YOORROOK Justice Commission

TRANSCRIPT OF DAY 8 – 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, 14 JUNE 2024 AT 10.06 AM (AEST)

DAY 8

HEARING BLOCK 7

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MR TONY McAVOY SC, Counsel Assisting
MS SARALA FITZGERALD, Counsel Assisting
MS SARAH WEINBERG, Counsel Assisting
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<THE HEARING COMMENCED AT 10.06 AM

COMMISSIONER HUNTER: Good morning. Welcome to today's hearing of the Yoorrook Justice Commission. Today we continued our inquiry into historic and ongoing social injustice for Victoria's First Peoples in Hearing Block 7. Before we commence, I'd like to acknowledge that we are on the Lands of the Wurundjeri, pay my respects to Elders past and present, to all those that have come before us to give us voice here today, we stand on their shoulders. Wominjeka. Come with purpose. Thank you.

MR MCAVOY SC: Thank you, Commissioner Hunter. My name is McAvoy. I'm appearing with Ms McLeod SC and Ms Fitzgerald and Ms Sarah Weinberg as Counsel Assisting today. We thank you for the Welcome to the Lands of the Wurundjeri people. We acknowledge the Wurundjeri people and their ancestors and we acknowledge that their Lands have never been ceded and that sovereignty has never been ceded and that, indeed, they have been dispossessed without compensation for their Lands.

We will, before we commence, deal with some administrative matters, Chair, but I will hand over to Ms Gordon.

MS GORDON: Good morning Chair, Commissioners. I appear for the State of Victoria with Ms Georgina Rhodes particularly with the evidence to be given by the Honourable Ben Carroll, Deputy Premier and Minister for Education. Thank you, Chair, for your Welcome. We acknowledge that today's hearing is held on the Lands of the Wurundjeri people of the Kulin nation and we acknowledge them as the Traditional Owners of this Land and that sovereignty has never been ceded. We pay respect to Wurundjeri Elders past and present and Aboriginal Elders of other communities, and other First Peoples who are here today or watching online. May it please the Commission.

MR MCAVOY SC: Chair, there's a matter of some tender bundles that need to be dealt with first thing this morning. I understand that you had received tender bundles for Thursday, 6 June 2024, Friday 7 June 2024, Thursday 13 June 2024 and today, Friday 14 June 2024 and I tender those to the Commission. Thank you.

Now, Chair, I call the Honourable Ben Carroll, MP, the Deputy Premier and Minister for Education for Victoria. The Deputy Premier is in the witness box. Thank you, Chair.

Deputy Premier, I might start by asking you to tell the Commission your full name and your role.

THE HON. BEN CARROLL: Thank you, Mr McAvoy. Benjamin Alan Carroll, the Minister for Education and the Minister for Medical Research.

MR MCAVOY SC: And in the evidence you are to give to the Yoorrook Justice Commission today, do you undertake to provide truthful evidence?

THE HON. BEN CARROLL: Yes, Mr McAvoy.

MR MCAVOY SC: Thank you, Deputy Premier. You have prepared a statement?

THE HON. BEN CARROLL: Yes, I have, Mr McAvoy.

MR MCAVOY SC: And you have had the opportunity to read through that statement?

THE HON. BEN CARROLL: Yes, I have, Mr McAvoy.

MR MCAVOY SC: And that statement is true and correct to the best of your knowledge?

THE HON. BEN CARROLL: Yes, it is, Mr McAvoy.

MR MCAVOY SC: Commissioners, the statement of this witness dated 7 June 2024 was tendered in the tender bundle a moment ago for today's tender.

Now, I understand that there are some opening remarks that you would like to make, which you included in your statement but I would invite you now to make those remarks, if you would like.

THE HON. BEN CARROLL: Thank you, Mr McAvoy. Thank you, Chair. Thank you, Commissioners. This historic opportunity that is the truth-telling process, I would like to thank you all and for that Welcome to Country. Can I also say with my deep personal respect I acknowledge the Wurundjeri people of the Kulin nation as the Traditional Owners on the Land on which we are paying our - on which we live and work. I pay my respects to Elders past and present and I extend those respects to all Elders and peoples across our state of Victoria including here today and also watching online.

I acknowledge that sovereignty was never ceded and that the impact of dispossession and colonisation to First Peoples continues to be felt today. I acknowledge the ongoing and thriving cultures, acknowledging tradition of First Peoples in all of their complexity. First Peoples were the first educators and their skill as teachers has kept culture and Country safe and vibrant for tens of thousands of years. I make this statement having been guided by the words of Professor Markham Rose, someone I consider a source of inspiration and he is quoted as saying:

> "If we are the world's oldest living continuous culture then by inference, we must be the world's oldest continuous intellectual tradition and our people are

bringing into their professional communities a great sense of humanity, a fine tuned emotional intelligence and a great spirit that we can all learn from."

I also acknowledge the long history and advocacy of First Peoples leaders in Victoria and the immense strength and resilience of First Peoples communities right across Victoria, working for truth and justice including in education. I extend this acknowledgement to Aunty Geraldine Atkinson, President of the Victorian Aboriginal Education Association and also Uncle Lionel Bamblett, the General Manager of VAEAI whose advice and counsel I have valued since I became the Minister for Education in October last year.

In my role as Minister for Education, I lead the delivery the education development services to children. I'm also the Deputy Premier and Minister for Medical Research. I grew up on Wurundjeri Country in Airport West in Melbourne's north-west and became the member for the seat of Niddrie in 2012. Before entering Parliament, I was a policy advisor and lawyer, and volunteered at a community legal service. I was drawn to politics to combat disadvantage. My priorities are to build accessible and supportive environments for continuous and to preserve the natural environments we are lucky to live in.

I believe in the fundamental importance of education. At every point of a person's life, our formal systems of education can serve as a means to assist people to overcome barriers or as hindrance that reinforces those barriers. Sadly, through much of Victoria's history the State education system has contributed to creating and reinforcing barriers for too many First Nations people's children and young people. I concur with Premier Allan's observations that it is this, the policies and practices of government that created the gaps that exist between First Peoples and other Victorians. Whether by ignorance or deliberate intent it has been government policy, systems and practices that have created this disparity.

In preparing for this hearing, I have learnt some of the history of First Peoples' education since colonisation and I've been briefed on the submissions and evidence received by this Commission. As a parent, as a Minister and a Victorian, this journey has been eye-opening and a stark reminder of the immense structural privilege experienced by many including myself. It is also a reminder of my responsibility to do better in the position that I occupy today. I acknowledge the historical failings of the State's education system. I apologise unreservedly for these failings as well as for the continuing and pervasive impacts that continue to be felt by First Peoples students.

I recognise many of the historical State records in education are problematic, with observations based in ignorance, paternalism and unbridled racism. These accounts do not do justice to the complexity and holistic nature of First Peoples education and knowledge systems.

I am mindful that many things I took for granted growing up, a good education where I felt belonged, dedicated teachers and clear pathways to further my study

do not reflect the schooling experience of many First Nations peoples'. While equality of education has been described as the great equaliser, the history of this state is littered with examples where schools have been used as tools of segregation, exclusion and oppression of First Peoples. This can be seen in the relegation of First Peoples children and young people to industrial or reformatory schools from the 1890s and in more recent times, through disproportionate use of disciplinary exclusion measures within schools.

Since colonisation schools have played a significant role in reinforcing racist perceptions and stereotypes about First Peoples and perpetuating false narratives about colonial history. These ideas have had far reaching and damning effects that continue to permeate society. These effects can be seen in the racism that continues to be experienced by First Peoples students. I have reflected on the evidence provided to this Commission by Elders who have shared their education experiences and the impacts these have had on their lives with me. These experiences are not confined to distant history, but they continue to have implications for First Peoples lives today and they continue to affect First Peoples engagement with our education system.

These impacts can be seen as disparities in engagement and achievement data on average between First Peoples students and other students in Victoria. While progress has been made in some measures across early childhood, school and post-education, we are not progressing at the scale or speed that should and is required. While many First Peoples students are thriving we do need to do much more to ensure that success experienced by some is success experienced by all. Engagement, retention, and completion of school are so important to achieving positive outcomes and learning in life.

First Peoples students feeling safe and connected at school is so important to improving their learning and wellbeing outcomes, including ensuring the inclusion of First Peoples students. And their cultural safety at schools is key focus of a work that we need to continue to do to improve education outcomes.

The vision of Marrung, Victoria's Aboriginal Education Plan as decided by the First Peoples community is for Victoria to be a state where the rich and thriving culture, knowledge and experience of First Peoples is celebrated by all Victorians, where our universal service systems are inclusive, responsive and respectful of First Peoples at every stage of their learning and development journey and where First Peoples achieve their potential, succeed in life and feel strong in their cultural identity.

A key tool to achieving vision is Victoria's Child Safe Standards. Child Safe Standard 1 came into effect in July 2022, with ministerial order 1359 and it requires all schools to establish a culturally safe environment in which a diverse and unique identity and experience of First Peoples children can and continue to be represented and also valued today. The Department of Education has a range of programs that seek to improve the cultural safety of schools, these include

community understanding and safety training, strengthening professional capability and principles in Koori education, corporate cultural awareness training and dedicated anti-racism training.

Schools play a critical role in providing cultural safety and inclusion of First Peoples children, young people, families both within school grounds but also outside the school gate in the wider community. There are fine examples of schools working in partnership with their local First Peoples community. Heywood District Secondary College worked with the local Gunditjmara community to develop a Gunditjmara language program for years 7 and 8. Warrnambool College, the Clontarf Academy also worked very closely with other parts of the institutions.

Grassmoor Primary School and First Peoples community members developed an Indigenous garden to hold the importance of connection to Country and sustainable landscape. It is a living classroom where the entire college community continues to connect, study and celebrate collaborative learning. Reservoir East Primary School, which sits on Wurundjeri Country is undertaking a cultural review in partnership with the Aboriginal Advancement League.

We have learnt a lot through Marrung about what it means to be held to account by community for the actions and outcomes we deliver. We now need to embed those lessons in our systems and structures so that accountability translates to a much larger impact and a much larger outcome. Despite our efforts and intentions, we still have a long way to go and we do need to work differently. Through self-determination in education campfire conversations over 3,000 people including First Peoples students, young people, families and carers, Elders and organisations, as well as school and education staff came together across our state of Victoria to discuss what needs to happen to make the education system work better for First Peoples students.

This process has provided an empowering and meaningful way to build connection and trust at the school level between learners, families, communities and schools, where schools heard directly from their local First Peoples community and from their students about what they need from their school environments. Self-determination is a right. It cannot be given or granted by governments, but must be supported to be exercised by First Peoples. However, too often the actions of government are barriers to self-determination.

While not a replacement for Marrung our learnings from these conversations builds on Marrung and on government's commitment to reforming how we work to self-determination in ways which align to community aspirations as is required through Victoria's Self-Determination Reform Framework. This work is currently in the early stages, with implementation receiving funding through the recent State budget on 7 May. The budget provided $51 million to enable concerted work to enable self-determination and cultural safety.

Importantly, $31 million for registered Aboriginal parties and ACCOs to increase their capacity to support improved educational outcomes and to engage in education decision-making. Funding of $500,000 will go to each Registered Aboriginal Party, so the Traditional Owners are able to develop their own local strategy for how they wish to be engaged in education on their Country. I reiterate the government's commitment to reforming existing policies, including legislation and implementing change as negotiated through Treaty in order to prevent the recurrence of past wrongs and also address ongoing injustices. I am proud to be part of a government that has committed to Treaty, self-determination and to this truth-telling process.

However, I also understand that we must not wait for Treaty to effect change in the education system. The work we do now will prepare the education system to be ready for the change to be negotiated through Treaty. To address and overcome the impacts of colonisation on our education system and combat ongoing inequity in our (indistinct) and experiences we must get the cultural safety professional learning curriculum and universal and target supports to ensure First Peoples' employment and First Peoples' employment in education is done right and in the right manner.

Critically we must do this in ways that honour the self-determination of our First Peoples. Of course, this starts with listening deeply and those partners that are so important to self-determination. But more importantly we must work in new and different ways to obtain fundamentally better outcomes, and this means getting to a place where decision-making and resources control is handed over to First Peoples. I reflect on the testimony given by the Premier in April and to quote Premier Allan:

> "I am already seeing how the education system today is very different to the one I went through in terms of what kids at the youngest age learnt about First Peoples culture and practice, about land dispossession."

We can build on that. The work of this Commission will give us an enormous wealth of material and evidence and we can then look at how we embed that more broadly into our curriculum. Education has the power to transform lives and to prevent children and young people from intergenerational inequity and disadvantage. I also know the power of schools to instil pride in Victoria's children and young people about First Peoples history and culture. I'm grateful for the opportunity to appear here today and I hope to assist the Commission in a significant truth and justice process and learn more about how I support this in my role as the Minister for Education.

Thank you, Chair, and, Commissioners, Mr McAvoy.

MR MCAVOY SC: Thank you, Deputy Premier. You're primarily here today in your role as Minister for Education and the investigation that the Commission has undertaken during these weeks is in relation to social injustices, in particular

education is one of those injustices. I first wish to ask you some questions about your role as a Parliamentarian. You are the successor in the seat of Niddrie to the former Victorian Attorney-General, Rob Hulls?

THE HON. BEN CARROLL: That's correct, Mr McAvoy.

MR MCAVOY SC: When did you take over that seat?

THE HON. BEN CARROLL: 2012.

MR MCAVOY SC: And since that time, it's fair to say that the margin by which that seat has been held by you and the Labor party has increased?

THE HON. BEN CARROLL: Yes, it has, Mr McAvoy.

MR MCAVOY SC: It has increased substantially apart from a blip around the COVID period?

THE HON. BEN CARROLL: That's correct, Mr McAvoy.

MR MCAVOY SC: And so, when one looks at the safety of that seat, that puts you as a Parliamentarian in a good position to be vocal about your beliefs and values and about the Labor party aspirations for Victoria?

THE HON. BEN CARROLL: That would be correct, Mr McAvoy. I'd probably add one caveat, I don't think there is such a thing as a "safe seat" anymore, that we all have to work hard to have that privilege of being in Parliament.

MR MCAVOY SC: It's not suggested that you are not working hard for the seat of Niddrie, Minister, but you're now in the position of Deputy Premier as of September last year?

THE HON. BEN CARROLL: That's correct.

MR MCAVOY SC: And is it appropriate for this Commission to understand that somebody with perhaps a luxury of a reasonably strong margin in their seat, a seat that has been held by the Labor party for some time and are you now in the position of Deputy Premier, you have a degree of influence within the party and the degree of safety in your position that allows you to be a spokesperson and advocate for the matters which you are interested in?

THE HON. BEN CARROLL: I'd agree with that assertion, Mr McAvoy.

MR MCAVOY SC: You are now the Minister for Education and you've come to this Commission to talk about the plans for the education portfolio?

THE HON. BEN CARROLL: Yes, Mr McAvoy.

MR MCAVOY SC: Is it also the case, Minister, that you come here as a person that is supportive of the self-determination policies of this government and the Treaty processes that have commenced and will go into a negotiation phase very shortly?

THE HON. BEN CARROLL: Yeah, certainly, Mr McAvoy.

MR MCAVOY SC: I mean, is it something - is the self-determination aspect of this government's future and the Treaty processes, something that you see yourself as an advocate or champion for?

THE HON. BEN CARROLL: Certainly, Mr McAvoy. It's something, as a government we've been pursuing during all my - during essentially all my time as a government member of Parliament and as a Minister across all my portfolios.

MR MCAVOY SC: You understand that big reforms such as ensuring appropriate self-determination and that Victoria leads the rest of the country into a Treaty space requires strong leadership? You would agree with that proposition?

THE HON. BEN CARROLL: I certainly do, Mr McAvoy.

MR MCAVOY SC: And you are aware that the Premier gave evidence here not so long ago confirming her commitment to those outcomes?

THE HON BEN CARROLL: Yes, Mr McAvoy.

MR MCAVOY SC: And do you come here and say to the various First Peoples of Victoria and to these Commissioners that you will be side by side with the Premier as a champion for those outcomes?

THE HON. BEN CARROLL: I certainly do, Mr McAvoy, side by side and sustained advocacy for those outcomes.

MR MCAVOY SC: Now, Minister, the advocacy required to ensure these matters are achieved requires a sustained commitment, and I understand that there's no intention on the Labor party to move away from these commitments. Of course, there's nothing to suggest that at all. But as the Deputy Premier and a person who has been rising through the political system here in Victoria, do you see that you will have perhaps a greater role in the Treaty process as your role in Parliament continues?

THE HON. BEN CARROLL: I do, Mr McAvoy, and not only being a Minister of the cabinet, but being the Deputy Premier and sitting across a range of cabinet subcommittees where we put self-determination at the heart of what we do. I certainly see that as my role, yes.

MR MCAVOY SC: And have you had the luxury of thinking about how your time in Parliament might be viewed when measured against the State's achievement of self-determination and Treaty outcomes?

THE HON. BEN CARROLL: That's something I reflect on regularly, Mr McAvoy.

MR MCAVOY SC: Would you like to share some of those thoughts with this Commission?

THE HON. BEN CARROLL: Be happy to.

MR MCAVOY SC: Please, proceed. Yes.

THE HON. BEN CARROLL: Well, when I was first elected as it was as a Minister, I was the Minister for Industry and Employment, worked very hard to ensure that we used all of our procurement power and leverage to make sure First Nations young people had an opportunity to work on government projects. One of the things I was very proud of was ensuring that young people that may have had a lot of risk factors, First Nations students, young people, got jobs on our Big Build program, and that has been an outstanding success. And they've also had the wraparound services as well.

I also have been the Minister for Youth Justice and Corrections and I think we'd all acknowledge - and I used to, whenever I gave a speech, acknowledge this - that the overrepresentation of First Nations people in our justice system is something that I'm deeply upset about and ashamed about. And used to work very hard to try and address that and use all the resources I could in terms of people like the Commissioner for Young Aboriginal People, Commissioner Justin Mohamed and I would meet on regular occurrences to see what we could do, how we could put and strengthen self-determination in the youth justice system. What could we do to make sure that the young people going through Parkville College felt valued.

In my time as Corrections Minister, I was very proud to turn the Maribyrnong Detention Centre into a home for prisoners exiting the prison system. So we know one of the most important things, particularly for First Nations People leaving prison is to have a roof over their head and to get those wraparound services, and to work towards that was something I was very proud of.

As the Minister for Public Transport and Roads I was always working to try and see how we could put First Nations People literally in the driver's seat of making sure our public transport system was respectful of Country and that we acknowledge the roads that we are on are, you know, Wurundjeri Land and the First Peoples' roads of the Kulin nation and always make sure that First Nations culture was front and centre.

And then now as my time as the Minister for Education, there could be no more empowering or important portfolio. And I recognise the hurt that has been occurred in this portfolio and I'm deeply upset about that. But to give First Nations students every opportunity to succeed is something really, really important to me.

MR MCAVOY SC: Thank you very much. You obviously had the benefit of a very good education in this country?

THE HON. BEN CARROLL: Yes, Mr McAvoy.

MR MCAVOY SC: You are a holder of a Bachelor of Laws?

THE HON. BEN CARROLL: Yes, Mr McAvoy.

MR MCAVOY SC: And paragraph 24, if we might see that on the screen of the statement please, paragraph 24 of the statement. Do you have that in front of you, Minister?

THE HON. BEN CARROLL: Yes.

MR MCAVOY SC: Zoom in on paragraph 24 please, operators. Paragraph 24 reads:

> "While we have come to recognise First People as the first educators in this country, I acknowledge that I have a lot to learn about education prior to colonisation. While there are some historical state records on education since colonisation, I recognise these are problematic, with observations based in ignorance, paternalism and racism. These accounts do not do justice to the complexity and holistic nature of First Peoples education and knowledge systems."

Now, in making that observation, one of the concerns that will arise for the Commissioners throughout the course of your evidence and, indeed, throughout the course of much of the evidence before this Commission, is how those issues that have arisen since colonisation can be brought to a halt be and not continue to plague this community going forward. Is there anything you can say as to how it is you expect the issues of ignorance, paternalism and racism to be dealt with in your term as Minister?

THE HON. BEN CARROLL: Thanks, Mr McAvoy. And I acknowledge we have so much more work to do, and I think it's a great shame that we don't have enough recognition and public record of First Peoples' experience in the education system. And even post colonisation, it's of deep shame to me that I know as part of the curriculum, that young people were learning more about civil rights matters in the United States than they were learning about their own history here in this

state. And we must, and it's imperative, that we must do better. And it's imperative that we address this and that's what the Marrung Statement is all about.

It is also why we had those campfire conversations with 3,000 Indigenous students, leaders. It's why I work very closely with Lionel Bamblett at VAEAI to do everything we can to make sure that First Nations students and I must say also First Nations teachers, are working in a safe environment.

COMMISSIONER WALTER: Excuse me, Mr McAvoy, can I?

Minister, I know you've only just recently come to the portfolio, and I make these comments bearing that in mind, but in Victoria 41.3 per cent of Aboriginal children were assessed as developmentally vulnerable under the AECD measures and that has not improved in 10 years. Literacy and numeracy is going backwards in the NAPLAN. Only half of Aboriginal secondary students are comfortable at school and that rate has declined since 2019. Had lower rates attending and that's going down again, from 2017. The number of schools with Aboriginal council members has declined from 103 to 63 in the last two years.

Indigenous students are 1.5 times as likely to report as being bullied at school. The number of Aboriginal education workers has declined from 247 to 209. Year 12 retention rates have declined from 66 per cent in 2015 to 59 per cent in 2021, the rate for non-Indigenous is 79 per cent. The proportion of year 12 completers employed six months post school again, has declined in recent years.

So Marrung Statement aside, which is full of strong aspirations, things are going backwards, not going forwards. And I'd ask you if you are familiar with the term "(indistinct)", it is a Spanish term coined by the economist, Hirschman, which means "complexity of failure related to policy" and it's where he describes a bureaucratic mindset, which is so used to failure that it is accepted and that the report - the idea of ongoing failure is easier to deal with than the idea of policy success. And while I acknowledge what Marrung is aiming to achieve, it is clearly not aiming to achieve, and the succession - Marrung is the successor of multiple policies before that for the last 25 years, none of which have achieved their outcomes.

So, I guess I'm looking to you for some sort of point forward about how we break this cycle of this expectation of policy failure, because First Peoples young people and the whole population cannot succeed if people - we are not succeeding in education.

THE HON. BEN CARROLL: I concur, Commissioner, and the statistics are something we must focus on, and be very vigilant in making improvements. I believe the focus on education and lifelong learning really does begin pre-birth with the - its (indistinct) the first 2,000 days that a young First Person's baby and getting them, their neurons, everything working fine. Then through primary, secondary, and then having a pathway through TAFE or university. All the

evidence shows if we can focus on the first 2,000 days and then the biggest investment we can get is making sure our young First Nations young people are engaged at kindergarten.

And I've got to say, we are making improvements in that regard. I think we're about 100 per cent of First Nations students now, in year 4 of kinder. We have got to really embed that, because that is the best return on investment we can get in terms of their journey through primary school. More work to do in regards to secondary school. We are doing a whole range of reform around secondary pathways.

I just, yesterday, made some really important reform around literacy in terms of making sure we are teaching young people and First Nations students the best evidence-based way to teach reading and these are reforms, Commissioner, we'll continue to work on. But I'm very committed to that, to embedding and making sure that the power of education really supports First Nations students to live a life of purpose and live a life of opportunity that they should - are well and truly entitled to.

COMMISSIONER WALTER: I guess I'm asking, as Minister, can you see a way forward for making transformational change in the way the State, through policy, approaches education for young Aboriginal people in Victoria? Because it is very clear that what has been happening to date has not been effective and I'm fully - yes, the first 2,000 days are absolutely important but that's a generation, even if that is successful from now on in, that's a generation before we see change and I don't think we can wait that long.

