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TRANSCRIPT OF DAY 1 – PUBLIC HEARINGS

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

**THURSDAY, 27 APRIL 2023 AT 10.04 AM (AEST)**

**DAY 1**

**HEARING BLOCK 5**

**MS FIONA McLEOD SC, Senior Counsel Assisting, with MS JULIE BUXTON, Counsel Assisting**  
**MS GEORGINA COGHLAN KC, MR CHRIS HORAN KC, MS LAUREN HILLY and MS GEMMA CAFARELLA for the State of Victoria**

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**LAW IN ORDER**  
Where work flows.

CHAIR: Good morning. Today, we commence a new hearing block. In this hearing block, we will hear principally from government witnesses on the priority areas of child protection and Criminal Justice. Today and tomorrow we will be starting with child protection witnesses, with Criminal Justice witnesses to commence next week.

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I want to note this historic moment. Historic because we sit as the Yoorrook Justice Commission today. Four First Nations People, three First Nations People of Victoria and a former Supreme Court judge. We have now had time to reflect on some of the stories, some of the voices of our people who have come before us in relation to government systems. The historic point is that the Commission, this Commission, gets to ask questions of people in positions of authority, the decision-makers, people who should be accountable about why things happen and how certain policies remain.

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Yoorrook expects, and our people expect, accountability in good faith from all decision-makers who come before us, the Yoorrook Justice Commission. I would now like to ask Commissioner Hunter to be do the Welcome to Country.

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COMMISSIONER HUNTER: Thank you, Chair. I would like to acknowledge that we are on the lands of the Wurundjeri, my ancestral lands. I would like to acknowledge the ancestors and the Elders that came before us, and I would like to acknowledge those that paved the way and did the work so we are able to be here today.

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Given today's topic, I would also like to acknowledge Stolen Generations, those that made it home, those that didn't and those still searching and also to acknowledge the families and children within those systems today and may Bunjil watch over us, may we honour their stories and those within those systems. And once again, I will say Wominjeka, come with purpose. Thank you.

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CHAIR: Thank you, Commissioner Hunter. May I have appearances, Counsel.

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MS McLEOD: If the Commission pleases, I appear with Ms Buxton to assist.

MS COGHLAN: If the Commission pleases, Ms Coghlan, and I appear for the State of Victoria.

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MR HORAN: Good morning, Commissioners. My name is Mr Horan. I appear with Ms Hilly and Ms Cafarella for the witness today, Argiri Alisandratos, who is the Associate Secretary of the Department of Families, Fairness and Housing.

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CHAIR: Thank you, and welcome. Counsel.

MS McLEOD: Before we commence this morning, Chair, on behalf of Counsel Assisting I would like to make an Acknowledgement of Country, and Counsel for the State would like to do the same.

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Commissioners we acknowledge the Wurundjeri people, the custodians of the land on which we are meeting and working for this Yoorrook Justice Commission, and all Elders and ancestors. We thank Commissioner Hunter for her welcome. We stand on these lands having dispossessed our First Peoples with the violence and control, as we have heard through testimony presented to this Commission. We recognise the strength of our First

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Nations People and that you should make us welcome on these traditional lands in spite of our history.

5 We would also like to acknowledge our First Nations children, of whom we ask so much and for whom we hold so much hope. We are here today for them, for those who suffered the torment of removal from family and culture, for those who are navigating the child protection system today, for their families and for future generations.

10 CHAIR: Thank you.

MS COGHLAN: Thank you, Chair and Senior Counsel Assisting and for welcoming the State in the way the State has been welcomed today.

15 We thank you, Commissioner Hunter, for the Welcome and Acknowledgement of Country. On behalf of the State, I would like to also acknowledge the Traditional Owners of the land on which we meet today, the Wurundjeri people of the Kulin nation, and I pay my respect to their Elders, past, present and future. I acknowledge, on behalf of the State, all First Nations People and Traditional Owners here today, as well as all First Peoples who have participated in this important inquiry.

20 I further acknowledge that sovereignty has never been ceded and acknowledge the deep and continuing connection to lands, waters and sky that is maintained by all Traditional Owners across the State to this day and in perpetuity. The State observes this historic moment. We embrace the opportunity to assist Yoorrook in any way in which we can.  
25 Thank you, Chair.

CHAIR: Thank you. Thank you, Counsel.

30 MS McLEOD: Before I call the first witness, this morning there's just a short update in terms of document production. Since the last directions hearing on 4 April of this year, we have received 28 productions comprising some 2033 documents. Within those productions, approximately 44 documents were fully withheld on the basis of section 18 claims. Yoorrook and the State have exchanged correspondence in relation to arranging for these to be inspected in accordance with the protocol so that these claims can be  
35 resolved.

A further approximately 674 documents have been produced but are subject to section 18 claims either in part or in full. Yoorrook and the State are working through those in accordance with the Protocol. This is obviously an ongoing process and we may need to  
40 mention it again at an appropriate time.

Today's examination is intended to be confined to uncontroversial matters. Any documents that are the subject of claims maintained that I inadvertently mention, I would expect that the Counsel for the State will let us know so that we can manage that in  
45 running.

CHAIR: Thank you, Counsel.

50 MS McLEOD: Chair, I call Mr Argiri Alisandratos.

**<ARGIRI ALISANDRATOS, CALLED**

CHAIR: Welcome.

5 MS McLEOD: Mr Alisandratos, do you undertake to provide truthful evidence to the Yoorrook Justice Commission today?

MR ALISANDRATOS: I do.

10 MS McLEOD: Please take a moment to organise yourself at the table there, and you have whatever papers you need available to you.

MR ALISANDRATOS: Thank you.

15 MS McLEOD: Mr Alisandratos, you are the Acting Associate Secretary for the Department of Families, Fairness and Housing of Victoria, and you are the witness, the sole witness, put forward by the Department to speak across all issues on behalf of the Department.

20 MR ALISANDRATOS: I am.

MS McLEOD: We have, on your behalf, a statement which was amended and signed on 24 April 2023. There are attachments to that statement, and you can also speak to the statement prepared on behalf of the State, which is a document dated 17 March 2023, as  
25 those matters relate to child protection.

MR ALISANDRATOS: Yes.

MS McLEOD: I tender both of those documents - sorry, all of those documents, Chair.  
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CHAIR: Thank you. That will be entered as exhibits in the next -

MS McLEOD: I should have asked you whether you adopt your statements, Mr Alisandratos. I assume that you do.  
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MR ALISANDRATOS: I do.

MS McLEOD: Yes, thank you. You wish to make an opening statement?

40 MR ALISANDRATOS: I do.

MS McLEOD: Would you like to make that statement now?

45 MR ALISANDRATOS: Thank you. Good morning, Commissioners. Good morning, everyone. I would like to acknowledge the Traditional Owners of the land which we are meeting on today, the Wurundjeri people, and pay my respects to Elders, past and present. I also acknowledge all Traditional Owners throughout Victoria and all that are present here today and that sovereignty has never been ceded. I thank you, Commissioner Hunter, for your welcome today. It's an absolute pleasure to be here before you and to assist the  
50 Commission. I acknowledge and thank the First Peoples who have shared their truth with

the Commission to date, particularly those with lived experience relating to child protection and the care system.

5 I, and staff within the Department, have been listening deeply to your experiences. Your insights will shape the next steps for our reform journey. I also thank the Commissioners for the opportunity to participate in Australia's first truth-telling process.

10 Colonisation has had a profound and enduring impact on the lives of Victoria's First Peoples. I on behalf of the Department of Families, Fairness and Housing acknowledge that past laws and policies enabled devastating and horrific invasion in the lives of First Peoples, an action that sought to break First Peoples' families, dispossess, assimilate and deprive them of their country, culture and traditions.

15 These laws, policies and practices, continue to cast a dark shadow over the Children and Family Service system today, and contribute to the injustice of overrepresentation. Recognising and understanding this history is critical if we are to address this injustice and reach a future where First Peoples are in control of their destiny.

20 My intention today is to support the Commission's objectives in the Letters Patent and to do so by providing as fulsome an account as possible of the Children and Family system and the broader Community Services system.

25 The longstanding and continued overrepresentation of First Peoples children in the child protection and care system is deeply concerning and a shameful feature of our system. Over the past decade, the Department and the Victorian government, in partnership with Aboriginal Community Controlled Organisations and Community Service Organisations, have worked resolutely to address the overrepresentation of First Peoples children, reforms that I detail in my statement, including those informed by Taskforce 1000 and subsequent independent inquiries under taken by the Commission for Children and Young People.

30 These reforms have primarily focused on improving service responses by adding new and more culturally-attuned processes and requirements to existing structures, policies and programs that previously gave little regard to First People' knowledge and expertise.

35 Consistent with the objectives of the Victorian Aboriginal Affairs Framework, Wungurilwil Gapgapduir and the Treaty process, these reforms have gradually and increasingly recognised the criticality of approaches being First Peoples-led and how to enable alternative approaches that recognise self-determination as a human right.

40 While progress has undoubtedly been made, I acknowledge that we have so far failed to reduce the rates of overrepresentation, which largely emanate from the enduring impacts of Colonisation that increase the prevalence of known risk factors associated with child protection involvement.

45 Reforming the Children and Families system is, by its nature, a complex task. The task will benefit from truth-telling and the unfolding recognition that the system's foundations involve systemic bias and racism, which are critical matters to address. The work of the Commission in this regard will be crucial.

In the last decade, we have achieved much to be proud of, including the gradual transition of almost half of those First Peoples children who are subject to protection orders and in care to an Aboriginal Community Controlled Organisation. This transition has enacted the recognition that ACCOs are best placed to support First Peoples children and has been a critical step to a more self-determining system.

We have also strengthened our governance structures, including the codesign and implementation of the Aboriginal Children's Forum to drive mutual accountabilities, enable data exchange and support issues identification and resolution.

In my statement, I outline an array of additional initiatives that have increasingly moved us from consultation with First Peoples to reforms that incorporate the critical voice of First Peoples and a greater level of Aboriginal-led service design and implementation.

This journey has also included increased investment in Aboriginal-led innovation and research that is enabling the emergence of evidence of what is working for First Peoples children and families. The Department fully accepts and acknowledges that the root cause of overrepresentation are unlikely to be addressed simply through the adaptation of existing Departmental policies, systems, practice to better respond to First Peoples children.

While such adaptations may drive some improvements to child protection responses they fail to impact the broader service system and the structures and underpinnings of the child protection system that respond to vulnerability and risk and, ultimately, the ability to prevent involvement with child protection.

The key to addressing overrepresentation will be change at the systems level and enabling and investing in the design and delivery of Aboriginal-led services, inclusive of ongoing research and evidence building. We are currently in the unique position of being able to undertake a once in a generation reform that is underpinned by commitments to self-determination. While the end state has not yet been determined, the current process of truth-telling and this Commission's work will continue to influence and shape the reform possibilities and options for a revised system and will inform Treaty negotiations.

The Department is genuinely committed to the continuing an iterative process of reform and to actively enabling the design and implementation of a revised system by First Peoples. While we are mindful not to pre-empt the outcomes of this Commission's findings and recommendations, or the Treaty process, the Department will continue to build on our learnings to date and support any changes the government may make that take us further towards an Aboriginal-led and more self-determined system.

The Department will continue to support and drive our collective efforts to achieve our agreed target of 100 per cent of First Peoples children subject to protection orders and placed in care being transitioned to an ACCO and to support more ACCOs to become authorised so they may assume decision-making for more children where there is First Peoples community support for this to occur.

Subject to the passing of the Child and Health Legislation Amendment (The Statement of Recognition, Aboriginal Self-Determination and Other Matters) Bill 2023, Community Boorais project will commence, enabling the trialling of ACCO-managed investigations of

child protection reports. This is critical reform work that will enable ACCOs to explore new ways of diverting First Peoples children from the child protection system.

5 In addition, if the Statement of Recognition Bill is passed, the Department will operationalise those aspects of the Bill related to the implementation of the five elements of the Aboriginal child placement principle. As we await the design of a future system, we will continue to support our Ministers and acquit the Department's own responsibilities to engage deeply with First Peoples organisations and communities in order to understand their future aspirations and to support Aboriginal-led service design and implementation.

10 Revising the current system will require the strengthening of existing partnership and the forging of new partnerships, both urgent and sustained commitment, careful prioritisation of effort and implementation of government investment decisions. I acknowledge the magnitude of the change required, its complexity, scale and timeframe, all of which will require a shared commitment to the principles of self-determination and Treaty.

15 A complexity of achieving an Aboriginal-led and designed system cannot be underestimated, and I offer the following observations and insights to complement the evidence provided to the Commission by First Peoples with lived experience and those with professional and academic expertise in the field about the factors we collectively need to consider in moving forward.

20 The Children and Family Services system is one of the most complex and sensitive areas of public policy. The work requires sensitive and difficult human interactions and the application of complex and multifaceted professional judgments that are not seen in many other areas of social policy and industries. child protection involvement and the State's intervention in the lives of children and families is inevitably polarising. As we have heard from testimony it often results in a risk-aversion culture and a damned if you do and damned if you don't scenarios.

30 Moving the system to one that is Aboriginal-led would not in itself eliminate this complexity and this tension which will continue to be ever present as it is in most child protection systems worldwide. While this complexity will need to be grappled with, it could be significantly ameliorated through new opportunities, including considerations as to how we approach assessments of risk and safety to include a greater emphasis on culture as a protective factor, First Peoples' systems of law and lore, kinship, family and cultural practices.

40 I recognise also that Aboriginal-led service delivery within the child protection context is complex and will give rise to a range of additional considerations with respect to existing and future workforce challenges, taking into account the cultural load that First Peoples carry and the accountability they carry to community.

45 The configuration, integration and cultural safety of the broader service system, including universal and targeted services, will also be critical in addressing the drivers of overrepresentation and the provision of early support to vulnerable children and families. First Peoples agencies have told us that offering accessible, wholistic, integrated and non-stigmatising services early to First Peoples in need is critical to addressing vulnerability.

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The need for coordinated, culturally safe and integrated place-based solutions that centre First Peoples' knowledge and agency in ways that facilitate self-determined solutions across all government-provided and funded services will be critical. Notwithstanding these challenges and complexities, it is evident that the current system is failing First Peoples children and families and that we must do better.

Until such time that we embark on a future state through the process of truth-telling and Treaty, the Department will continue to implement key legislative reforms, government investment and changes in departmental policy and practice that will see greater number of First Peoples children and families supported by Aboriginal-led services, and new models in child protection and the wider service system that more directly address the drivers of overrepresentation.

Informed by the Commission's work, we will also endeavour to identify and address systems and practices within our control that support systemic bias and racism, and give urgent attention to improving the cultural competence of Children and Family Services workforces. I wish to again acknowledge the voices, advocacy and leadership of First Peoples that have appeared before the Commission and those I have had the privilege of working with over the years and who are tireless in their work to forge a better future for First Peoples children.

I thank you for challenging me to understand more deeply the entrenched issues in our system and for driving urgent change. Not only is this critical for First Peoples children but I believe a self-determined process of reform will teach us much about First Peoples ways of knowing and being to support children to thrive which will benefit all Victorian children.

MS McLEOD: Thank you, Mr Alisandratos, for that opening statement and your embrace of the work of the Commission. Can I begin by asking you some questions in relation to your role in the Department. As noted, you are the Acting Associate Secretary or are you now the Associate Secretary of the Department?

MR ALISANDRATOS: I am the Acting Associate Secretary of the Department.

MS McLEOD: You have been in that position since August last year.

MR ALISANDRATOS: I have.

MS McLEOD: And what underlying qualifications do you have?

MR ALISANDRATOS: I have a Bachelor of Social Work and a Masters of Public Administration.

MS McLEOD: You've been involved in this work for decades?

MR ALISANDRATOS: I have.

MS McLEOD: 20, 30 years or so.

MR ALISANDRATOS: Just over 30 years.



MS McLEOD: And that includes, in your early years, work at the coal-face as a child protection practitioner, as we call those workers now.

5 MR ALISANDRATOS: Indeed. I did start my career as a child protection practitioner, Ms McLeod, and worked in the child protection Service for approximately 10 to 15 years before moving into other roles across the Department. Generally across the social care, generally, within the Children and Family Services system, and I've had a 30-year career within the children and families environment and associated social care environments.

10 MS McLEOD: Just having a little difficulty with the softness of your voice, and I wonder if you could pull one of those microphones towards you. They are for the recording, obviously, and the live streaming. So we shouldn't have an issue there. But just so that the Commissioners and those at the Bar table and in the room can hear you, we will just make  
15 sure we get the echo from the microphone, thank you. You are the sole witness put forward by the Department of Families, Fairness and Housing to speak across all issues?

MR ALISANDRATOS: I am.

20 MS McLEOD: And you do not state this in your statement, but in your role, you were responsible for division within the title - within - sorry, for a division with the title Children, Families, Community and Disability.

MR ALISANDRATOS: I was.

25 MS McLEOD: Can I please ask that we bring up on the screen the old organisational chart which is pre-3 April 2023, BAL5.0001.0001.0268. Now, I don't know if you can see that. It's not on the screen in front of you. It is on the screen, unhelpfully, behind you. There we are. Now, perhaps in ant writing, but you might be familiar with this document. You  
30 appear - this is the organisational chart pre-3 April of this year.

MR ALISANDRATOS: Yes, I'm not sure exactly the timing of that chart, but, yes, that reflects the previous role that I held as Deputy Secretary.

35 MS McLEOD: Tell me if you need a hard copy of this in front of you. You are described pre-3 April 2003 as Deputy Secretary, Children, Families, Communities and Disability.

MR ALISANDRATOS: Correct.

40 MS McLEOD: Beneath you, your direct reports include the Executive Director of Children and Families Policy; Executive Director, Quality Improvement and Systems Reform; and Executive Director, Disability and Communities.

MR ALISANDRATOS: Yes.

45 MS McLEOD: Now, are those operational roles or policy roles primarily?

MR ALISANDRATOS: They are primarily policy program roles and system reform roles. They are not operational roles.

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MS McLEOD: Okay. So if we move across to Mr Asquini, Deputy Secretary, Community Service Operations, is that where operations sits on this organisational chart?

MR ALISANDRATOS: That's correct.

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MS McLEOD: And all the direct reports beneath him?

MR ALISANDRATOS: Correct.

10 MS McLEOD: Your three direct reports, as noted, included those three people and beneath them there are a cast of thousands.

MR ALISANDRATOS: Well, I wouldn't say a cast of thousands but there are structures of people within those - those branches, if you like.

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MS McLEOD: Now, I want to bring up the current organisational chart. That's BAL5.0001.0001.0265. Again, that's behind you on - now we have it in front. Thank you. At the bottom of this chart, there's a note that says it's updated on 3 April 2023. You might not be able to read that on your screen, but if we accept the Department's correct about that, it represents the current structure.

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MR ALISANDRATOS: Yes, it does.

MS McLEOD: We see you now as Associate Secretary sitting off to the left directly beneath the Secretary. So you are still reporting directly to the Secretary.

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MR ALISANDRATOS: Correct. Yes, I am.

MS McLEOD: And you seem to be cut adrift from your direct reports in that nobody is noted on this page. Do you still have the three former direct reports reporting to you that we had before or is that structure changed?

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MR ALISANDRATOS: No, the structure has changed in the last reorganisation earlier this year. There was a decision made to align the structure to portfolio - Ministerial portfolio arrangements to reflect the Ministerial portfolio arrangements. So my previous division, the division of Children, Families, Community and Disability, was essentially reconfigured into two portfolio-based divisions: one with a focus on the child protection and Family Services Ministerial portfolios, which is the division of Children and Families. And one focused on the Disability, Ageing and Carers portfolio of the Ministerial portfolio of Disability, Ageing and Carers. And that's the Disability, Communities and Emergency Management division.

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MS McLEOD: So these machinery of government changes reflected in this organisational chart, where does operations for child protection now sit in relation to you?

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MR ALISANDRATOS: Operations sits in that middle column.

MS McLEOD: Yes.

MR ALISANDRATOS: Titled Community Operations and Practice, Leadership, and that is a refocused division on our community operations that brings together our four operational divisions that deliver our services and oversight the funding arrangements across our delivery environment.

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MS McLEOD: So if we look at that middle column headed Community Operations and Practice Leadership, we have the regions represented there with Deputy Secretaries and then the green boxes, are they all at head office?

10 MR ALISANDRATOS: They are indeed and some of them reflect state-wide service delivery as well.

MS McLEOD: Okay. And is there any change to the way that you communicate with the operations teams?

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MR ALISANDRATOS: There is close engagement and communication between the policy program areas of the organisation with our delivery structures across the four divisions and the 17 areas. The Deputy Secretary for Community Practice, and - Community Operations and Practice Leadership, Danny O'Kelly, is on the executive board, as am I and the rest of the Deputy Secretaries of the portfolio divisions, but also including the operational Deputy Secretaries who are represented on the executive board.

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MS McLEOD: So have these machinery of government changes enhanced, inhibited or made no difference to the way that you speak to, and have input from, the operations teams?

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MR ALISANDRATOS: I think they continue to serve us effectively in terms of the distribution of functionality across policy and programs, and our interface with the operations environment. There has always been a very close relationship between policy program and operations. The level of engagement we have with our delivery colleagues, our operational colleagues, is extensive. The intelligence flow from policy into operations and, importantly, from operations into policy, is critical for how we calibrate system reform and policy across the multiple portfolios that the Department is responsible for.

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35 MS McLEOD: I take it from what you say there is no effective change in that level of communication between the policy team and the operations team. Can I ask, from your perspective, what was the purpose of the restructure?

