

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

2021–22 Budget Estimates

Melbourne—Friday, 18 June 2021

MEMBERS

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr James Newbury

Mr Danny O’Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

WITNESSES

Ms Gabrielle Williams, MP, Minister for Aboriginal Affairs,

Ms Elly Patira, Acting Deputy Secretary, First Peoples-State Relations,

Mr Tim Kanoa, Executive Director, First Peoples-State Relations, and

Mr Travis Lovett, Executive Director, First Peoples-State Relations, Department of Premier and Cabinet.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee.

I would like to begin by acknowledging the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

On behalf of the Parliament the committee is conducting this Inquiry into the 2021–22 Budget Estimates. Its aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

We note that witnesses and members may remove their masks when speaking to the committee but must replace them afterwards.

Mobile telephones and computers should be turned to silent.

All evidence taken by this committee is protected by parliamentary privilege. Comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

We welcome you, Minister Williams, in the first instance for consideration of your Aboriginal affairs portfolio, and officers from your department. We invite you to make an opening statement, and this will be followed by questions from the committee. Thank you.

Visual presentation.

Ms WILLIAMS: Thank you, Chair, and to the PAEC committee too and all those who make these events happen and support our work. I know it is very, very challenging work.

Before I begin, please let me acknowledge the traditional owners of the land on which we are gathered and pay my respects to elders past, present and emerging.

Elly Patira is going to do the button-clicking for me. So thank you, Elly, for that.

The Andrews government, as hopefully we are all aware, continues to empower Aboriginal communities through self-determination. Fully embedding Aboriginal self-determination in policies, programs, services and practices across government is a really significant but such an important endeavour. It requires long-term commitment and sustained effort.

This year the Andrews Labor government has once again demonstrated this new way of working with a record investment in Aboriginal affairs—more than \$448 million over four years. This is critical to meeting our commitment to a future in which all Aboriginal people, families and communities are healthy, safe, resilient, thriving and living culturally rich lives. We are making the vital investments needed to achieve better outcomes for Aboriginal Victorians. It is a source of pride that we are again delivering Victoria's biggest investment in Aboriginal communities—again, that \$448 million figure—this year, surpassing last year's record-breaking figure of \$356.5 million. Every minister in this government is committed to advancing Aboriginal self-determination, as this cross-portfolio investment demonstrates. I want to acknowledge the Aboriginal community controlled organisations, the traditional owner groups, the activists and individuals who have advocated so long for these outcomes and for government to do things differently.

The Andrews government is committed to ensuring Aboriginal Victorians are at the heart of decision-making on the matters that affect their lives. This slide outlines the initiatives funded directly in the Aboriginal affairs portfolio. These vital investments are needed to achieve lasting change through truth, healing and justice for Aboriginal people in this state. That is why we are backing Aboriginal communities with this record investment, in total \$137.3 million in new funding for the Aboriginal affairs portfolio, part of that much larger \$448 million commitment for Aboriginal communities, which obviously, as I have said, reaches all the way across government. These investments will ensure that we are supporting Aboriginal communities today to build a stronger, shared future for us all tomorrow. We are backing the nation's first truth-telling process into systemic injustices experienced by Aboriginal people since colonisation. Investment of \$58.3 million over four years will support operations of the Yoo-rook Justice Commission and ensure it can conduct its inquiry in a trauma-informed, culturally safe way. It will also support the First Peoples' Assembly of Victoria to contribute to the work of the commission. \$20.9 million over four years will support the government's commitment to implementing the National Agreement on Closing the Gap. \$16.9 million over two years for treaty will enable the state to continue advancing phase 2 of the treaty process with Victoria's First Peoples. These investments are critical enablers for Victoria's groundbreaking steps towards actioning both the treaty and truth elements of the Uluru Statement from the Heart.

To demonstrate the importance of this investment I want to quote Professor Marcia Langton, who delivered the National Reconciliation Week Oration and said:

The commitment to a treaty and truth telling are two outstanding achievements, with the establishment of the First Peoples' Assembly of Victoria and the Yoo-rook Justice Commission. Victoria is the first Australian state to progress treaty discussions with Indigenous people. These do more than their formal remit suggests. They bring into question the myths that Australians are fed about their history and the treatment of Aboriginal people, but they also bring a little closer the dream of a just and fair society. These are the shining lights of progress towards reconciliation.