THE HON. BEN CARROLL: The way forward is partly the process we are embarking on here today, Commissioner, in my opinion, but also too - the way forward is through that continuum and shifting self-determination. I was at Thornbury Primary School just a couple of days ago and it has a First Nations student population of 17 per cent. It has got also two First Nations teachers. And I saw some really best practice examples of Indigenous language, culture being embedded right through when you walk through the front doors, but not only benefitting the First Nations students but benefitting all students in that school.

We now have a practice that, and I've opened 14 new schools this year, the way we are bringing First Nations culture and history to the young students is something I'm proud about from the school naming, the way they're learning about the 65,000 years of teaching, the smoking ceremony, the therapeutic benefits of the smoking ceremony, the leaves, the gum leaves – we have got so much more work to do. I think we are on that continuum through Marrung and building on the campfire conversations. But it is certainly first and foremost in my mind that we've still got so much further to go, though.

COMMISSIONER LOVETT: Deputy Premier, if the stats are showing that there's 100 per cent rates of kids going to kinder, that's a willingness from the

parents to show, you know, they're wanting to get meaningful engagement and their kids a decent education. So where is the system failing which is ultimately seeing a significant decline in attendance rates?

THE HON. BEN CARROLL: You're right and, Mr Lovett, to point out the – which is the one thing, you know, the role of parents, and the role of the family is so important. Family, community, Country, all comes together. As a system, though, we are providing a lot of funding support because we see, you know, kindergarten as so vitally important, that we have rolled out free kinder, because it's a government investment but it returns dividends upon dividends for many generations.

COMMISSIONER LOVETT: That's free kinder for all kids, not just Aboriginal, right?

THE HON. BEN CARROLL: It is, yes. But we do need to make sure that – that we keep working with families, we keep working and making sure that families feel at the heart of what is occurring with their child's education, and that families feel – First Nations families feel part of the community and feel part of having their First Nations young daughter or son getting every opportunity to succeed in whatever chosen field they may wish to go into.

COMMISSIONER LOVETT: Because there's a misconception in society that our people don't want an education, and that our parents aren't invested in their children and that's just absolutely categorically wrong.

THE HON. BEN CARROLL: I couldn't agree with you more, Mr Lovett, and that was one of, when I had been preparing for today's hearing and reading the literature and the history of essentially a deficit based view of First Nations education, reading testimony from people like Uncle Jack Charles, his experience in education, you are 100 per cent right that that was a view, sadly and wrongfully, widely held and permeated and a view that went for way too long.

And also too building on your remarks too, there was a view that First Nations students should be not going to school or making sure that they have a vocational, you know, TAFE-based pathway. But they have the aspirations to be barristers, lawyers, doctors and they are doing that and we need to be celebrating that and encouraging it. But that is something I'm deeply ashamed about when I read about the history and also too, I remarked earlier, not enough documented history of what occurred either.

COMMISSIONER LOVETT: I think, I'd encourage you to watch Professor Ray Lovett's evidence before the Commission, particularly around the points around mainstream or broader society having such low expectations on our people, and on our children in particular.

THE HON. BEN CARROLL: I will, Mr Lovett. Like even I've got this quote, which I highlighted, William Cooper's declaration in 1939 that:

> "Our people say that they want their children to become doctors, nurses, teachers."

I think I've got Jack Charles' I've highlighted as well where he reflected on his experience at school while at the Box Hill Boys Home in Born-again Blakfella:

> "Uncle Jack was removed from his family at the age of four months and was taken into the Box Hill Boys Home when he was two. His memories of attending the Education Department school there are that in spite of being a willing learner, he was a willing learning, he was overlooked for educational opportunities."

And that is just one example we know of that would have been right through the system and it's a deep, deep shame.

MR MCAVOY SC: Minister, numerous witnesses have come before this Commission to say that either they or their parents had been denied access to schooling past very low grades in primary school, past grade 3 or grade 4. So it's a known fact and that denial of education still has effects on the Victorian First Peoples, I suggest to you -

One of the issues that arises from the question from Commissioner Walter, which I was going to come to later, but I'll raise with you now. In pointing to the first 2,000 days, I think it may be taken by some people that have heard your evidence that there is some suggestion that the blame lay at the foot of the parents for not ensuring that the child has access to health and education, and I think Commissioner Lovett has dealt with that in part.

But the statistics show that at the very least First Peoples children are performing well up to about year 3, and it is after year 3 that the rates of academic achievement and performance drop off, and they continue to drop off past that. And I suggest to you that those figures indicate that whilst the children are in their homes and being taught by their parents and having access to Aboriginal community-based preschool and kindergarten, that they are thriving, but it is once they reach school age and enter a system that is not particularly designed for them, that their academic achievement drops off. Are you aware of those figures?

THE HON. BEN CARROLL: I am, Mr McAvoy.

MR MCAVOY SC: And do you agree that the conclusion that I've just put to you is an appropriate conclusion?

THE HON. BEN CARROLL: It is a fact, and it's something that distresses me greatly that First Peoples students that when they do start school the gaps in educational attainment are persistent. There has been progress in some measures

around literacy, year 12 completion rates, going on to tertiary. But we have so much more work to do when you look at right across the board and I would agree with that sentiment.

MR MCAVOY SC: But the consequence of that is that it's not a failure on the part of the community or the parents of the children or, indeed, the children themselves. But it's a failure on the part of those who are providing the education services and the education to those children. Would you agree with that proposition?

THE HON. BEN CARROLL: I would.

MR MCAVOY SC: So we're here now in 2024, what do we do about increasing that attainment level and the continued attendance of First Peoples at school and changing the system so that it's a place that First Peoples children want to attend?

THE HON. BEN CARROLL: And that is our education policy, our statement. I was very proud as the Minister, Mr McAvoy, and, Chair, and, Commissioners, that the last State budget had the biggest investment in First Nations education of $51 million, and that is literally about making sure right through from head office, the Department of Education, to our regional offices, that self-determination is at the heart of our education system. And that money will go directly to Aboriginal - or $31 million I should say of that money I should say to Aboriginal Community Controlled Organisations, to directly influence the local school level but to also directly influence the regional offices to make sure we embed self-determination and that every First Nations family, every First Nations student feels valued, protected, and that the school environment is something that they thrive in.

COMMISSIONER LOVETT: Can you share with us your expectations on how you expect that to be delivered?

THE HON. BEN CARROLL: Certainly, Mr Lovett, and - Commissioner Lovett, there does need to be accountability. That's why last month I attended a ministerial roundtable to directly talk with First Nations leaders in the education sector on how we make sure that we have Marrung implementation plans right through the system, and that that funding, the governance structure is critically important.

So there will be essentially a central governance council, a project control board. We have all the goodwill there but we've now got to make it happen, and it is, though, about handing over the funding and the resources and more than that though, the control to our Aboriginal Community Controlled Organisations, to directly work with those schools on the ground to make sure that every First Nations young person coming through the school gates feels safe, valued and given every opportunity to succeed.

COMMISSIONER LOVETT: Thanks for that. Deputy Premier, can you share now the sentiment similarly that you've shared around the support for Traditional Owners and ACCOs and governance around that, but message an understanding for us to understand what about the Department of Education, what bureaucrats who are implementing the system, what kind of expectations do you have around reform and (inaudible).

THE HON. BEN CARROLL: I, Commissioner Lovett, have high expectations around reform and implementation. I've seen what the power of education is for First Nations students in terms of I've seen First Nations students being awarded scholarships to do all sorts of study, because they've been so diligent and they have worked so hard to get where they've got to. But I can assure everyone through this truth-telling process that my commitment, as Minister, the Department of Education's commitment, our regional offices, we came together only recently to hear firsthand directly to us how self-determination, it came through over and over again, if I could use that phrase, mob knows best, Minister.

You provide the funding and the support to our ACCOs, you continue to work with people like Geraldine Atkinson, Lionel Bamblett and we are going to make enormous progress. So with the Department support, it was pleasing for me to be able to advocate to the Premier and the Treasurer, it's good to have Marrung, it's a good vision but you need the funding to back it up and the resources. But more than that, though, you need to turn over and pass over decision-making power to our First Nations People on how those resources are allocated and spent.

COMMISSIONER LOVETT: And you have an expectation from just - I'm not putting words in your mouth but I'm understanding you have an expectation that not only senior bureaucrats, but bureaucrats are working to that vision?

THE HON. BEN CARROLL: I do, Commissioner Lovett, certainly do.

MR MCAVOY SC: Does that extend to school principals, Minister?

THE HON. BEN CARROLL: It does.

MR MCAVOY SC: One of the observations that can be made about the evidence that has come from many people in the education sector during these hearings is that when asked about the progress that is occurring, people - witnesses, have routinely referred to Thornbury Public School and Reservoir East Public School and they seem to be one or two of the only cases in which there are very positive examples that can be relied upon. Everybody turns to those two examples. It is almost an admission of failure that they are the only schools that can be pointed to as being ones that replicate what is expected in terms of implementation of the policies.

We are here in 2024, some 49 years, it will be 50 years since the passage of the Racial Discrimination Act in this country and yet we are having to refer to one or

two schools in order to demonstrate how First Peoples are being properly included in the education system. Is it your expectation that the cultural competency and capability of the - of those schools, Thornbury and Reservoir East will be the norm in Victoria rather than the outliers?

THE HON. BEN CARROLL: No, it is my expectation, Mr McAvoy. Because we have got to be talking about an entire system here and reform of the system as opposed to just individual schools, and that is what we are endeavouring to do literally from the very first moment that a new school takes students, but also through Marrung. Going through about change, cultural change, awareness but also celebrating that rich history and resilience and connection to education as well for an entire system. But we are talking about thousands of schools not two that we really want to make a difference in.

COMMISSIONER HUNTER: Can I Just - so we're talking about a system here that in 2022 you had to do a ministerial order to become culturally safe.

THE HON. BEN CARROLL: I'm sorry, Chair.

COMMISSIONER HUNTER: That's okay. So you have got the Child Safe Standard, which is about being culturally safe. You've got all this other stuff to implement, but how do you implement it if you haven't got a culturally safe school and kids don't want to attend? And just on that note I might add primary school is around the ages of identity formation. Kids are going to a school that is probably unsafe. There's probably two questions in this. How do you uphold that standard? There's obviously a ministerial order, but if someone is reaching the culturally safe standard of a school, what happens?

THE HON. BEN CARROLL: I could deal with the second part first, Chair. There is a reportable conduct scheme that is in place for any breaches of child safety standards and there's an onus on both teachers to report any breaches of that. And we work very hard as a Department, but through also the Victorian Institute of Teaching to ensure that.

We spend a lot of time talking with our regional officers and bringing schools together on the importance of culture within the school grounds, but also to increasingly now with students being online, the importance of it extending also for all families of the school to recognise too that when the student leaves the school gate, it doesn't mean that other students won't be communicating with different students as well online, and we're really working hard to ensure that everyone feels safe and secure. But we are very committed to making sure if the environment isn't safe at school, you are - as you rightly highlighted, Chair, students won't go to school and the best important thing for a young person is to be at school.

Nothing changes a trajectory in life more than being at school. But added to that comes a responsibility to me as Education Minister and as a Department to ensure

that our schools are culturally safe, that there is no - zero-tolerance for the likes of racism, prejudice. We run a range of programs to ensure we have a zero-tolerance approach to that, and that First Nations young people and culture is celebrated in the school grounds and learnt about as well.

COMMISSIONER HUNTER: You want to implement all, you know, Marrung, and you have got all these strategies and I think the underlying base, if it's not culturally safe it doesn't matter what you implement because the kids won't be going to school.

THE HON. BEN CARROLL: I agree with that sentiment and that conclusion, Chair, and that's why it's just imperative that schools are the epicentre, really, of cultural safety, welcoming, and it's got to be the environment where young people can thrive. And there is nothing worse than a young person not going to school, for them, their family, their trajectory in life. And we're doing everything we can and we are improving attendance rates across the board but everything we can in particular for First Nations students to make sure that they get the very best experience they can in their education.

MR MCAVOY SC: Thank you.

COMMISSIONER NORTH: Mr Carroll, can I ask you this: you've been asked by Commissioner Walter about the rather unsatisfactory report card of the past, and you frankly acknowledged some of the failings. In your statement, you refer in paragraph 29 to, and I quote you:

> "We need to work differently."

And you've also spoken about how individual school examples are not really the focus of the need for change, but rather it's a systemic change that's needed. So can you encapsulate for us the major elements of the transformation, which I understand you're really getting at, because there is, I think - and it's a theme not only in education - but there's a theme throughout our hearings of failed expectations, which have bred a spirit in the community, particularly in the Indigenous community, of saying, "Well, we've had promises, we've had frameworks in the past, we've had all sorts of good intentions." But what we're left with is that, in education - but it's mirrored in other areas - the type of situation outlined by Commissioner Walter. So what's going to change to make a difference, as you put it, the "working differently"?

THE HON. BEN CARROLL: Thank you, Commissioner. The biggest change will be - we've spoke a lot about self-determination and putting First Nations people at the heart of the decision-making process in education. But we have not, to an extent, given the - in my, you know - we have not given the resources to really make that change as effective as it can be. And then to have the - the State budget commit $51 million to this cause is really, really important because it then not only puts First Nations People in charge of reforming the system and given

responsibility for that, but it also provides them with the financial resources to make change happen at the individual level, at the school, getting more people in becoming First Nations teachers, making sure initiatives like our Tutor Learning Initiative are supporting, if it's a First Nations student, not only catch up but stay up. Because, through that, and the VAEAI and the Community Controlled Organisations and working with the families of First Nations People they will know the students that may need a little bit more support. And that's why I'm proud that we have handed over not only, sort of, policy control to work with the Department, but literally resources. So initiatives like the Tutor Learning Initiative are targeted to really support young First Nations students on their trajectory through school.

COMMISSIONER NORTH: Well, how does that $51 million compare with, sort of, the previous few years?

THE HON. BEN CARROLL: Yeah, so that, Commissioner, I think it was around $30 million in previous years. So it's not quite a doubling but it's a significant improvement in terms of funding; and I - and I thank the Premier and the Treasurer for that support. But we do know we do need to do so much more work in this area. And through Marrung, through the campfire conversations, making sure that self-determination is at the heart of it. I should say we're still on the journey, though. You know, Marrung is a live policy document that's been implemented. We're far from having it fully implemented.

And I met up with Uncle Lionel Bamblett only last week to talk about progress; and about a month before that met with Aunty Geraldine Atkinson again, to talk about progress, talk about scholarships, talk about other interventions we can do to really help First Nations students live a life of their choosing, not someone else's.

COMMISSIONER NORTH: Marrung is a 10-year plan, isn't it?

THE HON. BEN CARROLL: It is, yes.

COMMISSIONER NORTH: Starting in what year?

THE HON. BEN CARROLL: It was 2016.

COMMISSIONER NORTH: 2016.

THE HON BEN CARROLL: Yep.

COMMISSIONER NORTH: So, you see, this reflects that disappointment, because you go back to Marrung as being the touchstone, but we've had eight years of Marrung and yet still the figures that Commissioner Walter pointed to are there.

THE HON. BEN CARROLL: Sure. Yeah. And that's a very valid conclusion to draw. And as we come to the 10-year mark of Marrung, we're already now working through how do we update, change? What do we need to do? Because, Commissioner, your - your, sort of, question statement alludes to there has been eight years that have passed already and why do we have some of these systematic failures? And I think it goes back to a little bit, again, we have not put self-determination at the heart with the adequate resources that's been needed to bring about the systematic change. So that's an obligation on me with the Department to work day in, day out to do everything we can, now that we have more resources to really make it work and succeed.

COMMISSIONER LOVETT: Deputy Premier, we've heard many people come before the Commission, particularly, you know, from our ACCOs and our Traditional Owner groups, say that government doesn't understand what self-determination is. Their view of self-determination is different to our views and our perspective. Can you share with us what your knowledge is of what true self-determination is?

THE HON. BEN CARROLL: Yes, certainly.

COMMISSIONER LOVETT: From - sorry, from the Aboriginal perspective rather than government's perspective.

THE HON. BEN CARROLL: It's - It is making sure that Aboriginal people, First Nations people, have complete control of the decision-making process, not only the decision-making process but also the resource control of the process as well.

MR MCAVOY SC: Minister -

COMMISSIONER WALTER: Sorry, just one more question. I guess I'm a bit disconcerted by the idea of sort of just building on Marrung. I think it's really clear that Marrung, while it's extremely well-intentioned, has not only not delivered, but things have gone backwards.

THE HON. BEN CARROLL: Yep.

COMMISSIONER WALTER: So, you know, it has failed as a policy. So I would be very disturbed to hear that we were just going to do another Marrung, Marrung 2.0. That if we are indeed going to put self-determination at the centre that would seem to me to require a complete rethink and a complete - a transformation in the way the Department approaches policy and interaction with First Nations in Victoria around education, and I'm not hearing that coming through.

THE HON. BEN CARROLL: What I can say to that point, Commissioner Walter, is that it is above and beyond Marrung. For example, you know, just

yesterday I made a very significant announcement that I think will help First Nations students, particularly on learning how to read. We have been - without going into all the depth of the policy - but for too long we've had too many kids falling through the gaps on learning how to read. So what will benefit all students, but First Nations students I think immensely, is that from the beginning of next year we are returning to a proper, synthetic, systematic phonics approach to teaching kids to read; that no longer will the kids just sort of be given the book, looking at the cueing and working out what the text means. And it was also in my mind, as I was making the announcement - and it was wonderful to have VAEAI representatives with me - that we need to really, as we are teaching and better young people to read, knowing the sounds, extracting meaning from the text, that we also include as much as we can and as widely as we can, Aboriginal language as part of that.

And so Marrung is one thing, but then there's the policies and the interventions like the Tutor Learning Initiative, free kinder, reforming our teaching and learning how we teach young people to read, that all, right through them have a real clear objective of uplifting and supporting First Nations students. Having said that though, too, through working with Lionel Bamblett we make sure that VAEAI, as a key partner of the education system, above and beyond Marrung, are embedded in all the policy decisions that we make and interventions that we make to support First Nations students.

So Marrung, I - I agree with you. It has to go well and truly above and beyond. It can't be a 2.0. That's why it's about all the other interventions that we make too, making sure self-determination, whether it's VAEAI or whether it's some of our departmental First Nations staff, are embedded in that process as well.

COMMISSIONER WALTER: It's also about accountability. So back in 2011, I think the VGSO did a very damning assessment of the education policies that had come before. And one of the key complaints they had that there were no measurements for success; that there was no way to actually assess whether the policy was effective or not, and that nobody had even bothered to try. As we saw with Marrung with your Secretary the other day, the measurements in Marrung are either non-existent or else not actually valuable. They had things like, "25 per cent more" but there was no baseline of since when. 25 per cent more of what?

THE HON. BEN CARROLL: Yeah.

COMMISSIONER WALTER: Some of them even just say, "More". But what is "More"? So, all of those things need to be built in so that there is a year-by-year assessment of how things are going, so things can be rapidly turned around if this failure continues.

And just to go Mr McAvoy's point before, the NAPLAN results show that not only is there a gap between non-Indigenous kids and First Peoples kids all the way through schooling, but that widens as we get to grade 9. So First Peoples children

fall further and further behind as they go through schooling. So something is dramatically wrong in the schooling system that is failing First Nations children.

COMMISSIONER LOVETT: I think, just building on the - sorry, just building on the - my question around self-determination and your point around the investment and work being done in helping people read and so forth. But, I mean, I think about it from our old people's ways and I've read your statement, and we listened intently to your words about recognising us as, you know, first educators and so forth, and our ways and means and our knowledge and our culture around how we learn is very different.

We have an oral history and I'm not seeing reflected in the school, not only curriculum, but just the principles of learning is all mainstream. Our Elders' knowledge that's been passed down for thousands of years, 60,000 many say, many say 100,000. But the actual principles of how we learn as Aboriginal people are not - in 2024 are not recognised, seen and embedded in schools.

Now, if we're talking about self-determination there's another principle around what we need to see, and that then goes to also benefiting non-Aboriginal children who also may be suffering with reading and writing, and difficulties around that. When our people advocate for change, we advocate for change for all society. Whilst we come from our culture and our principles and our ways of being, knowing and doing, we're trying to benefit the system for every child. But I'm not seeing where our culture and our practice beyond doing some artwork or painting our hands with the Aboriginal flag colours during Reconciliation Week, how is government and the Department and the schools embedding culture, language, our ways of knowing learning?

THE HON. BEN CARROLL: Thank you, Commissioner Lovett. I visit many schools every week and it is a source of pride to me that there is a real focus on the 65, 85,000 years of rich Aboriginal history on Country. I see firsthand regularly schools trying to widen their oral history around First Nations culture. I do take Mr McAvoy's point, though: we can't just be, you know, 20, 30 or two schools doing this. It does need to be systematic change and it is about the deep listening with First Nations people that will bring about the change in the entire system.

I'm very committed to that. I did just some more deep listening about a month ago at a ministerial roundtable for - for several hours, and then going back and making sure we can bring about system-wide change is really important. Every school now that opens is given a First Nations name. The Welcome to Country ceremonies that occur, that I witness, to see the young people of all backgrounds totally immersed in that and to have the First Nations Elders really teach young people and literally almost hold them in their hand about the rich, resilient history that is before them when they're attending school.

But also too, what is the power of a smoking ceremony? What does the fire mean? What do the gum leaves signify? I see young people today from all

backgrounds embracing it. I think the challenge for me as Minster and our Department is to make sure we are, through self-determination, putting all the tools in First Nations leaders to make that system-wide as much as possible.

COMMISSIONER LOVETT: But I just want to reiterate the point that you made. The first 2,000 days of a child's life is most important. And, again, I come back to my point, which is our knowledge systems are not incorporated into mainstream education system. So a Welcome to Country and a smoking ceremony is really important. It's like flying the flag, really important. But it's not changing the way our kids are learning. They come to school and after the smoking ceremony and the Welcome and they've been cleansed, then they go back into that societal thing where they are not learning our old peoples' ways. So if we're about self-determination that's what needs to be embedded in schools. Our kids can go and learn any other language in school, most other languages, sorry. Italian, Greek, I can keep going on, German, French.

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: I want to reiterate the point that was made to Secretary Atta. 1,529 out of 1,566 public schools do not teach language.

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: That is a significant amount. So not all those kids are not getting access via the school in Reservoir -

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: - or Thornbury. It's not widespread, it's not embedded, and this is the challenge that we're talking about with Marrung. It's not embedding systematic change, and that's how you do that.

THE HON. BEN CARROLL: I'd agree, Mr Lovett, and I think those statistics you read out, a lot of that change has happened in recent years and that's why we need to build upon that and make it a lot more further and wider, particularly around language, Because it would - I wished I had that opportunity to learn language when I was at school. And it does go also, I think, with what I saw at Thornbury was more of the First Nations teachers were on staff and that's something else we need to encourage and support as well.

COMMISSIONER LOVETT: Yeah, but you want to see that - I mean, going on the comments that you made in your opening remarks, really strong, wanting to show leadership, drive leadership and see change. You know, you want to see that happen during your time, you know, and your Ministerial portfolio?

THE HON. BEN CARROLL: I certainly do, Mr Lovett. And I've been in the - about eight months I've been the Minister for Education. I've always had an open

door to our Indigenous leaders. I quoted in my opening statement Professor Markham Rose, who is someone - to me, in many respects, embodies the power of education as the son of a parent of the Stolen Generation and what he's been able to achieve. And we want to see so many different case studies like that and be supported and be proud. But that's my commitment, coming up to almost a year in this role, that not enough progress has been made and every day in government is precious. We've got to squeeze the lemon as much as we can to really uplift First Nations students.

COMMISSIONER LOVETT: I just want to say with respect, Premier, and not to take away from Mark, but my own journey as well, being one of 28 kids growing up in the Atherton Gardens high rises -

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: - being able to work really hard; work through many different challenges whether they be education or housing, and so forth, to then be on this Commission -

THE HON. BEN CARROLL: Yeah.

COMMISSIONER LOVETT: - to be a Commissioner, Deputy Chair of this Commission. And there's many other stories out there as well -

THE HON. BEN CARROLL: Yeah.

COMMISSIONER LOVETT: But reiterating my point, in my position here as a Deputy Chair and a Commissioner on this Commission.

