

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into Responses to Historical Forced Adoptions in Victoria**

Melbourne—Wednesday, 12 May 2021

#### **MEMBERS**

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

#### **WITNESS**

Ms Muriel Bamblett, Chief Executive Officer, and

Ms Connie Salamone, Executive Director, Strategy and Services, Victorian Aboriginal Child Care Agency (*via videoconference*).

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**The ACTING CHAIR (Ms Settle):** Hello and welcome to this Inquiry into Responses to Historical Forced Adoptions in Victoria. Before we progress I would like to acknowledge the traditional owners of the land upon which we are meeting here today. I pay my respects to their elders past and present and to the elders of other communities who may be here with us today.

I declare open the public meeting of the Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria and ask that everyone has their mobile telephones on silent. I would like to introduce our other committee members. To my left is David Southwick, who is the Member for Caulfield, and to my right is Meng Heang Tak, who is the Member for Clarinda. My name is Michaela Settle, and I am the Member for Buninyong. A very warm welcome to Muriel Bamblett and Connie Salamone; welcome to this hearing.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today. However, if you go outside and repeat the same things, including on social media, those comments may not be protected by that privilege.

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The committee is very interested in hearing about your experiences and your organisation's experiences with regard to forced adoption and in particular the services that you provide for your clients. I will initially ask you to make a presentation, a brief opening statement, and then that will be followed by questions from the committee. So I will hand it over to you if I may.

**Ms BAMBLETT:** I am doing this jointly with Connie Salamone. Connie is the Executive Director of Strategy and Services. As a Yorta Yorta and Dja Dja Wurrung woman from Boon Wurrung, Taungurung and many nationhoods of Victoria I do want to acknowledge the traditional owners and pay my respects to their elders past and present. I am on Wurundjeri land. I do want to acknowledge today the stolen generations and those who have been removed by forced adoptions. Clearly since 1938, as you would have read in our submission, many Aboriginal people over many generations have fought for the return of our children and for the protection of our children, so I want to acknowledge their suffering and pain and honour their strength and survival.

Connie and I are going to do a bit of a tag team, so I am going to begin. I do want to thank the committee for the opportunity to speak to VACCA's submission and to be at this inquiry today. As I have spoken about, for more than 40 years we at VACCA have advocated for children to be connected to their cultural identity and to their families and communities. We are a state and commonwealth provider of many services, but through the commonwealth we provide the Link-Up program, which is a reunification service for the stolen generations. We have done this now for over 20 years. I am really pleased as well that under the royal commission into institutional sexual abuse we also have the Ngarra Jarra Noun program, which is a redress support service. We have also been supporting a number of our clients to give evidence to the royal commission but also provide support, and we have signed up to the national redress scheme. We offer over 50 programs and services, which include out-of-home care, in which you obviously have an interest. We do kinship, family violence and cultural strengthening, and we run a range of child and family services, out-of-home care, residential care, live-in care and a number of programs. We also do parenting and family violence programs and justice programs—so quite a broad reach.

Our programs obviously are aimed at addressing the legacy of intergenerational trauma caused by, we believe, successive government policies and practices. Stolen generations and the forced removal of our children have

been part, obviously, of the ongoing process of colonisation, systemic racism and institutional bias against our people. Although the 1970s are considered by the Australian government to be the cut-off point when the stolen generation era ended, our families continue to be subjected to the highest rates of child protection and removal in this country today, and for us the impact of colonisation is ongoing.

I am concerned that if we had a similar inquiry to this in a number of years, say, one on permanent care orders or the overrepresentation of Aboriginal children in out-of-home care, we would all be found wanting because despite really good legislation and really good policy, the practice of placing Aboriginal children in Aboriginal care is either too slow or does not happen, and so there is not a clear plan that exists to ensure that our children are case planned and managed by an Aboriginal agency. We know that Aboriginal children in Aboriginal care get better outcomes, and we can provide a lot more information on that. We also know that with 90 per cent of young people, when they leave care they go home. So how do we invest in supporting that transition if we know that 90 per cent of children go home? We need to learn from practice, the practice of forced adoptions, and we know that it requires new ways of working together.