Finally, this budget provides significant investment in Aboriginal community organisations—\$41 million in infrastructure innovation and stronger communities and community organisations for Victoria's First Peoples. Aboriginal organisations will be supported with new infrastructure and innovative new programs to ensure they can continue serving their communities. This includes a continuation of the successful Aboriginal Community Infrastructure Program, ACIP; \$5 million is provided for the Koorie Heritage Trust and Koorie Youth Council; and there is further funding for compliance and enforcement of Victoria's Aboriginal cultural heritage protection system and to help non-recognised areas achieve formal recognition through traditional owner nation-building activities. We do this because Aboriginal communities deserve nothing less, but also because it is beneficial for all Victorians as we move towards a brighter future.

The CHAIR: Thank you, Minister. And I will pass to Mr Richardson.

Mr RICHARDSON: Thank you, Chair. And thank you, Minister and officials, for joining us this morning. Minister, I want to take you to budget paper 3, page 3 and the \$58 million investment that has been set aside as part of Victoria's truth and justice process—a historic process. Minister, I note you announced the appointment of commissioners a few weeks ago. For the committee's benefit, can you please explain to us how this funding will support the commission to undertake this vital work?

Ms WILLIAMS: I certainly can, Mr Richardson, and thank you for your question. You are right in highlighting the significance not only of the investment but of our commitment to a truth-telling process, the first in Australia, one of only about 30-odd jurisdictions in the world to have embarked upon such a process, not only so we can better understand and come to terms with our history and our past but also to better understand the connection of that past to our present day and its relationship to the poor outcomes we unfortunately continue to see across a range of systems, not only here in Victoria but across Australia.

You are right, I had the great pleasure on 14 May of joining the Acting Premier and the co-chairs of the First Peoples' Assembly of Victoria to announce that the Aboriginal-led Yoo-rook Justice Commission had been established—again, as Australia's first truth-telling process. It is a watershed moment in our state's history and also, though, in our state's story—one that we hope will change this story long into the future and create better outcomes for Aboriginal people.

Five commissioners have been appointed, led by respected Wergaia/Wamba Wamba elder Professor Eleanor Bourke, who may be known to many of you and who will also be joined by Dr Wayne Atkinson, Ms Sue-Anne Hunter, Distinguished Professor Maggie Walter and former Supreme Court judge Professor Kevin Bell—a very

distinguished group of five people, I think you would all agree. These commissioners were recommended by an Aboriginal-led panel with a unique public feedback mechanism that meant that the community was able to have a say too. That is a very different way of doing things for government, particularly with the establishment of royal commissions, but it was important that we did do this differently. Four of the five of those commissioners are Aboriginal, two are elders and three are Victorian traditional owners. They collectively bring with them a really broad expertise in history, in land rights, in systemic disadvantage, sociology, law, trauma and healing, among many other things. Yoo-rook's terms of reference have broadly three key purposes: truth telling, truth listening and recommendations for reform. That means that Yoo-rook has the broad but critical mandate to investigate both contemporary and historical injustices committed against Aboriginal Victorian people since colonisation across all areas of social, political and economic life.

It is held independently of government, as it should be, and it is afforded the full power of a royal commission. And Yoo-rook marks the beginning of a conversation long overdue, but more than that it marks a commitment to change. It represents an opportunity to finally and conclusively address over 200 years of injustices perpetrated against Aboriginal people here in our state. This is an opportunity for all Victorians to hear the truth about how colonisation has impacted First Peoples across generations and how that impact is still felt today: the dispossessions, the destruction of culture, the violence and sadly also the silence. Importantly, the commissioners mandate includes making recommendations for institutional and legal reform to address these systemic injustices, and the commission will be required to provide an interim report to the Victorian government by 30 June next year and a final report by 30 June in 2024.

I do want to emphasise, I do not want to underestimate, the scale of this task. It was really critical that government provided Yoo-rook the funding necessary to meet those very lofty objectives. Out of a total investment of \$58.4 million, some \$44.5 million has been set aside for the commission's operations over three years. This funding provides for the commission to employ staff with specialist skills, such as legal knowledge, historical knowledge, but particularly also counsellors and social and emotional wellbeing practitioners who can support First Peoples participating in what will no doubt be potentially a traumatic process for some.

This funding also allows for Yoo-rook to lead its own public communications and engagement, including website development, branding, public sessions and events, to really ensure that the commission is successful in achieving its truth telling and truth listening objectives. I think you would agree that reaching into communities, making sure that we encourage as much participation as possible, is going to be really important for the commission in its work. It also obviously allows the commission to meet the logistical aspects of the process, including document storage, general operations, premises and hardware and so much more, that we know are involved in these sorts of initiatives.

