints system and we have actually quite specific data on what they're saying comparative to the non-First Peoples population in public housing that I'm happy to share with the Commission if that would be of help. It's illuminating.

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COMMISSIONER HUNTER: I guess my point is are people likely to make a complaint if it's going back to government. It sounds like they are, so you have obviously got a system that works, but at the same time people want to hang on to their homes. Do you keep track of outcomes of those complaints? Are people happy with the end result?

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MS DANNII de KRETSE: No not always at all and we do keep a track of outcomes. I don't have them on me but we can, yeah, share those.

COMMISSIONER HUNTER: Yeah. That's - if we could get that at a later date, happy to take that up. I guess looking at government, investigating government, like we just have a thing around that, and I'd like to see what that looks like for First Peoples in public. But we can do that at a later date. Yeah.

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MR GOODWIN: Thank you, Commissioner.

5 So returning to the graph, so the top line shows the rate of receiving services from specialist homelessness services for Indigenous Victorians. The next rate is for Indigenous people more generally in Australia, the next line. And then below that the upper-most dotted line is in relation to non-Indigenous Victorians and then the very bottom line is in relation to non-Indigenous Australians more generally. So this shows that not only is Victoria underperforming in relation to the rest of the country, but in relation to Indigenous Victorians it's doing worse faster. Is that right?

MS PETA McCAMMON: Yeah, looking at the acceleration of that graph, yes. Yes.

15 **MR GOODWIN:** Why are we doing so much more poorly than the rest of the country?

MS DANNII de KRETZER: We are - unacceptable rates are on that slide. What it's also showing is the assistance that's funded in the homelessness service system, and Victoria funds 36 per cent of the nation's investment in homelessness services. So you see it's the tragedy that Aboriginal people need to access these services, but what it also represents is access increasing to those services as well. And we have a much larger homelessness service system than anywhere in the country at the moment, so that's what it also reflects.

MR GOODWIN: So in terms of - if I'm hearing correctly does that mean we are building capacity in the system to respond to the problem, or something else?

30 **MS DANNII de KRETZER:** We are - it is about building capacity in the system to respond, but the system doesn't respond to the problem well.

COMMISSIONER HUNTER: So what are we doing about responding well? Like, what - because we want solutions, right. I don't want to sit here and have to tell you guys, "But what are the solutions" and, you know, you know and you've both agreed there's a - we are at crisis point. So what are we doing?

40 **MS DANNII de KRETZER:** I think, if I look at the 11,600 First Peoples that came into homelessness services last year, the first point is the 3,000 that are in their homes now or in private rental, or in home ownership and I think it starts with that and making sure that every single one of those people we can keep in private rental and they don't fall out of their home. They deserve their home, they deserve to keep their home and that also goes to home ownership and what we can do within our levers to really boost that. I look at the 2,000 that are in social housing. There is a very strong proposal around how Aboriginal homes thrive and how we keep Aboriginal people in their housing, with the work that Aboriginal organisations do to support people.

And then I look at the really significant group in the 11,600 that have really, really terrible, they're sleeping in their cars, they're sleeping in different places that they just shouldn't be. And that's where we need to have crisis and transitional housing at scale, but also housing first approaches where we can immediately place people in long-term housing and wrap the support that they need around that family or around that person. So I sort of see it in three parts in a broad sense.

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10 **COMMISSIONER HUNTER:** Are you moving towards that?

MS DANNII de KRETZER: Yes, we are. With every additional piece of investment that's exactly what we try and do. For example, this year there's \$17 million in homes initiatives where we will be earmarking money to try to respond to the children's matter that we talked about, but it's not enough to arrest the need, but we are trying to build towards that. The same with the Homes First Initiative for Aboriginal Victorians that the Blueprint Steering Committee is currently working on. But, again, it's like \$2 million per annum, it's not enough to deal with the need that we've got presenting. So we are trying to work towards that with every investment and within the existing system too.

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20 **COMMISSIONER HUNTER:** Thank you.

MR GOODWIN: If we can go to the graph on page 28 of the document as well, just again to highlight the pressure on the system in many ways. This is and if we can highlight the graph - page 28. So this is the proportion of the population on the Housing Register waiting list in regards to new and transfer applications by percentage. So in 2019 as a proportion of the population, 9.1 per cent of Aboriginal Victorians were new - made an application for new or transfer housing and that increased in 2020 to 10.2 per cent, which was an increase of 19 per cent since the last report card.

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35 So that outperforms non-Indigenous Australians. That's - and putting the other graph together as well as this one, also why do you think the problem is getting worse more acutely for Aboriginal Victorians?

MS PETA McCAMMON: I think we are in an unprecedented affordability crisis. So if you are teetering on the edge that's going to be the group that comes into the safety net of the system, and this is what we're talking about here, a safety net in terms of homelessness services and community housing. So I think there's a vulnerability without strong levels of home ownership, access to private rental that are going to come into the safety net at higher proportions.

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45 **MR GOODWIN:** And so it really means that every single conversation about housing in this country and in this state has to place, at its core, a discussion about the position of Aboriginal and Torres Strait Islander peoples?

MS PETA McCAMMON: Yes, and the data bears that out.

MR GOODWIN: So then finally, I just want to - on this data point, I just want to go to the Victorian Government Aboriginal Affairs Report from 2022. This is tab 8 of the Commissioners' bundle. And in particular, just go to page 43 and focus
5 on the figure in the middle. So it's a measure of the Victorian Aboriginal Affairs Framework to measure the proportion of the Victorians accessing homelessness services. And this, again, just shows that the increase in Aboriginal people over a 10-year period accessing homelessness services has increased disproportionately in comparison to non-Aboriginal people.

10 And the percentage figures on the far-right bear that out in terms of the percentage of Aboriginal people accessing services has grown by 6 per cent for Aboriginal people and 0.1 for non-Aboriginal people. I mean, that's just clearly unacceptable, isn't it? And particularly in the context where you have, like you mentioned,
15 Ms McCammon, a system that has - that is built on the historic dispossession of Aboriginal Victorians.

MS PETA McCAMMON: Yes, I would agree with that.

20 **MR GOODWIN:** This position shows that dispossession continues.

MS PETA McCAMMON: Yes, and will continue without change.

25 **COMMISSIONER LOVETT:** Darren Smith, the CEO of Aboriginal Housing Victoria stated in these hearings that the rate of homelessness of First Nations Victorians would equate to one million non-First Nations community. Do you think that the State's response to that would be different? Pardon?

30 **MS DANNII de KRETZER:** We agree with Darren's evidence.

COMMISSIONER LOVETT: One million people in Victoria. One million. And what's the population of Victoria, roundabouts?

35 **MS DANNII de KRETZER:** Six million.

MS PETA McCAMMON: I think it's about one in five, so yep.

COMMISSIONER LOVETT: Can I please ask for a response to that?

40 **MS PETA McCAMMON:** I think, yes, I think it would be - yeah, I think, yes, I think there would be. I think there would be.

45 **COMMISSIONER LOVETT:** Again, how do youse feel about this? This is our people. This is community, community, take away Aboriginal people, community homeless. When I think about our people, again, I come back to the point I made earlier, homeless on our own Lands. This time I'm going to ask for a response to that, though, because it was remiss of me not to ask last time when I made the

point. We were never homeless. Disconnected. Moved around, on to missions. We were continually moved around, not having the same opportunities.

5 I grew up in Fitzroy flats, Atherton Gardens. I'm one of 28 kids in those high rises, all jammed in there. We had bugger all money, you know, but mob worked really hard to come together as a community. I didn't have curtains in our house. We had newspaper as our curtains. This is deeply personal around our people. I'm one of the lucky ones that was able to work through. But my brothers and sisters not so lucky. Can I please ask for a response?

10

MS PETA McCAMMON: I - it's not just.

COMMISSIONER NORTH: The thing is we keep hearing time after time from government that it's not just. We know it's not just. It's obviously not just. The question is what to do about it. Now, you are the people in the driving seat, and so what I'd like to know is what are the significant changes you are orchestrating. Because I can't imagine in our community that you are immune - you, meaning government - is immune to the horror of this picture.

15

20 But it isn't enough to hear about another framework, another set of principles, another guideline, another meeting, another caucus. What can we expect about change? I mean, we've got essentially, you know, thousands of Aboriginal people waiting for a home. Like, what can you tell them today, being in the driver's seat, about what they can expect about that waiting list? Is it likely that in a year they'll be housed or will it be 20 years, or will it be never?

25

MS PETA McCAMMON: So a couple of things. To take that last part, the answer could be all of those for some people on the wait list.

30 **COMMISSIONER NORTH:** To 20 years?

MS PETA McCAMMON: At the moment, the wait list is prioritising those at the priority. So we have two categories. Priority, I can't recall -

35 **MS DANNII de KRETZER:** Register.

MS PETA McCAMMON: Register of interest. So allocations are being made from the priority list and on average it's about a 20-month wait.

40 **COMMISSIONER NORTH:** And the longest wait? So they're the shortest wait.

MS PETA McCAMMON: That's the average wait at the moment for priority allocation. And there are some new investments coming into the system, which we talked about in terms of Big Housing Build, regional growth fund. But we've seen that there's still going to be a gap between the numbers of people waiting for a home and the numbers of homes that are coming in.

45

I think the other thing Mana-na woorn-tyeen maar-takoort for us is a unique framework. It's not a framework that has been developed by government. It's a framework has been developed by the Aboriginal Housing and Homelessness
 5 Forum. It's a 20-year framework with a vision, every Aboriginal person has a home. And it absolutely has actions that need to be taken in relation to the safety net. By that we meet the social housing and the homelessness, but we also need to make inroads in relation to home ownership private rental and I will need assistance with my colleagues across other parts of government to do that. So -

10

COMMISSIONER NORTH: You see, there's still the language of "will do" and "what other supports we need". I'm really asking about - talk to the Aboriginal family on the waiting list that's not on the priority list, whose wait is going to be the longest. How long will that family have to wait on current - on your current
 15 forecast, given your now policy involvement? As of today, if I came along and I said I'm on the bottom of that list, how long do I have to wait?

MS PETA McCAMMON: To be honest, I don't think we could tell you.

CHAIR: But can I ask a different question, Tony? I mean we are hearing about layers of bureaucracy, layers of consultations, engaging Aboriginal people to give a language name to something to create a - identify it as Aboriginal. And yet the timeframes are impossible. They don't make sense. Is there too much
 20 bureaucracy? Is there not enough direct contact? Is it that the bureaucracy and the consultation process is so layered that that's part of the problem?

25

MS PETA McCAMMON: I think it could be, and I think people will have different views on that but I think - and my experience in government, once you create something it's very hard and you do end up layering, and I think my
 30 reflection in this role over the last 14 months is we do sometimes then do that almost programmatic. Like, we are going to now come and talk to you about family violence. We are going to come and talk to you about children when we - that's more difficult. We're not as good as saying let's talk about what is needed. So I accept that that would be part of it.

35

CHAIR: But we are so frustrated -

MS PETA McCAMMON: Yep.

CHAIR: - about the word "consultation". We have been "consulted" all of our lives. Generations of our people have been consulted to little impact and it's grown incrementally into what's become an industry in so many sectors. It's just hard to keep talking about it, and I know we've had a pandemic but that's not an
 40 excuse. It should make things better, really, as a result of understanding - more people understanding the plight. But it's frustrating to have the same conversations and talking about a 20-year framework. It's - some people don't live that long.

45

COMMISSIONER NORTH: I think what, to me, is so disturbing about this particular conversation is the following. The solution - you've identified the problem is supply. So that's bricks and mortar. That's building some thousands of
 5 houses. So unlike a lot of the other issues in your Department, which are so complicated; family violence and those sorts of issues where it's not easy to pinpoint what policy settings are going to solve the problem, here, the solution is staring us in the face. It's bricks and mortar, number 1.

10 And number 2, the bricks and mortar are the solution to so many of those other problems that radiate out from not having a home. So we are at the very pointy end of, you know, social problem-solving, and it shouldn't be that at that pointy end we're talking about frameworks, guidelines and so on. It just - that's why I'm
 15 asking you where are the short-term solutions that are being looked at by government?

I mean, we've seen so many very difficult problems in these hearings, but this is not hard. This is bricks and mortar, which will solve so many of the hanging-off problems like family violence, education issues, all the things that depend upon
 20 people having a home. It's really a starting point, isn't it?

MS DANNII de KRETZER: It is, and in terms of the hearing now, and what we are doing - if people would like me to go into that, I'm happy to.

25 **COMMISSIONER NORTH:** Sure.

MS DANNII de KRETZER: Of course. We are currently building 1,023 homes or funding the building of 1,023 homes that are dedicated for Aboriginal people. So again, that's a fifth of the list, or less. Those homes are going to be delivered,
 30 109 will hit the ground, 260-odd are contracted for delivery. And then we have homes being delivered up until 20 - we are funded to deliver up until '26-'27. So that 1,023 is against Mana-na woorn-tyeen maar-takoort's very clear target of 300 a year. So that should really be 1,500 if we are following Mana-na woorn-tyeen
 35 maar-takoort, noting Mana-na woorn-tyeen maar-takoort's target is only to stop the population growth, it's to make the situation not worse. It doesn't deal with the list, but that's what we are funded for.

COMMISSIONER NORTH: So it's essentially 1,000 out of a list of 5,000?

40 **MS DANNII de KRETZER:** Essentially. For the next four years we are working, because the Commonwealth Government have 40,000 homes it's funding through the Housing Australia Future Fund. So we're working to try and - with the Aboriginal Housing and Homelessness Forum on how we try and secure as many of those homes for Aboriginal Victorians as we can.
 45

So chasing, as the Secretary talked about, as much supply as we can. And then we're also looking at any of our mainstream investments in new homes, as many

of those rounds, setting a target for Aboriginal housing within those rounds. So for example there's a social housing growth fund round at the moment where 20 homes are trying to be earmarked for - so we are trying to do it home by home and with every dollar we have.

5

Secondly, I think the point around private rental is really important. We have expanded the Aboriginal Private Rental Assistance Program. That program has doubled. We look at demand on that program. We try and stretch those resources and if we have unspent funds in other programs, we'll reinvest back in. We've just made that reinvestment. It's boosted it by 500,000 to 5.8 million a year. It's still not enough.

10

COMMISSIONER NORTH: How many families are likely to be, if you like, taken off the social housing list and - by getting private housing using that fund? I'd say, by the sounds of it, quite a small number.

15

MS DANNII de KRETZER: The program helps or supports about a 1,000 families a year. I would say those families are in addition to those on the Victorian Housing Register. If you are generally on the Victorian Housing Register in priority you have not had access to private rental. So it doesn't necessarily work that way, but it can work that way. So that's a very important element to expand that program.