Today I want to focus on how we can do that through three core things: healing, justice and connection. But most importantly, I want you to hear through our clients the best lived experience of forced adoption. We have a number of case studies that we have not had time to present today, but they tell the story of our clients' experience and how important connection is. For us, healing today, healing means investment in prevention and early intervention. Our Aboriginal children make up roughly 29 per cent of all kids in out-of-home care, and we receive only 2 per cent of the prevention and early intervention. So what does that mean for children? It means that children are less likely to go home to parents and stay at home safely.

Help comes too late for us, but not only too late; it is too late for Aboriginal families. We need flexible, tailored responses based on family needs, not program guidelines, which is the way government funds it at the moment. When you think back to the *Bringing Them Home* report and all of the aspirations of the 54 recommendations, our stolen generations experienced devastating lifelong impacts that carry through generations. We currently have a sixth generation of a family that we worked with when they first came to the attention of our system. We know that we take children from their families and expect them to just go off and live their lives, but they carry many historical issues with regard to that. Suicide is the biggest issue for Aboriginal people who lose their connections to who they are.

Next I want to focus on justice—justice for those who were forcibly adopted, removed, placed in permanent care with non-Aboriginal families. They deserve reparations, and the announcement of the stolen generations reparations scheme in Victoria is a step in the right direction. However, the fact that we were the last to sign up to it is disappointing. In many other ways Victoria is pioneering. We are the first state to enter into treaty discussions, and I am pleased to be part of the First Peoples Assembly of Victoria. We were also the first state to establish the Yoo-rook truth and justice telling commission. Again, our clients that were forcibly adopted are telling us how they will give evidence to Yoo-rook without defaming their parents or families further. A historical ruse to justify large-scale removal in the past, today would be called into question. For us, justice means being able to tell your story without fear or judgement. Justice means an apology and reparations. Justice means showing people have a voice throughout the process. Justice means having access to intergenerational healing, therapy and supports. Justice means having access to parenting supports, being able to put your hand up for support without fear of your child being removed. As ACCOs we can invest in culture, and we do. We have access to family finding. We connect our children to land through return to country, genealogist's confirmation of Aboriginality.

I want to speak about connection. Connection to me is about connection to culture. It is not just a one-off or a tick-the-box approach. I have heard of circumstances where Aboriginal children have been adopted to parents, and they have successfully argued in the court that in order to keep the child connected they will take them to a museum to learn about their Aboriginal culture. Aboriginal children have the right to know who their elders are, the true actions of their ancestors, the ceremonies, the stories, the living culture of our people. They deserve to have a say in their future, their lives. They need to know about the heartbreaking love letters written by mothers and grandmothers pleading for their children to be returned.

Remember earlier I gave an example. I was going to give an example of a girl two years old, but I have not had time. I can give that to you later. For us, this woman took a long time for government to coerce her into signing

over her children, and it took even longer for her children to go back home. I think that these demonstrate that our system is flawed. I am now going to pass to Connie. Thank you very much.

**Ms SALAMONE:** I just wanted to talk a bit about that client Muriel just briefly mentioned. So she was taken from her mother at two years of age in the early 1970s, placed in an institution and adopted out at two years of age. And she is looking forward to the end of her life, not because she is suicidal but because she says there is no amount of healing that can mend the hole in her heart created when she was taken from her mother, her father and her five siblings. She was taken off her country, away from grandparents, from a great big extended family.

She says she is in a good place now because of the healing support she has received, and she would like to meet her siblings and her grandparents, but sadly her parents have passed away. She knows that she has also passed on her trauma, her grief, her anxiety and her fear to her children. They too now are receiving healing supports, but this is what forced adoption does. It tears children, families, communities apart. It continues the cycle of removal and of intergenerational trauma.

Today adoption is less utilised by government and it is much more about permanent care. And given that Aboriginal children are over-represented in out-of-home care, they are also over-represented in children on permanent care orders. VACCA is very clear that we believe in children's rights to stability and the best permanent care placement that can be made for a child. And if we had greater compliance with the Aboriginal child placement principles, we would not be seeing the trajectory into permanent care orders.

