

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2019–20 (Aboriginal Affairs)

Melbourne—Tuesday, 11 June 2019

MEMBERS

Mr Philip Dalidakis—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallence

WITNESSES

Mr Gavin Jennings, Minister for Aboriginal Affairs,

Ms Kate Houghton, Deputy Secretary, and

Mr Tim Kanoa, Executive Director, Department of Premier and Cabinet.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee. On behalf of the Parliament, the committee is conducting this inquiry into the 2019–20 Budget Estimates.

Its aim is to scrutinise public administration and finance to improve outcomes for the Victorian community. The committee will now begin consideration of the portfolio of Aboriginal Affairs. I welcome the Minister for Aboriginal Affairs, the Honourable Gavin Jennings, member for South Eastern Metropolitan Region and also Leader of the Government in the Legislative Council, and I thank you for continuing to appear before the committee today.

All evidence given is protected by the Parliamentary Committees Act. This means that it attracts parliamentary privilege and is protected from judicial review. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Minister, in a moment I will invite you to make a very brief opening statement or presentation of no more than 5 minutes, which will be followed by questions from the committee. However, I do believe it appropriate to once again do an acknowledgement of country, given the portfolio. I would like to acknowledge the traditional custodians of the land on which we meet and pay my respect to elders past, present and emerging. Minister, over to you.

Mr JENNINGS: Thank you, Chair. And I was anticipating, just for the record, to do exactly what you have done—to pay my respects to the traditional owners and their elders past and present—and I am grateful that PAEC recognises the significance of that. Hopefully PAEC will also actually identify with the issues that I am about to run through now.

Visual presentation.

Mr JENNINGS: In terms of the Victorian government, it is very committed to supporting community development in the Aboriginal community through the prism of self-determination. We want Aboriginal people to be at the heart of decision-making that affects their lives. We want Aboriginal people to be empowered through their engagement with the Victorian government and our services and the processes that we are embarking upon to give life to that, and that is demonstrated in a number of ways. We are embarking upon a treaty in Victoria, which we legislated for last year, to provide for the development of a treaty framework. We provide programmatic support for Aboriginal Victorians; we provide for community engagement processes; we have collaborative approaches to cultural heritage management; and we want to make sure that we have a joined-up role in government to achieve those outcomes.

Not for the first time before the committee today, there is a bit of a difference between what I am responsible for as minister directly in relation to some of those programs and some that I actually play a role in coordinating and what I have a whole-of-government view of, and I will tease that out at the very end of my presentation.

In terms of the budget investment, in this year's budget we have actually seen over \$109 million allocated to Aboriginal affairs in terms of initiatives—that is not necessarily the basic funding for Aboriginal programs across the base of different agencies, but they are the initiatives we are associated with—and \$30 million to give to the next generation of the treaty process and support communities preparing for that to be given meaning. We have \$72 million worth of service delivery items in terms of a range across different programs, for health and justice in particular and some for education, and we also have programs to support Aboriginal culture.

With this investment, in terms of advancing treaty, we are on the cusp of actually establishing under that legislation and the community's direction an Aboriginal representative body. We want to make sure the traditional owner groups are ready to participate in that process and we establish a capacity to deal with the negotiating framework.

In relation to service delivery, the priorities are to continue our work with the family violence agreement to allow Aboriginal community-controlled organisations to act in a supported way in relation to family violence. We want to continue our work in relation to the Aboriginal child care agency to support Aboriginal children in care. There is a sexual assault support service; Aboriginal mental health programs; additional funding for our Aboriginal women's place, the Koori Women's Place. We are connecting children with their family in kinship care arrangements and there is funding to support Aboriginal organisations to target youth mentoring programs into the future.

In relation to culture, the most significant item in this expenditure is to support further development of the tourism infrastructure signage access at Budj Bim, which is again about to receive World Heritage listing, which will be a very exciting thing for not only the Aboriginal community but for Victoria and the nation. That will occur shortly. We are also training Aboriginal language teachers, and we are implementing the *Hanging Rock Strategic Plan*, which will involve Aboriginal participation in that decision-making.

The last bit I just want to draw to your attention in relation to the funding outcomes and the coordination of effort across these responsibilities is that each government department will be dealing with children's services, learning opportunities, business opportunities, health and wellbeing or justice. You should actually see that as being read down. The primary agencies are within those departments that run those programs and engage with the community. My programs relate to culture and country, but I also have a responsibility to make sure that there is an appropriate engagement in terms of self-determination, participation and coordination of our effort across everything.