20

I would also say in addition, while we have so many Aboriginal Victorians accessing homelessness services, it's also about how they experience those services and how they come in to those services. And that's about creating an Aboriginal-specific service system that is best going to address needs and that has been about establishing two entry points.

25

Now, the entry points are incredible programs of work on behalf of the two organisations running them at the moment, but what we are incredibly concerned about it is the back end of those entry points and people having homes. So we are doing a lot of work around - with those services or Aboriginal Housing Victoria is also leading this, around how do we prioritise the homes at the back end of the entry points. Because it's one thing to have an entry point, but you actually need the services behind the entry point.

30

35

So we are looking at housing first programs that are dedicated for Aboriginal Victorians. There's about \$3 million, as I mentioned earlier, in total to invest per annum in those programs. Again, that doesn't deal with the size of the need but - and then we have achieved in this year's state budget an extra \$16 million, which the Blueprint Steering Committee and the Forum will advise us how that should best be spent to deal with the need that we are seeing in homelessness among Aboriginal people.

40

45

So we spend every day trying to work out how do we build as many homes as we can, how do we reprioritise resources to deal with the greatest need and then how

do we chase more investment to do more for Aboriginal families. That's sort of our broad approach.

5 **MR GOODWIN:** Chair, is that a convenient time for a break?

CHAIR: Yes, I think we should have a break.

MR GOODWIN: Yes, if we take possibly, it's 10 minutes, a 10-minute break.

10 **CHAIR:** Thank you, yes.

COMMISSIONER LOVETT: Five minutes. We shouldn't be 10.

15 **COMMISSIONER HUNTER:** Yeah, take five minutes.

<THE HEARING ADJOURNED AT 11.40 AM

<THE HEARING RESUMED AT 11.52 AM

20 **CHAIR:** Counsel, are we ready to resume? Thank you.

MR GOODWIN: Thank you, Chair.

25 So I want to turn to some of the various strategies and some of the programs that we mentioned or that you mentioned, Ms De Kretser, in particular. So we have discussed, and the Commissioners have seen and read and heard evidence about Mana-na woorn-tyeen maar-takoort, the Victorian Aboriginal Housing and Homelessness Framework, and we understand generally the background to that framework. Has the Department committed to the implementation of the
30 framework in full?

MS DANNII de KRETSE: We adopt this framework. We absolutely commit to it and work towards delivering within it.

35 **MR GOODWIN:** And I took you to elements of the 2022 report card, which reports against the framework, some of those graphs that I showed, I note in one of the Department's responses to the Commission that the 2023 report card has not been released as yet. If either of you can give us an update about when that is expected to be released.

40 **MS PETA McCAMMON:** Just to clarify that, that's not our report card. So we don't publish that. That's published by Aboriginal Housing Victoria on behalf of the Forum.

45 **MR GOODWIN:** Yes. So the responses were – it makes more sense why you said you were waiting for it, then.

MS PETA McCAMMON: Yep.

MR GOODWIN: Thank you. So also in conjunction with the framework as we have discussed, the government provided some funding to the Aboriginal Housing and Homelessness Forum to develop the Blueprint for an Aboriginal specific
5 homelessness system. So, again, you can take it as read that the Commissioners have that and have heard evidence from a number of people, including Jenny Samms and people involved in the Aboriginal community controlled sector regarding that report.

10

So one of the issues, and you mentioned this, Ms De Kretser, is about the pilot project on entry points to Aboriginal controlled organisations. I just wondered if you could elaborate on the nature of that funding and its purpose?

MS DANNII de KRETSE: Sure. It relates to two entry points. There's a desire from the Blueprint Steering Committee to have more entry points, but it's two. One in the inner south of Melbourne and one in the Barwon area, run by Ngwala and Wathaurong respectively. The entry points are for Aboriginal people to come into the homelessness service system in a culturally safe and very, very
20 holistic service delivery that is delivered by those organisations. They started earlier this year and they are increasingly, we think from what we are seeing, eliciting maybe Aboriginal Victorians that weren't willing to come forward to homelessness services.

25 The entry points also have an outreach component where they can go out where people who may be sleeping rough or sleeping in tenuous accommodation and they can wraparound and support those First Peoples in a way that then starts to arrest their homelessness, if that makes sense.

MR GOODWIN: So early results from a relatively new program are encouraging, associated with Aboriginal community members accessing ACCO support, when at risk or, in fact, homeless?

MS DANNII de KRETSE: Very much so and it's a very – every six weeks we
35 meet and we work through what's going on in those entry points to try and work through what we need to do to resolve issues as they arise and Aboriginal Housing Victoria is funded for a stewardship role to help the design and - of those entry points.

40 **MR GOODWIN:** How long is that pilot project due to run for?

MS DANNII de KRETSE: Currently funded for two years, but we will by hook or crook, do what we can to make that program continue and we don't want it to get to the end of its sort of, life and that becomes a concern. There's some
45 wonderful staff that are working in those organisations that we need to make sure can continue their work.

MR GOODWIN: As I understand it, is it already your desire as Deputy CEO of Homes Victoria that the program be expanded?

5 **MS DANNII de KRETSE:** Yes, and a valuation is commencing with the service providers and the Blueprint Steering Committee selecting that component to evaluate it.

10 **MR GOODWIN:** That was actually going to be a question. So there is a monitoring and evaluation pressuring as part of the pilot project?

MS DANNII de KRETSE: Yes. The Blueprint Steering Committee is designing that as we speak and it's currently being procured by that Committee.

15 **MR GOODWIN:** You understand the Commissioners have heard enough about pilot projects to probably be able to fly a plane themselves.

MS DANNII de KRETSE: Yeah.

20 **MR GOODWIN:** How do we - how does the Commission have any confidence that such a pilot project of this that invests in the community controlled sector, will be committed to, following the end of the pilot project?

25 **MS DANNII de KRETSE:** I'm not sure you can have that confidence, but I take it as my responsibility and it is earmarked in my performance plan to grow the Aboriginal specific homelessness system. So I take it as my responsibility for that program to continue.

30 **MR GOODWIN:** And, of course, that question might be put to someone else as well with responsibilities in this area. There was also - in the materials provided by the Department in response to various requests for information and briefing papers, there was mention of an Aboriginal Housing and Homelessness Summit in 2022. Are you both aware of that? Yes.

35 Ms McCammon, I understand that there was a report that was released following that summit?

MS PETA McCAMMON: Yes. Yes, and to be clear, so that's the report from - it's not a government report, that's the Forum's report, yes (crosstalk).

40 **MR GOODWIN:** Yes, and the Forum report made a number of specific recommendations to government. Is that right?

MS PETA McCAMMON: Yes, a number. Yes.

45 **MR GOODWIN:** And as I understand it from the materials, the government is yet to respond to those recommendations. Is that right?

MS PETA McCAMMON: That's correct.

MR GOODWIN: Why hasn't the government responded to that two years later?

5 **MS PETA McCAMMON:** So my understanding is that that summit report is currently out with Justice Caucus and Dhelk Dja in terms of because there's also some recommendations that cover other areas. But I don't - I don't have another reason to say, to be honest, about why we haven't responded.

10 **MR GOODWIN:** Who has lead responsibility in government to respond to that report?

MS PETA McCAMMON: That would be us, yes.

15 **MR GOODWIN:** Do you have any idea of when a response will be received by the Forum to that report?

MS PETA McCAMMON: I don't believe we've made a commitment about that. I'll just check with Dannii.

20 **MS DANNII de KRETSEER:** I would expect probably within the next three months give and take but that would be my understanding of the Justice Forum work going on at the moment. We received something this week around the intersections there, still more work to do with Dhelk Dja, but I'm going to say
25 about three months, give or take.

MR GOODWIN: Does it highlight what Chair Bourke's concern was about the overlaying of bureaucracy in some of these responses?

30 **MS PETA McCAMMON:** I think though, the summit - as I understand it - the summit is the forum, which is made up of Traditional Owners, ACCOs and Aboriginal housing providers. And looking - when I looked at the summit report, it goes into a lot more detail in terms of some specific actions that probably look
35 also to some of the issues that sit around the issues of homelessness, so I think around case planning for children and family violence.

So I don't know whether I'd characterise it as another layer of bureaucracy, but it is another, I guess, a further input into the Department in terms of what needs to be done.

40 **MR GOODWIN:** I suppose my point was that the layering of a bureaucracy holds up response to the recommendations in the report.

45 **MS PETA McCAMMON:** I think - I think yes, in terms of where there's - where things need to go to different, multiple places and multiple authorities, yes, that can hold it up, yep.

MR GOODWIN: So just in terms of response to the Framework, Ms De Kretser, I might give you an opportunity to speak to a chart which just shows some of the moving parts. This was - I believe the operators have it available and this was a late document given to the Commissioners, so it should be a loose one-pager
5 given to Commissioners which just shows the governance map, essentially, for the Framework.

And my apologies, Commissioner Walter, hopefully we will email it to you to the extent that if we haven't. You've got it, thank you. Just checking if we can bring
10 it up on screen. There we have it. Yes. So I - at the risk of again - I don't know if the Commissioners have -

COMMISSIONER NORTH: Where is it to be found?

15 **MR GOODWIN:** One page.

COMMISSIONER LOVETT: It's on the screen, let's not hold up.

MR GOODWIN: If - hard copies are available, so I can - Ms De Kretser, can
20 you briefly take us through some of the governance arrangements that have been established for the work?

MS DANNII de KRETSE: The governance on the slide you see is - the main
25 part of the governance is in the middle of the page which is the Aboriginal Housing and Homelessness Forum. It is chaired by Aboriginal Housing Victoria. It consists of 38 Aboriginal organisations including Traditional Owner groups, with an interest in housing and homelessness services. It is supported by Aboriginal Housing Victoria. The Department funds Aboriginal Housing Victoria money for implementation support for the framework in acknowledgement that
30 this takes a lot of - a lot of work, these governance arrangements and they uphold those governance arrangements.

Public sector representatives and government are invited to the Forum, so the
35 Forum that's planned for the 21st and 22 of June, Homes Victoria may or may not receive an invitation to talk to specific items, and/or understand decisions from the Forum. The Forum reports into the implementation working group, which includes members of the Koori Caucus, it's Co-Chaired by Aboriginal Housing CEO and the CEO of Homes Victoria, and it also includes membership from the Department of Premier and Cabinet and The Department of Treasury and Finance.
40

MR GOODWIN: Just on that implementation working group, how often would
you say they met?

MS DANNII de KRETSE: I think it meets every three months from my best
45 recollection.

MR GOODWIN: So quarterly, aligning with how often the Forum meets.

MS DANNII de KRETSER: The Forum meets, yeah, on a quarterly basis as well. To the left of the slide, you see the Blueprint Steering Committee to create an Aboriginal specific homelessness service system. The Blueprint Steering
 5 Committee is very much - Mana-na woorn-tyeen maar-takoort has a - objective 4 is about homelessness and addressing homelessness and the Blueprint kind of drives that objective, but also the Blueprint. It's Co-Chaired by Jenny Samms and myself, and it includes Aboriginal organisations delivering homelessness services. It includes some mainstream services.

10

The Council to Homeless Persons is the mainstream peak for homeless service delivery and it meets every six weeks, and really at the moment is focused very much on the entry points establishment and success. At the bottom of the slide
 15 you see the Housing Reference Group. That is a subgroup of the Aboriginal Housing and Homelessness Forum and that group very much steers investment in capital programs. So what that means is basically where we put new homes.

So right now that group is looking at - there's new funding coming in under the Regional Housing Fund for 130 homes and they will tell Homes Victoria where
 20 those homes should go, where the need is. And obviously the need will be a drop in the ocean, but that's the role of that group. And that group's also steered sort of the first order principles under the Big Housing Build and some of the directions under the Big Housing Build.

25 There's a group in the bottom right-hand, which Aboriginal Housing Victoria and our Executive Director Aboriginal Housing and Homelessness steer, which is trying to keep everything on track, trying to keep us accountable and that's called the Action Group in the right-hand side. So it's a way to make sure that we're
 30 addressing the actions that sit in each of those governance groups, and not languishing them really.

MR GOODWIN: In relation to the Aboriginal Housing Reference Group, the membership includes a number of Aboriginal Community Controlled
 35 Organisations that have housing programs, but aren't registered community housing providers. I know that there is currently a program or policy of Homes Victoria to consider tenancy management transfer to Aboriginal Community Controlled Organisations. It might not be registered, but essentially
 40 can take over management responsibility for tenancies that Homes Victoria owns the title to. I just wondered if you could give the Commissioners an update on the progress of that type of program?

MS DANNII de KRETSER: Yes. It's in - there's two sites currently being considered or two locations. One is around the Bendigo area and the other is in
 45 Shepparton. It really starts with tenants in those homes exercising their choice about whether they'd like to change landlords, and that has been happening to date. It does - at the last Aboriginal Housing and Homelessness Forum, we discussed this, and we talked about a little bit going back to the drawing board.

Because when we've asked these, asked the tenants it was actually us that asked the tenants whether they wanted to move and it didn't seem quite right. So with the Forum we've talked about actually making that an independent question from someone who is independent from both landlords to ask the question, or that Aboriginal services ask the question as opposed to us as the landlord.

COMMISSIONER HUNTER: What was the outcome you got?

MS DANNII de KRETZER: It was mixed in both those occasion. And that we were a little bit worried about, one was a little bit low. I think if we asked the question, "Do you want us to be the landlord", you are going to get a different answer to someone else asking the question. You are going to get different results. According to the data we have got about tenants, and I guess the vote that happened when Aboriginal Housing Victoria took on the Aboriginal rental housing program it very much was a "yes". So that felt low. So we are going back to the drawing board to ask some of the tenants again in a different way.

MR GOODWIN: Because there's an inference, "I don't want to tell my current landlord that I don't want them to be my landlord anymore."

MS DANNII de KRETZER: Yes, very worried about that.

MR GOODWIN: When you add to that generally distrust of Aboriginal people usually of government systems.

MS DANNII de KRETZER: Yes.

MR GOODWIN: And I presume that's the benefit of a governance relationship with the Aboriginal community controlled sector, to be able to be a little bit more nimble in those circumstances?

MS DANNII de KRETZER: Absolutely.

MR GOODWIN: We can take down that slide.

COMMISSIONER LOVETT: Can I come back to the summit for a sec? It's more broadly about government, just around that. (Crosstalk) the design of the summit was to bring community and the Department, that intersects with housing to identify a five-year strategy to address the immediate need for housing in relation to those intersectionalities. Would be it reasonable to assume that a joint response from the State would be appropriate?