Mr RICHARDSON: Thank you, Minister, and thank you for that overview on the important chapter in our state's future. I wanted to keep you at budget paper 3 and page 3. And you mentioned, Minister, in your answer the commission has a broad scope, and that is vital for everyone to have the opportunity to participate in this process. I am wondering how this funding will be used by the commission to respond to its mandate.

Ms WILLIAMS: Certainly, Mr Richardson, and thank you for the question again. As I have outlined in my previous answer, the commissioners must inquire into over 200 years of events that constitute the state of Victoria's history since colonisation and also, more than that, look at the impact of that history on the way our multiple systems across every government portfolio continue to operate today in relation to Aboriginal Victorians. That is a very, very significant task.

Unlike any other royal commission, it was critical that the Yoo-rook justice commissioners were selected by a majority Aboriginal independent panel and then appointed on recommendation. So again, as I outlined, that is quite a different way of doing things for government. And we established the independent selection panel, which was comprised of two representatives of the First Peoples' Assembly; one representative of the International Center for Transitional Justice, who obviously had global experience in these sorts of processes; and one representative of the state. There was an overwhelming amount of interest, I am sure you would be unsurprised to learn, in fulfilling the position of commissioners. Some 64 candidates applied, 20 were short-listed and five were recommended to the government by that independent assessment panel.

Now that the commission has been established, as I outlined previously, it is independent of government. I emphasise that because it is important. And it now has autonomy to determine how it structures its activities.

But to support the commission to meet its mandate we have provided it funding to respond to its two broad work streams—that is, the historical and contemporary—and this may, for example, include employing historians and anthropologists to complement testimonies about historical injustices, which will be very important, as well as, for example, legal specialists with the appropriate technical expertise to advise on matters related to injustices perpetrated against Indigenous peoples; of course counsellors to support the wellbeing and safety of participants and staff during the inquiry processes; and of course also those who have a strong understanding of how systems themselves operate to either empower or disenfranchise, as it may be, and also to fully grasp the interconnectedness of so many of our systems across government.

It is hoped that with this support that we are giving to the commission, to Yoo-rrook, it will provide for a truth and justice process that enables all Victorians to understand and acknowledge their shared history, to help heal the wounds of the past and to build the foundations for new and positive relationships for all Victorians. This is particularly important as we move into substantive treaty negotiations, where buy-in from the entire community is going to be so critical for positive outcomes, and when I say the whole community I mean Aboriginal and non-Aboriginal. The high levels of public investment in that process will mean much better outcomes through the treaty process. The commission itself has a huge opportunity not only in the reform piece that it will participate in and the recommendations it will make but also in that public education piece and actually building a more solid foundation of knowledge for all Victorians so that we can move into that next stage of treaty negotiations with a much better understanding of why we are there and what we need to achieve and a much better appreciation of the fact that we all benefit from it.

Mr RICHARDSON: For the committee's benefit, are you able to explain in detail to the committee how this output initiative will ensure the government has effectively responded to the commission?

Ms WILLIAMS: Sure. Look, given that the commission has the powers to inquire into all areas of social, political and economic life, we expect that every government department and agency will be called upon to respond to the commission. That goes back to the point I was making before about the scale of this task. It really was therefore critical that we provided the funding to establish a central coordination team within the Department of Premier and Cabinet to lead the Victorian government's involvement in the commission's inquiry. Thirteen million dollars is being set aside for this coordination task, which includes \$3 million held in contingency for legal costs as well. This enables a really consistent and cost-efficient response to attend to daily operational issues that we know will be involved and to coordinate the work of departments and agencies. It means that the government can support the commission to report on time by facilitating timely and responsive interactions with the commission and also compliance with those formal requests for information.

Mr RICHARDSON: Thank you.

The CHAIR: Thank you, Mr Richardson. Mr O'Brien.

Mr D O'BRIEN: Thank you, Chair. Good morning, Minister and team.

Ms WILLIAMS: Morning.

Mr D O'BRIEN: Minister, budget paper 4, page 14, refers to the Big Housing Build and says that by 30 June 2021 the government will build or acquire 1100 social housing units. How many of those units will be for Aboriginal Victorians?

Ms WILLIAMS: Thank you.

Mr D O'BRIEN: Perhaps while you are looking for a number, what I am really after is what sort of process is there to ensure that Aboriginal Victorians get part of that, and likewise how will it be spread equally across regional Victoria as well?