THE HON. BEN CARROLL: Yeah. And I - it's a remarkable story, having been to Atherton Gardens myself, Commissioner Lovett. For everyone that's here, again, it's the power of education and also diligence, and I see it in spades in our First Nations students. And we've got to encourage it, support it, and grow it.

COMMISSIONER LOVETT: I mean, we have children. Many of us have children, you know, that go to schools. Deputy Premier, my little girl went to school in a similar area to what we've referenced today, but not the deadly school that has all the -

THE HON. BEN CARROLL: Yeah.

COMMISSIONER LOVETT: You know, deadly culture happening and she gets told that she's only a little bit Aboriginal.

THE HON. BEN CARROLL: Yeah, well that's -

COMMISSIONER LOVETT: This is only two years ago, Deputy Premier.

THE HON. BEN CARROLL: And I'm so sorry to hear that and I can only imagine the effect that that's had on your daughter and her wellbeing. And that's exactly, as the Chair was saying, what we don't want, and completely stamped out. There's no place for that in any school and I am sorry to hear that. I know that would affect you as a proud father with a proud history enormously.

COMMISSIONER LOVETT: Yeah, I mean you know, we tell her all the time she's (indistinct) Gunditjmara that's who we are - Gunditjmara people, and I think that, you know, we shouldn't have to shy away no matter what colour or tone our skin is, you know; whether our people are very dark or not, it's irrelevant.

THE HON. BEN CARROLL: Exactly.

COMMISSIONER LOVETT: (indistinct) mob and we are accepted by our community that we are, and we are recognised via our traditions, customs and lores, and it's, you know, really disappointing that this day and age and this, you know, hundreds of stories. And we had Elias Jarvis come, supported by the Children's Commission and making a statement which I'd like your response to, but making a really clear point that why would we report racist behaviours at school to people who are being racist to us? Like, how do you - how does that sit with you, hearing that? This is a young Aboriginal man, incredibly strong, incredibly articulate sitting here saying, and going around and meeting with young people about their educational experiences. You know, it's early 2002, I did some work with VAEAI -

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: - documenting and going and talking to young people, primary school and secondary school about education barriers. That was 2001, 2002. Same issues are coming up today, and Elias is saying "Why would we report racist behaviours and racist experiences to people who are perpetrating the racism?"

THE HON. BEN CARROLL: Commissioner Lovett, you ask how that sits with me. It does not sit at all comfortably with me. It distresses me that that is what First Nations young people, you know, the truth is that is what they've experienced and we've got to change that. There's just zero tolerance. There will be no ambiguity around this. And school education is the most important vehicle change a young person's life to change their trajectory. And nothing is more important than that investment. That's why as the Deputy Premier I hold this portfolio because I think it's the most important portfolio in government.

Nothing - our young people are our most import resource. Investing in them, me working very hard with the Premier, the Treasurer to get more funding for Aboriginal young people in education, is critical. But, as you said, it's got to be, and as the Chair said, it's got to be completely safe and welcoming and we need to

make sure, from what you're saying too, at our end the system change, that they feel safe to report; that they don't feel like they're just going up a further chain to be essentially knocked back down. And we've have got to change that. And it's distressing to hear of your daughter's experience and some of the other experiences that have been shared with you.

COMMISSIONER LOVETT: We will get to it, but I'm really interested in accountability and oversight where our people can go -

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: - particularly around racism and racist attitudes towards our people.

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: But we'll come back to that.

MR MCAVOY SC: I propose to come back to that after we have a short break, Commissioner Lovett.

If we could take a five-minute break, Commissioner Hunter now. We have been sitting for an hour and a half, we are scheduled to sit until 12.30 today. There is one proposition I would like to leave with the Minister before we rise, and I'm suggesting that we come back at 11.35.

Minister, the conclusion that can be drawn from much of the evidence that has come from community members in this Commission is that parents, First Peoples who are parents, understand or have to accept that the cost of getting an education - getting their children educated is that they will be damaged in some way by the school system. That's a reality of raising kids in this state and sending them to school. And I'll leave you with that to ponder over the break.

THE HON. BEN CARROLL: Thank you, Mr McAvoy.

MR MCAVOY SC: It is appropriate to rise and return at 11.35?

COMMISSIONER HUNTER: Yes.

MR MCAVOY SC: Thank you.

<THE HEARING ADJOURNED AT 11.30 AM

<THE HEARING RESUMED AT 11.44 AM

COMMISSIONER HUNTER: Ready to resume, counsel.

MR MCAVOY SC: Thank you, Commissioner Hunter.

Now, Minister, I left you with the proposition that on the evidence that this Commission has heard it can be assumed that parents understand that sending their children to school to get an education means that they also understand the risks that those children will be damaged through lack of cultural safety and that's a decision that parents, First Peoples parents in Victoria have to make. How does that sit with you?

THE HON. BEN CARROLL: Uncomfortably, Mr McAvoy. We want our First Nations families, their students to feel safe in their cultural identity at school, and that is something that we are, through Marrung - so we've got more work to do but it sits very uncomfortably with me, that proposition.

MR MCAVOY SC: Thank you. If we could show paragraph 34 of the Minister's statement on the screen, please. In paragraph 34, Minister, you observe:

> "Since colonisation schools and the education system as a whole have played a significant part in reinforcing racist perceptions and stereotypes about First Peoples, while minimising or eradicating their perspectives in favour of false narratives about cultural history. This can be seen in the failure of the education system to acknowledge, until recently, First Peoples area perspectives or their history prior to colonisation. These ideas have had far reaching and damaging effects that continue to permeate society and government systems, including the school system."

And then paragraph 35, please, operators.

Then at paragraph 35 you continue to observe:

> "These effects can be seen in the racism that continues to be experienced by First Peoples students, including experiencing lower expectations of their educational aspirations and capability."

Minister, I'd ask you to assume that the Commissioners understand that improving the education outcomes for First Peoples is a multifaceted, complex process. One of the important aspects of that, one of the important facets is ensuring that First Peoples children are given - provided with the support and the resilience and the cultural supports that they need to endure the system, and to flourish in it.

But the other is facet I suggest to you is making sure the system itself is not one which is still rooted in the colonial system and while the past continues to linger, that is bound to occur and one might say that the figures relating to the drop-off in achievement and attendance of students after year 3 is consistent with a perpetuation of racist actions within the system. Do you have any observation to make in response to that?

THE HON. BEN CARROLL: First and foremost, Mr McAvoy, our education system should be inclusive, respectful, culturally safe and that is our objective. I concur. From my own reading and my own preparation for today's hearing I don't dispute what you've alluded to, and you know - and we've got so much more work to do. We want it to be inclusive, respectful but also too, responsive. So if a young First Nations student is feeling unsafe at school, that we have all the response there and then to support them, because as I've said several times today, the school environment, the classroom, is where they will - the most important intervention for them. But we've got to make sure that that intervention is safe, respectful and responsive to any issues.

And it disheartens me if any classroom in our state - if that's how a young First Nations student feels, and we've also got to work hard with their parents as well to make sure that education is the lever for them having a wonderful life.

MR MCAVOY SC: What I'm suggesting to you, Minister, is that the responsibility on change is in the Department. It is, I suggest to you, improper and an admission of failure if the system relies upon children to report their cultural - lack of cultural safety. If that's where it has gotten to, then it means that the system has failed to protect them. And parents are - repeatedly complain about their children having then to bear the load of the failure of the school to protect them, because it is them that have to complain and go through the complaints process. Whereas it's the school that has failed to provide and the government system, and I hear your concern. The Commissioners hear your concern. They hear your interest in changing the system. But how do we change this system, this colonial system to be one where children can go to school safely?

THE HON. BEN CARROLL: And that's partly through this process, above and beyond that, working hand-in-hand with our Aboriginal Controlled Community Organisations, with the VAEAIs to make sure that there is a really strong partnership between the Department at a system level with our First Nations leaders and stakeholders in education. Making sure though we do have those system processes embedded that if there is a complaint or any allegation of racism that it's dealt with immediately and appropriately and then the parents just say, Mr McAvoy, can say, "I'm satisfied, I think the school, the Department, the only office dealt with that and the appropriate action."

Whether it was a suspension or restorative justice process has occurred, they can say, "Look, I feel proud that my son or daughter is being educated in Victoria and they took this issue so serious that they did what I wanted." For a parent to then to be going through a worse experience if they're dealing with a matter like this with the Department is not the example we want. We want them to walk away, satisfied that this won't ever happen again and that the cause of it has been dealt with.

MR MCAVOY SC: In your answer to my question, Minister, I may have misunderstood it but there is an acceptance that the absence of cultural safety for First Peoples children is a necessity of the system?

THE HON. BEN CARROLL: No, there's no acceptance and there - we've got to make sure that all First Nations students are respected, feel safe, and that they're encouraged every step of the way.

MR MCAVOY SC: I propose to move on now to -

COMMISSIONER HUNTER: Sorry, Mr McAvoy.

Can I just say on that note, parents have told me they rely on certain teachers who are champions. If you don't have a champion in that school for First Nations kids, they don't feel safe. So you have to rely on goodwill, not a system, but goodwill. I'm just going to add that in the health system, which has, I feel it's highly relevant, we know that the outcome of bullying through schools can be suicide. The high rates of suicide for our kids is - I don't have the exact, but it's higher than the average.

So if a child is going through bullying at school because they're Aboriginal, there's a higher rate of suicide, there's a higher rate of dropping out. I don't get a sense our children at school are protected.

THE HON. BEN CARROLL: Thank you, Chair, for that statement and question. Their protection and having the protective factors around them is critically important. You are right to assert they shouldn't need a champion it should just be culture and embedded from the principal down, to the business manager, to the casual relief teacher. And from what I'm hearing, that hasn't been the experiences that have been raised with you. And we need to address that and work very diligently to make sure that all First Nations students feel safe.

We have also, I sort of alluded to this a bit earlier too, above and beyond what is happening in the school gates we know when young people leave school now, everyone is on social media and that's something that's occupying a lot of my mind as well, particularly around that area of bullying and what we need to do to stamp that out.

But I'm very committed to making sure that all of our schools are safe, respectful and responsive, and if there is any sort of complaint at the local level, that is dealt with immediately and that the parents involved and the student involved feel that they've been heard and satisfied with the outcome and then if it's not dealt with properly at the school level, it's dealt with at a regional level, a Departmental level, to make sure we get the outcome where that student feels they belong and that they're safe and respected at school.

COMMISSIONER HUNTER: So there's a sort of a bureaucratic system and our families don't feel safe in schools because they were the original source of removal. Like, let's be clear in history.

THE HON. BEN CARROLL: Mm.

COMMISSIONER HUNTER: Some of our families didn't go to school so parents may feel like they - and if their child is being bullied, it's easier to keep them home, from what I've heard, than it is to address a system that doesn't even recognise or exclude them. It's quite a bureaucratic system and you're asking our people to enter a system that has neglected them and removed them and you've got, you know, cultural safety and there are just - and we are relying on champions. It's just - doesn't feel like enough when we're talking about the future of Aboriginal Victoria, our future leaders coming through that it just - the system is failing them dramatically.

THE HON. BEN CARROLL: And, Chair, with your indulgence, I don't want it to be bureaucratic and I can see how many people would feel that it is. I want it to be agile, responsive. It may be a First Nations student would prefer to go through VAEAI or an ACCO to have their complaint issue dealt with, and it's very clear to the Department that they do not have to go through a bureaucratic systematic structure. That there are multiple opportunities for them to go to, to feel empowered and to then get the response, and feel supported on the journey. I think we have got more work to do in this regard to get the message out on that, and that's some more work that we'll continue to do.

COMMISSIONER LOVETT: Deputy Premier, have you been provided statistics on how people have been held accountable for their racist behaviours towards our children and their families?

THE HON. BEN CARROLL: I - I'm provided with a range of evidence on how, sort of, complaints - the restorative justice process, discipline, suspension, I sort of get that data. We have been trying to explore different avenues, Commissioner Lovett, for people to come forward. So the more promotion we do it of, the more people are aware of the different complaint mechanisms, that we are seeing First Nations parents, carers come forward.

I think it has gone up, sadly, but I think that is a response too to us promoting, we want a very safe, secure school environment and that naturally is leading to more complaints that we need to address. I've got some stats in front of me. 2023 we received 69 complaints up from approximately 19 in 2016, 34 in 2020 and they were from First Peoples parents, carers or students.

COMMISSIONER LOVETT: And can you give us some examples of, not names, but some examples of where disciplinary matters have been implemented? What's the accountability look like? We had the Minister for - one of your peers, Minister for Police come and I'd asked the question about our people passing away

in custody which was incredibly important to us, and I think it was important to you particularly when you had that portfolio and you shared that in your opening sentiments.

But no accountability, no HR, no systems and processes in place for accountability for our people passing away in custody. I guess I'm trying to understand what levels of accountability there are for accountability there are for racism and removing racism? What disciplinary actions are there?

THE HON. BEN CARROLL: Well, look, there is a range of disciplinary actions, including complete suspension, expulsion and those measures -

COMMISSIONER LOVETT: Teachers, right, or someone - who are the perpetrator of the violence?

THE HON. BEN CARROLL: Both students and teachers. So there is all of those measures available. It goes through a fairly thorough process at that level for that level of complaint. But there is no place for any sorts of racism, bullying, prejudice in our school environment. We are running respectful relationship programs. We are wanting our schools to be beacons for the next generation and it all begins there.

COMMISSIONER LOVETT: And we want that too, Deputy Premier, but the statistics say, not just the 69, and I come back to Mr Jarvis's comments, the system doesn't reflect and give confidence to our people that accountability is being served. And I'm sure that there's probably harsher penalties and swifter penalties on students who are undertaking racism. But when it comes to teachers, or principals, who aren't driving the business and driving the change that you're expecting to see, I don't think that the statistics would be as highly reported and the outcomes that should be administered be there.

COMMISSIONER WALTER: And we did hear - had a briefing from Aboriginal staff working in the schooling system. All of them reported regular and ongoing instances of racism directed at themselves and observing racism directed at students and fellow Aboriginal workers within the system. All of them agreed it was a regular, ongoing occurrence. It was part of what they had to put up just to work in the system. None of them had any confidence that the system would back them or that if they took a complaint anything would happen.

They all said, "No, there's no point, retribution will happen, and our lives will be a misery". So the current systems are definitely not working for either workers or students. And the fact that you have got 69 complaints given that's the way students and workers are feeling, indicates really the huge depth of the problem that people are having to live with.

COMMISSIONER LOVETT: Can I jump in? Hang on. Do you think that there should be some independence of reporting and accountability that has Aboriginal people in Victoria's representation on it?

THE HON. BEN CARROLL: Yes. And that's why sort of to the Chair's question and your question too, Commissioners Lovett, and, Walter, that's why we have tried to broaden out as much as possible, the complaints initiation process and handling process so that First Nations families, students feel safe coming forward. That it can go through a trusted Elder, a trusted Uncle to be dealt with and supported. Because we know just the very fact that the systems in place that has been responsible for so much of their hurt and racism that isn't very encouraging for someone to come forward.

We have also put measures in place for anonymity and we have tried to be sort of culturally sensitive and safe to support those First Nations families through the process as much as we can. But everything you're saying to me today is that there is a lot more room for improvement.

COMMISSIONER LOVETT: With the independence my comments are not only about an Aboriginal person going to an Elder, but it's also whatever the system is designed to be that we have Aboriginal representation on the outcomes.

THE HON. BEN CARROLL: Yep.

COMMISSIONER LOVETT: The decision-making process and that's going to your comments about wanting to enable self-determination. Well, then, our people need to be involved in the decisions that affect our lives. That's another key way that the education system can play a pivotal role in supporting that and making sure our people feel safe and get the meaningful education that is their right, their human right.

THE HON. BEN CARROLL: I agree entirely, Commissioner Lovett, and, look, we do run - there's a range of mechanisms in place and there's restorative justice processes as well that we use. And having First Nations Elders, leaders as part of that process and part of the decision-making process has always been our intention with their support. Because I agree with you entirely that you're potentially not addressing the root cause if the First Nations people aren't part of the decision-making process.

COMMISSIONER LOVETT: You agree to do that?

THE HON. BEN CARROLL: Yes.

MR MCAVOY SC: Minister, before that question if I might ask you to pause for one moment, Commissioner North.

I think there was a question from Commissioner Walter that the Minister didn't get a chance to answer. I might ask if Commissioner Walter wishes to put that question.

COMMISSIONER WALTER: You will have to remind me, Mr McAvoy. It was about the experiences of First Peoples working within the system and the - what they reported was daily and regular experiences of racism directed at themselves, small and large. And their observing of racism towards students and fellow workers. And just the casual racism of the climate and the environment, where the casual racist things said in the staff room that they have to endure. And there does not seem to be - they all had absolutely no faith in the Department that anything would be done and actually said, "No, retribution would happen to us should we dare call out racism."

MR MCAVOY SC: Minister, are you aware that that's the scenario as seen by the witnesses who are employed within the system who have come before this Commission?

THE HON. BEN CARROLL: I am aware we have policies in place to deal with that, Mr McAvoy, what the Commissioner was alluding to. The very fact that we have policies to deal with that tells us that that is an issue and that we again, need to make sure that the staff, whether it's racism, whether it's a criticism of their work, all of those things need to be - the perpetrators need to be held accountable. Again, we do have a Departmental process in place. I think, though, we probably need to broaden it more as we do with the students' complaints to make sure that the staff feel as safe as the students and - because we want our staff to come again like the students to come to school, ready, engaged, enthusiastic to share their knowledge. And we've got more work to do there.

COMMISSIONER WALTER: Can I point out that the Aboriginal educational workforce has declined from 247 to 209 in recent years. That would indicate that people are voting with their feet and they are leaving. I think Commissioner North has a question a little bit later about getting a critical mass of First Nations teachers and what are the programs in place for that.

But it seems at the moment that people, if they think they have got another option they are getting out rather than enduring what they have to at the moment, and I think probably to follow on from Commissioner Lovett's question, is there a process where there needs to be an independent survey of Aboriginal staff working within this system to really get to the depth of the problem before policies and systems can be put in place to actually make it a safe workplace?

THE HON. BEN CARROLL: An independent survey is something I will take from this hearing today, and talk to the Department about. I'm very committed to having more First Nations teachers, the original teachers, as I said in my opening statement, in our education system for the rich history, the resilience and the

opportunity that will provide all students in the school and the class to gain through their knowledge. So I'm certainly open to seeing what we can do.

Commissioner North may be going here but the profession is going through a challenging period at the moment. And I'm a strong advocate because I think there's no more important role than being a school teacher. I can come to that though, I don't want to pre-empt what Commissioner North may be asking.

COMMISSIONER NORTH: Yes, well I was actually going back to a previous topic, we will probably get to teachers in due course, but I just wondered whether you were aware of some of the statistics provided by your Department. I understand that students' experience of racism was surveyed for the first time in 2023.

THE HON. BEN CARROLL: There was the Attitudes to School Survey here in 2023.

COMMISSIONER NORTH: Yes.

THE HON. BEN CARROLL: Yes.

COMMISSIONER NORTH: What it records is, to the question about experienced racism this term, First Peoples students 28.9 per cent. Do you have that?

THE HON. BEN CARROLL: Yeah, I've got that here, yep.

COMMISSIONER NORTH: Non-First Nations People, students, 19.6 percent which is bad on both counts, but it's seriously bad, isn't it in relation to First Peoples students, and that is a very worrying picture, isn't it?

THE HON. BEN CARROLL: It's worrying, it's devastating, it's damaging. We think of a young person that's going through education, to experience that, it's everything we are opposed to in the education system. That's why we are providing a lot of different programs, stamping out bullying, respectful relationships, and those statistics do show how much more work we've got to do. And we want to be an exemplar of good behaviour.

COMMISSIONER NORTH: I should have clarified that's for years 7 to 9.

THE HON. BEN CARROLL: Yes.

COMMISSIONER NORTH: So what are the - I mean, I go back to your original opening statement and doing things differently: How is the doing things differently process addressing this? Nearly 30 per cent of Indigenous students experiencing racism last term, I think that must have been in 2023.

THE HON. BEN CARROLL: I think, Commissioner North we have got a lot of toolkits out there, a lot of initiatives in terms of stamping out bullying, the Courage to Care initiative, trying to show young people that what it is to be a good person, to be respectful, to be mindful, to be empathetic; that is where true leadership is, not being part of any bully-boy tactics or peer group pressure to do everything you can to, you know, stand up and be a leader in the school.

We work very hard and embedded throughout our network of regional offices we have sort of employees that are all about bringing about cultural change. Again, to go back to the budget outcome and giving more support and funding to our Aboriginal Community Controlled Organisations, I think will hopefully - the idea is that we'll some improvement in this regard as well.

But we've got a lot more work to do, and we've got a lot of avenues for people to report, and I think we've just got so much more work to do in this area. It is devastating on both accounts as you said.

COMMISSIONER NORTH: It's a little difficult to see the trend, but you also provided figures for bullying at school and that goes back to 2017. If you go to years 7 to 9 which seems to be where things peak, from 2017 to 2023 (indistinct) more or less within a range of, you know, for First Peoples students, around sort of 25 per cent experienced bullying in the term of the survey. And non-First Peoples students around sort of the 17 per cent mark, which is a lot of kids who are having a very, you would think, very bad school experience. I mean -

THE HON. BEN CARROLL: And we're doing everything we can within the school grounds to make sure our schools are safe and inclusive. We are doing everything we can to make sure that they're aware of the dangers and the pervasive content that can be in gaming and social media. In relation to First Nations students in particular, Aboriginal controlled organisations, our Koori support youth officers, our Koori education coordinators, we're doing what we can. I must say, though, we are conscious from the statistics that have been presented from this survey, about the challenge ahead, and cultural change for young people and making sure that everyone feels safe at school.

COMMISSIONER NORTH: I hear that, Minister, but the thing is we're looking here at a period over six years with no significant change, and so I guess what I'm wanting to hear is why are those six years different to tomorrow?

THE HON. BEN CARROLL: Well, I think, Commissioner North, over those six years there's been a lot of policies, but there hasn't probably been enough of the financial resources implementing those policies in some respects and there's no doubt the significant budget injection going forwards First Nations education and partnering with community will go a long way to addressing some of these issues. And we've just got to make sure that we're using every lever we have to embed respectful relationships in schools and doing what we can to make sure that First Nations students know that they have every support available should they need it.

COMMISSIONER WALTER: Minister, I did notice when you were talking about the programs that they were generic programs, that there wasn't anything particularly focused on First Nations and ensuring First Nations children and/or staff didn't endure racism. So given the big difference that Commissioner North has pointed out where First Nations kids, nearly 30 per cent, well above what other kids.

THE HON. BEN CARROLL: Yes.

COMMISSIONER WALTER: Do you think there's a place for a particular program for First Nations?

THE HON. BEN CARROLL: There is a place, and the program is set up to be agile where they, I or other ACCOs could sort of be involved in the complaint process. But we do have employed, you know, a range of First Peoples support staff, in particular Koori Engagement Support Officers, Koori Engagement Coordinators, to basically work very closely to provide culturally safe support during a complaint handling process. So we've got the culturally safe support there during the complaint handling process. I think going back to what Commissioner Lovett was saying then being involved in the decision-making process is equally important as part of self-determination and making sure that they feel heard, valued and the complaint was dealt with appropriately.

COMMISSIONER WALTER: It's talking more about the program, you said diverse programs and other things, they seem to be generically aimed at sort of anybody who's not from an Anglo background rather than something specifically to address the quite specific forms of racism that First Nations students and staff experience.

THE HON. BEN CARROLL: Yes. Look, you would be right to assume that, but I do know we do work with our, you know - so we do certainly broaden out though the complaint handling process to make sure it is culturally sensitive and that First Nations students feel supported in the handling of the complaint process.

In relation to the complaints, the process you are right, it's generally across the Board type process, so restorative justice process. It may have an Aboriginal Elder as part of it -

COMMISSIONER WALTER: I think you've missed the point of my question. I was talking about the programs you were talking about before that are rolled out in schools.

