

Submission to the Yoorrook Justice Commission on the Inquiry into education, health and housing injustice affecting First Peoples in Victoria

“... I would like to be more connected with my culture. I don't know what that looks like though.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

“They [the department] disconnected me from my ancestry. It was culturally rich with my family.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2020)

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Acknowledgement of Country

The CREATE Foundation acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners of the lands, skies and waters where we live and work. We pay deep respect to Elders, knowledge holders and community leaders across all Aboriginal communities.

We acknowledge that Australia is culturally rich with the oldest living cultures on earth. And we acknowledge over 60,000 years of growing kids strong, connected to culture and Country.

About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.


We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Introduction

The CREATE Foundation welcomes the opportunity to provide feedback to the Yoorrook Justice Commission (Yoorrook) on the *Inquiry into education, health and housing injustice affecting First Peoples in Victoria*. Given our remit to elevate the voices of children and young people with a care experience, this submission focuses on what we have heard from young Aboriginal and Torres Strait Islander people with experience of the out-of-home care system in Victoria, in relation to their experiences of health, housing and education. CREATE sees the domains of education, housing and health as critical building blocks through which young people with a care experience can practise their identity and exercise their rights. Strong footing across each of these domains also enables positive experiences as young people leave care and transition into adulthood.

In Victoria there are 9,1247 children and young people in out-of-home care (Australian Institute of Health and Welfare [AIHW], 2023a). Of these, 2,595 (or 28%) children and young people identify as Aboriginal or Torres Strait Islander (AIHW, 2023a). Victoria has the second highest over-representation rate of Aboriginal children in care (17.3 in 2021-22) (SNAICC, 2023). Concerningly, the state also recorded the highest over-representation rate for continuous out-of-home care (more than two years), with Aboriginal and Torres Strait Islander children being 21.8 times more likely to be in continuous out-of-home care than non-Aboriginal children (SNAICC, 2023).

As an ally, CREATE endeavours to listen deeply to the voices of Aboriginal children, young people, families and communities, and the services that support them. In the spirit of self-determination, CREATE supports the Aboriginal community-controlled sector in calling for adequate and



proportionate resourcing of ACCOs to meet the needs of Aboriginal children, families and communities in culturally safe ways.

Considerable progress has been made by the Victorian Government to resource self-determined approaches, including through the landmark establishment of Yoorrook, the passing of the [Children and Health Legislation Amendment \(Statement of Recognition, Aboriginal Self-determination and Other Matters\) Bill 2023](#), and the tripartite agreement [Wunqurilwil Gapgapduir](#). However, the data continues to paint an alarming picture. More needs to be done to address the continued harms of colonisation, land dispossession, intergenerational trauma, systemic racism and child removal practices. More needs to be done to interrupt the over-representation of Aboriginal children in contact with child protection and care systems.

Through the course of our ongoing engagement with children and young people in care, we have heard what young Aboriginal and Torres Strait Islander people with a care experience have to say about education, health and housing. Our submission seeks to highlight the voices of Aboriginal and Torres Strait Islander children in care and how overlapping forms of disadvantage interact to create compounding experiences of injustice, including across the domains of education, health and housing.

CREATE has heard from young Aboriginal people in Victoria about their deep desire to connect to culture, Country and community:

“I was supposed to be connected with my past and culture. They cut me off from my background.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2020)

“They're my people, of course I want to know about it.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

In this context, major steps must be taken to enable and fully resource the Aboriginal community-controlled sector to respond to the needs of Aboriginal children, families and communities in culturally rich and self-determined ways.


Health and housing injustice for Aboriginal children and young people in contact with the out-of-home care system

In a recent consultation with children and young people with a care experience in Victoria on health and wellbeing, young people who identified as Aboriginal or Torres Strait Islander expressed a deep desire to be listened to and responded to in trauma informed ways, and to be able to exercise choice in navigating their wellbeing needs and life decisions:

“Listen to us about how we are feeling and how we want to change something or see something. Just listen and sit there.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

“Get educated about what we have gone through. And we can have outbursts sometimes. Instead of punishing us, we need help not punishment. We can't help growing up in a life that is hard. My carer doesn't understand what it's like to grow up with trauma. More education on how to handle outbursts and not punish us.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

“I want to know how the brain works, I want to know how to regulate my brain [because it] would help me in knowing how to deal with my wellbeing. I want the people around me to be more responsive to what I want.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)



“Caseworkers can't do everything but I feel unheard and like they're not really helping. They tend to say what they think and whatever I have as a worry, they put behind. They don't keep me in the loop so I don't know what's going on, and I should know.”