MS PETA McCAMMON: Yes. Yep.

COMMISSIONER LOVETT: Hasn't happened yet?

MS PETA McCAMMON: No, it hasn't.

COMMISSIONER LOVETT: Do we have any timeframes around when that will?

5

MS PETA McCAMMON: I think the closest as Ms de Kretser indicated, three months.

COMMISSIONER LOVETT: Three months, okay. Watching with bated
10 breath on that.

MS PETA McCAMMON: Fair enough.

MR GOODWIN: I did think to myself, Commissioner, that is within our life, so
15 we can chase. So we've talked a lot about social housing so I want to talk about some of the other aspects of the housing system and some of the programs that exist. Now, thinking about a lack of home ownership, Victoria currently operates a shared equity home buyer scheme.

20 Now, just to be clear, Ms McCammon, your Department is not responsible for the delivery of that scheme. That's right?

MS PETA McCAMMON: That's correct.

25 **MR GOODWIN:** That's under the responsibility of the Department of Treasury and Finance?

MS PETA McCAMMON: That's correct.

30 **MR GOODWIN:** And they provided us - well, I should say, there is some reporting about the take-up of that scheme against the Framework. So there is at least some data available to us. So it started as a pilot project. I think it was a two-year pilot project. Is that right?

35 **MS PETA McCAMMON:** I'm not sure - sorry.

MR GOODWIN: That's fine. And, well, at least in two years of operation of the
40 pilot project only - and despite there being more generous conditions for Aboriginal Victorians who participated, only one person was successful in that two-year period at accessing the scheme to purchase a home. Are you aware of that data?

MS PETA McCAMMON: Yes, I've seen that data.

45 **MR GOODWIN:** Yes, and then there was examination of the criteria attached to the scheme, and in particular, the criteria was changed to increase the level of income that you could make to access the scheme, as well as significantly doing

away with criteria that required it to be your first purchase as well as doing away with criteria that meant you could only access the scheme if you had a debt of less than \$10,000.

5 Following that, in a similar two-year period, 57 Aboriginal people have accessed the program. I just wondered, I know it's operated by a different departments, but I just was interested in your reflections on what that teaches government about the criteria it sets and how it sets that criteria for Aboriginal Victorians to access similar programs.

10

MS PETA McCAMMON: Yeah, and don't have a intimate knowledge, but I guess that's an amazing increase, isn't it? What is a that as a percentage? 570 per cent or whatever.

15 **MR GOODWIN:** That will be beyond me definitely.

MS PETA McCAMMON: Yeah.

20 **MR GOODWIN:** As you trusted my maths, I'll trust yours.

20

MS PETA McCAMMON: So clearly the change improved access. So - and so, yeah, that's all I can say. That's a dramatic increase, yep. Percentage wise I should say, given that was a pretty low base, the one.

25 **MR GOODWIN:** Then following on to access to the private rental market, so Ms De Kretser, you mentioned I think in one of your previous answers the Aboriginal Private Rental Assistance Program. It's been a program that began in December 2020, I think that's right.

30 **MS DANNII de KRETSE:** Yes, that sounds right.

MR GOODWIN: And 1,300 First Peoples households have been supported in about a four-year - no, a three-and-a-half-year timeframe?

35 **MS DANNII de KRETSE:** Yes, that's -

MR GOODWIN: And you mentioned again now, that there is currently funding for 1,000 spots, essentially, per annum for Aboriginal Victorians under that scheme. Has that increased funding? And those 1,000 spots, has that commenced? Is that in operation now?

40

MS DANNII de KRETSE: Yes, it started in the '23-'24 year, so it's sort of doubled in size from five DFFH areas to now, 10. So there's still seven areas where it doesn't, but it's doubled in size and it - we recently put a little bit more money into it, because the demand on the program is quite strong as well.

45

MR GOODWIN: So it's actually meeting, not meeting demand (crosstalk) there's enough demand.

5 **MS DANNII de KRETSEER:** I'm confident we will house 1,000 families this year at least in that program.

10 **MR GOODWIN:** And that makes sense with the increase in demand on the private rental market itself, by Aboriginal Victorians given the crunch on both home ownership and social housing.

MS DANNII de KRETSEER: Absolutely and it being in more locations is helpful as well.

15 **MR GOODWIN:** Yes, and so is it - do I take it from that, similar to what we have discussed about previous pilot programs that it's your desire as deputy CEO of Homes Victoria that at least based on initial indications of the success of the program that it continue to be expanded?

20 **MS DANNII de KRETSEER:** I would hope so and it - I don't think it's a pilot. I think it's embedded.

MR GOODWIN: Not a pilot anymore?

25 **MS DANNII de KRETSEER:** It was.

MR GOODWIN: It has taken off, it's in flight?

MS DANNII de KRETSEER: Yes.

30 **MR GOODWIN:** So, yes, but nonetheless it sounds like, from your evidence, that there is a desire to continue to expand the program?

MS DANNII de KRETSEER: Yes, absolutely.

35 **MR GOODWIN:** And that's just simply going to be necessary, given the increasing demand year on year on the private rental market for Aboriginal people?

40 **MS DANNII de KRETSEER:** Yes.

45 **MR GOODWIN:** Next, I want to look at some of the issues we've discussed around intersectionality between housing and vulnerable subgroups. If I can go to Mana-na woorn-tyeen maar-takoort, and I can already hear members of the Gunditjmarra laughing at me for mispronouncing and I apologise. So if we can go to that. This is tab 9 of the Commissioners' folders, and that's at page 73. And I apologise to the operator, I've jumped ahead in my list, so this is number 5 in my list. Yes, thank you. And if we can highlight the column on the right.

So this is page 73 of the framework, if you have it. Yes. So one of the - sorry, I'll get my own copy. This just presents some data that highlights some of the particular vulnerabilities and I should say this is generally for Aboriginal
 5 Australians. This is data for Aboriginal Australians, but is also obviously relevant to the Victorian Aboriginal community as well. So Aboriginal Australians are more likely than others seeking homeless assistance to have children under 10 and that's evidence we have discussed, that's 22 per cent compared to 15 per cent. Be
 10 younger than 25, that's more than half of at least Aboriginal Australians generally seeking homeless assistance, compared to 40 per cent of the general population. More likely to already be homeless, need emergency accommodation. We discussed that briefly again, more than half compared to the general population of 36 per cent.

15 And then further down the last three dot points, need meals more than twice the general population. Need laundry and shower facilities, again, more than half. And need transport, 32 per cent against 19 per cent. Now of course these will play out differently across the country. So this is national data, compared to Victorian data. But, again, as the Forum highlights, the data presents that Aboriginal
 20 Australians are far more likely to be than other Australians - to be homeless and Victorian Aboriginal people are more likely than other Aboriginal Australians to be homeless and those people seeking homeless assistance are more likely to be in greater crisis.

25 So in particular, in regards - and this is returning to a question that Commissioner Hunter asked in evidence that Mr Smith gave from the Aboriginal Housing Victoria, in particular it seems as though children are significantly - a high proportion of persons in families seeking homelessness services. What particular
 30 focus is the Department putting on the needs of Aboriginal children? And what specific programs, if any, are directed to that particular issue?

MS PETA McCAMMON: Do you want to take that one? I guess to clarify in terms of when we talk about children, children who are presenting to the homelessness service?
 35

MR GOODWIN: Yes, yes, exactly.

MS DANNII de KRETZER: I might start with young people, if that's okay.

40 **MR GOODWIN:** Of course.

MS DANNII de KRETZER: In terms of young people, there is -

COMMISSIONER HUNTER: When we say "young people", what's the age.
 45

MS DANNII de KRETZER: I'm going to go up to 24 years because we sort of, yeah, and sometimes 15 to 24 but it's sort of 16 to 24 in the official count, but we

do see identification. What we're trying to do with young people is build models that assault their needs and this is very much linked to care leavers or young people exiting care. There are some investments at the moment to build, we call them "Village 21" models, through Aboriginal Community Controlled
 5 Organisations and there's three of those in progress at the moment to be built. There is also services that are currently available, there's about 70 million of the homelessness budget is invested in youth services.

10 But again, accommodation can be lacking, so there is dedicated transitional housing properties for young people. There is money through care leaving arrangements around building better futures, to provide housing assistance, because it's often a very significant element in children transitioning from care. And then there is a range of other ways that we also try to reconnect young people with family, and kin. So it's not just assumed a young person who presents to
 15 a homelessness service system lives independently. Often it's also about that reconciliation with family and that support within family.

COMMISSIONER HUNTER: Shouldn't that be done while they're in care?

20 **MS DANNII de KRETZER:** Yes, sorry. I was referring to young people less so in care than young people coming into homelessness services, but I would -

MS PETA McCAMMON: Just picking up one high-risk group is kids leaving care and the data tells us in terms of high risk of homelessness and you are
 25 absolutely right that the planning for that. Better Futures I think, it starts 15 years and nine months. I think it's fair to say there's been an evolution of understanding of that risk in terms of children leaving care and there are some programs. So there's Better Futures, there's Home Stretch and they're around case support, it could be brokerage funding, around access to support, access to funding. The
 30 feedback through both of those programs is that the gap remains in housing. So there's no new program that we will be rolling out next year which is called -

MS DANNII de KRETZER: Housing First For Young People.

35 **MS PETA McCAMMON:** But the distinct part of that is it's a program that guarantees a house. It doesn't for life. It's a two and a half year and there's about 225 dedicated spots for just for young people leaving care. About 20 per cent of those will go to Aboriginal children, because we know they're overrepresented in the system. So I think as I said, there's an evolution of understanding about how
 40 to look at that issue.

I would say, though, when I've been reflecting on this as an issue that I think when
 45 Dannii started talking about, I think there is also work that we need to do about what are good models for young people leaving care that isn't public housing, to be honest. Like other models that might be more communal based models. So I think - and there is some recommendations in the Blueprint. They're not funded yet but there are, in relation to VACCA. But I do think that is a piece of policy

work particularly with ACCOs that we do need to look at, because I think there's more work that we can do about not just supply, because they're still children, right, at that age so what do the good maybe communal models look like in that space.

5

COMMISSIONER HUNTER: Do you have any stats around kids leaving care that end up homeless?

10 **MS PETA McCAMMON:** Yes. We - if - we can definitely provide that to the Commissioner. Yep.

COMMISSIONER HUNTER: Yeah. If you can provide that. I think that's, you know - and that's - we're the highest rate of removal in the state, Aboriginal kids and we're only, what did you say, 20 per cent.

15

MS PETA McCAMMON: I'm only talking about that one program. There will be about 20 per cent of that program will be dedicated to Aboriginal children. But, yeah, that's in recognition of the overrepresentation of Aboriginal children in care.

20

COMMISSIONER HUNTER: Sorry. Can I also - if you've got, has housing got - sorry for being ill-informed here - Closing the Gap targets and are you addressing them?

25 **MS PETA McCAMMON:** We have a Closing the Gap target that looks at overcrowding. We have met that target, but I would say that target - the target we have met is still lower than the experience of non-Aboriginal people in terms of rates of overcrowding. And I would say the other thing is we don't think that's an adequate target.

30

COMMISSIONER HUNTER: We get told that it's overcrowding, really good point there, but we are not going to leave our family on the street so we take them in to the detriment of our own families and also take on the kids in care, the grannies that take on the kids in care.

35

MS PETA McCAMMON: Yep.

COMMISSIONER HUNTER: What was that target?

40 **MS PETA McCAMMON:** So it's rates of overcrowding, I don't - 80 -

MS DANNII de KRETZER: It's 88 per cent and it's counted as needing one extra bedroom. So it's 88 per cent. We exceeded that by I think it was 2021. The current rates of overcrowding in public housing are 3.2 per cent of all the population of public housing living in overcrowded dwellings and Aboriginal people in public housing it's 6.3 per cent, I believe. So it's double. It's not at

45

parity. So the 88 per cent target's just very, very low and not ambitious enough for where we need to be.

5 **COMMISSIONER HUNTER:** Can I also ask just on that program you were just talking about and kids leaving care, is there also for kids with disability leaving? Like, is there a -

10 **MS PETA McCAMMON:** I have to check how we're dealing with that because - yeah, can I come back to the Commission on that? Yep.

15 **COMMISSIONER LOVETT:** While we are on that, given that we're talking about intersectionality, what about the intersectionality in those groups, for example, young people as we just briefly talked about who are living with a disability or young people who identify as LGBTIQ+ and other models you're talking account taking into account their unique experiences?

20 **MS PETA McCAMMON:** Yep. So - and we know that members of the LGBTIQ community are also overrepresented in homelessness. To be honest on that I will have to come back to more detail to the Commission about how we're making sure their needs are addressed.

COMMISSIONER HUNTER: Also if they are included in that leaving care program, because all those factors make them more vulnerable.

25 **MS DANNII de KRETZER:** I think, Commissioner Hunter, I agree and it's how that - those models where we have got not just the home, but the support wrapped around, like the Village 21 models and the models that are recommend with the youth focus, which have an education focus. It's those models that really do work better for children with additional needs.

30 **COMMISSIONER LOVETT:** Not to take away from the children in care but my question was about care, but also people who aren't in care as well.

35 **MS PETA McCAMMON:** Yep. Yep.

40 **MR GOODWIN:** Another vulnerable group is Aboriginal Victorians experiencing family violence. So the government's provided us with the information that says that Aboriginal Victorians are 15 times - sorry, Aboriginal Victorians accessing specialist homelessness services are 15 times more likely to be experiencing family violence, mental health issues or rough sleeping. So I just want to go to the social housing overview provided by the Department in response to requests for information and if we can go just to page 13, first, under the heading of Family Violence Refuges and just highlight the first four paragraphs, at least. This overview is at tab 3 of the Commissioners bundle.

45 **COMMISSIONER NORTH:** Three, I think.

MR GOODWIN: Tab 3, yes. Sorry, yes, the witness bundles are a different tab, so I'm sorry, you are going to have to ignore me on that one. This is the social housing overview, if that helps. So the 2016 Royal Commission into Family Violence highlighted the existence, but limited availability of crisis

5 accommodation for First Peoples, women, children and young people and that there were at the time four refuges in operation, or First Peoples dedicated refuges and there are in the eight years since, only one additional refuge. Although now, I note that funding has been provided to two additional co-operatives to operate refuges [redacted] and [redacted].

10

I'm just wondering given that eight years after the Royal Commission we only have one additional refuge in operation, with two more to follow shortly, do you know, at least from the Department's perspective, why there hasn't been an increase in First Peoples refuges for emergency accommodation?