THE HON. BEN CARROLL: Sorry, yes.

COMMISSIONER WALTER: Try and address an equitable and (indistinct) behaviour, there doesn't seem to be anything that addresses quite the specific

experiences of racism and the attitudes that lead to those experiences towards First Peoples.

THE HON. BEN CARROLL: Yeah, and I think the Respectful Relationships program, sort of the stop bullying program, you are correct, Commissioner. They are generic. They do, though, seek to stamp out bigotry, soft bigotry, any elements of gender related violence, embed, cultural respect, racism, but you are right. There could possibly be a more targeted program.

COMMISSIONER WALTER: With respect, Minister, it does not seem that those programs are working, not with 30 per cent of children reporting that they have experienced racism last term.

THE HON. BEN CARROLL: Yes. Look, these – some of these programs are fairly recent. I think they've been good at – well, they've made improvement in terms of gender-type related violence, I've seen some statistics on that. In terms of soft bigotry, racism, all of that is where we have got to do a lot more work; I'd agree with you.

COMMISSIONER LOVETT: Deputy Premier my questions are around Aboriginal women. You are talking about respectful relationships, are you aware of the data around family violence against Aboriginal women? Mainly perpetrated by non-Aboriginal men.

THE HON. BEN CARROLL: I am, from my history, I've been some time out of the corrections portfolio, Commissioner Lovett but I worked pretty closely with Antoinette Braybrook at Djirra, we had Nerita Waight here yesterday or the day before. These were stakeholders that I used to work with, so I am aware of exactly that level of violence perpetrated.

COMMISSIONER LOVETT: Have you transferred the relationships you have had with them in your current portfolio as Minister for Education and, more than 35 per cent of women hospitalised from family violence identify as Aboriginal. I can keep going, you know.

THE HON. BEN CARROLL: Yeah, it's.

COMMISSIONER LOVETT: Harrowing statistics.

THE HON. BEN CARROLL: Very harrowing, and I met Lionel Bamblett for the first time when I was Youth Justice Minister. It would be fair to say I haven't been able to transfer all those relationships across but I've brought to my role as Education Minister a social – I've tried to bring a social justice lens to it, and to do everything we can to uplift and support First Nations , knowing that whatever portfolio I've had we've got so much more work to do on the continuum of self-determination.

COMMISSIONER LOVETT: It's not only the self-determination, Deputy Premier, it's also the point that education has a pivotal role to play in "respectful relationships", to use that and in particular around protecting Aboriginal women. And do you think it's really important for you in your current role to meet with Djirra and VALS to work through how you embed and change the curriculum as one of the recommendations from the Family Violence Royal Commission into changing the ways and attitudes of particularly men around their inappropriate behaviour to women?

THE HON. BEN CARROLL: I certainly do think, Commissioner Lovett, that I should be meeting with those stakeholders, indeed I will. Sort of, I mean I've had my feet under the desk now for some nearly a year and it is the right question to say well how are you broadening out what you are bringing in schools. It's that old sort of saying, African, it takes a village to raise a child. Education is one portfolio but now you are – schools are becoming almost centres of health, we are seeing the breakfast programs, the dental programs, state school relief for uniforms, school shoes, bags, excursions, they are becoming the hub of the community and to go to your question, it's a role for me to broaden out my ...

COMMISSIONER LOVETT: Not only to meet with them but to drive the change and the advocacy that they are bringing to the table to enable more education around our women and their rights, you know, human rights. We are not talking about cultural rights here, we are just talking about human rights to be respected.

THE HON. BEN CARROLL: I couldn't agree with you more. I couldn't agree with you more.

MR MCAVOY SC: Thank you, Commissioners. Commissioner North, I know that you have some questions you might wish to ask in relation to teachers. It might be –

COMMISSIONER NORTH: You go ahead on your program.

MR MCAVOY SC: My program is not going to reach its conclusion within our time so I'm suggesting to you, Commissioner North if you would like to, ask your questions now, you should do so.

COMMISSIONER NORTH: I'll try and be quick. Mr Carroll, the first question relates to the Koori education workforce. And it sort of links in with what Commissioner Lovett was putting to you before about the value of the traditional learning method (indistinct) and I guess that the Koori education workforce are some of the people that might assist in imparting that sort of education influence. There was a review in 2021 about those positions which was very critical, and I wondered whether, on your agenda, is anything to address the criticisms that were made in 2021 or, indeed, whether anything has been done since in relation to the review which spoke about substantial underfunding and the usual story that

we've heard so often that Indigenous people are given this heavy workload, they burn out, that their roles are not carefully defined and all those things which no doubt you've heard.

THE HON. BEN CARROLL: Yes.

COMMISSIONER NORTH: So is that on your agenda?

THE HON. BEN CARROLL: It certainly is, and Commissioner North I have had meetings and briefings with the Department of Education on how we can better support our First Nations teachers. Mindful too of the cultural load that they're experiencing. What can I do also to advocate for them with the Australian Education Union, what the enterprise bargaining agreement comes up that they feel valued, that they feel their input is heard and things like that. So yes, to your answer it is on my agenda and it's something I'm very conscientious about.

COMMISSIONER NORTH: What about numbers? I don't actually have – or maybe I do – I mean, I think – how many students in the system that you administer?

THE HON. BEN CARROLL: So I think – First Nations students?

COMMISSIONER NORTH: No, generally.

THE HON. BEN CARROLL: It's hundreds of thousands.

COMMISSIONER NORTH: And First Nations students, do you know?

THE HON. BEN CARROLL: I think they make up – I've got the statistics somewhere it's about 15 per cent or – it's like yeah so, I would have to get you the exact figure on that.

COMMISSIONER NORTH: There were about 130 in the Koori education workforce. These are not teachers.

THE HON. BEN CARROLL: No these are – yes. And we have – yes, so we have got the Aboriginal employment program and we've always been wanting to be an employer of choice for First Nations staff. But we've got to do a lot more work to, you know, ensure we are – it's good to advocate you want to be an employer of choice, but we have got to make sure that we are one as well.

COMMISSIONER NORTH: With this grouping you've got around 120 obviously very important positions for Indigenous liaison people for.

THE HON. BEN CARROLL: Yeah.

COMMISSIONER NORTH: For 15,000-odd Indigenous students.

THE HON. BEN CARROLL: Yes.

COMMISSIONER NORTH: Is that enough, given what we have talked about the bullying statistics and the racism statistics?

THE HON. BEN CARROLL: No, it's not enough, and we do want more and that's why we have put some investment and we have an aspiring Koori teachers now, initiative. We want to strengthen the pipeline of First Nations people entering the teaching profession. We're doing a lot of work to get, and support teachers to promote the profession on how important it is in the community, and above and beyond teachers, though, Commissioner North, we also want to make sure that we're doing everything we can. We talked a lot about system, at the executive level of the Department too, that we have First Peoples appointed to, you know, significant responsibility within the Department of Education.

COMMISSIONER NORTH: Do you have at your fingertips the total number of teachers employed by the Department? (Indistinct) will do for this purpose.

THE HON. BEN CARROLL: Well, I know we're trying to support 160 First Peoples to be part of the new aspiring Koori teachers initiative. So, look, I think it would – yeah, so, no, I don't have the exact figure, except to say, you know, I recognise the progress has been slow (crosstalk).

COMMISSIONER NORTH: (Indistinct).

THE HON. BEN CARROLL: Yeah, but we've got to improve and have a lot more pathways for First Nations people to becoming teachers.

COMMISSIONER NORTH: The figures that have been provided to me through the process of the Commission are that in 2023 there were 59.9 full-time equivalent Indigenous teachers in primary schools, and 40.9 in secondary schools which amounts to 0.17 per cent –

THE HON. BEN CARROLL: Yeah.

COMMISSIONER NORTH: - of the workforce. Now, given again what was said about the value of the Indigenous cultural elements that could be brought in, for maybe some students, is there any program for lifting that, what seems to be incredibly small number?

THE HON. BEN CARROLL: Yeah, so 1.7 per cent is not good enough. That shows that we're not reaching our target, which is above that, sort of two per cent-plus. We have invested $13.6 million to deliver the Aspiring Koori Teachers Now Initiative. Now, I must say this was a recent investment and that more work has to occur under this program to strengthen it, to promote the profession and that is something that is on my agenda for this year.

But we want to make sure that we do everything we can to have that pipeline and that pathway for First Nations young people to become a teacher. We want to do everything we can to make sure that through our, you know, it's a broader program but through our free TAFE initiatives, our promotion of free university degrees, that all First Nations young people at or near completing year 12 VCE are fully aware of what's available and how we want them to be teachers.

COMMISSIONER NORTH: Is that new or has that been around for some time?

THE HON. BEN CARROLL: New. So I think about a year we've been doing the, it's basically addressing some workforce shortages, that we have free teaching degrees. I don't have the exact statistics, but I know it has led to a rise in the number of young people wanting to become teachers. So we are nearly at 10 per cent enrolments, which is a significant improvement on previous years, for students going off to study teaching. I dare say there will be First Nations young people amongst that cohort, and I hope there are.

I hope some of the initiatives like our Act Now program, our vocational training, our undergraduate support is attractive to them. And through our support and through VAEAI and ACCOs we need to promote the profession as a great gateway and hopefully that can assist some of the challenges that we have been speaking about today.

COMMISSIONER NORTH: So the programs are not Indigenous specific, they are general?

THE HON. BEN CARROLL: No, I'm pretty sure – yeah, some of those programs are generic but there's the Aspiring Koori Teachers Now Initiative which is really targeted to First Peoples entering the teaching profession and that is working with our ACCOs, our VAEAIs to promote it. So we do have broad programs. We do certainly recognise, if we are going to reach our target of two per cent in employment in government schools and at the Department, we have got everything we need, we have got other programs in place that are targeted at First Nations People.

COMMISSIONER NORTH: We could go on for a more time, but I think I better give Mr McAvoy some air.

MR MCAVOY SC: We have reached the end of the allocated time for this witness, Commissioners. There are perhaps some short questions I can ask in relation to the curriculum and perhaps a follow-up question from the questions put to Secretary Ada in relation to legislative reform, but I will need to do those quickly if you are happy to sit on for a few extra minutes? Yes?

COMMISSIONER HUNTER: Yes.

MR MCAVOY SC: I might deal with the legislative reform first.

Minister, in evidence before this Commission, last week the Secretary for Education, Departmental Secretary, Ms Jenny Atta was asked about the advocacy of the Education Training and Reform Act in terms of its - the degree to which it embeds and is in harmony with the self-determination principles of this government and the notion of Indigenous self-determination. And she observed, and agreed that the legislation wasn't in harmony with those policies and that if there were to be the necessary cultural change in the Department, that some reform was something that could be looked at.

She was a bit hesitant to make any commitments to the amendment of the legislation because, of course, she can't. But, as Minister, you were briefed on the evidence that Ms Atta gave in relation to the legislation?

THE HON. BEN CARROLL: I was, yes.

MR MCAVOY SC: Do you have a view about the appropriateness of reform of that legislation to make it a clear that this government is committed in the education portfolio to the delivery of education in a way that is consistent with the principles of self-determination?

THE HON. BEN CARROLL: Yes, Mr McAvoy, and I know the Secretary is committed to this. She is committed to myself that we will work on, you know, a range of options, bearing in mind cabinet processes, parliamentary processes as well, that always occur with legislation. But, yes, we acknowledge the issue at hand, that this would help a lot and is something we are committed to investigating.

MR MCAVOY SC: Thank you. Now, just briefly with respect to the curriculum in Victoria, you address this somewhat in paragraphs 157 and 158 of your statement. At 157 you observe that the Victorian Curriculum F-10 includes a requirement for schools to embed the teaching of Aboriginal and Torres Strait Islander histories and cultures as a cross curriculum priority. And then at paragraph 158, you acknowledge that:

> "The quality of delivery remains highly variable, with some schools doing outstanding jobs and others struggling to deliver the cross-curriculum priority to a high standard."

What can do you to ensure that that high standard is met across the whole of the system?

THE HON. BEN CARROLL: Specifically, it's working a lot more collaboratively and making sure that the Victorian Curriculum Assessment Authority as well as the Victorian Regulation and Qualifications Authority appropriately developing culturally appropriate curriculum, Mr McAvoy.

Working with them, making sure as government agencies that there's accountability there, and that we are building on the curriculum offering that's there today.

MR MCAVOY SC: Just looking for a moment at the curriculum with respect to years 9 and 10. It appears that it's at that stage of learning that students are introduced to concepts such as intended and unintended causes of contact and extension of settlement of European powers including Aboriginal and Torres Strait Islander peoples continuity and change for Aboriginal and Torres Strait Islander peoples in securing and achieving civil rights and freedoms in Australia, the causes of the struggle of Aboriginal and Torres Strait Islander people for rights and freedoms before 1965, effects of methods used by civil rights activists to achieve change for Aboriginal and Torres Strait Islander peoples and the role of one individual or group in the struggle.

And the significance of the following events in changing society; the 1962 right to vote federally, the 1967 referendum, restriction may be occurred in Tasmania decision, Bringing Them Home Report, the apology, and different perspectives of these events. The question that I put to you is why is it only in years 9 and 10 that students are being introduced to this very important history of Australia and Victoria?

THE HON. BEN CARROLL: I think - I know it's, like, the First Peoples content in the curriculum is at all levels. I know at years 9 and 10 it's specifically as part of the subject matter of history. We did do a survey, I think, in 2023 where we were surveying schools and principals on how widely First Nations history was being taught, and it was about 94 per cent of schools, I think about five years ago, at 99 per cent. So we have still got more work to do. It should be at 100 per cent. So I understand it's being taught at all levels, but I think the 9 and 10 is where it is mandated as part of the history subjects.

MR MCAVOY SC: The question focuses on why these important aspects of history in relation to the fabric of society here in Victoria are not taught at an earlier stage so that students have a real understanding about the place of First Peoples in the society.

THE HON. BEN CARROLL: I think it is occurring, Mr McAvoy. It is probably not getting the attention it deserves. I know when I visit primary schools and I see firsthand the teaching of First Nations history, but I think we could do more, and I take that point.

MR MCAVOY SC: Is it within your power as Minister to issue directions to the VCAA relating to the valuation, development and approval of the Victorian curriculum?

THE HON. BEN CARROLL: Look, it's - they are an independent agency, but they do come under my direction, and I could certainly work with them on - and

look, we do work very collaboratively and closely on curriculum. So, yes, it is within my power to support change.

MR MCAVOY SC: If this Commission made findings as to the inadequacy of the curriculum in terms of history and made recommendations that the Minister for Education give a direction to the VCAA to develop much greater detail in respect to Aboriginal history both contemporary and pre-history - that is something that the Minister for Education could act on, isn't it?

THE HON. BEN CARROLL: Yeah, and it's something -

MR MCAVOY SC: Whether it's you or somebody else.

THE HON. BEN CARROLL: Yeah, and it's something I would take a great interest in and would certainly be open to receiving, you know, if the Commission chooses, on how we need to make improvements in that area of the curriculum for sure.

MR MCAVOY SC: And there's currently a revised history curriculum under development? It's due for release in mid-2024. Are you aware of that?

THE HON. BEN CARROLL: Yeah, well we are always revising our curriculum to be modern, to reflect. So, yes, that would be correct.

MR MCAVOY SC: You don't know, sitting here, at this moment, when that revised curriculum in relation to history will be released?

THE HON. BEN CARROLL: Well, it will be sort of released over the coming year. But I know it's had a lot of work with what's, sort of, called our Koori curriculum clusters working very collaboratively with sort of locally anchored First Nations teaching and learning people, and registered parties. So it's been quite Victoria-wide. So it's requiring quite a bit of work. But I'd have to take that on notice, Mr McAvoy, to give you the exact timeline that we are expecting it all to be completed. And it did have resources allocated to it, funding and it's quite a large body of work that's being undertaken.

MR MCAVOY SC: Thank you, Minister.

I have many more questions, Chair, but we are out of time and there are other witnesses today.

COMMISSIONER HUNTER: Yes. We also have many more questions, and I'm just going to add one in, because I'm being Chair at the moment.

MR MCAVOY SC: Yes.

COMMISSIONER HUNTER: Can I just - it's been - and this is from community consistently across the board, previously to being on the Commission and whilst on the Commission. If the government could look into the enrolment catchment for Aboriginal children, particularly if you want to have cultural safety, being able to go to a school where your family goes or where your cousins go is really important for mob or go to, you know - even if it's off your Country, the level of cultural safety is quite important and that's come up with number of times and I would probably get in trouble if I didn't mention it. And the other thing is I really urge you to look into the Let Us Learn Recommendation 25 about modified timetables for kids in care.

THE HON. BEN CARROLL: Yeah.

COMMISSIONER HUNTER: I know you've responded, and you can't say anything at this point, but I urge you to look into that particularly, because we haven't gone to the topic of kids in care.

THE HON. BEN CARROLL: Thank you, Chair. I have met with Liana Buchanan and the team in relation to Let Us Learn. It's a ground-breaking report and it's a sobering report and it just shows you again, how much more work to do. In relation to your point on school zonings, I can give you a commitment. I will take that up. I'm fully aware of that exact issue about First Nations students wanting to go to their school of choice for a range of culturally important factors. So, yes, I'll take that up as well.

COMMISSIONER HUNTER: Thank you.

COMMISSIONER LOVETT: Just one question about the Koori Literacy and Numeracy Program and the funding and the transparency around that. So in paragraph 81 in your statement, there was allocated in 2023, $6.192 million allocated, and from - there's been increase from year - so that was - sorry, it might be easier - we have got it up here, yeah, great.

In 2023 there - it was at - yeah. Sorry, $6.192 million. Students supported through the KLMP has increased from 1,416 to 2,631 in 2023. So that's a significant increase. What's the transparency around that? I don't think many Aboriginal community members and parents know that that is actually available to them. So when they go and meet with the school and they have the individual education plan, I don't think that's widely known and publicised. So can you just talk about the - that program, but also the transparency around access to that for our people?

THE HON. BEN CARROLL: So first and foremost, it is a really important program, because it is a foundational program that supports First Nations students in those early years that we have spent quite a bit of time on, to get the foundations right. I like to talk about it, you build a house, you get the

foundations right and you put up the walls. So it's about getting their numeracy and literacy at world's best practice.

Your point, Commissioner Lovett, and it's something I've had discussions with the Department of - and we recognise we have got to do a better job at making sure all of our programs for First Nations students, their families, the teachers, all of the things that we're doing are out there and that they know fully about it. And I do think the recent funding in the budget will go a long way to promoting through First Nations stakeholders; ACCOs, VAEAI and many others, what is available for First Nations students and their families to support them on their educational journey.

COMMISSIONER LOVETT: I guess, I understand that. But the schools aren't being transparent with the parents who are needing to access these particular funds to help their children.

THE HON. BEN CARROLL: So we will address that through the funding and again, it's now really - Marrung as we said, is eight years through but there's some serious, considerable funding provided in the last budget to make sure we have the governance in place and improved at the regional level to deal directly with the schools at the local level, and First Nations leaders embedded in the process like hasn't occurred as much to date. So I do think we are going to see over the coming year a lot better data, transparency and access to these programs for First Nations families.

COMMISSIONER LOVETT: Do you as the Minister responsible for education issue direction statements to schools?

THE HON. BEN CARROLL: Yes.

COMMISSIONER LOVETT: Around what you expect?

THE HON. BEN CARROLL: Yes, we do. We have - essentially like a broad email can go out and we can put out a statement, a direction on a range of matters that could be occurring in the news that week that we want to make sure that schools are following the right process.

COMMISSIONER LOVETT: And do you think that it would be beneficial for a program like this, and others, so that the schools are aware of what is available but also communicating to the parents, the Aboriginal and Torres Strait Islander children's parents what's available to them to help their children to be able to thrive through these opportunities? That could be one mechanism, right, to do that?

THE HON. BEN CARROLL: Yep, and I can commit to you, Commissioner Lovett, that I will go away today really building on some of the reforms that were announced yesterday on improving literacy, that the Early Literacy and Numeracy

Program that we look at and what can we do to make sure it's pervasiveness amongst everyone in the community, First Nations families is well-known and supported, but also promoted at the principal level as well.

COMMISSIONER LOVETT: I think it goes to my other comment and the comment you made around independent oversight and having our people, Aboriginal and Torres Strait Islander people involved in that independence to understand where the funding is going and how the funding is being spent and there's a level of transparency to make sure it's getting to our children who need it most.

THE HON. BEN CARROLL: Yeah, and I would agree with that and part of my process as a Minister and public accounts and estimates committee hearings I need that transparency myself. So, you know, that's what self-determination is about in terms of the transfer of that funding and on the continuum and the decision-making process and I'll want to be able to equip that myself when I have to go through my processes at both Cabinet and Parliamentary level.

COMMISSIONER HUNTER: Thank you, Deputy Premier.

Thank you, counsel.

MR MCAVOY SC: Thank you, Commissioner. Might the Deputy Premier be excused?

COMMISSIONER HUNTER: Yes.

MR MCAVOY SC: And if we adjourn for the lunch break now, it's intended in the schedule to return at 1.15. I'm not - it's now almost five to 1. Do you still wish to return at 1.15 or do you need longer?

COMMISSIONER HUNTER: 1.15 is fine, we can stick to the schedule.

MR MCAVOY SC: Thank you, Commissioner.

COMMISSIONER HUNTER: Thank you, we will adjourn to 1.15.

THE HON. BEN CARROLL: I thank the Commissioners for this opportunity.

MR MCAVOY SC: Thank you.

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COMMISSIONER HUNTER: Thank you, Counsel. We'll now resume and that was some best practice from Preston South Primary. So I hope everybody is quite relaxed now.

MS FITZGERALD: Thank you, Commissioner. And thank you, Jeda, for welcoming us to your Country. My name is Fitzgerald, I'm Counsel Assisting this afternoon and we have also with us a new State representative, I'll allow her to announce her appearance.

MS RHODES: Good afternoon, Chair, and, Commissioners. I am Rhodes and I'm appearing this afternoon on behalf of the State. I'd like to thank Jeda and the children from Preston Primary School for that beautiful Welcome. And thank you, Chair Hunter, for your Welcome to Country this morning. I acknowledge the Traditional Owners on which these important hearings are taking place, the Wurundjeri people of the Kulin nation and I pay my respects to their Elders, past and present. I extend my respect to other Aboriginal Elders of other communities and to all First Peoples here today and watching online, or reading the transcript or viewing these hearings in the future. I acknowledge that sovereignty has never been ceded. Thank you.

MS FITZGERALD: Good afternoon, witnesses. First, I will swear you in and then I will ask you to tell the Commissioners a bit yourselves insofar, in particular, as it's relevant to the hearings the Commission is currently conducting to a range of subjects including mental health.

If we can start over on the left-hand side, with you, Sheree Lowe. Do you swear - do you undertake to give truthful evidence to the Commission here today?

MS SHEREE LOWE: Yes.

MS FITZGERALD: And if you could provide a bit of an introduction of yourself both personal in terms of your mob and professionally in terms of the work you are doing.

MS SHEREE LOWE: No worries at all. Good afternoon, Commissioners, my name is Sheree Lowe. I'm a Peek Whurrong, Kirrae Whurrung and Djab Wurrung woman, born and raised to Wadawurrung Country in Ballarat. I currently hold a role at VACCHO, Victorian Aboriginal Community Controlled Health Organisation, our peak body for Aboriginal health and wellbeing. In an Executive Director role, leading social and emotional wellbeing. I lead the Balit Durn Durn Centre, which is one of the recommendations out of the Royal Commission into Victoria's Mental Health System.

I have spent many of my years advocating for our people and work in various roles in a transformation type of role in being able to translate what mob want and

need into being able to change systems, whether it's government systems, whether it's private constructs all of those types of things. If I may I also wanted to make a statement which we use at the Balit Durn Durn Centre in recognition of our Aboriginal and Torres Strait Islander peoples lived and living experience within the mental health system.

