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TRANSCRIPT OF DAY 10 – PUBLIC HEARING

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

**THURSDAY, 20 JUNE 2024 AT 10.04 AM (AEST)**

**DAY 10**

**HEARING BLOCK 7**

**MS FIONA McLEOD AO SC, Counsel Assisting**  
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<THE HEARING COMMENCED AT 10.04 AM

**CHAIR:** Good morning, welcome to today's hearing of the Yoorrook Justice Commission. Today we continue our inquiry into the historic and ongoing Social Injustice for the Victorian First Peoples, Hearing Block 7. Before we continue I would ask Commissioner Hunter to give a Welcome to Country.

**COMMISSIONER HUNTER:** Thank you, Chair.

10 So I would like to welcome you to my lands, the lands of the Wurundjeri, pay respects to the Elders and ancestors past and present. Acknowledge that today's hearing may be difficult for some and that - feel free to reach out, there is 1300YARN. But it is not an easy topic. Also with the passing down of the Coroner's findings last night. I just want to honour those that have gone before us  
15 at the hands of violence.

Today's discussions will be difficult, started already. But know that Bunjil watches over us, and we honour those who have come before us. But just to reiterate every number we talk about and every statistic we talk about today is a  
20 person, particularly an Aboriginal woman or child and I just want to reiterate that. May Bunjil watch over us as we conduct Aboriginal business. Wominjeka.

Thank you.

25 **CHAIR:** Thank you, Commissioner. Could we have appearances please Counsel?

**MS MCLEOD SC:** Thank you, Chair, this morning I appear with Ms Fitzgerald to assist you.

30 I thank, Commissioner Hunter, for your Welcome to Country and acknowledge we are on the unceded lands of the Wurundjeri people. I offer respects to Elders and ancestors and offer my respect to all First Peoples who are following this hearing and offering their wisdom as we deal with these difficult issues. I especially want  
35 to thank those who work in the family violence space who offer support, shelter and safety to all those affected.

**MS COGLAN:** Thank you, Chair, and Commissioners. I appear with Ms Cafarella for the two witnesses giving evidence today. We have the Minister for the Prevention of Family Violence, Vicki Ward and also the Deputy Secretary of Family Safety Victoria, Dr Melanie Heenan.

40 Thank you, Commissioner Hunter, for your Welcome. We acknowledge that today's hearing is held on the land of the Wurundjeri people, your people. We pay respect to Elders present and past. We acknowledge that sovereignty was never  
45 ceded. We would also like to acknowledge other Aboriginal Elders, we

acknowledge any First Peoples here today, whether it is in person or watching online. Thank you.

**CHAIR:** Thank you.

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**MS MCLEOD SC:** Chair, as has been noted we welcome this morning the Minister for Family Violence and the Deputy Secretary for Family Safety Victoria.

10 So welcome, Minister Ward, and Dr Heenan.

I might start with you, Minister, could you state your full name for the record, please?

15 **THE HON VICKI WARD:** Vicki Yvonne Ward.

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

20 **THE HON VICKI WARD:** I do.

**MS MCLEOD SC:** Dr Heenan, could you state your full name, please?

**DR HEENAN:** Melanie Jane Heenan.

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**MS MCLEOD SC:** Do you also undertake to give truthful evidence to this hearing?

30 For the Commissioners' reference Minister Ward's witness statement, dated 27 March 2024 appears at DFFH.0024.0001.0054 and Dr Heenan's statement dated 27 March 2024 appears at DFFH.0024.0001.0001. So we might just deal with the mechanics first if I may.

35 Starting with you, Minister Ward, you have prepared a witness statement for use in this Commission, and that statement is dated 27 March 2024?

**THE HON VICKI WARD:** Yes.

40 **MS MCLEOD SC:** And is that statement true and correct?

**THE HON VICKI WARD:** Yes.

45 **MS MCLEOD SC:** Dr Heenan, now turning to you, you also prepared a witness statement for the Commission, for the purpose of the Commission with a number of attachments and that witness statement is dated 27 March 2024?

**DR HEENAN:** Yes.

**MS MCLEOD SC:** And is that statement true and correct?

**DR HEENAN:** Yes.

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**MS MCLEOD SC:** I do tender those witness statements, Commissioners, and there is a tender list that I tender at this stage so that those materials can be uploaded to the website now. I do note that the State Counsel haven't had a final opportunity to review that list, but if there are any issues we will work those out through the day.

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**CHAIR:** Thank you, counsel.

**MS MCLEOD SC:** So, Dr Ward, can I start with you - sorry Minister Ward, would you like to make an opening statement?

15

**THE HON VICKI WARD:** Thank you. Thank you for inviting myself and Dr Heenan to be here this morning. I acknowledge the Traditional Owners and custodians of the land on which we are on today where my family and I live, the beautiful Country of the Wurundjeri people of the Kulin nation.

20

I thank you, Commissioner Hunter, noon gudgin, for your Welcome to Country.

I pay my respects to all Elders past and present and all people watching online. I acknowledge the ancestors of all First Peoples to their cultural connection to land, waterways, sea and, air, which stretches back 60,000 years. I acknowledge sovereignty was never ceded. I value the opportunity to connect in community on the lands of the Wurundjeri to all the lands in this state. I have deep gratitude for living where I do. I recognise my fortune and that this fortune rests on the back of colonisation and the harm it has caused to First Nations people. I acknowledge that colonisation has caused injustice to First Peoples, which began with the Sealers who peppered these shores over 200 years ago.

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I recognise the social, economic and political injustice colonisation caused and the intergenerational hurt of colonisation that we see today. I also acknowledge that historically the systems that have been designed to keep women safe from family violence have been marked by discrimination and systemic racism. They have failed to listen to First Peoples women and have failed to keep First Peoples women and children safe.

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They have also too often led to the removal of children and perpetuated the intergenerational trauma that child removal can create. I apologise to First Peoples victim survivors, families and community and those directly affected by family violence. I know that this morning's hearing may be challenging for people here with us as well as those who are watching online. Family violence has such a wide reach. It is in every community. There are so many scars, some are deep and some run just below the surface, and I acknowledge the high number of First

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Peoples women who have violence used against them. And it also needs to be understood that much of this violence is at the hands of men who are not First Nations people.

5 I thank the First Peoples I have met since I became the Minister for the Prevention of Family Violence eight months ago for sharing their stories, insights and knowledge with me. I thank them for their trust and generosity.

10 I thank the Victim Survivor Advisory Counsel, particularly our two First Nations members.

I thank everyone who works in this sector, particularly First People who work deeply and hard to restore First People and their sense of self-respect and connection to culture.

15 I thank everybody who participates in the Dhelk Dja Forum.

20 Finally, I thank the Commissioners for the opportunity for the State to learn further through the Commission's ongoing work and recommendations. I acknowledge the enormous body of work that has been undertaken. The truth and knowledge that has been shared in this room and elsewhere is important and it is precious. I am grateful and humbled to sit here today for the Minister for Prevention of Family Violence and, indeed, as myself to be included in this important truth-telling process into injustices against First Peoples in Victoria.

25 Thank you for allowing me to make that statement and I welcome your questions, which I will answer with purpose and with truth. I know Dr Heenan would also like to acknowledge Country. Thank you.

30 **MS MCLEOD SC:** Please, Dr Heenan.

**DR HEENAN:** So I would like to thank Commissioner Hunter for her Welcome this morning also.

35 It is with the utmost respect that I acknowledge the Traditional Owners of the lands on which this important truth-telling work is being undertaken, the Wurundjeri Woi Wurrung people of the Kulin Nation. I pay my deep respects to their Elders past and present. I extend that respect to Aboriginal Elders of our communities and other First Peoples who are here today and also those who are viewing the live stream. I also want to acknowledge First Peoples colleagues with whom I have the pleasure of working each day. I acknowledge that sovereignty of the lands on which we meet has never been ceded and that this always was and

40 always will be First Peoples' land.

45 **MS MCLEOD SC:** Thank you, both.

Minister, can I start with you? You currently hold the offices of Minister for Prevention of Family Violence and also the Minister for Employment.

**THE HON VICKI WARD:** Correct.

5 **MS MCLEOD SC:** You were appointed to the Minister for the Prevention of Family Violence in 2023?

**THE HON VICKI WARD:** 2023 - yes, October 2023.

10 **MS MCLEOD SC:** So a relatively short time in that role. Prior to that time you have held various other parliamentary positions including as a member of various committees, and you were Parliamentary Secretary for Employment and Industry, for Transport, Infrastructure and Public Transport and for Education.

15 **THE HON VICKI WARD:** Yes.

**MS MCLEOD SC:** So this is your first Ministerial portfolio?

**THE HON VICKI WARD:** Yes.

20 **MS MCLEOD SC:** And can I ask you in a broad sense since your emersion in this topic since October last year do you feel that you have a sufficient grounding in the Ministerial portfolios to give an overview of what is happening in the space to the Commission today?

25 **THE HON VICKI WARD:** I have - I think it is impossible to have a - not impossible. I think it is very difficult to have a deep embedded knowledge of this portfolio, because it is very complex. But I have worked very hard in the eight months that I have had this portfolio to understand it and have as deep and as broad a knowledge of it as I can.

30 **MS MCLEOD SC:** Would you describe to the Commissioners the sort of consultations you have undertaken, the sort of inquiries you have asked your staff to pursue to give you that background grounding in the topics we are talking about today?

35 **THE HON VICKI WARD:** When I commenced the portfolio we had a series of briefings with the Department who would every other week give me a bit of a deep dive - I am sorry. I hate using jargon, but I don't know what else to call it - give me a bit of a deeper overview in terms of the things that have been going on, the things that have brought us up to the point of me taking on the portfolio.

40 We have also looked at reports, we have looked at materials that have been circulated. I have gone out as much as possible into community to talk with people, whether it is at Orange Doors, whether it is people who are delivering services, trying to - I learn by, reading, but I also learn by experience, by talking to other people. So I found the most valuable way of understanding my portfolio is the ongoing conversations I have had since I have had the portfolio.

**MS MCLEOD SC:** Have you - pardon me. Have you had the opportunity yet to speak directly to senior police about their training methods?

5 **THE HON VICKI WARD:** We have had - with the Attorney-General I have had two meetings with Victoria Police just to talk in broad terms around the challenges that we see with the family violence or with family violence generally. And the Attorney-General and I have sought to go out to the Glen Waverley Police Academy to have a look at their training and to have a look at how they are  
10 learning, new cadets are learning about family violence.

So it is embedded - from what I understand it is embedded within the nine-month course that they do and there is a simulation that is part of the unit they do on family violence where they have actors who roleplay and help them kind of  
15 understand a bit of a real-time, real life experience. But I do want to have an understanding of what that looks like, how embedded that learning is across their nine months, rather than being a snapshot. I don't know if it is a snapshot, I don't know how deep it goes and I really want to see it. So we have been waiting for the time in the academy cycle for that moment to be available to us, which I think  
20 is in a few weeks.

**MS MCLEOD SC:** And it might be an obvious question, but why is it important to understand police training and their methods in responding to family violence?

25 **THE HON VICKI WARD:** Because they play such an important role in response in terms of the immediate response when somebody is calling them, or somebody has called them to respond to a family violence incident. It is important because we know that historically there have been and even today, there are challenges with the way that police can respond to a family violence incident and  
30 that is - whether it is misidentification, whether it is responding to understanding the severity of what is going on, understanding people's human reactions within a traumatic situation.

So it is a very complex - it is a very complex response situation that you can find  
35 yourself in and being able to make very quick judgments in a very informed way is very important. And when we have, you know, last year over 94,000 incidents of family violence recorded in our state, and where we have got over 57,000 people using violence in our state in a year, we know that this is core business for Victoria Police. This is something that Victoria Police are called out to regularly  
40 and, you know, the national statistic is that every six minutes there is a call regarding a family violence incident. So they are embedded, if you like, in family violence in the sense that they are being called every six minutes to respond to an incident.

45 **MS MCLEOD SC:** Just to clarify, is it always police or are they sometimes health professionals like ambulance officers attending family violence calls out - callouts?

**THE HON VICKI WARD:** Yeah, it could sometimes be ambulance. I think it depends on the call centre and how the call centre manages it. But I think for the vast majority of time if not always police do have a presence, police - and Dr

5 Heenan will probably have greater depth of knowledge on this, but police need to come to these incidents because you need to start that L17, that reporting process, so that systems can start to begin to respond to this more broadly.

**MS MCLEOD SC:** We will come to the L17, but that is the primary tool used by

10 police responding to a request for attendance -

**THE HON VICKI WARD:** Yes.

**MS MCLEOD SC:** - in response to family violence, a tool they use to measure

15 risk.

**THE HON VICKI WARD:** It is a tool that they measure to - and please correct me if I am going down the wrong path here. It is a measure that they use to record and to understand what has happened in that moment. So it is a snapshot. Would

20 that be how you would describe it? It is a bit of a snapshot of an incident at that particular time and moment that then becomes a part of a broader process of understanding risk and it is really at the multi-agency risk assessment management framework, those tools that Victoria Police have been trained in using, as well as other agencies like Orange Door. That is when you get a deeper understanding,

25 you start to work through the risk.

**MS MCLEOD SC:** The L17 and the multi-agency response tool known as MARAM, they are the primary tools that determine whether a response to a request for attendance in response to family violence goes down a criminal justice

30 path or another pathway?

**THE HON VICKI WARD:** No, I would think that they are quite separate in the sense that the MARAM is more of the social response, and the therapeutic response and the intervention response and the risk assessment response. I don't

35 even know if an L17 - you might know this more - has got a role to play in terms of pursuing justice outcomes.

**DR HEENAN:** Yeah, I can definitely add to that, I guess for L17s, the police are doing a level of risk assessment. It is not precisely a MARAM insofar as a

40 MARAM might be undertaken by a practitioner or might be undertaken by somebody at an Orange Door, for example. But it certainly is a mechanism that risk can be assessed on attendance. But as to whether it goes down a criminal justice pathway it wouldn't generally be at that point that that is being assessed.

45 It would be trying to make a decision about who the predominant aggressor is, who the affected family member is and making sure that there is appropriate referrals and possibly there might be discussion about an intervention order, which



might take the applicant into the court, or Magistrate's Court, I should say, or it might be that the police decide that they are going to initiate an intervention order or an application for an intervention order, but it probably would not happen at that very, very early stage.

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**MS MCLEOD SC:** So principally a tool for capturing information, which might be self-reporting by those that are present when police attend, but can be used in some way in the MARAM risk assessment process?

10 **DR HEENAN:** Yes, I would say an L17 is also the principal tool for referral as well. So once those assessments are made then the Victoria Police's role would be to make sure that the affected family member is getting access to the referrals into supports that they might need, and there might also be some action taken in relation to the person using violence. But the focus would very much be on the  
15 safety and risk at that stage for the victim survivor.

**MS MCLEOD SC:** I skipped over - sorry, Commissioner.

20 **COMMISSIONER HUNTER:** Sorry. Can I just ask, with the L17 you are talking about referrals, would I be correct in saying when that happens it automatically would go to a referral process, or would it be - what is that process?

25 **DR HEENAN:** It would generally go to the Orange Door. So as the - now the statewide entry pathway for family violence. So it would generally be a referral to the Orange Door. It could be that there is - if it's after hours, so on a weekend, for example, it could be that the L17 goes through to Safe Steps, which is the 24/7 crisis support service. So it is possible there would be interactions between the L17s and that 24/7 crisis response service. But thereafter it would generally be referrals to the Orange Door to do that initial screening and intake and assessment  
30 in relation to -

**COMMISSIONER HUNTER:** That is automatic that it goes through?

35 **DR HEENAN:** Yes, you can see it as a trigger point. So wherever a service is available, whether it is Safe Steps or the Orange Door, the L17 is a trigger to then reach out to the victim survivor as well as to the person who has used violence.

40 **MS MCLEOD SC:** Dr Heenan, I skipped this and I didn't want to. You yourself have spent more than 30 years immersed in this space of family violence and related topics, correct?

**DR HEENAN:** Correct.

45 **MS MCLEOD SC:** And you commenced the role as Deputy Secretary in September of last year, nevertheless your work has involved, as you set out in your witness statement, a number of important posts and discussions including Victorian Law Reform Commission, the Australian Centre for Study of Sexual

Assault, the manager of Respect and Responsibility, the manager of Preventing Violence Against Women, Executive Director of the Court Network who provide services to those attending court, and victims services - Executive Director of Victim Services Support and Reform for The Department of Justice and Community Safety, correct? And so you are well placed within the Department to lead the government's response to family violence, I suggest.

**DR HEENAN:** Yes, I would agree with that, and in my current role to oversight the current system that supports responses to family violence and its prevention.