MR ALISANDRATOS: The purpose of the restructure was to get more significant integration across the breadth of policy responsibilities across the two portfolios of - two Ministerial portfolios. What - if I reflect on the, on my former division, the Children, Families, Communities and Disability division, it had responsibility for two Ministerial portfolios, a breadth of policy program and reform work and quite an extensive load for one division. The decision to reconstruct into the two portfolio-based divisions was in recognition that there is significant policy and reform work ahead of us, particularly in anticipation, in the Children and Families space, of the work of this Commission, of the work of Treaty and the significant reform agenda that we have in the Children and Families space.

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Equally, on the Disability front, there is an extensive policy program of work, particularly as we interface with the Commonwealth and the review of the National Disability Insurance Scheme, and the bandwidth to be able to manage that breadth of policy and reform work was arguably too big for one division to manage, given the outlook before us, both in terms of significant reform work happening across all of those portfolio areas. So there was a decision to recalibrate the organisation on that basis and bring some different elements together.

MS McLEOD: Does the reconstruction also reflect the critical role of Disability and Disability Services in terms of an input into the work of child protection?

MR ALISANDRATOS: Absolutely. Absolutely.

MS McLEOD: Could you just say something about that?

MR ALISANDRATOS: Yes. So disability is a critical factor when we look at children and families across the Child and Family system the number of children that have disabilities, the number of parents that also have disabilities and the engagement that we inevitably have to have now with the Commonwealth through the National Disability Insurance Agency to bring those reports that the State no longer operationalises, but the State invests in the scheme, the National Disability Scheme, and we critically are reliant on making sure we are calibrating those supports for the best effect for Victorian citizens and even more so for children and families who are subject to both the secondary and tertiary parts of our service system in the Children and Families space.

MS McLEOD: A question without notice: can you give us an estimate of what proportion of children coming into the child protection system have disabilities such as would be covered by the NDIS or meet other assessment criteria?

MR ALISANDRATOS: So we would say somewhere in the vicinity of 30 to 40 per cent of children have some form of disability through the course of their journey in child protection and out-of-home care services.

MS McLEOD: And a broad question: do you consider that the Department is adequately placed to service the needs of those children in child protection with disabilities? Both in terms of staffing, professional care and other resources required to care for those children.

MR ALISANDRATOS: What I would say, Ms McLeod, is that we have worked tremendously hard to increase our proficiency and our workforce's proficiency in supporting children with disability. We have drawn on the capability of the Disability sector to bring them closer to the Children and Families sector, and there's a number of initiatives that are being funded and supported, all where organisations have themselves been able to bring both their disability capability and their children and families capability closer together to get more effective support for children with a disability.

I think we've got more work to do in that space and the opportunity that we have through the National Disability Insurance Scheme and the Agency and the current review that has been undertaken by the Commonwealth government will bring greater provision and more targeted support to children within care settings and across the Victorian community.

MS McLEOD: So is it fair to say that your answer is essentially you are doing the best you can?

5 MR ALISANDRATOS: I think we're doing - we're doing more than best that we can and we're increasing our proficiency constantly and looking at ways for how we can better support children with a disability across our services.

10 MS McLEOD: You have mentioned children, 30 to 40 per cent of your client base. How is that reflected in terms of First Nations children, First Peoples children?

MR ALISANDRATOS: It ranges about within the same vicinity.

15 MS McLEOD: So First Nations children are tracking similarly to the population in terms of the percentage of children before child protection with disabilities?

MR ALISANDRATOS: Yep.

20 MS McLEOD: In terms of - you mentioned Commonwealth funding and the NDIS. Are there State streams of revenue available for those children as well or is this now a matter of negotiation between the State and the Commonwealth?

25 MR ALISANDRATOS: Yes, it's both, I would say. There are State streams of investment that the State continues to implement, particularly within the children and families, and there are a range of initiatives that the State has invested in to support the identification of children and their families with a disability to support the navigation of families, in particular, with the National Disability Agency. And I can think of a number of initiatives that we have got funded at the moment that essentially work alongside our child and family services teams to bring that disability capability, to bring that navigation capability.

30 It is it can be a daunting process for many of our people who use our services to access the National Disability Insurance Scheme, and we, through the State, have found that we have needed to supplement some of that to help people more effectively navigate and get the support that they need. So that's - so there's definitely streams of continuing investment that the State puts towards it. And then there's obviously the more significant investment that we put to the funding National Disability Insurance Scheme and the negotiation that happens about the calibration of that scheme and how more effectively it can deliver for Victorian citizens.

40 MS McLEOD: And just to close off this topic for now, disability would include mental health in terms of physical disability? It would include cognitive impairments, psychological impairments, all range of matters consistent with the definition of disability, which I understand reflects understand the Commonwealth *Disability Discrimination Act*.

45 MR ALISANDRATOS: It reflects most of those categories. I wouldn't say it reflects mental health. Mental health is a State responsibility and, no doubt, when colleagues from the Department of Health who have that accountability are before this Commission they will talk to you about the investment and the reform that is happening in the mental health space as well.

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MS McLEOD: So the 30 to 40 per cent that you mentioned of First Nations children who are in the child protection system with a disability, they don't, or they do, include those with mental health issues?

5 MR ALISANDRATOS: No, I would say that that would be a separate category of identification.

MS McLEOD: Can you estimate how many what percentage of children there might be an overlap there, but what additional percentage of children in the system, of First Nations  
10 children, have a mental health.

MR ALISANDRATOS: It would be difficult for me to give you a figure on that, Ms McLeod, because there are a range of trauma impacts that children have as they journey through the child protection system. Some of those trauma impacts may not be  
15 categorised strictly with a mental health definition, as such. But they still have obviously challenges and needs that we would be attending to for them.

MS McLEOD: I've just noticed we have still got that organisational chart on the screen.

20 MR ALISANDRATOS: Yes.

MS McLEOD: We can take that down so those following the stream can follow your evidence more closely. So, is it possible that the numbers are as high as 80 to 100 per cent of children in the child protection system that's just my guesstimate - have some form of  
25 either disability or health issues, including mental health?

MR ALISANDRATOS: I would not go to that extent. I would say that a large a significant proportion of children in the child protection system would have trauma impacts because of their experiences through abuse and their journey of trauma.  
30

MS McLEOD: So, assuming that we include those with undiagnosed conditions, you're talking about trauma impacts, intergenerational impacts.

35 MR ALISANDRATOS: Yes.

MS McLEOD: For First Nations children, could the number be as high as 80 to 100 per cent?

MR ALISANDRATOS: It would definitely be a number that is significant. I don't have a figure specifically that uses a defined set of categories. But what I would say, Ms McLeod, is that most children that come to the attention of child protection would have a significant level of trauma impact.  
40

MS McLEOD: The reason I'm asking, as you will gather, is not just because we are interested in the statistics but because the child protection practitioner's response is often to the immediate presentation of a situation. So something happening within the family or some presentation with the child, and I'm interested to know whether the child protection practitioner actually considers the developmental, social, health, medical needs of that First Nations child as a whole, holistically.  
50

MR ALISANDRATOS: Yes. So I would say that cumulative harm considerations are part of a child protection assessment and determination of whether a child is in need of care and protection, and they would factor - practitioners would factor not just the immediacy of risk but the cumulative impact of both past incidents and any trauma impacts as a result of those.

5

MS McLEOD: So we will come to the Act in a moment, and I will ask you to take the Commissioners through the Act. When you talk about cumulative impacts, are you talking about a risk factor of unacceptable harm, aren't you?

10

MR ALISANDRATOS: I'm talking about the impact of - the cumulative impact of harms that a child or young person has endured.

MS McLEOD: What I'm trying to get to is that that is a factor that is considered on the risk side of the equation.

15

MR ALISANDRATOS: Yes, it is.

MS McLEOD: Not in terms of a protective measure or as a positive?

20

MR ALISANDRATOS: No, that's right, yes.

MS McLEOD: So cumulative harm, are you saying, including intergenerational trauma impacts that could be assumed for children is something that is put into the equation when making a decision as to how to respond to a notification?

25

MR ALISANDRATOS: I think the considerations around the history - the devastating history that Aboriginal families have experienced, is certainly something that our practitioners carry heavily in terms of their interaction and their assessment of risk and need.

30

MS McLEOD: I'm trying to get to whether there's an underlying bias there in assuming - because practitioners know about that history, is there an assumption that the child will be better off away from the family that suffers that trauma?

35

MR ALISANDRATOS: I would say that the protective factors of family, the preferencing of the family unit and the cultural elements of family is a key consideration for all practitioners. And that needs to be balanced in the way that practitioners determine the risk level for children that they are undertaking investigations for.

40

MS McLEOD: That's how it should work. However, the fact of intergenerational trauma is considered a risk factor in the trauma guide, is it not?

MR ALISANDRATOS: Not in itself without a contextual understanding of that history and not in isolation of other factors that practitioners are bringing into the risk assessment.

45

MS McLEOD: So the child protection practitioner who reads a document that tells them to consider, as a risk factor, the experience of intergenerational abuse and trauma is meant to know that that is not a negative, if you like, or something to take into account when deciding what the best interests of the child is?

50

5 MR ALISANDRATOS: I think it has to be balanced in a range of considerations that practitioners are grappling with. The immediacy of risk, the consequence of harm, the protective factors that ameliorate some of those risks. And these are all elements of a risk assessment process.

10 MS McLEOD: I was referring there to a Human Services document headed Child Development and Trauma - and I'm sorry to have taken you down that loophole. We will find the reference for you.

MR ALISANDRATOS: Sure.

15 MS McLEOD: So just closing off this topic for now, intergenerational trauma and abuse - that is, the impact of colonial policies of removal described as protection but of removal of children forcibly from their families is recognised as a risk factor in the assessment of the best interests of the child and principles relating to the decisions to remove children or to place children; is that fair?

20 MR ALISANDRATOS: I wouldn't characterise it in that way, Ms McLeod.

MS McLEOD: Alright. We might need to come back to that document, then, and what it actually tells us. Can I just finish off this issue about your role and your experience. You worked with the Department or its predecessor agencies for 20 to 30 years. Correct me if it's 30. That's fine.

25 MR ALISANDRATOS: Yep.

30 MS McLEOD: And a short CV was provided by the Victorian government Solicitor indicating that you are the appropriate witness to give evidence to the Royal Commission, and it mentions a couple of pieces of work you have done. As the Deputy Secretary, Children, Families, Community and Disability for five years from 2017 to 2022, you led the Victorian government's Roadmap to Reform to transform the State's Children and Family system.

35 And that roadmap, according to the document, is focused on improving early intervention and prevention to reduce vulnerability and equip children and young people to reach their full potential. The roadmap aims to reshape the way services, government and communities work together to keep children and families at the centre. That roadmap document - I don't need you to bring it up, thank you - is BAL5.0001.0001.1358. So can  
40 you tell us briefly what that roadmap was concerned with, and whether it was implemented?

45 MR ALISANDRATOS: Yes. The Roadmap for Reform is the Victorian government's reform statement and reform journey that tries to grapple with reducing the numbers of children coming deeper and deeper into the statutory child protection system by increasing the range and evidence-based supports in the early intervention and prevention phase.

50 It is - it has been the reform pillar for the last five to six years. It has driven significant reform in terms of bringing into the operational environment more evidence-based models of care and support, greater levels of investment, of early intervention and support, more



therapeutically informed and trauma-informed models of care, in both the out-of-home care service systems and, importantly, in that acute prevention family preservation and reunification space.

5 It is - it has equally been a critical driver for many of the Aboriginal children and family reforms that we've undertaken through Roadmap but also through Wungurilwil Gapgapduir, which is the Aboriginal tripartite agreement that drives the significant reform that we've seen over the last decade in Aboriginal children and families.

10 MS McLEOD: So that has been in operation for about four years, probably five - four and a bit.

MR ALISANDRATOS: Yes.

15 MS McLEOD: Have you evaluated the success of that program?

MR ALISANDRATOS: We have evaluated elements of a huge program of work across the continuum of delivery in the children and families services. We've obviously - there are numerous elements of evaluation that I haven't got in front of me at the moment,  
20 Ms McLeod, but certainly it has been the predominant reform platform for driving change in the children and families system across the last five to six years.

MS McLEOD: This roadmap, is there a process of review, evaluation, continuous  
25 improvement?

MR ALISANDRATOS: Yeah. So we are - we are at the point of significant review at the moment, in light of a range of developments that we have across the children and families environment, and where we're having to now determine what the next phase of reform will be, subject to the work that has been achieved to date, the impacts that we've seen through  
30 the Roadmap for Reform journey, and the continuing outstanding challenges that we have ahead of us.

MS McLEOD: So just in terms of that process of review, is there a formalised timeline for steps to be taken for the ongoing evaluation and review?

35 MR ALISANDRATOS: We are in the midst of commencing that program of work now, Ms McLeod.

MS McLEOD: To set those timelines.

40 MR ALISANDRATOS: To set those timelines, to reset what the next phase of reform will be with the various inputs that we have from the range of work that is currently underway at the moment, including the work of this Commission and the work of Treaty as well.

45 MS McLEOD: And when do you expect that that review process and the setting of timelines will be completed?

MR ALISANDRATOS: That will be a process that we embark on over the coming months. I haven't got a firm date on that, but what I can say is that there are significant  
50 inputs that we need to now take stock of, understanding the impact of what we have been

able to achieve through Roadmap to date, and then be able to recalibrate a future reform journey that takes account of all of those factors.

5 MS McLEOD: Ideally, the Department would be in the situation of continuous learning and evaluation and improvement.

MR ALISANDRATOS: Absolutely.

10 MS McLEOD: And you would embrace any recommendations around those -

MR ALISANDRATOS: Absolutely.

MS McLEOD: - processes, I expect.

15 MR ALISANDRATOS: Absolutely.

MS McLEOD: You also led the development of the Quality and Safety Infrastructure Project.

20 COMMISSIONER WALTER: Excuse me, Ms McLeod, could I just ask a question there.

MS McLEOD: Of course.

25 COMMISSIONER WALTER: I'm looking at page 23 of the roadmap, it says there - and this was released in 2021 - that you will have an evaluation monitoring framework done and that you will track change to understand and you will have a role in 12 months action plan. So are those things not yet started?

30 MR ALISANDRATOS: No, they are in place, Commissioner. So, as I said earlier, there are a range of monitoring and evaluation elements in place at the moment. Those action plans have been the characteristic of the way that we've driven the Roadmap for Reform, and that is where we draw the intelligence about where we will take the next phase of reform across the children and families services.

35 COMMISSIONER WALTER: It also says there will be a transparent approach to sharing progress.

MR ALISANDRATOS: Indeed.

40 COMMISSIONER WALTER: Is there any public documentation of the evaluation and the monitoring and the key.

45 MR ALISANDRATOS: There's a very transparent engagement with our critical stakeholders that deliver services. They are part of developing the monitoring frameworks with the Department. They have critical input to the way that those monitoring frameworks are shaped, going forward. This is work that we do in strong collaboration and partnership with our community services and our Aboriginal Community Controlled Organisations.

COMMISSIONER WALTER: Just to be clear, the framework has not yet been put in place for the monitoring and evaluation?

5 MR ALISANDRATOS: No, we have got some frameworks that are in place currently that track the progress of our reforms.

COMMISSIONER WALTER: So the plan runs out in 2024 - yes.

10 MR ALISANDRATOS: Which is why we are in this position at the moment where we're gathering up all of that intelligence of where we've got to, reformulating based on current government policy, and the inputs of this commission and other inputs that will be instructive in how we shape the next phase of reform.

15 COMMISSIONER HUNTER: Can I just ask, if that's okay. The Roadmap for Reform, when did that start?

MR ALISANDRATOS: It started in about 2015, 2016.

20 COMMISSIONER HUNTER: And has that assisted in the rate of child removal going down?

25 MR ALISANDRATOS: What I would say, Commissioner, is that Victoria has had, except for, shamefully, the Aboriginal rate of child removal, a rate of children in out-of-home care has been pretty much stagnant and at the lowest rate across the nation. What our aim is, is to try and reduce that even further and what we've seen, particularly in the last 12 months, is a reduction of children in out-of-home care and probably a more significant reduction of Aboriginal children in out-of-home care than non-Aboriginal children, and we have seen that reduction come down by about three per cent, which is promising and a start, but we have got a long way to go before we can say that we've got success in terms of getting a much more consolidated rate of reduction.

COMMISSIONER HUNTER: You would say three per cent in all that time is promising?

35 MR ALISANDRATOS: Three per cent given where the trajectory has been - which we have been on an upward trajectory in terms of number of children and the rate of children in out-of-home care - a decline of that magnitude over the last 12 months is very, very promising because what it suggests to us is that some of the investment and some of the models of care that we've put in place, particularly in that acute family preservation and reunification, is starting to have the impact.

40 Now, I'm not naive to think that our job is done here. Far from it. We've got a long way to go. But it is promising to see some of models of care that have been led and informed by Aboriginal First Peoples services and communities are starting to show some promise.

45 COMMISSIONER HUNTER: I personally don't think three per cent is acceptable, but if you think it's promising - I just - I'm trying to get to the fact that the reform has been there a while and we still have really high rates of children in care being removed from family.

50 MR ALISANDRATOS: We do. I have no doubt about that.

COMMISSIONER LOVETT: Can we get some specifics on the data outside of this?

MR ALISANDRATOS: Yes, of course.

5 COMMISSIONER LOVETT: Yes. So can you just - so you are talking about three per cent of Aboriginal children. What is the non-Aboriginal data telling you?

MR ALISANDRATOS: The reduction is less than that. It's about 1.2 per cent.

10 MS McLEOD: Just in terms of the pool for the statistical analysis, what pool - what are the numbers we're talking about here. Is it statistically significant?

MR ALISANDRATOS: No, we are talking about the raw numbers in terms of children in out-of-home care as opposed to - looking at a statistical difference.

15 COMMISSIONER LOVETT: Three per cent. We have got to be more aspirational than that, to say that that's promising. Seriously.

MR ALISANDRATOS: Absolutely. No, absolutely. And, Commissioner Lovett, all I  
20 can say is we know we have got a long way to go. We know we have got to do much more work. We know we've got to work much harder at bringing those models of care, scaling those models of care to have greater impact on First Peoples children, and that's the endeavour that we have. That's what we are working assertively on. We're not - we are not suggesting that that is a success, but we are encouraged by what we are seeing in terms  
25 of the impact of those models of care.

MS McLEOD: So we will follow up and ask you for that data.

COMMISSIONER HUNTER: Can I make one point. In your statement in 120 - and I'm  
30 sure Ms McLeod's going to, so I don't want to jump the gun, but I am going to point out it says:

*"It is worth noting that the rate of First Peoples children in care peaked in 2020 and '21 with a rate of 103 per 1000 in June 2021 and has fallen slightly since then to 102.2 in  
35 2021-22."*

So I'll just - Ms McLeod, if you are going to come back to, I'm happy for Mr Alisandratos to answer that throughout. But I just wanted to make that point.

40 MS McLEOD: Thank you. I will come back to paragraph 120, thank you, Commissioner, Hunter. But that suggests that the fall June 2021 - over the period 2021 to 2022 is not three per cent as you've mentioned but something less than that. The rate is 103 per 1000, falling slightly to 102.2 over the 2021-22 period.

45 MR ALISANDRATOS: I can come back to that.

MS McLEOD: We'd appreciate that you provide some data on that. Just reflecting on your answers and your opening statement, is it a goal or a vision of the Department that no  
50 First Nations children are removed from their families?

- MR ALISANDRATOS: I think the goal and vision would be to minimise the removal of any Aboriginal First Peoples children to the extent that we can ensure those children are provided with the level of safety, support and connection to community. I don't think - I don't think in running - it would be fantastic to have an environment where no children were abused or traumatised. That would be the ultimate environment. But I don't see that we can ever really achieve that, but that should not stop us from doing everything we can to minimise the need for First Peoples children to come to the attention of statutory child protection services.
- 5
- 10 MS McLEOD: It also wouldn't stop you setting that as a vision for the Department, do you agree?
- MR ALISANDRATOS: Sure.
- 15 MS McLEOD: And secondary to that, is it a goal or a vision of the Department that, where removal is necessary, that First Nations children are then managed by First Nations controlled organisations in an integrated and culturally safe way?
- MR ALISANDRATOS: Yes, it is.
- 20 MS McLEOD: That's a stated vision?
- MR ALISANDRATOS: That is a stated vision.
- 25 MS McLEOD: Just before I leave this topic. Do you also have responsibility for liaising with representatives of other Departments to share information and reforms where there's overlapping responsibility, for example, Housing, Education, Justice, things of those matters.
- 30 MR ALISANDRATOS: Yes.
- MS McLEOD: So have - and I will come back to this - have you had input into the Attorney-General's announcement that she will lower the age of criminal responsibility from 14 to 12?
- 35 MR ALISANDRATOS: The Department has had engagement with the Department of Justice and Community Safety on provisions that are being put to government around those changes, yes.
- 40 MS McLEOD: Clearly, lowering the age of responsibility or maintaining it at 12 rather than 10 has an impact on the child protection system?
- MR ALISANDRATOS: Yes. Any raising of the age has an impact on children within the child protection system and how they are considered when they come into contact with the Criminal Justice system.
- 45 MS McLEOD: So just to explain: children in the child protection system may also be subject to the Criminal Justice system?
- 50 MR ALISANDRATOS: Yes.

MS McLEOD: And that is so from the age of 12 - sorry, from the age of 10, to be the age of 12?

5 MR ALISANDRATOS: Yes.

MS McLEOD: And that's what we, in the old parlance, call dual order children?

MR ALISANDRATOS: Correct.

10

MS McLEOD: So clearly there's an impact on the work of your Department if those children are subject to dual orders; is that not the case?

MR ALISANDRATOS: Yes, there is.

15

MS McLEOD: And clearly you would be interested, from a child protection perspective and considerations of the best interests of the children -

MR ALISANDRATOS: Of course.

20

MS McLEOD: - that they not be subject to the Criminal Justice system.