The CHAIR: Thank you, Minister, for being slightly ahead of schedule. Firstly, allow me to acknowledge the historic events federally with the federal government appointing the Honourable Ken Wyatt as the minister responsible for Indigenous affairs and also the opposition appointing Linda Burney as the shadow minister responsible. I think that is a fantastic outcome for this country, to have Aboriginal men and women looking after a portfolio area that you have acknowledged is for them to be able to determine.

Minister, have you had an opportunity, or your officials, to seek to brief the federal minister about our treaty plans in Victoria?

Mr JENNINGS: Well, I have not, but I take your lead that we should. Clearly I acknowledge the significance of what you have called out in terms of Ken Wyatt's arrival in that portfolio. I hope for his sake, for his party's sake and for the nation's sake that in fact he is fully supported in achieving the hopes and aspirations of Aboriginal people across the country. So I hope that there are ample opportunities for us to meet and discuss the way in which we will develop treaty, how his government may consider the establishment of a voice for Aboriginal people across the country, how his government may actually address the question of self-determination, how his government may support agreement-making and treaty-making processes and how they might address constitutional issues about recognition. They are the scope of issues that we hope the commonwealth government are willing to embark upon.

We do have conversations with the commonwealth and other jurisdictions in relation to Closing the Gap targets, and there is a national agreement that will bring together the commonwealth, states and territories and, very importantly, a coalition of Aboriginal organisations across the nation that will be spending a lot of time in one another's company, looking at the way in which we develop programs to address closing the gap.

The CHAIR: Minister, you, both in your presentation and also elsewhere, have spoken about the investment that the state government has made in relation to the historic treaty process. Can I ask, though, what steps the government has taken to engage with the Victorian Aboriginal community in relation to the design of the First Peoples Assembly and the appropriateness of funding for that process.

Mr JENNINGS: There have been investments in previous budgets that have enabled the creation of the Victorian treaty advancement commissioner role—the role that Jill Gallagher plays on behalf of the Victorian community—supported by a working group of significant Aboriginal elders and community members who provide advice to her. A secretariat has been established to support her efforts, which has seen significant community consultation over a number of years that has led to advice that she has seen through that community development process fully into the election of the First Peoples Assembly. I will go and talk about that in a minute.

There has also been support provided before and in this year's budget to assist traditional owners in being able to develop their own capacity to actually seize the opportunity to participate in that process and to make sure that they are ready to embark upon what will be the considerations of the First Peoples Assembly, what are the likely issues that the communities may wish to negotiate on. It is extremely important for traditional owner groups to participate in this process. The federation of traditional owners have been up for that participation over the last couple of years, and our ongoing challenge is to increase the number of traditional owners who participate and fulsomely participate in this process.

And the third element has been a consideration of an awareness campaign, the Deadly Questions campaign, which is the most evident form of this, which has been extremely well recognised across Victoria as elevating the status of Aboriginal people and their aspiration for treaty making—trying to engage with a broader cross-section of the community to make them more aware of the strengths of Aboriginal communities, of the determination of Aboriginal communities and of some of the challenges that Aboriginal communities confront. Deadly Questions has drawn attention to itself in a whole variety of ways. In fact a number of people were a bit concerned about Deadly Questions may have been in the terminal sense, but in this sense 'deadly' is something that is good. 'Deadly' is something, in this context, in terms of the colloquial use of the word from the Aboriginal community, that is good, is appropriate and is actually enriching. And that is the way in which that program has had a very wide reach.

So they are the fundamental building blocks. Within the work of the commissioner, the commissioner has actually recommended an electoral model that, within the next month, will go to an election being held within the month of July. Nominations have been open for people to represent the First Peoples Assembly. There will be 21 people who will be elected to that body across electorates that are geographically determined across the state of Victoria, and any traditional owner from Victoria or an Aboriginal person who has lived in the state for five years is able to vote in that election. Any traditional owner from the state of Victoria is eligible to stand in that election. By the end of July that vote will conclude, and we would anticipate after the First Peoples Assembly being elected for it to then form in probably the last quarter of this year.

The CHAIR: And the process from that moment onwards, Minister, the interaction between the First Peoples Assembly and the legislature, how do you see that working?

Mr JENNINGS: The next iteration will be, once the First Peoples Assembly is formed, apart from the 21 elected there are 12 designated spots for traditional owner groups that are currently identified under the Aboriginal Heritage Act, and they will have automatic seats on the First Peoples Assembly. They will then meet to discuss the way in which they want to consider their approach to negotiating. Their approach to negotiating will be: what are the key issues that they wish to consider, as within the scope of negotiating? They will be formally charged with the responsibility of then working with government, and it may be a negotiation in itself with the government about the way in which we establish a treaty authority.

