

# TRANSCRIPT

## LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

### Inquiry into Victoria's Criminal Justice System

East Melbourne—Monday, 20 September 2021

#### MEMBERS

Ms Fiona Patten—Chair

Dr Tien Kieu—Deputy Chair

Ms Jane Garrett

Ms Wendy Lovell

Ms Tania Maxwell

Mr Craig Ondarchie

Ms Kaushaliya Vaghela

#### PARTICIPATING MEMBERS

Dr Matthew Bach

Ms Melina Bath

Mr Rodney Barton

Ms Georgie Crozier

Dr Catherine Cumming

Mr Enver Erdogan

Mr Stuart Grimley

Mr David Limbrick

Mr Edward O'Donohue

Mr Tim Quilty

Dr Samantha Ratnam

Ms Harriet Shing

Mr Lee Tarlamis

Ms Sheena Watt

**WITNESS** (*via videoconference*)

Adjunct Professor Aunty Muriel Bamblett, Chief Executive Officer, Victorian Aboriginal Child Care Agency.

**The CHAIR:** Good afternoon, everyone. Welcome back. As I am sure you are aware, this is the Legal and Social Issues Committee of the Legislative Council, and this is our public hearing into Victoria's criminal justice system. This afternoon we are very honoured to be joined by Aunty Muriel Bamblett, who is the CEO of the Victorian Aboriginal Child Care Agency, VACCA. Certainly, Muriel, you have been mentioned in previous hearings today, so I think we are all really looking forward to hearing from VACCA.

I will just let you know now that all evidence taken is protected by parliamentary privilege, and that is by our *Constitution Act* but also by the standing orders of the Legislative Council. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you were to repeat the same comments outside this hearing, you may not have the same protection. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

This is being recorded. You will receive a transcript after this hearing. Please have a look at it. It will ultimately form part of our report and will go up onto our website.

Thank you again very much for joining us today. If you would like to make some opening comments, we will then open it up to committee discussion.

**Adjunct Prof. BAMBLETT:** I have probably got about 10 minutes of opening comments if that is okay.

**The CHAIR:** Lovely, sounds good.

**Adjunct Prof. BAMBLETT:** All right. Can I begin obviously by introducing myself as a Yorta Yorta, Dja Dja Wurrung, Boon Wurrung and Taungurung woman. I do want to acknowledge traditional owners of all the lands that we are on; their elders past, present and emerging; and particularly Sheena today in your role and certainly as another Aboriginal woman in the room. I also want to acknowledge today all those that have died at the hands of the criminal justice system whilst in custody and the 400 Aboriginal families who have lost loved ones who have died in custody since the royal commission report was put out 30 years ago. I certainly and others at VACCA commit to continue to fight for a just and equitable system going forward.

I thank the panel for the opportunity to speak you today. I have been working on these notes over the weekend, so bear with me as I go through them. Offending behaviour among Aboriginal men and women cannot be understood or addressed in the absence of knowing the historical and current context within which this behaviour occurs—namely, disconnection from culture, the impact of trauma, grief and loss, as well as social and economic disadvantage. When you think about Aboriginal people, we have been colonised for 200 years. We have had to change dramatically from living traditionally to where we are today, and many of my people have been acculturated into today's systems, and many have made the transition very easily but many have not.

Our Aboriginal people continue to be treated as perpetrators, often first, with crimes perpetrated against them coming second, if at all. For evidence of this you only need to look at the rates of our Aboriginal women being incarcerated. Our women experience family violence mostly at the hands of non-Aboriginal men at rates that are a national shame. Eighty-five per cent of the women that we see coming to VACCA have had violence perpetrated by non-Aboriginal men. That is a very high number. So for an Aboriginal woman, she gathers the courage and rings police to help her as she has just experienced physical violence and worse. The police arrive and a number of things happen: the non-Aboriginal perpetrator manages to convince police that the Aboriginal woman is the actual aggressor, and so she is taken away; police arrive, assess the situation, and the woman has a history of petty crimes related to drugs or alcohol, so she is taken away; or what happens, too often, is both the Aboriginal woman and the perpetrator have warrants against them for petty crimes, they are both then arrested and then the children end up in child protection, often for very long periods of time. What we see is the man will get community service for his crimes. His violence is ignored, and he is given a community order. The Aboriginal woman, who we see as the victim, then has to contend with the courtroom, a judicial office ill equipped with the capacity to ensure their courtrooms are culturally safe, and therefore often she is incarcerated. Then when released she returns home to an unsafe situation where no-one has done any work with her, where the violence has not been addressed and where no action has been taken on family violence. She is then likely to experience violence again.