MR ALISANDRATOS: Of course. And the work that we do is to try and minimise that at all ends in terms of not having children subjected to Criminal Justice particularly given the history of trauma, that have made them journey through the statutory child protection system. That's the last thing that we want children to be exposed to.

25

MS McLEOD: But did your Department provide advice to the Department of Justice on this issue?

30

MR ALISANDRATOS: I would assume that parts of the organisation, our Department, has liaised with the Department of Justice and Community Safety.

MS McLEOD: And can you tell the Commission whether the Department had a preferred position that the age be raised to 14?

35

MR ALISANDRATOS: I can. I can't make a comment on that because I don't have that - that advice.

40

MS McLEOD: Who should we ask that question of?

MR ALISANDRATOS: Can I come back to you on that, Ms McLeod?

MS McLEOD: Yes, thank you.

45

COMMISSIONER LOVETT: It's a really important question.

MR McLEOD: Sorry, Commissioner.

COMMISSIONER LOVETT: It's really important that we circle back on that. Yes. It would be good to know what the Department's position and advice is on that, taking into account what you have just communicated to Senior Counsel about the other causal factors that need to be considered.

5

MR ALISANDRATOS: Sure.

COMMISSIONER BELL: Can I just ask for clarification on the answer you gave about the Department's vision. Is it the Department's vision that decisions to remove Aboriginal children are actually made by Aboriginal people?

10

MR ALISANDRATOS: I see what you mean. Commissioner, it's a good point of clarification. The vision is for us to transfer decision-making responsibilities, greater decision-making responsibilities, to Aboriginal Community Controlled Organisations. To date through the current provisions of the Act, we can only transfer children who are subject to long-term orders, but through the Statement of Recognition Bill that's before Parliament, there is the capacity to extend those provisions to - for Aboriginal Community Controlled Organisations to undertake investigations of child protection reports. So that will extend that process. And that's where we think, and believe, that will have greater capacity to influence the number of children that are entering our care services.

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20

COMMISSIONER HUNTER: Can I just clarify something. I'm sure, Ms McLeod, you'll come back to it, but while we're on it. That transfer, do you transfer exactly the same legislation over that the Department has? Is that -

25

MR ALISANDRATOS: In the current context?

COMMISSIONER HUNTER: Yes.

MR ALISANDRATOS: We use the Children Youth Families Act 2005, that is, the legislation that governs the operations of child protection and Family Services, and we adapt that through amendments to enable additional functionality to be authorised.

30

COMMISSIONER HUNTER: But they still sit under the Children, Youth and Families Act.

35

MR ALISANDRATOS: They do.

COMMISSIONER HUNTER: So who has the ultimate power, then, in that? Is that self-determination, or is that for the ACCO that has that? Or does it sit with the Department?

40

MR ALISANDRATOS: No, the functions of the Secretary are authorised to the CEO or principal officer of Aboriginal Community Controlled Organisations, and they become the accountable individual for the delivery of those services that are authorised.

45

COMMISSIONER HUNTER: Can the Department still put their hand in that case and remove a child?

50

MR ALISANDRATOS: No.

SPEAKER: They can't?

5 MR ALISANDRATOS: No, but the agency could come back to the Department, if they made a decision to remove a child and needed support about where to place a particular child, if they were not able to identify a local family or First Peoples placement option.

COMMISSIONER HUNTER: I'm sure you will come back to that.

10 MS McLEOD: So I segued into a conversation about communications with Justice on the topic of the age of criminal responsibility. You would, no doubt, have communications with those responsible for Housing, Education -

MR ALISANDRATOS: Yes.

15 MS McLEOD: - and Family Violence, other issues.

MR ALISANDRATOS: Yes, well, housing and family violence are part of the Department of Families, Fairness and Housing so they are already in the Department's  
20 accountabilities, if you like. So, there is significant engagement with our colleagues in Family Safety Victoria, in our Homes Victoria. There is work - significant work, that happens across those portfolio lines so that we are, at a system level, if you like, aligning and calibrating policy and program efforts.

25 MS McLEOD: What are the mechanisms for the exchange of information across different portfolios and within the Department on those issues?

MR ALISANDRATOS: So anywhere from, obviously, the executive board or Deputy  
30 Secretaries coming together, our departmental Department strategy, in terms of how we think about the collective responsibilities of each of our portfolio roles that we have, all the way through to program level engagement across divisions, particularly as we think about more integrated ways of how we solve challenges that our communities have. And then at the operational level, quite significant engagement with our delivery parts of the organisation who bring the intelligence of what's happening on the ground, what's working,  
35 what's not working and then bring that into the policy and strategy dimensions of the work that we undertake.

MS McLEOD: If you happen to know it, what are the names of those high-level strategic information exchanging committees or working groups?

40 MR ALISANDRATOS: There are a number of committees of the executive board. As an example, the Operation Strategy Committee of the board is that critical interface between the policy program divisions and the operational divisions, and we come together on a regular basis and with a set of objectives about how we are able to work more effectively and tailor cross-portfolio solutions that are aligned to achieving the outcomes that we seek  
45 to achieve.

MS McLEOD: I'll be corrected if I'm wrong, but I don't believe that we've had, from the Department, minutes of those cross-portfolio or interdepartmental meetings talking about  
50 issues of concern to Yoorrook. As I said, I will be corrected if I'm wrong, but would you,



at a suitable time, provide us with information as to the names of those committees or working groups, please?

MR ALISANDRATOS: Sure, I'll do that.

5

MS McLEOD: And assist us with the identification of any relevant minutes.

MR ALISANDRATOS: Yes.

10 MS McLEOD: As I said, it may be the subject of a notice to produce already.

MR ALISANDRATOS: That's fine,

MS McLEOD: But that would be helpful.

15

MR ALISANDRATOS: And can I just clarify, Ms McLeod. Is it specifically around Yoorrook that you are wanting or is it broader?

20 MS McLEOD: Around child protection generally and the inputs of those other service deliverers - Housing, Education, Health, Justice and so on.

MR ALISANDRATOS: Yes.

25 COMMISSIONER LOVETT: Could I jump in, you talked a little bit earlier about the board and, you know, having the strategic conversations around systems conversations at a board level. Can you talk to me about how that translates down to the operational arm around the practitioner?

MR ALISANDRATOS: Yes.

30

COMMISSIONER LOVETT: You have said in your statement here about the ongoing systemic racism, and I want to understand that and how it is communicated down, your expectation to the board.

35 MR ALISANDRATOS: Yeah, it's a really good point, Commissioner. So, clearly, one of the elements of work that are - an executive board like ours has to do is formulate the organisation strategy, make sure that we have got connection across the range of portfolio accountabilities, ensure that we are prioritising the strategic elements of work that we have to do, but, equally, we have to communicate that, as you say, all the way down to our  
40 practitioners. That is - it's not an easy thing, but one that is important to us as an executive board.

45 One of the ways that we do that is by having our operational Deputy Secretaries sit on the board. That hasn't always happened, but we have determined that it is an important element of the structure of the executive board to have those operational deputies there at the decision-making table, because what they also end up doing is taking that information, translating it for our operational people across the four divisions and the 17 service delivery areas that we have.

That is a process of moving that communication through those executives, through the structures that we have at the executive board, through our engagement mechanisms across the organisation where we bring our workforce and we translate the aspirations of the organisation, the strategic priorities of the organisation, the cultural elements of work that we're trying to achieve.

As an example, as you would expect, in light of the work that's happening through this Commission, there has been a significant amount of focus on Yoorrook as both our preparation, our engagement, preparing our workforce for the level of transparent engagement that we will have with this Commission and there's been a number of, a significant number of forums engagements across our operational environment where we meet with our staff, we talk about the work that we're doing in preparation to support the Commission's work and ensure that there is an understanding about this being one of the most significant strategic priorities that we have before us as a Department. That is one example.

COMMISSIONER LOVETT: And you have got the Children's Forum; is that right? Is that where -

MR ALISANDRATOS: The Aboriginal Children's Forum.

COMMISSIONER LOVETT: Aboriginal Children's Forum.

MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: And how many board members sit on that forum?

MR ALISANDRATOS: It's essentially all the operational board members attend that forum. So, the four operation Deputy Secretaries and they bring a number of their key executive directors to that forum. The Secretary chairs the - co-chairs the forum on one day and the Minister co-chairs the forum on the second day with the local Aboriginal Community Controlled Organisation's CEO. So that would be the way that that mechanism runs.

COMMISSIONER LOVETT: So, do you feel, in your view, that the communication flow going down to the operations is working well?

MR ALISANDRATOS: I - I would say there is always more for us to do to -

COMMISSIONER LOVETT: What about flipping around, around having the operational to come back with.

MR ALISANDRATOS: That's a really good point, which is what I alluded to earlier one. One of the main mechanisms for policy and program divisions to gain the intelligence is from that operational environment. It is about - it is where we hear what is effective, what is working, what is not working. It's where we get the voice of community coming up into our executive board structures, and that is a critical source of intelligence for us.

COMMISSIONER LOVETT: Okay. The reason why I asked that as well, just to get clarity, because going back to the raise the age around the Department's advice, so it's

clearly that - you know, it could be better. But at the same time, the advice that you have given to, you know, the government around raising the age, that will obviously - that communication exchange will flow into the response that we will be able to get from you around what the Department's position was. Thanks.

5

MR ALISANDRATOS: Thank you.

MS McLEOD: Can I just come back, just before we take a morning break, and reflect on my questions around the vision or goal of the Department in having no First Nations children removed from their families and your qualified response that you would love that but you would like to minimise - the goal is currently to minimise those contacts. Would that be a fair summary of the discussion?

MR ALISANDRATOS: The aspiration would be to divert as many children as possible because we have a suite of services that are Aboriginal-led, evidence-informed and impactful, that hold families together. That's where we want to be. That's the space.

MS McLEOD: It is the goal of not removing children from their families.

MR ALISANDRATOS: Absolutely. Absolutely. Sorry, yes.

MS McLEOD: And that goal is not confined to the goal of the Department, although you are primarily the one responsible for that.

MR ALISANDRATOS: Yes.

MS McLEOD: Would you agree with that? That's a whole-of-government commitment.

MR ALISANDRATOS: Absolutely, and I should say that whilst this Department and its portfolio Ministers have a set of responsibilities, there are a whole range of other government departments that equally are invested in supporting greater, earlier intervention, particularly through our universal platforms, our childcare, kindergartens, school environments, which are so critical for how we hold families together, are able to effectively engage families at the earliest opportunity and divert them from the need to come deeper and deeper into the statutory system.

MS McLEOD: So do you follow the reason I'm asking these questions is that if the government were to commit, through whatever resourcing - early intervention, proper resourcing of your Department in terms of supports and services for families - at the point of notification and on an ongoing basis when children are removed, if that commitment to zero First Nations children being in the child protection system was reflected across government, then you might have a chance of actually minimising and getting to zero the numbers of children in care?

MR ALISANDRATOS: What I would say, Ms McLeod is, there is absolutely strong commitment from government about doing everything we can to divert resources and make investments at the front-end of our system. And even before reporting a notification, because I note your point about notifications and reports to child protection, but what we would say is we have to get upstream - more significantly upstream in terms of how we can effectively change the trajectory for First Peoples families.

50

MS McLEOD: I will come back to that if I may, but if your Department is engaged in the system at the point of notification, who is responsible, who is responsible, which government department is responsible for delivering those early intervention services? Is it Health, Education, somebody else?

MR ALISANDRATOS: It crosses across Health, Education and ourselves.

MS McLEOD: So, who does this Commission and the community hold responsible for achieving or striving for that goal?

MR ALISANDRATOS: I think it holds all of us accountable. I think it holds this Department accountable, just as it holds the Department of Health, just that it holds of Department of Education.

MS McLEOD: Who owns that?

MR ALISANDRATOS: It's a machinery of government.

MS McLEOD: Yes, but who owns that goal? Is it driven by your Department, or is it driven by somebody else? Who takes the lead?

MR ALISANDRATOS: So I think - I think - if we think about the Victorian Aboriginal Affairs framework, that brings together a whole-of-government approach to what our aspiration is for our First Peoples here in this State and that is a whole-of-government commitment to driving a strong self-determination agenda and minimising the harmful impacts of past legacy policies and the history of Colonisation. That is the mechanism for how we come together at a whole-of-government level.

MS McLEOD: And who takes lead responsibility for delivering that outcome? Is it the Premier? Is it the child protection Minister?

MR ALISANDRATOS: Well, I think the government takes lead responsibility. DPC, the Department of Premier and Cabinet, obviously responsible for the Aboriginal framework is key to that. But yes, ultimately, it's a government responsibility.

MS McLEOD: So, when Yoorrook looks at the delivery of things in 12 months' time and says have you improved, has anything changed, who do we call to the stand to ask about those improvements? Is it your Department, or somebody else?

MR ALISANDRATOS: I think it's probably all departments but through government as the representative mechanism.

MS McLEOD: It will be a long list of witnesses when we come back to reinvestigate this topic. Is that a convenient time for a midmorning break?

COMMISSIONER WALTER: Can I just -

MS McLEOD: Yes, sorry.

COMMISSIONER WALTER: That dispersal of accountability, that appears to me to be very problematic. If nobody is actually accountable in the end, it's just a whole of government, it's - I can't see any way that things will change or even that you can actually do any monitoring or accountability or evaluation if nobody is actually taking the lead and being named as a group responsible.

5

COMMISSIONER LOVETT: Yes, it obviously plays a coordination role. We both know that. You know that.

10 MR ALISANDRATOS: Yes. Yes. Yes, and -

COMMISSIONER LOVETT: They play a whole of government coordination role but the Departments are each responsible for their commitments in the VAAF, in Closing the Gap. So it sits with the departments.

15

MR ALISANDRATOS: Yes, absolutely. So that's why I mentioned the Department of Premier and Cabinet being that coordinating element through the Victorian Aboriginal Affairs framework.

20 COMMISSIONER WALTER: So, it would be then DPC that we would be call?

MR ALISANDRATOS: But equally, Commissioner, each of the Departments have a set of accountabilities and responsibilities that they have to deliver that contribute to the overarching framework.

25

COMMISSIONER WALTER: But it's still dispersed and there's no point -

MR ALISANDRATOS: By its very nature, I think it has to be dispersed. I don't think there is a model - there might be - that brings it together in a more elegant way. It is a complex environment. It is a significant machinery, if you like, of how we bring government policy and investment to the - to citizens at the end of the day.

30

COMMISSIONER LOVETT: A lot of these things we are talking about this morning are your Department, though.

35

MR ALISANDRATOS: They are.

COMMISSIONER LOVETT: Families, Fairness.

40 MR ALISANDRATOS: Indeed.

COMMISSIONER LOVETT: And Housing. And a lot of the causal factors around families and children being taken away, housing is a massive issue.

45 MR ALISANDRATOS: Indeed.

COMMISSIONER LOVETT: It clearly comes up every single time you reference it. Housing, you know, substance abuse issues, etcetera, a lot of those things fall in your Department.

50

MR ALISANDRATOS: They do. They do.

COMMISSIONER LOVETT: As Associate Secretary.

5 MR ALISANDRATOS: They do.

MS McLEOD: So, should your Department take the lead in terms of accountability for delivering on these visions?

10 MR ALISANDRATOS: I don't think - yes, we can - yes, we definitely take the lead for those accountabilities that are within our Department's role and function. But we can't take accountability for another Department's equally important functions, particularly if you think about health, if you think about education, they are significant universal platforms that have a significant bearing on the safety and wellbeing of First Peoples children and  
15 their families.

MS McLEOD: I'm just asking your opinion now as a senior public servant with nearly 30 years or so of experience in the child protection system, in response to Commissioner Walter's question about the dispersal of accountability, who should that person be as a  
20 Minister? Not in terms of moving parts and talking to each other and so on. Who should the Minister be who holds responsibility to deliver this vision?

MR ALISANDRATOS: I can't talk to ministerial responsibilities, Ms McLeod, but there is a Minister for First Peoples and there are a set of accountabilities that Minister Williams  
25 has in terms, again, her coordinating role across the multiple other portfolios that equally have accountabilities as well. I'm not sure - if you are looking for a solution to that complexity of how you assign accountabilities and simplify that, it is a difficult environment, given the breadth of responsibilities that sit across government.

30 COMMISSIONER LOVETT: So, the Aboriginal Children's Forum, do we have any other representatives from that forum from other Departments beyond the operational -

MR ALISANDRATOS: Yes, we do.

35 COMMISSIONER LOVETT: Who are they?

MR ALISANDRATOS: We have Education, we have Department of Justice and - all those critical departments that are so important -

40 COMMISSIONER LOVETT: The one we are talking about right now.

MR ALISANDRATOS: Correct. Yes.

COMMISSIONER WALTER: Housing?  
45

MR ALISANDRATOS: Yes, because they are part of our Department. They are there, yes.

COMMISSIONER WALTER: So, there's not one person that's responsible. You  
50 couldn't say there's one person that is responsible?

MR ALISANDRATOS: For everything?

5 COMMISSIONER WALTER: Well, for Aboriginal children in out-of-home care and we are looking at the high rates.

10 MR ALISANDRATOS: For Aboriginal children in out-of-home care, this Department, the Secretary, myself, are responsible for the provision of those services but what we have to recognise is that there are other services, particularly in the universal environment in health and education that are also important for the life trajectory of some of those children and their journey.

15 COMMISSIONER HUNTER: Who holds them to account, then? Who holds them to account? If we have all got the shared responsibility across the table about out-of-home care and the extraordinary rates that are rising, who's responsible? Like, is there not one person that holds everybody accountable?

20 MR ALISANDRATOS: I think collectively through the VAAF, through our coordinating mechanisms of the Department of Premier and Cabinet, that is the mechanism for how we bring the efforts of all of the government agencies together.

COMMISSIONER HUNTER: So the VAAF is up in 2023. Is there another - that's this year?

25 MR ALISANDRATOS: This year. Yes.

30 COMMISSIONER HUNTER: So is it - is there a report on its measures, measurements and (indistinct) measures? Like, do we see that? Because then, you know - I'm just - who's responsible for VAAF?

MR ALISANDRATOS: So, that is through the Department of Premier and Cabinet.

COMMISSIONER HUNTER: They're responsible?

35 MR ALISANDRATOS: But equally we will have accountabilities to contribute towards all of those measures and all of those targets, including the way that we seek to reduce the target of reducing the number of children in out-of-home care and in statutory care.

40 COMMISSIONER HUNTER: So what you have got to contribute to the VAAF?

MR ALISANDRATOS: We are responsible.

45 COMMISSIONER HUNTER: You are responsible. But who tells you if you don't reach these or you are not abiding by them?

50 MR ALISANDRATOS: Well, it's pretty evident, through the performance that we are not reaching those targets. That's the work that we have to continue to look at and examine in terms of other ways of how we undertake that work and have greater impact in reducing those numbers. And that's the work that I've detailed in my statement, Commissioner, and happy to continue to talk about those elements of work.

CHAIR: Can I just ask a question for clarification. Does the Victorian Aboriginal Affairs Framework replace - did it replace the Interdepartmental Committee on Aboriginal Affairs which used to exist previously?

5

MR ALISANDRATOS: My understanding is that the VAAF is the overarching framework.

CHAIR: It is.

10

MR ALISANDRATOS: That's the framework that connects all of the portfolio efforts, if you like, across the government departments into a framework that seeks to drive improved self-determination, improved outcomes for our First Peoples across the State. That is the mechanism.

15

CHAIR: Yes. Thank you.

COMMISSIONER LOVETT: When we don't achieve our - sorry, Commissioner. When the government doesn't achieve their objectives and their commitments in the VAAF and Closing the Gap, where's the accountability? What happens? Do we just say we will try better next time? Is that what happens?

20

MR ALISANDRATOS: Yeah, I think it goes to the heart of representative government, Commissioner, and what accountability it has to citizens across the State and that's what I would say to that.

25

COMMISSIONER WALTER: Thank you. That was my question. What are the consequences? You have said you are not meeting the aims in the VAAF, so what are the consequences of that for the Department, for the people who work in this area?

30

MR ALISANDRATOS: Yeah, it's hard to make a comment on that, beyond what I've already alluded to. All I can say is that I know for someone like myself and many others in senior roles, there is a deep commitment to try and make significant shifts in the outcomes that we know and see are faced by our First Peoples, and we continue to strive to make those shifts.

35

COMMISSIONER WALTER: Just a more specific question - last one - are there any KPIs for any senior executives within your Department that relate to the reduction in the proportion of Aboriginal children in out-of-home care?

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MR ALISANDRATOS: I'm not sure that there are specific KPIs in that regard, Commissioner. And, equally, I would - there would be some concern about how you assign those KPIs and what motivation it creates and then how that gets implemented. And what I mean by that, Commissioner, is you could say reduce KPIs and some individual takes that in a blunt approach and essentially disregards decision-making by practitioners and where there is a need for a child to be placed in care, in alternative care, and that would have a serious consequence, potentially, if that decision was not the right decision purely on the basis of a KPI that says do what you can to reduce the number of entries that you have.

45

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CHAIR: Counsel, I'm conscious of the time and the need for a break, I think.

MS McLEOD: An appropriate time. After the break, we will -

5 COMMISSIONER BELL: I don't want to ask a question, but I've got a series of questions associated but related but different topic, which is not so much who is accountable for ensuring the system provides necessary services, but who is responsible at the operational level for doing so. So, can I come back to that after the break?

10 MR ALISANDRATOS: Sure.

MS McLEOD: Commissioner Bell.

CHAIR: Thanks. Shall we take a break of 15 minutes?

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MS McLEOD: Thank you, Chair.