The Aboriginal child placement principles' first principle is that the permanency of the family is the place that we should be supporting. It is important that in our case planning we do not actually cut off children from their families, their communities, their country and their culture, as the outcomes are devastating for young people, and they continue that cycle. Neglect is defined now as it was in the 1950s and 70s, and most Aboriginal children come into care because of neglect. But often what we see is poor families are so over-represented in the child protection system, and what we need to be thinking about is that poverty of itself should not be triggering a child protection response. We should be able to be providing poor families with access to good, high-quality services delivered in a timely way so they are able to support their children and keep their children at home, and that is the permanency placement that we need to be focusing on.

We have seen government actually have some great things in place. So we have seen the difference that Muriel has mentioned about Aboriginal children being placed in Aboriginal care getting better results. We later this year will be seeing Aboriginal organisations like VACCA conduct child protection investigations. We are seeing with the new proposed legislation Aboriginal child placement principles enshrined in legislation. And I think these things, importantly, will lead to families being strengthened, supported earlier and children connected to their culture, their family, their communities—and this is how you build resilience. We want to build strong, resilient Aboriginal children.

We have talked about how investing in early intervention and prevention helps break the cycle, and Aboriginal organisations are very poorly funded in this space. What is really critical is that we are looking at that early intervention so that in fact children are not removed from their families. This is going to save lives, reduce trauma, but also from a monetary perspective, out-of-home care is a very expensive place to be and we will be able to actually reduce that cost. I am going to hand over to Muriel for some concluding remarks.

**Ms BAMBLETT:** We know that the past is linked to the present, and what happened with forced adoptions has influenced and impacted on present-day policies. For Aboriginal people the best interests of a child cannot be separated from the best interests of the child in the context of our Aboriginal community and being raised as a strong Aboriginal child. Children acculturate into the climate in which they are raised. When an Aboriginal child is raised in a non-Aboriginal environment they will acculturate into that environment, and the outcomes are not as great. So to me it is important that we build understanding of young people's support, legal and post-placement support needs. I think there is an assumption once a child is placed that everything is going to be great for them. We need to give bipartisan support to enforcing stronger compliance with the Aboriginal child placement principle. We have got the best legislation, but no-one complies with it. We have got various conventions and charters; no-one complies. There is no holding people to account. This means that we need funding and contracting that are available to us to be able to better support our people in understanding their

rights before the legal system around the Aboriginal child placement principle. We do need therefore cultural supports to be ongoing.

I went to a function a number of years ago. It was an Australia Day function, and there was a carer that had permanent care of our Aboriginal child. She had taken on permanent care, and she said, 'I'd hoped that you'd be here today'. She said the most disappointing thing about taking on permanent care was, 'I didn't know that I would lose my VACCA family, that I would lose access to ceremony, access to all of the events, camps and opportunities that you as an Aboriginal organisation offer'. She was a non-Aboriginal carer. So she was actually seeking us to keep her connected.

Once a child is permanently cared for there are no resources to Aboriginal organisations. We do want to add VACCA as an approved agency in the *Adoption Act* so that our family-finding programs can ensure there is a culturally supported release of records to Aboriginal clients. We want bipartisan agreement to monitoring and supporting Aboriginal children being given permanent care orders or adoption outside of Aboriginal communities. We want the same to go for kinship care where the child is placed with non-Aboriginal kin. We want cultural supports and connections to be integral to the long, healthy and happy lives of our children. It is their right as First Peoples of this country.

We hope that this inquiry and its recommendations will help us to continue to do our work of keeping our Aboriginal children and families connected to culture to keep them safe. We want to say outright that the safety of our children is our most paramount concern, but if their culture is not included and if they do not have connection to their culture, then they are not safe. All elements of safety need to include the child's culture. Thank you for listening.

**The ACTING CHAIR:** Thank you very much, Muriel and Connie. That was a wonderful presentation, and thank you very much for the work that you do. Before we go any further and for Hansard I would like to welcome Christine Couzens, who is the Member for Geelong. So welcome, Christine. We will go to questions now. Christine, did you want to begin with some questions?

**Ms BAMBLETT:** I think you should take that Geelong guernsey down first.

**Ms COUZENS:** No, no.

**Mr SOUTHWICK:** I agree.

**Ms COUZENS:** Keep it nice. Thanks, Muriel, for your time today, and of course Connie. I really appreciate the time and you being here today to give your view about where we should be going with this inquiry. One of the things I am really keen to hear from you about is the potential for a redress scheme and what that might look like.