**MS MCLEOD SC:** Just in terms of the timing, were you working within government at the time of the Royal Commission?

**DR HEENAN:** I was not.

**MS MCLEOD SC:** Have part of your duties been to review the recommendations of the Royal Commission and to assess the efficacy of the government's response to that Royal Commission?

**DR HEENAN:** It has, to the extent that being in this role for the past nine months, so yes, in terms of understanding the implementation of those recommendations, perhaps not recommendation by recommendation, but I would have a good sense of the progress with the implementation of those 227 recommendations. I would also add, Ms McLeod, that I was - was a witness at the Royal Commission when I was in the role of CEO of Court Network. So I guess I had a very good sense of the Royal Commission's work.

**MS MCLEOD SC:** I don't mean to spring this on you, but would you have any issue with us checking your - obtaining your evidence to the Royal Commission and using that evidence in this Commission as well?

**DR HEENAN:** I would not.

**MS MCLEOD SC:** Sorry to spring that on you. The - can you say in a general sense, looking at the Royal Commission and where we have come so far, can you offer us your impression of the work - the success of the work to date? We have heard recent critiques in the media of the work and where it has been failing. The Commissioners heard evidence about gaps and the unacceptable numbers of incidents of family violence against First Nations women and the Minister just referred to 57,000 people using family violence in the state. So how successful has it been in a broad sense from your perspective and where are the gaps?

**DR HEENAN:** Thanks, Ms McLeod. I would certainly want to start by acknowledging the evidence that has been given and the submissions that I have read and recognise that there are still significant limitations and gaps in the system. That said, I would say there has been an incredible change on the back of the reforms that were recommended by the Royal Commission. It was, I think, the

first time in Victoria that we had had the level of all the Victorian Government focus obviously on something as important as family violence.

5 I think it came in the context of a watershed moment in many ways, with the death of Luke Batty, but also I think with just what was becoming this recognition across the community of the prevalence of family violence. So in terms of the Commission's work being able to centre a community understanding of family violence, I think that has been held. I think there has been a certain benchmark almost that has been achieved across community in understanding family violence  
10 is a critical issue, critical community issue and a social justice issue.

But in terms of what it has meant for the system, the fact that we have some of the - I think some people refer to it as "game-changing", I am not sure if I am aligned with that language, but something to that effect when we look at the fact  
15 that we now have Orange Doors across the state, which was really a flagship recommendation from the Royal Commission to do things differently in relation to providing victim survivors including children and young people and families where there were wellbeing concerns that entry point into a system, into a non-statutory system where their risk and safety and needs could be assessed  
20 across the state through those Orange Door networks. That was probably the panacea I guess, of the recommendations, having that kind of infrastructure, brand-new service infrastructure.

A couple of the other real standouts coming into this position that have been  
25 incredibly innovative have been things like MARAM result. I think MARAM is a mechanism that is now recognised and providing a shared language for assessing risk and managing risk across, you know, what is now I think up to 6,000 different organisations who are prescribed to align their policies and procedures with MARAM. And that's not solely in respect of family violence services, but across  
30 mental health and justice and education.

So I think MARAM has been one of those drivers of change and common understanding in risk and risk management being incredibly important for us all to understand and be able to act on. Information sharing has been part of that as  
35 well, sharing information where we would not have done that before in the same ways. Legislation that has helped us to drive that.

Perhaps the final thing as a callout would be the Central Information Point, the CIP, which is a system that allows the Orange Door, for example, Risk  
40 Assessment and Management Panels otherwise known as RAMPS and the two statewide peaks through Safe Steps and No to Violence or (inaudible) service, I should say, to be able to get additional risk related information about people who use violence.

45 So that is where we have got platforms that are now talking to each other across Magistrates' Court Victoria, Corrections, Child Protection Services themselves in being able to - I'm forgetting - and Victoria Police importantly. So those four very

different platforms of data and of collecting information about risk having been able to compile a single report about a person using violence's risk and to be able to relay that back to a practitioner. What we know about practitioners is something like 78 per cent I think of them will adjust their risk rating having had access to the CIP report. So that was an incredibly important change for the system.

**MS MCLEOD SC:** When was that change implemented?

10 **DR HEENAN:** Well, CIP was a - a CIP-like function was a recommendation of the Royal Commission. I think it was established in - look, I would be guessing, I know it is either 2019 or 2020.

15 **MS MCLEOD SC:** The family violence - the Royal Commission reported in 2016. This was a step that was taken two or three years later perhaps -

20 **DR HEENAN:** It was, Ms McLeod, but it was a very, very complex system to build. So the infrastructure - and I mean technologically the infrastructure was complex and it is years ago, like in the world of technology it is years ago in that sense. So it was a very tricky undertaking when you think about those four areas. Vic Pol, Corrections, they will always have a reticence of sharing data or having platforms that can speak to each other, not because they think that might be helpful but the risk, I guess of exposure or systems not being tightly enough contained and regulated.

25 So to have all of that work done, the consultation work done, the assurances done, all of the legislative change - I think there was legislative change around it as well to enable that platform to be built. It does offer a bit of a blueprint and I know the Minister's been talking about it at the Commonwealth level too just about the absence opportunity that CIP-like functions can offers the rest of the country.

30 **COMMISSIONER WALTER:** Can I ask, Dr Heenan, you talked about MARAM. Can you - just for the benefit of the Commissioners, can you explain more about what MARAM is?

35 **DR HEENAN:** Yes, absolutely, Commissioner. So MARAM is the multi-agency risk management tool or program of work, I should say. The design of it was building on some work that had been done a number of years ago, actually. We'd be going well back, more than 10 years ago now to what was the Common Risk Assessment Framework or CRAF. That was the first time in this state at least that particularly specialist family violence workers but not solely, police as well were starting to talk about sharing information and sharing our understanding of risk and just - and talking together about whether or not you could form a view about

45 It was particularly focused on lethal violence. So the idea of CRAF, the idea of MARAM are is fundamentally trying to get ahead of victim survivors being killed.

So MARAM has become a huge body of work. It is got a number of different facets to it, I guess in terms of foundational - foundational skills. It has got guidance for all different types of workforces, I guess those who are working squarely in the family violence space, those who may come across family violence in the work they are doing, perhaps not squarely in family violence but where family violence issues may present. And even for universal services there is guidance in relation to identifying family violence and being able to, perhaps not assess and manage risk but, be alert to risk and possibly information share if they need to.

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**COMMISSIONER WALTER:** Can you just outline for me just briefly, because we will probably come back to this, I know we will certainly when we talk about cultural safety and Orange Door, what are the specific parts of MARAM that address the very unique and very - higher threat of violence to First Peoples women?

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**DR HEENAN:** Yes. Thank you for that question. I think some of the foundational guidelines or foundational knowledge that was developed had the great benefit of input from specialist family violence ACCOs who were able to talk about what should be in that foundational knowledge for the workforce to learn about -

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**COMMISSIONER WALTER:** Is it there?

**DR HEENAN:** It is. To be absolutely transparent with you though, that - there has been improvements on that front over time. So with MARAM's foundational skills even written into MARAM is that it must be continuously improved. It has been just through a five-year evidence review recently, the whole program including the foundational guidance, and there are some very helpful recommendations in that context.

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But we still haven't been able to adequately or accurately represent lateral violence and some other concepts that Aboriginal Community-Controlled Organisations are saying are not the quite language yet. They are wanting to test with practitioners language over time that will be far more helpful and we certainly have had really strong partnerships with particularly ACCOs over the life of the MARAM. I can keep going, because it is such -

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**COMMISSIONER WALTER:** I've just got one final small thing and we probably will get back to it.

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**DR HEENAN:** Of course.

**COMMISSIONER WALTER:** We have heard of course that Aboriginal women are far more likely to be misidentified as perpetrators rather than victims. How does MARAM address that risk and actually undo some of the very incredibly harmful practices?

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**DR HEENAN:** Yes, they've had very specific guidance that it has been developing to ensure that there is far greater opportunity to be alert to where the victim survivor may have been misidentified as the user of violence and that has come with particular support from specialist family violence workers in the - Aboriginal specialist violence workers in the men's perpetrator or people using violence space.

They've been able to - there is a particular provider who has tracked the course of the development of that guidance with us and enabled us to be together, testing some of the concepts, with practitioners literally being able to use some of that work with people that they are working with. So we are very alert to this problem and that it is a systemic one. And the tool is one tool, but it is an important tool because it is often used early on in the process.

So Orange Door staff, for example, are getting very special training, all of the Orange Door staff in relation to using that guidance, so that very soon into their opportunity to speak to the client if it is an Aboriginal client or a First Peoples client they will start to use that tool, knowing that it is possible if that person has been identified as a respondent that they may well be a victim survivor.

**THE HON VICKI WARD:** Having said that there are Aboriginal practice leads and Aboriginal response teams that are in Orange Doors as well. So it is more likely a person presenting to the Orange Door would be seen by an Aboriginal response team who would also have that cultural lens of well and truly understanding misidentification could be a possibility here.

**MS MCLEOD SC:** Can I just go back a step to explore something you said about the understanding about the prevalence of family violence and the connection to the death of Luke Batty? In both your statements you point to the impact of our colonial history and dispossession of First Peoples, and you both make the point that there is an understanding of the devastating impact including of family violence on First Peoples in this state. You both acknowledge the disproportionate impact of family violence on First Peoples in this state, particularly women and the consequences for First Peoples' women in many areas of their lives. So how can it be that government only woke up to this issue of prevalence after the death of Luke Batty? These things have been known for decades, surely.

**THE HON VICKI WARD:** They have been known for women, women have known about this for a very long time, and it has taken that really amplified conversation that we had and it does feel that in many ways it was through the good luck of having a woman who was able to articulate her experience in a way that was captured by media that brought the community into a wider conversation.

We have had a cultural reluctance in terms of broader Australian culture, worldwide culture, in terms of acknowledging and addressing and wanting to

respond to the prevalence of male violence in communities and in homes. We have been in a social structure in our country, since colonisation that has relied on a patriarchal overview that has invested in male power and control and that has been reluctant to really address or understand, recognise and accept that unequal  
 5 distribution of power and that the way that it can manifest itself in aggression and violence is not acceptable.

**MS MCLEOD SC:** Is it your view, Minister, that that patriarchal view effects the criminal justice response to family violence?  
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**THE HON VICKI WARD:** I think it has since courts began in our country. How deeply it continues to pervade into courts is a difficult question for me to answer with limited experience of the courts. But I think that there are regularly  
 15 challenges with people in positions of power and privilege, and often within the - our state, and our country.

The main people in those positions of power and privilege in decision making are men, and I imagine that within our courts there probably are men who are really struggling to get their head around inequality, how that feeds into various  
 20 behaviours, how that challenges their own thinking, their own biases, whether they are conscious or unconscious, and I think that unconscious biases are probably some of the more difficult biases to work with because you have got to have a recognition by that person that they actually do have that bias.

**MS MCLEOD SC:** Is there a view, do you think that the lives of Aboriginal women don't matter, prior to this advocacy that you are talking about, so 2015?

**THE HON VICKI WARD:** I don't know what is worse, whether it is the sense that they don't matter or that they are not thought about. I don't know which is the  
 30 most disrespectful and which is the most hurtful.

**MS MCLEOD SC:** Is there a sense that the solutions are beyond the state?

**THE HON VICKI WARD:** No. No, no, I don't think so at all. I certainly don't  
 35 feel that. I don't feel that -

**MS MCLEOD SC:** I mean prior to advocacy by Rosie Batty.

**THE HON VICKI WARD:** I just don't think there was a willingness to  
 40 recognise and accept the severity of the problem. When we have all grown up in cultures or in a community where a blue singlet could be referred to as a wife basher shirt and no one calls that out, where it is not seen as the working-class slur that it is, or where it is not seen as ingraining acceptable violent behaviour in homes. That it is a joke. I don't understand why that is funny. It is referred to still  
 45 sometimes now, but nowhere near as much as what it was when I was growing up. So that is just a very small cultural example of the pervasiveness and acceptance of violence and of violence in homes and of male violence. That, you know, for

so long violence has been accepted as a part of being male, which is incredibly unhealthy and incredibly unhelpful.

5 **MS MCLEOD SC:** Unhealthy to both boys and girls.

**THE HON VICKI WARD:** Correct.

10 **COMMISSIONER HUNTER:** Minister, would you agree that colonisation was particularly violent on women and their bodies and that has silenced Aboriginal women.

15 **THE HON VICKI WARD:** Absolutely. Yep, absolutely. You think of the first convict ships that came into Sydney Cove and how women's bodies were essentially currency, and you think about how that ripples into First women. And the invisibility of colonial women that is then completely compounded with the absolute invisibility of First Nations women. When colonial women are not recognised as people themselves and having custody of self you have got that intersecting with racism, which compounds it even further.

20 **COMMISSIONER HUNTER:** Well, I'd also (crosstalk) some of the colonial settler women business, because they were seen as the brave white settlers and our women were forgotten. So I think our silence in the colonial construct of an Aboriginal woman and what that represents, I think it is still alive and well today. Would you agree with that?

25 **THE HON VICKI WARD:** I would.

30 **COMMISSIONER HUNTER:** So how do we infiltrate these systems that then make it worse, silence, our women can't come forward because their children will be removed or they can't come to the police, the policemen at the table saying, "No, we don't believe you." You understand obviously these issues. How do we change a system, another system, because we have sat here and heard about system after system, after system including the courts. You just spoke about, policing, we just heard about health systems. They all play a part in family violence. This is nothing new of violence against women, particularly black women. So, what are we doing?

40 **THE HON VICKI WARD:** We keep pushing and we push at every level, whether it is the small programs that get operated through the action groups that we have across Victoria, whether it is the work in cultural awareness that we do in our institutions, whether it is continuing to refer to those plans and programs that we make to hold ourselves accountable and to manage what we do.

45 And we keep talking about it, and I know that talking is frustrating and I know that you can feel that sometimes we talk and talk and talk, but the more that there is a wider community conversation, the more the community is brought into this conversation. The more community proudly understands their role as advocates to



end this violence, then we will start to see change. Because government has a role, our Local Government has a role, but community has the most important role.

5 Community's awareness of this problem, acceptance of this problem and willingness to change it, to address it, that is how we really get change. And this is what - you know, what we are trying to trigger as a government is continuing to work on building that societal change and building that community desire to see change and to want change and to be a part of that change.

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**COMMISSIONER HUNTER:** When a woman dies at the hands of family violence what is the process? What is the process to understand what is happened for that woman or child that they died, like what is the process? I don't know. Are their recommendations? Obviously there is Coroner's reports, there is this - what 15 is to those recommendations, because that for me is more words on paper and more talking?

**THE HON VICKI WARD:** I will start and I will refer on to Dr Heenan in a sec, but I will start with a conversation I had with a family violence worker at Orange 20 Door who said to me that whenever there is a story that they read of somebody who has been murdered, femicide through family violence, they go to work and they are looking through their files to see whether that was one of theirs, to see what their interactions were, because it sits with them. They carry this too. They are looking to see, what could I have done, what could I have seen, what didn't I 25 understand. And then becomes the broader story of what the coroner does and the recommendations that come from the coroner. But I know that in the sector themselves they look at this very seriously and they do try to work out what was the gap.

**COMMISSIONER HUNTER:** That is partly what the coroner does. We have 30 woman after woman or child after child die and these recommendations after recommendations and the other - the Family Violence Royal Commission. When do we stop and say, "We need to implement these?" It shouldn't be a money issue. Lives shouldn't depend on whether we should get funded for them.

35

**THE HON VICKI WARD:** I think they do get acted on.

**DR HEENAN:** The recommendations from the Coronial inquests do. But, 40 Commissioner, I understand the frustration because it is often about that very particular case, or set of circumstances, rather than necessarily always connecting what the system's gaps and issues might have been. But certainly, as the Minister says, those engaged in the front-line work go through quite -

**COMMISSIONER HUNTER:** I applaud them and I understand the load they 45 carry, particularly when someone does pass.

**DR HEENAN:** Yes.

**COMMISSIONER HUNTER:** You would go look back and you would be making sure, you would be doing all of that. I guess for me, like, is there accountability for all these deaths of women and children? Like, I just feel like we  
 5 just keep sitting at the table talking about frameworks and policies and recommendations and they are still dying. And our women are so overrepresented, that it is scary, and we have had on the stand, you know, some witnesses that said for Aboriginal community this has crisis point. So we can talk about, you know - look it is nothing new. Sorry, Trav.

10  
**COMMISSIONER LOVETT:** This is important, with respects to your earlier comments you spoke at length about the system and the implementation around what is been happening, but I didn't get a sense and I am no expert I have to say, about what is happening for our people. It is a very generic response. We are here  
 15 as a Commission, inquiring into the ongoing injustices of our people. So I just want to really make sure that we are talking to our people and our voices are loud and clear in this, because I want to ask a couple of questions here and I won't hold up too long. But this is for the Minister first. How important are Aboriginal women's lives, Minister?