**<ADJOURNED 11:41 A.M.**

20 **<RESUMED 12:10 P.M.**

CHAIR: Before we commence this session, I would just like to acknowledge a guest we have from the Northern Territory, Yingiya Guyula, a senior Yolŋu Elder from the Northern Territory. Welcome, and I'm sorry I didn't acknowledge you earlier. But very welcome and we'll be speaking to you over lunch. Thank you. Thank you for being here. Thank you, Counsel.

25

MS McLEOD: Commissioner Bell.

30 COMMISSIONER BELL: Mr Alisandratos, a number of questions were asked of you earlier about political accountability for the vision, and they are important questions and I'm not detracting from those questions in the ones I'm about to ask you. My questions go, really, to not accountability but operational responsibility for implementing that vision.

35 MR ALISANDRATOS: Yes.

COMMISSIONER BELL: But I do have one question to ask you about the nature of that vision, and you described it as the vision, if I can paraphrase, to minimise down to nothing, if preferable, the number of Aboriginal children in the child protection system.

40

MR ALISANDRATOS: Yes.

COMMISSIONER BELL: Is that a fair enough paraphrase.

45 MR ALISANDRATOS: Yes.

COMMISSIONER BELL: I want to ask you, is that just part of the same vision with respect to all children?

MR ALISANDRATOS: I think because of the history that we've had in relation to First Peoples' experiences in this State and beyond, I think there is a greater emphasis and a greater gravity of concern about how we more effectively support First Peoples to overcome the history of trauma that they have experienced. I think - I think - so, on one level, yes, it is.

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: However -

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: In this environment, there is even greater onus on all of us to collectively assist First Peoples overcome their trauma experiences.

COMMISSIONER BELL: And would you accept because of what you just said, that it's related but different, that this has really serious operational implications for how you realise the vision?

MR ALISANDRATOS: Absolutely.

COMMISSIONER BELL: And in particular the emphasis on self-determination and all that that involves?

MR ALISANDRATOS: Yes, indeed.

COMMISSIONER BELL: Alright. Thank you. Now, moving to the operational questions I wanted to ask you, you said that - and I wasn't sure whether you were saying that you have now, or wished to have, a capacity for early intervention that is respectful of culture, that is supportive of capability -

MR ALISANDRATOS: Yes.

COMMISSIONER BELL: And which involves the objective of ensuring, so far as possible, that children don't enter the system. Did I understand you correctly?

MR ALISANDRATOS: Yes, that's right.

COMMISSIONER BELL: Do you have that system now or is it your aspiration that you have it?

MR ALISANDRATOS: We have some elements of that system.

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: We need to have more of it, is what I would say.

COMMISSIONER BELL: Okay.

MR ALISANDRATOS: And we need to grow both the capability and the models of care and support that are genuinely evidence-informed from a cultural perspective and where our First People are able to design those. And we're on the journey on that - on that pathway.

5

COMMISSIONER BELL: Is early intervention wrap-around service and support a fair enough way of describing that aspiration that you have? Okay. So, in a system of early intervention wrap-around service and support, would you accept that, in many situations, this is going to involve the kind of whole-of-government endeavour that you addressed in answers to earlier questions?

10

MR ALISANDRATOS: Yes, I would accept -

COMMISSIONER BELL: And that's what you mean by universal services, as I understand it.

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MR ALISANDRATOS: Yes.

COMMISSIONER BELL: Health, Education, Childcare those things.

20

MR ALISANDRATOS: Yes.

COMMISSIONER BELL: My question is: in a system that operates in an ideal way of that kind, who would have operational responsibility with respect to that, to the subject family, to ensure that that wrap-around service and support is actually provided effectively?

25

MR ALISANDRATOS: It's interesting, because, on one level, what I would say is many of our Aboriginal Community Controlled Organisations already deliver much of that.

30

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: They receive funding from multiple sources across government, both at the State, Commonwealth level, sometimes local level as well. They are able to integrate those funding buckets and create holistic culturally informed wrap-around services. So, we see our community -

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COMMISSIONER BELL: And support I said, not just support services but supporting growth and capability.

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MR ALISANDRATOS: Indeed. And the work that we've been doing over the last decade is to enable, facilitate the growth of that capability and increase the funding of those earlier intervention services. Now, Commissioner Bell, I'm not saying we're there yet. We have got a long way to go. But incrementally, that's where we want to move the system to, to be truly First Peoples-led, informed and where the funding can be used in a holistic and wrapped-around way to engage more families at that early intervention; the challenge we have at the moment is that we haven't built enough trust with Aboriginal First Peoples families to utilise those services effectively and to take them up. That's a responsibility we have.

45

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COMMISSIONER BELL: Thank you. Thank you, Chair.

5 COMMISSIONER HUNTER: Can I just - Mr Alisandratos, can I just ask you to refrain from calling us "our First Nations People"? Because we're not. We are First Nations People.

MR ALISANDRATOS: Yes.

10 MS McLEOD: Just following on from Commissioner Bell's questions there. You mentioned trust. What else is needed to build that early intervention services and support capability?

15 MR ALISANDRATOS: So, trust is an important element. The development, the design of models of care and support that are culturally attuned because they are designed by our First Peoples who know - know the needs of communities and are able to tailor to those needs. So that capability is important. The investment, obviously, to enable those models of care to be implemented. We have been - through our learning and innovation, investments, we've seen how those models can be designed and can be effective, but they need to be enabled, they need to be supported and they need to be invested in.

20 MS McLEOD: As a senior public servant, I take it it's difficult in a forum like this to make a plug for a budget - make a budget submission plug at this stage, but would you say - and it's self-evident from what you say, I suggest - that money, a commitment of funding, including funding of those Aboriginal Controlled Organisations, is critical?

25 MR ALISANDRATOS: Indeed it is, and when I look over the last six or seven years, Ms McLeod, I've seen the growth of that funding increase by 150 per cent. It has been a staggering investment increase. Of course, there's always more to be done. There's always more to be funded. But we also have to ensure that any additional funding is aligned with the capability available to be able to deliver that, and that sometimes takes time. It's not that you can pull models off the shelf and just drop them into a community and think that they're going to work. It takes time to design and build the evidence to implement and to have the workforce that enables you to deliver those models.

35 COMMISSIONER LOVETT: You are expecting ACCOS, for instance, in this child protection space to jump through a lot of hoops, you know, trust and all that kind of stuff. But then there's less expectations on your own workforce around being accountable for the same services currently.

40 MR ALISANDRATOS: Commissioner Lovett, I wouldn't say there's less expectation on our own services. We have great expectations of both our delivered services and our funded services to be delivering culturally-attuned supports to First Peoples across the State. That - again I'm not saying that we've got a perfect environment there and we've got more work to do, to build capability, eliminate racism and bias out of the system. I think  
45 I've said in my statement that the historical policies continue to cast a shadow over our system. And we have to confront that. We have to absolutely confront that. And we're not shirking away from that responsibility.

50 COMMISSIONER HUNTER: Can I just ask, you said you don't take programs off the shelf and then just -

MR ALISANDRATOS: Yes.

5 COMMISSIONER HUNTER: Wasn't there a time where - probably when you were at  
DHS - wasn't there a time when there was, like, a suite of services and they were brought  
over some of them were brought over from America? Because they worked with black  
kids in America, they assumed they would work here. Did the Department fund them?

10 MR ALISANDRATOS: Yes. So, you're right, Commissioner Hunter. There has been a  
tendency to look at those evidence-based models that have operated in other jurisdictions,  
and you could see the attractiveness in being able to take those models and think that they  
can be replicated in our context here.

15 The position that we, as a Department, have had is that - unlike some other jurisdictions, is  
that we have never adopted that approach to taking evidence-based models off the shelf  
and putting them into our service system arrangement.

20 It's not to say that we don't do some of it, and there is - there are a couple of  
evidence-based models that are in operation and are being tested here. But they've been  
heavily adapted for our cultural settings within the State as opposed to a standard  
off-the-shelf model that's been implemented.

25 It is why we've not gone down that path and where we've taken a slightly different path  
where we have researched evidence modules and used those modules to be able to tailor a  
model of care within the context of our community needs.

30 And I can cite numbers of examples, particularly where VACCA and other Aboriginal  
Community Controlled Organisations have been able to undergo significant adaptation and  
bring in local cultural elements to build models of care that are much more fit-for-purpose  
for our community needs.

COMMISSIONER HUNTER: Where you've taken an evidence-based model and thrown  
some culture in and put an Aboriginal worker in there? Is that -

35 MR ALISANDRATOS: Yeah, well, I wouldn't simplify it in that way. I would say that  
there is significant benefit in understanding evidence and how that works across the human  
services environment and being able to combine both those evidence-based modules with  
strongly evidenced cultural modules to get the best benefit for communities.

40 COMMISSIONER HUNTER: But you still use those evidence-based models from our  
countries as a foundation?

45 MR ALISANDRATOS: We have some of them. No, we take the evidence as opposed to  
the actual off-the-shelf entering model. There are limited numbers of those off the shelf.  
If you look at other jurisdictions, they will engage and deploy those models right across the  
board. We've taken a view to say it is not appropriate to just drop those models into our  
environment. They are not fit for purpose. And when we have done them, we have seen  
some of the struggles in terms of getting the traction, having the impact that they have said  
to be had in other jurisdictions.

50

COMMISSIONER HUNTER: Thank you.

5 COMMISSIONER LOVETT: You made reference a little bit earlier to “our cultural models”, so not Aboriginal culture, Victorian cultural model. Can you clarify what that is? You have also said in your statement around ongoing systemic racism. Is that the cultural model, underpinned by systemic racism in Victoria?

10 MR ALISANDRATOS: I'm not sure what you were alluding to in the first part of the question, Commissioner, but -

COMMISSIONER LOVETT: You mentioned in the statement just then to Commissioner Hunter -

15 MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: - about "our cultural model" in Victoria. You're not talking about Aboriginal culture. It was the culture of child protection. I wanted to clarify what you meant by "our cultural model".

20 MR ALISANDRATOS: Yes, I think I was referring to -

COMMISSIONER LOVETT: You're a non-Aboriginal man; is that right?

25 MR ALISANDRATOS: That's right. Yeah. Yep. No, no. I think I was referring to cultural models that were developed by VACCA and other organisations that we funded to, essentially, through our innovation programs, bring the Aboriginal cultural elements into the operating environment. I'm sorry if I confused you there.

30 COMMISSIONER LOVETT: I think I was confused. It was just more clarifying, because if you are talking about "our culture", you're implying that you are an Aboriginal person as well and -

MR ALISANDRATOS: No, I accept that.

35 COMMISSIONER LOVETT: When there's a non-Aboriginal person and you are talking about "our culture", it's more a societal culture. I just want to be clear.

MR ALISANDRATOS: No, I accept that.

40 COMMISSIONER LOVETT: Thank you.

MS McLEOD: Just to follow up on some of those questions, when you talk about capability, that would include the capability of child protection practitioners?

45 MR ALISANDRATOS: In what context, Ms McLeod?

MS McLEOD: The capability of your frontline workforce?

50 MR ALISANDRATOS: Yes. Yes.

MS McLEOD: And there are challenges for the Department in terms of its investment in and retention of those front-line workers?

MR ALISANDRATOS: There are.

5

MS McLEOD: And I take it you would say that you value that workforce very highly?

MR ALISANDRATOS: We do.

10 MS McLEOD: And, likewise, you value very highly the work that is now done by the Aboriginal Controlled Organisations and value their capability as well?

MR ALISANDRATOS: Absolutely.

15 MS McLEOD: Investment, would you agree with me - investment in the Victorian Aboriginal controlled organisations and the work they do, any investment in those organisations sees a return in the level of trust for the Aboriginal communities in the Department, in the work of the Department.

20 MR ALISANDRATOS: Indeed.

MS McLEOD: So, can I just ask you to turn up, please, the Victorian government submission response to Issues Paper 2. The document number is DPC.005.0001.0002, which is, I think, tab 5 in a bundle, for my learned friends' benefit. So, you will see there the front page is up on the screen. I believe you have a hard copy in front of you to enable you to actually read it.

25

MR ALISANDRATOS: I do. Thank you.

30 MS McLEOD: That's the covering letter from the State. The covering letter is dated - in government fashion, it's not dated, but it was certainly attached to the response of 17 March 2023, and it is a letter to the Chair of the Commission, signed by the Premier. Do you see there on that letter there's a reference to, second-last paragraph on that page, "The ongoing overrepresentation of First Peoples." See that paragraph?

35

MR ALISANDRATOS: Yes, I do.

MS McLEOD: In the Criminal Justice and child protection systems, the Premier says this is a source - paraphrasing:

40

*"...is a source of great shame for the Victorian government. The government acknowledges the conditions and injustices that have caused this overrepresentation. It is also responsible for ensuring that racism and injustice are confronted and addressed."*

45 So just pausing there, that statement of acknowledgement of the shame of the Victorian government is a significant one. Can I ask you what work is done, just in a general sense, by your Department to address the conditions and injustices that have caused overrepresentation. Is that a matter for your Department or is that a matter for other Departments?

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MR ALISANDRATOS: I think it's a matter for our Department and other Departments.

MS McLEOD: And the responsibility for ensuring that racism and injustice are confronted and addressed, likewise, is that a responsibility of a number of different Departments?

5

MR ALISANDRATOS: Indeed.

MS McLEOD: He concludes the letter by saying:

10 *"The Commission's goals of healing, truth and justice are shared by my government -"*

This is over the page, final paragraph over the page:

15 *"The Commission's goals of healing, truth and justice are shared by my government. We are committed to listening to First Peoples, to understanding and changing, and we are ready to act to prevent the recurrence of injustice and help build the foundations for a new relationship between First Peoples, the State and all Victorians."*

20 So that is reflected, I suggest, not only in the work of the relationship with the Assembly and the work towards Treaty but in the work of every individual Department of government.

MR ALISANDRATOS: Yes.

25 MS McLEOD: Including the Department of Families, Fairness and Housing.

MR ALISANDRATOS: Yes.

30 MS McLEOD: Thank you. So if we turn to the first page of that response, can I bring up, please, page .0009, State's Responsibility for Systemic Injustice. I'm sorry, I've been thrown by the numbers. It's page .0036, paragraph 9. So that is - you see the numbers at the top right-hand corner of the page? Yes, page 36. In paragraph 9 there. You set out the responsibilities of the Department which include support to families to keep children safe and offer examples of how the Department provides support to families to keep children safe, or the key responsibilities in doing so. Do you see that paragraph.

35

MR ALISANDRATOS: I do.

40 MS McLEOD: Yes. At paragraph 11, you note the requirement of an integrated approach:

*"Preventing and responding to factors that contribute to abuse and neglect requires an integrated approach across all levels of government."*

45 So that's something of what we were talking about before the break. So, in a nutshell, can you tell the Commission, please, how you achieve that integrated approach? Referring, if you like, to things you said this morning or new matters.

50 MR ALISANDRATOS: Yeah, so I think it's a continuation of the conversation that we were having this morning, Ms McLeod. I think there are significant - there are a number of frameworks. There are coordinating mechanisms. The VAAF, if you like, is our



coordinating framework that brings both our aspiration, our targets, that we're seeking to achieve and the collective effort that that requires across multiple government structures. That then falls into each Department having a set of accountabilities based on the portfolios that they are there to deliver on, to drive their respective targets and to drive the activity across the service system.

For us, obviously, it is the Children and Families system. It is the Housing system. It is the Family Violence system. They are three critical areas where we have accountabilities that roll up into the VAAF and where we are working and striving to improve outcomes for First Peoples across the State. That is one example. But I'm sure there are multiple other structures that are there to coordinate the collective effort of government and bring a much more integrated response to areas of priority for the State.

MS McLEOD: Sorry, we are just having a document management issue here.

MR ALISANDRATOS: That's okay.

MS McLEOD: I didn't mean to be disrespectful to your answer. Paragraph 12, would you read that aloud, please?

MR ALISANDRATOS:

*"The overrepresentation of First Peoples children in the child protection and care system is a direct result of laws and policies introduced during Colonisation. The impacts of historical laws and policies, especially those that supported the forced removal of First Peoples children from their families and communities in pursuit of assimilation, continue to be felt profoundly today."*

MS McLEOD: So, really, that recognition does, and should, properly underpin all of the work of the Department in the child protection space; would you agree?

MR ALISANDRATOS: Indeed.

MS McLEOD: Paragraph 13 reflects the recognition of the critical role of self-determination and, likewise, the principle of self-determination and the aspiration of self-determination should underpin all of the work of the Department in the child protection space, do you agree.

MR ALISANDRATOS: Indeed.

MS McLEOD: Now, in your responses - and I think I might just take a moment, if the Commission pleases, because I'm reading off a different document to the witness - the document the witness is reading and I just need to make sure we're looking at the same document. Could I ask that the witness be provided with a document which is Response to Issues Paper 2, Call for Submissions on Systemic Injustice in the child protection system. That is also dated 17 March 2023. Commission's Paper 2. Just pardon me for a moment, Chair. I might take a moment to make sure that our technical support crew have the right document so that they can put that on the screen.

COMMISSIONER WALTER: Can I ask a question in the interim?

MS McLEOD: Yes.

5 COMMISSIONER WALTER: I'm just referring back to the VAAF and the monitoring, and it says in the document that:

*"In the first instance, the Victorian government commits to commencing work immediately on the development of an Aboriginal-led evaluation and review mechanism."*

10 Can you describe that mechanism to me and how it operates.

MR ALISANDRATOS: In relation to the VAAF, Commissioner?

15 COMMISSIONER WALTER: VAAF.

MR ALISANDRATOS: I would - I would suggest that maybe people from the Department of Premier and Cabinet might be better positioned to explain that.

20 COMMISSIONER WALTER: Is there such an Aboriginal-led body that's doing this evaluation?

MR ALISANDRATOS: Can you refer me to the paragraph, Commissioner?

25 COMMISSIONER WALTER: Yes, I'm just trying to think. It's on page 59. Not in your documents here, but in the VAAF, the VAAF document.

MR ALISANDRATOS: The VAAF. I don't have that in front of me. Could you read it out for me again?

30 COMMISSIONER WALTER: It says:

*"In the first instance, the Victorian government commits to commencing work immediately..."*

35 So this is when the VAAF started:

*"...on the development of an Aboriginal-led evaluation and review mechanism."*

40 And I just wanted to know what the review mechanism looked like and how it operates.

MR ALISANDRATOS: I can't say that I've got a recollection on that one, Commissioner, at the moment.

45 COMMISSIONER WALTER: Can I ask you to take it on notice?

MR ALISANDRATOS: Of course. Of course.

COMMISSIONER WALTER: Thank you.

COMMISSIONER BELL: While there is activity at the bar table, I will ask you another question. We spoke earlier about the vision, and the vision, as you explained it, was to reduce - to minimise down to nothing, if possible, the number of Aboriginal children in the system. And I'm looking at paragraph 12 of the State Critical Issues Response which refers to the VAAF and it says as goal 2.1:

5

*"Eliminate the overrepresentation of Aboriginal children and young people in out-of-home care."*

10 MR ALISANDRATOS: Yes.

COMMISSIONER BELL: Now, that's obviously a different vision. This vision in goal 2.1 is to eliminate overrepresentation. In other words, to bring the proportion -

15 MR ALISANDRATOS: Correct.

COMMISSIONER BELL: - of Aboriginal children in the system down to that proportion which exists with respect to children generally.

20 MR ALISANDRATOS: Correct. That's right.

COMMISSIONER BELL: Which is a quite limited vision and different to the vision of reducing down to nothing, if possible, the number of children in the system.

25 MR ALISANDRATOS: The system, yeah.

COMMISSIONER BELL: These two things obviously compete.

MR ALISANDRATOS: Yeah.

30

COMMISSIONER BELL: And I'm interested in your response to the dissonance between these two things.

MR ALISANDRATOS: I mean, what I would say, Commissioner Bell, is that if you can reduce the number of children who are removed from their families and into out-of-home care - which is the most significant decision that we make -

35

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: - for children and families, that takes us a fair way to at least be able to get it on a more balanced footing. That should not be at odds to continued efforts to also reduce the number of First Peoples children that are coming to the attention of statutory services. In our view, efforts to put greater capacity, greater investment and more effective models of support that are holistic, integrated, evidenced at the front-end of the system -

45

COMMISSIONER BELL: Yes.

MR ALISANDRATOS: - seeks to achieve both of those ends.

50

COMMISSIONER BELL: Yes.

5 MR ALISANDRATOS: But we have to pay attention to what we do and how we more effectively support children that are already in care. So, we have to have strategies, models of support across the continuum, if you like.

COMMISSIONER BELL: Yes. Yes, I understand.

10 MR ALISANDRATOS: Of delivery.

COMMISSIONER BELL: So, both visions apply.

MR ALISANDRATOS: Yes.

15 COMMISSIONER BELL: You recognise the significance of both.

MR ALISANDRATOS: Yes.

20 COMMISSIONER BELL: It's not just job done when you get proportionality.

MR ALISANDRATOS: No, far from it.

COMMISSIONER BELL: But you have to attack the overrepresentation as a priority.

25 MR ALISANDRATOS: Absolutely. Yes. Absolutely.

COMMISSIONER BELL: I understand.

30 MS McLEOD: I'm sorry about that, Mr Alisandratos.

MR ALISANDRATOS: That's okay.

COMMISSIONER LOVETT: I've got one more.

35 MS McLEOD: We are now on track, yes.

COMMISSIONER LOVETT: We have heard people come before us around - referring to allegations in past hearings, as in community members coming around this.

40 MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: And you also talked about eliminating racism and bias within the Department.

45 MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: Which is your responsibility, among others.

50 MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: How extensive do you think systemic racism and bias is in the Department and then, secondary to that, among - particularly among child protection workers?

5 MR ALISANDRATOS: Well, there's probably a couple of ways that I can tackle that question, Commissioner. One is, as you've heard, I've been in the Department for 30 years. I've worked as a practitioner. I've worked alongside many, many practitioners across our service and have interacted with a lot of them. What I know - and, again, it's what I've  
10 experienced, which is different to what First Peoples' experience is - is the motivation for many coming into a child protection role or a Family Services role, is to do good work to support families and to protect children.