15

MS PETA McCAMMON: I'm trying to recollect to be honest, the detail of the growth there, I don't know if Dannii will be able to help out. I would say also that this is one response we have in relation to crisis accommodation. It's a really important response, because these are usually women at the highest risk. But we

20

have other responses around keeping women and children at home. We have other responses, but specifically the refuge growth, I don't know whether you - can you recall?

25

MS DANNII de KRETSEER: Yeah, I think so. There's five. I believe one has recently been delivered, which is in [redacted]. I'm talking about Aboriginal specific refuges. And then there's three currently being built, or about to be built. They're in various stages. So the one you mentioned in [redacted], the [redacted] refuge in [redacted] is also to be built, and I would also say there's a mainstream refuge in [redacted] that's run by an Aboriginal provider as well.

30

MR GOODWIN: We won't mention location and we won't get that on those -

MS DANNII de KRETSEER: Sorry -

35

MR GOODWIN: No, no, that's why we have a delay, don't worry, Ms De Kretser.

MS DANNII de KRETSEER: It's very important.

40

MR GOODWIN: No, no, that's fine. I did it as well, so I led you down the wrong path.

45

MS DANNII de KRETSEER: Sorry. So we do have some refuges underway that very much need to be built as fast as possible, and we've got to manage these, these delivery to make them happen, because they are needed the way Aboriginal women and children. So - and I can pick a number of places where we could also build some more refuges and we currently have the \$1 billion fund that the

Commonwealth recently identified a couple of weeks ago, actually for crisis and transitional housing. We are currently trying to work with various sectors and raised it at the last Blueprint Steering Committee to get a very significant, or do our best to get a significant share of that investment into Victoria and grow across some transitional housing, including some refuges, if we can.

MR GOODWIN: Then just a final kind of vulnerable subgroup was people exiting justice facilities. So the overview at page 10, if we can go back to that and the second dot point highlights about people exiting justice facilities. And there's a particular program that will be funded by Homes Victoria and delivered by Aboriginal Community Controlled Organisations in relation to those issues. In terms of an Aboriginal corrections housing pathway initiative, it says that while specific data is not available to First Peoples exiting prisons, the Department is focused on improving responses. Do I take it that that specific data is associated with the housing needs of people exiting?

MS DANNII de KRETZER: That's correct.

MR GOODWIN: And is there work underway - I know that this is likely to be a particular responsibility of the Department of Corrections, I assume, but is there - well, is there any consideration of collecting that type of data for - to assist Homes Victoria in its delivery of programs for housing of people exiting justice facilities?

MS DANNII de KRETZER: The new Aboriginal Corrections Housing Initiative, which is in one organisation at the moment, we are hoping through there we will get a sense of that need. It's the first time that program has been dedicated for First Peoples. So that should elicit stronger data to us on what the need is and then what the scale of that needs to look like.

MR GOODWIN: I would have - I mean, is it a surprise to you that that data isn't kept by a government agency? I just would have thought that Aboriginal people exiting a justice facility would be one of the most vulnerable subgroups that might be in need of housing. Does it surprise you that that data hasn't been kept to date?

MS DANNII de KRETZER: I would hope we should be able to work it out, and so I think if we spend a bit of intensive time trying to match things, we would be able to work it out and match data sources, we will be able to get a sense of that data.

COMMISSIONER HUNTER: Without collecting that data, that was the main issue we heard going into prisons, people not being able to get out because they didn't have anywhere to stay. But not only did we hear that, we heard from organisations that only can house people for two nights and then they go and sleep rough. And the problem is they end up back in prison because they've got nowhere to go, they are not being fed, they've got no money. And why this data - like, it's the first thing we heard and mothers exiting trying to find housing to get their kids

back. Like we have got kids staying in care forever, or we have got them reoffending.

5 There wasn't a woman that was - her first crime was stealing a tent to house her and her daughter, her and her daughter and at 28 got charged with stealing a car, getting away from family violence. Because of those two issues she ended up on remand, because of those two issues. Then she ended up inside on remand, couldn't get out and she had no idea where her child was.

10 This is people's lives and it continues the cycle of exclusion from community and systems, and it's just not good enough that we can't keep this data. And these, I mean as much as you go, "Oh that's sad and that's" - these are real people. You know, to steal a tent, because you want to keep your child housed. To steal a car to get away from family violence. I mean, you end up inside on remand and have
15 no idea where your child is and you know that when you get out you will still be homeless and you won't be able to get your child back. Real issues, real live issues today.

20 **COMMISSIONER LOVETT:** Can I follow on from that? Have you read the summit report, you have yeah?

MS DANNII de KRETZER: Yes.

25 **COMMISSIONER LOVETT:** These issues and solutions were identified in the summit report, if I remember correctly. So we already knew about it. It's already been known. I talked earlier about your experience that you shared with us around working in the justice sector. I used to work for the Department of Justice many years ago as well and I can confidently say, also receiving the evidence from the State and community witnesses, that this has been an issue for a very, very long
30 period of time. It's not new that our people can't get bail or can't get let out of custody, or have opportunities. So I'm kind of just trying to really understand, you know, sort of feeling like oh, we haven't done the data. It's already written in the report that you have spoken about.

35 **MS DANNII de KRETZER:** My evidence was going to the particular point of data. There's absolutely an issue and we know there's an issue here. Sorry, I was going to the particular point of the data, Commissioner.

40 **COMMISSIONER LOVETT:** And I understand that, but it has been raised for many years at the Aboriginal Justice Forum, all those governance Forums that you have clearly articulated that are operation. Before the end we'll come back to governance around ultimate accountability and so forth, but this is not new. Our people have been saying this for many, many, many years, whether you sit on the Family Violence Forum, whether you sit on the Justice Forum, Health Forum,
45 so many forums. It's not new.

COMMISSIONER WALTER: Can I also point to the very, it seems to me, very small amount of money that has been provided to address this, \$385,000. I mean how far does that go in trying to address this enormous need?

5 **MS DANNII de KRETZER:** The fundings for the - a worker that works within correctional facilities to find homes for the person, so there's homes that are linked, it's not enough of them, but there's transitional homes that are dedicated for both young people exiting youth justice facilities, but also adults. And then that role is particularly about, it's almost like the entry point for the person to then
10 access what they can within the housing that we have available for people.

COMMISSIONER WALTER: I know it's only been a very short period of time since February, but has there been any - do you have any figures of how successful that person is in providing, in helping people access housing?
15

MS DANNII de KRETZER: The organisation that delivers that service is VACSAL and they do a terrific job in helping people, but I can find that out for the Commission if that would be of interest and they obviously have to network into a - to find the homes for people, which is the really hard bit for them.
20

COMMISSIONER LOVETT: How important is that, that initiative to government?

MS DANNII de KRETZER: Very important to us. It's very important. And finding the right location and the Aboriginal Housing and Homelessness Forum is steering us in terms of the second access point, but it's really important because if you can, 10 weeks out from someone exiting custody, get that right you prevent - you can do so much better for people and they set up for success.
25

COMMISSIONER LOVETT: Thanks for that detailed response, but, "We have allocated a worker" to direct quote you, "A worker." If it's so important, surely, there's a need for upscaling.
30

MS DANNII de KRETZER: And upscaling in the accommodation that people can access as well.
35

MR GOODWIN: We've got the slide down. So just some final questions just about the Treaty process. We haven't discussed that and I just wanted to, subject to any other questions by Commissioners, ask about that. Treaty negotiations are due to commence before the end of the year.
40

Ms McCammon, what is the Department doing to ensure that it's Treaty negotiation ready?

45 **MS PETA McCAMMON:** So we have a dedicated team within our Aboriginal Self-Determination Outcomes Division, Truth and Treaty Team, and we also are in the process of employing an additional specialist to go into that team as well, so

resourcing a team there. We have a subcommittee of the Board that assists us, the Board, to be Treaty ready. We've got - we have done Treaty readiness surveys for our staff. We also have materials to try and educate our staff on what Treaty means and also I meet regularly with the Deputy Secretary and Executive Director responsible to make sure that I am up to date of what is required as we get ready for Treaty.

MR GOODWIN: And given everything that we've discussed, particularly in relation to housing and this is a question both for you and then Ms De Kretser, what would - in your role as Secretary, what do you think are the key areas of opportunity in housing from your perspective for Treaty negotiations beyond full implementation of the Framework? What are some of the kind of innovative opportunities from your perspective on the issue of housing?

MS PETA McCAMMON: Yes, so I think firstly, I want to make sure that we are very clear, we are not waiting for Treaty, though, to implement and hear loud and clear the requirement for urgency. I think some of the areas that I see that there's opportunities through Treaty are where we have some of these intersectionality type issues and how we might start to deal with those in a better way that we know ACCOs are doing at the moment. So I think there's some opportunities through Treaty to look at, yeah, some of these cross over issues that we deal with in relation to family violence, child protection, out-of-home care and housing and homelessness and what those models look like outside of the structures that we sit in and the structures that we think through. I think that is the opportunity for us.

MR GOODWIN: Mrs De Kretser, the same question.

MS DANNII de KRETSE: To add to the Secretary's, I would say, I mentioned land is the single most prohibitive cost for generating and increasing social housing, so I think - and this will be subject to what Treaty, what the outcome of Treaty is, but from a social housing increase perspective, that would be the opportunity for Aboriginal housing to grow, from my perspective.

MR GOODWIN: Those are my questions. Thank you Commissioners, unless you have anything.

COMMISSIONER HUNTER: Can I just add to that list if I may? Let's not forget LGBTQI+ Aboriginal people that are not included consistently, but particularly in housing. There's marginalisation of our people and racism as it is, and add that layer again, and it's even worse. So I just would love that to be on the radar.

MS PETA McCAMMON: Yep. Thank you.

COMMISSIONER LOVETT: Think about a commitment to come back and respond to my question earlier, but also the importance there as well of visibility.

MS PETA McCAMMON: Yep. Yep, happy to.

5 **CHAIR:** Commissioner Walter?

COMMISSIONER WALTER: Thank you, I have no further questions, thank you, Chair.

10 **MR GOODWIN:** It just remains to thank our panelists, Chair.

CHAIR: Thank you very much.

15 **MS COGHLAN:** I'm sorry to interrupt, can I make an application just in relation to some evidence given about various locations? I just seek that an order be made to preclude any publication of those locations, because at the moment we understand the live stream may have not aired those locations, but it perhaps could be captured in other ways. So I make an application for that order.

20 **MR GOODWIN:** I'd consent to that order.

CHAIR: Thank you.

MS COGHLAN: Thank you, Chair.

25

MR GOODWIN: Thank you. I think we are adjourning until 1.45, I believe.

CHAIR: The session is now adjourned. Thank you. Thank you all. Thank you very much for a very full session.

30

<THE WITNESSES WERE RELEASED

<THE HEARING ADJOURNED AT 12.48 PM

35 **<THE HEARING RESUMED AT 1.55 PM**

MS MCLEOD SC: Thank you, Commissioner Lovett. I will just check that Commissioner Walter can hear us online.

40 **COMMISSIONER WALTER:** I can, thank you, counsel.

MS MCLEOD SC: Thank you. Commissioner Hunter?

COMMISSIONER HUNTER: We can resume. Are we ready to resume?

45

MS MCLEOD SC: Yes, thank you.

COMMISSIONER HUNTER: Thanks, counsel.

MS MCLEOD SC: If the Commissioners please, I appear to assist this afternoon for the evidence of the Children and Young Person's Commission. The witnesses
5 are, along the line, Commissioner Liana Buchanan, Commissioner For Children and Young People, Meena Singh, Commissioners for Aboriginal Children and Young People, and Elias Jarvis, the CCYP Youth Council.

I might go down the line starting with you, Liana, could you please state your full
10 name?

MS LIANA BUCHANAN: Yes, I'm Liana Buchanan, Commissioner For Children and Young People in Victoria.

MS MCLEOD SC: Do you undertake to give truthful evidence to this
15 Commission?

COMMISSIONER LIANA BUCHANAN: I do.

MS MCLEOD SC: Singh, Meena, do you - could you please state your full
20 name?

MSMEENA SINGH: Yes, Meena Singh.

MS MCLEOD SC: Do you also undertake to give truthful evidence to the
25 Commission this afternoon?

MSMEENA SINGH: I do.

MS MCLEOD SC: And, Elias, could you please state your full name?
30

MR ELIAS JARVIS: Elias Jarvis.

MS MCLEOD SC: And do you undertake to give truthful evidence to the
35 Commission this afternoon?

MR ELIAS JARVIS: I do.

MS MCLEOD SC: Thank you to the witnesses joining us.
40

Commissioners, we have available - and we are going to spend some time on this report, it's a report called Let Us Learn. The citation and we'll bring it up on the screen at the appropriate times, is NUT.0001.0444.0005. Before we go to that, I should ask, invite Mr Petrie to offer his appearance, and, of course, I should also
45 acknowledge Country and thank Commissioner Hunter for her welcome this morning. I acknowledge those following this Commission and pay my respects to Elders and ancestors.

MR PETRIE: Good afternoon, Commissioners. If it please the Commission my name is Nicholas Petrie and I appear for the State of Victoria. I would also like to thank Commissioner Hunter for her Welcome to Country this morning and on behalf of the State I acknowledge that today's hearing is being held on the Lands of the Wurundjeri of the Kulin nation. I acknowledge them as the Traditional Owners of this Land and I pay my respects to the Elders past and present. The State acknowledges sovereignty has never been ceded and the importance of this. The State also acknowledges and pays respects to other First Peoples here, those listening online and those who may be reading the transcript in the future.

MS MCLEOD SC: Before we turn to the report, I might ask each of the panel members whether they wish to make any opening remarks.

And perhaps if we start with you, Meena.

MS MEENA SINGH: Thank you so much for the opportunity to give evidence again. My third time before you, before the Commission. Before I begin, I would also like to pay my respects to the Traditional Owners of the Lands we meet on today, the Wurundjeri people of the Kulin nation. I pay my respects to their Elders past and present and acknowledge that wherever we are on this continent of hundreds of nations now known as Australia, sovereignty was never ceded. I apologise because I have an annoying dry cough, so I am sucking on a throat lolly to make sure it is not so annoying. I would like to read part of my message from Let Us Learn, the opening few paragraphs:

"For Aboriginal people the education and care of our children and young people go hand in hand. Aboriginal people have been connected to Country law and culture through the wisdom of our Elders, passed on to younger generation. Holistic and community collaboration from all community members is what has seen Aboriginal people care for each other and Country for over 60,000 years. The impact of colonisation and invasion. As formal education was introduced and open to many in the new colonies in federated nations, Aboriginal people experienced barriers in getting the same opportunities, not just barriers, actively excluded. Dispossession of land, movement on to missions and reserves, forced removals from families to be trained for entry into unpaid labour are only some of the factors that impacted on Aboriginal children's access to education.