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**THE HON VICKI WARD:** They are very important.

**COMMISSIONER LOVETT:** Anything else you want to say?

25  
**THE HON VICKI WARD:** Absolutely. Well, they are absolutely important and they need to be in view and they need to be kept alive.

**COMMISSIONER LOVETT:** And how important are our children and young people's lives, Minister?

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**THE HON VICKI WARD:** They are also very important and also need to be held in view.

**COMMISSIONER LOVETT:** Yes, I mean - where I am going with this is - and  
 35 this is a little bit about towards the media as well, right.

**THE HON VICKI WARD:** Yes.

40  
**COMMISSIONER LOVETT:** Minister, when our people, our women are passing away at the hands of family violence and I want to be really clear, about family violence being unacceptable and again, I am no expert in this space, but it is unacceptable.

**THE HON VICKI WARD:** Absolutely.

45  
**COMMISSIONER LOVETT:** But when Aboriginal women are killed in society at the hands of family violence why is there silence in the media about our

women? Non-Aboriginal women I am not trying to be disrespectful to non-Aboriginal women, but there is platform, there is profile. The media is all around. You will be called to media to give responses, the Premier and other ministers that aren't their portfolios will talk on matters. When our women die  
 5 terribly at the hands of family violence, no media. We might get a 10 second grab read out by somebody else. Like, what hope does that give our women and children in the future coming through about how important that they are seen in society?

10 **THE HON VICKI WARD:** Commissioner, it makes me furious, it makes me so angry. It makes me so angry that the media will devote such little time to this issue more broadly, but the fact this they feel that some lives are less clickbait than others makes me really angry. And it makes me angry that they have such a  
 15 reluctance to be a part of helping solve this deadly problem and I don't mean that in a positive way, when I use the word, "deadly" sorry. They absolutely have a social contract with community, whether it is with our First Peoples' community, as well as our broader community.

20 There is a social contract to be part of the conversation with the people in this state and in this nation. They do not do that. They do not fulfil that. They - absolutely, I can only put it down to racism, but I can also only just - it is so cynical to be only looking for those stories that generate income, those stories that only generate advertising. It is disgraceful, because they do have a social contract. They make a  
 25 lot of money out of people in this state.

They have a social contract to accurately report what happens in our community, the reasons why things happen, what should be the solutions. Holding  
 government to account absolutely, but also holding communities to account. And to talk and expose and help us understand the extent of problems. And it is  
 30 absolutely shameful that they are not a part of that conversation, and that they don't rise to that and be better.

**COMMISSIONER LOVETT:** It is 45 times more likely to come in contact with family violence. This is disgusting. This is 2024. I mean it should never be  
 35 appropriate. This is unbelievable. I really worry about the messages that sends our people. You know, what hope? You know we already had issues with the Voice and the judgment on our people, but -

40 **THE HON VICKI WARD:** Thank you.

**MS MCLEOD SC:** Minister - Commissioners, I should acknowledge that at times through this morning's evidence there will be some clinical discussion of data, and as the Commissioners have just pointed out we should never forget the  
 45 human beings behind the data that is being discussed and the programs that are being discussed.

Minister, just following on from that conversation, you would agree and embrace with these principles that government sets the tone in response to this conversation in the community?

5 **THE HON VICKI WARD:** Government is working very hard to set the tone in the community, yes.

**MS MCLEOD SC:** And you have dedicated yourself to that task?

10 **THE HON VICKI WARD:** Yeah.

**MS MCLEOD SC:** You would agree that government can amplify the stories and the messages on this topic in the media? It has the resources to?

15 **THE HON VICKI WARD:** It can certainly work to.

**MS MCLEOD SC:** And that you set the authorising environment for the policy and program response?

20 **THE HON VICKI WARD:** Yep.

**MS MCLEOD SC:** In terms of the disproportionate impact of family violence on First Peoples women, on First Women, you would accept that that requires a greater investment in the response to protect those women and children?

25 **THE HON VICKI WARD:** It requires ongoing and strengthened investment, whether it comes to prevention, whether it comes to response, to supporting people who have experienced family violence and whether it also includes the work with people who are using violence or at risk of using violence.

30 **MS MCLEOD SC:** And you have acknowledged in your witness statement that the barriers to First Peoples women seeking support include fear of repercussions, historical mistrust of government, discrimination and fear of contact with police.

35 **THE HON VICKI WARD:** Yeah, I think it starts with the fear of not being believed and then what can come from that.

**MS MCLEOD SC:** Dr Heenan, you note that in your witness statement, paragraph 5. Is there any response you would like to offer to that urgent need to address those barriers to seeking assistance?

40 **DR HEENAN:** Yes, I think those barriers remain steadfastly blockages for First Nations women to be able to talk about family violence, to be able to seek help for family violence, to be able to get the access to the supports that they rightly deserve, and I think that - I think the Royal Commission referred to it as a paralysing fear in terms of the barriers to reporting to police, for example.

So critical aspects of the system that are otherwise available to connect victim survivors with the supports that they need for themselves, for their children and for the person who might be using violence to also have - to get access to the supports to help them to stop violence or reduce their risk.

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**MS MCLEOD SC:** I just want to read to you, Dr Heenan, something that you said to the Royal Commission in your witness statement. I apologise to my learned friends, we don't have this on the tender list yet, but we obtained it since you made reference to it. This is paragraph 19 of your witness statement to the Royal Commission into Family Violence paragraph 19 you say:

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"There is little doubt that with this context..."

Which is in relation to the priorities of police and so on:

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"..the rapid rise in police reports and women appearing at court seeking intervention orders was predictable and yet the funding allocated to drive the structural reform promised by the integration was inadequate."

20 Do you need more context to remind you of what you were talking about there?

**DR HEENAN:** No.

25 **MS MCLEOD SC:**

"Instead the funding in 2006 was committed to a suite of disparate strategies designed to manage stakeholder interests."

30 You use the word "stakeholder", noting the comments that were made in this Commission about First Peoples not being stakeholders. You say:

35

"A coherent government structure with clear ministerial and cross-departmental accountability to guide the reforms was not maintained. The integrated systems reform was without a master plan, without a blueprint for implementation, without monitoring and review mechanisms. At the local level there was little guidance or direction on what or how to achieve integration."

40 Paragraph 21:

"Without a strong authorising environment..."  
Meaning government:

45 "...without a master plan, without the funds to support it, the result was a patchwork of responses that vary widely across Victoria."

So just reflecting on that evidence you gave to the Commission and acknowledging that you were not working within the Department at the time, do you - are you satisfied we now have a strong authorising environment to address the issue of family violence?

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**DR HEENAN:** I am, I think we have a much, much stronger authorising environment through which to respond and prevent family violence and sexual assault. And I think Victoria post-Royal Commission, I think, has in particular now become a blueprint in some ways for other states and territories in relation to some of the reforms that have met that integrated system response. And I acknowledge the use of the term "system" repeatedly, but it is that. It was so incredibly lacking before the Royal Commission to really understand how to bring the pieces together from entry into the system through to proper supports for everybody who might be affected by family violence and I think that has dramatically changed.

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**COMMISSIONER NORTH:** Dr Heenan, can I just ask this? The centrepiece of the response, of course, was MARAM, was not it wasn't it? Isn't it?

**DR HEENAN:** One of the key responses, exactly.

20

**COMMISSIONER NORTH:** Because it is the point at which, if our prevention has failed, we have the interaction with the event on the ground and it is multi-agency. So everyone comes in and there is this sharing of information so as we can wrap around the issue and move it forward into satisfactory pathways. Am I right in saying that initially there was criticism of the risk assessment process in respect of Aboriginal people, in that it was said that MARAM was biased in the way it dealt with Indigenous people?

25

**DR HEENAN:** I am not - I am not aware of that specific criticism, Commissioner North. I have - or the - what might be being referred to specifically, I guess, within the MARAM. But it would not surprise me that that might be the view of Aboriginal Community-Controlled Organisations who are specialists in family violence at that time, that their - that family violence - the broader definitions of family violence, the impacts of colonisation, the impacts of intergenerational trauma, the importance of staying connected to country and responses to family violence, that context was not strong enough in MARAM from the (crosstalk).

30

35

**COMMISSIONER NORTH:** No and what were all the negative features related to the history of Indigenous participants. So MARAM is based on information to be gathered from histories and what histories you rely on are going to determine who gets what outcomes from MARAM.

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**DR HEENAN:** I think, Commissioner North, that would have been true of the Common Risk Assessment Framework, so that very first approach to MARAM and then the early conception of MARAM. I think that started to shift very, very

45

quickly, with the involvement of critical ACCO voices in ensuring that the foundational knowledge and certainly in relation to the adults using violence, that it - there had to be strong partnerships with ACCOs.

5 **COMMISSIONER NORTH:** Can you give me an example of the operation on the ground in MARAM? What input was changed as a result of that voice to make the operation different?

10 **DR HEENAN:** Of the specific tools and guidance?

**COMMISSIONER NORTH:** Mmm-hmm.

15 **DR HEENAN:** So I should certainly say and the Minister referenced a little earlier that MARAMs are often - or a version of MARAM is often used in the Orange Door, given that they are the entry point. So they use a briefer version of the MARAM.

20 **COMMISSIONER NORTH:** To make it clear Orange Door is not Indigenous specific, is it?

**THE HON VICKI WARD:** There are two access points that are.

25 **DR HEENAN:** There are also Aboriginal specific workforces within the Orange Door, the Aboriginal response (crosstalk).

**THE HON VICKI WARD:** Managed by the ACCOs.

**COMMISSIONER NORTH:** Every Orange Door?

30 **DR HEENAN:** Every Orange Door.

**THE HON VICKI WARD:** Yeah, managed by an ACCO.

35 **DR HEENAN:** So Aboriginal practice lead, Aboriginal practitioners and there is an Aboriginal advisory group as well that is part of the leadership, the hub leadership groups and the operations leadership groups.

**COMMISSIONER NORTH:** So back to MARAM and its inputs.

40 **DR HEENAN:** So the Aboriginal practice lead as the Minister was saying a little bit earlier, the Aboriginal practice leads are likely to be - unless the Aboriginal client, the First Peoples client preferred a non-Aboriginal worker would be working with the Aboriginal practice lead or the Aboriginal practitioner in relation to having those first conversations. So MARAM is the tool. It is not the thing that  
45 the client is going to - the client will never know there is a MARAM.

It is the dialogue that is being created, so that the practitioner can start to hear the risks and issues in relation to safety, and eventually start to formulate a safety plan with - in this case the Aboriginal victim survivor. So it is likely to be an Aboriginal practitioner working with an Aboriginal survivor and working through those issues in relation to risk and what is likely to strengthen and fortify safety and those considerations include staying connected to Country and family and community.

Looking to see in a strength based way what would be the opportunities to make sure her safety planning, generally the safety planning and safety planning will be done with the kids as well, to ensure that they are staying connected to what are their strength and - I can't think of the word right now, but those factors have are likely to help her to stay connected to all of those aspects in her social and family life that can keep her safe.

**COMMISSIONER NORTH:** So my experience might have been a little out of date then. When did the actual participation of Indigenous practitioners start?

**DR HEENAN:** In the Orange Door?

**COMMISSIONER NORTH:** Well, in MARAM.

**DR HEENAN:** Certainly for the Orange Door it has been from inception. So there is 17 ACCOs in the Orange Door or 17 ACCOs that support all the Orange Doors that are literally in the Orange Doors as a team. Pardon me, so they make up the integrated or multidisciplinary teams.

**COMMISSIONER NORTH:** So they are full time people who are always at these specific Orange Doors?

**DR HEENAN:** They are employed by their - by what are referred to as partner agencies so employed by their home agency, which will be an ACCO, but they work in the Orange Door.

**THE HON VICKI WARD:** Reflecting the team composition that work within the Orange Doors, they are all independent agencies that are positioned in there.

**COMMISSIONER NORTH:** You are saying then you have one mechanism to overcome the otherwise biased information that is within the risk assessment tool?

**DR HEENAN:** And I think also, Commissioner North, the changes that have been made to that foundational knowledge on the back of hearing strong advice from ACCOs, specialist ACCOs but also from practitioners. So if there is an adjustment or a change or even something much more fundamental that is not - doesn't have an appropriate cultural lens or is not culturally safe then the Aboriginal team in the Orange Door and possibly others will be calling that out



saying, "It is not working and it is not culturally safe for clients to be asking these questions in this way."

5 So over time that evolution of MARAM has resulted in the review, for example,  
that was recently done, talking about the fact that MARAM is now - has got a  
strong appreciation both in the foundational knowledge and the tools of aspects for  
both victim survivors and people who use violence of the impacts of colonisation,  
intergenerational trauma and the criticality of ensuring that in responding to risk,  
10 but in also developing safety plans that those considerations of what is likely to  
fortify safety for First Nations people, for example, as victim survivors is first and  
foremost assessed as part of the safety plan and forms part of the safety plan, if  
that makes sense.

**COMMISSIONER WALTER:** Can I say I was very disappointed in that result  
15 and that answer, because Commissioner North asked you what had changed in  
MARAM, a specific example, given that we know the original MARAM did not  
fully - did not appropriately include how First Peoples would interact. And I  
guess I am really disappointed that still, after all this time, we are getting things  
like MARAM which is the foundation on how the State responds and supports  
20 women experiencing violence, and it is then still up to ACCOs and Aboriginal  
people to come in and point out to the State, despite all the statistics that show the  
overwhelming over representation that Aboriginal voices and Aboriginal  
perspectives and women's cultural safety not been included.

25 Why is it always Aboriginal peoples, Aboriginal organisations' jobs to come in  
and actually get policy that works for First Peoples? I am just - I can't - why? In  
2024 are we still having to come in and point out and say, "But you haven't taken  
this into account, but you haven't taken into account." None of this is new, it is  
well-known.

30 **DR HEENAN:** I understand that frustration and apologies, Commissioner. I  
think the other aspect to the Orange Door context, if I may, is that the kind of  
cultural safety work that has been going on with the Orange Doors has itself  
developed over time. So I think it would be disappointing if solely at this point in  
35 the Orange Door's existence it is only First Nations workers that would be drawing  
attention to a cultural lens not being applied. Because I think the Orange Door has  
been working as a, I guess a workspace but also in terms of a service delivery  
point, to ensure that there is cultural safety for both the workforce and for victim  
survivors. I know that is an ongoing process, but it certainly has been a focus in  
40 these past perhaps two, two and a-half years.

**COMMISSIONER WALTER:** But we have heard repeated evidence in this  
Commission that First Peoples do not feel safe always at Orange Door, either as  
workers or as people coming in to use the service. So we - I know you have said  
45 there are two points, but that is just two out of -

**DR HEENAN:** Yes.

**COMMISSIONER WALTER:** - maybe three more on the way. Is that the way?

**DR HEENAN:** On the end (crosstalk) there is a third access point on the way.  
5 There is a more elaborate response to that, if it is all right, or I can wait till we - if we are going to (crosstalk) yes.

**COMMISSIONER WALTER:** Perhaps when we get to culture and safety.

10 **DR HEENAN:** I understand the comment you have made.

**MS MCLEOD SC:** So to bring you back to your evidence to the Royal Commission, Dr Heenan, and, Minister, jump in if you would like to, there is a recognition in both your statements of the barriers to First Women seeking support  
15 in terms of repercussions, mistrust of government and so on, and the Royal Commission into Family Violence heard that when Aboriginal people do access mainstream services they can be met with a number of impediments including actual and perceived discrimination by service providers, language and cultural barriers, lack in trust and services in and organisations and lack of awareness of  
20 and engagement with local Aboriginal communities. And in your statement to the Royal Commission, you noted at paragraph 36:

"At a systems level for respondents there is a dearth of effective responders."

25 These are for users of family violence:

"The interventions that do exist particularly in relation to men's behaviour change programs are often unsophisticated, poorly monitored and poorly resourced."

30

So do we now in your view have a master plan and adequate resourcing in place to address the issue of family violence directed towards First Peoples in this state?

**DR HEENAN:** I think that we have very strong pillars and I am not seeking to  
35 find a different way of saying we have the master plan. But I do think we have some very, very important foundations set that are talking - able to talk to each other, that do connect in a far more integrated way, where in the context of all of the different aspects to the system, I guess, from service responses to responses to perpetrators or people who use violence, to victim survivors from police and to  
40 courts, with all of the limitations that we have been talking about, so far. There are still levels of integration that did not exist before the Royal Commission.

**MS MCLEOD SC:** Do I take it from your answer that there has been some improvement, but not yet an adequate master plan and resourcing?