The CHAIR: Minister, I apologise because it is an area that is very important to me, but I will have to ask for the rest of that answer on notice as we move to Ms Vallance.

Ms VALLENCE: Minister, just to pick up on questions of the Chair and in relation to what you were just discussing—so budget paper 3, page 3, the output initiatives—this is \$30.4 million worth of funding over two years for phase 2 for the treaty and self-determination process. But, Minister, just to take it further than what the Chair did, can you detail what budget expenditure is required for that first point—for the First Peoples Assembly operations? Is that around staffing, office? Could you take us through the detail of the expenditure?

Mr JENNINGS: The allocation of the expenditure fits into effectively three components, and in terms of the internal costing it would possibly be wise for us to come back to you about the internal costing allocation within that \$30 million, but it does three things. First of all it supports traditional owners in their readiness and their preparedness to be able to support community. So if you think about it, the First Peoples Assembly is an umbrella body that actually represents all Aboriginal communities across the state. Basically the people who are members of it have their own constituency, just as you have a constituency. So how does the constituency get supported to be able to support that meaningful engagement at the First Peoples Assembly? There needs to be a secretariat that does support that work, and there needs to be an appropriate consideration of—it seems you are anxious to jump in.

Ms VALLENCE: Sure, because it was really around the expenditure and understanding where that is allocated to, and as you mentioned, perhaps taking it on notice might be the best course of action. I guess also with the Aboriginal Victorians, how are they being made aware about the process to be able to vote for candidates in the First Peoples Assembly, and is there a marketing or advertising campaign that is part of that \$30.4 million?

Mr JENNINGS: Part of the Deadly Questions campaign has been to increase the recognition within the Aboriginal community but the population more broadly. There are also a series of materials that have been provided—videos, Facebook advertisements—material that has actually been provided through the network of Aboriginal community organisations.

The commissioner herself has embarked upon a number of major events, of which the Dreamtime at the G was one of those—the lead-up to the Dreamtime at the G—which was an extraordinary, if not wet, night at the G, to increase the recognition of voter participation. There are a number of staff who are being employed to operate out of community-controlled organisations within local networks to mobilise the voter turnout and participation in the process. So it is a combination of, yes, blanket broadband advertising, digital placement, online placement, written materials and face-to-face activism.

Ms VALLENCE: Again, just if we could have a clarification of those elements within that total response on notice. Minister, just moving to Closing the Gap, the reference there is budget paper 3, page 3, on ‘Output initiatives’. As you know, the Victorian government’s Aboriginal Affairs report tracks how Victoria is going towards closing the gap. There was a report tabled earlier this year which reveals the government is not really doing enough to meet its targets, and one of those targets was to halve the gap for Aboriginal students in reading, writing and numeracy. Among the data against this target the report notes 60.4 per cent of Aboriginal students were at or above the national minimum standards for year 9 writing compared to 84.9 per cent for non-Aboriginal students. Minister, do any of the new output initiatives in this year’s budget help address the gap in reading, writing and numeracy for Aboriginal students?

Mr JENNINGS: Not directly. I think you would appreciate it—I appreciate it—in terms of the failure of educational outcomes for Aboriginal students, they continue to exist in Victoria; they continue to exist across the nation. In fact the participation and achievement of those measures continue to be a major challenge for education systems everywhere in this nation. A lot of it has to do with the quality of teaching and community engagement—

Ms VALLENCE: So are there any funds towards this, given that we both can see that there is a gap that is not being closed? The government is not doing enough. Is there not any money being directed towards this, Minister?

Mr JENNINGS: What I was about to first outline is that I think it would wise to discuss these issues with the Minister for Education in terms of what approaches are undertaken within education in particular. Within my interest, my interest is making sure there is effective teaching and there is appropriate support and structures within school communities to make it a welcoming and supportive environment for Aboriginal kids. I am also interested in the way in which we could strengthen families and the support outside of school to actually make the educational experience more meaningful and enduring for kids. So I understand the importance of your question. I think the Minister for Education should talk to you about it. In fact beyond that I am interested in how we align programmatic investments of the government to achieve that outcome. There is a lot of money spent in education, and Aboriginal kids deserve their fair share.

The CHAIR: Just for the record, given that this is an area of interest for me, I believe that our young Aboriginal boys and girls achieved their best ever NAPLAN record recently and had their highest levels of attainment at year 12.