This is a statement that we read when opening not only to acknowledge Country - and thank you for that Welcome to Country, it's very much grounded me and made me feel at ease in providing evidence today - but also for us it's really important to acknowledge those lived and living experiences. So we acknowledge all Traditional Owners' ongoing connection to these Lands, Waterways and Skies. We pay our respects to all Aboriginal and Torres Strait Islander peoples past and present, to the giants whose shoulders we stand on today and every day and we acknowledge that sovereignty has never been ceded.

It is important that we hold space to acknowledge the living experiences of our Aboriginal and Torres Strait Islander Elders, brothers and brother boys, sisters and sister girls and cousins from all nations and language groups. People who have breathed life into these Lands, Waterways and Skies, emersed with vibrant yet diverse cultures from the very beginning of time itself. The ongoing impacts stemming from colonisation on the social and political determinants of Aboriginal people have been profound. Its impacts continue to reverberate across several generations.

In Victoria colonisation and colonialism has been especially brutal. Colonial violence has been enduring and takes many forms, from various government policies, intensive genocide and those that led to the Stolen Generation, a form of cultural genocide itself. To police brutality and the continuing torment of black deaths in custody, to the trauma that is a product from unchecked, unchallenged racism and discrimination whether structural, systemic, overt, casual, or unconscious bias. Inert culturally unsafe service systems and models of care designed to cater to the majority are incapable of understanding our needs and ways of being.

It need not matter the form of violence. Its impacts are felt deeply. The trauma is compounding. But despite all that colonisation has brought in the last 235 years plus, our connection to Country, culture and kin remains enduring. It remains strong. Despite dislocation borne from colonial violence we are healing. We have our voice, a voice that was so ruthlessly taken from and denied to our ancestors. We are telling our stories, sharing our experiences with the belief that society, systems and structures can learn from us and those who went before us, whose footsteps we follow.

The belief that with our advocacy systems and structures can evolve to place the social and emotional wellbeing model at the core of service design and delivery, a holistic model that recognises our mob's health and wellbeing as being influenced by cultural, historic, political, and social determinants. Thank you.

COMMISSIONER HUNTER: Thank you.

MS FITZGERALD: Aunty Nellie, do you promise to give truthful evidence at the Commission today?

AUNTY NELLIE FLAGG: Yes, I do.

MS FITZGERALD: Could you take a moment to introduce yourself to the Commissioners you don't know and explain who your mob are, but also importantly, the work that you have done in many decades insofar as it's relevant to mental health?

AUNTY NELLIE FLAGG: Good afternoon. Yes, I'm Aunty Nellie Flagg. I'm a Taylor-Charles child from the Wemba Wemba, Barapa Barapa, Dja Dja Wurrung and also the southern side of Melbourne, Boonwurrung and we also have a linkage to Palawa through the Briggs', Aunty Charles' connection.

And I live on, and I have lived on Wadawurrung Country or Wathaurong Country for over 40 years. I have worked throughout government agencies for quite a while, always working for our community in trying to get them a voice and service delivery in the aim to allow them to have a voice and to have a say in their healing processes.

I'm now - I'm sort of retired. I do some work with doctors and that work entails working with new registrars that are coming through. I'm a cultural educator and I provide them with cultural education through their journey, mostly the first two years because that's when they're coming into a - the new medical training. And we don't see them much in the third and fourth year, but we may see them on the odd time.

And it's to ensure that they have - that they have understanding of our culture, understanding what it is that we feel and, you know, how we present ourselves or what prevents us from opening up to others. Our culture is built on respect and trust, and they must understand that. For them to help us through our medical journey, they need to understand what is required and for us to feel safe in telling them our story.

So I've been doing that for over 10 years now and I do love to (indistinct) things in the community where I'm asked to help and just support and mentor and encourage our youth and just community. Thank you.

MS FITZGERALD: Thanks, Aunty. In the past, you have, in fact, for some time undertaken a role for VACCHO in their social and emotional wellbeing team. Can you just speak briefly about the work you did in that team?

AUNTY NELLIE FLAGG: My role in that team - we had four people in that team. My role was for mental health, and it was the suicide prevention role that I played. And that was going out and doing focus groups with Aboriginal communities throughout Victoria, talking to them about, you know, what do they want to see in this space. One of the things that, as we travelled around, was that a lot of the families felt unheard and they felt alone, and it's a very traumatic time to go through.

I've lost some nephews through this suicide and it's just, you know, tragic journey that you're travelling and sometimes you feel, you know, supported whilst it happened but after a little while you feel like you're left to struggle by yourself. What we wanted to hear was what they wanted. So that the report that goes back into government, they understood what our people were asking for. One of the clear things that they were asking for is getting some sort of knowledge around suicide, looking for signs and things like that, and also allowing this suicide being talked about out loud because in the past it's been a shame factor.

The same as sexual assault. They were always behind closed doors. To open doors to push them open and to talk about them. That's when we're going to have change because we will then see people supporting each other and having a voice.

MS FITZGERALD: Thanks Aunty. I had also intended to warn that this session will, as you are saying most certainly touch upon the tragic outcomes for First People that result from the mental health system really not being set up for them and that may well be upsetting, because sometimes we do need to talk about these things out in the open, and, yes, just to warn that that may be upsetting for some people. Thanks Aunty.

Dr Gee, if I could ask you, do you promise to give truthful evidence here at the Yoorrook Justice Commission today.

DR GRAHAM GEE: Yes.

MS FITZGERALD: And could you explain who you are, who your mob are but also the field in which you work and undertake research?

DR GRAHAM GEE: Good afternoon, Commissioners. Thank you for a wonderful Welcome. I too would like to acknowledge this beautiful Country of the Wurundjeri First Nations, pay my deep respects to the Elders past and present, to their ancestors. I also want to pay my respects to the Elders in this room today as well.

My grandfather was from a small community called Belyuen on Larrakia Country, in the Cox Peninsula in the Northern Territory and my nanna was born on the Barkly Tablelands, also in the Northern Territory. So I'm a guest in this wonderful Country and have lived in Melbourne for 20 years now. I think I'm here today because I was blessed today get a formative education with clinical psychology

and the Victorian Aboriginal Health Service about 15 years ago invited me to come and work for them.

I had always planned to go back to Darwin and go back home to Country, but the Koori people that embraced me just touched my heart and I've been here ever since. My youngest daughter was born on Bunurong Country and I think the turning point was when I started to listen to the stories, to be a witness to the stories and walk alongside the Victorian Aboriginal community who are coming to seek support, for social and emotional wellbeing, and mental health difficulties and all kinds of things.

And there was a moment when the training on the job kind of disappeared and it was just about the relationships to the people of this Land, and the good and the bad. The amazing resilience and the incredible courage and resistance of the Koori people of this Country, but also the really tough heartbreaking stories that came with colonisation. The heartache of assaults and childhood sexual abuse, the first person I ever counselled was a survivor of childhood sexual abuse and it's an area I've worked in continually for 11 years supporting survivors. So that has been a great gift and really, those stories have binded me to this Country and I feel a great level of responsibility to hold those stories sacred.

I've been working as a researcher for the past five years now, at the Murdoch Children's Research Institute. At the Victorian Aboriginal Health Service we needed to development strength based measures that were looked at cultural determinants of wellbeing rather than just looking at this narrow lens of mental health and deficits all the time. And that really led us to doing research at the Victorian Aboriginal Health Service that was looking at the role of cultural determinants and at VAEAI doing Aboriginal designed programs.

And that was enough to convince me that this community had the solutions, that the narrow, kind of, field that I was educated in just wasn't cutting it. So I had to really deconstruct all of that learning at university and learn from the voices that were in the room that I was listening to.

That led to doing research and evaluating Aboriginal design programs and I'm really, really proud to have evaluated some of the incredible programs across this Country and around Naarm. Now, I decided to put my hand up for leading a grant to work with six Victorian Aboriginal Health Services who are employing Aboriginal and non-Aboriginal workforce, who are committed to addressing and healing child sexual abuse. It is a tough area. It's one that we must take care of in our communities.

It is not Aboriginal culture, and it is an issue right across the globe that knows no cultural boundaries. And the recent child maltreatment study in Australia has shown that 28 and a half per cent of all Australians report experiencing child sexual abuse and we know that's an under reporting for sure, given the nature of the actively survey. So that's where my passion is and my passion is working with

the Victorian Aboriginal workforce to keep them well, because they have been burning out. They are underfunded.

The government models don't work in terms of funding. It's pretty disgraceful to be honest what they're trying to do their work on, but they're managing and we are trying to support them to sustain their wellbeing. And the next step will be, in fact, next week working with a small group of courageous survivors of child sexual abuse who are going to come together to create safe responses in our community and look at better ways, because the justice system isn't working. So that's what brings me here.

MS FITZGERALD: Thank you, doctor.

If I can start, Aunty, with you, and ask you about your - some of the connections we will be drawing today are connections between firstly social and emotional wellbeing, mental health, but also with the influence on those things of racism. And I wanted to ask you to tell us about firstly, your personal experiences as a child and the linkages you have drawn between those experiences and your mental health and the way you interact with the world; how those experiences have impacted you?

AUNTY NELLIE FLAGG: Growing up in Swan Hill was one of - I mean living with my family and our community was one of the most wonderful experiences I ever had in my life, and I keep reflecting back on how wonderful it was. But the other side of that is that we had our community and our families, but outside that there was a white world that we had to try to fit into. The issue was, we were trying to fit into a world that we were forced to come to terms with and try to live in. But what was preventing that was the racism that was embedded into society.

I didn't realise that white kids didn't like me simply because I was black, because I was Aboriginal. I didn't realise that, because I didn't encounter playing with white kids until I went to school, not that they would play with me. They wouldn't play with me. They wouldn't talk to me. They wouldn't do anything with me and that was fine with me, you know. If they didn't want to talk with me, they didn't want to play with me, that's okay. But the thing is that how we grew up was we were taught to accept everyone regardless of what they brought. We weren't allowed to judge people and we weren't allowed to disrespect them and mistreat them.

So going to school, it was - I mean, basically, you had the white kids over that side and the black kids over that side and that's how it was. We would go and sit and eat our damper sandwiches over this side and the white kids would sit there and we wouldn't have very much interaction. The only interaction we had as we grew, we became involved in activities such as athletics and swimming and all that sort of stuff. And as you grow, you grow and learn what skills you've got and, well, you know, it seems that Aboriginal people are quite good at sports.

And there was - you know I was the fastest girl in the school until this white girl, well back in those days she was white, now she, and her family are saying that they're Aboriginal. So, you know - but the issue was that they didn't accept us for who we were. They thought we were dirty, lazy. I mean, you couldn't get more hard-working people if you tried. I mean, our parents, our Aunties our Uncles, our cousins, they would be gone, you know, five, 6 o'clock in the morning, out picking fruit, out doing the work that - on the orchards.

I seen that because a lot of time we had to babysit the kids, their kids because they would bring them over to our hut and leave them with us. And so, the white kids they called us names, they threw stones at us and things like that but it was really hard to, you know, engage with them and we didn't bother in the end, sometimes.

MS FITZGERALD: One of the stories that you've told involves a really specific instance where someone refused to touch your hand in a line, dancing and, you know, that idea of dirtiness forever meaning that you feel obliged to keep everything remarkably clean, just those sort of ongoing effects, if you -

AUNTY NELLIE FLAGG: Well, our parents, it wasn't until you - I grew up to, into a young woman that I didn't realise our parents and our community, they were always under threat. They were always living in fear because of the government, because they can come into our house any time they liked and we used to have a social worker come in every second Tuesday, they'd go through the house. Mum would be up really early to make sure everything was tidy and clean. It always was but she would be up extra early on the day to ensure that everything was tidy, you know, food in the cupboard and stacking and things like that, she was so busy.

But that particular incident happened in primary school in a small town just outside of Swan Hill, and we were privileged, if you can call it that, to be taught folk dancing. I don't know why we were taught that. We weren't going to be invited to any, you know, dances. Anyway. So we had to line up. The boys on one side, the girls on the other side. And then they put on the music over the loud speaker, and we had to sashay in and put your hands out and the boy or the girl takes each other's hands. Well, when I put my hands out, the white boy who was opposite me, he wouldn't take my hand.

My brother, he was up the other end. He saw what happened. So I just stood there and stepped out of line. I don't know what that young boy did. But my brother came down and he danced with me. What that did to me as a child told me that I will - and into an adult, I will never offer my hand to someone who does not deserve it. So I chose who I offered my hand to.

And that was something, you know - also, it was a reminder of what these kids were saying, you know, "You're black, because you're dirty. You're black", you know, all the things that they were told by their parents or their grandparents and that's what they would think of you. I never went home and told my parents this about that incident, because I didn't want to worry my parents any more than they

need. They had too much worry of their own at that time in life, because it's just, you know, it was just different things that happened in your life that continue to happen and you didn't want to burden your parents or your community any more than they had to put up with, what they were already putting up with, really.

MS FITZGERALD: Thanks Aunty.

Dr Gee, just going from that lived experience evidence, what can you tell us about comparative rates of psychological distress in First Peoples when compared to non-First Peoples and what you know about the impact of racism on those rates?

DR GRAHAM GEE: First of all, not surprisingly, given Aunty's story, no surprise for the Commissioners to know that for years now, Victorian Aboriginal people through the Victorian health surveys reported experiencing much higher rates of psychological distress in comparison to other Victorians. And, you know, it's obvious why this level of racism, that sadly is still occurring today and it's so devastating to so many of us. The general pattern has been for a number of years now that Aboriginal Victorians and nationally Aboriginal and Torres Strait Islander people are about one and a half times more likely to report high to very high psychological distress.

One third of Aboriginal Victorians in the last state-wide health survey reported high psychological distress. And not surprisingly racism is not just an emotional violation and devastating, but it's linked now to a wide range of social health problems, diabetes, cardiovascular disease, stroke. It is literally poisonous for your body. And with enough racism it also is linked now to post-traumatic stress disorder, you experience enough discrimination, it filters in and you can experience traumatic stress disorder, anxiety and depression and what have you. That has been well established now for at least a decade.

MS FITZGERALD: Thank you, doctor.

If we could bring up I'm just going to go to part of the VACCHO submission to Yoorrook which is page 23 of NUT.0001.45 and if we could go to the second paragraph down and capture the bullet points, at least the first two bullet points if we can zoom in a little.

Ms Lowe, there is some information given in the VACCHO submission quoting the Victorian Agency For Health Information Survey and the submission that you've made records that survey information that the reported sentence of racism that people are facing on a daily basis is almost one in five. What's your understanding of where the most common places where racism is experienced, where that racism was recorded to have been experienced?

MS SHEREE LOWE: Yeah. So in the VACCHO submission we talk about, from the VAHI or the Victorian Agency and Health Information Survey, the four most common places. So the most common place where racism was experienced

was in public, by a member of the public. So 70.2 per cent of Aboriginal and Torres Strait Islander adults who experienced racism experienced that in a public place, in a public space. The second most commonplace was in the health care setting, perpetrated by a member of staff; so a clinician, a doctor, a nurse, and 47 per cent of those respondents acknowledged that they had experienced racism in one shape or form, in that setting.

The third most common setting in which Aboriginal and Torres Strait Islander adults experienced racism was at home, so by neighbours or someone else in their home. So that broader public bringing it right into those intimate spaces that are supposed to be safe for us. And the fourth most common setting in which Aboriginal and Torres Strait Islander adults experienced racism was when applying to work or at work.

MS FITZGERALD: Thank you.

Now, Aunty -

COMMISSIONER HUNTER: Sarah, can I just ask, we have just listened to Dr Gee and then you have added these. I'll say we as Aboriginal people, where are our safe spaces?

MS SHEREE LOWE: That's a good question, Commissioner. I think there's many systems and structures that are meant to be safe for all, but I think what we experience and see and hear is that those places that are designed to keep people safe don't keep us as Aboriginal and/or Torres Strait Islander people safe.

COMMISSIONER HUNTER: And that's just an adult survey?

MS SHEREE LOWE: Yes.

COMMISSIONER HUNTER: Is there a children's one?

MS SHEREE LOWE: I'm unsure.

COMMISSIONER HUNTER: I'm thinking if adults can't keep safe then how do children keep safe?

MS SHEREE LOWE: Mmm.

DR GRAHAM GEE: If I may, Commissioner, from an Aboriginal committee member and health perspective the feedback we have got back from Aboriginal workforce practitioners in the work we are doing we have got to recognise and acknowledge that the current mental health system is just culturally unsafe, full stop. We are just not there yet. I can't count the number of community members who have had horrendous experiences with medical professions who are either

blatantly racist or just out of ignorance have just, you know, floored them with some outrageous stereotypes.

And they've come, you know, seeking counselling in a culturally safe space, in a - in - trying an Aboriginal Health Service, for example, and just absolutely devastated. And Professor Helen Milroy has been leading some work on cultural safety and she did a whole bunch of interviews and yarning circles with Aboriginal and Torres Strait Islander health practitioners and community members and what have you. There was absolutely consensus that at the moment they are not culturally safe and that what needs to happen is that services need to be free from racism and understand Aboriginal cultural knowledge and protocols.

They need to learn about the Traditional Owner history of the Lands in which they're on. They need to understand what mental health is from our cultural perspective. They have got to understand the histories and the impacts of the Stolen Generations and the assimilation policies and segregation. There needs to be mandatory cultural safety training for all of staff and workforce in mental health services and we need Aboriginal and Torres Strait Islander people in leadership positions. It's just, it is just we are not there yet. It is culturally unsafe.

COMMISSIONER HUNTER: I think the fact that you pointed out the effect on the body that it's not just a mental, but it's the body as well and, in fact, it can result in PTSD is quite shocking, right?

DR GRAHAM GEE: Well established now that it's one of the risk factors for PTSD now, in the last decade and diabetes and hypertension and all sorts of physiological problems.

COMMISSIONER HUNTER: Thank you.

MS FITZGERALD: Dr Gee, just reflecting on your personal, your own rather, professional journey to what extent do you feel like your professional training in your western clinical qualification equipped you to provide a culturally safe service for First Peoples?

DR GRAHAM GEE: I have to say my academic training, nothing, like, zero, you know. And that's not a knock on the academic institution. It is what it is, but it just had no understanding of that. When you trained as a psychologist you are looking at mental health through an extremely individual lens that doesn't acknowledge the relationship between mental health and justice, for example, let alone cultural safety. Those things are changing slowly.

There are Aboriginal researchers and psychologists like me who are giving guest lectures, Dr Ngaree Blow, for example, who is leading work in Melbourne University where we are trying to embed in curriculum what cultural safety is and what practitioners need to do, about how they need to repetitively and learn about other people's histories and learn cultural humility and a level of reflectiveness,

where they can understand the history of what has happened in this country and also the power and privilege that they hold. So it's slow, but certainly back in my day it wasn't taught at all.

COMMISSIONER WALTER: Can I just - look, I know you've just let universities off the hook but quite honestly, professions like psychological, social work and others whose job it is to support and provide the supports for vulnerable members of society and deal with mental health, the fact that Aboriginal people and scholars have to come in and actually teach that profession, which should as at a most fundamental level understand this stuff how to do it is to me a damning indictment.

DR GRAHAM GEE: Yeah, absolutely. We have to acknowledge that psychology is a western, white field of study that's grown from western roots and, yeah, it has got a long way to go.

COMMISSIONER WALTER: It's not very insightful into itself, is it?

DR GRAHAM GEE: No, exactly.

AUNTY NELLIE FLAGG: Can I also add also with that, in working with different professions, in regards to cultural education, there's not enough of it. Within the doctors training, we will get to see them mostly in the first two years. Then after that, they get very little. And even if the university they might get one session and that might be an hour. That is not enough. There's never enough cultural education being taught to people in professions such as GPs, psych and the rest. There really isn't and there needs to be more done around that.

COMMISSIONER WALTER: And it shouldn't be on First Peoples to do it. It should be on the institutions who are actually charged with and resourced to provide that training, the universities and other - and the colleges.

AUNTY NELLIE FLAGG: Yes.

MS SHEREE LOWE: I think what we see in a practical sense on a day-to-day around racism within this service system and what that looks like, it significantly reduces confidence in accessing help. So one, when we are thinking about in this scenario of vulnerability, psychological distresses and those types of things, the people are waiting until it's absolutely out of control to access treatment, care and support. And when they reach out, they are confronted and compounded with these culturally unsafe spaces which just, you know, exuberates those experiences and are not necessarily helpful in providing what those people are needing at that point in time and we see that.

So I think in that practical day-to-day sense when we talk about racism and how does this flow on into the lives of Aboriginal and Torres Strait Islander people, kind of really impacts and what Aunt was saying before around this trust and

where we fit in society just as general, but is it going to be safe for us to access the care that we need when we need it. And so we see a lot of response in that tertiary end where the treatment, care and support at a tertiary end is very limited on the options. So it's very pharmaceutical focused, so medication, those types of things which we know isn't necessarily always the right course of treatment, care and support for people.

COMMISSIONER HUNTER: Would you also say seeking assistance or help, you are confronted with a very big wait list?

MS SHEREE LOWE: Yeah, in some cases, yeah.

COMMISSIONER HUNTER: What would be the longest that any of you have heard or been?

MS SHEREE LOWE: It kind of varies in the age group. So if we're thinking about children accessing specific services like whether it's psychologists, psychiatry, even speech and those types of things, you know, waiting lists can be anywhere between six to 24 months, depending on where you live and where you access. And I think that that accessibility to those specialised services, the further you move away from the epicentre of Melbourne, the harder that is and the waiting lists are, you know, are more significant.

In an adult - depending on the circumstance, I think if you're in severe psychological distress, you may be able to get treatment, care and support immediately in an adult acute facility. Is that the right response and option?

COMMISSIONER HUNTER: It's also racist, as you just pointed out, it's also racist.

MS SHEREE LOWE: That's right.

MS FITZGERALD: Sheree, what effect does - the fact that First Peoples are coming into contact with the system only when things have gotten very, very bad because they are not attracted by the system any earlier, what effect does that have on the rates, the comparative rates of compulsory treatment under the mental health legislation, and the use of seclusion and restraint under the mental health legislation?

MS SHEREE LOWE: I think that there is a strong correlation and I think that it's important not to just, to say to that overrepresentation that it's because of this or it's because of that, because it's quite complex and that's multilayers to understanding that. But when you are coming and into contact with the system at that tertiary end, your options are very limited. So you will see overrepresentation in all of those seclusion, restraint, compulsory orders and we know that those treatments compound trauma. They re-trigger trauma. But the options in the

profession, how they are trained to resolve that, that's the options that are presented for them.

So if we work to more and invested more in that early intervention, prevention kind of space, if we looked more at this holistic social and emotional wellbeing framework and how that impacts and how it can benefit, you know, service response then we could look at that, those outcomes may be a little bit different. But at the moment the racism and that tertiary end, leaving things too late are some of the reasons for that overrepresentation.

MS FITZGERALD: So in your view the racism is, to some extent, an explanation for the fact that disproportionate numbers of First Peoples are compulsorily treated and within compulsory treatment some of the most heavy-handed responses, the use of seclusion and restraint are also, in addition, proportionately used in relation to First Peoples?

MS SHEREE LOWE: 100 per cent and I think if you think about in a regional context, so where I live in Ballarat, the options in health care are limited, right. There's only one mental health facility, there's only one public hospital, and when you are returned to access care, that there is already a narrative there about you. There's already a view, a bias around your situation, around the circumstances for you, because there is limited options.

It may look a little bit different in metro space where there are multiple options, but in regional settings where service options at that tertiary end are very minimal, that when you are presenting there's already a narrative there, if you've gone to that service more than once. But there is also those unconscious biases and racism that sits within, you know, analysis around what may be going on for those people as they are presenting.

MS FITZGERALD: Just taking up that idea of the assessor, whether it's a psych or a psych nurse trying to understand what may be going on with the person in front of them, putting aside overt racism, there's also the extent to which people without any cultural understanding will never really know what may be going on over that side of the table.