**Ms BAMBLETT:** It is particularly challenging. Did you want to go first, Connie?

**Ms SALAMONE:** No, no.

**Ms BAMBLETT:** I think all the work that we have been doing around reparations at the moment is quite complex, and so understanding access to records—we are now seeing that a number of the children that we are working with do not come from Victoria. A lot of these children were brought down to Victoria on the premise of going to a camp. So the Harold Blair camps, which I used to go on when I was a girl—They were amazing activities, but the thing I appreciated most was going home. It is really disappointing to hear that a number of children did not go home. I think we have seen where there were ads posted for taking Aboriginal children in communities in other parts of the country and brought down here. So a redress scheme—I think we are seeing under the reparations and the national redress that a lot of our people are obviously pursuing civil litigation. I think that what we are uncovering is gross violations of human rights, sexual abuse—things that never should have happened—and I think that reparations are really a great way to understand what has happened for children. But also it has to have an opportunity to address justice issues as well as understand the implications of trauma and the implications particularly of the fact that we have not had a system where we can monitor the placements. With Aboriginal permanent care, we have put a lot of effort into it, but a lot of people do not comply with it. I know of an Aboriginal child—and, you know, with the greatest respect—who was fostered to a Torres Strait Islander family. They changed the culture of the child and told the child that she was Torres

Strait. So if you look at all her Facebook and everything to do with her, she comes from a very strong Aboriginal family in Victoria but she now acknowledges herself as Torres Strait Islander. There is lots to think about, but I do support totally a redress scheme.

**Ms COUZENS:** Great. Can you tell us a bit more about the support that VACCA provides to Aboriginal survivors of institutional child sexual abuse?

**Ms BAMBLETT:** I think that we were very keen up-front to make sure that we supported clients coming and giving evidence before the royal commission because we knew it was a significant issue, and I know that there have been many attempts by the Victorian government to look at the issue. I know if you look at the raw data today on numbers of children that are reporting sexual abuse, the numbers are very low, but we know that the numbers across the Aboriginal community are quite high. And if you think about the types of issues that Aboriginal people were exposed to—I mean, when we were invaded, this country, and the sexualisation of our women and what happened to our women and children—they have been pervasive in our community. A lot of our work was around initially supporting our clients to give evidence, and what we found is that a lot of them needed a lot more support, so we were linking them into mental health support and suicide prevention and did a lot of work around connecting them back to country, taking them to burial sites where their relatives had been buried and doing a lot of healing programs, a lot of camp work, a lot of men's business and women's business. Ngarra Jarra Noun is really about providing a whole, comprehensive—even though it is supporting them now through redress, through litigation and ongoing counselling and support, I think we will probably hold these clients forever, even after funding is not available, because they are totally dependent on us. Connie, did you—

**Ms SALAMONE:** Just the other thing I would add is that some of these families also access other services at VACCA. They themselves often have children, and so they would be part of our family services—potentially our family violence services—and so would receive support through those other services in particular. The therapeutic approach I think is really critical for these families. A number of them are involved in our family violence services in particular, so they would be receiving counselling through therapeutic supports that we offer, group work. There is a range, so it is not only those particular services but the broader range of services that we offer that they would be able to access and get some support from. And probably the other thing I would argue is that VACCA also does a range of sort of broader community-type activities, and I think they are particularly really helpful also for people who have been separated from country and community. They get to mix in very normal circumstances with other Aboriginal people, and I think that is a critical component of healing as well.

**Ms COUZENS:** Yes. And just one more question: would the removal of the statute of limitations for historical forced adoptions be helpful?