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**DR HEENAN:** I don't think we are there yet on the master plan. I think there is still - I think there is a lot more work to do in understanding how that system can

be more integrated. And I also think it is not ever going to have a finish line. I think there is - there is - this is, I guess, the components of this system that we are talking about will always need careful attention and focus and commitment.

- 5 **MS MCLEOD SC:** So are the services that are offered including the services you have just mentioned, are they fit for purpose to overcome the known barriers facing First Peoples' women and children?

10 **DR HEENAN:** They are clearly not effective, because there are still too many First Nations women and victim survivors who are not coming forward or not coming to services. I think where there has been improvement, though, is having the number of Aboriginal Community-Controlled Organisations who are specialists in this area of delivering services in family violence, whether that is for victim survivors, for people who are using violence and for children affected by  
15 family violence as well, I think those services have developed in both breadth, but also in terms of this incredible sophistication that the system across the system, I mean in that sense, now has and has to have by virtue of the likes of MARAM and other responsibilities and obligations that we have in working with this system to keep women and children safe.

20 I think in the context of First Nations responses and to the last point you made, I think, Ms McLeod, re perpetrator programs, I think First Nations responders from across from victim survivors to those who are using violence have been far more innovative and effective, because of the holistic nature of programs that have been  
25 delivered.

**COMMISSIONER HUNTER:** Sorry to intervene, but I am just - keep hearing words about how we are doing this and how we are doing that. It is actually not sufficient for anybody, for any woman to have a system that - a MARAM that was  
30 not made for our people, to have systems that still aren't made for our people. Women, black or white are still dying and we want to sit here and talk about a sophisticated system. It is not very sophisticated if at the hands of violence women and children are still dying.

35 And I also feel that system that you are talking about is aiming to - around the women. Where is the accountability? Where is the accountability held for deaths of women and children at the hands of violence, where is the accountability for that? Because it is just - I don't feel, with all due respect that you are answering the questions that we are asking. I feel like we are getting a lot of, "The system  
40 and the system and it is better now."

It might be a better system now, but people are still dying, particularly Aboriginal women. And when we do get out there and talk about it as Aboriginal women it is dismissed. We are dismissed, and it is - it is not good enough. It is just not - one  
45 death is one death too many and the system does not and still does not work. Since the Royal Commission have the rates gone up or down of family violence for First Nations women?

**THE HON VICKI WARD:** The recording numbers have gone up, the violence has always been there, the recording is going up. So it is -

5 **COMMISSIONER HUNTER:** Is that because we are recognising Aboriginal women in the system now rather than -

10 **THE HON VICKI WARD:** It is because we are recognising them. It is also reflective of the fact that there is a wider conversation, that there is more awareness, that there is more support for people coming forward with their stories and the idea that they will be believed. So after the Royal Commission and the huge community noise and conversation that was made around that, with the changes that we started to make with bringing in Orange Doors we saw quite a jump over a number of years' of reporting within mainstream community.

15 **COMMISSIONER HUNTER:** And look, with all due respect that - and, you know, and the Batty story, I respect that totally, without disrespecting that whole story is because it was a white person.

20 **THE HON VICKI WARD:** Absolutely.

**COMMISSIONER HUNTER:** That we're still left - I feel like we are still left behind, we are still not part of the conversation, we are still an add on, our women and children are still dying and no one is being held accountable.

25 **THE HON VICKI WARD:** I am sorry that is how you feel I completely understand and accept.

30 **COMMISSIONER HUNTER:** Not that is how I feel -

**THE HON VICKI WARD:** No, I accept your reality is what I am saying and we are working to change that, working to amplify those voices and -

35 **COMMISSIONER HUNTER:** It is not quick enough. It is not quick enough. We do know the answers, just getting in - sometimes just getting in the Aboriginal voice or getting an Aboriginal worker, it is obviously not working. How do we make this work for our women and children? And it is not just the prevention. It is the housing, because we have nowhere to go, so they stay. It is the police, because we can't access them because they just don't believe or misidentify, or you are worried your children are going to be taken or you worry your man is going to end up in jail. These are the real on the ground issues. So I don't care if you have this great policy. Unless you can implement it on the ground and women and children stop dying nothing's going to work.

45 **THE HON VICKI WARD:** And to go to your point around prevention, and prevention is absolutely the key. It is the thing that helps us be able to manage housing. It is the thing that helps us be able to manage how stories are received.

**COMMISSIONER HUNTER:** Are systems talking in government? Are you talking to police? I know you said you are talking to the Attorney-General. The housing? You know, the fact that we heard evidence about ABIs for Aboriginal women, that is horrific. They look after their children. How then do they keep their families going?

**THE HON VICKI WARD:** How are they supported to look after their children?

**COMMISSIONER HUNTER:** Or even work, most of them can't work, because they can't get jobs due to racism.

**COMMISSIONER WALTER:** Can I also ask you, you said the numbers have gone up of incidents of family violence.

**THE HON VICKI WARD:** Reported incidents.

**COMMISSIONER WALTER:** You said that is because - what is the evidence it is because of greater awareness rather than an actual increase in violence? What is the evidence? How do you know that?

**THE HON VICKI WARD:** The only evidence can you really go on is anecdotal, because there isn't a recorded number of unreported incidents of violence. So it is around that anecdotal evidence that we - that swirls around you that leads you to that conclusion.

**COMMISSIONER WALTER:** It is a presumption, rather than a direct fact?

**THE HON VICKI WARD:** It's impossible to establish as fact.

**COMMISSIONER LOVETT:** Doctor, you mentioned a little bit earlier about funding going to ACCOs. Is that ongoing funding or is that pilot? What's the -

**DR HEENAN:** There is about 68 per cent of the funding is actually ongoing, and the remainder is fixed term. That might relate to a shorter-term innovation that is being tested, but the majority 68 per cent would be ongoing funding.

**COMMISSIONER LOVETT:** This is to the Minister, though, given the disproportionate or overrepresentation of our women in this particular area, does the funding - is there funding equity going to make sure that Aboriginal organisations who are working to work through the significant issues, is there a reasonable proportionality going to them, given the overrepresentation? Because a lot of mainstream organisations get a lot of money to do stuff, but our organisations have to do the holistic approach it is appreciated and it is not represented in the funding they receive.

**THE HON VICKI WARD:** So there was a review that was conducted by Ernst & Young, I think it was around about 2021 and that was the one of the things it looked at and made recommendations about. So the government brought in a minimum of 10 per cent funding to go to family violence to ensure it is for First Peoples. It is hard to know the exact balance of proportionality when there are so many unrecorded incidents that we have, when there is so much unrecording.

So is it in proportion to need? It is still not clear to me yet whether that is correct. But since that period at least 10 per cent and I think at the moment it is around about 12 per cent of the funding that goes to family violence overall goes towards First Nations and the majority of that is for ACCOs.

**COMMISSIONER LOVETT:** And I am not a mathematician, Minister, but if you were 45 times more likely to experience family violence and the complexity associated, 10 per cent is probably not, you know, not to be disrespectful, but it is not in proportion - proportionality is not there, really 10 per cent or 12 per cent, 45 times more overrepresented. I am not a mathematician.

**COMMISSIONER HUNTER:** On that point - so we have how many - in each Orange Door, how many Aboriginal-specific roles have you got?

**DR HEENAN:** It would depend on the size of the Orange Door but there would generally be an Aboriginal practice lead, two Aboriginal practitioners. There could be a team leader if it is a bigger Orange Door, and I think that is -

**THE HON VICKI WARD:** I think there is about 68 positions across the - FTEs across the Orange Doors.

**COMMISSIONER HUNTER:** How many Orange Doors are there?

**DR HEENAN:** 18.

**THE HON VICKI WARD:** There are 18 hubs.

**COMMISSIONER HUNTER:** And are they specifically identified roles?

**DR HEENAN:** It is absolutely the decision of the ACCO partner agency as to whether they are designated roles.

**COMMISSIONER HUNTER:** So out of those roles, out of the 68 how many are actually Aboriginal workers working in those roles?

**THE HON VICKI WARD:** We don't always have access to that data, because it is ACCO data and we don't necessarily know. It is their employee data.

**COMMISSIONER HUNTER:** We don't even know if the Aboriginal roles are Aboriginal people in them?

**DR HEENAN:** We don't know for sure, but as I said, it is up to the partner agency, the ACCO partner agency about whether or not they do make those designated positions.

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**COMMISSIONER HUNTER:** And do they have a specific case load?

**DR HEENAN:** I don't believe they do, Commissioner, but I can definitely take that on notice and come back to you on that.

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**COMMISSIONER HUNTER:** My thoughts going to the over representation of our women who end up at Orange Door, the proportion of those workers have a higher case load and be overworked than the other agencies. It goes back to the funding that Commissioner Lovett was just talking about.

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**DR HEENAN:** That is possible, I can -

**THE HON VICKI WARD:** That is a fair observation.

20 **DR HEENAN:** Yes.

**COMMISSIONER NORTH:** Dr Heenan, obviously solving the problems of family violence is exceptionally complicated, I think that is obvious to everyone, but there seems to be some elements that are causing family violence problems that are much more straight forward and, therefore, easier to respond to effectively, and I notice in paragraph 6 of your statement you say:

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"Family violence is the leading cause of homelessness in Australia."

30 So I'd ask you to explain what you mean by that, because the purpose of the question is that homelessness, if that is a driving force in the leading number of family violence issues then it is solvable by government quite easily because it is purely a dollar solution. You don't need therapists, you don't need investigations, reviews or frameworks. It is just building houses, isn't it?

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**DR HEENAN:** Well, it's - so that comment in my statement is definitely drawing on what would be decades of research that would suggest family violence is a driver of homelessness, so the experiences of family violence lead to homelessness, because it is mainly women and children who leave the violent household so that is what I meant by that comment. That it is in that direction that homelessness can occur, because women and children, if they are seeking to flee or seeking to leave will otherwise be homeless in that broader sense and of course there are other responses for women who are in fear of their lives or who are at a point in their safety or risk concerns it would mean they would be going to a

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**COMMISSIONER NORTH:** You go on to say:

"It is a key driver of First People's children in and out-of-home care."

5 So, like, isn't it disgraceful that government, by not effectively funding homes is causing children to be split up from their parents?

10 **DR HEENAN:** I think - I think the experience of family violence is present for kids who are in out-of-home care. First Peoples' children in out-of-home care have had an experiences of family violence, they have come from an experience of family violence. That is what I meant by that statement.

15 **THE HON VICKI WARD:** I will just clarify, Commissioner, are you suggesting that you think that issues around housing instability are a contributing factor or cause violence in homes?

**COMMISSIONER NORTH:** I think what Dr Heenan has described doesn't say that. I read it initially that way, but I think she is really saying it is after family violence has been -

20 **THE HON VICKI WARD:** That's right.

**COMMISSIONER NORTH:** - happened then the problem is primarily homelessness that affects people in that situation, and she goes on to say and it is the leading:

25 "The key driver of First Peoples' children going into out-of-home care."

30 And so I was wrong in directing home - providing homes as a means of preventing family violence, but I think as I understand it, what you have been saying is that providing sufficient homes after the event would make a huge difference. It would prevent children being split up. I mean, this is where the context of colonial history rears its head again. I mean, you can imagine how Aboriginal families who have a background of their children being stolen look at today's system as doing exactly the same thing. I mean, it is hard to underestimate the power of that feeling of exclusion, of discrimination.

40 **THE HON VICKI WARD:** Absolutely. I absolutely accept that but I will go one step back though and say it is the use of violence in the home. It is those men who are choosing to use violence in those homes that starts that ripple effect.

**COMMISSIONER NORTH:** Of course, but you have got to address the problem as it is today somewhere.

45 **THE HON VICKI WARD:** Absolutely.

**COMMISSIONER NORTH:** And if - it is no use saying, you know, "Well, we will address in the future men's bad behaviour." It is not going to help people who



are in - like - in the last hour, 10 families that are affected by family violence today, now, and children who are being taken into out-of-home care in the last hour because of family violence. It is no use saying, "Oh well, one day we will, you know, look at men's behaviour and tried and fix it."

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I mean, yes that is certainly a very valuable thing to do, but as of the last hour there are people whose children are being walked across the road and put into out-of-home care, when they wouldn't be if government provided houses and that is what this statement clearly says. So there is no mystery about the solution to that problem. There isn't a mystery. It is money and that is what completely escapes me as to how the government comes to the Royal Commission and says, "We know the answer. There is a lack of houses, and there are Aboriginal children being stolen today, because we are not providing houses", and we are still not providing houses.

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**THE HON VICKI WARD:** Commissioner, it is money. It is access to labour, it is access to materials, it is all of the things that are - that come together that make it difficult to roll houses out as quickly as possible. I absolutely believe in public housing and absolutely would like to see a lot of public housing. My mother grew up in public housing. It is something that is very important to me and I would like to see as much of it built as is physically possible to build.

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**COMMISSIONER NORTH:** But you know we have had ministers come along and liking all sorts of solutions, but it doesn't happen. You know, I mean you can go away today and knock on the Housing Minister's door and say, "Look, my Deputy Secretary has told me of this problem, we need more houses, and you just have to do it." So maybe that is what you will do when you leave.

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**MS MCLEOD SC:** Commissioners, I do want to return to the question of harm and prevalence of different types of harm and the intersection with housing issues, but I suggest it is an appropriate time to take a short break. So could we take 15 minutes for a morning break?

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**CHAIR:** 15 minutes, back at a quarter to 12, 11.45.

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**MS MCLEOD SC:** Thank you.

**CHAIR:** Adjourn, thank you.

40 <**THE HEARING ADJOURNED AT 11.33 AM**

<**THE HEARING RESUMED AT 11.50 AM**

45 **CHAIR:** Ready to commence, Counsel. Thank you. This session of the Yoorrook Justice Commission has commenced.

**MS MCLEOD SC:** Commissioners, I acknowledge we are joined this morning by the honourable Jennifer Coate AO, the Chairman of the Victorian Law Reform Commission who has joined us again, this morning.

5 Minister, Dr Heenan, I wanted to ask you some generic questions around forms of harm of family violence and the drivers of harm. So can I start with questions around harm? We accept that harm, when we are talking about family violence harm can take many forms, correct? Physical hurt and aggression, psychological, economic abuse and manipulation, coercive conduct or controlling behaviours,  
10 public humiliation, isolation and increasingly digital harm including the non-consensual sharing of images and in the brave new world that we are in, deep fake porn and deep fake images, correct?

**DR HEENAN:** Yes.

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**MS MCLEOD SC:** And to understand that harm is there any work done - sorry, I will go back a step. Are family violence prevention strategies targeting behaviour by type? Do we have any understanding or is our response to family violence generic across all types of harm?

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**THE HON VICKI WARD:** To go to your question around prevention there are multiple approaches that are used. That can be - whether that is programs to enhance girls' wellbeing in sense of self and empowerment. That is what some of the groups have engaged in their regions or whether it is the respectful relationship work that is across the majority of our schools. Whether it is in the work that we do with our sporting codes and sporting clubs at a grass-roots level. Whether it is the work we are doing at Local Government level around prevention.

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30 It is around recognising that - about the importance of respect is probably the central tenet that comes into much of the prevention work that is done, whether that is respect for self and empowerment of self and understanding what is acceptable and isn't acceptable behaviour in what you experience, but also helping others, primarily boys and men understand the importance of respect, the importance of equality and the importance of also recognising the different forms  
35 of violence, identifying different forms of violence.

Understanding the hurt that that causes, but also really understanding that it is a choice, that that behaviour is a choice that you make and it doesn't - doesn't need to be made.

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**MS MCLEOD SC:** So that group of responses assumes that lack of respect underpins all forms of family violence. Would that be fair?

**THE HON VICKI WARD:** Yep.

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**MS MCLEOD SC:** And doesn't necessarily result in family violence but at least underlies - is the baseline problem for all family violence?

**THE HON VICKI WARD:** Yes.

5 **MS MCLEOD SC:** And is the response to that generically to address that lack of respect that you have mentioned? Is there any other response that targets, for example, bullying in the cyber space, escalation of behaviours from controlling, isolating to physical violence? Are the plans and strategies at the moment targeting the types of harm beyond respect?

10 **THE HON VICKI WARD:** Yes, it's - yeah and that is a fair point. It is important to be nimble and to try to be nimble and this is what we are trying to do and with Respectful Relationships there has been a broad-brush that is - worked within individual schools and the needs of those schools. But there also now has to be an additional layer, which is what we are in the process of developing around  
15 that online - those online threats that you mentioned, for example.

So where we have got the emergence of these really terrible social media influences and I am not going to use names by - you know, I am not going to add to the amplification of who they are, when you have really harmful, for example,  
20 male behaviours being used as social influencers and used in a way to pretend that it is about healthy masculinity. So you see with online influencers that they use their own branding into their cult, if you like, which is to be a healthy man you need to have a healthy physicality. "This is how you can be - you know, look after yourself, do some workouts, do this, eat well. You want to be a successful man it  
25 will mean that you need to have economic power. This is how you can look after your investments, this is how you can do that."