(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

In the context of the care system, young people spoke of a fear that raising concerns about their mental health would be relayed to caseworkers and negatively impact on their experiences in the care system:

“That you're talking to someone who has an opportunity to tell someone else, just say you're talking about something private and that young person may not want you to tell anyone. The young person may be scared to say anything because a social worker/caseworker will go behind your back and tell your mum or other workers.”

(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

“[In relation to talking about mental health] I am concerned about keeping things private, that it may be shared.”

(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

A self-determined health system

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) (2024a) has stressed the importance of moving to a self-determined health system as a solution to addressing systemic barriers and to improve health and wellbeing outcomes for Aboriginal people and communities. VACCHO CEO Jill Gallagher AO emphasised that such an approach:

“champions 65,000-plus years of Aboriginal ways of knowing, being, and doing by assisting ACCHOs to expand their services to meet the health and wellbeing requirements of a growing Aboriginal population.” (VACCHO, 2024b).


A self-determined health system would enable practice that incorporates Aboriginal ways of knowing and responding to mental health concerns by applying a cultural and spiritual framework, such as the Aboriginal Social and Emotional Wellbeing (SEWB) Model. This model takes a holistic approach encompassing *“Aboriginal people’s connection to their identities, participation in their cultures, families and communities, and to their relationship with the natural world, ancestors, and the spiritual dimension of existence”* (VACCHO, 2020, p. 2).

To address the concerns raised by Aboriginal and Torres Strait Islander young people with a care experience, CREATE supports:

- An Aboriginal self-determined health system, resourced to deliver Aboriginal-led health responses within a cultural framework.
- Full implementation of [Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan 2017-27](#) in its commitment to health and human service system reform built around self-determination for Aboriginal communities.

Housing sovereignty

Similar calls have been made by the Aboriginal Housing and Homelessness Forum (AHHF) in relation to the delivery of housing and homelessness services for Aboriginal and Torres Strait Islander communities. Funding from the Victorian Government provided to Aboriginal Housing Victoria to lead the development of [Mana-na woorn-tyeen maar-takoort](#) (a 20-year roadmap for housing and homelessness reform in Victoria) marked a significant shift towards self-determined approaches to supporting Aboriginal people to achieve quality housing outcomes in a generation. Importantly [Mana-na woorn-tyeen maar-takoort](#) prioritises Aboriginal and Torres Strait Islander young people with a care experience as cohort who may need extra support. CREATE sees full implementation of [Mana-na woorn-tyeen maar-takoort](#) as integral to improving outcomes for Aboriginal and Torres



Strait Islander young people transitioning from care, as it attends to their experiences within the care system and addresses the lasting impacts of these experiences, including risk of homelessness for Aboriginal and Torres Strait Islander care leavers.

To address the concerns raised by Aboriginal and Torres Strait Islander young people with a care experience, CREATE supports:

- Innovative Aboriginal-led housing options for young care leavers in settings that are culturally rich and managed by the community.
- Calls for the Victorian Government to expedite progress towards full implementation of the [Aboriginal Health and Wellbeing Partnership Agreement 2023-2033](#) including the first action plan under the agreement ([Victorian Aboriginal Health and Wellbeing Partnership Agreement Action Plan 2023-2025](#)). This will require adequate resourcing to embed the changes now and into the future.
- Calls for the Victorian Government to respond to the Victorian Aboriginal Housing and Homelessness Forum (AHHF) [‘Key Asks’](#) (2023) to interrupt cycles of homelessness for young Aboriginal and Torres Strait Islander peoples, specifically:
 - Full implementation of the [Blueprint for an Aboriginal-specific homelessness system in Victoria](#), as a key step toward fully realising [Mana-na worn-tyeen maar-takoort: Every Aboriginal Person Has a Home](#). This will require adequate ongoing resourcing.
 - Developing and implementing an Aboriginal and Torres Strait Islander Workforce Strategy for Housing and Homelessness.
 - Committing to developing at least 300 new dwellings each year specifically allocated to housing for Aboriginal people, and dedicated funding of \$800 million for the housing needs of Aboriginal and Torres Strait Islander Victorians.
 - Continuing to reserve 10% of new social housing stock for Aboriginal Victorians.

Experiences of education injustice for Aboriginal and Torres Strait Islander children and young people with a care experience

CREATE understands that young people leaving care who identify as Aboriginal or Torres Strait Islander are less likely to complete year 12 when compared with non-Aboriginal young people leaving care (40% vs 60%) (McDowall, 2020; also see CCYP, 2020). We recognise that education is an important gateway to health and emotional wellbeing, a sense of purpose and agency, economic wellbeing and independence. As such, barriers to engaging in education contribute to enduring disadvantage across life domains and beyond the care years.