**Ms BAMBLETT:** Clearly, I think. I was at the formal apology to the stolen gens and I saw our Aboriginal people. I was absolutely shocked to sit next to a woman that spoke in French and she was demonstrably Aboriginal. But it threw me, because she had been adopted out and taken overseas. She cried all the way through the ceremony. So to me I think reparations, redress, all of those things, bring about healing, and I think they give opportunities for victims to come forward to be able to tell their story. I think most of it is about the story, and all that I can see in redress, in a lot of it—because signing up to the redress we have to have a lot of legal advice, and I think that is a critical element for Aboriginal community controlled organisations: what are the supports you need to be able to support redress, to support any reparation? Because when people come forward—communication, awareness, education about what it is—we constantly try to keep ahead of it, but I think there has to be a lot more work to let communities know about the legal environment, the rights of the client and how to get clients to come forward, because many find it just too painful to come forward.

**Ms COUZENS:** Great. Thank you, both, for your contribution. I will see you soon, Muriel.

**Ms BAMBLETT:** Sure.

**The ACTING CHAIR:** If I may ask a question, the federal response to the forced adoption inquiry a few years ago established the forced adoption support services—the FASS—system, and in Victoria those support services are delivered through Relationships Australia. I probably already know the answer to this, but you say in your submission that there has been a very low take-up of those services from Aboriginal and Torres Strait

Islander peoples. Do we need to make those services more culturally safe? Or do you think in fact the model should be a separate model which is self-determined, with Indigenous organisations providing those supports?

**Ms BAMBLETT:** I guess Connie and I get quite heated about Relationships Australia because for us it has the potential to do so much more, if we think about family violence, if we think about relationship breakdown. We think that not to have any Aboriginal family relationship centres is really sort of—and for us we would use them for a multitude of purposes, not just for working with families around relationships. We would use them as opportunities around access for children, and we would use them as opportunities to work with parents. But I think family relationships is probably one. The other one is parenting programs. The commonwealth underfunds national Aboriginal parenting programs. The commonwealth has a really—I am sorry—very poor track record for funding of Aboriginal community control in Victoria because of the policy around rural and remote. The biggest proportion of Aboriginal people live in metropolitan Victoria. The policies that they have—and I am glad I am protected today, because I know that with emergency relief under COVID we could not get any additional funding under COVID for Aboriginal communities other than VACCA because we were identified as the only provider. They said they did not have a contract with any of the other Aboriginal organisations, therefore they could not give them any emergency relief. So I think the commonwealth has a very narrow description about how it funds and how it sees Aboriginal communities. We have tendered for programs in the past. We partnered with a mainstream organisation. We both put in tenders. We put in the same tender by ourselves as we did with one where we were successful with the mainstream. For the Aboriginal one we did not get it. So I think there is institutional racism and bias against Aboriginals. We have heard comments like, ‘Aboriginal organisations are like sour milk. They leave a really poor aftertaste’. That is the level. Often it comes from bureaucrats within the government having perceived ideas about Aboriginal organisations. I think it is disappointing.

**Ms SALAMONE:** Just the other comment I was going to make was that what we have got is a proportion of the population who are not seeing those services as meeting their needs, hence they get no services. Certainly the preference for Aboriginal agencies is to provide services to their own community. It has been pretty effective in terms of engaging Aboriginal families. I suppose the other comment I would make is that I find it ironic that if an Aboriginal agency does not meet its Aboriginal targets, it is penalised by the commonwealth, but when a mainstream service does not meet its Aboriginal targets, there are no penalties attached at all. So we do have quite a discriminatory process.

**The ACTING CHAIR:** Thank you. Do you have any questions, David?

**Mr SOUTHWICK:** Thank you for your presentation and for coming along today. In terms of data, what information do you manage in terms of records at the moment and how would people avail themselves of it in terms of being able to find information on backgrounds and what have you?

**Ms BAMBLETT:** I will pass to Connie because Connie’s son actually works in our quality team. We have put a lot of investment obviously into our archiving and keeping really good records, and so, particularly when I see all the files that come in under redress, we have got very good records for Aboriginal people. Obviously I have been at VACCA for 20 years—it is getting better, but I guess historically I would worry about other services. It was a concern to us when we heard about the *Bringing Them Home* report coming. A lot of mainstream organisations were destroying records for Aboriginal children because they were concerned about litigation. So our concern would be around how we protect records, because as we go to the Yoo-rook truth and justice commission I am concerned again that people will start to think, ‘Oh, there could be litigation’ and they could be found wanting and destroy records. So from my point of view that would be great. I might hand to Connie about data.