But the subtext of everything, even the umbrella over it all is for you to be a powerful male means that you have to subjugate women, and this has been  
30 behaviour that we are seeing seeping into our schools and with our boys, which is very - which is awful. It is awful. There has been some really interesting work done by the Jesuit Social Services around attitudes and it does talk about this creeping pervasiveness of thought that these social influencers are bringing into our communities.

35 And so within Respectful Relationships we know that we have got to think about this even more and really start to create more programs that address what is happening online and help our kids respond to it and help them recognise that they could be heading into an unsafe space online. That you could be shifting your  
40 algorithms to get even more of this stuff by acting in a certain way or clicking on certain things. How to help them feel safe online, but also how to help them recognise how those things that they are repeatedly seeing online are re-programming their brains and their thoughts in really unhealthy ways.

45 **MS MCLEOD SC:** Just to come back to the point of my question.

**THE HON VICKI WARD:** I am so sorry.

**MS MCLEOD SC:** No, no, sorry, I didn't mean to be critical, because that is very useful information in terms of responses. Is there any analysis of the data in any way that points to the types of harm being directed at First Nations women and children or is it a generic treatment that all these behaviours are treated the same way?

**THE HON VICKI WARD:** It's an interesting question. I think that there is, within the programs that are delivered by our ACCOs, absolutely that lens. But in terms of Respectful Relationships the conversation is a broad arch of respect and respect for everybody. I am not familiar - it is Education who runs it and I am not familiar if there are components within that to speaks directly to First Nations in a broader approach. So I am not able to answer that question adequately, I am sorry.

**MS MCLEOD SC:** Dr Heenan, do you have anything to add there?

**DR HEENAN:** What I had to say, Ms McLeod, is that there are different program responses, I guess, whether they are at that very front end, so primary prevention responses that will go to attitudes, behaviours, trying to shift attitudes and behaviours so that that risk is reduced of disrespect, of entitlement, power and control being used over women and girls. But I think in terms of early intervention, for example, First Nations providers are working with adolescents who may be exhibiting some risk behaviours, or who they are concerned about in terms of - so it might be the referrals have come into those services because there are behaviours, which are starting to exhibit that sense of lack of respect or a it could be - and it will be as a result of all manner of drivers.

For First Nations people, always have - has to have the overlays of experiences of intergenerational trauma. It might be that family violence is in the home, that those young people will be going to a program that is trying to address in an early intervention sense and in a therapeutic way some of those behaviours or attitudes that might be starting to form. So I think to your question in relation to are there different approaches to different contexts or harm then I think, yes, from the response end, so if we are talking around victim survivor harm and all of the impacts around harm you spoke of, social, physical economic, spiritual, all harm that might be caused for victim survivors, how that presents for them and how the kinds of support needs, the kinds of interventions that they will want to engage with could be quite different.

And the same as the Minister has said for people who are using violence it will be - you are trying to match a certain kind of presentation, I guess, as a practitioner, with the right intervention. So if it is a person using violence or a First Nations person using violence then it may be healing holistic programs or timeout services that may be appropriate in those instances.

**MS MCLEOD SC:** So what I am hearing from what you have both said is there is an understanding of harm taking different forms and then a response to that harm, which might be specific to the sort of services and - that the person needs delivered through the ACCOs, but, with respect, it sounds like it is a patchwork response.

**THE HON VICKI WARD:** I don't think so much it is a patchwork response. I mean, I think that within the - the education around respect is a recognition of intersectionality that comes with respect. So whether it is gender respect, whether it is calling out racism, whether it is calling out intolerances for anybody in our community, that is within Respectful Relationships as I understand it. And that is a universal approach, but, yes, it is tailored amongst communities and particular pressure points, if you like within communities.

So what you might see in Respectful Relationships in a community like mine, might be different to something that you would see in a different community, a different part of Melbourne that is got different needs, different cohorts of people.

**MS MCLEOD SC:** So does Respectful Relationships teach concepts of racism and discrimination and have strategies around anti-racism and discrimination?

**THE HON VICKI WARD:** I can't talk with accuracy, because I am not - because it comes out of the Department of Education. I don't have a strong overview over Respectful Relationships. But I understand that within Respectful Relationships is gender equality, but also other forms of inequality as well.

**MS MCLEOD SC:** And other forms of inequality? So perhaps we need to ask the Department of Education about that. With respect, and correct me if I am wrong, this still sounds like the teaching of respect generically is a prime strategy, but there is no consideration of the types of harm that are confronting First Nations women and children. Would that be fair?

**THE HON VICKI WARD:** I would like the broad - the broad - there are multiple areas of harm that First Nations women can experience. No, I think that that would be a correct observation that you have made.

**MS MCLEOD SC:** Yes. And in order to understand how to address that harm, we need to know that, don't we?

**THE HON VICKI WARD:** Yep.

**MS MCLEOD SC:** And we also need to know about the prevalence of prevailing causes and conditions. You mentioned the behaviour being a choice.

**THE HON VICKI WARD:** Mmm-hmm.

**MS MCLEOD SC:** But we need to understand prevalence of drug and alcohol use, for example, don't we?

**THE HON VICKI WARD:** Mmm-hmm.

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**MS MCLEOD SC:** We need to understand prevalence of mental health, acquired brain injury and other emotional deregulators, if I can use that generically.

**THE HON VICKI WARD:** Yep.

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**MS MCLEOD SC:** We need to understand those factors in order to address causes, don't we?

**THE HON VICKI WARD:** In the sense that the underlying cause - and I know that there will be different views within the sector around this, so this is the view that I hold - is that the underlying cause is still inequality. And whether you look at alcohol and other drug use, whether you look at trauma, whether you look at mental health issues, whether you look at cognitive impairment they are, for want of a better term, enablers for those choices, but the origins of the choice are inequality.

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**MS MCLEOD SC:** And is that concept broadly accepted in the community including the criminal justice system?

**THE HON VICKI WARD:** I don't know that it is broadly accepted within the community, because if it was, we I would hope, not see the levels of violence that we do see. Whether it is held in corrections, I can't speak to the views that people in corrections might have.

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**MS MCLEOD SC:** So family violence is a choice at heart. How are the programs identifying when and how those choices are made and how we address them?

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**THE HON VICKI WARD:** That is a really hard question. When and how those choices are made is really hard to answer when you are talking about over 57,000 people and why they are responding in the way that they are, and there is - and Dr Heenan might want to speak to this further, but there is a diversity of research when it comes to the drivers of violence and what is behind violence.

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One of the challenges that you have in this research area is you can talk to the sector, you can talk to people who work in this area and get their views. But when it comes to talking to those people who are using violence there is a reluctance, even after doing a program or having engagement or going through the justice system to then talk about your behaviour and why you behaved in that way. So to get information that goes beyond a small group of people that may be from different backgrounds, that may have a whole number of different stories, to try

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and get information that is consistent, that gives you a measurable cohort it is really - really difficult.

5 But this is one of the interesting things to explore is, for example, the work that Dardi Munwurro are doing. The work they have done with the men who have used violence, where you see them confident and trusting enough to be able to talk about the choices that they've made in the past and being able to articulate them there - you can see that there is a pathway for us to understand more about this behaviour and to be able to get more information. Because you have got a  
10 rebuilding of men, where they are able to actually tell you what has gone on with them. So I don't know if you want to talk more about the understanding of the use of violence.

15 **DR HEENAN:** Thanks, Minister.

I think would add to your question, Ms McLeod, I guess in relation to the suite of responses that are available if we are talking about the individual person who is using violence, and to take Dardi again, they would also offer case management specifically for those users of violence if case management is the best approach for  
20 that person. It could be that they are assessed by the program provider as being ready for - more group program work so that means behaviour change programs or it could be holistic healing.

25 It very much depends on the needs that are being - that are presenting for the person who is using violence in this instance, the kind of drivers and triggers that are being identified for that behaviour. There will be, at its heart those structural issues in relation to use of power and control, gender inequality. But the very specific antecedents for a particular perpetrator, in this case a First Nations perpetrator who might be with a Dardi Munwurro provider, that person will work  
30 to assess the best program to address the particular context and circumstances for that person, who also then has a context and the person themselves, as the Minister said will be feeling culturally far safer in that environment to be able to talk about their full lives, their full selves.

35 **MS MCLEOD SC:** So Commissioners may have some questions about those programs and the success of those programs. But if we accept that a large percentage, perhaps the majority of offenders against Aboriginal women and children are not Aboriginal.

40 **DR HEENAN:** Yes.

**MS MCLEOD SC:** And we accept that the choice to use family violence is a choice. How do you find out what is driving family violence? Who is asking the question and who should be asking the question, "Why did you do this?"  
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**THE HON VICKI WARD:** I think the question is asked a lot.

**MS MCLEOD SC:** At what level and where?

**THE HON VICKI WARD:** I think it gets asked of Victoria Police and upwards. I think people who use violence are regularly asked, "Why did you use violence?"

5 And I think that for me, one of the learnings and I want us to think more about is some of the work that Dardi is doing in the sense that - I think that with men's behaviour change, for example, they start from the premise of accountability and working over that at the very start. Whereas with Dardi it is building that relationship and that connection and that trust which allows, gives men that

10 freedom, that safety of being able to really think, "Why did I act in that way? Why did I make that choice?"

I think that in terms of going out into the broader community the way that we do work with men using violence - there is some ongoing work to do with men's

15 behaviour change around the approach that we use, because there is the desire to know why did you do this, how do I hold you accountable for that choice that you made. It is at that point we separate that anger and focus on how do we understand this person, how do we connect and get trust with this person so that we can really understand what has gone on to lead to that choice.

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**MS MCLEOD SC:** I take it you would accept that this piece of work is critical in order to effectively address the crisis that we are seeing in this state?

**THE HON VICKI WARD:** Yes, absolutely, we know that - so I think within the

25 statistics that we have got that many incidents are one-off, and many incidents don't reoccur in terms of people using violence. But we know that there is a considerable number of people who are repeat offenders, so a part of prevention work is also that - that understanding and accountability process, and that changing of behaviours.

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**COMMISSIONER HUNTER:** I think that is important, because we are talking about MARAM, removing women and children taken from the home, they are the ones who seem accountable even to the point of getting their children removed. They are accountable. We have all the programs around - I get it - keeping them

35 safe, but the cause is not being addressed because the men are getting away with it.

And, look, Dardi is doing good work for Aboriginal men, but most of the violence against Aboriginal women are not Aboriginal men. So Dardi can do the work with

40 Mob to bring in culture in and respect for women, that is what they do. On the other hand, most perpetrators or users of violence against Aboriginal women are not, what are we doing in that space?

**THE HON VICKI WARD:** No, you are absolutely right, Commissioner Hunter.

45 This is where I think that we can actually learn from what Dardi are doing in terms of what they are doing, in terms of applying their practices more broadly.



**COMMISSIONER HUNTER:** Then we need to just do it. Because it keeps getting talked about, I feel - the ones who hold the weight are the women and the children who have to move.

5 **THE HON VICKI WARD:** Yeah, it is so hard to understand this behaviour, these choices that are made and it's - the - one of the challenges that we have got is that (a) there is not comprehensive research, but (b) there isn't a long history of this research either and again, because the focus has always been on the women not on the male's behaviour, that reluctance to accept the behaviour (crosstalk) -

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**COMMISSIONER HUNTER:** It seems like the women end up holding the accountability for what has happened. And in my working life I don't know how many times we have seen women moved out of their home, their home.

15 **THE HON VICKI WARD:** Yep, their kids are out of school.

**COMMISSIONER HUNTER:** What is even worse is that children end up in care, and actually - sorry, just on that, can I just ask, do you have statistics on how many Aboriginal women have gone into Orange Door and then had their children removed? Do we have any statistics Aboriginal women specifically?

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**THE HON VICKI WARD:** I am not aware of that occurring, but I am happy to be corrected.

25 **DR HEENAN:** I know in the last year there has been, I think, 14,000 First Nations people come to the Orange Door and I think that is about 7.5 per cent of all of those people that have come to the Orange Door. I am not aware of a child protection referral being made from the Orange Door to child protection. Certainly child protection refers into the Orange Door to the extent that that will then become a non-statutory system response. Because there is both family

30 violence, integrated Family Services, services for people who use violence as well as the Aboriginal-specific teams to be able to then look at a response that is not a child protection response.

35 **COMMISSIONER HUNTER:** We have heard evidence that there have been children removed once they've approached Orange Door.

**THE HON VICKI WARD:** Okay, yeah, I would be happy to follow that up, because I would like to know more about it. Yeah.

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**COMMISSIONER HUNTER:** Why have a service that our people can't attend because they are scared their children are going to be -

**THE HON VICKI WARD:** Absolutely, and I don't want that view to be entrenched.

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**COMMISSIONER HUNTER:** I would like if you would -

**THE HON VICKI WARD:** I would like to follow that up I would like to know more about it.

5 **COMMISSIONER WALTER:** The related point is that we have heard the people occupying roles that are supposed to be Aboriginal intake officers are not First Peoples. They have the job title, but they are not First Peoples.

**THE HON VICKI WARD:** Yep, I am sorry that is the case.

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**COMMISSIONER HUNTER:** Aboriginal-led practice leads, so could we get something? I know obviously it goes back to ACCOs, but you have the overview of that system. It would be good to know in those Aboriginal roles, how many Aboriginal workers, because these are vulnerable women.

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**DR HEENAN:** Absolutely, Commissioner. It is - the home agency carries that data and we - and we haven't - I think the home agency has, in terms of the Orange Door relationship, it is a self-determined approach to the Aboriginal response teams in the Orange Doors. So we don't have access to and nor have we ever sought to know whether the positions are filled by First Nations people.

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**COMMISSIONER HUNTER:** Again, evidence that we have heard is that a person that has presented twice there has never had an Aboriginal practice lead who is not Aboriginal and then the third time was put off to another agency, because that Aboriginal practice lead also had too many - too much of a case load. So I think this needs to be looked at, the case load. Are they - I know you leave it up to the ACCOs but are they - they would I would assume an Aboriginal practice lead would be an Aboriginal person, because you can't call it an Aboriginal practice lead if they are not Aboriginal.

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**THE HON VICKI WARD:** Completely agree, completely agree. I would also hope a with the investment we have put into ACCOs to strengthen their workforce and to bring them up to the management minimum qualifications that we would be seeing growth in First People who are in the sector - who are working in the sector. So - but I do want to keep the conversation going with you. If you can give me that information I very much would like to know more about what has been said, so that I can be aware of it.

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**COMMISSIONER HUNTER:** Yes.

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**THE HON VICKI WARD:** Thank you.

**COMMISSIONER LOVETT:** Sorry. I am really still grappling within my mind about the preventative area - preventative area and the education. Because, you know, Aboriginal women are 45 times more likely to come in - to have family violence, sorry, and yet we are doing this broad brush, generic kind of education on respectful relationships. So clearly there is a deep-seated work or thinking that

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needs to be embedded into Respectful Relationships in particular about Aboriginal women, the statistics says that.

I am also deeply concerned to hear, though, that you are the Minister responsible.  
 5 All ministers are responsible for addressing family violence, I will say that. You are the lead for family violence and then when you'd mentioned about the Department of Education and the work that they are doing there you don't really have a say in that. That is a bit of a concern, given the Department, and we have got experts who have got 30-plus years, they should be developing and designing  
 10 the programs that are being implemented, whether it be in school curriculum or not.

So we don't have a good history in the schooling system and we had the Deputy Premier here come and apologise for the systemic racism and - from the education  
 15 point of view and not teaching our culture, our practice, but also the true history of Victoria. And I think that is something that is really important to us. And then again, we further embed that our women are not represented around being respectful to our women and valuing them.

20 One of the other things I do want to raise is not to take way from women, but we also have Aboriginal men who suffer from family violence and we also have LGBTIQA+ communities also that haven't been represented, that aren't represented in that Respectful Relationships as well. And I think the - I guess I am asking for a commitment from you to go and work with the Deputy Premier in  
 25 having deeper dialogue and conversations about what do respectful relationships look like in the schools and making sure that Aboriginal representation is embedded in that work. Because, you know, 45 times more likely, it is just - you know, it can't just be generic when it comes to our people, you know.

30 **THE HON VICKI WARD:** Absolutely, thank you, and it is a conversation that has begun with me and the Deputy Premier and it is one that I would hope - I want to strengthen. And take your point on board absolutely, and I will give you that undertaking.