That is an intrinsic driver, motivational driver for many of our staff. Equally, not naive, to think that there isn't a bias and racism that exists across our workforce or across the  
15 broader Children and Families workforce, just like it exists across our community at large. Our role, as leaders within government, within our community service organisations, is to try and do everything we can and put every effort to stamping out racism and bias across our workforce. That is active work that we have been, and will continue to, undertake in terms of eliminating that bias across our service, and our funded services, for that matter.

20 It is a commitment that we collectively have to that resolute determination. There is no place for it, particularly in this - of the most sensitive of environments and particularly given the gravity of the history that we have to understand and work within, and where First People have to navigate a statutory child protection system that is not performing as it  
25 should be performing. But having said all of that, I do come - I do come back to this point, that there is an intrinsic motivation of the vast majority of our workforce, our carers, our family services practitioners, to help and do good work. But we have to do more to eliminate any traces of racism and bias across our workforce.

30 MS McLEOD: It's clearly intolerable that racism and bias should affect the work of the Department, would you agree?

MR ALISANDRATOS: Completely.

35 MS McLEOD: And whether conscious or unconscious biases, it's intolerable that those biases would make their way into the assessments of the best interests of First Nations children.

MR ALISANDRATOS: Completely.

40 MS McLEOD: To take you back to the document - and I apologise for losing my way there - if you turn to page 37 of the document -

MR ALISANDRATOS: Sorry, which document?

45 MS McLEOD: Sorry, the Response Number 2.

MR ALISANDRATOS: Number 2, yes.

50 MS McLEOD: At the top of the page, you will see -

MR ALISANDRATOS: Page 37.

MS McLEOD: 37.

5

MR ALISANDRATOS: Thank you.

MS McLEOD: Now, at paragraph 14 and onwards - I just want to touch on these lightly - the State sets out in a summary form a history of dispossession of First Nations People through segregation and assimilation, and the Department acknowledges, in summary, that government control and forced removal of Aboriginal children from their families described as welfare or protection over the last two centuries or so has created irreparable damage that has affected generations of Aboriginal people.

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15 MR ALISANDRATOS: Yes.

MS McLEOD: The State acknowledges that that damage has continued across generations, consistent with what we know about the effect of trauma through generations.

20 MR ALISANDRATOS: Yes.

MS McLEOD: And continues today. And at paragraph 23 on page 38, the State acknowledges the very concept - I'm paraphrasing - the very concept of protection as historic antecedents in this State, that of itself has generated enormous distrust and fear for Aboriginal people.

25

MR ALISANDRATOS: Yes.

MS McLEOD: So, for example, between 1910 and 1970, one in three Aboriginal children were forcibly removed from their families. And then continuing through to those matters that are discussed, in terms of the involvement of child protection and their interactions with Aboriginal people in this State, at paragraph 33 on page 40 - we will bring that up for you - there is an acknowledgement that today the system is not well adapted to meet the needs of First Nations People nor to access culturally appropriate services. I'm summarising there.

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MR ALISANDRATOS: Yes.

MS McLEOD: So given these acknowledgements of the failings of history and the failings of the current system, the issues of lack of trust, the need for earlier support and systemic issues driving over-intervention, the lack of culturally appropriate exit pathways and your comments about the impact of racism and bias, at a high level in a general sense, what has and what is stopping the State from addressing those matters?

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45 MR ALISANDRATOS: These are the very matters that we are continually looking at addressing.

MS McLEOD: So is it - there's clearly goodwill, if I may say so. Is it a question of political will? Is it a question of resources? Is it a question of a lack of knowledge? Is it a

question of a lack of communication with First Nations about what they need and want? Is it all of the above? Have I missed anything?

5 MR ALISANDRATOS: No. What I would say, Ms McLeod, is that we've been on a journey to tackle these very issues over the last decade, probably more, probably since the inception of the Children, Youth and Families Act, a very forward-thinking piece of legislation for its time, well, we're self-determination, the best interests of children, all the decision-making frameworks around how we engage with First People, the authorisation section 18. These are all elements that we have been driving to implement over the last decade. That - it takes time is what I would say.

15 It takes time to mobilise the collective effort of everyone to change culture, to drive the development of capability, to bring into our service systems models of care, to build trust, given that background that you've just described. And as I've referenced in my statement, we've made some progress. It's not enough. And we need to do more.

20 We need to do more in terms of scaling the capability. We need to do more in terms of shifting the focus to earlier intervention. We need to do more in developing trusted services through the funding and delivery via our Aboriginal Community Controlled Organisations to deliver these critical services, because we - we the - we cannot do this without that critical input from First Peoples. And we've seen where First Peoples do design responses, supports, that they are more trusted, that they are more taken up on. But we've still got a way to go before we've got scaled capacity and capability.

25 COMMISSIONER LOVETT: It seems to be though that the Department is asking all these organisations - you need to build trust with them around them being more accountable than you yourselves. I mean, you've sat here and said, you know, our people are still overrepresented and yet, I just - from the evidence today of what I'm hearing is that you are asking a lot of organisations to jump through all these different hurdles and yet the Department has failed in its own regard. How can you have more expectations on other organisations and not have as much on yourselves?

35 MR ALISANDRATOS: Commissioner Lovett, what I would say to that is I don't think those elements are incompatible. I think we have expectations of ourselves and we have got to keep doing more. But, equally, we can't ignore the intelligence and knowledge that First Peoples have provided us in terms of what works for them, because for too long we've assumed that systems, legacy systems that we've had in place, are the only systems of support that will help First Peoples. And, clearly, that is not right.

40 Clearly, what we've seen through the engagement that we've had, what we've seen through the enablement of First Peoples' design models of care and support is greater acceptance, greater trust, greater impact. And Aboriginal children in Aboriginal care is an example of that where we've transferred the responsibilities of the Secretary for Aboriginal children - for First Peoples children to our Aboriginal Community Controlled Organisations to lead, to drive, to care for them in a cultural appropriate way, and we have seen the benefits of that.

50 COMMISSIONER LOVETT: Still seems to have issues, though, because the data still says that our children are way overrepresented, probably some of the worst stats in the country.

MR ALISANDRATOS: Indeed.

5 COMMISSIONER LOVETT: We can't diminish that. That's why I want to focus on systemic issues here.

10 MR ALISANDRATOS: Absolutely. And I'm not diminishing that in any way. I've been very clear and very up-front that we have a long way to go and it will require determined focus, scalability and capability development, and our - us tackling any bias and racism that continues to exist within our services or our funded services.

15 COMMISSIONER WALTER: I do worry, though, that the emphasis on First Peoples and ACCOs means some of the responsibility for the long failure in this area is going to be transferred to Aboriginal organisations. I worry that responsibility for failure will be handed over to Aboriginal people while the system won't change.

20 MR ALISANDRATOS: Yes. It's a really good reflection, Commissioner Walter. It's the very reason why some would argue that we've gone slower than perhaps we ought to and, from our perspective, that has been a conscious effort about how we engage with those organisations, and those communities, because not all of them want to do the full suite of delivery. And we're not about thrusting those responsibilities on those communities or those services that do not, or are not ready to take on those responsibilities.

25 So we've got to take a dual approach in terms of the way that we navigate and work towards an aspiration that sees greater responsibilities transferred to the Aboriginal community controlled sector and in a way that it's supported, enabled and just doesn't handball those responsibilities irresponsibly to those services, is what I would say to that.

30 COMMISSIONER HUNTER: Can I just say in 1997, with the Bring Them Home report recommendations, have we not learnt since then? Probably a statement more than anything. And you did talk about section 18 before and you are talking about the slow progress. We have also heard in evidence that children are being reunified, that children are going home in section 18. Have you not taken your learnings from that as well?

35 MR ALISANDRATOS: Absolutely, Commissioner Hunter. I think I've said in my statement that we have deeply engaged with our communities, with Aboriginal Community Controlled Organisations. We've deeply listened and taken the intelligence, the knowledge, and are embarking on a collective approach to how we implement. But it goes to Commissioner Walter's point: this is not about irresponsibly transferring those  
40 responsibilities. It is about a staged, enabled, supported approach that equips everyone to undertake those responsibilities,

45 COMMISSIONER HUNTER: I just - I'm with Commissioner Walter (indistinct) that you might transfer these powers or talk about self-determination. My worry is that you just put a system that doesn't work for our people with Aboriginal people to control that system without changing anything. And I guess that's what the concern is; am I correct?

50 MR ALISANDRATOS: Yes. And I think that's a good point. I think, again, we are navigating incremental changes within the construct of our current legislation and framework. Equally - and I would assume the role of this Commission will be to



fundamentally rethink what a future system ought to look like, based on the learning that we've brought.

5 COMMISSIONER HUNTER: Yes, we also hoped from the learnings from the Bring Them Home report as well, so I hope these and what we come out with is taken up and is moved forward.

MR ALISANDRATOS: Absolutely.

10 COMMISSIONER HUNTER: And I just do worry that those responsibilities are just pushed on to our people that didn't create them.

MR ALISANDRATOS: Yes. No, I accept that.

15 COMMISSIONER HUNTER: A deep concern.

MR ALISANDRATOS: I accept that, Commissioner Hunter. It is something that bears heavily on us about the pace of reform, and many would say you're going too slow. Others would say not fast enough. There is a balance to strike about how we enable a seamless, supported transition in a way that is safe and supported for communities and services.

20 And, as I've said, we've done deep engagement with our community service organisations - Aboriginal community service organisations to understand their aspirations, to understand what they want to do, because not all of them want to take on the full suite of service delivery. Many of them want to be at the front-end of the system. Many of them see themselves as being able to effectively deliver preventive and early intervention services. Less of them want to do the more statutory parts of the system, which is understandable given the backdrop, given the decision-making that will inevitably have to be undertaken by those communities.

30 And you're right, there are - there is evidence of effective reunification at a greater rate by ACCO providers than there is by child protection, but, equally, that doesn't eliminate the fact that even when you reunify, some children will re-enter care, and we see that those reunification breakdowns and re-entry also occurring. And that's something that Aboriginal Community Controlled Organisations are going to have to grapple with, just like we grapple with when we don't get it right and we don't get an effective intervention or a reunification for some children and families.

40 COMMISSIONER HUNTER: I think this is more of a comment but while we are taking our time, there's more children being removed and there's more harm being done.

MR ALISANDRATOS: Indeed. Indeed.

45 COMMISSIONER HUNTER: And we have got to balance that time with our families that are disconnected from culture, community, all of that, which is deeply, deeply disturbing and then also the intergenerational trauma that comes with the continuation. I just wanted to comment on that.

50 MR ALISANDRATOS: Absolutely, I accept that completely.

MS McLEOD: Just before we take the lunch break, can I ask you to turn to paragraph 61 of your statement at page 46.

MR ALISANDRATOS: Of my statement?

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MS McLEOD: Sorry, the Response document.

MR ALISANDRATOS: Yes.

10 MS McLEOD: There's a reference there to one of the government's first actions this term and the introduction of the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Bill 2023. So do you see that paragraph?

15 MR ALISANDRATOS: I do.

MS McLEOD: So what's the current status of those legislative amendments?

MR ALISANDRATOS: So that is before the House at the moment.

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MS McLEOD: Will that come on before the House next week, as far as you know?

MR ALISANDRATOS: I understand that's - yes, that's possible. But I stand to be corrected, if there's any shift in timelines, Commissioner.

25

MS McLEOD: Perhaps the State can tell us if that does occur. You expect that Bill to come on next week. Is it your view that that Bill comprehensively addresses the reforms that are necessary and that we've been talking about? Or is that a first step?

30 MR ALISANDRATOS: I think it goes some way to addressing some of the issues that we've been talking about. So the introduction of the statement of recognition and accompanying binding principles that will guide decision-makers is a significant step of legislating into the Children, Youth and Families Act.

35 MS McLEOD: Can I just ask you some questions about that. This Bill revives various sections from Bills that lapsed last year; correct?

MR ALISANDRATOS: Correct.

40 MS McLEOD: And organisations such as the Victorian Aboriginal Legal Service and Djirra and others were, is it fair to say, given a very short time to comment on those Bills. Are you aware of that?

MR ALISANDRATOS: I am.

45

MS McLEOD: Yes. Ideally they should have had longer to comment on those Bills. Would you agree?

50 MR ALISANDRATOS: Yes. There is always a need, a balance between how much consultation, to what extent, and how you try and meet timelines that you're trying to

achieve - the government is trying to achieve. But I recognise that as a principle more consultation is always preferenced.

5 MS McLEOD: Including consultation with those who are representing families and children?

MR ALISANDRATOS: Indeed.

10 MS McLEOD: So VALS, Djirra and others performing their -

MR ALISANDRATOS: There are many, many organisations that represent children and families and - yes.

15 MS McLEOD: And, no doubt, taking the benefit of their coal-face view, if you like, of how these provisions will work in court, how these provisions will work in terms of decisions about placements, review of those decisions, ongoing management.

MR ALISANDRATOS: Yes.

20 MS McLEOD: Okay. Just on that, the Statement of Recognition is intended to be co-designed by the Department and the Forum, is that correct?

25 MR ALISANDRATOS: Statement of Recognition was designed by the Aboriginal - by caucus members -

MS McLEOD: Yes.

MR ALISANDRATOS: - of the Aboriginal Children's Forum.

30 MS McLEOD: With input from government, I assume?

MR ALISANDRATOS: With technical input from government, but, largely, the statement itself is designed by caucus members of Aboriginal Children's Forum.

35 MS McLEOD: What standing will those - that Statement of Recognition have under the legislation? Is it just an aspiration, or will it feed into principles, KPIs, measures of success in some way?

40 MR ALISANDRATOS: It will definitely feed into all of what you've just stated. The principles, the key principles accompanying the statement, are binding principles across all decision-makers. So it is a significant inclusion, and element of legislation.

45 MS McLEOD: How will the Department and the caucus for that matter, know whether those principles are working effectively in practice?

50 MR ALISANDRATOS: And that's work that we've got to do ahead of us, Ms McLeod. I think what we will now - subject to the passing of the Bill, what we will endeavour to do is develop a monitoring - implementation monitoring framework on each of those elements and other elements of the legislation as well.

MS McLEOD: Is that in draft form or is that to come once the legislation passes?

MR ALISANDRATOS: That's to come.

5 MS McLEOD: Is there a timeline for the delivery of that work?

MR ALISANDRATOS: I don't have that in front of me at the moment.

MS McLEOD: Commissioner Walter.

10

COMMISSIONER WALTER: Look, I guess I'm expressing my frustration that we have been through a number of these things where the Departmental documents have said there will be evaluation, there will be monitoring and there will be transparent reporting and yet we are not actually seeing that and now a Bill is going through where it hasn't even been started to think about how it will be monitored and measured and evaluated. And what's not monitored and what's not measured doesn't count.

15

MR ALISANDRATOS: Yes. Yes, I accept that.

20 COMMISSIONER WALTER: And, again, to go what are the consequences if these things are not done and how will you know if they're not done? There doesn't seem to be any way of following this up, which leads, finally, to really just being an aspirational set of principles.

25 MR ALISANDRATOS: I accept that to some extent, Commissioner Walter. It is - it would be presumptuous of us to undertake that work before a Bill is passed before Parliament. The notion of accountability - and if I talk about the Aboriginal Children's Forum as an accountable mechanism where transparent data on progress and development of all of our objectives is where - is one way where we are held accountable to the delivery of those elements of work that this Department, in the Children and Families space has responsibility for - it is one element.

30

COMMISSIONER WALTER: It's a big responsibility to place on the on the Aboriginal Children's Forum, and I would suggest that that is not what they were set up for. I wonder about the placement of them being then then evaluation and the accountability mechanism when they are not equipped for that or trained for that or actually have any place to go if they say that this is not being met.

35

MR ALISANDRATOS: Yes, again, what I would say about that is the forum sees itself as having a role to play in that it is a tripartite forum that brings together government, the community services sector, and the Aboriginal Community Controlled Organisations. It very much sees itself as an accountable body that holds every member of that tripartite arrangement and agreement accountable. It's not the only mechanism. And I agree, if we were again just thrusting that as the only mechanism, it would fall far short but it is an important mechanism.

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45

COMMISSIONER LOVETT: How much authority do caucus members have at the Aboriginal Children's Forum?

50 MR ALISANDRATOS: Yeah -

COMMISSIONER LOVETT: Key word, authority.

5 MR ALISANDRATOS: So it depends what we mean by that, what type of authority. So caucus -

COMMISSIONER LOVETT: Calling government to account, just to clarify.

10 MR ALISANDRATOS: Yeah, well, caucus holds us to account pretty much every meeting where we are expected to report back on progress, to bring data in to reflect that progress, where, frankly, people like myself and many others get grilled, as we should, about why it is that we're not making the progress that we should be making. Caucus is responsible for how the agenda is set for every Aboriginal Children's Forum. It's not a matter for government to run that forum. It is very much led and designed by a  
15 representative group of caucus. So there are many features of it that are about accountability.

COMMISSIONER LOVETT: Then going back to the continued overrepresentation of Aboriginal children -

20 MR ALISANDRATOS: Yes.

COMMISSIONER LOVETT: - in the child protection system but there's no  
25 accountability. You mentioned earlier about, you know, reporting through to the VAAF, but there's no accountability. So I'm trying to sort of marry what you are saying here around the caucus members having authority but then translating that into, you know, like, the outcomes that are sought in the VAAF about child protection is not weighing up. Do they really have authority? And that's not a dig at them. I want to be clear on that, to the people in the community listening in.

30 MR ALISANDRATOS: No, no. Yes.

COMMISSIONER LOVETT: I'm just trying to understand where the authority sits - and  
35 accountability.

MR ALISANDRATOS: You are right. It is - one level of authority is one level of  
40 accountability. It's not the only level of accountability. And we have spoken this morning about other layers of accountability, particularly those that relate to government departments and those that relate to departments like ours. Again, we don't shirk our responsibilities and accountability for delivering, and we've been very, very clear about we have not done enough. We need to do more. Government is clear about that. That is just the evidence clearly tells us that. That's not to say that we haven't progressed elements of investment of support, but we've got to do more. And as much as I would love to be able to say tomorrow we can change it all, it also takes time. And I note Commissioner  
45 Hunter's point about every bit of time that it takes means more children that are coming into the system.

COMMISSIONER LOVETT: And we have continued to ask the same questions today in  
50 the context of we are here to provide - get an understanding from yourself, as the only witness the Department has put forward, but trying to understand so we can provide a

recommendation around systematic reform, which accountability and authority will play a big part of that moving forward.

MR ALISANDRATOS: Indeed.

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COMMISSIONER LOVETT: So, you know, you will keep saying to us you have already answered that, but we will keep coming back -

MR ALISANDRATOS: No, no, and that's okay. And, Commissioner Lovett, I am the only Department witness here but I'm here to stay for as long as you need me to be here, and I'm here to answer every single question that you put to me. And it is - I just don't want you, as Commissioners, to underestimate the gravity that we see in this Commission's work and the importance that we place on it. And just because there is one witness does not mean that we take any of that gravity away from what we are here to do and what you are here to do and how we can assist you.

10  
15

MS McLEOD: Chair, is that a convenient time?

CHAIR: I think so. I think we should take a break.

20

COMMISSIONER BELL: Again, when we come back, I have a different question but related on accountability, but really going to the issue of methodology.

MS McLEOD: Thank you, Commissioner Bell.

25

CHAIR: I think we need to break because there was food for 1 o'clock.

MS McLEOD: We all need food and certainly the witness needs a break.

30

CHAIR: Back at 2, Counsel, or 2.15?

MR ALISANDRATOS: Thank you.

MS McLEOD: We are in your hands, Chair. Can we say -

35

CHAIR: 2.15. Thank you.

**<ADJOURNED 1:15 P.M.**

40

**<RESUMED 2:16 P.M.**

CHAIR: We will resume. Have we got good sound?

MS McLEOD: Yes, thank you. Commissioner Bell.

45

COMMISSIONER BELL: Yes. Mr Alisandratos, you were asked questions this morning about to whom the Department and the government would be accountable. They are important questions and I don't detract from them in what I'm about to ask.

50

MR ALISANDRATOS: Indeed.

5 COMMISSIONER BELL: But I'm more concerned with how you will be accountable and the methodology by which you will make accountability possible. I'm talking here in the realm of measurement, things that Commissioner Walter raised, your systems for tracking progress, your compliance mechanisms, and so on, and I'm interested to know whether you consider that your present systems of that kind are fit for purpose. I really mean the new purpose of realising the vision.

10 MR ALISANDRATOS: I think, Commissioner Bell, I think there are many, many measures that we are - we publicly are accountable for and there are national measures that we contribute to. There are State-based measures and mechanisms that we contribute to. It is - it is a pretty transparent framework of accountability. Notwithstanding that, have we got the right measures for the new aspiration? I think your point is, well, maybe that we now have to critically reflect about are the current measures and the frameworks and  
15 mechanisms that are there to hold us accountable fit for purpose, in light of the pivot that we're about to make and I think probably we will need to reflect -

COMMISSIONER BELL: On that.

20 MR ALISANDRATOS: - on that very seriously.

COMMISSIONER BELL: Would you respond positively to a Commission recommendation, if one were made along those lines?

25 MR ALISANDRATOS: Yeah, absolutely. The caution that I would contribute is about how many measures child protection and Family Services are already held to account on.

COMMISSIONER BELL: I understand.

30 MR ALISANDRATOS: And, arguably, there is this hunger - appropriately so - for more measures, and the challenge in that is to attend to those measures, means that we have to ask practitioners to record lots of things. And every time we add to the practitioner load, it diminishes their capacity to do the deep engagement and practice. So it's a balance.