MS SHEREE LOWE: Yeah, 100 per cent, this is Graham's -

DR GRAHAM GEE: Yeah, which is precisely why we need - some of the VACCHOs are literally cultural anchors for those in community who have tried mainstream services and have walked away in disgust. There are waiting lists that are two or three months in some cases and community members are frustrated and the VACCHOs are throwing their hands up, because they are not getting funded enough. There are not enough Aboriginal psychologists. They are coming through, but there's not enough workforce in the VACCHO sector and we need to have cultural safety and education embedded right through all the curriculum at universities from - literally from under-grad, up, embedded right across not just,

kind of, guest lectures and things but actually embed that. It's still not going to do it, because you are right, there's only so much you can learn in that space.

We need to fund the social, emotional and wellbeing sector and ACCOs to work with mental health and have the resources, because they are greatly under resourced. But we have also got to get out of this one silo idea of the counselling room and the one-on-one, which is important, don't get me wrong. But we need alternative spaces, we need healing centres like (indistinct) Sheree Lowe is leading around Balit Durn Durn. We need state-wide centres where we can work with mental health and social and emotional wellbeing issues our way, that are not restricted by ridiculous datasets and episodes of care, they just don't work. They take time, given what's happened and the history on this Country.

We need time, that's the way we work. We use Country. We get out, we do assertive outreach. All of that takes time. We need healing centres with a completely different model, an Aboriginal designed model of care, to support our community where they can come and be resourced and nourished when they need to and then get back out and live their lives, and then come back and use that as a resource, as a healing resource, rather than you've got 10 sessions bang let's do it, you're out, got to wait next year for another 10 sessions. That's just, never going to work.

AUNTY NELLIE FLAGG: And even some of the environments, which our people have to go into, they feel unsafe in those and they're not willing to open up and, you know, trust in the person they've got to open up to. Because generally you know they have fears already and they're asking these questions that our people aren't comfortable in sharing because they don't know our culture.

MS SHEREE LOWE: There's a real fundamental misunderstanding around intergenerational trauma and the impact. So when you are doing an assessment and being able to get to that real root cause of what's happening for somebody, what are their experiences, what is kind of, what's their path that's led them to here, the limited knowledge or even recognition of the impacts of colonisation in this country and, you know, that still narrative of it happened in the past, people need to get over it, is such a myth of we can just ignore that, but we can keep progressing and everything will be okay.

I think we are at this time now where we can understand that everything isn't going to be okay, because we need to kind of, as a country, understand our hidden histories that people fail and don't want to talk about because it is uncomfortable. It is sad. It is tragic. But we need to recognise that to move forward. You kind of don't want to dwell in the past, but you need to know that to be able then understand what's presenting in the here and now.

And so when you are looking and assessing people's situations at that point in time, often they will get treated for that point in time, psychological distress, here, you may need a compulsory treatment for 28 days. You might need some

compulsory medication, this, that and that. But they don't really get to that root cause of, you know, what's broken your spirit and what do you need to heal.

COMMISSIONER HUNTER: Can I just, because we have people online and it's really good to get into evidence and any one of you can answer this. Could you help us to understand what intergenerational trauma is? So either a definition or a really simple understanding is, because it's come up quite a few times within the Commission but no one has really addressed what it is and I would like that on the record.

DR GRAHAM GEE: I think it's important to distinguish between intergenerational trauma and collective trauma, and both of them are really meaningful. So - and historical trauma. But if we take the example of the stories and the histories behind those in our community who are coming and seeing practitioners and these are the things that the general level practitioner who has no contact or understanding of cultures, Aboriginal cultures doesn't know. We have got to come right back to colonisation, to the first waves of colonisation, and the average Australian thinks, "That's over, it's done in the past."

What they are not realising is how profound that loss of human life was in that genocide and how many Elders and how much cultural knowledge was devastated in that first settler wave, in the dispossession of land and resources and how that fragmented families and communities who were then removed through legislation and the removal of children from their families and suppressed their language and their knowledge. All of that results in intergenerational entrenched disadvantage that that person is carrying with them when they come into the room presenting with something like depression, for example.

And so intergenerational trauma is the impacts that happen back then, that flow through the families, because the families have been split up. If a mother and a father is a Stolen Generation member and has been disconnected from their culture and they have lost some of those practices and those cultural healing practices and those parenting practices, then that filters down through to their capacity to raise their children, for example, and they experience obstacles.

And in this way, there are flow on effects that don't look like a mental health issue because they are far deeper than that. We are talking about the actual cultural and kinship resources that are necessary to hold healing and recovery that have been deeply fragmented only 180 years ago. I mean, we are still catching up in terms of healing and revitalising all of those cultural practices.

So there's that flow on effect across generations, whereas collective trauma speaks to, if there's enough of that transmission of trauma and it becomes wide enough, then whole of communities, social norms and practices and cultural practices become fragmented. And that's where despair can set in and loss of identity. That's where frustration and poverty causes stress and psychological distress, that comes spilling out to the very people that we love most, but are nearest to us. And

so we get this vortex then of the breakdown of our cultural values and the things that we hold so dear, because of what has been taken away in intergenerational trauma.

Those are all the things that are sitting behind those in our community who most need support. They're the families who have been hit the hardest through two generations of removal, loss of connection potentially to their clan group and what have you. And of course there's the flip side, there is intergenerational resilience that communities have managed to resist that.

But often in the services, the families that we are working with are the ones that have been hit hardest by that and yet to someone who doesn't know the community and know the families and they walk in to a clinical setting, they're literally not going to see any of that and make a beeline for just making a diagnostic criteria that is going to fit this that has nothing to do with the devastation to the spirit and the grief and loss that that person has felt, who still remembers the massacres and the stories of massacres that have been passed on by their parents and what have you. All of that, the typical clinician will have no idea about.

AUNTY NELLIE FLAGG: It will continue to be relived and lived, and lived, simply because the parents are still struggling with it and what they're imparting on to their children are their life experiences.

MS FITZGERALD: Sheree, you mentioned the attitude amongst some of the community that Aboriginal people should just get over it. In an earlier hearing block one of our witnesses has reflected on the irony of that sentiment, given one of a sort of most closely cherished national statements is "Lest we forget". That might be a useful time to bring in the social and emotional wellbeing framework and we do have a diagram of that, which is - essentially I was going to ask, Dr Gee, if you would speak to that.

If we could bring up the third image, which is page 34 of the submission, and it's the round diagram. And if we could zoom in on the diagram.

If you could step through and explain, essentially, the concept of social and emotional wellbeing, and how it is distinct from this colonial western model of mental health.

DR GRAHAM GEE: This is - this was one attempt from myself and a group of other Aboriginal psychologists from the Australian Indigenous psychologists association and notably Professor Pat Dudgeon and my other colleagues. This was one attempt from us after years of frustration where doing cultural competency trainings and psychologists not getting it and just asking the same questions over and over. So this was our way to try and, I guess, refer to a holistic view of health that recognises the individual factors and the social determinants that most people

are familiar with, but that they are not the only things that influence our wellbeing and our mental health.

A social and emotional wellbeing model recognises that there are much more important or as important connections that are shaped. Mental health is shaped by our connections to culture, to our Land, to our Seas, to our ancestors, to the spirituality that we practise, our connections to Country and to spirit. And it was really, you know, this is nothing new. Every tribal clan group across this Country has their own versions of wellbeing, but this was our attempt to try and pull together something that was an orientation kind of framework to guide people to say, "Stop just looking at a diagnosis". You have to look at people, who are their connections to community, to family and kinship.

So we created these seven domains, just as a way to reflect that holistic way of working, so that practitioners would start to take into consideration when they were talking to someone and the distress they were experiencing all of these domains of wellbeing rather than just a more narrow approach. But importantly as well, we wanted to build in these historical and political determinants that we have been speaking about, these outer parts of the wheel.

Most people are familiar with the social determinants, but a lot of people don't have an understanding of what it means politically whether a clan group has managed to maintain their cultural continuity through the years of colonisation, whether they've been still able to enact their sovereignty which has never been ceded or, in fact, has there been a brutal path where their land has been taken away, they no longer have connection to Country. They don't have Native Title, their rights aren't recognised and they don't have language. And one in four Aboriginal and Torres Strait Islander people in this Country, through no fault of their own, have had those connections severed and don't know their tribal group that they come from.

And so we need to understand that all of those things are shaping the circumstances that Aboriginal children are being born into. These historical and community political determinants are really, really important. So this is a holistic way of looking at the whole person, that they are far more than themselves. They are part of a community, they are part of a clan group, they are part of a tribe and they are part of this nation's history and it impacts communities and people very differently. So it's deliberately not prescriptive, because this looks different for every First Nations group around the country. But our hope is that it's enough to start to get the health workforce understanding what kind of things they should be trying to inquire about when they are speaking with our mob.

MS FITZGERALD: And you have done some research on how to influence and change some of these things, one of which is the cultural determinants of health. You have done some research on using community programs to essentially strengthen that aspect of people's lives. Can you speak to what that research showed and did?

DR GRAHAM GEE: Yeah. There's been three decades, 30 years now of research from First Nations people all around the world, showing that cultural activities, cultural practices, being connected to your Elders, learning your stories and understanding your history, are associated with a whole range of benefits and outcomes, including mental health outcomes and what have you. What we did at the Aboriginal Health Service as part of my PhD is myself and some Aboriginal practitioners and senior managers at that service is that we developed a strength measure that - based on the Aboriginal practitioners understandings of cultural determinants of wellbeing, some of the things I've been speaking about as well as things how strongly someone feels connected to their family and what kind of opportunities they have in their community, how connected they feel to their Elders, how safe they feel in their community and what have you.

And once we did that, we started to - at the Victorian Aboriginal Health Service, we evaluated some Aboriginal designed programs that used Aboriginal ways of knowing, being and doing. Over 12, 16 weeks, for example, we were using the body rather than sitting stagnant in a room, Laura Thompson a Gunditjmara women led the design of the Her Tribe and His Tribe programs.

And we thought we would test that model here in Victoria because the strength measure was developed by Victorian Aboriginal people and so we invited community members to participate in these programs. And what we found was besides both programs that were Aboriginal designed and run by Aboriginal people, with local heroes who inspired people in the community. Who would come and give a talk to the rest of us who were participating, although I was on the evaluation team. But would come and give a talk and then we would train together. And lo and behold, surprise surprise, we found that not only did it decrease psychological distress for community members who were participating and that was maintained six months afterwards.

But it increased their access to cultural strengths and community strengths, and relationship strengths and resources and that's - that was where I felt like we were on to something here. This is the power of local people designing their own programs and now we are bringing the evidence base to show that we can reduce distress and we can strengthen the cultural connections that Sheree has been talking about. It's not one or the other. We need to do both. We need to case manage, we need to reduce destress and stabilise. And healing programs should be building the spirit, strengthening the spirit and that's what these programs showed, you know, initially.

MS FITZGERALD: Aunty, in some of the evidence you've given in other places, you've talked about some of the ideas that you have for reform and one of the ideas you put forward is this idea of Aunty's places and it's based on your extensive work experience but also some very personal experiences of seeking help for people in your family. Can you explain that idea, what it would offer and how it might differ from the medical model that's currently on offer?

AUNTY NELLIE FLAGG: Well, again, it would be a cultural setting. So that's a big difference from a medical perspective. This is something that, you know it's certainly not my idea. It was an idea that was floated around in our community by a lot of women who were seeing a lot of our young kids getting themselves, you know, into different situations that could have been prevented if there was some sort of place that they could go and talk. Because what we've - what I know of growing up, if you had something to talk about and something worrying you, you could go to your mother, you could go to your Aunty, you could go to your cousin, you could go to your sister and that - there was no structure like that out in a white world for us.

And so if we were practising that within our community how can we then go and seek that help when we didn't trust the outside world? Because that's what we were, you know, in our houses. What we spoke about in our houses didn't go out into the wider community. It stayed within our community, because of the fear factor that if we spoke about things that we were dealing with inside our house, inside our community, the white authorities would know and then they would have come in and infiltrated our safe place.

So, you know, it was a really hard to find places like that. And one of the simple things, when you want to go and talk to someone, it was usually an Aunty who was always around. You loved her, you knew her, you know you can go and talk to her about something and she would, you know, she would just sit down and listen to you, and then she would ask "What do you want to do about this? What is happening with you?" And you would open up the conversation. And that's what we want in our healing spaces. We want a place where they can come and feel, where our community can come and sit down, feel safe and open up.

MS FITZGERALD: Speaking now of healing, Sheree, one of the things that has come out of the Royal Commission into Mental Health is an acceptance of one of the VACCHO's recommendations. Although you recommended five healing centres, the Royal Commission recommended two healing centres and as I understand it, the Victorian Government has committed to that. Can you explain what those centres are and where that process is at?

MS SHEREE LOWE: Sure. We're just coming to the end of the co-design process of what the healing service model will look like. We've commissioned an Aboriginal business in Abstarr, led by Professor Gregory Phillips in leading that work, and creating that safe space to have conversations around healing. So we have been undergoing a process - maybe just premise that - that our communities have been talking about healing for as long as I've been alive. So I just want to premise that there.

We are fortunate through the Royal Commission and the work, through the Balit Durn Durn report that instigated these specific recommendations and the leadership that, kind of, drove that report and honoured those lived experiences

that informed that report. But we're at this promising place where we're changing the conversation and starting to invest in healing. And so through that process and through the leadership of Greg and his team and the VACCHO team, but also our knowledge holders and Aboriginal community in Victoria, we have come to a point where we have designed a practice and service model around healing.

We're in the final stages of testing that back with the people who have co-designed that, and the next phase of that project is then to go through a government budget bidding process to invest in what that next stage of healing looks like.

MS FITZGERALD: And this is obviously something new for the Victorian Government. How is - how are they going, allowing Aboriginal organisations to design, to genuinely choose what the model looks like?

MS SHEREE LOWE: It's interesting right, because we are in a unique space here in Victoria and we're talking about treaties, we are talking about self-determination. But I think with all of those concepts the challenge, or the next bit is what does that look like when it translates into practice. And so it's okay to say that this was self-determined and it was okay to say that this is Aboriginal led and owned and those types of things. But we're still at a space in those relationships to see what that looks like and translates into the doing bit.

So, so far, we have been very fortunate with the team that we work with, within the Department of Health. We have a partner agreement that sets out our terms of how we work together, and the core to that is around honouring self-determination, and that tests everyone and I'm not going to kind of lie in that way that sometimes there are hard conversations that need to be had. But in most aspects of the two recommendations, so Recommendation 33.1 and 33.4, which have design elements to it, that we have been allowed - and even that language in itself - we have been "allowed" to be able to lead things in our way and honour our ways.

And I think what we are seeing is something that will be truly informed by our humility, our knowledge holders and expertise in that space. And really proud of that piece of work and also proud of Recommendation 33.4 where we've designed an intensive social and emotional wellbeing model for 0211. And I think that both of those pieces of work, the strength in that is the process and the centring and honouring of Aboriginal and Torres Strait Islanders' experiences and knowledge, and how that looked.

And I think that when we challenge the system and when we work truly in a self-determining way, the outcomes are different. So for Recommendation 33.4 if we didn't challenge the system, if we didn't, you know, push those boundaries of self-determination then we would have designed a subacute facility for zero to 11s. But being able to really challenge that recommendation of what does intensive mean for our communities, what do we mean when we talk about family-centred, we actually have designed a model which referred to as "the nest".

But it's a multidimensional model of all levels of being able to support families and provide services to them when they need it and where they need it, which is very, very different and that's the beauty of self-determination. And that was difficult but that's the road ahead for us, of being able to truly let go of the power and control, so to speak, and having trust in us as Aboriginal people to know what's best for us as Aboriginal people.

MS FITZGERALD: It also sounds as though part of the process, one part is the State letting go of power and control and the second part is removing that idea for ACCOs, removing the idea they need to be allowed to do things, that obviously both parties - yes. You were talking about the partnership, and I think it's a Minister for Mental Health's statement indicates in her statement that decision-making under the partnership is by consensus and one of the questions I was going to ask her and I will ask you is what happens if you disagree? What does "consensus" mean in the partnership and how has that been worked through?

MS SHEREE LOWE: The partnership has been tested a lot in investment into even the centre. So I've been at VACCHO for three years and walked into a role where there was no funded money. There was allocated money, but money that hadn't been released because we hadn't met the Department's expectation of inclusion and how were we going to be inclusive. But that was never communicated to us. And so right from the get-go that we, from my experience, so in these three years they've been challenging aspects along the way.

But from a decision-making process, we haven't yet had a non-consensus because I think there's a lot of work that goes into leading up to creating consensus and that is centred around a lot of negotiating, right. So it's not necessarily getting to that table and saying, "This is my firm view, this is my firm view" and, you know, in the situation, in Aboriginal affairs which is kind of quite common we are sitting at the table, negotiating and sitting there making decisions around, "Okay, what am I comfortable in letting go to kind of get to this next bit?" And you will see that in Treaty negotiations, Native Title negotiations, Traditional Owner settlement negotiations, MOUs, all of those types of things that we are constantly on a day-to-day basis, negotiating our cultural values to be able to fit into a western world.

But we have generational strength as Graham and Aunty Nellie have spoken about in that we being here is not coincidental. We being here is off the hard work of our Elders who have created this space at this point in time. It didn't just magically happen. There's been generations of hard work, laying the seeds, building the relationships with government to be able to get to this point, to have conversations that we're having now. And it's far from a perfect model.

But in this instance for us, that partnership is a good model in going forward and I think there's essence and ingredients to good models of negotiation and it is very much centred around trust. And that's probably the thing that kind of creates this

balance, because of that historic intergenerational trauma of, you know, historically and contemporary trusting in government systems that have never, ever done right by our people, is hard work. It is hard work. And so leaning into that space on a day-to-day basis, you're constantly checking yourself to make sure that you're not being taken for a ride, that where is the trip-up.

So sometimes we are in this situation when things are good and things are working well, you kind of start to doubt yourself, right, because it's like where's the catch? Where are we going to get tripped up? And that's not great. But I think in whole for the partnership we are beneficial in that that consensus, you know, disagreement hasn't occurred when it comes to decision-making. But there have been things along the way that we have needed to test, we have needed to kind of work through and we're grateful that we've got good allies in being able to have those conversations. Because we know that that didn't transpire across other relationships and, you know, experiences that people have with other government spaces.

MS FITZGERALD: Thank you.

Commissioners, those were all the questions I have, if there are any more questions from you? Anyone else?

COMMISSIONER HUNTER: I'm going to get in trouble, my microphone is not on. Did you have anything that you wanted to say Graham before we finish?

DR GRAHAM GEE: I did, as, I've got to find my - I do want to make a couple of just a concluding statements, if I can find my notes where I wrote it down. Please bear with me, Commissioner.

MS SHEREE LOWE: I think while Graham finds his notes, I think something that hasn't come through today which I think is really important is that the social and emotional wellbeing framework is really important and currently in our mental health system it isn't seen, it isn't weighted and given the same level of value as the clinical western approach, and we see that. Yesterday we had our Aboriginal Health and Wellbeing Partnership Forum and there were, you know, a hand - in the 20 minutes of talking about that specific agenda item, there was a handful of examples of where value placed on Aboriginal knowledge; ways of knowing, being and doing, was very much seen as this, you know, those cultural aspects that can be an add on, those cultural aspects that are, you know, light and fluffy, how could they provide a solid care, treatment and support kind of plan and that's something that really needs to change. That understanding and looking really needs to change.

DR GRAHAM GEE: Yeah, and I think I would add to that in part of my conclusion. I think that's one of the things. It's no surprise that things have gone so well in the process that Sheree is leading. I've been privileged to be a part of it. Because they're taking time and in relationship in spending the time needed to

develop it properly, you know, not in some kind of three, six months burst. But actually working through things slowly. That has been my experience of that.

And I think that Sheree is right, it's going to demand a whole new way of tracking healing outcomes, for example, for our people that won't work in electronic health care systems like IRIS or Communicare, they are not built for that. So we've got to, I think, be creative and brave and we will be, VACCHO is leading the way with that to develop new types of ways of tracking cultural outcomes and what have you. And it just has to look completely different to the mental health indicators.

The risk is that we fall into that and replicate that, and that just doesn't work and it's not what's needed. We have got to really take on board and truly build new Aboriginal models of care. And coming from that psychological profession, that's what I wanted just for the record. And if I could state for you, for the Commissioners, is that I would love to see the Yoorrook Justice Commission be able to advocate for the fact that the mental health difficulties we are witnessing in our communities are linked to the impacts of colonisation and trying to solve those issues within a conventional mental health lens. Are the current fragmented mental health system, it just won't work.

We have to provide greater funding and resources to Koori services and organisations and use the blessings of our Elders and community leaders and champions. There is such power in drawing on the strength and knowledge and support of our Elders, and utilise our own cultural approaches to designing healing responses and Aboriginal models of care. We have to privilege, the lived experience of Victorian Aboriginal people who have a firsthand understanding of what works and what doesn't in terms of designing those models of care.

I mean that's about genuinely supporting and restoring Victorian Aboriginal sovereignty in practical and meaningful ways, not symbolically and that means that government is going to have to shift power, resources and decision-making to Aboriginal services in the community at a local level if they really want to improve mental health and social and emotional wellbeing.

COMMISSIONER HUNTER: Thank you.

MS FITZGERALD: Commissioners, if that's all, we might have a short break before our last session.

COMMISSIONER HUNTER: I just want to thank you all for your time, patience and preparing for today. So, thank you so much and for the work that you are currently doing, all of you. Thank you.

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MS MCLEOD SC: Can I offer my Acknowledgement to Country and thank you, Commissioner Hunter, for your Welcome, which allows us to conduct our business today safely in this place.

As we return to the issue of family violence which can be challenging for many following this Commission, I remind those listening to reach out to their networks and various helplines if they need assistance.

Commissioners, we welcome Antoinette Gentile and Anne Lenton from Djirra this afternoon. The submission of Djirra was submitted earlier and covers a number of topics, the NUT.0001. 0411.0003. It's dated 24 February.

So perhaps can I start with you, Antoinette, would you state your full name for the Commissioner?

MS ANTOINETTE GENTILE: Yes, my name is Antoinette Louisa Gentile.

MS MCLEOD SC: And, Antoinette, you are the acting CEO of Djirra?

MS ANTOINETTE GENTILE: Yes, that's right.

MS MCLEOD SC: Do you undertake to give truthful evidence to the Commission today?

MS ANTOINETTE GENTILE: Yes, I do.

MS MCLEOD SC: And, Anne, would you state your full name, please?

MS ANNE LENTON: Anne Lenton.

MS MCLEOD SC: And you are the director of legal services for Djirra?

MS ANNE LENTON: Yes.

MS MCLEOD SC: Do you undertake to give truthful evidence to the Commission today?

MS ANNE LENTON: Yes.

MS MCLEOD SC: I understand, Antoinette, you would like to make an opening statement?

MS ANTOINETTE GENTILE: Yes, I would, thank you. Thank you, Commissioners. Firstly, I would like to acknowledge the Wurundjeri people of the Kulin nation as the Traditional Owners of the Land we are meeting on here today. I want to pay my deepest respects to the Elders past and present and

I acknowledge their connection to Country and role in caring for and maintaining Country for tens of thousands of years. I acknowledge all other Aboriginal and Torres Strait Islander people present here today as well as those who are watching online.

I also want to acknowledge all the Aboriginal women and children across this country who have been murdered, seriously injured or are missing because of family violence, systemic violence and racism. As you already heard, my name is Antoinette Gentile and I belong to the Wollithiga people of the Yorta Yorta nations. I'm deputy CEO at Djirra, however, I'm currently acting CEO and I've been at Djirra for four years.

Prior to commencing at Djirra, I worked in the Department of Justice and Community Safety for almost 20 years. I held several positions during that time including Director of the Koori Justice Unit. I've also been the CEO of the Victorian Aboriginal Legal Service and that was many many years ago. I represent Djirra as the CEOs delegate on many forums and committees, including (indistinct) Koori caucus, Aboriginal Justice Forum, Dhelk Dja Aboriginal Partnership Forum, Aboriginal Strategic Governance Forum and many, many, many more that exist.

I would also like to especially acknowledge all the Commissioners, especially our Aboriginal Commissioners. I know that you have heard countless stories of truth from our people about the impact of the injustices that government systems and processes have had our generations of people. As Aboriginal people, we carry the cultural load every day in our lives and in our work. The load you carry as Commissioners is immense and the responsibility you feel to ensure our people's stories are heard will stay with you forever. You have been, and I know that will you continue to be, courageous and bold in your efforts to bring about real change not only for this generation, but for the generations to come.