35 **COMMISSIONER LOVETT:** Yes. The Department of Education should have come to you to get clarity from the experts of this area or industry, I don't know how to articulate that very well, but key people who are leading in family violence advocacy, to make sure that what they are talking is appropriate. And if your Department is not involved in that then I don't have confidence that it is  
 40 appropriate, nor is it even then even further tailored to our people's overrepresentation. Again, non-Aboriginal people are doing a lot of these behaviours towards women, not all, there are Aboriginal men doing this, we recognise and understand that, but we are just not represented.

45 **THE HON VICKI WARD:** With Respectful Relationships it is often a third party who will come into the school and deliver the program. They are the ones

who will connect with the Department, connect with Respect Victoria, connect with other academics and experts in the field.

I don't know if you want to elaborate any further on that.

5

**DR HEENAN:** Sorry, I was going to - to say, Commissioner, that there is a broader prevention approach alongside education in schools, I guess, and Dhelk Dja has been leading some really important intervention work for many years now. They are just going through the process of refreshing their primary prevention framework, which gets to some of the issues, Ms McLeod, that you were speaking of in terms of what are the drivers, primary prevention frameworks. And I'm taking - I understand the issue of multi-frameworks being referenced, but this has been a really important framework lead by Dhelk Dja where there has been an evidence-base.

15

So looking at the primary drivers of violence, of family violence and looking at the responses from the individual level through to the societal level, basing that in the context of First Nations experiences of family violence and noting that non-First Nations people, men, in particular, are offending often. So those - that is a framework that is literally being developed now. I don't think it is quite landed yet. But the Dhelk Dja and the responsible sub-working group has been working very hard on that prevention framework and the idea is then to use that evidence base to then drive prevention programs across settings.

20

So education is one very important setting and Respectful Relationships education program has been running in Victorian schools now for a number of years. But there are also sports, settings, workplaces, local council is another area. But sports, I guess, is a particular area that I think First Nations program designers have done really strong work in, in recognising what the drivers are, but also being able to have the conversations, develop the program approaches that then can reduce the likelihood of the participants going on to develop attitudes or continue to develop attitudes and behaviours that might lead to violence.

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**COMMISSIONER LOVETT:** It feels like for me though and I did ask the question. I know you responded to Counsel here, but I asked the question. It seems like a bit of an afterthought, doctor. We have been overrepresented in this area for a - before the statistics anyway, we already know that. We are talking about colonisation. It was embedded in both your statements. It just feels like the time that anything to do with our people oh well, we will hand it over to the expert organisations as an afterthought.

40

This should have been embedded in when we had - you just said that. It has been in schooling or in education facilities for years, and yet we are now developing a framework for Aboriginal people. Again, we are not at the forefront. We are overrepresented everywhere, but then we have to go off and then further develop and define and give you the guidance, and then it is still not represented.

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**COMMISSIONER HUNTER:** Just so we understand that since colonisation there is some work done by Larissa Behrendt and so I want to quote her so people understand:

5           "Just as the invading colonists saw Aboriginal land as theirs for the taking, so too they assumed they could do as they wished with Aboriginal women without interference from British law."

10           This is nothing new for our women and I feel like we are just getting words and words, and words and, "We understand and we have got to change", but it is not changing. And we are so frustrated because I don't want to hear of another Aboriginal woman dying at the hands of family violence and everybody be silent on the issue again.

15           **THE HON VICKI WARD:** I don't either.

**COMMISSIONER HUNTER:** It is going to happen, because we are moving too slow. Ms McLeod asked what are the drivers. If we need to understand this and do more research that is what we have got to do. What are the drivers? If it is 20 taking the model with Dardi, why aren't we working with Dardi? Because our children are going into care as a consequence and dying. I don't want any more Coroner's findings and inquests.

25           We don't need another Royal Commission. We know what the problems are. We need to address them and we need to make sure we are putting the right money in the right places. Because, you know, what hope have we got for our kids, if this is - you know, I had to have the conversation with my daughter the other day when you catch the tram put one thing in, make sure of your surroundings, don't be kind 30 to anybody, stop talking.

**THE HON VICKI WARD:** Don't have a ponytail.

**COMMISSIONER HUNTER:** Don't have the Aboriginal flag on your bag, right, take that off as well. So add that on top, how it feels for Aboriginal young 35 girls, let alone the mums and dads telling them to do this.

**THE HON VICKI WARD:** Absolutely.

**COMMISSIONER HUNTER:** I don't want to have this conversations 20 years 40 from now or my daughter having conversations with her daughter. We shouldn't have to have them.

**THE HON VICKI WARD:** Agreed, I don't want to have them either.

45           **COMMISSIONER HUNTER:** Any child, any woman. Unfortunately that is where we are at. So we just need to move forward with - we are so risk averse, the problem is we are that risk averse that people are still dying. The system is not

working. We should be working with health professionals as well and we haven't even spoken about that.

5 **MS MCLEOD SC:** So coming back to the Respectful Relationships resource that is available online, we see a number of references to discrimination generically. But there is no reference in that document that I could find to race, racism, First Nations People, Aboriginality, safety, cultural safety, any of those issues. So do you think it's - beyond the initial acknowledgment of First Nations people.

10 **THE HON VICKI WARD:** I am so sorry. I didn't understand which document you were referring to. Sorry.

**MS MCLEOD SC:** The Respectful Relationships resource.

15 **THE HON VICKI WARD:** Got you.

**MS MCLEOD SC:** No mention apart from the initial, "We acknowledge".

20 **THE HON VICKI WARD:** The acknowledgement, yeah.

**MS MCLEOD SC:** No reference to race or racism.

**THE HON VICKI WARD:** So that is the broad policy document or it's the -

25 **MS MCLEOD SC:** That is the teaching resource.

**THE HON VICKI WARD:** The teaching resource.

30 **MS MCLEOD SC:** Resource kit for Victorian schools.

**THE HON VICKI WARD:** Okay.

35 **MS MCLEOD SC:** So discrimination described in the broad, should there be a reference to race, racism, to First Nations people, the disproportionate effect of family violence on those women and children?

**THE HON VICKI WARD:** Absolutely.

40 **COMMISSIONER NORTH:** Ms McLeod, before you move on, I wanted to ask a question relating to the previous discussion about the drivers. And I just wondered whether - and it would not be a surprise if substance abuse, mental illness would be a feature of many of the family violence incidents that you get. And I am just wondering whether you have data on those types of elements that happen in a family violence situation.

45 **DR HEENAN:** I guess, Commissioner, those drivers have been recognised in the primary prevention framework that has been developed. So in a public health

sense there was some public health work done through Vic Health in developing the primary prevention framework and those contributing factors were identified.

5 **COMMISSIONER NORTH:** But this is the framework that is in development, is that -

10 **DR HEENAN:** No, this is a framework developed by Vic Health in 2008. The framework I was referring to was the Indigenous Primary Prevention Framework that's actually going through a refresh. So it was first established in 2012.

**COMMISSIONER NORTH:** So is this data that is revealed by that framework about the incidence of substance abuse, mental illness in family violence incidents?

15 **DR HEENAN:** In terms of the public health work that was done those drivers were - there was quite a complicated piece of work to look at what are the greatest contributors to poor health in women, and violence was identified as the lead contributor to poor health in women. And then those other drivers were also active or contributing factors and certainly were also experienced by victim  
20 survivors in terms of harm caused -

**COMMISSIONER NORTH:** I am talking about perpetrators.

25 **DR HEENAN:** Yes.

**THE HON VICKI WARD:** There is data that talks about those intersections. I can't tell you what that data is, but I think broadly it can be around about a third of incidents there can be a presence of drugs and alcohol, for example. But that is - that is an additional layer of the primary cause because, for example,  
30 Commissioner, you might be at the football and had a couple of drinks and you are not, necessarily, "I am not getting my own way so I am going to whack the bloke next to me", but you might go home and do it. That is the choice or part of the choice, right. You are not doing it with your mate, because he is your mate and you respect him. You will go home and do it.

35 **COMMISSIONER LOVETT:** Can I just come back to - yes, to yourself to go back to the Respectful Relationship stuff you were talking about before.

40 **MS MCLEOD SC:** Yes, I was going to go on to the work of Professor Fitzgibbon, but if you want to ask the stuff about Respectful Relationships, Commissioners?

**COMMISSIONER LOVETT:** No, that is fine.

45 **MS MCLEOD SC:** So you would be familiar with the work recently published or at least reported in the media of Professor Fitzgibbon and her team at Monash University?

**THE HON VICKI WARD:** Yes.

**MS MCLEOD SC:** And it wouldn't surprise you from the sounds of it - we have  
 5 asked her to produce overnight, so you might not have seen this breakdown of  
 data. But within the wider sample of 265 cases she reviewed sentencing remarks  
 for those cases. There were 19 cases of intimate femicide involving a male  
 perpetrator and a First Nations female victim. In 95 per cent of cases the judge  
 noted the perpetrator had a history of drug and alcohol abuse. In 95 per cent of  
 10 cases the perpetrator was drug or alcohol affected at the time of the femicide. In  
 47 per cent of the cases the judge stated the victim had a history of drug and  
 alcohol abuse and in 84 per cent of cases the victim was drug or alcohol affected  
 at the time of the femicide.

15 They also noted 84 per cent of cases the user of family violence had a prior  
 interaction with a legal setting. These are specific to Aboriginal women. These  
 are not the generic, although the findings are consistent. The user of family  
 violence had a prior interaction with the police in 89 per cent of cases, and the user  
 of family violence had at least one prior conviction for family violence in 95 per  
 20 cent of cases. In 53 per cent of cases the user of family violence had victimised  
 other intimate partners in addition to the femicide victim. So that tells us very  
 starkly, that drug and alcohol use and repeat offending are primary areas of  
 concern and focus, don't they?

25 **THE HON VICKI WARD:** Yep.

**MS MCLEOD SC:** And what is the State doing, either directly or by investing in  
 the work of others, to address those specific risk factors?

30 **THE HON VICKI WARD:** There is a number of programs and supports that are  
 there for drug and alcohol abuse and use, for example. But it is not something  
 over which I have not a lot of knowledge of, because it really falls within the  
 Department of Health's remit. But there is, within a number of the programs that  
 we have for people using violence that acknowledgment and work that is done in a  
 35 therapeutic sense to address those additional layers of challenges that those people  
 might experience.

**MS MCLEOD SC:** Let us set aside the therapeutic response to drug and alcohol,  
 40 absolutely appropriate. Let us come to the serial offending.

**THE HON VICKI WARD:** Yes.

**MS MCLEOD SC:** How can you use this data, which tells us so clearly that one  
 45 person might repeat offence against a single affected family member or might  
 offend against a series of women that he is in a relationship with, what does that  
 tell us about the efficacy of our response and where we need to target the  
 response?



**THE HON VICKI WARD:** We need to continue to have a multi-pronged approach to response, and the data and the understanding around this behaviour is emerging, so we need to keep building on it and keep understanding more. So this  
 5 research work that has been done is useful in continuing to inform our understanding of the behaviours and what is happening around that person and the way that they are engaging. But we know, for example, through the Central Information Point, the data that we have there, we know that there is a cohort that  
 10 continue to use violence, on different women, and they are really complicated people to work with.

And we have got the Changing Ways Program where we have three pilot programs that are happening across the state including one that is being operated by Dardi Munwurro to look at how we can better address those repeat offenders,  
 15 those people who are at serious risk, how we understand their behaviours and how we work with them to change those behaviours.

**MS MCLEOD SC:** Would you agree that this - if this is a primary driver of family violence it requires a substantial response including significant devotion of  
 20 resources?

**THE HON VICKI WARD:** It needs a significant response in the sense that we have to do more work and harder work in understanding how to change those behaviours and how to stop the violence from happening. And I don't think that  
 25 there has been enough information, enough research for us to be able to fully understand the silver bullet, if you like, to resolve this behaviour.

So we are undertaking perpetrator research so that we do understand this more. I know Anne Rose is doing some work in terms of understanding perpetrators,  
 30 because there just isn't enough information worldwide to help us understand the hows, the wheres and the whys. We understand the hows, sorry, but, you know, the whys.

**MS MCLEOD SC:** It is traditionally the questions around understanding perpetrators, has that been something of a no-go zone? Is it, sort of sacred turf we  
 35 dare not ask or is it just not understood?

**THE HON VICKI WARD:** I think it is both and I don't know - I think it goes to Commissioner Hunter's point earlier, the focus has always been the victim  
 40 survivors, the women. It is always the women carrying the load, instead of the lens going back to where the problem started, which is those choices of those men who are using violence. And it is only recently, and as we have come out of the Royal Commission, the gaze on those people using violence has become stronger and stronger, and stronger. So there is data and information that we have  
 45 accumulated in the eight years since the Royal Commission, but there is still so much more to understand.

**MS MCLEOD SC:** So is Respectful Relationships the panacea or are there programs you are aware of here or overseas that you would like to see explored and implemented?

5 **THE HON VICKI WARD:** I haven't seen yet programs internationally that would stand out for me that does offer a silver bullet. I don't think there is one. I think that it goes to a comment I made earlier around a whole of community response and it is how we touch every part of community to get them all onto the same page that this behaviour is not acceptable.

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**COMMISSIONER WALTER:** Can I suggest and it's - there has been critique of these approaches from many scholars, feminist scholars and others that Respectful Relationships while understanding that respect is, is a very white, middle-class approach that really doesn't get to the life world of many of the people who are both users of violence and those who suffer from its effects. And that if that is the primary approach of the State, while I certainly don't think we should be doing training of that, it just seems incredibly inadequate and incredibly simplistic in its hope that somehow this is going to make a difference on its own.

20 I'm - yes, we should be training everybody to have respectful relationships, but I can't see that this is going to address this incredible problem especially with the data from Ms McLeod about the heavy involvement of drugs and alcohol, and mental health and previous involvement in the law in femicide.

25 **THE HON VICKI WARD:** No, you are right, Commissioner. And that is why it is looking at sporting clubs and the role that they can play and the conversations that they have, and how they are supporting their men and boys. It is - you know, one thing that we need to think about was an observation that was made to us by a couple of boys who had been doing Respectful Relationships, which was the lack of positive male role models. They were not able to identify for us positive male role models that they looked up to, whose behaviour they wanted to emulate.

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That is something that as a community we have really got to think about how we address, because it isn't just Respectful Relationships, it is how we bring up healthy kids. It is how we help kids understand their entitlement and their privilege. It is how we help kids understand how to be better around each other. It is also how we help kids to self-regulate and care for themselves. So there are multiple levers in terms of prevention that we need to pull and we are pulling as many of them as we can. Respectful Relationships is just one component.

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**MS MCLEOD SC:** Can I just stay with the data for a moment? Recently announced at a parliamentary inquiry for Legal and Social Issues Committee seeking submissions on family violence perpetrator data. And you will be familiar, Minister, with the terms of the reference of that Committee:

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"The Committee seeks data to acquire data to accurately understand the profile and volume of perpetrators of family violence in Victoria."

You have mentioned the 57,000 users already, but this is a refinement of that data, correct?

5 **THE HON VICKI WARD:** Yes.

**MS MCLEOD SC:**

10 "The Committee seeks input on the mechanisms for capturing this data, what data is collected, who collects it, what the data is used for and the barriers to collecting the data specific to the family violence context."

Can you both give us your reflection on how the work of the Department and the work of the ACCOs would be assisted by the Committee work here?

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**THE HON VICKI WARD:** I welcome the work that the Committee is doing, because I think it will be helpful in us trying to find all of the various data points that we can so that we can have an accurate measure of the people using violence that we have in this state and how to actually use that as one of the reference points as to measuring success. So they, as I understand it are - have called for submissions. I think there has been in excess of 70 sent through.

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The Department is working on their submission to the Inquiry at the moment. I understand ACCOs have been producing - have made submissions and I understand that the Committee will be having hearings and will be engaging with ACCOs and wanting to further understand - well, understand the questions they need to ask in the first instance.

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**MS MCLEOD SC:** What is the broad timeline for that?

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**THE HON VICKI WARD:** I think they are reporting back at the end of the year, but as common with committee inquiries they can often be extended as more information comes in. And I think as information continues to come in, the amount of time that they will need to digest and process that information may mean that they will need an extension.

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**MS MCLEOD SC:** So the Commission can navigate parliamentary privilege issues would you be content to share the Department's submission to that committee when it is available?

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**THE HON VICKI WARD:** Absolutely.

**MS MCLEOD SC:** Just turning then to the Dhelk Dja agreement. This is a three-year action plan that sits beneath that agreement, correct?

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**DR HEENAN:** Yes, a three-year action plan that sits beneath a 10-year agreement, exactly.

**MS MCLEOD SC:** At the time of your witness statement, Minister, the second plan was still in draft. You anticipated that would be finalised by mid-2024. So I am just going to follow up and ask how that now been finalised?