35 COMMISSIONER BELL: I understand.

40 MR ALISANDRATOS: It's a balance. But you're absolutely right: it is a time for us to rethink what those need to look like going forward, and how we subtract and add more fit-for-purpose measures.

COMMISSIONER BELL: Thank you.

45 MS McLEOD: Thank you, Commissioner Bell. I just want to come back to the question of statistical improvement, and you mentioned the figure of three per cent this morning. Commissioner Hunter asked you about your paragraph 120 in your statement about the slightly falling numbers. In your statement at paragraph 89 - do you have your statement handy?

50 MR ALISANDRATOS: What paragraph again?

MS McLEOD: 89.

MR ALISANDRATOS: Thank you.

5 MS McLEOD: It might be handy to have a hard copy of that at some point. I'm staying with the submission at the moment, but it would probably be handy for you to have a copy of your statement. Do you have paragraph 89 there?

MR ALISANDRATOS: I do.

10 MS McLEOD: So at 2021 to 2022 as a rate of per 1000 population, Aboriginal children and young people relative to non-Aboriginal children and young people represent five times more reports of concern, seven times more investigations leading to nine times more substantiations and 22 times more in children and young people's care services; is that  
15 right?

MR ALISANDRATOS: Yep.

MS McLEOD: And according to Commissioner Meena Singh in her evidence, Victoria's  
20 rates of removal are the worst in the nation. You are aware of her evidence to that effect?

MR ALISANDRATOS: I am.

MS McLEOD: Her evidence was that, on the projections, those statistics would worsen.  
25 You are aware of that?

MR ALISANDRATOS: I am.

MS McLEOD: The report, or the comments of the Premier in December last year were  
30 reported and at the time that his comments were reported, there was a note in a Guardian article which you may or may not be familiar with. I will just put the statistics to you and see if you need to see the article or the underlying report. The article referred to a 2016 report on 980 Aboriginal children and young people in out-of-home care in Victoria, which found 88 per cent experienced family violence, while more than 40 per cent had been  
35 separated from siblings and their extended families. One in four had no cultural support plan, and 86 per cent of children were case managed by non-Aboriginal agencies. Are those numbers broadly consistent with your understanding of the current statistics?

MR ALISANDRATOS: No.

40 MS McLEOD: In terms of the data, can I ask you to do this for me: the Kinship Care report of the Auditor-General of 2022 noted that Aboriginal and Torres Strait Islander children are 20.1 times more likely to be in kinship care than non-Aboriginal and Torres Strait Islander children. That's the first thing - if you would provide us with confirmation  
45 or an update on that number. In Our Own Words I'm just going to run through this list and I'm sure those assisting you will take a note. In the report In Our Own Words of 2019, the statistic is recorded:



*“Despite making up one per cent of Victoria’s population, approximately one in four children in out-of-home care are Aboriginal, and in 2017 to ‘18, approximately nine of every 100 Aboriginal children in Victoria were in out-of-home care.”*

5 So approximately, in that period of time, 10 per cent of Aboriginal children were in out-of-home care.

MR ALISANDRATOS: What year was that, sorry?

10 MS McLEOD: 2017 to 2018. In the Family Matters report of 2020, in 2019 I’m not asking you to comment on these yet, just to follow up for us. In 2019, the Aboriginal and Torres Strait Islander children were 5.3 times more likely to be reported to child protection authorities, 9.4 times more likely to be subjected to a child protection order and 9.7 times to be more likely to be living in out-of-home care than non-Indigenous children.

15 And between April 2017 and March 2019, 21 per cent of unborn reports for Aboriginal children in Victoria progressed to out-of-home care within 12 months of birth. And, finally, referencing paragraph 57 of your own statement as at 31 December 2020, 16.6  
20 per cent of First People’s children in care had reunified within 24 months of the reference date. Just incidentally on that last statistic - and I just ask you, as soon as you can, to provide us with any confirmation or update of those statistics that you can, okay?

MR ALISANDRATOS: There's a lot of data there that you've just -

25 MS McLEOD: Yes.

MR ALISANDRATOS: - put to me.

30 MS McLEOD: I'm not asking you to comment now.

MR ALISANDRATOS: No, no. But I just want to be really clear that there are - just a caution, there are lots of different data sources and the accuracy of data is challenging.

35 MS McLEOD: Yes.

MR ALISANDRATOS: We have provided the Commission with extensive data from the Department's perspective, including national data comparable to other jurisdictions as well. If there is something in the datasets that we have provided that is missing, then we can  
40 certainly provide additional data. But I'm pretty confident that we've provided every data source we have. And I'm happy to step you through the data that I have in front of me.

MS McLEOD: I don't want you to weigh into the realm of documents over which claims have been made.

45 MR ALISANDRATOS: No.

MS McLEOD: Nevertheless, it would be of great assistance if I could put those numbers to you and we can perhaps raise that - come back to that tomorrow.

50

MR ALISANDRATOS: Sure. Sure. Yep.

MS McLEOD: So it may be that the datasets that I've read to you are not readily available to you or are inconsistent with your own records and the way in which those records are kept.

MR ALISANDRATOS: And different time periods, I would say, Ms McLeod.

MS McLEOD: Yes.

MR ALISANDRATOS: So this is where data becomes very, very challenging.

MS McLEOD: You would agree with me as a general proposition that all of those statistics are of concern.

MR ALISANDRATOS: Absolutely. Yeah, I don't disagree with that at all.

MS McLEOD: I want to turn now to an overview of the system and the way that the legislation works. So do you have handy there the Children, Youth and Families Act 2005?

MR ALISANDRATOS: I don't have it in front of me.

MS McLEOD: Could I ask that Mr Alisandratos has a copy of the Act handy. Now, I'm just going to, for the sake of time, lead some general propositions to you, and you just need to tell me if they're broadly reflecting your understanding of the way the system works. Of course interrupt me if you need to correct my understanding of things or you need to elaborate. But if you don't mind, I will just step through that overview of the system.

MR ALISANDRATOS: Sure.

MS McLEOD: So this Act, the Children, Youth and Families Act of 2005, establishes the basic principles which are intended to ensure that any intervention with an Aboriginal child is culturally attuned and informed. Is that correct?

MR ALISANDRATOS: Indeed.

MS McLEOD: And that includes the best interests principles that I will come to in a moment. This Act, of course, relates to all children and young people in the care of the State or coming into the attention of the State.

Can I start by a couple of Supreme Court cases which obviously guide and inform the work of the Department as representing the law in the State. These are two Supreme Court cases which consider the predecessor Act and I ask you to accept, in a moment, that these statements still apply to this Act. Okay? The first is a decision of AA v DHHS which is the predecessor to your department, where Justice Inceri said, paragraph 68 to 69:

*"The Act is the bedrock legislation regulating the law in relation to children, youth and families in this State. It is one of the most important pieces of legislation in this State. At*

*the heart of the legislation are a set of values propounded by Justice Bell in the case of Secretary to the Department of Human Services v Sanding."*

A 2011 case. If I may quote from now Commissioner Bell, from that decision:

5

*"Children are ends in themselves and not the means of others. They form part of the family. The fundamental group unit of society. Children bear rights personally and are entitled to respect of their individual human dignity. The views of children should be given proper consideration in relation to matters affecting them. Children are especially entitled to protection from harm and to human development. Those values are inherent in the best interests of the child, which is the foundation principle of the Children, Youth and Families Act. That principle is the cardinal consideration in protection proceedings in the court, including the making and revoking of custody to secretary orders.*

10

*The legislation contains a detailed scheme for identifying and protecting the child's best interests, which it is the responsibility of the Secretary to administer and the jurisdiction of the court to enforce.*

15

*"The importance of the Act..."*

20

This is back to Justice Inceri:

*"...and how it relates to the daily lives of children and families across the State cannot be underestimated. The Secretary wields significant power and holds tremendous responsibility in relation to these children and families."*

25

I take it you would agree with me that those statements remain pertinent to the legislative framework and its application today?

30 MR ALISANDRATOS: I do.

MS McLEOD: I just want to consider first some key phrases or a bit of a glossary under the legislation so we can find our way through it. The Aboriginal Child Placement Principle is a principle mandated in the Act by section 12 and 13 of the Act. We find that at page 44 to 45 of the Act. Don't need to go there at the moment. But the principle, in essence, is designed to ensure that Aboriginal children and young people are maintained within their own biological family, extended family, local Aboriginal community, wider Aboriginal community and their Aboriginal culture in a hierarchy of preference, if you like. Do you agree with that?

40

MR ALISANDRATOS: I do.

MS McLEOD: That principle requires child protection practitioners to notify - please turn up section 12 and 13 if you need to. That principle requires child protection practitioners to notify Aboriginal child specialist advice and support services. The acronym ACSASS is used throughout various reports.

45

And Aboriginal children in Aboriginal care is the next concept under section 18, which is set out at page 55 to 56 of the Act. This allows for an Aboriginal controlled organisation or ACCO to take full responsibility for an Aboriginal child once a protection order has

50

been made. The Victorian Aboriginal Childcare Agency is the first organisation to take this role through its Nugel program. The first authorisations occurred back in 2017 as part of the work that you've been describing, and included children from the Preston office of the DHHS.

5

As we've heard, the Victorian government is currently transitioning children into the care of the ACCOs, and Commissioners have asked some questions about the capability of ACCOs and transfer of responsibility, and a number of other organisations, as the Commission has heard, are on what is called the pathway to section 18 status.

10

So, first a question about this. Has the Department sought advice about the Secretary's power to authorise Aboriginal agencies under section 18 with the functions and powers of the Secretary and the scope of that power?

15 MR ALISANDRATOS: Have we sought?

MS McLEOD: Yes.

MR ALISANDRATOS: Yes.

20

MS McLEOD: Yes. Was that before the Secretary exercised that power?

MR ALISANDRATOS: Do you mean with respect to children that have been authorised?

25 MS McLEOD: Yes, under section 18.

MR ALISANDRATOS: Yes, I believe so.

30 MS McLEOD: And has further advice been sought since that exercise of that power has been commenced?

MR ALISANDRATOS: I'm not sure.

35 MS McLEOD: Without telling us anything that might be protected by legal professional privilege - I don't want to weigh into the subject of an advice you might have obtained from Solicitors or Counsel - can you tell the Commission whether the Department has a view as to whether the Act is fit for purpose in this regard?

40 MR ALISANDRATOS: If you're referring to whether section 18 -

MS McLEOD: Yes.

MR ALISANDRATOS: - and the provisions within section 18 are fit for purpose?

45 MS McLEOD: Yes.

MR ALISANDRATOS: the transfer of decision-making authority -

MS McLEOD: From the Secretary.

50

MR ALISANDRATOS: from the Secretary, I believe that it is.

MS McLEOD: Yes. Would you be willing - and if you need to check with those counselling you, let us know - would you be willing to provide us with that advice?

5

MR ALISANDRATOS: If there was specific advice, then, yes, I would be.

MS McLEOD: The Commission - the reason I ask is it is the Commission has received a submission from VALS, the Victorian Aboriginal Legal Service, which addresses this point. The VALS submission notes:

10

*"The current suite of authorised provisions has created a two-tiered service system. This is particularly evident in respect of authorised Aboriginal agencies being unable to exercise necessary functions and powers when a child who is the subject of an authorisation made pursuant to section 18 is in need of therapeutic treatment and the restricted access of authorised Aboriginal agencies to information regarding children who are not the subject of an authorisation pursuant to section 18, and the impact this has on the assessment of risk to children subject to an authorisation made pursuant to section 18."*

15

20 They also note:

*"...authorised Aboriginal agencies being unable to intervene in respect of unborn or newborn children in the same family as a child who is the subject of an authorisation made pursuant to section 18."*

25

So, in short, what this means is that Aboriginal families under the authority of an authorised ACCO are at risk of receiving less services or a lesser service and still be subject to an intervention order. So they have raised directly concerns about the operation of section 18 transfer of powers from the Secretary to the organisation, and I ask you whether you're familiar with their submissions on that aspect of the operation of the Act?

30

MR ALISANDRATOS: I'm not familiar with that aspect of the operation.

MS McLEOD: Would you have a look at that for me overnight?

35

MR ALISANDRATOS: Sure. I would be - no, happy to take that on notice and have a look at it overnight.

MS McLEOD: Okay. Thank you. If they're correct and there is a gap there or a differential in the ability of VACCOS to fulfil this function, does that suggest that the legislation or the underpinning of this power, this transfer of power, needs to be revisited?

40

MR ALISANDRATOS: Can I come back to you on that? Because there are a number of elements that you've put to me -

45

MS McLEOD: Yes.

MR ALISANDRATOS: - that require us to examine each and every one of them -

50

MS McLEOD: Yes.

MR ALISANDRATOS: - and provide a response to each and every one of them because there are differences in the way that you've characterised some of the elements that they are saying.

5

MS McLEOD: Yes, for the assistance of those assisting you, the VALS submission on page 61 under the heading 3.2(b) "Provisions which do not Confer a Power on the Secretary."

10 MR ALISANDRATOS: Thank you.

MS McLEOD: The next phrase that is being discussed is the ACSASS, as I mentioned. The ACSASS or services provide advice and consultation to child protection practitioners in relation to all Aboriginal children reported to child protection and all significant  
15 decisions including placement and case planning, including child protection involvement. Now, in Victoria, that service is operated by the VACCA in all locations, as I understand it, except Mildura.

MR ALISANDRATOS: And Bendigo.

20

MS McLEOD: And Bendigo. Is there a reason why those are excluded? Because they have their own section 18 or section 18 pathway organisations?

MR ALISANDRATOS: No. So originally VACCA was the only organisation that  
25 provided the ACSASS Lakidjeka service, with the exception of Mildura Aboriginal Corporation also providing it for that community. Over time, we sought to move towards a more locally delivered advice service and put that out to community controlled organisations. Bendigo and District and Njernda together took on the responsibility and the service provision for providing the ACSASS service in those communities.

30

MS McLEOD: Do those organisations exercise equivalent power?

MR ALISANDRATOS: With respect to the advice provision that ACSASS provides to  
35 child protection?

35

MS McLEOD: Yes.

MR ALISANDRATOS: Yes.

40 MS McLEOD: You mentioned Lakidjeka. Could you tell the Commission what that is? What that program is?

MR ALISANDRATOS: Lakidjeka is the Aboriginal child specialist support service that  
45 essentially enables child protection to be provided with culturally-attuned advice with respect to their assessments at any phase of decision-making, from intake and investigation through to long-term out-of-home care. And it is the element that responds to section 12 of the Children, Youth and Families Act to engage and consult with a local Aboriginal community organisation with respect to the provision of statutory child protection services.

MS McLEOD: And in addition, the Victorian government has created the Aboriginal Children's Forum that has been mentioned to implement and monitor a program that you mentioned, which is the one Wungurilwil Gagapduir, Aboriginal and Children and Families Agreement. That agreement is intended to promote the safety, health and  
 5 resilience in vulnerable Aboriginal children and young people, specifically designed so they live and thrive in culturally rich and strong Aboriginal families and connections.

MR ALISANDRATOS: Yes.

10 MS McLEOD: And you've touched on that already in your evidence. Can I come now to the legislative framework itself and turn to section 10, which appears commencing page 39 of the hard copy Act. And section 10, subsection (1) reads:

15 *"For the purpose of this Act, the best interests of the child must always be paramount."*

Now, you offer a summary of this, if you happen to have your statement open, at paragraph 36. And in your summary at paragraph 36, you talk about the principles set out in subsection (2) over on page 40:

20 *"When determining whether a decision or action is in the best interests of the child, the need to protect the child from harm to protect his or her rights and to promote his or her development, taking into account his or her age and stage of development, must always be considered."*

25 Now, there are a variety of factors that feed into this consideration, aren't there, as well as the fundamental human rights of the child; would you agree with that?

MR ALISANDRATOS: I do.

30 MS McLEOD: And if we could bring up - if we could split the screen, please, and bring up on the left Mr Alisandratos's statement at DFFH.0007.9999.0013, which is item 1 in the bundle. Just while that is being brought up, and staying with the Act for a moment, I want to ask you about the rights that are contemplated by this provision, that is, 10, subsection  
 35 (2). So 10, subsection (2) that we had up a moment ago requires the protection, consideration of the protection of the child's rights. Okay? Do you agree that this includes the basic rights protected by the Convention on the Rights of the Child?

MR ALISANDRATOS: Yes.

40 MS McLEOD: And reflected in Victoria's Human Rights Charter of Rights and Responsibilities?

MR ALISANDRATOS: I do.

45 MS McLEOD: So that would include, under article 3 of the Convention, the best interests of the child; under article 6, the right to life, survival and development; under article 10 you're nodding - I take it you are agreeing - under article 10, family reunification.

MR ALISANDRATOS: Yes.

50

MS McLEOD: Under article 12, respect for the views of the child. You are also nodding. And under article 30, rights of Indigenous children to learn about and practise their own culture.

5 MR ALISANDRATOS: Yes.

MS McLEOD: Under article 2, child protection practitioners shall respect and ensure the rights apply to each child without discrimination of any kind. So do you accept that those rights inform a reading of subsection 10, subsection (2) when we have to consider the  
10 protection of his or her rights?

MR ALISANDRATOS: Yes.

MS McLEOD: Do you accept that the notion of stability is a benefit to a child's  
15 development but is not a protected human right?

MR ALISANDRATOS: Stability is a benefit, indeed.

MS McLEOD: And by contrast to that notion of a benefit, a right to enjoyment of culture  
20 is expressly protected in the Convention and in our Human Rights Charter.

MR ALISANDRATOS: Yes.

MS McLEOD: Just pausing there. in your opinion, do current practices properly reflect  
25 the rights of the child and promotion of his or her development?

MR ALISANDRATOS: Would you repeat that for me?

MS McLEOD: In your opinion, do current practices in the use and application of this Act  
30 properly reflect the rights of the child and promotion of his or her development?

MR ALISANDRATOS: So practitioners have to turn their mind to the need for promoting  
the child's development as part of their considerations.

35 MS McLEOD: Yes.

MR ALISANDRATOS: So, yes, I do.

MS McLEOD: So we would expect to see, then, in the manuals, risk assessment tools and  
40 guidance for child protection practitioners -

MR ALISANDRATOS: Yes.

MS McLEOD: - tools that direct their attention to those specific rights?  
45

MR ALISANDRATOS: In some form, yes.

MS McLEOD: So the language might change but is it that, in essence, your evidence is  
50 they are being asked to consider those matters?



MR ALISANDRATOS: Yes.

5 MS McLEOD: Do you think a direction or instruction to child protection practitioners in terms of the observation of those rights and protection of those rights by the State could be improved?

10 MR ALISANDRATOS: Well, I'd need to refresh my memory on what advice we've got, specifically pertaining to development. There are a range of practice guidance and advice that we provide our practitioners with. I'm confident, but I can come back to you, that we have specific advice that goes to the promotion of a child's development as a key area of consideration.

MS McLEOD: What about the protection of the right to learn about and practise culture?

15 MR ALISANDRATOS: Yes.

20 MS McLEOD: Are you satisfied that the Department documentation that guides and supports child protection practitioners currently reflects the need to consider that right, or are there shortcomings?

25 MR ALISANDRATOS: I think there is always room for improvement, and we continually look at the advice to update and ensure that it is fit for purpose in terms of accumulated knowledge and information that we have on any areas that pertain to the risk assessment of children.

COMMISSIONER LOVETT: Was that a yes or a no? A very long-winded answer.

30 MR ALISANDRATOS: It's hard for it to be a yes or no answer, Commissioner Lovett. Without me refreshing my memory on the numerous - and there are numerous - bits of advice that we put out to our practitioners, it - I just couldn't give a simple answer to a complex question such as that.

COMMISSIONER LOVETT: I'll come back to that, thank you.

35 MS McLEOD: When we do come back to it - yes, Commissioner Bell.

COMMISSIONER BELL: Please, you first, Counsel.

40 MS McLEOD: When we do come back to it, would you agree with me that those fundamental rights should be front and centre in the minds of those operating on behalf of the State to support and serve the child's best interests?

MR ALISANDRATOS: Yes.

45 COMMISSIONER BELL: You've been taken to the appalling level of child removal of Aboriginal children in this State and conceded how bad that is and the Premier used the word "shameful" on behalf of the government to describe that situation. Does that simple fact itself not recommend that you've got a real problem here with respect for human rights and the right to development?

50

MR ALISANDRATOS: What I'd say, Commissioner Bell, is this is a complex issue, and - and it is an area - there are - there are lots of drivers, significant drivers, to - to the overrepresentation of children in our care system, or right across the child protection system. And, certainly, our approach, our guidance, our frameworks, risk assessment  
5 frameworks certainly will be one element that contributes to that. But it is one of many.

COMMISSIONER BELL: I'm not suggesting that rights disrespect -

MR ALISANDRATOS: Yes.  
10

COMMISSIONER BELL: - or lack of awareness of rights is the driver.

MR ALISANDRATOS: No.

COMMISSIONER BELL: Or the only driver.  
15

MR ALISANDRATOS: It is one -

COMMISSIONER BELL: But I take your point that there are many drivers, some of them economic, some of them system-wide, some of them individual.  
20

MR ALISANDRATOS: Yes.

COMMISSIONER BELL: But what I'm suggesting to you is that the rate of child removal is so high that it's likely that rights disrespect is a consideration.  
25

MR ALISANDRATOS: Yes, that - I would definitely concede that it is an area that - that would require some further examination.

COMMISSIONER BELL: Okay. Now, I want to know whether there - remembering that the decision to remove a child is taken by a person with specific statutory responsibility which is exercised towards a child in a particular cultural setting.  
30

MR ALISANDRATOS: Yes.  
35

COMMISSIONER BELL: And that these decisions are recorded in files and must be justified administratively.