So I want to go to the stolen gens. For stolen generations the link with intergenerational trauma and the forced removal policies can be best seen in data from surveys of Aboriginal people stolen from their families, which suggests up to 50 per cent of stolen generation survivors, especially men, have spent some time incarcerated or have a criminal record. The Victorian government is in the final stages of finalising their stolen generations redress scheme—which we are very proud of; it is probably the most generous of all redress schemes in the country—but like the others it excludes people in prison or those with serious criminal convictions. From our point of view this is not justice. Redress is about acknowledging the community harm of government policies. Redress cannot focus on one element of forced removal and then turn back on the domino effect that it has created over decades.

We also know the relationship between out-of-home care and juvenile justice. The number of Aboriginal children being placed in out-of-home care is rising, and despite a commitment to transition all Aboriginal children back to Aboriginal control, we have mainstream providers refusing to give our children back, preferring to age them out, with many of them then ending up in the criminal justice system. They have been cut off from family, enculturated into a non-Aboriginal culture, without the links to Aboriginal communities. These mainstream organisations also refuse to understand their role in supporting this continued cycle of institutionalising Aboriginal children. The out-of-home care sector, like private prison systems, is very lucrative to mainstream providers. This continues the cycle because then it becomes about money.

I want to tell you about Jasmine. Jasmine is a 13-year-old Gunditjmara girl. She has been in a mainstream out-of-home care agency since she was eight. Her mother struggles with mental illness and had experienced family violence for a number of years. Jasmine has had three different placements, disrupting her education, and is disengaged from school. She has not received counselling for her trauma, has limited contact with her mother and siblings and, since her father left, has had no connection to her culture. Jasmine is beginning to become involved in risk-taking behaviours, and unfortunately this causes another placement breakdown. Jasmine's high-risk behaviour and that of other children in care is a rallying call for parents, teachers—helping professions—for us all to take action.

For children in out-of-home care, especially Aboriginal kids, there is an inevitable date with court. The data here does not lie. Our young people are 3 per cent of the population but 26 per cent of the youth justice system, and I am talking about children aged 10 years old being locked up. Victoria has taken significant action for 10- to 14-year-olds and has shown that diversion is the answer. Holistic Aboriginal-led wraparound services do stop offending behaviour. We do need to do more. For us, that 10-year-olds can be still held criminally responsible begs the question of ourselves: what were you doing at 10 years of age?

What you do not know is that when I look at those Aboriginal people, when I look at our Aboriginal children, these are people. These are young people and children in jail. Many come from families who have fifth or sixth generations who have been removed and are in a pattern of giving up. Many see themselves as unable to fight the system and relinquish their children to welfare, through drug and/or alcohol abuses are victims and perpetrators of violence, continue to live in hardship and are trapped in the cycle of poverty. I know their history, their story. Many entered the justice system for something small or have exposure to a learned drug and alcohol culture in this country. Then our system criminalises them. They do not know a different life. We purport to take a tough stance towards crime in this country, then talk about injustice—the injustice of it all—when we discuss the Aboriginal over-representation, failing to see what we can do about this. Deaths in custody are not of a different time, they are actually happening now. Yes, the lessening of the number of children incarcerated below 14 will be a remarkable change. We know that to stop the cycle, though, we need to keep Aboriginal children involved in school and we need that investment for 7- to 13-year-olds before it is too late.