CREATE supports the Victorian Aboriginal Children and Young People’s Alliance (VACPYA, 2023) in its call for deep listening to better understand experiences within the education system for young Aboriginal and Torres Strait Islander people with a care experience, which is often compounded by their experience within child protection and care systems. From what we have heard from young Aboriginal people in care, experiences of racism and bullying are apparent in school settings and disrupted school experiences are common as a result of placement changes and changes of school:


“[In relation to changing schools] I’ve been bullied my whole life. Support takes a lot of time, no education on how much you should talk to other students [tell personal information]. They kind of just dump you there”

(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2024)

Young Aboriginal and Torres Strait Islander people with a care experience in Victoria have told us they want cultural support in the context of their education:

“Identify those who have a cultural background.”

(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2020)



“Hire workers who are more culturally trained.”
(Young person who identifies as Aboriginal, Victoria) (CREATE Foundation, 2020)

Young people’s comments indicate that more needs to be done to ensure that schools are culturally safe for young Aboriginal and Torres Strait Islander children, including those with a care experience, and to embed connection to culture in educational settings. The Victorian Aboriginal Child Care Agency (VACCA) (2023) has also called for improved practice to address the lack of trauma informed practice within educational settings, specifically raising the concern that for Aboriginal children with a care experience:

“When schools are unable to appropriately support them through difficulties they experience in that environment, these children are likely to experience this as another failure of the adults in their lives to protect and understand them, further alienating them from the systems and structures that other children grow up a part of.” (VACCA, 2023, p. 12)

Internationally, the right to access self-determined educational systems and institutions providing education that is culturally safe is enshrined in the [United Nations Declaration on the Rights of Indigenous People](#) (UNDRIP) (see [Article 14](#)). While the Victorian Government’s [Marrung Strategy 2016–2026](#) takes the initial steps towards formal recognition and implementation of some of the principles relating to education contained within the Declaration, young Aboriginal and Torres Strait Islander people’s voices and needs should be prioritised. Additional and tailored support is also required to address specific educational barriers created by contact with the care system, including placement changes and disrupted educational engagement, and stigma related to being in care.

In recognition of the concerns raised by Aboriginal and Torres Strait Islander young people with a care experience in Victoria in relation to their education, CREATE supports:

- Calls by VACCA (2023) and the Alliance (VCYPA, 2022) for the Victorian Government to transform the school environment to be culturally informed and attuned to the impacts of trauma. The Commission for Children and Young People (CCYP) has also made calls for a ‘whole school approach’ and for trauma informed teaching practices to be incorporated into teacher training (see Recommendation 13 & 14 in CCYP, 2023). Taking this step would also support the Victorian Government to fully realise the vision of *Marrung Strategy 2016–2026* that all Aboriginal Victorians achieve their learning aspirations (including those with a care experience). This will require:
 - The development of a whole of school trauma informed training package to be delivered to all educators and school workers across the state. The package should be developed in partnership with ACCOs to ensure consideration is given to its cultural appropriateness and that impacts of trauma are considered in the context of colonisation, land dispossession, systemic and institutional racism, and ongoing practices of child removal in Australia. Appropriate resourcing should be allocated to both the development and delivery of this package. This should also include adequate funding for the Aboriginal sector to enable genuine partnership with ACCOs and to resource self-determined approaches to keeping Aboriginal and Torres Strait Islander children safe, well and connected to culture.
- Calls by VACCA (2023) in their submission to the Victoria Legislative Council Legal and Social Issues Committee [Inquiry into the state education system in Victoria](#) which highlights the need to:
 - Adequately resource with the view to increasing capacity of culturally safe and appropriate early intervention programs aimed at both primary and secondary students displaying early signs of disengagement with education and schooling.
 - Ensure the right of self-determination is upheld and respected in tandem with the right to participate, especially in relation to individual education plans and transition to independence planning. Development of these plans should happen in partnership with ACCOs.



Conclusion

Thank you for the opportunity to provide feedback to Yoorrook's *Inquiry into education, health and housing injustice affecting First Peoples in Victoria*. CREATE supports self-determined approaches to meet the needs of Aboriginal children, young people, families and communities across all service systems, including health, housing and education systems. This involves putting resources and decision-making power in the hands of Aboriginal communities. It also involves adequate investment in Aboriginal-led and designed services that enable culturally-informed practice and flexible programs developed and delivered in a local way, based on community need.

Young Aboriginal and Torres Strait Islander people with a care experience continue to voice their desire to exercise their right to connection to culture, Country and community. And they call for systems and services that listen to their needs and their words. Their voices speak to the need for the Victorian Government to resource the Aboriginal community-controlled sector to respond to the needs of Aboriginal children and young people in culturally rich and self-determined ways.

Should you have any questions or require additional information, please contact us at:

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