When Aboriginal children and young people did get to attend school so often the experiences of racism undermined the benefits of an education, as well as causing irreparable psychological harm. Education in all its forms is highly valued by the Aboriginal community in Victoria. Aboriginal people recognise education is a key to breaking cycles of entrenched disadvantage and making improvements for the individual and their community.

5 Yet Aboriginal children and young people experience mainstream education systems in way that see them have lower educational outcomes than non-Aboriginal children and young people. And as our inquiry shows that we will talk to you more extensively, the educational outcomes for Aboriginal children and young people in out-of-home care in Victoria and that's a system where we are already grossly overrepresented, those outcomes are even worse."

10 So that's just the opening part of my statement from Let Us Learn, the systemic inquiry into educational experiences of children in out-of-home care. So under the United Nations Convention of the Rights of the Child, articles 28 and 29 set out the rights of a child to education, in terms of access, content and quality. In Victoria, under our Charter of Human Rights and Responsibilities, there isn't a reference to education.

15 Unfortunately, when it comes to rights, it very much feels that those with resources are the ones who can access those rights and have them upheld. And the most vulnerable in our community, having their rights infringed on and abused are the least likely to have those resources. I have given evidence to the Commission
20 before on previous opportunities about what we see at The Commission For Children and Young People when we see what happens to children and young people, no matter their background when they fall through the cracks, when the adults in their personal lives or as part of the systems that shape their lives let them down.

25 What I understand more and more in my role as Commissioner and in having been through this process of a systemic inquiry for Let Us Learn is that education does not happen in a vacuum. For children and young people to do well, and doing well should be defined by the individual child or young person, they need a safe,
30 supportive home environment outside of school and a safe supportive environment at school. Education requires a holistic approach and holistic approaches are a fundamental core of how we in the Aboriginal community go about ways of knowing, doing and being. I'm an associated member of forums like the Aboriginal Justice Forum and the Dhelk Dja Partnership Forum to address family
35 violence and regularly at these forums education, racism in schools, and disengagement from education are key issues that are discussed all the time.

40 And people might ask why is education being talked about at a Justice Forum or a Family Violence Forum, but it speaks to the understanding of the importance of education in so many different ways. Children and young people's lives are disrupted by family violence, which features prominently as a reason for removal of children and young people, or any sort of trauma it becomes incredibly difficult to engage in school and that's what the report highlights.

45 When Aboriginal children are disengaged from education, we see all too familiar patterns of becoming involved then with the criminal legal system and the Commission's systemic inquiry from 2001 Our Youth Our Way highlighted that

all too familiar trajectory of school disengagement and then travelling into the criminal justice system.

5 Education is a right. Education should be a protective space for all children and education must be a space that is culturally safe and free from racism. Before I hand to Liana - sorry, back to you, Fiona, I will share a quote from our Youth Council. Our Youth Council featured heavily in this work, and it sets out so clearly as so many of our Youth Council members do, as Elias will demonstrate, sets out the expectations of children and young people:

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"Our background and life circumstances shouldn't affect the quality and level of education we receive."

15 **MS MCLEOD SC:** Thanks, Meena.

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At the risk of redundancy, I'm going to insert myself here in the process and before Liana addresses the role of the Commission, just to invite Elias to make any opening comment you'd like to make and any response you have to the things Meena has just said.

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MR ELIAS JARVIS: Thank you. I too would like to acknowledge we are on Wurundjeri Country and acknowledge Commissioner Hunter, for your welcome this morning. So my name is Elias Jarvis, I'm a proud Djab Wurrung, Keerray Woorroong man, Gunditjmara man from the south-west of Victoria. I grew up on
25 Wadawurrung Country in Ballarat, but now live here in Wurundjeri Country and I thank you for the opportunity to be at the table today.

I just want to reiterate the importance that our community gives to education. I think so much of what we hear in - through policy and in the media and through
30 the general public is that Aboriginal children and their communities do not value our education. So I think as a frame for today's hearing, just reiterating that our community highly values our education and we want the best outcome for our children. Yeah, that's all I have to say at the moment.

35 **MS MCLEOD SC:** I understand, and I will ask you this in a little bit that you are happy to share some of your own schooling experiences to the Commission?

MR ELIAS JARVIS: Yeah.

40 **MS MCLEOD SC:** Okay, great.

Liana, can I invite you to make any opening remarks you would like to and to address the role of the Commission for Children and Young People?

45 **MS LIANA BUCHANAN:** Thank you. I too would like to acknowledge we are on the Land of the Wurundjeri people and pay my deep respects to Elders past and present and, indeed, to all First Nations People who are in the room, who are

watching online or, indeed, who are engaged with this process, incredible process in any way. I acknowledge that we are on Land that always was and always will be Aboriginal Land. I am very honoured to be here and to be sitting aside, alongside my colleague, Commissioner Meena Singh.

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I'll talk a little bit about very briefly just to make sure that the Commission For Children and Young People and our role is understood as context for some of the context. We are an independent statutory body. We have been established to promote, the legislation says, the safety and wellbeing of all children and young people in Victoria. We take a child rights approach. We think we cannot do our job without also promoting and safeguarding the rights of children and young people. We have a range of functions that I won't detail, but we regulate organisations to try and prevent and improve responses to institutional child abuse, something that has impacted too many children including too many Aboriginal children and young people in the past.

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We also have a range of roles to advise government on improvements to laws and policies and practices, to better respond to the needs and rights of children. And we have a range of roles that are about monitoring and providing oversight to particular state systems that impact children and young people, with a focus set out in our legislation about monitoring and trying to improve, provide recommendations to improve responses to children in the child protection, out-of-home care and youth justice systems.

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One of the functions we have in our legislation that is most relevant today is the power to initiate own motion inquiries where we understand there is a systemic issue impacting a group of children and young people in Victoria. We have tabled, over the life of the Commission, 10 of these inquiries looking at issues around child protection and out-of-home care, another two related to the youth justice system. In my time as Commissioner, I think we have tabled all but one of those.

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And we see it as a really important way to be frank, hear from children and young people and elevate their voices and highlight and evidence their experiences, and put that together with data that we have the power to require from government departments and agencies, that we analyse sometimes in ways that have never been analysed before and certainly never made public before, and we use those systemic inquiries to try and highlight areas for reform. And as has been alluded to, one of those, and the last inquiry will be the focus of today.

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The last thing that I will just say in describing the Commission is we are comprised as a Commission of my role, which actually in the legislation is called the Principal Commissioner for Children and Young People, and in practice we are also comprised of the role of Commissioner for Aboriginal Children and Young People. I will note, however, as this Commission has previously noted and made recommendations about, that the role of Commissioner for Aboriginal Children is not provided for in legislation, it is not enshrined in legislation.

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There are no specific powers of functions attached to that role. Yoorrook made recommendations about that. There has been no commitment from government yet to act on those recommendations. I would be remiss if I did not, in providing
 5 a overview of the Commission reiterate our support for the Yoorrook's recommendations and our very strong view that the current situation should be addressed.

MS MCLEOD SC: Liana, you are referring specifically to recommendation 7
 10 there for the purposes of those following. I take it you support the other recommendations in relation to improvements to the child protection system and particularly those that involve The Commission For Children and Young People?

MS LIANA BUCHANAN: Indeed. We are strong supporters of those
 15 recommendations.

MS MCLEOD SC: So let us - unless the Commissioners have any preliminary questions.

COMMISSIONER LOVETT: I think I will give a shout out to Jarvis. We had
 20 the opportunity to look over the speech that you provided to the United Nations recently as well, so I just want to give you a shout out, because I know you weren't going to shout that out about yourself. Sit there, hold your own, speak strong and thanks for doing that for our people as well. I just want to recognise that.

MS MCLEOD SC: Perhaps you could tell us what that was.
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MR ELIAS JARVIS: So about a month ago I was honoured to go to New York
 30 and speak at the United Nations Permanent Forum for Indigenous Issues. I was part of a delegation with the National Native Title Council and I represented my Traditional Owner organisation, the Eastern Marr and I was lucky enough to deliver an intervention to the Forum, which essentially is a three minute speech making some recommendations for cultural heritage reform.

COMMISSIONER LOVETT: Deadly, Elias. Too deadly.
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MS MCLEOD SC: Thank you.

Let's turn to the Let Us Learn report. This is a report that was tabled on 16
 40 November 2023, a report conducted by the Commission. The full title is Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care.

Liana, can I come back to you and ask you to explain the background to this report
 45 and what motivated it?

MS LIANA BUCHANAN: Yes, certainly. The background to this report, the genesis of this report really occurred when we were conducting a previous inquiry. So in 2019 myself, along with then Commissioner for Aboriginal Children and Young People, Justin Mohamed led an inquiry looking broadly at the experiences
5 of children and young people in the out-of-home care system.

I should say that, sadly, because whenever we are looking at either the out-of-home care system or the Youth Justice System, even if we are looking broadly at the experiences of all young people, we know because of the massive
10 overrepresentation of Aboriginal children and young people we always have to, in any piece of work like this, have a very square focus of hearing from and trying to specifically understand and layer the experiences of Aboriginal children and young people. That was certainly the case in that previous inquiry, which was ultimately tabled under the title In Our Own Words towards the end of 2019.

15 For that inquiry, we heard from over 200 children and young people who had experience in care, or who had recently left care. 204, I think was the precise number. 82 of those children and young people with whom we spoke and who we asked about and who shared with us their experience in care were Aboriginal
20 children and young people. So a strong representation from Aboriginal children and young people who had care experience.

Although we are asking about lots of things in that inquiry and received evidence about many, many, many different problematic aspects of the care system, we
25 heard a lot about education. We heard a lot about how much children and young people need school. They need school to be sometimes their safe place when nothing else is safe or stable. They need it to be a source of an adult who can provide them with support and a good, stable relationship.

30 They want to do well at school, but we heard from so many children and young people in that inquiry about the extent to which that was not their experience in school. So, in short, as we finalised that inquiry, we realised that the topic of education and the care experience needed to be the subject of its own inquiry. So that's the background. We really did decide to pull this out as a piece of work that
35 needed us and children and young people to shine a light on it, on its own, not alongside the many, many other issues that we detailed in that, In Our Own Words.

MS MCLEOD SC: So the terms of reference, if you could just summarise those
40 in broad terms.

MS LIANA BUCHANAN: Yes, as you would expect, they were to understand how children and young people in the care system experience education, identify some of the barriers to education and educational engagement for children and
45 young people in care; explore the effectiveness of both education and Department of Families, Fairness and Housing and policies and practices in respect of children

in care and supporting their education and to make recommendations for any changes that might be necessary.

5 **MS MCLEOD SC:** Just as a bit of a roadmap for the report for Commissioners, the 47 recommendations of the report are down the back end and there are also some appendices which include key tables and figures, the data, basically, that you've elicited from your various sources of investigation.

10 **MS LIANA BUCHANAN:** That is correct.

MS MCLEOD SC: You spoke to students and staff?

15 **MS LIANA BUCHANAN:** Yes. We spoke to 101 children and young people, 31 of them were Aboriginal children and young people, we spoke to some 350, often in groups I should add, other people who are working in the system. We spoke to people working in community service organisations, in ACCOs, in child protection, those who work in schools. We did a pretty broad and wide consultation. We received submissions from some organisations and some individuals. We received survey responses from some other children and young people, and as I've mentioned, we did a lot of work to obtain and then analyse data from both the Department of Education and the Department of Fairing, Families and Housing.

25 **MS MCLEOD SC:** How important was it to you as a Commission to focus and enable the youth voice to be heard in this report?

30 **MS LIANA BUCHANAN:** The short answer is it's incredibly important and it has become a very clear, established part of our methodology, is that when we are conducting a large systemic inquiry looking at an area, first of all, we hear from children and young people. We hear from that direct lived experience expertise and then we look around and we do the data analysis and the literature search, and all of the other aspects of evidence gathering that you would expect, but centring the experience of children and young people. None of us can do the work to understand any of these systems and how they're impacting children and young people, how they're experienced by children and young people unless we hear from children and young people.

40 **MS MCLEOD SC:** Elias, as a member of the Youth Council how are they doing on that measure?

45 **MR ELIAS JARVIS:** Without being biased and championing the Commission, I think the voices of children and young people at the Commission For Children and Young People is really integral that the work that they are doing and we are doing. There's a big appetite for youth Indigenous voices and kind of the youth voice as well and I've been a part of processes which are quite tokenistic and advice that is shared doesn't really go anywhere and it's kind of just, you know, ticking the box of speaking to children and young people. But at the Commission, I feel

personally if I had advice, genuine advice that it would be taken on and enacted to the work that they do.

MS MCLEOD SC: Thanks for that.

5

Okay, so coming back to the powers of the Commission, when conducting this sort of inquiry, how important are those powers?

MS LIANA BUCHANAN: They are incredibly important. The most, to me one of the most significant powers for an inquiry like this is the power to require departments and other relevant agencies to provide some of the information and data that they hold and that is not otherwise accessible to anybody outside government. So that's certainly - there's a particular power and there's section 22 of the Children and Young Peoples' Act that sets that out and we rely on that fairly heavily to ensure that we get clear and free access to information.

I do think, and I think this about all of the work that we've done at the Commission in my eight years, but including Let Us Learn, that power is important. Because when we are into systems like the care system, but also into systems like the education system, transparency is key. And so the role, of course, I would say this being the Commissioner, but the role of an independent set of eyes and ears to be able to access that data, look at it, understand what it means and then share that with community is pretty important

MS MCLEOD SC: Just finding the first page of the recommendations. As I do that you mentioned in your opening remarks that education is not a protected right under the Victorian Charter of Human Rights and Responsibilities. Do you think that your powers need to be improved or that there need to be recognition of that specific right, just talking about education at the moment, to enhance your work in any way?

MS LIANA BUCHANAN: Meena may also have a view on this. I don't think - at this stage we have the power to make inquiries either into the way a school or the Education Department has responded to an individual child or specific children, or to look at the systemic issues in schools or in education. We have good powers in respect of that. To the extent that I think there's power or there's potential to strengthen the recognition of children's rights generally in our domestic law, I am very clearly of that view.

As a country we have not done that. The Convention on the Rights of the Child has not been enshrined in domestic law. When I look at Victorian legislation, as I mentioned, our very legislation that establishes the Commission does not bear any reference to children's rights. We have to apply that as the Commissioners. And when I look at different aspects of the legislation that particularly impact children in all kinds of ways, whether it's the Children, Youth and Families Act or other legislation it is my view that that legislation would be strengthened if it had

explicit reference to children's rights and the Convention on the Rights of the Child.