When we see the first warning signs that at-risk children start to experience issues we at VACCA approve a model, but no-one wants to listen to us. The money for prevention is not [inaudible]. Seven per cent of the funding for child protection for early intervention and prevention goes to Aboriginal—have a look at the numbers—and then 93 per cent of funding for Aboriginal goes to mainstream organisations.

Aboriginal-led solutions and the continuing cycles go beyond obviously what is visible. The cycle continues because culture is ignored and not valued. But there is a two-for Aboriginal approach, and people tick that and then underperform and then get rewarded and still get funding. So where is the accountability of mainstream to Aboriginal? So much wasted government money—taxpayers money. We are building prisons to meet demand, but investment in prevention is our only cure.

At VACCA we run a Koori women's diversion program for those women we spoke about earlier, the ones incarcerated for reporting on family violence. For us, we see an investment of around \$10 000 per woman per year. What we have seen is that we have saved the prison system around \$100 000 for that same year, not to mention the work we do to increase productivity by helping women find housing and get jobs and reducing reliance on welfare in the statutory system by reuniting children with their mothers and families. For me, the math is clear and simple. And by the way, this is just another one of those pilots. It is an initiative, and there is no commitment to recurrent funding for the women's diversion programs. And even though we are overperforming we have been told that we have got to go through a review and evaluation and a business case has to be put to government before we can get ongoing funding for the Koori women's diversion programs.

We also know that those involved in the criminal justice system are more likely to live below the poverty line and experience homelessness, family violence, drug and alcohol. Just the fact of being vulnerable and homeless increases the likelihood that Aboriginal people will end up in the criminal justice system. The fact that we do not have a housing response to the over-representation of Aboriginal people in the justice system to me is the biggest problem. The criminal justice system must be accountable and invest also in prevention and early intervention but should have a focus on culture. Many of the Aboriginal people that are in the justice system do not have strong aunts, do not have strong uncles, do not know where they come from, have been removed from their families. I cannot imagine what it is like to not know who you are. I know where I come from. I know all my aunts and uncles. I can identify. But for many Aboriginal people—I have got genealogies, I have got aboriginality. I can do a return to country because I know my country.

Lastly, children and young people who come into contact with the justice system more often than not have compounding complex needs having experienced significant trauma, family violence, poor mental health or substance abuse, so many Aboriginal people in the justice system have a disability or a cognitive impairment. Even with such high rates of disability, mental health and substance abuse the lesson here time and time again is the lack of access to culturally safe support prior to, after entering and on release from the criminal justice system. Mental health and disability assessments are not culturally appropriate, leading to either a misdiagnosis or a condition that goes untreated. For Aboriginal people healing occurs in the context of relationships, in our connection to our culture, community and land and recognising these are results of complex trauma, grief and loss. Culturally therapeutic specialised services, including mental health, alcohol and drug and education, should be available to support healing and to disrupt trajectories into the system.

We must raise the age of criminal responsibility to at least 14. Jail is not an appropriate place for our children to be. We know that a child's brain develops up until they are in their 20s. Children, especially those under the age of 14, do not have the necessary components or functioning in terms of both behaviour control and moral awareness to be able to be found criminally responsible. The criminal justice system must recognise also that connection to culture is critical for children's emotional, physical and spiritual wellbeing. A strong cultural identity and connection are protective factors for preventing offending behaviours.

We know that where culture is strong there is a buffer from the impacts of trauma. For those who have a tenuous relationship with their culture, strengthening their bond to and connecting with Aboriginal community, family and culture is essential for their sense of identity and thus their healing.

I want to bring you back to Jasmine. Now, in the criminal justice system, think about, as you do, her journey and the crossroads she is at. Think about her trajectory if she is linked to a culturally therapeutic trauma-informed service to support her healing, where she and her family are involved in Aboriginal family-led decision-making and where her family is heard about what is going on and they can inform her decision-making, where she is immersed in her culture, participates in cultural camps and has pride in her identity. She knows who her family are and where her community is, and she is able to do a return to country. Or will Jasmine end up in a youth justice system, lumped into a cycle of poverty and disadvantage, at risk of violence, abuse and recidivism, not knowing who she is and not having any connection to her culture? When people come up to her and say, 'Who's your mob?', she cannot say where she comes from or who she is.