I want to thank the Commission for inviting Djirra to speak today on such critical issues impacting the lives of our people. I would also like to note the apology of Antoinette Braybrook who is the CEO of Djirra who is currently on leave, but she has appeared before you previously. With me today is Anne Lenton, Djirra's Director of Legal Services. Anne is a member of the Victorian Legal Aid Child Protection Panel and has previously held the role of lawyer in Djirra's Prison Support Program and managing lawyer. Anne has extensive experience and knowledge of the issues impacting our women. She has been with Djirra for over 13 years.

As you would know, Djirra is a specialist Aboriginal Community Controlled Organisation with over 22 years' experience working on the frontline of Aboriginal women and children's safety. Djirra provides holistic, culturally safe, legal and non-legal support to Aboriginal people experiencing family violence across Victoria. Around 98 per cent are women and children.

Our legal work is in four key areas of law; child protection, family law, family violence orders and victims of crime. We provide individual support services including case management, counselling, drug and alcohol services, and support through our Koori Women's Place. And I know you've heard about our signature early intervention programs such as Sisters Day Out, Dillybag and Young Luv which focus on building our women and young girls' resilience to reduce male violence and system violence. We also provide legal case management and early intervention services to our women at Dame Phyllis Frost Centre and at Tarrengower.

The evidence I give today will focus on the work Djirra does with Aboriginal women and their children experiencing family violence. It will also build on the evidence that Antoinette and Anne gave to Yoorrook's child protection and criminal justice hearings in December 2022. We wouldn't be able to give this evidence if it wasn't for the dedicated staff that work at Djirra and the courageous women who entrust their lives and their stories to us.

Family violence is much more than physical and sexual abuse. It includes emotional and psychological abuse, coercive control, financial abuse and increasingly technology facilitated abuse. Family violence impacts every aspect of Aboriginal women's lives. It is the leading cause of homelessness for Aboriginal women and children, the key driver for removing children from their mothers, families and communities, and a primary cause of harm and criminalisation of Aboriginal women.

We need to change the narrative on so-called “Aboriginal family violence”. The assumption that Aboriginal family violence is a community problem is false. It is a gendered issue. In Victoria, for example, the Crime Statistics Agency which is based on Victoria Police data states that Aboriginal men commit 60 per cent of the violence against our women. This is not Djirra's experience. In Djirra's experience we know that more than 90 per cent of family and sexual violence goes unreported.

We also know that two out of three women accessing our legal service and 72 per cent of women accessing our individual support service had a non-Aboriginal male partner in 2023. These men have often had little or no prior contact with the criminal justice or child protection systems and so they're not counted in much of the official family violence data. When women disclose this violence to our front-line workers, it is often the first time they have felt comfortable or safe enough to tell their story.

When Aboriginal women go to police or other services seeking help, they are often misidentified as the perpetrators of violence. In a recent review of Djirra's case work we found that at least 24 per cent of the women we supported in 2023 had been misidentified as perpetrators of violence by police. Misidentification leads to criminalisation, incarceration and it is a major contributor to the removal of our children.

Violence in the home is a major risk factor for child protection involvement and Aboriginal child removal. Djirra has supported women who have reported violence to police only to be issued with a warrant for their arrest and this is often over poverty related offending such as unpaid fines. This catch-22 situation prevents Aboriginal women from reporting family violence, or intervention order breaches, which then leads to Aboriginal women being unsafe.

When police misidentify our women and apply for intervention orders against them this is often not resolved until a contested hearing, which can sometimes take up to 12 to 18 months. This is extremely distressing for our women and by the time the matter has been resolved the damage, which can include loss of children, housing, or employment, has already been done. Misidentification is an urgent and complex issue with serious consequences and impacts on our women. Djirra is currently working with the centre for innovative justice to conduct a research project, which will develop an evidence base and make recommendations for systemic reform to prevent misidentification.

We know that current government policies and programs supporting Aboriginal women are not working. Family violence reports in this state have increased 23 per cent since 2017. During this period, demand for Djirra's services has also increased. In just the last year, demand for our services grew by 33 per cent, compared with the previous 12 months. While the first quarter of 2024 saw a further 22 per cent increase in demand.

Despite this, the government continues to invest in more police and more prisons, and not in what we know works. There's a growing recognition across the country of the need to do more about serial perpetrators of family and sexual violence against our women. Djirra's individual support services recently supported a woman whose perpetrator had been listed as the respondent in 17 prior family violence intervention orders that protected six different women.

Djirra's legal service recently conducted a review of 360 client files, predictably this review found for all 360 women their perpetrators were men. What was shocking though was the realisation that of these men, four were listed as the perpetrator in files relating to six separate women and a further three were listed as the perpetrator in files relating to five separate women. As this was only an internal Djirra file review, these numbers do not take into account potential additional victim survivors of these men who are not clients of Djirra.

More needs to be understood about the increased risk and vulnerability of Aboriginal women in circumstances where men have perpetrated violence before. According to official data in 2022-'23, 14 Aboriginal women were killed in Australia, three of them under the age of 18. As the Senate Inquiry Into Murdered and Missing First Nations Women is discovering, the true numbers are likely to be much higher.

Family violence is the largest avoidable risk for preventable illness, disability, and death for women aged 15 to 44. In the 2013 Koori Prisoner Mental Health and Cognitive Function Study, 92.3 per cent of Aboriginal women had received a lifetime diagnosis of mental health, with nearly three-quarters of these women reporting that they had been victims of child abuse, mostly sexual abuse and 78 per cent reporting they were victims of violence as an adult.

From the work of Djirra's Prisoner Support Program, we know that for women in custody, closer to 90 per cent-plus of women have experienced family and/or sexual abuse. The health impacts of family violence for Aboriginal women are well documented, but one area that has been particularly neglected by policy makers is head injury. Nationally, Aboriginal women are 69 times more likely to be hospitalised with head injuries from assault than non-Aboriginal women.

Between 2006 and 2016, in Victoria, 54 per cent of family violence related admissions to hospital and 42 per cent of family violence related presentations to emergency departments were by people who identified as Aboriginal and who suffered from a head injury. Non-fatal strangulation can also lead to brain injury, with Aboriginal women, 70 per cent more likely to experience an acquired brain injury than non-Aboriginal women.

It's difficult to quantify the percentage of our women who have an ABI as this is often something that women do not disclose or are not aware that they have, because it's undiagnosed and untreated. Aboriginal women with cognitive impairments face unique barriers to getting the support they need and are disproportionately impacted by poor system responses. Even so-called minor head injuries can make decision-making difficult and complex bureaucratic legal processes hard to navigate.

Further, a woman's brain injury can mimic the presentation of someone who is drug affected or they can be seen as being difficult or uncooperative. If these symptoms are judged falsely by ignorant and racist individuals or systems women risk losing their children, exploitation, family and sexual violence, misidentification and criminalisation.

Aboriginal women are at significant risk of lifelong brain injury from family violence, yet we do not have standardised screening for acquired brain injuries. This was a key recommendation of the 2017 study commissioned by the Department of Families, Fairness and Housing but it has not been implemented. We call on Yoorrook to recommend standardised culturally screening for acquired brain injuries for Aboriginal people experiencing family and sexual violence in health settings as a priority.

In Djirra's experience it is often difficult and expensive for Aboriginal women to secure the diagnosis and assessments required to access the NDIS scheme. Many Aboriginal women need advocates to help them through a complex system. In Djirra's experience, accessing NDIS is a particular problem for Aboriginal women

in prison and in insecure housing. Child removal has devastating effects on the health of women.

In Victoria Aboriginal children are 17 times more likely to be removed from their mum's than non-Aboriginal children, and are 22 times more likely to be in out-of-home care than non-Aboriginal children. These figures are nearly double the national average and amongst the worst in Australia. Racism in Australian society is nothing new, but some of the Aboriginal women we support have disclosed an increase in their experience and their children's experience of racism, discrimination and violence since the 'No' result of The Voice referendum.

All of Djirra's regional offices are located in electorates that voted 'No'. Our staff and women, especially in regional Victoria, need more support and assistance, yet the largest gaps in culturally safe housing, health and education provision are in responsible Victoria. Racism in schools is an ongoing problem for Djirra's clients and it increased in the lead-up to and since The Voice referendum. Our frontline services assisted clients to develop safety plans with their children to attend school following the referendum outcome. Aboriginal children do not feel safe in classrooms where teachers and classmates are openly admitting they, and their parents, voted no.

I can't tell you how many times I've been at an Aboriginal Justice Forum over the past 24 years and heard from Aboriginal community members about the unacceptable racist and discriminatory behaviour being inflicted upon our children, not only by other students at the school, but by the teachers and principals. What inevitably happens is that our children react and are deemed to be the problem. They are then excluded from attending school and placed at high risk of removal from their family.

As well as the mental health and wellbeing impacts on Aboriginal children and young people, racism is a known risk factor for disengagement and youth offending. At a minimum, we need each school to develop, implement and report progress on an anti-racism plan. These plans must publicly be available and each school's responses to racism must be open to independent assessment.

There's ample evidence that Aboriginal community controlled programs work and we heard - we've heard this from the previous, Sheree and lots of other Aboriginal members who have sat here as well. As Djirra is the only state-wide specialist family violence service in Victoria, we know what is needed to keep our women safe. We know that when mums get early access to legal advice and support, the likelihood of child removal is reduced. Djirra welcomes the Commission's Recommendations 11 and 12 which support this.

A fundamental aspect of Aboriginal women's self-determination is having a choice about appropriate service, no matter where you live. Djirra's service is state-wide. We provide a unique and holistic service model that spans a continuum from prevention and early intervention, through to response and recovery. Cultural

connectedness and support are essential for recovery for Aboriginal women and children who experience family violence and harm. Our community engagement services are available for women on an ongoing basis, whether they choose to drop into our Koori Women's Place or attend scheduled programs and workshops, either in person or remotely.

These spaces and activities create a safe environment for women to share their experiences with other Aboriginal women and Djirra's Aboriginal staff. Djirra's early intervention and prevention programs focus on building trust and confidence, and promoting cultural connection for Aboriginal women. Our Young Luv program, for example, equips our young women with the know-how to challenge unhealthy relationships and to apply positive and safe behaviours.

Currently, this program reaches less than five per cent of young Aboriginal women in Victoria. All Aboriginal girls and young women should be able to access this program. As previously raised, there are some areas in Victoria where our women have limited or no access to holistic, culturally safe services. Djirra has developed a business plan for regional expansion to address this need and to ensure that no woman, no Aboriginal woman, should have to travel more than 100 kilometres or one hour to access services crucial for their safety. Despite this critical need, Djirra's submission to support our regional expansion in the most recent Victorian State budget was unsuccessful.

Djirra will continue to advocate for the Victorian Government to fund this important initiative. We also need the Victorian Government, along with other partners, to invest in the first ever Aboriginal women's centre in Victoria. Consistent with what Aboriginal women tell us, we need a single, fully integrated centre that offers Aboriginal women access to the most comprehensive suite of culturally safe, Aboriginal women-led services and support. We are finalising a feasibility study with plans to seek funding from a variety of partners, to realise this key strategic priority.

Decades of insufficient and inaccessible public housing has led to especially poor outcomes for Aboriginal people in Victoria. Djirra supports the testimony and the testimony and the recommendations made by Darren Smith, CEO of the Aboriginal Housing Victoria, to the Commission. We know that the Aboriginal population in Victoria will grow to 95,149 by the year 2036. Aboriginal households will grow from around 23,000 to more than 50,000 over the same period.

This means that we will need an additional 5,085 Aboriginal social housing units by 2036, and that's just to maintain the existing levels and not touch on the need for Aboriginal women escaping family violence. Djirra sees this in our work, with 68 per cent of Aboriginal women seeking support from Djirra in 2023 either homeless or in insecure housing. For too many Aboriginal women and children, the lack of safe, stable housing means that risks multiply and compound quickly.

Currently, an Aboriginal woman experiencing family violence in Victoria can stay in a range of temporary accommodations for up to eight years while waiting for social housing. Djirra clients in regional Victoria are often offered tent, caravans, or if they're lucky, motels as the only available accommodation. These forms of accommodation are unsuitable and unsafe, and can lead to child removal, disruption to children's education, or return to an unsafe home.

In Djirra's experience, refuges can be difficult to access and often require women to move away from family, Country and culture which leads to disconnection from support networks such as health care providers and schooling. We know that appropriate safe and secure housing will make a transformational difference for Aboriginal women and children that experience family violence. This needs to include a variety of culturally safe housing options. With stable housing mums and children are safe and are much more likely to engage with relevant supports, children are significantly more likely to stay with their mum, to grow strong in their cultural identity, stay in school and avoid contact with the criminal justice system.

We are tired of hearing and seeing government department representatives attend various forums and committees, including at Yoorrook and say the same things in response to the serious concerns raised by our community. We need you all to step up. Stop responding in government speak and telling us there is no money, there are budget constraints, or we are in a tight fiscal environment. What that tells us, is that the lives of Aboriginal women and their children are not important and they're not valued.

We are tired of seeing our women being killed, seriously injured or missing, whether that be by a person who uses violence or because of failed government systems and processes, which see our women incarcerated and die. We need a new narrative about family violence that makes Aboriginal women and our experiences visible. We need government to listen and hear us. Aboriginal women deserve better.

Governments and systems need to stop counting Aboriginal women through a deficit lens. At Djirra we see our women. We see their strength, their resilience and their courage. This is how we enable self-determined solutions for our women. We need a concerted effort across society to reduce family and sexual violence against Aboriginal women and children. We need to support Aboriginal women who experience violence by providing early, culturally safe, holistic support that connects our women and children to culture and community, helps build resilience and wellbeing, and aids in their recovery and, more importantly, their healing. We need this across the state, and that requires substantial investment in self-determined solutions that work for our women. Thank you.

MS MCLEOD SC: Thank very much, Antoinette.

If the Commissioners please, I acknowledge that the Minister for Prevention of Family Violence, Vicki Ward is joining us this afternoon.

Antoinette, and, Anne, I don't mind who answers these questions as we go. You might want to share the answers, you might want to take turns, you might want to jump in, depending on who is appropriate to answer. So you mentioned in your opening statement the nature of family violence and in this Commission we're talking about family violence encompassing a wide range of interconnected occurrences including physical, emotional, sexual, social spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. And it's appropriate, I take it, that we embrace that breadth of experience of family violence in order to consider the issues that the Commission is considering.

MS ANTOINETTE GENTILE: Absolutely. I think that family violence impacts on every aspect of an Aboriginal woman's life, and her children's life. If you're not safe, if you don't have stable housing, if you can't access the right supports when you absolutely need it, then the implications for our women are just unbelievable. Did you want to say -

MS ANNE LENTON: No, no, no. Just I'd echo that. Yeah.

MS MCLEOD SC: We are also talking about family violence that affects women and girls from a young age, right through to older women. So there's no single group that's isolated by the effects of family violence.

MS ANTOINETTE GENTILE: No, and I think that some of the stories I've heard from our cultural advisor of participation of our Dillybag programs, there are some older or mature women who have never been able to disclose family violence and it comes out in the Dillybag program.

MS MCLEOD SC: And how well are your clients able to recognise the early signs of family violence and the risk of escalation?

MS ANNE LENTON: I think that that also comes - you know our programs like Dillybag and Sisters Day Out with work with community members and also our Young Luv program with younger women to really recognise those red flags and in relationships. But particularly we see through the Young Luv program the greater risk for technology facilitated abuse for younger women and social media. Yeah, no, so that's definitely - I think our data, in particular and I think it's kind of come up in Anne's opening statement around non-Aboriginal perpetrators of family violence as well, in that we do see in our work that women are coming to seek legal advice before police have been involved, before child protection have been involved, seeking that support, you know, at the earliest opportunity and it's thanks to these early intervention programs that are raising that awareness.

MS MCLEOD SC: Yeah. So just so we can understand what are the red flags that are signals of escalation or more serious forms of family violence?

MS ANNE LENTON: Yeah. No, I think it's the controlling behaviours, name-calling, you know, talking down, blaming, and. Yeah I think, you know, controlling who you see, where you are. Yeah.

MS ANTOINETTE GENTILE: Isolating you from your family.

MS ANNE LENTON: And community.

MS ANTOINETTE GENTILE: And community, and also, you know, the - one of the things that I've heard a lot about is that telling them that they're less then, you know, that, "It doesn't matter if you go and tell police about X, Y, Z they will take your kids away from you." So it's that kind of really insidious kind of behaviours that happen, that make a woman feel that in some cases they stay in an unsafe environment.

COMMISSIONER HUNTER: Antoinette, sorry, can I just quickly ask, for an Aboriginal woman specifically to say, "You're going to get your children taken away" it has a lot of meaning, right? Could you just explain that?

MS ANTOINETTE GENTILE: I think and, you know, I was sitting here listening to Sheree talk about the social and emotional wellbeing aspect of Aboriginal people's lives, and the intergenerational trauma. So most of us have grown up with hearing those horrific stories from our parents, our grandparents, our Aunties, our Uncles about, you know, what happened and that children were taken away from their mothers. And I know from my own personal experience that happened to my mother where she had her children, her two sons, my two brothers taken away from her, never to be returned.

So it goes to that intergenerational kind of narrative that happens, that these are the stories that happened and get passed down and they're true. I mean, anybody who sort of thinks that that's just something that used to happen back in the day is not really with it, to be honest, because it's still happening.

COMMISSIONER HUNTER: It's a bit of a reality if someone does use that as a threat.

MS ANTOINETTE GENTILE: Yeah.

MS MCLEOD SC: Is it fair to say the threat of child removal represents something of an existential threat?

MS ANTOINETTE GENTILE: Yes.

MS MCLEOD SC: And I think we can all understand, but just so it's explicit, when you are told you may not leave the house, you may not see these particular friends, you may not spend this money or you're denigrated continuously about how you look or how you act or how you are as a mother or a wife, what does that do to women and their ability to protect themselves from family violence?

MS ANTOINETTE GENTILE: Well, I mean, if you're told that, that many times, you start believing that, that, you know, "Well, I must not be a good mother." You know, and it affects your mental health, and, you know, can lead to all sorts of things happening. But you lose confidence, and you lose your spirit.

MS MCLEOD SC: When women come to you seeking your assistance, I imagine they are at all stages of their response to that behaviour. What are the programs that you're offering that help them to protect themselves or remove themselves from that behaviour?

MS ANNE LENTON: Yeah. So we have our case management services and our legal services, counselling, drug and alcohol services and then obviously our community engagement team with those more early intervention, prevention, those programs. But I think, yeah, what Anne has said there is very true in that women - so much of our work in the legal space is to try and, you know - and across Djirra is to focus on women's strength and resilience and rebuild confidence to say, you know, "You're a good mum", because the systems around or the child protection are saying no, like - and or your partner in a family violence setting is also telling you that.

So we see so much of our work is actually about rebuilding that, you know, like reaffirming the strength that is in women but it's - you know, there's all these other challenges. You've got child protection breathing down your neck, police potentially. You've got - you're struggling with housing. You know, you're struggling to get food on the table. So all of these factors, you know, really contribute to, you know, why a holistic and strength based support like Djirra, why that's required.

MS MCLEOD SC: Yes, Commissioner.

COMMISSIONER NORTH: Your reference now to housing is the very basis of the question I've been wanting to ask you both, and I know this is dreadfully wide and a hard question, but are you able to identify some of the major causes that you see as provoking family violence? And I ask you for this reason that as I was sitting here listening to the evidence about housing and I - and we found that there are like 5,000 families on waiting lists. And I thought to myself, "Well, that's, in a sense an easy fix because it's just money and building".

Whereas complicated, sort of, psychological intergenerational harms, you know, you can't just wave a bank account at it and fix it. But I wondered to what extent family violence could be recognised by that type of easy fix. I take housing as an

example, but you probably have others. I mean, do you see, for instance, housing as a, like a trigger point for escalation into family violence which, if the people had been properly housed would likely not happen?

MS ANNE LENTON: Absolutely and I think with, you know - in particular I think, you know, the narrative and increased press around family violence again, it's really that focus on women having to leave their home, their support network, you know, the children's schools. Like we have got a recent example of, you know, a mother having to move for her own safety to refuge based on - which really disconnected that child from, you know, the VACCA program that the child was involved in, and having to move to escape the violence to, you know, say from Echuca to, you know, to Bendigo. So - but we also see housing come up in misidentification a lot, in that there may be - is that okay?

COMMISSIONER HUNTER: Yeah. No, that's fine.

MS ANNE LENTON: In misidentification particularly in those circumstances where partners have intervention orders against each other. So often we see women are being misidentified, because police will arrive. There had been an incident. Women have been told to leave the home for their safety. And then the police arrive and they say, "There's an order against you, you're not allowed to be at this property." So, you know, that is the most common situation that we see as well in relation to housing and women being misidentified, because women are more vulnerable to homelessness in situations ever family violence. I'm sorry if that was -

MS MCLEOD SC: Commissioner North, can I just urge you to turn your microphone on?

COMMISSIONER NORTH: Sorry about that. Yes. I was rather - what you're talking about is what happens, if you like, after women come to you and the situation has blown up. But what I'm asking about is before that, asking the question about the causes of family violence and as I say it's a big question, but to what extent is the lack of proper housing the thing which sort of creates the environment for family violence?

MS ANNE LENTON: No, absolutely and I think that that's coming back to women not being able to leave or being forced to stay, you know, not being financially able to leave an unsafe relationship. So, you know, and then we see that, you know, regularly, to say, you know, for the safety of their children they're left in this, you know, terrible situation. They either stay in the property or maybe they then risk being, you know, being forced to live in their car or there's no other option. So women are left to remain in a property that is unsafe and in the relationship that's unsafe.

MS MCLEOD SC: So perhaps we can come at it this way: the lack of social supports creates a vulnerability of women to family violence. Is that -

MS ANNE LENTON: Yes. Absolutely.

MS MCLEOD SC: - universally true. And in terms of the causes, it's not the lack of a house that causes perpetrator to commit an act of violence, because family violence is seen across all statuses of the community, isn't it? People who are wealthy and professional and people who are not. It's just for Aboriginal women it is - correct me if I am wrong, that because of the accumulation of these social determinants or low access to services, there is a special vulnerability.

MS ANNE LENTON: Also too with child protection, I think women feel this pressure to say, "Well, will my children be removed if I leave this property?" So, you know, women are, you know, often contacting us, stuck in this loop saying, "Well, what is my choice here? I stay in this unsafe relationship and then people say I'm not acting protectively, or then I go to, you know, have to live in unstable housing or not being able to - which might be away from their schools or, you know, and that support network?"

MS ANTOINETTE GENTILE: If I could just add there, I think as I spoke about in my opening statement, whilst the data shows that, you know, 60 per cent of Aboriginal men perpetrate the violence against our women, we know that it's - that's - from our experience, that is not accurate. I think there's an element of, you know, that racism and colonial sort of attitudes that come through men, that, you know - I think, yeah, I think myself personally, I think that it comes from the history that we've experienced as Aboriginal people and the views and attitudes of behaviour of non-Aboriginal people towards us.

MS MCLEOD SC: Just coming to some of the things you mention in your submissions. You mentioned that 63 women were murdered in 2023, seven of those women were Aboriginal women, which is about a ninth or 11 per cent whereas the percentage of Aboriginal people of the population is about one per cent. So a vast disproportion there. We know that more women will be killed and women and their children will be injured. We know one woman is killed approximately every 10 days, that one in three women experience physical violence since the age of 15 and one in five experience sexual violence.

And you also note that Aboriginal women are 33 times more likely to be hospitalised from family violence than other women. So those statistics from the Australian Institute of Health and Wellbeing make pretty grim reading. Noting that the experience of violence is disproportionate, that the violence is often more severe and that Aboriginal women and children are murdered and disappear at higher rates, what does that tell us about levels of respect for Aboriginal women?