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**THE HON VICKI WARD:** Yes, the second action plan was accepted by the Forum in April.

**MS MCLEOD SC:** And - pardon me, Minister. Okay, yes, we might bring up that document if we can, which is the acquittal of the Dhelk Dja action plan.

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**THE HON VICKI WARD:** The first action plan?

**MS MCLEOD SC:** This first action plan, yep, I'll just find the number. This is document 9 in the tender bundle. It is DFFH.0027.0001.0143. I should ask when we are turning up that acquittal it is a purple box with documents on it on the screen.

15

**THE HON VICKI WARD:** It is always too small for me to read.

20

**MS MCLEOD SC:** I will ask the operators to zoom in. I know we have gone over time, so I will ask if you are okay to continue for a short time?

**THE HON VICKI WARD:** Yes.

25

**MS MCLEOD SC:** We see on the screen the acquittal for each of the items under the action plan. The first is strategic priority number one, "Aboriginal culture and leadership" with key achievements and if we scroll down to the bottom box:

30

"Status at conclusion of plan. Add activities four completed four carried over."

So my first question is does each of these action plan have a timeline for each of these activities specifically?

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**THE HON VICKI WARD:** It would depend on the activity and it would depend on the Forum in the Koori Caucus within the forum would be my understanding around timelines.

40

**DR HEENAN:** It would have - I don't have that in front of me. It would have had which year the various actions were to be acquitted in, that's right.

**MS MCLEOD SC:** So this acquittal document doesn't tell us whether these things are on track or not, just that half of the ones in the first column have been completed and four carried over. So can you tell us whether they are on track or whether they are behind, those four that were carried over?

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**DR HEENAN:** The four that were carried over into the second action plan, we are still in the first year of the second action plan, so they would still be, I guess - I would have to see where they are positioned within the three years for this current  
5 action plan to be able to tell you whether the four are on track or not, or whether they were to be acquitted in year one.

**THE HON VICKI WARD:** I would suspect that some of them, I can't tell you which ones are not in track, that was in part due to some of the challenges with  
10 COVID and COVID restrictions.

**MS MCLEOD SC:** But could you, Dr Heenan, undertake to give us a version of the acquittal, which sets out what the original timelines were and whether those things that have been on - rolled over into the second action plan were delayed for  
15 some reason?

**DR HEENAN:** I am not sure that I will be able to do that at such a specific level, Ms McLeod. I will be able to talk to you about some of the specific actions, I guess and those that have been carried over or those who have been committed to  
20 core business, if that is helpful. But I would not be able to say which year each action was intended to be acquitted in that at this time.

**COMMISSIONER WALTER:** Can I just say would that not be a core thing when you are planning and you are putting your actions in that you actually have a  
25 timeline and key outcomes and you would know when they are supposed to be done by?

**DR HEENAN:** Dhelk Dja does have that, Commissioner Walter, yeah. In terms of the action plan, the full document there would be a full commitment to which  
30 year it was proposed that that action be undertaken and completed by.

**COMMISSIONER WALTER:** Yes, I have just been reading the Dhelk Dja monitoring evaluation - Monitoring and Accountability Plan and I just have some real concerns that the indicators that are in there are very vague and there doesn't  
35 seem to be any actual measurement applied to them. So you would not be able to actually say whether they've been - say, for example under the key thing of Aboriginal individuals, families and community outcomes, outcomes and indicators are that Aboriginal people have greater access to family protection. There is increased - now, they are just vague statements. What does, "increased"  
40 mean? 10 per cent over three years? 15 per cent? What does, "greater access" mean? Does that mean 20 per - there is a 20 per cent more Aboriginal women accessing these services? I am not sure how you can actually say whether you have succeeded or not when you don't have any bars of measurement.

**DR HEENAN:** Yes.

**COMMISSIONER WALTER:** What success looks like.

**DR HEENAN:** I think, Commissioner Walter, that is exactly what the evaluation that is almost completed for the first action plan suggested, that the MEAP, the Monitoring Evaluation and Accountability Plan was too high level in that it didn't  
 5 have sufficient indicators or measures included within it. And so the evaluator, the Aboriginal led evaluation does talk about MEAP being useful to the extent that they have intended having endeavoured to align it with MEAP as much as possible, but otherwise needed to use other reference points as it happened to be able to look at the levels of success or progress that were made on various actions.

10

**COMMISSIONER WALTER:** We have heard repeatedly in this Commission of evaluation and monitoring of Aboriginal programs constantly failing in this regard, like, it is a pattern. We have yet to see a framework or a program or a strategy that actually has measurable outcomes that would indicate whether that  
 15 framework and strategy was a success and that is even in - just in the ones that have actually have some sort of evaluation built into them. So I am - I just can't understand why you would have a monitoring, evaluation and accountability plan that was not able to measure whether it was successful or not. It seems not to have been meeting its core purpose.

20

**DR HEENAN:** Yes, I agree. I think it's just - and it was definitely the view of the Partnership Forum that it just - that when it came to being able - to try to apply MEAP to the first action plan, noting that MEAP is intending to look at the whole  
 25 10-year strategy, but even looking at action plan by action plan it is not going to be specific. So Dhelk Dja is in the process under the strategic priority looking at data innovation to develop indicators and measures of success that are far more sensitive to the particular activity that is been identified, particularly for the second action plan.

**COMMISSIONER WALTER:** Can you give me a timeline of when those will be developed?

**THE HON VICKI WARD:** I can come back to you once Dhelk Dja and Koori Caucus have agreed that. I understand they plan to have that done by the next  
 35 couple of months, certainly by the end of the calendar year.

**COMMISSIONER WALTER:** It's the job of the Department, isn't it, not the Dhelk Dja forum to do this job?

**DR HEENAN:** We absolutely agree with you in terms of supporting that work. It is absolutely self-determined work though in terms of measures of success and indicators that Dhelk Dja would like to identify. And they have already identified a number of them through the programs they have been running. But we support  
 40 as Secretariat and the Department alongside the Aboriginal-led Secretariat the work as it progresses, definitely.

45

**COMMISSIONER NORTH:** Are you able to tell us what sort of things those eight activities are? I mean, is it a 10-minute hello in a passageway? What are they?

5 **DR HEENAN:** I can give you an indication of some of them definitely, because some of them are quite substantial. For example, in the area of the service delivery strategy it was actually the establishment of the Aboriginal access points. So that was one of the strategic activities that fell under strategic priority 3 for the Action Plan. So that was also the establishment of the Aboriginal specific sexual  
10 assault services that was achieved during the first action plan.

**COMMISSIONER NORTH:** Are they recorded anywhere that we can see, those outcomes?

15 **DR HEENAN:** I think those two were captured in that diagram. I think under - it might have been the third or the fourth in terms of - the Aboriginal access points feature under priority four, so that is -

20 **COMMISSIONER NORTH:** I am looking at priority 1 and that reference to eight activities. Are they described anywhere that we can see them?

**DR HEENAN:** Not on that slide, they are not.

25 **THE HON VICKI WARD:** We can get you that information, Commissioner.

**DR HEENAN:** Yeah, what we have done is pull out the key achievements from the eight, but we can certainly go through item by item if you'd like us to, but in terms of - we will provide that.

30 **MS MCLEOD SC:** Under each - just generically under each of the headings, Strategic Priorities there are a number of action items rolled over to the second action plan, correct?

35 **DR HEENAN:** There are. There are.

**MS MCLEOD SC:** It would be useful to know for each of those whether they are on track or whether they are delayed for some reason.

40 **DR HEENAN:** Yeah, we will be able to provide that to you.

**MS MCLEOD SC:** Yes.

45 **COMMISSIONER LOVETT:** If you go to strategic priority 5, right, and the key achievements, they're done in the last -

**MS MCLEOD SC:** Is your microphone on, Commissioner Lovett?

**COMMISSIONER LOVETT:** Looking at strategic priority 5 we look at the key achievements that is an after fact. "Monitoring, evaluation and accountability" that is just outsourcing that to another organisation to do. So you have had three years to do that and it is pretty easy to kind of achieve that. Aboriginal-led  
 5 process of evaluation, like, those two are done at the very end. So I come back to three completed; 12 activities, three completed. Well, two of them are right there. But again, it is the end-of-life cycle and then we say, "Right, we should do an evaluation." Pretty easy to achieve those by just paying for an evaluation, to be fair. Any response?

10

**DR HEENAN:** I am hesitating, Commissioner, because I know it was work that was - I know this might frustrate you, I apologise, but it was really important work that that Dhelk Dja sub-working group did over the source of the Action Plan. So MEAP was - it is a very big, substantial document. There was a lot of work and  
 15 dialogue across that sub-working group that they brought back to Dhelk Dja Partnership Forum to talk about its progress at various points, so I accept, though, that your point in relation to it featuring at the end of the plan's life.

**COMMISSIONER LOVETT:** But also if you do an environmental scan across  
 20 all of them there is a lot of - half of them have been achieved. Seven activities in strategic priority 2, two completed. So there is kind of - it hasn't really been completed. We know when government wants to get stuff done they get stuff done. So this is pretty - and "frustration" is not the right word, because when we are frustrated as Aboriginal people it is misconstrued into something else.

25

We are just underwhelmed by the performance and the delivery and it goes to that key word of "accountability" that we keep hearing from government. We are accountable, but we don't see it. It is not translated, so it is not frustration, doctor, respectfully. It is just the lack of accountability, the lack of aspiration and the lack  
 30 of outcomes.

Our people coming to the table, fighting really hard, volunteering their time a lot of the time and we are looking for the outcomes, meaningful investment in outcomes, you know. And we are just not seeing it. It is just like when we don't  
 35 deliver it, "Sorry about that." But when we hear about government delivering all across the media, it is in our face when it comes to our people, "We will try better next time." I will hand back but that is the point I am trying to make here, "Sorry we will do better next time hopefully."

40 So our people will rock up and we will come to the forum again, and we'll - whether it be Dhelk Dja, we are hearing words like "self-determination." I don't see self-determination represented in that. And the self-determination reform framework I think was agreed by government in 2016, maybe '17 at the latest and we are talking about 2022. Respectfully, I don't see much self-determination  
 45 happening.



We have heard of the Department of Education doing a strategy on strengthening self-determination and I made the point you don't strengthen self-determination. You either have self-determination or you don't. From what we have heard from government repeatedly, we don't have self-determination. I am yet to hear today  
 5 about systems transformation, you know we have got - that is part of self-determination. What it is going in to transfer power, resources and transferring the systems to enable self-determination?

I haven't heard much about systems transformation personally today and that is  
 10 what our task is, it's part of the terms of reference is to make recommendations on the systematic injustices and make transformative recommendations for change. It is really hard when strategies, frameworks, pilots, lack of investment in all these things are not translating into change. So it is just, yeah, pretty disappointing, but we are not frustrated.

15 **THE HON VICKI WARD:** Do you want to talk to the self-determination that was in - I completely hear what you are saying, completely hear what you are saying about measurements and outcomes. There is an underlying principle of self-determination that is within Dhelk Dja and it may be helpful for the  
 20 Commission to hear whether it is - whether you have got feedback and want to contribute more to that framework that is within Dhelk Dja. I think it will be helpful for -

25 **COMMISSIONER LOVETT:** Can we precursor the - that response and can you articulate to me what you think that our people understand self-determination as? The government have a view of what self-determination is, but our people obviously have a different view and we have heard that loud and clear. So I would like to hear from either of you to articulate what does self-determination look like in the context from our people's point of view. A lot of smiles in the back.

30 **DR HEENAN:** I am happy to.

**COMMISSIONER LOVETT:** Please, thank you.

35 **DR HEENAN:** So, Commissioner, in the context of family violence I would say, in particular, it is about investing in those critical governance structures, so that decision making for - around authority, control, resources, it sits with Dhelk Dja as one example, but certainly other governance structures. That self-determination  
 40 is in the context of policy and programmatic reform, making decisions, having the resources, being able to drive change and design in programs and policies, having the authority around building capacity across workforces, the authority to ensure that mainstream organisations are culturally safe.

45 In the context of what the Minister was describing in terms of the self-determining structures within Dhelk Dja and perhaps an example would be with the Aboriginal access points. So noting, of course, that the allocation comes from government, so it is an allocation of funding and to that end absolutely that allocation is not

self-determined. But from that point on the decision making and - around the access points, the design of them, where they would be located, what they would undertake, how they would be organised in relation to the work in those particular three pilot areas was all Dhelk Dja-led, all of the decision makings around that particular system transformation.

And it has been the case for the sexual assault services as well. The allocations, again, come from government and are pre - you know, so there isn't that self-determination around the amount of resources that is provided for that innovation or for that system transformation. But from that point on we will support the work and support the meetings of the working groups if they are involved at - particular sub working groups of the Dhelk Dja group are involved in the design of those programs, but thereafter it is decision making by Dhelk Dja.

**MS MCLEOD SC:** I just want to change gear a little now, if I may and come back to that topic of misidentification before I move to reforms. We heard some evidence from VALS, particularly Mr Juergen Kaehne about misidentification, essentially, we have police identifying the wrong person as the user of violence and noting this was a systemic problem. We have touched on this and you are aware of this issue, correct?

**THE HON VICKI WARD:** Yep.

**MS MCLEOD SC:** He referred to the Victoria Police Code of Practice responding to an incident, which invites a gender based and stereotypical response calling out - when they are called out to identify what they use as the predominant aggressor. And I would like to invite your reflection on these criteria that he identified and whether the tools that are being used by Victoria Police are fit for purpose. One of the criteria used by police is how fearful the person is. He said:

"Obviously that is an easily manipulated thing when the person is clever, articulate, usually white, calm and the mother is not. She is hysterical, fearful or whatever. It is inherently gender biased. Second, another thing they look at is the historical pattern of violence and as I said, in regional households police say, 'That is a violent household' and they just pick someone. And third, another one they look at the nature of injuries, not once considering whether the injuries are defensive ones. So a man rings with a scratch on his face and says, 'Look what she did. She is hysterical.' The police pick him as the person of protection".

The first thing I would say that directly contradict the information that Professor Fitzgibbon and her team have identified as users of violence, correct?

**THE HON VICKI WARD:** Yep.

45

**MS MCLEOD SC:** And so are police using the right tools or are these tools too prone to manipulation to be of use? Or how do we address this misidentification and manipulation that is going on?

5 **THE HON VICKI WARD:** I am not aware of those tools that he is referring to. They may or may not exist, or they may be as he has described. I cannot speak to that. I can speak to the conversations that I have had with Victoria Police where they fully understand that misidentification occurs. They accept that  
10 misidentification occurs and they are assuring me that they are putting into place cultural changes and strategies to reduce incidences of misidentification. And it is my expectation that within that understanding is intersectionality, which includes conscious or unconscious gender bias, conscious or unconscious race bias.

15 **COMMISSIONER HUNTER:** Would you agree that all tools are open to interpretation by whoever is using them?

**THE HON VICKI WARD:** Yes.

20 **COMMISSIONER HUNTER:** If that person has a bias against First Peoples, particularly women then that bias is going to affect the outcome of those tools.

**THE HON VICKI WARD:** Yeah, and it includes laziness.

25 **MS MCLEOD SC:** The person complaining to me loudest is the one you listen to, for example.

30 **THE HON VICKI WARD:** Yep, absolutely, and I can understand and I am not wanting make excuses for anyone, by any means, so I hope this is not interpreted this way. I can understand that when you arrive at an incident and where you have got a highly charged situation that you might make an error of judgment. But it is imperative that those understandings are within that police officer, that you do know that this is a fraught environment, that you do know that your own  
35 expectation of what you might see there is not actually what may be reflected, because people respond to trauma in various ways.

40 People using violence are often very manipulative and are very good at trying to game people and systems to do what they want. So this is why I want to go to the academy in Glen Waverley, so I can see what they are doing and understand whether it reflects my feelings, my views, my understanding in what is being taught to Victoria Police. Because the other thing that I am interested in is while there this is work that appears to be going on with recruits, what is happening in terms of training for police who have been there for 10 years, 20 years, 30 years? I don't have the answer to that yet, but that is what I am seeking.

45 **MS MCLEOD SC:** The previous family violence risk assessment tool is the CRAF, or Common Risk Assessment Framework, correct.

**DR HEENAN:** Yes.

**MS MCLEOD SC:** A draft Aboriginal contextualised CRAF had been developed by the time of the Royal Commission. Is that correct?

5

**DR HEENAN:** I was not aware of that Ms McLeod.

**MS MCLEOD SC:** I am referring to the Royal Commission final report here. Presumably if there was a particular Aboriginal contextualised CRAF there was a recognised need to contextualise family violence risk factors, specifically for First Peoples, correct?

10

**DR HEENAN:** Correct.

**MS MCLEOD SC:** The MARAM does not similarly contextualise for First Peoples their experiences, does it? It is generic.