We believe that the Victorian government must continue to meaningfully act on its commitment to Aboriginal self-determination and continue to shift towards greater Aboriginal community control and decision-making across the justice system. Close the Gap has set targets in the justice space. We must commit to making sure that we address those justice targets. We need to better understand and support activities to strengthen Aboriginal community organisations' role in building a self-determined, end-to-end Aboriginal youth system. An effective correctional services program can lead to reduced recidivism, which makes the community safer

and in the long run saves money. It can also reduce negative behaviours, leading to a safer prison environment and making the jobs of staff easier.

I want to give a big call-out to the Aboriginal community controlled organisations. We have moved to Aboriginal guardianship of Aboriginal children. We now have five Aboriginal organisations that will take on guardianship. What we are seeing is that where Aboriginal community controlled organisations are involved in child protection, they are stemming the flow of juvenile justice. So Aboriginal guardianship, Aboriginal decision-making, does work. Like all Aboriginal children and young people, Jasmine has a right to thrive, and we all have a responsibility, including government, the criminal justice system and the Aboriginal community controlled sector. We hope that we can make that happen together. Thank you.

**The CHAIR:** Thank you so much, Muriel. We had the Koorie Youth Council here this morning, and I think that you have just reiterated so much of what they were saying. I was really shocked by one of the first things that you said, which was around Aboriginal men quite often receiving community correction orders where Aboriginal women were more often incarcerated. Do you have any ideas on what is needed to change that?

**Adjunct Prof. BAMBLETT:** Well, I think, as I said, the Koorie women's diversion program is making significant inroads. But we just came off the national women's summit, and I know that Marcia Langton has raised this issue of coercive control and Aboriginal women. You know, many people's attitudes towards women are often associated with what they have at home. So if you are a policeman and your wife fits the image of white Australia and how women and feminism and all of that works, quite often Aboriginal women do not fit into that. I think, from our point of view, we know that we have seen Djirra and VALS actually see it in the evidence of women. They notify in family homes and then end up in a criminal justice system. So our approach really is: yes, we know that Aboriginal women have got huge amounts of grief, loss and trauma and have been through a huge amount. But we also know that many of our Aboriginal women will commit crimes so that they can actually end up—because they feel safer in the criminal justice system. It is not safe on the outside. So what we need to do is change the way that we actually support women. I gave you the data that 85 per cent of our women are in relationships with non-Aboriginal men who perpetrate violence. What is society's attitude to Aboriginal women? Are we less, and should our women have more exposure to abuse and violence?

**The CHAIR:** No. Thank you. One of the other witnesses mentioned the kind of lack of cultural support particularly for women and girls in the system. Do you agree with that? Certainly we have seen some of the men's programs, but do you think there is a lot more room for women's programs with cultural programs?

**Adjunct Prof. BAMBLETT:** Fiona, that is a really great question. If you think about it—I spoke about it—200 years ago we were living traditionally on the land, and then all of a sudden we transitioned to where we are today. But many people are different judges as to how we transition. So what is the role of traditional women? And it has been demonised, and lots of things have happened to Aboriginal women. I have given evidence to the royal commission into institutional sexual abuse, and I said the very nature of Aboriginal women in this country was seen by the fact that we did not wear clothes initially, and so Aboriginal women were sexualised and put out there. We have changed, and the role of men, and it seems to be that non-Aboriginal Australia seems to think that—no disrespect to you, Matthew—the men should have the decision-making, and so Aboriginal women have constantly been pushed back. In reality—and I am sure Sheena would understand or agree—we do have Aboriginal men fighting for their place because their traditional role is gone; Aboriginal women are still nurturers and carers and that, so many of our Aboriginal women still have that role, but Aboriginal men do not. So we get caught in the middle, wanting to support our men more and wanting to, you know, ensure we keep women safe.