MR ALISANDRATOS: Yes.  
40

COMMISSIONER BELL: I think all that I have said is correct, is it not?

MR ALISANDRATOS: Yes, and with the addition that a service such as ACSASS or Lakidjeka provides culturally-attuned advice to that determination.  
45

COMMISSIONER BELL: Yes, I understand. But focusing on the fact that this is an administrative decision which is taken by an individual which is individually recorded, has the Department ever audited the exercise of the removal power with respect to Aboriginal children to see whether rights compliance is a serious issue?  
50

MR ALISANDRATOS: I might just step back a little bit. Your characterisation of one individual taking the action -

COMMISSIONER BELL: Yes.

5

MR ALISANDRATOS: - is probably not accurate, given the other checks and balances that are built into the decision-making frame -

COMMISSIONER BELL: I understand. You're suggesting that there's a team and a hierarchy, and oversight and so on.

10

MR ALISANDRATOS: Indeed.

COMMISSIONER BELL: I would accept that. It doesn't change my point and my question. My question is: have you conducted or has the Department conducted an audit or other examination -

15

MR ALISANDRATOS: Yes, there are -

COMMISSIONER BELL: - so as to ensure that there is not rights disrespect of the kind which Counsel is referring to.

20

MR ALISANDRATOS: There are - from time to time, there are audits undertaken to understand the threshold of decision-making that is being made and whether it incorporates all the considerations that need to be incorporated, and it is something that we do, and particularly given the emphasis and the nature of the overrepresentation for First Peoples children.

25

COMMISSIONER BELL: Is the continuous and continuing rate of overrepresentation suggest that your systems may be failing in this regard?

30

MR ALISANDRATOS: Possibly. Which is why the provisions of the Statement of Recognition Bill which opens up the capacity for Aboriginal Community Controlled Organisations to take on the responsibility for investigating child protection matters will give us some insights about the differences in approaches between the services, and, obviously, that is an area of reform that we are very keen to pursue.

35

COMMISSIONER BELL: Thank you.

MS McLEOD: Are you talking about internal audits or external?

40

MR ALISANDRATOS: There are internal audits that I was referring to.

MS McLEOD: Yes.

45

MR ALISANDRATOS: But there are audits and inquiries that the Commission for Children and Young People often undertake as well.

MS McLEOD: Yes. And so I just want to step back a moment. Shouldn't the fact of overrepresentation of First Nations children in the child protection system of itself trigger an inquiry and an ongoing inquiry about the observation of rights?

5 MR ALISANDRATOS: It is - it is why we undertake periodically those audits to determine the veracity and appropriateness of those decision-making processes through our risk assessment.

10 MS McLEOD: And is that process of periodic review delegated to the Commission or is that conducted internally?

MR ALISANDRATOS: No, it's conducted internally.

15 MS McLEOD: Who conducts that inquiry within the organisation?

MR ALISANDRATOS: It is undertaken through our Central Community Operations and Practice Leadership division.

20 MS McLEOD: And you can probably - you know where I'm going, but I will check overnight, if you would as well, to see whether you last conducted -

MR ALISANDRATOS: Sure.

25 MS McLEOD: - an inquiry or audit check of observance of these fundamental rights.

MR ALISANDRATOS: Sure.

30 MS McLEOD: Thank you. Can we come back to section 10, subsection (3) on page 40. We will take down your statement for the moment so we can bring up these sections as we go along. Subsection (3), just belting through these quickly:

*"In addition to subsections (1) and (2), in determining what decision to make or action to take in the best interests of the child, consideration must..."*

35 So this is mandatory:

*"...be given to the following where they are relevant to the decision or action."*

40 So the first - this is not a hierarchy, is it? These are all equally weighted; am I correct?

MR ALISANDRATOS: Yes.

MS McLEOD: The first is:

45 *"The need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and ensure that intervention into that relationship is limited to that necessary..."*

50 So it's proportionate:

*"...to secure the safety and wellbeing of the child."*

So just pausing there, from the Departments point of view, is the client the child, the family or both?

5

MR ALISANDRATOS: It's the child within the context of their family.

MS McLEOD: Under (b): the need to strengthen preserve and promote positive relationships between the child and the family, if I'm summarising.

10

(c) the need to protect and promote culture and spiritual identity and development by wherever possible maintaining and building their connections to their Aboriginal family and community.

15 (d) the child's views and wishes if they can be reasonably ascertained...

Just pausing here on (d), could we just take down the right-hand side of the screen, Mr Alisandratos' statement, and focus just on the Act for a moment, which is on the left. So pausing here in terms of the child's views and wishes, there's no legislative ge limit on this aspect, is there?

20

MR ALISANDRATOS: Not that I'm aware of.

MS McLEOD: Has a practice developed of not asking children of a particular age or of paying lesser weight to their views?

25

MR ALISANDRATOS: Usually the practice is from 10 years of age and above.

MS McLEOD: And where has that come from? Is that just a reference to criminal responsibility or -

30

MR ALISANDRATOS: No, it's a practice position.

MS McLEOD: Is that practice underpinned by any research or recent consideration as to whether that's appropriate?

35

MR ALISANDRATOS: I'd have to go back and have a look, Ms McLeod.

MS McLEOD: I assume that for most children, if not all children under the age of 10 and potentially older, their preference would be, in nearly all cases, to stay with their family members. Does that reflect your understanding of the reports of children's views and their wishes?

40

MR ALISANDRATOS: Not always.

45

MS McLEOD: So not always. Sometimes children wish to be with extended family, if possible? Or elsewhere?

MR ALISANDRATOS: It depends on the circumstances.

50

MS McLEOD: I don't want you to go to specific cases, of course. Is it true that in most cases children wish to stay with family or extended family?

MR ALISANDRATOS: Yes.

5

COMMISSIONER BELL: Can I just make clear that what you're saying is that the practice is not to ask children under the age of 10 for their view and preference?

MR ALISANDRATOS: Yes. Yes, and it goes to the developmental stage of the child and their capacity to be able to work through in somewhat an objective way, given the circumstances that they might be encountering within their family environment.

COMMISSIONER BELL: Does the Department have alternative means of obtaining the view and preference of a sub-10-year-old such as through a specialist psychologist or other person skilled with measuring the view and preference of young people?

MR ALISANDRATOS: So practitioners would definitely engage with children and use developmentally appropriate communication methods to understand their experience of the child within the context of their family and ascertain, as far as possible, their wishes, fears, concerns.

MS McLEOD: So I take it the answer to Commissioner Bell's question is no? Is that correct? No, there's no reference to psychological reporting, expert advice on that question?

25

MR ALISANDRATOS: Again, it really - so, yes - no - sorry. No. However, there are times when we engage the expertise of professionals to assist us to get that sort of information, in particular instances.

MS McLEOD: Can you give us some examples of when you might do that?

MR ALISANDRATOS: Where there has been significant trauma experienced by a child or significant allegations of either physical, sexual abuse or have been subject to significant family violence presentations, and where the behaviour of the child - behaviour that the child might be exhibiting suggests some issues that need to be understood better, we might definitely engage in some developmental expertise, a psychologist, that type of capability.

MS McLEOD: And I take it that's not only to ascertain the child's views but to work out what's the best program for support for the child?

MR ALISANDRATOS: Correct.

MS McLEOD: So in terms of Commissioner Bell's question, does the Department routinely, for children under 10, not ask them what their wishes are?

MR ALISANDRATOS: No, I think - I think practitioners engage with children to try and understand their wishes.

MS McLEOD: I think that just contradicts, if I may say so, what you said before.

50

MR ALISANDRATOS: Yes it possible does.

5 MS McLEOD: So let's go back a step. The Act mandates that the child's views and wishes, if they can be reasonably ascertained -

MR ALISANDRATOS: Yes.

10 MS McLEOD: - to be taken into account and given such weight as appropriate in the circumstances.

MR ALISANDRATOS: Yes.

15 MS McLEOD: I'm trying to work out how that works in practice.

MR ALISANDRATOS: Yes.

20 MS McLEOD: And I understood your earlier evidence was for children under 10, effectively, that is not an inquiry that is made.

MR ALISANDRATOS: Yes, so I might have incorrectly assumed for the purpose of formal instructions within the context of court as opposed to in the context of understanding the child's experience and wishes.

25 MS McLEOD: So leave court out of it for the moment because a magistrate always has power to appoint an independent advocate if needs be.

MR ALISANDRATOS: Yes.

30 MS McLEOD: For the most part, assuming there's no independent advocate involved at the stage of a court order, a child protection practitioner is forming a view as to whether a decision should be made to remove a child from their family.

MR ALISANDRATOS: Yes.

35 MS McLEOD: Is it your evidence that the child's views, if they can be reasonably ascertained -

MR ALISANDRATOS: Be sought, yes.

40 MS McLEOD: - are not sought or not taken into account?

MR ALISANDRATOS: No, they are sought and they are taken into account.

45 MS McLEOD: And how is that done if the child is not asked when they are under the age of 10?

50 MR ALISANDRATOS: No, the practitioner would engage with the child in the course of undertaking an assessment and investigation, and we would use developmentally appropriate engagement methods to understand the circumstances and wishes of the child.

MS McLEOD: So when we look at the raft of material that guides the protection practitioners, we would expect to find specialised material, children under 10.

5 MR ALISANDRATOS: Yes.

MS McLEOD: Look here, follow these steps.

MR ALISANDRATOS: Yes.

10

MS McLEOD: Thank you.

MR ALISANDRATOS: Apologies about that.

15 MS McLEOD: No, no, that's okay. Subsection (e):

*"The effects of cumulative patterns of harm on a child's safety."*

I just want to pause there. Harm is discussed in section 162 of the Act; right?

20

MR ALISANDRATOS: Yes.

MS McLEOD: And how is the effect of cumulative patterns of harm assessed in individual cases, is my broad question? Is there consideration of harmful effects, for example, of removal itself?

25

MR ALISANDRATOS: It's consideration of history of allegations, concerns, interventions. So it's looking back to understand have we been involved previously? Have there been previous concerns? Have there been previous reports, previous investigations? Have there been previous harms? And what's the cumulative impact of those in light of the current presentation.

30

MS McLEOD: So a practitioner is asked to make a value judgment based on their experience and their training of the effect of that cumulative harm; is that correct?

35

MR ALISANDRATOS: Practitioners are asked to consider history, pattern, as part of their risk assessment considerations -

MS McLEOD: Yes.

40

MR ALISANDRATOS: - in the presentation of a current investigation.

MS McLEOD: So two aspects to this. The first I want to just focus on is this accumulation of harm.

45

MR ALISANDRATOS: Yes.

MS McLEOD: Yoorrook has heard evidence that the accumulation of harm can involve the accumulation of different factors; for example, an initial report of serious concern - for example violence, family violence and so on.

50



MR ALISANDRATOS: Yes.

5 MS McLEOD: Then the accumulation of minor factors which might indicate neglect according to the practitioner, such as an unmown lawn, laundry on the back of the chair; things like that?

MR ALISANDRATOS: Yes.

10 MS McLEOD: How, in practice, does the practitioner add those things up to get to a level of satisfaction that the best interests of the child are removal if you are accumulating things that are not like-for-like?

15 MR ALISANDRATOS: Yeah, so that's a process of weighting that is given as part of the risk assessment framework that has been developed - the more recent contemporary child protection assessment framework, SAFER, that has been implemented since 2021.

20 MS McLEOD: We will come to SAFER in a moment but your indication is that we look and we see a weighting. So that a more serious, say, potentially criminal event that threatens the physical wellbeing of the child might be weighted as having a potentially catastrophic outcome.

MR ALISANDRATOS: Yes. Correct.

25 MS McLEOD: Using a risk assessment matrix.

MR ALISANDRATOS: Yes.

30 MS McLEOD: Whereas a lower order event such as dishes in the sink or unmown lawn -

MR ALISANDRATOS: Absolutely.

35 MS McLEOD: Nevertheless, we are seeing in child protection reports taken to the court the accumulation of these factors that are not like for like.

MR ALISANDRATOS: Only - no, that's right and only as they pertain to the current risk assessment that is being presented to the court.

40 MS McLEOD: So you would accept, I take it, that the child protection practitioner has to form a judgment about how significant those factors are. Let's call them -

MR ALISANDRATOS: Yes.

45 MS McLEOD: - signs of neglect, at their worst, which might be relatively minor, might occur to any of us in terms of the laundry and the dishes, but that they have to assess the importance of those as an ongoing concern from the original event, the original report or notification.

MR ALISANDRATOS: Yes, they have to give consideration to those previous factors and risk issues as part of determining what the cumulative impact, particularly if there are similar patterns of concern that are being reported.

5 MS McLEOD: Okay. So we find all that in SAFER.

MR ALISANDRATOS: That's the –

MS McLEOD: - and the child protection manual.

10

MR ALISANDRATOS: Yes.

MS McLEOD: The second aspect of this is to ask - Yoorrook has heard considerable evidence about the pipeline from child protection to youth justice and adult justice, that there is a pathway, a tragic pathway where children placed in child protection are likely to end up before the justice system or in the various health services as young people and adults. You would accept that, I presume.

15

MR ALISANDRATOS: Yes.

20

MS McLEOD: How are those predictable longitudinal impacts of child protection removal - forceable removal from families and placement in State care - how are those impacts factored into the risk assessment about the best interests of the child?

MR ALISANDRATOS: Probably by context, I would say that the greatest majority of children are placed with family when they're removed from parental responsibility. Over 75 per cent of children are placed with family. A very small percentage of children are placed in the most acute end of our system, which is residential care, and we have about 100 young First Peoples children placed in residential care settings.

30

By the very nature of their developmental phase and the complex trauma histories that they have, they are the most complex young people in our care system and require the most intensive support. It is here that we face the greatest challenge about, and interrelationship between the child protection system and the Criminal Justice system. To give you an indication, Ms McLeod, when we did a linked data analysis to really understand the number of children that are essentially crossing over both systems, there are about 31 children who are currently both dual clients of the Youth Justice system and the child protection system.

35

MS McLEOD: Are you able, off the top of your head, to give us a breakdown of their ages?

40

MR ALISANDRATOS: Not off the top of my head, but we could get that for you.

MS McLEOD: Thank you.

45

COMMISSIONER BELL: 31 out of 100 you are referring to?

MR ALISANDRATOS: 31 children out of the 2600 children that are in our care service.

50

COMMISSIONER LOVETT: 2600 Aboriginal children?

MR ALISANDRATOS: Aboriginal children.

5 MS McLEOD: These decisions - sorry.

MR ALISANDRATOS: No, no. It - again, notwithstanding we would want to minimise absolutely how much crossover there is between the child protection and the Criminal Justice system and we need to do everything possible to bring that number even further  
10 down. But, again, Victoria has historically had very low numbers of children and young people in the Criminal Justice system relative to other jurisdictions, not to say that we are proud of any children making their way into the Criminal Justice system and we need to be doing much more to prevent that as much as possible.

15 COMMISSIONER WALTER: But there is a correlation, isn't there, between your likelihood of being engaged in the Criminal Justice system and being in residential care?

MR ALISANDRATOS: Yes.

20 COMMISSIONER WALTER: It's not a sort of probability, the - just one of the two thousand, it's closely linked.

MR ALISANDRATOS: That's right, but the very nature, Commissioner Walter, of the complexity of need of those young people - because they are, by their very nature, the most  
25 complex young people, given the significant trauma history and models of care that perhaps historically have not been fit for purpose, and no doubt we will get to a conversation about the residential care system more broadly. But, yes, by their very nature you can see how there is a close interrelationship between those factors.

30 MS McLEOD: Do you accept that judgments about harm, including cumulative harm, may be infected by the racism and bias that we were talking about this morning?

MR ALISANDRATOS: Yes, I think there is always a possibility for that.

35 MS McLEOD: And what steps are taken by the Department to encourage child protection practitioners to be aware of those biases and to eliminate them?

MR ALISANDRATOS: So a number of steps, I would say, Ms McLeod. So anything from, you know, training that we have for all our practitioners around cultural safety and  
40 cultural capability training. Our supervisory structures within the program, and it goes to the conversation I was having earlier with Commissioner Bell that practitioners on their own don't make those decisions, those difficult decisions. There is a hierarchy of endorsement for those decisions, and in doing so, and through the process of supervision, both at the individual level and at the collective level, there are opportunities to guide  
45 practitioners when those sorts of biases are identified. And, of course, at the extreme end, when behaviour that has been identified isn't changing, then we actively take action in relation to those employees.

MS McLEOD: I want to move on to the question of continuity and permanency.

50

COMMISSIONER BELL: Can I ask a follow-up question on this very point. The Premier has conceded and the State submissions have conceded and I think you've conceded that the current child care system is itself a product of Colonisation.

5 MR ALISANDRATOS: Yes.

COMMISSIONER BELL: Colonisation as a structure which continues is built upon racial discrimination.

10 MR ALISANDRATOS: Yes.

COMMISSIONER BELL: Doesn't the fact that we have such shamefully high levels of child removal from Aboriginal families suggest that there is a continuing and pressing problem of racism in the system that your present system simply failed to prevent?

15

MR ALISANDRATOS: I think we definitely have to contemplate that that is one driver, one significant driver, and that racism exists right across our system, and I mean the broader system, because children's pathway into child protection is a product of judgments that have been made by community members, by other professionals, and then child protection, being at the statutory tertiary end, is the recipient of those concerns. It's not that child protection goes out to bring children in.

20

COMMISSIONER BELL: Yes, I understand. You're referring to the possible racist influences behind reporting.

25

MR ALISANDRATOS: We have to contemplate that it is right across the spectrum and particularly when you consider that only 40 per cent of reports to child protection are actioned for investigation, the great majority of children don't meet the threshold. So you have to wonder what's driving that.

30

COMMISSIONER BELL: Yes. Thank you.

MS McLEOD: Would the Commission like to take a short - very short break, just a five minute break or would you prefer to keep going?

35

COMMISSIONER BELL: Maybe a short break, thank you.

CHAIR: Five minutes.

40 MS McLEOD: Five minutes, thank you.

**<ADJOURNED 3:17 P.M.**

**<RESUMED 3:25 P.M.**

45

MS McLEOD: Over the break, you had an opportunity to discuss with some matters with your colleagues?

50 MR ALISANDRATOS: Only in relation to the data sources that we've provided the Commission.

MS McLEOD: It's not an ambush question.

MR ALISANDRATOS: No, no, no.

5

MS McLEOD: I just wanted to ask you to give you an opportunity to clarify anything, if you wished, in relation to the answers that you gave before the break.

MR ALISANDRATOS: No, no, I'll come back on the basis that we've agreed.

10

MS McLEOD: Okay. Could we bring up, please, on page 41 of the Act, subsection (f):

*"The desirability of continuity and permanency in the child's care."*

15 Do you have subsection (f) there?

MR ALISANDRATOS: I do.

20 MS McLEOD: Now, as I understand it - correct me if I am wrong - this subsection was introduced after the review of the system in around 2012. It was introduced in around 2012 following the review of the system by an inquiry including former Supreme Court Justice Philip Cummins. And is it the view of the Department that continuity and permanency are somehow dominant considerations?

25 MR ALISANDRATOS: They are important considerations in relation to continuity and permanency of the child's care within the context of the child's family or in an alternative care setting.

MS McLEOD: The notion of stability -

30

MR ALISANDRATOS: Yes.

35 MS McLEOD: - has been a consideration of the Department over the years because of what is thought to be underpinning research around the attachment of children to carers. Is that fair?

40 MR ALISANDRATOS: Well, the concept of stability goes beyond just stability and care. It goes into stability within family, parental care, environment as well. The provisions are about how do we achieve stability for children, either within the context of their own biological family or, if that's not possible, in the context of an alternative family.

45 MS McLEOD: I'm asking you a slightly different question, which is: are those concepts, continuity and permanency of care, underpinned by the Department's understanding of research around attachment of children to carers?

MR ALISANDRATOS: Less about attachment to carers, more about the stability of the care environment which, by its very nature, obviously, there's a relationship with a carer in that.

50 MS McLEOD: So we have heard examples -

MR ALISANDRATOS: Yes.

MS McLEOD: - of children having multiple placements over a period of time.

5

MR ALISANDRATOS: Yes.

MS McLEOD: Obviously undesirable for children and carers trying to offer care to those children.

10

MR ALISANDRATOS: Yes, that's right.

MS McLEOD: This provision, subsection (f), talks of the desirability of continuity and permanency in the child's care, and I'm interested to know whether that is a consideration that assumes some disproportionate importance for the child protection practitioner when they are assessing the best interests of the child. So that's my headnote question, okay? And it's important because of the statistics in terms of family reunion after 12 and 24 months in care. So you understand?

15

20 MR ALISANDRATOS: Yes, I do.

MS McLEOD: Is it fair to say that continuity and permanency of care makes it easier for a child protection practitioner in terms of their workload, expenditure of funds, and so on?

25 MR ALISANDRATOS: No, I wouldn't - I wouldn't say it's easier.

MS McLEOD: It takes somebody, I suggest - a child - from needing the urgent attention of services that might be directed prior to an interim accommodation order and through the process of court supervision into a process where there's less need to actually attend to that child's needs by case review.

30

MR ALISANDRATOS: Sorry, I don't follow that.

MS McLEOD: The principal focus of a child practitioner - a child protection practitioner will be around the time that the child has the greatest need of removal and provision of services; is that fair?

35

MR ALISANDRATOS: I think practitioners carry load, if you like - workload - across all dimensions of child protection work in all phases. And what I mean by that is the pre-eminent focus at the start of an investigation or where we've made a decision to remove the child is to ensure that we do everything possible to reunify that child.

40

Equally, where we place children in alternative care, there is a focus about ensure that we've got the right care option, that the carers are supported adequately to provide the care, that the attention to any needs of the children are addressed. And all of those factors are continually being looked at by our practitioners, be it within the Department or if it is contracted to an alternative organisation.