15

**DR HEENAN:** No, it does. So in the foundational knowledge document there is certainly information and context within that foundational document and also within the tools and the guidance documents that are used.

20

**MS MCLEOD SC:** So can I ask you how effective those tools are as we currently use them. Does there need to be any improvement of those tools?

**DR HEENAN:** One I guess qualification I would make is that MARAM is not used by Victoria Police in that form. So it is - they use their own tool. It is based on some aspects of MARAM, but it is not the same tool that Victoria Police use. But to your - sorry, to your question, though, the five-year evidence-based review would say that - so it did find that, that the foundational knowledge does contextualise the context for First Nations women and First Nations people who use violence and - but did draw attention to where it can still be improved, particularly around uses - use of some concepts and use of language and it was in relation to lateral violence from memory.

25

30

**MS MCLEOD SC:** Commissioners, I thought we did ask for the tools used by Victoria Police, but we might ask the State to produce those tools, if we don't have them.

35

Do you know, Dr Heenan, whether those police tools are First People specific in any way?

40

**DR HEENAN:** I don't know, to be - would have to be my answer, I don't know that they are.

**COMMISSIONER WALTER:** Just on that misidentification, I know we are about to move on, but what research is being undertaken to find out how systemic it is, how frequent it is, because it would seem to me to be a huge issue?

45

**DR HEENAN:** A huge issue.

**COMMISSIONER WALTER:** What work is currently being done?

5

**DR HEENAN:** So Respect Victoria have got a study that is under way at the moment with the Centre for Innovative Justice at RMIT and Djirra, looking at exactly that.

10 **COMMISSIONER WALTER:** And when can we expect the results?

**DR HEENAN:** I think it's next year.

15 **THE HON VICKI WARD:** Yeah, I think it is located in Djirra. The - they have got a - they are doing a desk-based review, they will look at all the evidence. But they are looking at a very, kind of practical application of making improvements quickly. So Victoria Police sits on the project control group around that. This is being led by Djirra and it was originated through Aboriginal Justice Caucus and Dhelk Dja. But there - but the - it is a very applied approach to the research,  
20 because it is urgent.

**COMMISSIONER WALTER:** It is, but again, I am hearing Aboriginal people and organisations having to drive that change, that it is not coming from the State and it is not coming from State policies. It is always First Peoples having to  
25 actually do the leg work to get these things going.

**MS MCLEOD SC:** Can I turn now to - unless Commissioners have any further questions around the assessment tools?

30 Can I turn now to the recent reforms that have been announced by government? The first is the appointment of the Parliamentary Secretary for Men's Behaviour and as we understand it the purpose of the appointment of that Parliamentary Secretary, the first position of its kind in Australia, is largely focused on the influence of the internet and social media on boys and men's attitudes towards  
35 women. And so, you have obviously identified or government has identified that this is a primary risk area that needs to be addressed, correct?

**THE HON VICKI WARD:** Yes.

40 **MS MCLEOD SC:** And what is it about the data that tells you that that is an area you have to focus on? And then I will ask you to explain his role.

**THE HON VICKI WARD:** Yes, so in part, for example, the research that Jesuit Social Services have done with their Man Box Program, which is to look at  
45 attitudes across different - different cross-sections of boys and men, different age groups of boys and men. And that research has pinpointed that while there is lots of change in boys' attitudes towards girls and women, there is a cohort that is

emerging that is leaning into that unhealthy influencer behaviour in terms of gender attitudes.

5 And this isn't something that is just happening here. We are seeing it around the world and I don't know whether Commissioners or you have seen some of the reporting on the fact that, for example, women, girls, are becoming more and more progressive and open and inclusive in their views, but there is a cohort of boys that are going in the opposite direction.

10 **MS MCLEOD SC:** So what is the intention of this new appointment? And how will the Parliamentary Secretary initiate useful conversations that change behaviour?

15 **THE HON VICKI WARD:** Yeah, a big part of the appointment is the amplification of the conversation and you might have seen even with his appointment, created quite a bit of interest and quite a bit of discussion and again, discussion around men's behaviour change and what needs to be done. And also, you will be unsurprised to know, attracted quite a lot of trolling, which indicated why there is a lot of need for men's behaviour change. So it is a role for him  
20 to - in the first instance he is going around talking, listening, understanding what is there, what is around.

Because he has come into the role, he's now on a bit of a learning exercise, and a conversation piece. And then he will start in terms of whether it is going out to  
25 schools, whether it is engaging with sports clubs, whether it is looking at Men's Sheds, a whole variety of different places where men gather where can you listen to them and also see where that conversation is shifting and what else needs to be done to shift those views and attitudes.

30 **MS MCLEOD SC:** Do Commissioners have any questions about the Parliamentary Secretary appointment?

The next thing I wanted to ask you about was your initiative in Ballarat, a program - a four-year program to saturate anti-family violence awareness and  
35 focusing on various sporting groups and others, targeting social media and one of the initiatives is to test new and unidentified prevention approaches. I invite you to talk about that initiative and what is intended, and what is meant by "testing new and unidentified prevention approaches."

40 **THE HON VICKI WARD:** Yep, so where - Respect Victoria have been leading this work where they are really wanting to understand what works and what doesn't work in terms of shifting behaviours, shifting views, shifting attitudes. So to be able to have a community that we can focus on over a four-year period with incremental analysis done each year to understand the effect of the work that is  
45 going on is important and it is also - to be a bit of a nerd, it is really exciting in the sense that we are going to have a - multiple programs working all at once, where you have that everything, everywhere, all at once. Where you have got the

conversations that are already happening, whether it is through work that is going on in the sector, whether it is Local Government, Respectful Relationships. But going into those parts of the community where you don't currently reach where it is not currently heard.

5

How do we bring everyone into this. How do we just saturate them to a point where, you know, you have got them - you are shifting those mindsets. So we want to understand how that works, whether it does work in terms of - you know, and to go to your point about being risk averse. We are doing something, we don't know if it will work but we want to measure it, we want to understand it. So we will go into Ballarat, Respect Victoria will work with the services that are all there. They will work with anybody and everybody who is in - who is working within family violence, who is working within equality.

10

15 But also look at where all of the opportunities are to just saturate the messaging, the understanding the need for respect equality and for changing behaviours and for the behaviours they are not acceptable - there is no tolerance for those behaviours that are not acceptable.

20 **MS MCLEOD SC:** So what are the measures that you will use to measure whether the program is successful or not?

25 **THE HON VICKI WARD:** This is one of the data sets that Respect Victoria will put in place. They are the research leads. So they will be working with the sector to address and understand what those data measurements will be in terms of what success looks like.

30 **MS MCLEOD SC:** Okay, so not yet identified what those specific measurements will be?

30

**THE HON VICKI WARD:** I suspect Respect Victoria have got some clear things in mind of what they will like to measure, but they will not be confirming that until they have spoken with community.

35 **MS MCLEOD SC:** And will the measurements involve data sharing between organisations?

**THE HON VICKI WARD:** It may well.

40 **MS MCLEOD SC:** This is a significant investment in the Ballarat area. If the program seems to be successful on the measurements would the government look to rolling it out across other areas?

45 **THE HON VICKI WARD:** I would certainly be advocating for that.

45

**MS MCLEOD SC:** Yep, and is it targeting Ballarat presumably because of recent horrific cases there, but is it targeting Ballarat because there is a particular problem or is it just a regional area that is picked?

5 **THE HON VICKI WARD:** There is a couple of reasons. Ballarat is quite a contained area in some ways. It is an area that allows you to do population measurement reasonably well. But it is also a community that we know are very open to hearing, to being part of a solution too because of the traumas that they have experienced. That they are very open to engaging and having that  
10 engagement just to work - to give this program the best chance of success they are very well-suited community.

**MS MCLEOD SC:** So I'm not sure what the First Nations population are in Ballarat, but would you consider a similar program in Mildura, for example?  
15

**THE HON VICKI WARD:** Yeah, absolutely.

**COMMISSIONER HUNTER:** Can I just - in giving Ballarat, can I just make a note here that there was a First Nations woman there who was attacked and it was  
20 just ignored. It was ignored by police and then it took - without - you know, and it's with all due respect to say this, it takes a woman to die to actually get something done about it. That again, is the silencing of our women, and I just - I don't expect a response. I just wanted to make that comment, because it is very clear in the minds of the community what happened there.

25 **THE HON VICKI WARD:** Thank you.

**MS MCLEOD SC:** So do you have regional data on the prevalence of family violence across different regions, across the CBD, for example, that informed your  
30 decision to go to Ballarat, or was it led by this horrific case that is been reported in the news widely?

**THE HON VICKI WARD:** So Ballarat has - sorry, I am going to go from memory, I can't tell you what the exact rates of family violence are, they are not  
35 one of the highest areas but they are certainly not one of the lowest. They do have - there is multiple layers of trauma within Ballarat and so it is a community that is one that can be worked with, where we can really be able to measure results. Be able to see how effective we can be, as I was saying, a community that is receptive to that, a community that wants to be able to see change and wants to  
40 be a part of change.

**MS MCLEOD SC:** So is a necessary foundation for these sort of programs to succeed, do you think, that the community is ready to embrace these sort of  
45 programs?

**THE HON VICKI WARD:** It may well be, but I think that by working with a community that is ready it allows us to really have a better understanding of what



5 success can look like and what tweaks and what changes can be made to then go into other communities. So, for example, if we see shifts in behaviours in one part of Ballarat but not another, that can help us understand, well what are the things that are happening in that community that isn't leading to success, that could then be applied in another town or city that isn't as receptive to change.

10 **MS MCLEOD SC:** Is there a commitment to longitudinal research to follow up on this? I mean, you might have an immediate impact on the number of reported complaints, but how do you measure the efficacy of teaching boys or girls about these critical conversations later in life?

15 **THE HON VICKI WARD:** Yeah, so there is four years that the program is running for. But I would hope that there are measurements that continue so that you do have really accurate longitudinal data. But longitudinal data is something that is quite missing from the sector, because there hasn't been enough research done for long enough to really understand longitudinal effects within communities and part of that challenge is also that the numbers are often not big enough to really understand and measure.

20 There is also conflict within the sector around the fact that what do you measure when you can't measure at all, so if we are looking at, for example, the over 57,000 people using violence in the community that is one measure. But within the sector you can say those - you can say, "But it is not an accurate measure because of so much underreporting, so is it a measure or a number to be used at all?". So there is some real conflict in terms of how you measured and what you measure within the sector that has inhabited, I think in some ways, the growth in understanding and research.

30 **MS MCLEOD SC:** Do the Commissioners have questions about the Ballarat announcement?

35 I want to come finally to a question about law reform. And I mentioned the work of Professor Fitzgibbon and her analysis of sentencing remarks with a focus on recidivism. Nearly 20 years ago, Attorney-General Robert Hulls announced the abolition of the defence of provocation as a partial defence to murder by amending the Crimes Act. In doing so he said:

40 "The law of provocation has failed to evolve sufficiently to keep pace with the changing society. By reducing murder to manslaughter the partial defence condones male aggression towards women and is often relied upon by men who kill partners or ex-partners out of jealousy or anger. It has no place in a modern civilised society."

45 Now, significant pushback - you may not remember, but there was significant pushback at the time in relation to the reduction - the abolition of that partial defence. Similarly, concern raised within the legal profession and others about the recent introduction of amendments to the Crimes Act consent provisions, changing

the burden of proof of consent in sexual assault matters. And the Minister for Victim Support, then, Ms Kilkenny, noted - this is more recently:

5 "Sexual violence remains a prevalent social, criminal and human rights issue. It effects community safety, particularly the safety of women and children, it causes long-term serious harm to victim survivors. Conviction rates for sexual offences remain unacceptably low. Only one in 23 rape cases that are reported result in a conviction. The time for change is now".

10 And following the lead of New South Wales those consent provisions were amended. So my question is broadly around the tensions that are - that exist here. The rule of law is said to protect the innocent and the fundamental underpinning of the criminal law, the thing we hear often is that supreme truth, it is better that 10 guilty men escape that than one innocent man suffer.

15 But if the price of that principle is the murder and serious injury of thousands of women without holding perpetrators to account and the consequence of loss of public trust in the criminal justice system my question to you is a broad one and I invite your reflection, do we continue to tolerate the loss of women's lives or do 20 we reconsider features of the criminal justice system that inhibit this accountability? And they might be burden of proof. They might be the concept of intention or recklessness, it might be the level of satisfaction that various elements are made out, the charges to juries considering those issues or the persisting misuse of stereotypes about women victims and they are provoking assault against 25 them. Are these features you think are worthwhile are examining?

**THE HON VICKI WARD:** I think they are always worthwhile examining and I think our laws are always worthwhile revisiting. And I think particularly - particularly in the example you used around the provocation changes 30 where it is a law that has come through a patriarchal or male gaze and a male understanding of - it is leaned into bias which is the whole, "Look what you made me do" trope. So where - if we have laws that are perpetrating or are continuing a bias that exists then we need to look at them and how that can be changed.

35 Because that whole - even though the law has been gone for 20 years we still have that use by perpetrators that often goes - is replicated in elements of the community of that "Look what you made me do", "It wasn't my fault. She provoked me. She saw that, she, she, she, she." So even that law in itself embedded a bias. That law in itself allowed perpetrators to hide. So any laws that 40 allow us to continue that exposure, continue that gaze, continue that or strengthen that accountability I am very keen to learn about it and to understand how that could be improved, how they could be improved.

45 **MS MCLEOD SC:** Commissioners, those are the questions I have for the Minister and Dr Heenan. Do the Commissioners have other questions?

**COMMISSIONER LOVETT:** I've got one more, what gives you inspiration and hope for the future?

5 **THE HON VICKI WARD:** The - knowing that we can create change. It is really hard and it takes so long, but change does happen. We know that men can change - those violent men can change their behaviours, we know that they can make better choices, and what gives me hope is - like, for example, going back to that when we sat down with those kids doing Respectful Relationships having a  
10 16-year-old boy explain to me what affirmative consent is, his understanding is something that gives me hope. Because I would never have thought as a 16-year-old girl that there would be a boy that could do that. So knowing that there is incremental shift even though it is so bloody slow does give me hope, because I know it can continue and it can gain momentum.

15 **COMMISSIONER LOVETT:** You are quite emotional in your response there.

**THE HON VICKI WARD:** Because I am so sick of it, right. We are all sick of it. We are sick of this violence.

20 **COMMISSIONER LOVETT:** Yes. It wasn't a judgment it was -

**THE HON VICKI WARD:** No.

**COMMISSIONER LOVETT:** It is really important.

25 **THE HON VICKI WARD:** Yeah, it is really important to me.

**COMMISSIONER LOVETT:** Yes.

30 **COMMISSIONER WALTER:** I have just got one final comment, with relation to the monitoring evaluation and accountability plan, can you report back to us when you do get measures that are actually measurable?

35 **DR HEENAN:** Yes, absolutely Commissioner Walter, we will do that.

**COMMISSIONER HUNTER:** And before we close, just - so right now we know that First Nations women are overrepresented as victim survivors of family violence and in Australia First Nations women are 33 times more likely to be hospitalised for family violence injuries than non-First Nations women, and First  
40 Nations women are six times more likely to pass away from family violence than non-First Nations women. This is the stark reality.

45 These statistics are not mere numbers, they represent lives shattered, families torn apart and futures stolen. We know that the rate of family violence is rising across Victoria, but that it is increasing at a faster rate for our people. So, Minister, as a reminder we have a Coolamon for you. It's a reminder to the office that you hold. It's a reminder that the overrepresentation of Aboriginal women and children

within the family violence system and the unfinished work we have to do to ensure women and children are safe.

5 The Coolamon has the artwork on it, at the back an Aboriginal woman wearing a possum skin cloak. This is a reminder of the silencing of our women and Bunjil watching over the Coolamon. As the Coolamon hold the souls of our women and children that have died at the hands unjustified violence and we want this displayed somewhere as a reminder that we must do better.

10 **THE HON VICKI WARD:** Thank you, I promise you it will be.

**CHAIR:** Thank you, Commissioners. Thank you.

15 We are now ready to adjourn, Counsel, and until tomorrow morning at 9.30, I believe.

Can I thank you so much for the heavy hearing that we have just had, the heavy evidence of slow, slow progress, which seems to be our lot. We thank you for being here and just thank you.

20 **THE HON VICKI WARD:** Thank you. Thank you for the opportunity.

**DR HEENAN:** Thank you.

25 **MS MCLEOD SC:** Thank you, Chair.

Commissioner Hunter, would you like to present the Coolamon?

30 **COMMISSIONER HUNTER:** It is a long walk.

**MS MCLEOD SC:** Thank you, Commissioners.

**<THE HEARING ADJOURNED AT 1.29 PM**