But we are not particularly challenged at VACCA—7 per cent of our workforce is men. And if we are going to come up with the solutions for child abuse or sexual abuse or parenting and work with children and families, I think we have got to do a lot more to engage men in this sector. I think a lot of it has been left to women to do the work, and if you look across most of our Aboriginal communities, there are a lot of women that are driving Aboriginal organisations and leading in this area. And I think we support men a lot and then we go 'Whoops'; you know, women do not want to give away their control or their ability. So I think that it is a conversation about leadership and the role of men. I think all the best evidence suggests that when men are involved in parenting we get better outcomes. When I look across our Aboriginal community and I see where men are better parents then children have a better chance at better outcomes—and where we build respectful relationships and we do that work.

**The CHAIR:** Thank you. Hopefully I might be able to come back. Tania.

**Ms MAXWELL:** Thank you, Chair. Muriel, thank you so much for joining us today. You must spend a lot of your time in committee hearings and know that people love to sit and listen to you. Muriel, we know that there are Koori support programs that have been—I have got a plethora of paperwork here, I am sorry.

**Adjunct Prof. BAMBLETT:** Are you talking about the Koori women's diversion program?

**Ms MAXWELL:** No, actually—one that they have done for young Koori students, or not so much students but young Koori kids, who have been caught up in the justice system. It is actually a diversion program.

**The CHAIR:** Is that the Barreng Moorop?

**Adjunct Prof. BAMBLETT:** Yes, the commonwealth-funded Barreng Moorop?

**Ms MAXWELL:** This does not actually say what it is. It just talks about them expanding. This was done over in Mildura initially to divert young Aboriginal people away from the criminal justice system. They have expanded it to Bendigo, Echuca and Greater Dandenong. It began in 2019, and I am wondering whether you had any experience with that program and whether you have seen any outcomes.

**Adjunct Prof. BAMBLETT:** There are a lot of programs that are out there that are actually working, but they are so minute. I think what MDAS is proposing to do is actually build a hub and put all of it—because you have got a bit of funding for this and you have got a bit of funding for that, and it is disjointed. It is not joined up. They do not talk to each other, and they are not there looking at it. They have also got the ability to—they have got a farm or a facility where they can work with young people, and I have seen videos of their work with men and taking young people away on country. I think that that is what we need to do: look at combining, because we get funding for the Youth Through Care program, which is working with young people in the justice system. We have got Nakia Firebrace, who is an amazing Aboriginal young man that really does talk to the cultural needs of young people, building up their understanding of language and of culture. What we find is that young people do much better when they can connect around things that are important to them, and culture is important. I think that Nakia has been able to really stamp the importance of young people as well talking about resilience and strength, not I guess always having us older people—it sounds like we are lecturing, but when young people talk to young people it is yarning. It is a different language set.

There are a lot of small things that we get funded for, but there is no real evidence base for how it all works, and so there is no looking at the evaluation and the evidence and what we do. So you do not see our camps—you know, when we take Aboriginal young people away on camps—and there is men's business, and we have the young girls talking with elders and then we have the young people talking with Aboriginal men. So we have men's yarning circles and women's yarning circles and bring in young people and talk about respectful relationships. You can have a Youth Through Care, but then you do not focus as much on what is important to Aboriginal kids. So we have found that a lot of Aboriginal young people benefit by understanding that we have achievers. We are warriors. Aboriginal people, we are not a defeated people; we do not come from a defeated people. Our people have been warriors and fought in this country. So I think that we want our children to take up the mantra that we do not come from a defeated people, and you cannot see us as a problem to be solved all the time.

**The CHAIR:** Hear, hear.

**Ms MAXWELL:** I was just having a quick look at some of the statistics, and Victoria actually had the lowest rate—just going back to what you were talking about, younger people being incarcerated—of young people aged 10 to 17 in youth detention in 2019–20, and the actual offending rates had decreased from 2020 to 2021. We also have the second-lowest rate in the country for Indigenous children.