Ms WILLIAMS: Yes. Sure. Look, I understand the \$5.3 billion Big Housing Build is obviously a very significant investment that was made in the last budget and made a number of commitments within it to target groups most in need, whether that be women, whether that be victims of family violence or indeed Aboriginal Victorians, and there is also, I understand, a commitment that a portion of that go to regional and rural Victoria as well. I think, from memory, it is 25 per cent. I might look to one of my colleagues to confirm that regional and rural figure. That is right.

Mr D O'BRIEN: That is right, but I am particularly interested obviously in this portfolio.

Ms WILLIAMS: Yes. And in terms of the commitment to Aboriginal Victorians, it is 10 per cent of that.

Mr D O'BRIEN: Ten per cent of the total \$5.3 billion?

Ms WILLIAMS: I think that is the case. I can clarify that for you. My understanding is that the commitment was around 10 per cent.

Mr D O'BRIEN: Okay. So we can assume of the 1100 this year 110 would be specifically—

Ms WILLIAMS: Given it is under the responsibility of the Minister for Housing as to how he will phase that rollout, I would urge you to get the detail of that from the Minister for Housing, who can tell you exactly how they will phase that particular component in terms of whether they do that on an annual target basis or whether it does not necessarily come online each and every year. You would have to direct that question to him, given that he has ultimate responsibility for the rollout of the housing stock.

Mr D O'BRIEN: Yes. You talked about the importance of self-determination. What funding is allocated to First Nations Legal & Research Services?

Ms WILLIAMS: Bear with me.

Mr D O'BRIEN: I note there is funding there for progressing traditional owner settlements, and obviously they play a role in that.

Ms WILLIAMS: Yes, I know. I am just confirming. It is a very specific question obviously relating to First Nations Legal & Research Services. The broader nation-building program—and I do not want to waffle and give you the full details on what that program is about and our commitment to investing in traditional owners nation building and also as a part of that our cultural heritage management plan—as a part of that work, I understand, and those programs we have funded \$1.02 million to First Nations Legal & Research Services, which goes towards employing lawyers and researchers to work directly with traditional owners to seek formal recognition. That is a part of the nation-building package, so you would appreciate that we have areas of the state that are formally recognised, that have formally recognised traditional owner groups, and other parts of the state that are currently unrecognised but may wish to be. So the nation-building package effectively goes to doing that work, among many things, but a key essential point of it is to work with those areas that are currently unrecognised to get to the point, if they want to, where they can be formally recognised, which obviously has some technical elements to it, of which First Nations Legal & Research are a component in terms of the services that they operate.

Mr D O'BRIEN: Sorry, just to confirm: under that nation-building package it is \$1.02 million?

Ms WILLIAMS: Yes. So today that program is funded the \$1.02 million to First Nations Legal & Research Services to employ the lawyers and researchers that work directly with the TOs and seek formal recognition. So in the mid-north-west, for example, First Nations has facilitated in-person family group meetings ahead of a full group meeting later in 2021. This is just to give you a flavour of what that funding has been used for. These are areas, Mr O'Brien, that are not currently formally recognised, which is why I am highlighting them. So in the central north, First Nations has facilitated family and full group meetings to progress native title processes. In far East Gippsland and the north-east, First Nations is undertaking ethnohistorical research with traditional owners ahead of larger group meetings, and the funding has also delivered formal recognition information sheets to support traditional owners on their nation-building journey. I do not know if Mr Kanoa would like to add anything about that work that might be relevant to your questions about First Nations Legal & Research.

Mr D O'BRIEN: I am going to run out of time. Perhaps I could just get to the nub of the question. Given government funding goes to that organisation but it is also representing native title applicants in matters where the state is the first respondent, what process do you have in place to ensure that they are not compromised?

Ms WILLIAMS: As in First Nations legal service?

Mr D O'BRIEN: Yes, the First Nations legal service, because they are representing applicants who are applying effectively against the state government, which is funding their lawyer. How do we ensure that there is not a compromise there?

Ms WILLIAMS: I do not know that I would characterise it as against the state government.

Mr D O'BRIEN: Well, the state is the first respondent, anyway.

Ms WILLIAMS: Yes. I am resisting the characterisation of it being an adversarial kind of process. Obviously as a part of our commitment to self-determination and our commitment to building those stronger futures and recognition of Aboriginal culture and heritage in our community we encourage those processes, so it certainly I do not think should be necessarily framed that way. I think though your secondary question ties into the first in the sense of what I was about to ask Mr Kanoa to expand upon in terms of the actual work of nation building and how that operates on the ground, which I think either of you might be well placed to go to.