5 **MS MCLEOD SC:** Now, I was going to ask you about the recommendations and where we're at with implementation or acceptance of those recommendations. The findings commence at page 37 of the report, and you have made 43 findings and then 47 recommendations flowing from those findings, which commence at paragraph 42. So what is the government response to your findings and recommendations, perhaps if we start there?

10 **MS LIANA BUCHANAN:** Perhaps I'll start. Globally we have only in the last week, I think, received the government response. So we are still working through it, and it's fair to say that I think we will be going back to the two responsible departments to ask for some more information about what sits underneath some of the responses.

15 At a summary level, the government has accepted 25 of the recommendations in full, 19 in principle, two in part and the government is further considering one of the recommendations. At a very global level and we may or may not get opportunity between Meena and I to talk some of the recommendations and areas we think are especially important and how we see those responses. But at a global level, I would say I think there has been a positive response by government, by the Minister for Education, by senior people in the Department to this inquiry.

25 What I am not yet seeing is a sense of urgency and complete commitment that, of course, I would like to see, to act on all of the recommendations. And, of course, we think that there are some recommendations that are particularly important, and we will be having conversations with government and particularly with the Departments about how those recommendations might be actioned in a more fulsome way.

30 **MS MCLEOD SC:** The response to your recommendations, is that public?

35 **MS LIANA BUCHANAN:** Not at this stage. So our usual process is that we received a communication directly from the Minister. We will then analyse that response and we will make comment on that response and whether we think it is adequate. We then share that so that the relevant departments can make comment and then we will make that public after going through that process.

40 **COMMISSIONER HUNTER:** Can I just ask how long between publishing this report and the response, what was the time?

45 **MS LIANA BUCHANAN:** So I think literally the case, the response was signed off at the end of May, 28 May, I believe, and as Fiona has referenced, we tabled that report in mid-November last year.

MS MCLEOD SC: Roughly six months.

MS LIANA BUCHANAN: Indeed. And, yeah. I think I have to say and we haven't talked about any of the kind of headline findings from this report, but essentially, aside from children and young people's voices and experiences
 5 which - and I encourage you to dip in and read some of them, they are compelling and they are powerful. The data is also compelling and powerful, in terms of the story it tells about how few children and young people in care are effectively engaged, effectively supported, effectively taught in our education system. So the headline and Meena may talk to some of this in more detail and where we have
 10 differentiated data or the segregated data for Aboriginal and non-Aboriginal students, she might talk to some of that.

But, I mean, what we found was 25 per cent of students in care make it through to year 12. That is compared with over 80 per cent of the broader student
 15 proposition. We found that students in care are five times more likely to be expelled than other students. They are five times more likely to be suspended. And I'm not just talking about students in secondary school. Primary students in care. We found that three per cent of foundation children who are in care are suspended from school. Four per cent of grade 1s. There are some fairly shocking
 20 findings about the -

COMMISSIONER HUNTER: Grade 1s, how old is that?

MS LIANA BUCHANAN: That's six.
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COMMISSIONER HUNTER: Six-year-olds being suspended from Victorian schools that are in out-of-home care.

MS LIANA BUCHANAN: Five- and six-year-olds.
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MS MCLEOD SC: Just pausing there with that quite extraordinary number, what happens to the education of that child if they're suspended whilst living in out-of-home care? Is there any delivery of education services?

MS LIANA BUCHANAN: Depends where they are, but mostly, no. So there will be - if they are in a particular residential care home with a provider that has some capacity and funding, and an education arm they may get some. But often, particularly if the child is simply suspended, then they're spending their day at residential care or, indeed, they are spending their day needing to be cared for by
 40 their kinship carer or foster carer who might otherwise might have needed to go to work.

So actually we heard of - we heard devastating stories of kinship and foster care placements breaking down, because the child was being sent home from school,
 45 either suspended or on a modified timetable, kind of informal, unregulated arrangement and the career just simply couldn't continue to come and collect their children from school.

COMMISSIONER LOVETT: Just elaborate on “modified timetable”. It seems a bit, I don't know, a new fancy word for suspension.

5 **MS LIANA BUCHANAN:** So the concept of a modified timetable is that it's not suspension, but there's an arrangement put in place with a child and their family or their carers that the child doesn't attend full-time. So that might mean the child attends just in mornings or the child might attend only a couple of hours a week. And what we found is that that was - we heard a lot about this from stakeholders
10 as being a really big concern, that it was being used unnecessarily and inappropriately and that the process - the supports weren't being put in place to make sure those children are then supported and given what they need to come back into school.

15 It's not regulated at the moment by the Department, there's no guidance about that. One of our recommendations that I understand the Department is acting on is to develop guidance about when these should be used and when they shouldn't. We have called for fairly strong oversight of that, even once the guidance is in place, but we heard a lot about its misuse.

20 **COMMISSIONER HUNTER:** It is a lot and there's no regulation over - can I just - I'm going to probably jump in way ahead here. But what are the expectations set? How high are the expectations for particularly Aboriginal children in out-of-home care in the education system? Are there any expectations
25 of them? Or how - actually probably a better question is how high do they set the bar - sorry, how low do they set the bar?

MS MEENA SINGH: I think that low expectation of Aboriginal children and young people in both out-of-home care and also with their families is a huge
30 hindrance to the experiences of our kids in schools. That, you know because it's an Aboriginal student, "It's all right, they're not going to necessarily do well anyway." So the supports or the encouragement to engage and do better often isn't there. And I think in some ways it's a most insidious form of racism, that expectation that's based on what you think about a person purely because of who
35 they are.

But, you know, we have so many comments in the inquiry report, children who want to go to school, children who want to be there, be with their friends, be engaging. As Liana said, for some children in out-of-home care school is the safe
40 space for them and it - yeah, the pressures that it puts on the family. But also, the difference it creates between a child and their peers, and part of - sorry to jump ahead. But the exclusion that children in out-of-home care feel and how that plays out in different ways through modified timetable, exclusion suspensions, it's
45 incredibly ostracising for those kids.

COMMISSIONER WALTER: Can I ask what is the rationale - sorry, Liana, I'm out here. What are some of the rationales you've heard about why children

were placed on these modified timetables? And what was the pattern, if there was another data, of if children then were - subsequently went back to school full-time or was it really start of the pathway out of the education system?

5 **MS MEENA SINGH:** And apologies, your face wasn't on the screen when you spoke, so we all looked around to see where you were.

COMMISSIONER HUNTER: My apologies for not announcing that Commissioner Walter was online. Sorry.

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MS MCLEOD SC: And just while Meena is answering that question, could I ask the operators to - if we are bringing something up on the screen to have Commissioner are Walter still visible, if that's possible, so we can see if she has got her hand up or wants to say something. Thank you.

15

MS MEENA SINGH: Thank you for that question. I think one of our key findings overall was a lack of data about the experiences that children and young people in out-of-home care are having in the education system and we found that in a range of different aspects. Because modified timetables are used so differently across different schools, without any real standards around what's involved for them it was really difficult to see how they are being used and why they're being used. But anecdotally looking at - hearing from people in the systems what it's often in response to is the behaviours of children, and we're talking about kids who have been - who have experienced trauma, abuse.

25

They're young, they are trying to navigate those experiences. They often aren't receiving the supports they need and then they are going into an education environment that is often inflexible, that doesn't recognise their needs. And they're behaving in ways that -honestly, how else would you expect a child to behave without that clear understanding of them? So, in terms of clear data, we, around suspensions and expulsions, yeah, there's quite clear data, but modified timetables is just a kind of unknown land.

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MS MCLEOD SC: Just to put the numbers in perspective, the 25 per cent in care that you're talking about who go through to year 12, is that across all schools, public and non-government?

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MS LIANA BUCHANAN: We looked only at government schools, and in part that was because this data was very difficult to get across Catholic and independent schools, but also children in care are, in the vast majority in government schools. So I think it's 93 per cent of children and young people in care are in government schools -

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MS MCLEOD SC: Just to put some -

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MS LIANA BUCHANAN: - compared to something in the order of 65 or thereabouts per cent of the broader student population.

MS MCLEOD SC: Just to put this in context, some numbers that we have. The total number of First Nations students enrolled in Victorian Government schools in 2023 is 17,513, accounting for two per cent of the total student enrolments in Victoria. And in Victoria there are 499 Catholic schools and 225 independent schools and so I don't have the breakdown of First Nations students at those schools. But surely the Commission should have a mechanism or a means to be able to get data out of those schools too, to work out what's happening there?

MS LIANA BUCHANAN: I know there's not so much for this inquiry, but another piece of work that we're involved in. We don't have the same powers to require information from non-government schools that we do from the Department of Education, so there is potential for some strengthening of powers. There is also - which is not to say that that data cannot, and would not be provided voluntarily from those schools. There is a practical resourcing issue for us when we're doing a piece of work around the work that's involved going to each one of those, 225 independent schools. Now, the system for Catholic education is more centralised, but that data collection is not standard across different schools and different school sectors.

So there is, to be frank, some real complications in trying to access it. And again, for this purpose, because the vast majority, as I say, well over 90 per cent of children and young people in care are in government schools, we had the focus on that school sector. And, to be frank, children in care are children by definition, for whom the State has stepped in and under court order received a status as the parent or caregiver of those children. The State is also responsible for providing education services to children generally, including children in care. We thought it appropriate to shine the light on the Department of Education and government schools.

MS MCLEOD SC: Just so I understand this, the State as legal guardian of children in care may direct a child to attend a non-government school or facilitate that. Is that correct?

MS LIANA BUCHANAN: Yes.

MS MCLEOD SC: So there's no reason, in principle, why you shouldn't be able to obtain data?

MS LIANA BUCHANAN: No.

MS MCLEOD SC: And many of these non-government schools are governed in a sort of umbrella sense by a church organisation, for example?

MS LIANA BUCHANAN: Yeah, the Catholic schools are under a number of different umbrella organisations, if you like. Independent schools are not. They generally all operate independently.

MS MCLEOD SC: Do the Commissioners have any questions arising from those?

5 **COMMISSIONER WALTER:** Just to follow up with the - I'm very concerned about these modified timetables. It is just sort of, I guess another vehicle for excluding children. I just wanted to know if you did have any information about the trajectory post those. How long do they go on for? Do they go on for years, are they weeks, months?

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MS LIANA BUCHANAN: I think I have to say, Commissioner, your questions are the right ones and the point that Meena made and our point in the inquiry is nobody knows because they are unregulated, because there is no guidance about when they are used and not, because there is no approval mechanism or oversight
15 in respect of these arrangements. And I should say we heard of some occasions when they are used for good purpose. When a child might need time out, he or she is able to regulate themselves and works, and get the support from the school for a period. But actually those - in terms of what we heard anecdotally were the minority of situations.

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And when it was done well it was done with wraparound supports and really significant program in place to make sure that that child was supported to come back into school full-time, not excluded on an ongoing basis. So you are asking the right question, the unfortunate answer is nobody, not only us at the children's
25 Commission but nobody, including in government has any view of that. There's no visibility of that at a system level, that is again part of what we have said should be addressed in our recommendation.

COMMISSIONER WALTER: It's definitely disturbing.

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COMMISSIONER HUNTER: If a parent did this on their own accord, a parent that has the child in care, what would happen to the parent if they only sent them to certain times of a day? Because the State is the parent, so what would happen to a parent, if the child was with them and they decided, just to send their child to
35 school for certain hours a day?

MS LIANA BUCHANAN: Potentially they would be in breach of the legal requirement that your child attends school until they are 17 (crosstalk). The interesting aspect of modified timetables is that in theory it's an agreement
40 between carer and parent, and the school. Again, we can only say what we heard anecdotally. But you heard we spoke to a great many different stakeholders, carers and workers, and we heard of a lot of situations where it did not feel like a mutual agreement. It felt like something that was being imposed by the school because they didn't feel that they, at a school level, had the skill, ability, supports,
45 resources, will in some cases, to put in place what was needed to keep that child in school.

COMMISSIONER HUNTER: The State is the parent and it's going to a state school and they are not putting resources in to make sure these children, in their best interests, might I quote the Children and Families Act, to get an education, uphold their end of parenting.

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MS LIANA BUCHANAN: That's absolutely right. One of the things that we have recommended is that not only does work need to be done within child protection to make sure that there is a far greater focus on education, a much greater priority placed on education. We heard that often in the workings of child protection in care team meetings and so on, there's often such a focus on what is seen to be a crisis point or trying to get some stability for children or stability of placement, education often, if not more often than not falls very far down the priority list.

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15 So we heard a lot about that and we made recommendations about that. We also made recommendations that schools need to be both better informed and better trained, but also better supported, so that they do have the resources there and access to the resources, so that they can put something in place if a child can't stay sitting for long periods of time in a room with 25 peers and one teacher. Of course, schools need support to support these children, work with these children well. Those are some of the changes that we recommended.

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MS MCLEOD SC: Just to follow Commissioner Hunter's question, in terms of the placement principles in the best interests of the child assessment, a parent could have the non-attendance at school held against them as a factor warranting the removal of a child, but not the State?

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MS LIANA BUCHANAN: It is true. One of the interesting aspects of this inquiry that we noted along the path was that when we were speaking to stakeholders from the child protection or the care system, they blamed schools or they blamed - "It's really hard to get our kids enrolled into schools. Schools are not putting in place what" - and we heard a lot of that - "schools are not putting in place what they need. Schools don't understand these children and their needs."

30

35 And then when we were talking to education stakeholders, they were pointing to aspects of the care and child protection system that made it really difficult for children and young people to say engaged. I think my reflection at the end was this is an example where, as you say, Commissioner Hunter, there are two different parts of the State that are responsible for critical aspects of these children's lives and they need to work together to achieve far better outcomes than are currently being achieved for these children and young people.

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COMMISSIONER LOVETT: In the context of the negotiations for other recommendations you referred to earlier, where do these sit if you can publicly share? So is that - one of the ones that has been accepted or is there still a negotiation happening around this particular one?

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MS LIANA BUCHANAN: Probably - I've just talked about a number of them. The - I think it's fair to say that in the kind of the work around additional supports in schools, or additional education supports for children in care require additional funding. So those kinds of recommendations have typically in the response been
5 categorised as accepted in principle. The work that we have recommended be done by child protection around elevating the priority of education has been accepted. It's one of those recommendations where we will now be looking to kind of understand exactly what is intended by the Department and make sure that that's a meaningful program of work.

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COMMISSIONER LOVETT: That might be something for the accountability hearings.

COMMISSIONER HUNTER: Just around the modified timetables, have you
15 got statistics around Aboriginal and non-Aboriginal children?

MS MEENA SINGH: Not - again, because it's - do you want to take it?