**Adjunct Prof. BAMBLETT:** I was on the Youth Parole Board for a number of years, and so what is amazing is our response. You know, being able to serve your time out in the community, I think, is the success of Victoria. You can do work with young people while they are out on parole. It is problematic when they do their sentence and then you put them out in the community and you cannot do the work around drugs and alcohol, family violence or any of those issues. So I have found our juvenile justice system is probably the best. I think the fact that we have 16 Aboriginal community controlled organisations delivering child and family welfare now—as I said, five organisations to take on guardianship. The correlation: what we have seen is ownership by Aboriginal community controlled—knowing what their families are, knowing the data and being

able to work better with their Aboriginal families that are at risk but also seeing young people. I think that there is greater capacity now in Victoria. Everybody wants to emulate what Victoria is doing.

I get told all the time at various conferences and forums, 'We wish that there was the investment'. Tasmania, [inaudible] always has a go about, 'Well, if you've got all this money, why aren't you actually making a difference in the child protection numbers, though?'. There are particular challenges, but if we were to be given the money that goes into child protection funding, would we spend it the way it is? Probably not. At times we feel like there would be ambulance chasers waiting at the bottom of cliffs for families to get into crisis, and so if we were to do it differently, what would we do differently?

I think even if you look at the Aboriginal children's court and Ash Morris, they are seeing amazing outcomes by Aboriginal people being in greater control—but also the court. I can send you a court report sent by Magistrate Macpherson. We had four Aboriginal children with three parents go to the dedicated Aboriginal children's court, and those three parents were on long-term orders—been in care for well over two years. The magistrate wrote to me and said, 'What we see now is greater case management, better resources and supports to support families for children to come home'. And what she had sent to us was a letter about four children from three different parents who had been on long-term orders—and if you know child protection, you do a notify when one child goes—but for one sitting four Aboriginal children went home. What the data is telling us is that we have got a reunification rate of 24 per cent—the department's is 12 per cent. So imagine if the Aboriginal community was able to do this work in justice. Really, if you give Aboriginal community control, I think there is just—we had to go through a lot of the department being risk averse and 'Aboriginal people can't do it', 'They don't have the capability', 'They don't have the capacity', 'They don't have the workforce'. There were more 'don't haves' than there was anything about 'can do'.

**The CHAIR:** Thank you—amazing. Sheena.

**Ms WATT:** Thank you, Chair. And thank you, Aunty Muriel, for being with us this afternoon. And first and foremost, can I just thank you for your years and years of advocacy on behalf of our people. I wanted to also acknowledge VACCA, being at the forefront of self-determination and particularly in self-determining cultural and service delivery, and I cannot go past section 18 and just acknowledge all your leadership with section 18.

I am quite moved by this morning hearing from Indi Clarke and talking about the Koorie Youth Council and of course the *Ngaga-dji* report. In that, it mentions that a great number of those case studies and those stories that we heard were actually victims of crime themselves. Those young people were victims, and I did note your recommendation for VACCA to be funded to provide an Aboriginal victims assistance program. Can you talk to me about: what does the victims of crime service system look like for Aboriginal young people, and what does it need so that we can not see Aboriginal young people that are victims of crime turn into offenders? I am interested in your perspective on that if you have any to share.

**Adjunct Prof. BAMBLETT:** Yes, Sheena, and it is a great question. I think it is multilayered. A lot of VACCA's work now is around cultural therapeutic ways, and so we see that everybody that virtually comes through our door has been through some level of trauma and been able to address it. We have had funding through the national redress scheme initially to work with clients to support them to give evidence to the royal commission into institutional sexual abuse. Then afterwards we have been able to secure funding long term to support victims of sexual abuse, and we work one on one. Initially it was really about ensuring that people were able to give evidence to the royal commission and felt supported to be able to write statements and be able to understand the impact.