Mr D O'BRIEN: Minister, that does answer my question. I am sorry, I am going to run out of time. I might just see if I can get one quickly on the record. The Victorian Aboriginal Heritage Council you talked about I think as well. It has been put to me that over 90 per cent of their members either are not from or do not live in Victoria. Can you confirm if that is the case or not?

Ms WILLIAMS: The Aboriginal heritage council is independent of—

Mr D O'BRIEN: Perhaps you could take that on notice, if you are happy to.

Ms WILLIAMS: We have run out of time, unfortunately.

Mr D O'BRIEN: We run a tight ship.

Mr KANOA: They would have to be Victorian traditional owners, anyway.

Mr D O'BRIEN: On the Aboriginal heritage council?

Mr KANOA: Yes. They would have to be Victorian traditional owners.

Mr D O'BRIEN: Okay. Thank you.

The CHAIR: Thank you. Mr Hibbins.

Mr HIBBINS: Thanks, Chair. Thank you, Minister and your team, for appearing this morning. As you will be aware, the Aboriginal imprisonment rate has almost doubled over the last 10 years, and we now find ourselves in a situation where the Victorian Aboriginal Legal Service has not got enough funding to actually take on new clients—it actually has now a client freeze. How did we get to this situation?

Ms WILLIAMS: Thank you, Mr Hibbins, for your question. You have touched on a couple of things there, one being the incarceration rate of Aboriginal people and the other being the role of VALS—for those who are not familiar is the Victorian Aboriginal Legal Service, which I will now refer to as VALS—in partnering with government to deliver a whole range of culturally safe legal services to Victorian Aboriginal people. On the first point, Mr Hibbins, I want to say I completely agree with you on the characterisation and the concern that you clearly have around the incarceration rates of Aboriginal people. It is obviously something that has formed a key component of recommendations out of Closing the Gap. It is also a key motivator for reform initiatives like Yoo-rrook, and I can come back to that after talking a little bit about VALS. But I think we could all agree that there needs to be more work done there. It is, sadly, one indicator where Aboriginal Victorian people appear in the statistics for all the wrong reasons, which goes to the very heart of why a review of the nature of Yoo-rrook into systemic discrimination across all government systems, also looking at the interconnectedness of those, is so very important, because our best chance of being able to address that is by better understanding those connections and doing reform that is holistic rather than siloed. Putting out spot fires, sadly, does not always work when it comes to the systemic reform that requires that sort of visibility of the interconnectedness. I say that by way of acknowledging your concern and expressing our commitment to address it.

In terms of VALS, VALS is obviously a very important partner to government in the delivery of those culturally safe legal services to Aboriginal people. We are obviously working with Aboriginal communities to build a stronger, fairer and more accessible justice system, and VALS is an important partner to us in delivering that change. I would highlight that in terms of the funding that we provide to VALS they actually get funding across a number of streams, largely, you would appreciate, out of my portfolio area but also from the justice area. I do think it is worth noting, and I can offer a couple of comments on that but also urge you that if there are in-depth questions they might be best directed to the Attorney-General. But in terms of what this budget provides in funding for VALS, we have actually provided additional funding to expand their service delivery across some key areas. This includes \$2 million over two years to pilot a regional service model which will allow the government and VALS to jointly build an evidence base for the expansion of services into other regional locations in a sustainable way. This is effectively trying to work out how we can get to other, harder to reach places in Victoria and offer services there but make sure that that scale up is done in a way that allows us to collect the data, measure what that demand actually is and how we need to best accommodate it and make sure that we are bedding down the best model, really, to be able to meet that need, understanding all the complexities around it. That pilot is obviously designed to ensure that Aboriginal communities have access to culturally appropriate legal support closer to home. I want to highlight that is on top of \$2.16 million of one-off funding that was provided in last year's budget to assist in the planning and implementation of that model, again to ensure that it can be done in the most sustainable way possible. I am at pains to highlight that there is actually additional funding in the budget to VALS, so I would question some of the characterisation that was put in your question—

Mr HIBBINS: Well, that comes directly from VALS.

Ms WILLIAMS: although I do acknowledge the incredible work that VALS do and the strain that legal services are under more generally, which is precisely why we have provided VALS with that additional \$2 million to work with them to expand that service model so they can be reaching into more communities and delivering service [inaudible].

Mr HIBBINS: Thanks, Minister. Thanks, Chair.

The CHAIR: Thank you, Mr Hibbins. That concludes the time we have set aside for consideration with you of the Aboriginal affairs portfolio. We thank you and your officers for appearing before the committee today in this capacity. The committee will follow up on any questions taken on notice in writing, and responses will be required within 10 working days of the committee's request.

Witnesses withdrew.