**Ms SALAMONE:** We keep a variety of data. It sort of depends a bit on the purpose obviously for which we are collecting it. I think in terms of records, we have got much, much better. I would certainly say that—I have been at VACCA for about 20 years—we have invested much more in understanding the importance of records, for children particularly. So I think that there is some important work that we have been doing in terms of doing some life story work with some children. I think we can still do much better, and I think that particularly some of the work, which are not records but which we are currently doing in terms of art therapy and some of those sorts of things, is pretty important in terms of children understanding their story. So I think we need to start to become more sophisticated about children’s stories. It is not just about written data, it is about how we portray

information that is meaningful to them. I think we are still at the beginning stages of exploring that, but I think we need to think really broadly about that.

**Ms BAMBLETT:** Yes. I think you raise a really critical point: what is the child's journey? If they have been adopted or they have been in permanent care, they need to know their own story throughout—you know, 'What were my grades through school? How did I go in primary school? When did I walk?'. I think with those things usually you have a parent, but often in permanent care and adoption, if those records are not kept, they are missing from the child's life, and I think it is always critical.

**Mr SOUTHWICK:** Thank you.

**The ACTING CHAIR:** Thank you. A question from Heang.

**Mr TAK:** Thank you, Acting Chair. Thank you. First of all, allow me to say thank you very much to VACCA for all the important services that are being provided. My question is: can you talk more about Link-Up Victoria and the support that you provide to those who have been separated and removed from their families, such as through the adoptions?

**Ms BAMBLETT:** Yes. I mean, I have been at VACCA now for 21 years, almost 22, and the Link-Up program, when we first got it, it was principally a lot of Aboriginal children that had been in out-of-home care and were presenting to the Aboriginal Legal Service as needing legal advice but having no connection to their community and culture. Aunty Mollie Dyer established VACCA. But what we were finding is that we were getting inundated with huge amounts of Aboriginal people that had no way of finding their Aboriginal family. I spoke about the historical removal. The Link-Up program now works to reunify members that were removed. Many of our clients come from remote areas, like One Arm Point, Darwin, Alice Springs, all of those areas. They were removed on the pretence of coming down here for a holiday or under a scheme that was called—it is a terrible name—Gubbariginals. It was non-Aboriginal people wanting to do the right thing by Aboriginal people, thinking that taking Aboriginal children from interstate and giving them an education and a better life was actually in the best interests of the children. So a lot of those clients now have been coming back to our Link-Up program. Victoria and Queensland were the first to establish a Link-Up program. Now it is a national network of Link-Up programs from all of the states and territories. They work historically with stolen gens. Mainly they do reunions, and so we have taken clients back to, as I said, various parts of the country. And those clients, they have to be able to establish their Aboriginality before, which is sometimes a challenge. We access their records and make sure that they get really good access, and so some of our issues today are around our ability to access records for adoptions and those who have been removed. So those are some of the challenges there.

A lot of our reunions now are sadly graveside reunions because of the time limit. The commonwealth funds us to provide Link-Up. We have three workers within that team and they case manage the Aboriginal person from the entry through to the reunion. We are supposed to close off, but clearly we are not very good at closing any clients off from VACCA, so we still hold them and provide support to them long term.

**Ms SALAMONE:** The other thing we provide is a range of cultural activities. We might take them on camps. So there is a whole range of cultural engagement activities that we run as well as the individual reunions, and that is often a really nice source of mutual support for people who are members of the stolen generation.

**Ms BAMBLETT:** Yes, and we help them tell their stories, and so we have done videos and produced different resources.

**Mr TAK:** Okay. Thank you, Chair. Thank you.

**The ACTING CHAIR:** I think if that is all of the questions, it is really just to say thank you very, very much, Connie and Muriel, for giving us your ideas and your contributions today. It will really help to inform us when we are putting together this report and the recommendations. The committee will produce a report in the coming months, and we will make sure that you are kept updated with the Victorian government's response to those reports. But I think on behalf of all of the committee I would really just like to say thank you very, very much for your contribution and all the work that you do.



**Ms BAMBLETT:** Thank you very much.

**Ms SALAMONE:** Thank you.

**Committee adjourned.**