A lot of our work and our learnings come from our work with Link-Up, with the stolen gens national redress. But I think for young people it really is understanding acculturation and particularly the impacts of being raised outside your Aboriginal family, understanding the anger of young people and understanding the work that we need to do to understand, because we know we are coming up to the Yoo-rrook truth and justice commission and I believe that Victoria will be found wanting on many levels, particularly in the child protection space. So you would know that Tim Kanoa has been appointed through DFFH to undertake the work of Yoo-rrook within DFFH. And I have spoken to Sandy Pitcher about what we need to do to be able to understand the removal patterns, because I approve of cultural support plans for Aboriginal children in care, and I would say for between 50 and 60 per cent of those children we are unable to establish where their Aboriginal families come from. And most of them are the third or fourth generation of families that have been removed, and so to me they are a victim of crime because they lost—

And there are many, many such examples within the child welfare sector, and we have got cases that are going before child protection. At the moment we have got an Aboriginal mum who has got a seven-year-old child. When the child was months old a non-Aboriginal woman took the child and brought the child to Victoria here, and then when the child was five she presented to Wadja, to the children's hospital, and could not verify that she was the guardian. This was a child of very traditional Aboriginal people from Western Australia. It is currently—as part of the child protection system at the moment, because they are saying mum cannot have the child because the child is too traumatised. So they are saying it is going to be 12 months to 14 months before the child can even be thought about being reunified with mum. So the types of cases that VACCA quite often fights are around where there are cultural abuses, where we have had carers that have said, 'This child's not Aboriginal. We want to dispute that they are Aboriginal', so we at VACCA have had to fight for children's cultural identity. There are many, many cases of Aboriginal children that, as I said, have grown up not knowing who they are, and I feel that I have an obligation to make sure I do everything to find out that child's cultural heritage. There are various examples I can give you of children who have had their culture decimated. Who fights for it? Who actually supports children?

But in thinking back to your question, Sheena, I think it is really critical that we have a trauma lens over the work we do with children, but we still need to work within 'What are the rights of the children?' and 'What are the self-determination rights?'. How do we actually hear young people and see young people in our approaches? Quite often we do for them just like many people have done for us as Aboriginal people, and I think one of the things that we really want to sort of focus on is: how do we hear the voice of young people and give voice to young people around justice and better outcomes?

**The CHAIR:** Thank you. Matthew.

**Dr BACH:** Thanks, Chair. And thanks so much, Aunty Muriel. You in your presentation talked about the extent to which funding flowed to Indigenous-led organisations, and I think you said 93 per cent of funding in the child protection space—I think you were talking about at the time—goes to mainstream services, not Indigenous-led services. I think we are all aware of the shocking over-representation in Victoria in particular of Indigenous kids in child protection, and I would note too your advocacy there. Everybody I speak to—whether it is senior staff at VCOSS, the Centre for Excellence, Berry Street, Anglicare; it does not matter where I go—people note to me what you have said really powerfully to us today, which is that when it comes to supporting vulnerable Indigenous kids you have got to do that in a culturally appropriate way and the best case scenario would be through an Indigenous-led organisation. So I confess, I do not quite understand the block, given that it seems to me, honestly, Aunty Muriel, from everybody that I speak to that there is an acknowledgement that that is the case, but obviously that just does not flow through based on your testimony—which I do not doubt is correct—about how funding is distributed. What do you put that down to?

**Adjunct Prof. BAMBLETT:** I think it is historical. I mean, obviously mainstream organisations—we are the new kids on the block, as far as VACCA. When I started at VACCA I think we had 35 staff and more kids than what I probably—we have got about 400 children, but back then we were funded for 26 and we had over 200. So there was a constant, obviously, back then about not understanding that governments had a duty of care to fund us appropriately and deliver services.

But I think that the reality is that child welfare in Victoria is probably ahead. In as far as my statements around transitioning of Aboriginal children, I think that we have had ministers and bureaucrats that have really driven the transfer of Aboriginal children. So despite having a commitment to transition 100 per cent of Aboriginal children to Aboriginal community control, we have got 50.

The barriers are not as clear as the department and government and mainstream not giving up. Some ACCOs are a bit nervous about taking on too much of child protection. It is heavily regulated—you know, the compliance and all of that. I mean, I have got a team of 10 people that do investigations, monitor compliance. It is quite onerous to take on this work, and a lot of ACCOs are really quite nervous about doing that. But let me tell you, they are really stepping up and, as I said, we have got 16 ACCOs, and five now looking at this; there has been a massive growth.