MS ANTOINETTE GENTILE: It says a lot. There isn't - there is - we are not worth it. We're not valued. And I mean that to - for myself, I think that has been a consistent theme throughout - from - since colonisation. You know, our women were taken, you know, from their home, their, you know communities and things

like that, made to work as house maids and things like that. It doesn't matter, you know, whether you get fed or you don't get fed or you get paid or you don't get paid. You know, possibly raped and have children. There's - to me that's showing absolutely no respect for Aboriginal women.

COMMISSIONER HUNTER: Sorry, counsel.

Would you say the violence against women from colonisation is just continuing and it just looks different in different forms this day?

MS ANTOINETTE GENTILE: Yes, I would say that.

COMMISSIONER HUNTER: And do you think if we do the proportion of, I mean I don't have the percentages but of comparing it to the mainstream of non-Aboriginal women, would you say we're at crisis point for Aboriginal women?

MS ANTOINETTE GENTILE: Yes. Look, I think about all the Royal Commissions that we've had about, you know, into deaths in custody, family violence, mental health, and all of this sort of stuff, and I know that we have come some of the way but there's still a really, really long way to go. There absolutely is such a long way to go.

COMMISSIONER HUNTER: I would say you're being very generous. I would say we haven't come very far at all, and our women are still dying.

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER WALTER: In the missing and murdered women inquiry that's going on, it has been identified - do you think police in Victoria take domestic violence allegations made by Aboriginal women in the same, at the same level as they take allegations taken by non-Aboriginal women?

MS ANTOINETTE GENTILE: No, I don't believe that's true. I think that it's easy for - in the cases where Aboriginal women die as a result of, you know, drug overdoses or whatever, that it's easy to apportion the blame on the person, on the women, because of her lifestyle, whether it's because of substance abuse or whatever. And there needs to be, you know, more in-depth investigation into the death of our women in those circumstances.

COMMISSIONER WALTER: So you are indicating that sometimes what looks like as an accidental or a deliberate drug overdose -

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER WALTER: - is not the women herself?

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER WALTER: Is not the person who may have caused that?

MS MCLEOD SC: So I want to come back to the project with the Centre for Innovative Justice in a moment, but just going back to this question of disrespect and what you are arming your clients with to manage escalation of family violence in their daily lives. What do you see works for them in creating protection and safety?

MS ANNE LENTON: No, I think you go first.

MS ANTOINETTE GENTILE: What I was thinking about when you said that is about the programs that we offer, like - and the Koori Women's Place and, you know, those other signature programs that we have. It's where we focus on the strengths of our women and not on all the negatives that people, all the narrative that people keep saying that, "You're not good, you're not a good mum, you're not this, you're not whatever, you can't do it." We focus on the positives about that woman.

And how that happens is through conversations with other Aboriginal women who have potentially experienced similar or the same experiences, and they share their stories. That's what Aboriginal people do: We share our stories. And through mechanisms like that, where women can come together and feel safe, they're in a safe space and there is Aboriginal staff available for them to talk and feel comfortable and trust, because that's really important.

MS MCLEOD SC: So on the flip side of that, isolation and inability to access that connection with other women and sharing stories is a risk factor?

MS ANTOINETTE GENTILE: Yeah.

COMMISSIONER HUNTER: Evidence from Graham Gee who I think you were in the room for and a lot of his work is around the disconnection from culture and community, and also that the protective factors is culture and community. So that would be an added layer for our women when they're being isolated, because they're being isolated from community?

MS ANTOINETTE GENTILE: Yeah.

COMMISSIONER HUNTER: And that the work you do is the reconnection?

MS ANTOINETTE GENTILE: Yeah. Yes, I would agree with that, Commissioner.

MS MCLEOD SC: So we're talking about ways to protect women and have them understand the risk to them in a relationship of family violence, but should the burden be on them to solve family violence?

MS ANNE LENTON: No.

MS MCLEOD SC: So the work needs to be on the other side as well in terms of prevention and intervention for the users of family violence. Correct?

MS ANNE LENTON: Absolutely.

MS MCLEOD SC: Yes. One of the things you note in your submission is the reluctance of Aboriginal women to seek medical advice and supports, and you note accessibility is one factor and another is lack of trust. The Commission has heard evidence around trust in health systems and willingness to engage because of the risks, perceived risks of engaging with health systems. So would you just expand for the Commission on that issue of trust and reluctance to seek medical advice, and how we flip that?

MS ANTOINETTE GENTILE: Look, I've heard of Aboriginal women who don't present - who become pregnant and don't present to a GP until the eleventh hour to have their baby, and I think part of that is if they have a history of substance abuse, there's always that risk that their child will be taken away from them. And I know Anne has many examples where she can talk about, you know, pre-birth notifications and removals, which is absolutely horrific. But you're not likely to go to seek medical attention if you feel that you're going to be judged by, you know, the institution that's in front of you, is like looking you, you know, your substance affected or you're this or you're that, you know. That's not what we need.

And the way that we work as Aboriginal people is that you do have to build trust and confidence, and it might be that sometimes to our Koori Women's Place and other programs that we offer, they won't disclose immediately that, you know, "This has happened to me, that's happened to me", or whatever, until they feel that they are in a safe place, and you do respect them as an Aboriginal woman.

MS MCLEOD SC: Is that particularly the case for older women or is it across all age ranges?

MS ANTOINETTE GENTILE: I think it's across all age ranges.

MS ANNE LENTON: No, I completely agree and also too I think there's been a - we have seen in our work with Orange Doors and, you know, where cooperatives may have taken on the function of child protection, that it is - women do fear. It's challenging that your health service is also, you know, potentially associated with child protection. So, you know, I think, you know, echoing Ant's opening statement in relation to this, this is why services I think like Djirra or like legal

services which are confidential, which is - and the conflict check system, which is why we are seeing women come to seek advice very early on in a matter.

You know, and I think in the last - we did the data this week, and when we compare this calendar year to last calendar year month by month on average we have a 47 per cent increase in new clients despite no increase in funding. But also since the increased focus on family violence in the media, if we compared May this year to May last year, it's 170 per cent increase in new clients.

So I think it's, you know, as Commissioner Hunter said, it's a crisis and, you know, it's, you know, family violence, you know, the disproportionate impacts for Aboriginal and Torres Strait Islander women is significant. And, you know, I think the real focus here - and again we keep coming back to the non-Aboriginal perpetrator data but I think it's just critical to say that, you know, family violence is not an Aboriginal community problem. It is a gendered problem and I think that, you know, for women and men in the system, like it's very - you know, I couldn't say that enough, basically.

COMMISSIONER NORTH: Can I ask about misidentification? This is obviously something primarily that you level against Victoria Police and the MARAM framework is designed in part, isn't it, to answer the problem. I think there was a review reported not long ago and how that framework is working. Can you describe what it said and what you think the outcome is of MARAM in this regard?

MS ANNE LENTON: I can take part of that on notice, because I think I know our expertise in our individual support services team would be better placed to respond to that. But that's - certainly in relation to misidentification, the data that Ant - I think it was about 24 per cent in relation to misidentification and that was picked up in the MARAM assessments of our case management team. So I might take that on notice if that's okay.

COMMISSIONER NORTH: Yes, thank you.

MS MCLEOD SC: Just on that point, VALS gave some evidence yesterday about the police Code of Practice and the points of identification when police attend to work out who's the predominant or dominant aggressor, and how perpetrators can game the system, effectively. And he mentioned a number of the features of that code of conduct including who appears to be -

MS ANTOINETTE GENTILE: The most distressed.

MS MCLEOD SC: - (crosstalk) the historical pattern of violence, and the nature of injuries, for example. And the abuse of that system which is designed to protect victim survivors being used to create further lack of safety or violence against them, including through the court system. So do you have experience with your

clients coming up before the criminal and family law systems with family violence notices, intervention orders where they have been victims of family violence?

MS ANNE LENTON: Yeah. No, and I think, yeah, the predominant aggressor tools and how they're inconsistently applied across, you know, Orange Doors, for example and that's a really, a focus on our work. But, no, I caught part of VALS' testimony yesterday about misidentification and again, I can give a couple of, you know, short case examples where - one example where a woman had rung a lawyer seeking support in the midst of a family violence incident. So she was screaming, asking for support and she said, "Can you please call the police?" and, you know, the lawyer was, you know, thought really quickly on her feet, contacted police. We then knew and this is again the second guessing, we knew what will happen when police get there.

So we rang the station and we said we would like, you know, the ALO to attend and if not a person who's an expert in the family violence team, and in this circumstance our client was arrested despite - and again, it was the example that I've referred to earlier, where it was simply a situation where the intervention order - they had orders against each other, limited orders, and so, you know, that was - that's one example. And another example was -

MS MCLEOD SC: The ALO is the police Aboriginal Liaison Officer?

MS ANNE LENTON: Yeah, that's right. And then another example was a circumstance where, again, police attended a circumstance of violence, you know, an incident at a property and again, because of an intervention order we said that she wasn't to be at that property, but again for reasons of homelessness she was at that property. And she was served with a family safety notice in an ambulance.

MS MCLEOD SC: So can you tell us about the project that you are doing with the Centre For Innovative Justice?

MS ANTOINETTE GENTILE: It's very early in its piece. We've got a project control group set up that comprises membership from Victoria Police, Victorian Legal Aid, courts, and ourselves and VALS. So I know that all those agencies, except courts perhaps, are doing work around what they understand to be misidentification and they've agreed to work with us with Djirra on the development in the research part. So that we've got some evidence base.

MS MCLEOD SC: And is this misidentification of the predominant aggressor one of the things that will be looked at in the project?

MS ANTOINETTE GENTILE: Yes.

MS MCLEOD SC: And how to assist police with the correct identification?

MS ANTOINETTE GENTILE: Yes.

MS MCLEOD SC: And appropriate responses, okay. I wanted to touch briefly on disability and acquired brain injury. You touch on this in your report at page 18 and you set out some pretty shocking statistics there. Aboriginal women experiencing high rates of family violence and associated acquired brain injury, 60 times more likely to be hospitalised with head injury from assault and non-fatal strangulation. So - and you recommend routine screening for acquired brain injury. So would this be at the point of contact with legal and family violence services or where would you recommend that screening be done, at hospitals?

MS ANNE LENTON: Definitely as a health response.

MS MCLEOD SC: Yes.

MS ANNE LENTON: And I think, again, the tension in this is that these assessments are being used against women potentially and in child protection matters and again, that that's something to really be front of mind with anything like this. And, you know, we do see that the misuse of NDIS reports, for example, by child protection when they have not been drafted with that purpose in mind and again, that's a significant issue that is presenting at the moment.

MS MCLEOD SC: So just so I can understand that, somebody who might be drafting an NDIS report is emphasising a disability for the purpose of accessing services, but that then counts against a person in terms of their standing and ability to care for children?

MS ANNE LENTON: Yes.

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER HUNTER: Sorry. As a health response as are you saying and you just pointed out, it needs to be culturally really appropriately sort of assessment that takes everything into account and the fact that Aboriginal women like that can lose their children within the blink of an eye.

MS ANTOINETTE GENTILE: Definitely.

COMMISSIONER HUNTER: The fact that they're targeted in - maybe it might be a brain injury and they're targeted as drug and alcohol, because that's what society knows Aboriginal people to do. So having those health responses is quite critical.

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER HUNTER: I hadn't really thought about this space so you've really - particularly the acquired brain injury and that really concerns me for our women who - we don't live long yourself as it is, and this just adds to that.

MS ANNE LENTON: I think even when we have been preparing say like victims, reports of for VOCAT, for Victims of Crime, it's things that - you know, women might report tinnitus, or those impacts of strangulation and, yeah, I think there's - and I think again without having consistent health care providers or -

COMMISSIONER HUNTER: Safe spaces.

MS ANNE LENTON: - safe spaces to disclose it. No. Exactly.

COMMISSIONER HUNTER: You obviously provide that if that's the first time, you know, particularly for Aboriginal women and may I use the word "dehumanised" consistently that there's isn't, say - the things you - I see how you say, "We really want this but on the other hand we need to be careful" which is really bad in itself having to say that, right.

MS ANNE LENTON: Yes.

COMMISSIONER HUNTER: So these - what you recommend also needs to come with -

MS ANNE LENTON: Be very careful (crosstalk).

COMMISSIONER HUNTER: It needs to be very specific about what and we need to take into account the intergenerational trauma, and the dehumanising and victimisation of Aboriginal women in general. We need to take into account the child protection system, the health system and the criminal justice system. Is that - would I be saying - yeah.

MS ANNE LENTON: (Crosstalk).

MS ANTOINETTE GENTILE: Absolutely.

MS MCLEOD SC: Is the prospect of mandatory reporting, children observing or being themselves the victim of family violence, is that itself a barrier to accessing services for Aboriginal women?

MS ANNE LENTON: Yes. Yeah.

MS MCLEOD SC: So how do we solve that issue where this is a system designed to protect them from family violence as other services being offered, but it ends up compounding their trauma by removing their children.

MS ANNE LENTON: No and I think that that's where again, I think, you know, not to refer to data again, but I think Aboriginal women come to Djirra and legal services because of that confidentiality. You know, I think, you know, there's the answer there to a degree and that is why the investment needs to be - there's not an either/or but as - across the regions, in particular, there needs to be services and specialist family violence legal services placed near Orange Doors to provide women an independent safe space where they can - you know, like you raised, Commissioner Hunter, that kind of, "If I do this, what will happen?" You know, I think lawyers and, you know, play a key role in teasing that out for women, to, you know, do demystifying a system that is already confusing. And also you add to that the trauma and if you have an ABI, like how - in those moments you need an advocate to, you know, yeah, to demystify the system.

MS MCLEOD SC: Just to explore that. The - Djirra can offer that confidentiality for one part, because of the client confidentiality, but also because of legal profession privilege. Correct?

MS ANNE LENTON: Yes.

MS MCLEOD SC: Whereas a health professional who is mandated to report will not have that necessarily, unless a lawyer is present?

MS ANNE LENTON: Yes.

MS MCLEOD SC: Okay. I wanted to ask you about the brutality of the type of offending that leads to head injuries, ABIs and strangulation injuries and just to understand if we can establish some causal features around that. Does that suggest an extreme level of disrespect or does that point to use of drug and alcohol or perpetrator mental health issues or all of it, some of it? What's going on there?

MS ANTOINETTE GENTILE: I think it relates to all of it.

MS ANNE LENTON: Yeah, I think it's difficult to narrow down.

MS MCLEOD SC: Just while you are reflecting that -

MS ANNE LENTON: Yeah, and also too I think it's the - I think the racism and the - and the - and I think the lack of police response, you know, at an early - sorry, I don't know what I'm trying to say here.

COMMISSIONER NORTH: It's getting late.

COMMISSIONER WALTER: (Indistinct) consequences as much. If it's an Aboriginal woman you are less likely to face consequences for harm that you do.

MS ANNE LENTON: Yeah. Thank you. Also I think in the Veronica Nelson inquest, I think as well the reference about the - with how women who use drugs

and alcohol, how they're seen as less than and, you know, and I think it's coming back to what Ant said about how police might investigate a death, it might be seen as just, oh, you know it's an overdose and not properly investigating the circumstances that led to that.

COMMISSIONER HUNTER: Again, the dehumanisation of Aboriginal women, right?

MS ANNE LENTON: Yeah, exactly.

MS MCLEOD SC: And I just wanted to pick up the point you make in your submission about serial offenders, and is this something that's widely known, or does it depend on a service like yourself reviewing your case files to pick this up?

MS ANNE LENTON: Well, I think with the recent - because, you know, I was even shocked like I think - and I think with the recent increased media on family violence, I think that's, you know, how that has been focused on how - are there programs, how can serial perpetrators - you know, if this keeps happening, what is working and the high risk and vulnerability for women if a person has perpetrated before. But also too I think we see that in the call outs as well to properties in that women still being misidentified even though a search of the system would reveal that this person has perpetrated multiple times before and yet women are still misidentified in those circumstances.

MS MCLEOD SC: So is that police not having access to a database that tells them these things or what's the missing piece here?

MS ANNE LENTON: Well, I think it's like what you raised earlier about people gaming the system and, again, dehumanising or the racist response to think that - to believe the narrative of, you know - and I think - can think of a recent case study example where a woman was in a motel and had called for assistance and was hiding. And then when the police came, you know, this apparently charming man said to police that he was the victim despite the woman, so you know, calling for help. And a safety notice was placed against her in her absence.

MS MCLEOD SC: The national plan that's just been produced by Commonwealth and State ministers focuses on these key areas and I just want to read you this list and then see if there's anything missing and your point of view, or if there's anything you want to particularly highlight. So the key areas of focus under the national plan include coercive control; sexual violence and homicide; pornography, particularly on devices which is degrading and pervasive in terms of its sexism; economic abuse; stalking and surveillance. So is there anything missing from that list or anything you want to comment on about the prevalence of those factors and where you see the priorities should be or is it all of them?

MS ANNE LENTON: I think all, but also, I guess, you know, cultural abuse and I think, you know, and again, you know, what Ant has referred to in her opening

statement around, you know, like racism that women experience from their partner.

MS MCLEOD SC: Did you contribute to the work of the national plan? Were you invited to contribute to that work?

MS ANTOINETTE GENTILE: I can't - yes, we were. Sorry. (Crosstalk).

MS MCLEOD SC: Yes, thank you. Thanks, Amy. So we're currently in the midst of the Family Violence Outcomes Framework and that's something I understand you had a contribution to as well in terms of the framing of that, which is a ten year plan and I want to invite you to comment on the key priorities of that, why they matter and what success looks like. So the four domains that reflect long-term outcomes to be achieved through reform are:

> "Family violence and gender inequality are not tolerated."

Well, you have touched on both of those:

> "Victim survivors, vulnerable children and families are safe and supported to recover and thrive."

And you make the point about cultural safety too there:

> "Perpetrators are held accountable, connected and take responsibility for stopping their violence."

We haven't really touched on that from the perpetrator's perspective today, but is there anything you would like to add about that?

MS ANTOINETTE GENTILE: No.

MS MCLEOD SC: Okay. And:

> "Preventing and responding to family violence, noting it's systemic and enduring."

We have talked about that as well. Okay. So you would say those four domains are all appropriate and the emphasis needs to be on those protective intervention measures and also responses that are culturally safe?

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER WALTER: Could I ask this, because it concerned me when I saw it yesterday? I'm worried about the invisibility of Aboriginal women and Aboriginal specific parts within this and I'm just wondering about your views about whether that seeming invisibility in this is made up in other parts of the

report or does the report still marginalise, or the plan still marginalise Aboriginal women?

MS ANNE LENTON: Well, and I think that - no, I think our CEO regularly refers to that. A focus on families and children can make women invisible, and again, it's not an either/or thing. But when the issue is gendered, and I think we often see that when we - even the word "family violence". So it's, you know in our space it's obviously family violence against Aboriginal women and it's at crisis.

COMMISSIONER WALTER: I guess my question is do you think the national plan that's just been released adequately addresses the huge crisis and the specific and unique circumstances that Aboriginal women face from users of family violence?

MS ANTOINETTE GENTILE: Personally, no. I don't - I think what tends to happen is that governments develop these plans and things like that, and yes, we have probably participated in things like that. But there's never the Aboriginal lens over that and our - we don't fit into the mainstream pieces.

COMMISSIONER WALTER: So even though Aboriginal women are much, much more likely to be victims and to suffer more consequences from family violence, the national plan has still marginalised Aboriginal women's experiences. Would that be reasonable statement?

MS ANNE LENTON: And even the recent - and forgive me, Michaela Cronin -

MS MCLEOD SC: The National Commissioner.

MS ANNE LENTON: But there's a recent group convened, yeah, and no Aboriginal women were on that. Sorry, what was it? The national working group. Sorry.

COMMISSIONER WALTER: And no Aboriginal women were on that?

MS ANNE LENTON: No.

COMMISSIONER WALTER: How that can be from a national plan in, when all the statistics are known? It can't be an oversight. They can't say, "We forgot you."

MS ANTOINETTE GENTILE: There was an Aboriginal man represented and no disrespect to him, but I think that's a very large expectation and cultural burden on him to reflect the views and experiences of Aboriginal women.

COMMISSIONER WALTER: But it's totally inappropriate.

MS ANTOINETTE GENTILE: Yes.

COMMISSIONER WALTER: And not only that, insensitive.

MS MCLEOD SC: So if the Commonwealth Government were to respond that they were not attempting to undercut the two mechanisms already in place with this new committee, that is the First Nations plan and the First Nations action plan, which does involve around 22 senior women, do you think that's an appropriate response or should there be cross-fertilisation of the work of those committees?

MS ANTOINETTE GENTILE: Look, I'm not sure about all of this, but what I would say is that governments tend to do things in isolation of each other. So that there's, you know there's great work that goes on in Victoria Police about family violence. There's work that happens in DFFH and justice and all of this kind of stuff, but it from an outside perspective it's not connected. So I can't - I wouldn't be able to answer that confidently except to say that it would seem like it's a bit disconnected.

MS MCLEOD SC: Okay. I just want to touch very briefly because I'm mindful of the time, there are two current inquiries in place to look at data. The first is the Parliament of Victoria Legal and Social Issues Committee seeking submissions on family violence perpetrated data. So that's a parliamentary inquiry and they are looking to acquire data to accurately understand the profile and volume of perpetrators. I take it from what you have said it would be useful to have that Aboriginal lens on that to confirm or otherwise the sort of case studies you're seeing in terms of offending?

MS ANTOINETTE GENTILE: Yes.

MS MCLEOD SC: And then there's the Relationships Australia, Victoria inquiry into mechanisms for capturing data on the profile and volumes of perpetrators of family violence and barriers to achieving a full understanding of this cohort. Similarly, it would be useful for them to have a specific Aboriginal focus in that collection of data?

MS ANNE LENTON: Mm.

MS MCLEOD SC: And finally, just because we have got her in the room, but also because I wanted your reflection, the Premier has made some significant announcements in recent days to respond to family violence and these include programs around gender equity. They include the appointment of the Parliamentary Secretary for Men's Behaviour Change, the review of family violence intervention orders and related actions, and a program announced in Ballarat to saturate anti-family violence awareness with various aims across - to start those conversations around respect and gender equality in all areas of the community in Ballarat. So can I invite - if you are familiar with those announcements, do you have any response to those?

MS ANTOINETTE GENTILE: I am familiar with those announcements. I don't actually have enough information about the saturation model to make any useful comments at this point. I think it's great that there's a men's behaviour change. Is that what the Minister has been appointed?

MS MCLEOD SC: Yes.

MS ANTOINETTE GENTILE: I think that's a great thing because, you know, the majority of the violence against women is from men and not necessarily Aboriginal men. So I think that that's a good initiative. But I would once again say where is the Aboriginal context in this? Where is the Aboriginal lens in all of this? Because as the Commissioner said about, you know, the horrendous rates of our women being killed and assaulted and - where is the Aboriginal lens?

And, you know, I think, and I mean no disrespect whatsoever to any non-Aboriginal people, women, but the things that have happened to Aboriginal women don't get the visibility and the attention that we deserve. And that also tells us, gives us another message from society about where - what society thinks about Aboriginal women.

MS MCLEOD SC: Commissioners, there's a lot more we could talk about but I'm mindful of the time. Do Commissioners have further questions? We note that the submission includes a number of recommendations that cover a lot of areas, but there are five specific to family violence.

And thank you for your time this afternoon.

MS ANTOINETTE GENTILE: Thank you.

Thank you, Commissioners, we are very honoured and privileged to be here today.

COMMISSIONER HUNTER: Thank you for coming. I just like to say thank you for the work you do for our women as well.

I also, people online, if they need to reach out to any of the support numbers, particularly I think it's 13-YARN for our Aboriginal community.

And I didn't at the start of this hearing mention Chair Bourke and Commissioner Lovett, they want to pass on their apologies this afternoon, they will be viewing this via the stream. I just wanted to get that on the record.

MS MCLEOD SC: Could we adjourn now until 9.30 until Monday morning.

COMMISSIONER HUNTER: Yes, thank you.

<THE HEARING ADJOURNED AT 4.37 PM