MS LIANA BUCHANAN: I'm a numbers nerd. So, Meena - what was Meena
20 was about to say is absolutely right. There is no data that allows us to compare Aboriginal and non-Aboriginal in the general population and similarly I don't think we have - no, we do have some. We have data on what proportion of students in care have been on modified timetables at a point in time, 12 per cent and from memory, 22 per cent of that 12 per cent were Aboriginal children. So 12
25 per cent of all students in care were on a modified timetable. We don't know how that compares to the general population, because it's not counted. And of those 12 per cent who were on a modified timetable, 22 per cent were Aboriginal.

COMMISSIONER HUNTER: I have heard from a carer about those modified
30 timetables previously and how they felt they were racist, because they didn't want their children mixing with other kids because they were a bad influence and they were Aboriginal. What would you say, compared to what you found?

MS MEENA SINGH: I can understand completely why - how it would feel that
35 way. Again, because they're not reported on clearly, appropriately and one of the recommendations we have got is about having that clarity and consistency about reporting and why you are using modified timetables. I doubt you would get anyone actively writing down, "We don't want this child here." But it certainly feels exclusionary and when you have got that higher proportionate representation
40 of Aboriginal kids as that cohort and when kids are telling us about the racism that they experience in schools, absolutely. It's, you know, potentially another tool that's used.

COMMISSIONER HUNTER: I can't believe it's not monitored. Like, I'm
45 actually - because the government overregulates everything, right. Let's be real. We have heard everything that is to be regulated. But these are our children, our

most vulnerable children and there's nothing and no one. It's just at the whim of whoever is in charge at that school. That is disgusting.

5 **MS MEENA SINGH:** Just on that point, Commissioner, we saw in the - in going
around the state, speaking to people, visiting schools, we saw some amazing
practice. But it's - across the board for all children and young people there's such
a lack of consistency. Often, we saw where a principal really valued culture and
cultural safety, valued trauma informed learning, you could that embedded in
10 practice, you could see those approaches. You could see how they were working
with individual children in very specific ways to support them.

But it's so few and far between and it's that consistent approach, so it's not where
you are that that determines what quality of outcome you have when it comes to
your education experience. And I think that's a challenge of the relationship,
15 I guess, between the Department and schools and how do you create that
consistency of approach, or consistency of quality of outcomes.

You know, there might be various approaches and ways to go about things, all of
which are valid. But how do we get better at monitoring those outcomes and what
20 the experience of education is? In the data that we captured, there's things around
attendance, around enrolment, so for example basically pretty much everything we
found in terms of numbers, children in out-of-home care in general are faring
much worse than children in the general population and then for Aboriginal kids
it's a more dire story again.

25 When it comes to, say, kindergarten enrolment and kindergarten is an area where
there has been a lot of work over the past few years from government, from
organisations like VAEAI, from communities, from places like Bubup Wilam or
Berrimba that have worked hard to increase that four-year-old enrolment record.
30 It's one of the few Closing the Gap targets that is actually heading in the right
direction, but for children in out-of-home care it's still less when it comes to
Aboriginal children. But all that captures is enrolment and attendance doesn't
capture attendance, and attendance doesn't capture participation and engagement.

35 You know, we have attendance records. You know, we have records around
attendance where the overall population - sorry, the students in out-of-home care,
you can have records for them, but the data will show it dropping off from as they
transition from primary school into high school. It's a really significant time that
40 isn't appropriately supported for kids that have been through so much. But that's
just attendance, you know. We don't, you know - anecdotally, qualitatively, we
can hear their stories and we can hear their experiences but we don't have ways of
capturing how they experience a school system and what needs to actually change
to improve their experiences.

45 **COMMISSIONER HUNTER:** Thank you. I'll let you continue. I've got 101
questions. I'm sure we can get to them.

MS MCLEOD SC: I was going to get you to highlight, Lisa - Liana, and, Meena, key - the key findings and data that you want to bring to the Commissioners' attention.

5 **MS LIANA BUCHANAN:** I think I've probably touched on some and I've spoken a lot. I think, probably some of the aspects that we have not elaborated on as much are some of the things that we specifically heard from Aboriginal children and young people. So just to kind of recap that context across every measure that we looked at that was available, whether it's NAPLAN participation, NAPLAN
10 attainment and scores, whether it's absence rates, whether it's chronic absence rates, then a progression to year 12 as I've talked about, whether it's the different exclusionary practices, whether it's the use of restraint and seclusion, on every measure students in care, they're significantly worse than other students.

15 And then as I think Meena might be prepared to talk to that when you look at the very significant proportion of students in care who are Aboriginal, all of those experiences, the experience of schools that are not trauma informed that are responding with punishment not an understanding and an ability to support them, all of the factors, the stigma for children in care from both teachers and from
20 students, all of those factors that drive poor attainment, that drive disengagement, that drive all that I've described, they're all component and worsened for Aboriginal children and young people in care.

MS MEENA SINGH: I'll pull out a couple of key highlights, because I think
25 what we would love and I would love to get Elias in further on this conversation is specifically around the findings and the evidence in chapter 8, which is about specific experiences of Aboriginal children and young people in out-of-home care. But just to highlight when it comes to Aboriginal students in out-of-home care and their absence, so there's, you know, what they call regular attendance, which is
30 when a student misses less than 10 days a year; a risk of chronic absence when a student misses between 10 and 19 days per year, so that represents a 5.7 to 10 per cent absence; and chronically absent is when a child misses 20 or more days, so that represents a 10 per cent absence. Aboriginal children and young people between 2018 and 2022, which our data captured were consistently higher in terms
35 of chronically absent rates.

COMMISSIONER HUNTER: Is that in out-of-home care?

40 **MS MEENA SINGH:** That is in out-of-home care. But I think what that represents - for a child to get to chronic absence there's a whole lot of stages that - you know, that's a lot of days, to me that says that's a lot of opportunity to connect with the family, to say, "What's going? Can we help you? Can we connect?" Instead as Liana said, often students are met with punitive responses, "You have missed so many days of school, if you don't come back, we will
45 suspend you." That doesn't really make me want to come back.

So what we hear about is the lack of relationships between schools and the families and children and young people and the creation of those relationships, so that - before a problem arises. And I think it's something I spoke to when I gave evidence last year about there's a need to create those relationships between
 5 schools and families, between child protection workers and families before the problem arises so that, "Okay. I'm getting a call from the school." It won't necessarily be a bad call, it might be checking in.

We saw examples where schools are trying to create good relationships between
 10 the principal and students, so the students knew the principal wasn't only there when you were in trouble. It was someone you could actually go to and get supports from. But there's such an absence of that for children in out-of-home care. But also so much of what we found and we looked to isn't just about kids in out-of-home care. It's about experiences of all children and young people I think
 15 in education. Just the needs that we need to see met that just are going unaddressed.

MS MCLEOD SC: So we might bring Elias in now.

20 You have finished school and you're now at university. Are you happy to share with the Commissioners your experiences at school and now at university?

MR ELIAS JARVIS: Sure. I think if I were to summarise, I guess, my schooling experience, there's this kind of sense of defeat that, you know, I had
 25 with the education system and, you know, my community had with the education system. I think as Meena alluded to earlier, it's just incessant gaslighting of low expectations assumed to be, you know, a delinquent child when you are not. I think on paper I was quite an academic student, like I had, you know, great NAPLAN results and, you know, on paper to the white system, I should have been
 30 viewed as a good student, but that's not how I felt.

I remember when I was in grade 4 my teacher had established this seating plan and I was sat right next to the teacher, and he made all these comments saying I have to keep my eye on you and I was like, "What have I done? I'm nine years old, I do
 35 my work. I go to school, like what have I done? And I think that kind of gaslighting when you are a child really kind of impacts your confidence, because you're second guessing kind of everything after that. You kind of lose that trust with the system.

40 My teacher thinks I am this horrendous child that doesn't do work, doesn't behave, so why would I? You know, if I'm needing extra support, why would I speak to them? And I think that kind of followed me throughout my whole education journey through to university. I acknowledge that many vice-chancellors of the university gave evidence yesterday. However, I think the issues that we speak
 45 about aren't exclusive to primary and secondary school. I think these universities, as we heard, are founded on such horrendous principles and horrendous kind of

figures in history. But that's not isolated to the current experiences that students are facing in these institutions.

5 I think there's this kind of unchecked racism within the entire kind of education system and any education setting where why would Aboriginal people report racism to racist people? Like, to me, I wouldn't feel comfortable if I was to experience racism from a primary school teacher, high school teacher or a university tutor to report that, because it's reporting it to the people who are inflicting that kind of racist sentiment. And I think as well, although I didn't grow up in out-of-home care, I acknowledge those who informed this report, but these kind of sentiments are intergenerational as well.

15 I think about my mum who had similar experiences to me and kind of developed a sense of sympathy in a way where she is facing, like she faced the same things that I am facing of racism in kind of the education system. So, you know, I don't want to go to school today. They don't get me, they are being racist to me. So, you know, she has that - she had that experience as well. So it kind of it's a sense of defeat that we can't change the system and address the system, because it's not just happening now. It was happening to the generation before me and every single generation, you know, to come before as well.

20 So I think if I were to sum up kind of my education experience as a whole, it would be this sense of defeat. And when I was in year 11 and 12 one of me and my best friends who was also Indigenous, we really pushed our school to implement a Reconciliation Action Plan. The RAP didn't stop people from being racist to us. So I think too often there's this kind of notion that if we share Aboriginal culture, we gift our education settings Aboriginal culture, people will stop being racist when, in fact, in my opinion and my experience, I think in a way it invites racism in.

30 So I think if we were to improve, I guess, any education setting, the voices of children and young people are so important and, you know, culture is an important element of it. But the onus isn't on us as children and young people. It's not because we're not interested in education, it's not because we are inherently, I guess, unable to learn. It's the setting's fault. It's the education system's fault. So if we were to change the system, the onus isn't on our community, it's on the system to unlearn their racism and to address their racism.

40 **MS MCLEOD SC:** One of the things you mentioned "unchecked racism", and I take it that has been your experience at university as well?

MR ELIAS JARVIS: Yeah.

45 **MS MCLEOD SC:** So share if you like, any of those examples. But I was going to ask you as well, what are the things that give you strength and a sense of safety?

MR ELIAS JARVIS: I think for the unchecked racism component there's kind of this objectivity when it comes to speaking about Aboriginal history and Aboriginal people where in a university setting kind of invites racist discourses. So people don't see Aboriginal issues as being something that impacts them, like when I say,
 5 "Impacts them", I'm talking about, like my non-Indigenous peers and staff at university. So it kind of in a way gives them licence to share really, kind of horrendous, like comments about Aboriginal people. And because of, you know, the incessant kind of defeat that Aboriginal people feel in education settings, you don't feel like you can raise that concern in a culturally safe way and if you do
 10 raise a concern you don't have a sense of hope that anything is going to change.

But I think for giving me strength it's a big question. I think I find strength in giving back to my community and knowing that there is value in education and kind of, you know, that despite all of this - and, you know, I'm not the only person
 15 who has these experiences, but I find a great deal of strength in the resilience of our people and especially when we are talking about kids who have been removed from their families, their Country, their kin, their culture, who despite all of that still have the strength to carry on. I also acknowledge that some don't and it's not their fault. So I think I find strength in the resilience of our people as well.

20 **MS MCLEOD SC:** Thank you very much, Elias, for sharing those words.

Can I invite you all to talk about the recommendations of the Let Us Learn report and where you think the emphasis needs to be?

25 **COMMISSIONER WALTER:** Before you go on counsel, can I just ask Elias, yesterday obviously, Elias, you heard the vice-chancellors speak. Did you think, and I'm putting you on the spot here, I know, that they had any understanding of the level of racisms that exists within their institutions?

30 **MR ELIAS JARVIS:** Personally, with all due respect I don't think they do, because I think for people like vice-chancellors of any university, mine or others, kind of relies on Aboriginal people having the courage and bravery to speak up. And I think a lot of the time like I was saying before, they lack that. Like why
 35 would you report racism when you feel like it's not going to get anywhere? Sharing your experience, a negative experience, knowing that you're sharing your experience and nothing will come from it, is defeating. So I don't think that a lot of universities are aware of kind of the racism that is, you know, thriving in their institutions.

40 **COMMISSIONER WALTER:** Thank you.

COMMISSIONER LOVETT: Would you say that they're hierarchical in their structures and elitist?

45 **MR ELIAS JARVIS:** I would say that they are elitist, 100 per cent. I think it's definitely hierarchical. You can find, you know, staff that support you but those

staff aren't, you know, they don't have a direct path to people like the vice-chancellor. They're often kind of - they're support staff who are underpaid and their entire kind of job description isn't recognised. But, you know, to enact change it has to go beyond the support level staff. So I think it's definitely
 5 hierarchical and, you know, change happens at the top. But I just don't think there's enough kind of opportunity for student experience to get to the top.

COMMISSIONER LOVETT: Yes, thank you. We heard evidence yesterday that there were flat structures, but we were cautious in receiving that.
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MS MCLEOD SC: So for each of you, let's turn to the recommendations of the report. I think my quick math was about 70 per cent of the recommendations have been accepted. So let's step away from the government's response in case that leads you into hot water. Which of the recommendations would you like to really
 15 emphasise?

And, Elias, I might get you to chip in at the end with any thoughts you have about these as well.

MS LIANA BUCHANAN: Allow me to confer with my Commissioner. I'm going to just talk about the two areas, there's many, but two areas that apply to all children and young people in care. Those relate to, so the recommendations that I have in mind first of all are 13 and 14 and really they go to the need to improve
 25 schools' and teachers' understanding of the impact of trauma, and ability and resources and supports to respond to behaviour that is the manifestation of trauma, in a way that is not punitive. So these recommendations really go to trying to both bring about a more compassionate and understanding and sophisticated response to children and young people in care.

MS MCLEOD SC: So would it help to have the recommendations up?
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MS LIANA BUCHANAN: Certainly. Perhaps recommendation 14 is the most critical to my mind.

MS MCLEOD SC: Page 44, Summary.
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MS LIANA BUCHANAN: And the reason that this is one of our areas of focus for both Meena and I, and you've heard the data on expulsions and on suspensions and the modified timetable use, and so much that we heard both from children
 40 themselves and from other carers was that children who have been through trauma are not necessarily going to be the children who can sit and self-regulate and be silent, quiet, good classmates for hours at a time. I'm not a clinician but the research, the evidence is well established about the impact of trauma, of adverse childhood experiences on children's development, children's behaviour, children's
 45 capacity to regulate emotions and conduct.