So that is part of the issue, but it is portfolio driven. Child welfare is doing it. What about housing and homelessness? What about Justice? What about family violence? Every meeting—and I am glad, you know, Fiona mentioned all those meetings—I go to we have to fight for our equitable share of resources. And if you are not in the room guess what? You do not even get a vote. We have been able to get a commitment from the Centre for Excellence and their members, so it is about, I guess, a big prod in the side—'You have committed

to this, how are we going to do it?'—and driving, constantly asking the question and getting good data. Aboriginal people often do not even know how under-resourced and underfunded we are, because there is no accountability to report back to Aboriginal community control where the investment—who gets the money. We do not know who gets the money, and we do not know what outcomes they are not achieving.

You look across a number of those government departments and you can see housing and homelessness. For homelessness services we have got to go to mainstream to ask for housing support; we do not have a major voice in there. Family violence—because of our advocacy, we are in the Orange Doors and we have been able to get greater leverage in there. Have we got it in Justice? No. Have we got it in, you know, all areas of justice? No, we do not, because they tend to sort of treat us as an advocacy—or advisers but not real authorities. So how do you invest in Aboriginal to take on greater governance, greater accountability?

You know, there is a commitment through Closing the Gap to system transformation. There are four reform principles within Closing the Gap: Aboriginal shared decision-making, investment in Aboriginal community control, mainstream accountability and greater data. Sheena would know, most of our communities do not even know—how many kids have I got in care, how many kids are in the juvenile justice? Where is the money for family violence? Where is the money for justice? Where is the money for education? We do not even know who gets our money for our kids, for our services. I see constant evaluations of all these organisations getting Aboriginal dollars, but nobody holds them to account.

**Dr BACH:** Thank you very much. I might ask a question on notice. I know my time is up, Chair. I am very interested, Aunty Muriel, in the extent to which a failure over a long period of time, a historic failure, for Victoria to invest in early intervention services, disproportionately impacts Indigenous children. I mean, that is something you have touched upon on your comments. So I might—I know I am out of time, and you have been very generous in your response to me. Thank you.

**Adjunct Prof. BAMBLETT:** I just want to say that with evidence and evaluation, there is no menu of evidence about what we do that works. So the mainstream keep going up with EBT, FBT, and all of these cognitive therapies, and they invest in constructs. Nobody measures what we do or the success of it, and so we do not meet the threshold for evidence—nobody evaluates it. They have no idea how much great work we do, and it does not get measured. Sorry, Chair.

**The CHAIR:** No, no, no. It is just so frustrating the number of times we just hear, 'The data is not there', 'We can't access the numbers'. You know, and as you are saying: how do you manage what you cannot measure, when you do not actually know what people are doing with 93 per cent of the dollars?

**Adjunct Prof. BAMBLETT:** Well, I mean, we went and did this project called family-based therapy and how we actually introduce it into the justice system and what it would look like. We went through all this consultation and everything like that, but it never got rolled out. You know, because we have got to wait for a window of funding, and all of our Aboriginal funding comes through the Aboriginal justice unit. We do not get justice funding outside of the Aboriginal justice. So if we are not within the Aboriginal window, then we do not get considered.

**The CHAIR:** Okay. This is some really good basic stuff that this inquiry should really be reporting on. Just to finish off and to thank you: I mean, as you said, for every 10K that you are spending on women's diversion, you are saving the community \$100 000 in doing that. So I mean, there is an example already.

Thank you for your endless and many years of work in this area. Thank you to VACCA. I suspect there may be some follow-up questions for VACCA as we go through this process, so we very much appreciate this. We may also look at some sort of round table that actually tries to bring all those voices together. I think that could be really useful for this inquiry, but we have run out of time. Thank you again.

**Adjunct Prof. BAMBLETT:** Thank you, and see you soon. Thank you very much.

**The CHAIR:** Yes, thanks. We will just have a quick reset for the next witness.

**Witness withdrew.**