45

MS McLEOD: Just in terms of the pathway for a child going through - I mean, I understand there's different pathways for different children.

50

MR ALISANDRATOS: Yes.

5 MS McLEOD: but a child going into out-of-home care, there's an initial focus and working up of a case plan for that child.

MR ALISANDRATOS: Yes.

10 MS McLEOD: which may involve a decision of removal from parental care.

MR ALISANDRATOS: Yeah, any child whose reported concerns have been substantiated requires a case plan, regardless of whether child protection have made a decision to remove at that point in time or the child remains in parental care.

15 MS McLEOD: So there's a period of focus while that case plan is being worked up.

MR ALISANDRATOS: Yes.

20 MS McLEOD: Consideration about what services might support a family.

MR ALISANDRATOS: Yes.

25 MS McLEOD: What's available, what expenditure is available to support that family with professional care.

MR ALISANDRATOS: Yes.

30 MS McLEOD: Then there's is there a typical timeline for a child that is then placed in out-of-home care for review of their situation at, say, three months, six months, 12 months, 24 months?

MR ALISANDRATOS: Yes, there are constant points of review, formal reviews and then informal review. Case plans are reviewed annually.

35 MS McLEOD: Right, annually.

MR ALISANDRATOS: Yes.

40 MS McLEOD: So if a child has its first review, after the initial order of placement in out-of-home care, 12 months after that time? Is that what we're talking about?

MR ALISANDRATOS: Well, the case plan would be developed at the point of substantiation.

45 MS McLEOD: Yes.

MR ALISANDRATOS: And then there will be, obviously, services that will be implemented to support the preservation of family, because that's the primary focus.

50 MS McLEOD: Yes.

MR ALISANDRATOS: If the pathway is that we removed a child and placed in an alternative care setting, then, again, we would be focused on working to reunify that child to the parental care and putting in services supports to assist the family.

5

MS McLEOD: Is there a point in time at which the focus shifts from reunification with the family to support of the child in its current situation if that's an out-of-home care?

MR ALISANDRATOS: Yes. If the determination is that reunification cannot be achieved and there has been a period of care of 24 months and or beyond, then that's where the shift comes into play.

MS McLEOD: So we have a decision at some point that family reunion cannot be achieved, a period of 24 months passes.

15

MR ALISANDRATOS: Yes.

MS McLEOD: At any time during that 24 months, is there a revisiting of that question as to whether family reunification is appropriate?

20

MR ALISANDRATOS: Yes, constantly. That is an open question when a child is on a family reunification order or care to Secretary order, and we are working actively to reunify when we have made a decision to remove the child and place in alternative care.

MS McLEOD: Okay. If that's a process of continuous review, is it a matter of opening the file and saying it seems to be going okay, leave it? Or is there an active involvement of the child protection practitioner at regular points to say, "I must try and exit this child."

MR ALISANDRATOS: It is active, absolutely. Practitioners are - particularly in that phase of work are doing everything possible to reunify. So you talked about cost implications, you talked about all of those matters. The financial cost and the emotional, psychological cost of continuing to keep children separating from their families is greater than the cost of intensive support to try and put children - reunify children back within their families, which is the aspiration always when we've made a decision to remove children.

35

MS McLEOD: And if you factor into that the cost of having a child under a dual order in the Criminal Justice system, those costs escalate, don't they?

MR ALISANDRATOS: Sure. Sure. Which is - this is not a cost-driven exercise. I want to be really clear about this. This is driven by what's in the best interest of the child and how we can effectively and safely reunify children with their parents. The fundamental provisions of the Act compel all of us to work to ensure that the family unit is preserved as much as possible. We talked about that earlier on. That is fundamentally what we strive to do and we only make those decisions to remove children in those exceptional circumstances where the risk is considered to be too great and it is not ameliorated by efforts to effectively engage with supports that reduce those risks.

45

MS McLEOD: I understand that what you are saying is how it should be.

50



MR ALISANDRATOS: Yes.

MS McLEOD: Are you aware that there's departure from that principle in practice?

5 MR ALISANDRATOS: You would have to explain that to me.

MS McLEOD: What you have set out is the ideal that -

10 MR ALISANDRATOS: It's the policy.

MS McLEOD: The policy position of the Department?

MR ALISANDRATOS: Yes.

15 MS McLEOD: That there should be a continuous review with the goal of family reunification, wherever possible -

MR ALISANDRATOS: Yes.

20 MS McLEOD: throughout the entire period of a child's time in out-of-home care.

MR ALISANDRATOS: Yes.

MS McLEOD: Does that, in fact, occur in practice?

25 MR ALISANDRATOS: I believe largely yes. I'm open to accepting that there would be some instances where, for a whole range of reasons, particularly workload-related reasons, we might not meet the formal review mechanisms. But the process of continually  
30 engaging with families, of understanding their engagement with a range of support services that have been put in place to support them, is part of the active assessment of risk, and capacity for those parents to resume parental responsibility.

COMMISSIONER WALTER: Of those children that are removed, what proportion of First Nations children are reunited in 12 months, say?

35

MR ALISANDRATOS: I can get that.

COMMISSIONER WALTER: Is it huge? 80, 90 per cent?

40 MR ALISANDRATOS: Yeah, the majority of children end up being reunified with parents. We have a high entry to care rate in Victoria compared to other jurisdictions. We also have a high exit of care rate, and that suggests that we are working to stabilise families and to make it safe for families to resume parental responsibility. But there are - you're  
45 right, there are, Commissioner Walter, children who are not able to be reunified because of the significant level of risk that continues to be part of their family environment and where it's not in their interests.

COMMISSIONER WALTER: Yes, I would like to see the data on that.

50 MR ALISANDRATOS: Sure.

COMMISSIONER HUNTER: What would be the rate of reunification for a section 18?

5 MR ALISANDRATOS: So there is more - I think I made reference to this earlier on,  
 Commissioner Hunter, that when you compare section 18 ACCO providers, the rate of  
 reunification is probably - is higher than the rate of reunification in child protection. It's  
 probably - I haven't got the figure in front of me, but somewhere within the vicinity of six  
 to eight per cent higher. So there's definitely an ability to achieve reunification in greater  
 10 numbers when we have a culturally-attuned service delivery and support service provided  
 by an Aboriginal Community Controlled Organisation. Having said that - and I think I  
 cautioned earlier on too, conversely, when you look at the breakdown of reunifications,  
 there's also a higher breakdown of reunifications coming back in -

15 COMMISSIONER WALTER: Through section 18?

MR ALISANDRATOS: through the ACCO providers. Again, that, for me, goes to the  
 complexity of presentation, the complexity of need that sits within some of those families,  
 and we don't always get it right the first time. And this is the tension that plays out about  
 stability and permanency. How many times do you attempt reunification? One of the key  
 20 drivers of the 2015-16 amendments where it was taking five years to resolve children's  
 permanency and stability, and what children and young people did and continue to tell us  
 is, "Why did you put us through multiple periods of reunification, failed reunification?"  
 And they tell us that now as young adults when we seek their voice to try and understand  
 their experience, and one of their clear messages is, "You should have made the decision  
 25 earlier. You should not -"

COMMISSIONER WALTER: Do you have documentation on that?

30 MR ALISANDRATOS: Yes, absolutely, there is extensive information provided by  
 young people. We have got a Ministerial Youth Advisory Group. We have got a number  
 of other mechanisms where some of those sentiments are expressed by young people. So  
 this is -

35 COMMISSIONER LOVETT: Young Aboriginal people?

MR ALISANDRATOS: Yes, indeed. So this is - and beyond that, Commissioner Lovett.

COMMISSIONER LOVETT: We are just focused on Aboriginal people.

40 MR ALISANDRATOS: Yes, but this is the challenge and complexity of families who  
 have great needs, disproportionate needs, because of the history, because of the impact of  
 that significant period of Colonisation and the enduring trauma. And I think, for this  
 Commission, it will be so important to get underneath and understand what's driving that.

45 Clearly, bias racism is a very, very important driver in the way that we think about, in the  
 way that we conceptualise and the way we undertake our assessments, and we have got  
 more work to do in that. But I would suggest that there is more that needs to be  
 understood about the impact and the severity of need that exists in some of these children  
 and families.

50

And unless we grapple with that - and I know it's not easy, but unless we genuinely grapple with that, then it's going to be difficult to reset a system that is going to be attentive to those needs.

5 COMMISSIONER WALTER: Is the Department working on that? Because that would seem to be the Department's job rather than ours.

MR ALISANDRATOS: The Department continues to work on those elements. But we have a unique opportunity, I think, in light of where we are today, in light of the strong  
10 focus on an agenda of genuine progression to Aboriginal self-determination through Treaty, through truth in justice, to really grapple with those difficult challenges that we are confronted with on a day-to-day basis.

And I can tell you, as a practitioner, I never removed a child without thinking very, very  
15 critically about what I was doing for this family, for this child. It is a difficult - it is the most difficult decision that practitioners have to make. It is not made lightly. And if it is made lightly, then those people are in the wrong jobs and we need to get them out. So I urge you to really think critically about what are some of the critical drivers that will help inform what a future system will look like.

20 And when you think about those drivers, those issues of family violence are significant; the issues of substance abuse - and I don't say that to be critical of our First Peoples. I say that because this is what we've caused. This is the harm that we have caused. And we've got to grapple with that complexity. And, Commissioner Hunter, you will know from your work  
25 the challenge that is associated with the complexity of need and how we attend to that for individual families and children.

COMMISSIONER HUNTER: We've known it for a long time.

30 MR ALISANDRATOS: Absolutely.

COMMISSIONER HUNTER: It's not getting any better and the onus lies on the State to get it right.

35 MR ALISANDRATOS: Absolutely. Absolutely.

COMMISSIONER HUNTER: It's continuing - it's Colonisation today.

40 MR ALISANDRATOS: Yep.

COMMISSIONER HUNTER: And we are not coming up with any solutions. We evaluate and we look at what's going wrong and we do all this, and - but no one is being held accountable and children are still being removed at just ridiculous rates.

45 MR ALISANDRATOS: Agreed.

COMMISSIONER HUNTER: And we know our families struggle because of Colonisation.

50 MR ALISANDRATOS: Agreed.

COMMISSIONER HUNTER: So where are those programs at the early end and where is that funding to make sure this stops? Because these are our families. Every single day that we have to face.

5

MR ALISANDRATOS: Absolutely. And I hear you, and I feel your genuine pain around this, as I know I and many others do in the Department, and we know we've got to do more. We know we have got to do better. I'm optimistic that some of the programs that we are now seeing and have put in place have the opportunity to shift the dial. But we need scale. We need more capacity. And we need a workforce that will deliver those programs. And they're all challenges. There's nothing easy about that.

10

COMMISSIONER HUNTER: We have heard this before again and again. And this is the second Royal Commission that's looking at kids in care, particularly for First Nations. It really becomes disheartening, and it really just wrecks - and you've seen it. You have seen how it destroys our families. And these are our brothers and sisters.

15

MR ALISANDRATOS: I know. I know that.

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COMMISSIONER HUNTER: And we hear again and again - and I don't want to hear commitment any more, because that commitment, that word commitment is in everything I look at.

MR ALISANDRATOS: I know.

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COMMISSIONER HUNTER: We need to do it differently.

MR ALISANDRATOS: We do. We do but - not but, and this is a unique opportunity that you have in terms of accumulating a vast amount of data, information, intelligence that people like myself, other colleagues that you will hear from, will provide you with and critically get an understanding about what's working, what's not working and how we shape a future system that is fully self-determined by those that know best how to shape that system.

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COMMISSIONER HUNTER: What is self-determination for the child protection system? What is that?

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MR ALISANDRATOS: I would say that will depend on the engagement of First Peoples and their direction on this. We've got a glimpse of it; right? Aboriginal Children in Aboriginal Care. Subject to the passing of the Statement of Recognition Bill, we have an opportunity to look at investigations being undertaken by Aboriginal Community Controlled Organisations. We have an array of evidenced and culturally developed diversion and prevention programs.

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COMMISSIONER HUNTER: But we also know that early end - we all know it, Argiri, that the early end - sorry, Mr Alisandratos, that the early end is where that's needed, and we want -

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MR ALISANDRATOS: Yes, agree.

COMMISSIONER HUNTER: - have to strengthen our families because, as everybody said at the start, this is a product of Colonisation.

MR ALISANDRATOS: Yes, agree.

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COMMISSIONER HUNTER: So if we are all really clear on that, then where is all these early intervention programs?

MR ALISANDRATOS: Yes. Yes. So we've got them.

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CHAIR: Well, they're hardly going to be early when we are still using Colonisation as a measure, really, and it goes to racism across the board.

MR ALISANDRATOS: Yes.

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CHAIR: It goes to education. All of these things are so connected.

MR ALISANDRATOS: They are.

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CHAIR: But thank you for your -

COMMISSIONER WALTER: What we're saying is that we don't have a knowledge problem.

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MR ALISANDRATOS: No.

COMMISSIONER WALTER: We have known about these things for many, many years, not just in Victoria but across all other jurisdictions. We seem to have an accountability and an action problem.

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MR ALISANDRATOS: Yes, that is one area of challenge. It's not the only area of challenge. But, yes.

COMMISSIONER LOVETT: It's not self-determination, in the sense it's - you are taking on, as has been mentioned before from other Commissioners, about Colonisation. This is not a system that we designed as a people.

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MR ALISANDRATOS: No.

COMMISSIONER LOVETT: So it's not self-determination, and implementing elements of self-determination elements - this is what you have been talking about today and it's in your statement. It's not self-determination.

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MR ALISANDRATOS: Yes. No, no, I agree.

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COMMISSIONER LOVETT: It's giving, you know, the current system some roles and responsibilities to our, you know, community to undertake.

MR ALISANDRATOS: Yes.

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COMMISSIONER LOVETT: I just want to be clear it's not self-determination.

MR ALISANDRATOS: No, I absolutely agree.

5 COMMISSIONER LOVETT: It goes to the point -

MR ALISANDRATOS: No, no, no. Absolutely agree. And that's why we have always said we are on a journey. We have got more voice from First Peoples in the design of those models, but it's framed within the existing structure and framework.

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COMMISSIONER LOVETT: It hasn't worked. The data is telling us -

MR ALISANDRATOS: Yes, it hasn't worked, yes, agree.

15 MS McLEOD: Just to come back to the data in your statement at paragraph 251, you note:

*"Of concern, there are appears to have been a deterioration in the timeliness of reunification for all children since 2016. The journey to permanency, reunification or permanent or long-term care continues to take longer for First Peoples children compared to non-First Peoples children."*

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Then you illustrate that with a table. And at paragraph 253, you say:

*"It's acknowledged there continues to be systemic barriers that impact reunification rates when children are placed in care. These barriers include various things, including the ability of parents and professionals who support family to access services they need."*

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MR ALISANDRATOS: Yes.

30 MS McLEOD:

*"Often services can't be provided immediately or at the time the parents are seeking support. Wait times can vary and impact the rate at some families can address protective concerns."*

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So can I just summarise what we've been talking about. This provision was introduced after a report by the Honourable Philip Cummins and others that reported about the drift in care or unacceptable delay -

40 MR ALISANDRATOS: Yes.

MS McLEOD: - of reunification of children with their families.

MR ALISANDRATOS: Yes.

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MS McLEOD: It was not First Nations focused, but certainly those principles are applicable to First Nations children.

MR ALISANDRATOS: Yes, they are.

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MS McLEOD: And they are worse for First Nations children than non-Aboriginal families.

MR ALISANDRATOS: They are.

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MS McLEOD: Rather than address the underlying causes of the delay - or you may have done this at the same time - the Department advised there should be a permanency objection in the Act based on understanding at the time about the large number of children in State care and their needs to have certainty or stability in their placements; correct?

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MR ALISANDRATOS: Yes.

MS McLEOD: Did it occur to the Department at the time or now that those processes risked the replication of the Colonial history of this State of forced removal policies - again, with good intentions, perhaps, for First Nations People of this State, but nevertheless the same result: that children were forcibly removed from their families in the name of protection with little hope of reunification.

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MR ALISANDRATOS: I would not agree with that characterisation.

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MS McLEOD: Would you like to respond to it?

MR ALISANDRATOS: Well, only because the policy settings between those two periods of time are completely different. The motivation underlying the policy setting of that Colonial environment is very different to now. It's not to say that the symptom, if you like, the impact continues to play out in a way that you've described.

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MS McLEOD: It's not the symptom, is it? It's the outcome in your data.

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MR ALISANDRATOS: The outcome, yes.

MS McLEOD: And you would understand why our First Peoples - forgive me the use of the word "our" on that occasion - Victoria's First Peoples, would view the system with mistrust -

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MR ALISANDRATOS: Yes.

MS McLEOD: - if that is what is occurring in terms of the failure to reunify them with their children.

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MR ALISANDRATOS: I would agree that there is a level of mistrust because of that, that backdrop. That significant backdrop.

MS McLEOD: Can I turn to subsection (h) of the Act, which is on page 41. I touched on unacceptable risk of harm. That's in subsection (g). Under (h):

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*"If the child is to be removed from the care of his or her parent, consideration is to be given first to the child being placed with an appropriate family member or other appropriate person significant to the child before any other placement option is considered."*

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Can I ask if the Department keeps any statistics on the successful application of that principle?

5 MR ALISANDRATOS: We do.

MS McLEOD: Not just for First Nations but generally?

10 MR ALISANDRATOS: Well, there is an explicit requirement of the Aboriginal Child Placement Principle for First Peoples.

MS McLEOD: Yes. I will come to that in a moment but do you keep them across the whole of the cohort?

15 MR ALISANDRATOS: We keep data on placement type for all children that are placed in alternative care.

MS McLEOD: The Department would no doubt recognise that that principle places an additional burden on extended family members?

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MR ALISANDRATOS: Yes.

MS McLEOD: And I will come back to the question of kinship care and the Department role in that. Do you accept in respect of First Peoples that those extended family members themselves, by reason of intergenerational trauma or other issues that they are coping with - health, including mental health, disability of family members and children placed in their care, impecuniosity and all those other challenges - placing the burden on those members extended family members, without appropriate financial and other support services creates a system that is destined to fail?

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MR ALISANDRATOS: Again, I wouldn't agree with your characterisation of it. I would agree that there's always additional impost placed on families who agree to undertake care of their grandchildren, nephews, nieces. I would agree that we have to ensure, as far as possible, that they are provided with the right level of support to be able to undertake those care-taking responsibilities.

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MS McLEOD: And whether it's short term or long-term, the chances are a placement with extended family to support parents who are in need at the time and unable to care for their children, will that result, in a general sense, in the best possible outcomes for children? As a generalisation.

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MR ALISANDRATOS: I think as a generalisation, there is strong evidence to suggest that placing children within their extended family network and their cultural network delivers better outcomes than placing them outside of their family network. But, again, there are children who, for a variety of reasons, do not have that capacity to be placed within family and would have to look at alternative options.

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MS McLEOD: Of course. Under (j) the consideration is:



*"The capacity of each parent or other adult relative or other potential caregiver to provide for the child's needs and any action taken by the parents to give effect to the goals set out in the case plan relating to the child."*

5 Now, you mentioned the case plan. That case plan and the goals set out in the case plan are within the discretion of the case worker; is that guided by their training and the guidance material policies?

10 MR ALISANDRATOS: Well, the process of developing a case plan is not a unilateral process undertaken by a child protection practitioner.

MS McLEOD: Yes.

15 MR ALISANDRATOS: It is a process of engaging with the family and the broader family network to develop a plan, and part of that engagement goes to the way that we use Aboriginal Family-Led Decision-Making processes to inform the development of a case plan that has the interests, the wishes of family members incorporated in that plan. The most effective way to develop a plan is to have people buying into it and agreeing that these are things that we need to attend to and this is how we're going to do it.

20 MS McLEOD: That comes back to the trust problem, doesn't it?

25 MR ALISANDRATOS: Absolutely. And that's why we have those additional programs such as Aboriginal Family Led Decision-Making that enables an Aboriginal convener to bring the families together, to mitigate some of that trust issue.

COMMISSIONER HUNTER: There's also a - there's two convenors; am I correct?

30 MR ALISANDRATOS: There is.

COMMISSIONER HUNTER: One is from the Department.

MR ALISANDRATOS: The Department.

35 COMMISSIONER HUNTER: And one is from - and so if the family have wishes that the Department don't consider in the best interests of the child -

MR ALISANDRATOS: Yes.

40 COMMISSIONER HUNTER: - they have the final say?

45 MR ALISANDRATOS: It depends on what the base line of risk is, is established and agreed on. Because there's always going to be a level of risk that we're trying to mitigate and ensure that we can - but within -

COMMISSIONER HUNTER: There is the Department there?

MR ALISANDRATOS: Yes, there is, absolutely. Yes, no, you're right.

50 COMMISSIONER HUNTER: So it's held by two.

MR ALISANDRATOS: Yes. No, no, that's right.

5 MS McLEOD: It is 4 o'clock and there is quite a way to go. Is the Commission happy to adjourn now and come back in the morning? I suspect we are going to need to ask -

CHAIR: I think so. It's a long day. I think, yes.

10 MS McLEOD: We are going to need to ask Mr Alisandratos to come back in the morning and probably stay the bulk of the day, which will mean we will have to adjust other witnesses. But if you are available to do that tomorrow?

MR ALISANDRATOS: Absolutely.

15 MS McLEOD: And overnight we can follow up, when the Commission has adjourned, with some of those issues, if you can give us an answer for those, yes.

CHAIR: We will adjourn, then. Thank you. Thank you, everybody. Thank you. 10  
20 o'clock in the morning, we will resume.

MS McLEOD: 10 o'clock.

COMMISSIONER LOVETT: Thank you.

25 CHAIR: Thank you, Counsel.

**<ADJOURNED 4:02 P.M.**