It seems to me, and to us, obvious that schools, teachers and others in schools, need to be skilled to understand that connection, understand what behaviours might be caused by and respond effectively to those behaviours. That's important for children and young people in care, because by definition they have
 5 experienced some degree of adverse experience before they've been removed from family and often further harms since they've been removed.

But actually, much more broadly, we know that many, many children across the whole community, Aboriginal and non-Aboriginal, experience maltreatment. The
 10 Commissioners may be aware of what was a landmark study released last year, the Australian childhood maltreatment study. I won't go through the findings in detail, but 44 per cent of children have been exposed and lived with family violence, almost a third have experienced physical abuse, and so on.

15 More than 60 per cent of children experienced at least one form of childhood maltreatment. So for us, it should be part of schools' bread and butter. They are all working, all schools, whether they have children in care in their enrolment or not, they are all working with students who have experienced trauma. We need to be doing much better to support our students - our schools rather, to respond to the
 20 experiences and understand the experiences and then the behaviours of children and young people who have experienced trauma.

So hence this recommendation that the Department really work to make sure that as Meena said, there's a consistent, not a patchy, school leadership dependent
 25 approach to taking a whole of school trauma approach. So that piece of work is to us a very, very critical recommendation.

MS MCLEOD SC: Just before you leave that one -

30 **COMMISSIONER HUNTER:** Can I ask, on that one, trauma informed work and therapeutic is nothing new now. It's been going on for a while. It should be second nature in schools, should it not, because we know the complexities. And I do understand the timetable use and how you integrate a child back into, but it should be done in this framework. Is that -

35 **MS LIANA BUCHANAN:** That's our view. I have been in the - and you may have heard evidence about this or not, there's a mental health - kind of funding is available for government schools, there's a mental health menu. There are some options in there for schools to voluntarily get training for some of their staff or
 40 teachers in trauma informed and what that means, but it's optional. And really what we are saying although we didn't use the "mandatory" word because we knew that would be resisted, but really we are saying at a system wide level the Department should set expectations that every single school, given that every school will be dealing with children with trauma, every school should be applying
 45 a trauma informed approach. That is the essence of this recommendation.

MS MCLEOD SC: Just to highlight the feedback you had from students from page 181 onwards underlying this recommendation, it's - the nature of things is stigma, bullying, exclusion from both social and learning opportunities, punitive responses.

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MS LIANA BUCHANAN: Absolutely. I mean some of the quotes, "The way teachers communicate with us." "They don't understand." "It's difficult for us to get to school when we're being moved around, when we have got mental health issues when we have missed chunks of school." "I don't feel motivated by those around me to attend." "Don't take it out on the kids. It's hard for us." "Being understanding of our situations", that's a 16-year-old young Aboriginal woman in residential care. "I'd like the teachers to be more understanding of my situation", another young person told us. "I've been traumatised in and out of school. It's triggering and I feel nothing will end well when I do attend", another 16-year-old Aboriginal child who had experienced multiple placement types.

Another - one more I'll share, because some of the things that really impact me when we are hearing from children and young people is how much insight and reflection they have into what their experience means and how that plays out in their behaviour, or has played out in their behaviour and the extent to which they recognise that's hard for the adults around them. So there's an incredible level for some young people of insight. This young person who responded to our survey said:

25 "Our brains are wired different because of what we have been through and how the trauma has impacted us. We need more support and encouragement, and less rigid regulations."

30 As you say, it's not new, it's not rocket science and frankly, from our point of view at the Commission we think it should be baked into our education system. This isn't just for students in care, certainly not just for Aboriginal children and young people it should be a mainstay of our approach for all children.

MS MEENA SINGH: So I might just talk to two sets of recommendations specifically for Aboriginal children and young people, but I also think that will support children and young people from communities of colour that also experience racism that also need their identities and their heritage understood as well. So firstly, in regards to specifically responding to racism recommendation 19 is:

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"Support Aboriginal children and young people to report racism and respond appropriately when they do."

45 Now, schools are required to do this as part of Child Safe Standards, Child Safe Standard 1, which is:

"Required to establish culturally safe environments."

MS MCLEOD SC: Sorry to interrupt you. That - yes. Thank you.

MS MEENA SINGH: Minimum requirement, 1.3 is specifically around racism,
 5 about addressing it, about responding to it. So it's already a legal requirement.
 But as Elias touched on and as - what I hear so much of is the processes to report
 racism in schools are flawed. They are not supportive of students and their
 families, and students and their families deal with racism in other ways, whether
 10 that's students voting with their feet and removing themselves from those
 fundamentally unsafe environments.

When we spoke to Aboriginal children and young people as part of this inquiry,
 but also I've spoken to other Aboriginal young people around, in other
 circumstances, removing themselves from those racist environments, which means
 15 that they are not getting the education that they so desperately need or when they
 do raise racism they're met with, "It's a joke, they didn't mean it. Don't worry
 about it." It's incredibly frustrating. The response often from schools or from the
 Department of Education is to keep using those systems, those processes. But
 they're very - they're highly individualised complaints processes.

20 They only relate to the individual who has experienced the racism, and the person
 who's using racism. And the responses to that, because it's highly individualised
 will only apply to those individuals. We don't see any systemic change or
 response from those sorts of complaints. So it was why we wanted to also have
 25 the recommendation 20:

"Audit the effectiveness of the report racism hotline."

30 So this is a hotline for students to be able to report racism that the Department of
 Education runs. We want to see how is that working, what's the information from,
 what data is coming from it.

COMMISSIONER HUNTER: Can I just ask how long - I'm a mother of a child
 35 at school and I don't even know about that hotline.

MS MCLEOD SC: I don't think it's new.

COMMISSIONER HUNTER: It's not new?

40 **MS MEENA SINGH:** No.

MS LIANA BUCHANAN: I don't think so. I don't exactly know when it started
 but I've been aware of it for some years.

45 **COMMISSIONER HUNTER:** Okay.

MS LIANA BUCHANAN: Only because I look for such things (crosstalk).

COMMISSIONER HUNTER: (Crosstalk) in that space, like, I think not only monitoring that but also making people aware of it.

5 **MS MEENA SINGH:** Yep. Something I should have brought the figures with
me for but it has just jumped into my brain, the Attitude to School Survey that gets
done every year for students, and last year was the first time that they asked
a question about experiences of racism and what to - if students know what to do
if they experience racism. I can't recall the numbers, but any experience of racism
10 is one experience too much.

But then the response in terms of "What to do if you experience racism" were not
very high at all; that students don't know what to do, or don't have - they might
know what there is available but those systems aren't available to actually address
15 the issues that they're dealing with. Then recommendation 23 is to report
schools - sorry, report schools - requires schools to report on actions to take into
address racism.

As I mentioned Child Safe Standard 1 focuses on cultural safety but you cannot
20 have the work of cultural safety without the work of undoing racism, of undoing
those inherent biases that Elias talked about. There's an active unlearning that
needs to happen. It's not enough to have staff attend a training session that might
happen once every so often, that gives information but actually doesn't challenge
the behaviours that are held and are clearly being displayed in a particular school
25 environment.

COMMISSIONER HUNTER: You might not know this but are schools
assessed on cultural safety?

30 **MS MEENA SINGH:** So the - I'm going to get the - the acronym is VRQA - I'm
always going to get it wrong - Victorian Registration and Qualifications Authority,
yes.

COMMISSIONER HUNTER: I think that was mentioned the other day, but are
35 they - if that's the Child Safe Standard 1 -

MS MEENA SINGH: Yep.

COMMISSIONER HUNTER: - are they assessed on cultural safety?
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MS MEENA SINGH: So, yeah, the Victorian Registration and Qualifications
Authority is the regulator. So we are a co-regulator with them along with four
other regulatory bodies that oversee all of the Child Safe Standards. So yes, Child
Safe Standard 1 is one of the standards that needs to be regulated.
45

COMMISSIONER HUNTER: If we've got amounts of racism in schools, it
would be quite high, am I assuming correctly?

MS MEENA SINGH: From the kids that we speak to?

COMMISSIONER HUNTER: Yes.

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MS MEENA SINGH: Yes. Incredibly high.

COMMISSIONER HUNTER: So that would lead me to believe that the majority of schools are not culturally safe for our kids, particularly in out-of-home care. Would that be a good assumption?

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MS MEENA SINGH: From what children and young people tell us, yep, I would absolutely say that, yep. Sorry, you go.

MS LIANA BUCHANAN: I'll very quickly add that when we spoke to children and young people for this inquiry, including Aboriginal children and young people, we didn't ask questions about racism. We asked how they found school and we asked what made school difficult, you know. And if you look at chapter 8, that is a chapter that is full of the voices of children and young people describing what they have experienced and so many horrendous descriptions and instances of racism and racist bullying.

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And I think to follow the evidence Elias gave and some of what Meena has spoken to and some of what the recommendations mean I just mentioned, are intended to address, for so many children and young people, that sense there was no point in complaining even if they knew what to do. They knew they could raise it but when they'd raised it in the past, nothing had been done.

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So I think we do have to say, as Meena described, I think we have to say there's an enormous amount of work to be done, based on the evidence that we have gathered for this inquiry alone, to make schools more culturally safe for Aboriginal children and young people: there's no doubt.

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MS MEENA SINGH: If I can just - so I'm the person at the Aboriginal Justice Forum and at Dhelk Dja Forums, I'm the person along with others who's always talking about the racism that our kids experience. You know our kids have a finite time at school, there's a limited opportunity for them to get the skills and the knowledge and the experiences that they need to set them up for the rest of their lives. And it's interesting when you talk about the initiatives that are starting, have been in place, to respond to racism, to improve cultural safety, and they're always talked about in the long-term; they're always talked about often staff are on a journey of learning.

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And I've said, quite frankly, our kids don't have time for that journey. When it comes to responding to racism, our kids need to see that it's not tolerated; that there's zero tolerance for it; that their stories will be believed and they'll be heard; and that their experiences are valued, and who they are is inherently valued. And

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we simply just do not see that from the consultations for this work, for so many other just conversations it just always comes up from community members, from children and young people, about what they're experiencing in schools.

5 **COMMISSIONER HUNTER:** Can I just as, Elias - it's okay you can answer or not answer - we know around primary school sort of your identity is forming, how does that even speaking about grade 4, how does that affect your own identity as an Aboriginal - an Aboriginal young person?

10 **MR ELIAS JARVIS:** I think there are kind of many elements to it. I think in a lot of ways how schools and, yeah, schools' approach Aboriginal children in a way - you become to associate your Aboriginality with being contrary, and being against the norm, and being something that is essentially a flaw to you, which we know is not the case. We know culture and cultural identity is a protective factor
15 to the health and wellbeing of our people. But as well, I think given the lack of truth in this country and in our education system, the idea of what an Aboriginal person is, is so warped and misinformed.

20 So when you don't fit in that category set by non-Indigenous people of what an Aboriginal person is, you begin to question yourself and you begin to question your own identity. And I come from, you know, such a strong family and such a strong community, so I often wonder if I didn't have, you know, that support system around me - you know, I have kids and teachers asking me how much
25 Aboriginal I am or I'm not really Aboriginal, I wonder if I didn't have that strong identity in my community and in my family and in myself, would I be as proud as I am? I don't think I would be.

I think children who are so young, like, you know, below the age of 12 having
30 someone question your identity, you question, question if you are Aboriginal and kind of prescribe an idea of Aboriginal people being flawed, Aboriginal people being naughty, not smart, you begin to question that in yourself. And I think even to this day I carry sort of that internal monologue. So, yeah, it's terrible for the identity of our children and young people.

35 **COMMISSIONER HUNTER:** Thank you for answering that, thank you.

MS MCLEOD SC: Unless Commissioners have further questions, we might leave Elias with the final word. So I will just check if there are other questions?

40 **COMMISSIONER LOVETT:** Probably more just a comment on that last one there. My daughter, she went to school, they were opening up an Indigenous garden and a particular teacher, who obviously wasn't very culturally sensitive, got all the Aboriginal kids together. And my daughter asked a question about "What are we doing?" And, you know. Anyway the teacher turned around and said to
45 her, "You're only a little bit Aboriginal. A little bit Aboriginal" and did this (indicates). You know, just - you know, it's absolutely heartbreaking that our kids have to at a young age, this is grade 1, transitioning into grade 2 having to put up

with these lived experiences and justify their, you know - how much Aboriginal they are at this age, rather than "We're blackfellas, we're Aboriginal." That's it full stop. Full stop. Don't need to question it. So, yeah, I just wanted to just share that because it's happening everywhere, eh?

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MR ELIAS JARVIS: Yeah. It's so hard, because you go home, you know, you're strong in culture. You know who you are, you know who your mob is. And then when you go to school you get questioned. So it's like two truths, two different realities. At school they don't believe I'm Aboriginal, but the home I am like so, kind of secure in who I am. So even, like walking in those two worlds it's so detrimental. Why can't our kids just be culturally safe and strong all the time, like yeah?

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COMMISSIONER LOVETT: Just to build on that then I asked the school the question of what happened because I wanted a response, because I wasn't very happy and the excuse that was articulated from the teacher was, "I didn't say they were a little bit Aboriginal, I said they had a little small role to play today." I mean, that was the justification for doing the little. But we all know in this room, we have heard stories and continual compounding trauma that our children face, and I can only just imagine what our kids in care are experiencing would be far more shocking, not to take away from my daughter's story or yours, you know, but just compounding.

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MR ELIAS JARVIS: Definitely.

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MS MCLEOD SC: Thank you, Commissioners.

And thank you, Elias, for your report and for your evidence today, and thank you for the personal sharing that you brought to the table today, Elias. Thank you.

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Commissioners, that concludes today's evidence. We will resume tomorrow morning for - sorry, not tomorrow morning, hopefully there's a weekend somewhere. I think it is Thursday morning.

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COMMISSIONER HUNTER: Thursday morning.

MS MCLEOD SC: Yes.

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COMMISSIONER HUNTER: Can I just thank both Commissioners for the work that you do? You know it's my passion, out-of-home care and our kids. So I really want to thank you for coming and sharing your story with us as well. So thank you for all the work you do for our kids. So that's the end of today. Thank you.

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COMMISSIONER LOVETT: I think it gives us great hope seeing you sitting up here talking strong, talking deadly. And not to put pressure on you or burden you, but no, it's important that you have come. You are holding your own, sitting

with authority, strong, articulate and if we are looking at people yourself and others around the place, our future is going to be in good hands, truth-teller sitting over there. So thank you very much, keep up the good work, but don't - draw on the ancestors' strength and wisdom, but don't let it weigh you down, bro, right.

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MR ELIAS JARVIS: Thank you.

COMMISSIONER WALTER: Thank you.

10 <**THE HEARING ADJOURNED AT 3.30 PM**