Mr HIBBINS: Thank you, Minister and your team, for appearing today. So \$30.4 million for the treaty over the next two years. This really goes to self-determination in that there are 35 First Nations. Only 12 have been approved or formed a registered Aboriginal party and only those that are an approved registered Aboriginal party under Victorian law will be given an automatic seat at the First Peoples assembly. Can I ask why all First Nations are not given that automatic seat, and how does not giving them an automatic seat—how do you square that with the principle of self-determination?

Mr JENNINGS: There are a couple of answers, and hopefully you will let me get both out.

Mr HIBBINS: Within time.

Mr JENNINGS: Well, yes, within time. First of all, within traditional owner groups within Victoria that are registered Aboriginal parties there are a number of them that have been registered which cover a number of the 35 that you refer to. So that is one starting point. The number of traditional owner groups who participate through the prism of either native title or registered Aboriginal party status is probably not as you have been advised that it is. So as a starting point, go back and have a look about whether any of those 35 are actually included in a RAP status rather than being excluded. So that is one issue.

The second issue is that I understand that when you create a voters roll and who is eligible to stand at a certain point of time, whether it be in an election or whether you are determining the election time frame, decisions have to be made about on what basis of recognition that people can be included either for a direct election or for a nominated seat. The treaty commissioner made a recognition—well, the way she wanted to go to a roll now: what is the organising principle by which she could say confidently that traditional owner groups should be incorporated as a matter of right? Go to the appropriate act. The appropriate act is the Aboriginal Heritage Act. Does it mean that that is locked in stone forever? No, it does not, because in fact the Aboriginal Heritage Act is able to be augmented by the decision-making of the Aboriginal Heritage Council on the basis of applications that come before it for RAP status, or registered Aboriginal party status, which is not fixed at a particular point in time.

It is this election that is fixed at this point in time. So in my philosophical position there is no reason why over time there should not be the appropriate direct engagement of all traditional owner groups. Some of them are currently indirectly represented, some of them have not got formal status to be able to enable them to be included, but in fact there is nothing that prevents any traditional owner standing, any traditional owner being elected and ultimately over time, as we move to further elections, for them to be included within the First Peoples Assembly, that would be a desirable outcome.

Mr HIBBINS: Thank you. I am going to ask two questions and we will see how you go. You might have to take some on notice. One is in relation to how much of the \$30.4 million will be available to clans and First Nations that have not got RAP status to assist them within the treaty process. The second one is in relation to the elections. So there is \$500 in my understanding to support people who have nominated, but how are you going to ensure that well-financed candidates do not have, I guess, too much of an advantage over candidates who only are able to receive the \$500 and spend that on their campaign? Will you be looking at spending caps? So two questions there, and we have got about 3 minutes.

Mr JENNINGS: I will deal with the second one last. There are some people who are extremely well resourced, where \$500 may make absolutely no difference to their canvassing, and you might be politically close to some who may be on the cusp of actually being a candidate or not, and they will be extremely well resourced if they choose to be a candidate—have no doubt about that. This election is not going to be dominated in my view on the basis of how much money is spent; it is about community connection, and ultimately it is a matter of the maturity and the confidence of relationships that take place in the Aboriginal community. They are not likely to be swayed by dollars. If there is any evidence that they are swayed by dollars, then I will be very receptive to considering whether we should revise that approach. Ultimately at the end of the financial resources, this election is again on the basis of connections in community, recognition in

community and solidarity in community, and that is actually something that is not going to be bought by an advertising campaign at this point in time.

Mr HIBBINS: The first question was around how much of the support for—

Mr JENNINGS: Again, who seeks money for what purpose ultimately determines a little bit about how the internal allocation would be made. There is not a fixed number that would actually describe the difference between the support that we provide any community at this moment.

Mr HIBBINS: Is the allocation coming through the Treaty Advancement Commission?

Mr JENNINGS: The allocation would be made by my portfolio but the commissioner would be one of the inputs to that decision-making process.

Mr HIBBINS: So it would be your decision on the advice of the commissioner?

Mr JENNINGS: Certainly in everything that I do I am cognisant and respectful of the advice of the commissioner.

Mr HIBBINS: Can I move on to one of your priorities here—justice and safety. We have got now record high incarceration rates for Indigenous people in Victoria. Can I ask what initiatives are in the budget this year to address that and reduce incarceration rates for Indigenous people?

Mr JENNINGS: Potentially I did myself and my colleagues a disservice in relation to my answer on education, and I am glad that the Chair identified that within some of the—

The CHAIR: Unfortunately that question will have to be taken on notice, Mr Hibbins. Can I say thank you very much to the minister for appearing before the committee today and the officials as well. The committee will follow-up on any questions taken on notice—including the last one—in writing and responses will be required within 10 working days of the committee's request.

Witnesses withdrew.