

# **LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE**

## **Inquiry into Community Consultation Practices**

Melbourne – Friday 5 September 2025

### **MEMBERS**

Ryan Batchelor – Chair

David Ettershank – Deputy Chair

Melina Bath

Gaelle Broad

Jacinta Ermacora

Wendy Lovell

Sarah Mansfield

Rikkie-Lee Tyrrell

Sheena Watt

**WITNESSES**

Lisa Briggs, Executive Director, and

Emily Hocking, Manager, Strategic Policy and Reform, Ngaweeyan Maar-oo Closing the Gap Partnership Forum.

**The CHAIR:** Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. I will just read out our evidence statement.

All the evidence that we take is protected by parliamentary privilege as provided by the *Constitution Act 1975* and the provisions of the Legislative Council standing orders. Therefore the information that our witnesses today provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat those same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

You can tell all the evidence is being recorded, and you will be provided with a proof version of the transcript following the hearings. Those transcripts will ultimately be made public and posted on the committee's website.

Welcome. My name is Ryan Batchelor. I am the Chair of the Environment and Planning Committee and Member for the Southern Metropolitan Region in the Legislative Council. I will ask our committee members to introduce themselves, and I will start at that end of the table.

**Rikkie-Lee TYRRELL:** Hi, I am Rikkie-Lee Tyrrell, Member for the Northern Victoria Region.

**Wendy LOVELL:** Wendy Lovell, Member for Northern Victoria Region.

**Gaëlle BROAD:** Hi, I am Gaëlle Broad, also Member for Northern Victoria Region.

**Sheena WATT:** Hello. Sheena Watt, Member for Northern Metropolitan Region.

**The CHAIR:** And online we have Jacinta.

**Jacinta ERMACORA:** Jacinta Ermacora, Member for Western Victoria Region, and I am here on Eastern Maar Gunditjmara country today.

**Sarah MANSFIELD:** Sarah Mansfield, Member for Western Victoria.

**The CHAIR:** For the Hansard record, before we kick off could you both state your name and the organisation you are appearing on behalf of?

**Lisa BRIGGS:** Yes. My name is Lisa Briggs. I am a Gunditjmara woman from the western district of Victoria, and our organisation is Ngaweeyan Maar-oo, which means 'voice of the people' in Gunditjmara dialect.

**The CHAIR:** Wonderful.

**Emily HOCKING:** I am Emily Hocking, and I am also appearing for Ngaweeyan Maar-oo.

**The CHAIR:** Wonderful. Thank you both for coming. The way this works is pretty straightforward: we will give you the opportunity to make an opening statement, and then we will just take it in turns to ask questions – it is pretty relaxed. I will hand over to you.

**Lisa BRIGGS:** Thank you. First, I just want to acknowledge that I am on Wurundjeri country and pay my respects to elders, past and present, and to Aboriginal colleagues in the room and thank you for inviting us to this inquiry. Emily?

**Emily HOCKING:** Thanks, Lisa. I also would like to pay my respects to the elders and the Traditional Owners of the lands that we are dialling in from online and here in person as well, and acknowledge that sovereignty was never ceded. As Lisa touched on, Ngaweeyan Maar-oo in Gunditjmara dialect means ‘voice of and from the people’, and we are the Victorian Government’s formal implementation partner on the National Agreement on Closing the Gap – it is a very long introduction for what we do. We have 21 members that represent Aboriginal community controlled organisations across Victoria, and amongst them they have decades of experience and expertise in delivering and designing policy and services for Aboriginal people. Our core business is to work with the Victorian Government and the Commonwealth Government and local governments, who are all signatories to the National Agreement on Closing the Gap, and to implement the four priority reform areas to achieve 19 targets across 17 socio-economic areas.

**Lisa BRIGGS:** I think what we have provided you to date is the submission, along with just a bit of a presentation outline that has got five recommendations. They are very prescriptive to the National Agreement as part of the consultation process. We have also put within the submission particular clauses – 6, 15, 19, 32 – and in those particular clauses, one of the things that I would ask for you to consider is how we may embed those as part of the community consultation process to align with the commitments of the Victorian Government, which also flows on to the engagement process.

Other documentation that I think is also relevant for this conversation are the Yoorrook recommendations, and particularly what may come out of that as part of consultation for Aboriginal people, and the Treaty Negotiation Framework, given the current status. We did find that through this process we have identified particular gaps, and it was great listening to the young people because, again, I do believe there is a gap even engaging with our younger people about how they may participate fully to shape and shift some of the legislation policy reform and put it into practice. I believe exactly what the young people said who were presenting here today around their understanding and knowledge about processes, and so that should be equally spread across all communities. And I think the idea and concept, Wendy, you put forward about going into schools are really excellent, because usually they get exposed through newspapers, TV or university. So I think that is pretty groundbreaking.

One of the other things that we do find, though, is although Aboriginal community controlled organisations and Traditional Owner groups are generally consulted on particular processes from statutory bodies, it is not really clear what the role and function is of that statutory body. Therefore giving feedback can be very limited, unless they are providing it from a lived experience of how they have used that statutory body. One of the things that we have done just recently within Ngaweeyan Maar-oo is we have reviewed 79 local governments across Victoria, and one of the things that we did find was they are not familiar with what the Aboriginal community controlled organisations or Traditional Owner groups do in their truest role and function, and neither do we know the truest role and function of local governments. Therefore when you look at the statutory obligations that they have around strategic planning, laws, even their council plans, they put them out for consultation – even under their RAP process – it is not really clear to the everyday people that live in the community how they can actually strengthen that process. I think there is a bit of work that needs to happen around role and function in terms of preparation.

The other couple that come to mind that we have also seen of late were around the Victorian regulation review – Aboriginal community-controlled organisations are probably respondents to over 30 statutory obligations, both at the Commonwealth and Victorian levels – about what that entity does as a process. That is out for consultation now. We have engaged a lot of members to actually participate in that. But the full breadth and understanding of the role of that entity was probably missing, so they cannot then influence really what the changes would be. There is a common-thread problem that we have got, really, around role and function and understanding their truest form, so that we can actually participate to their truest form.

**Emily HOCKING:** I do not have anything to add to that, Lisa. I think you summarised it pretty well.

**The CHAIR:** All right. Well, we might start. I might start – Chair’s prerogative. I was interested in the comments you made about the work you have just done with local governments. One of the things that this committee has in its terms of reference is to look at how the state government engages, which we have done quite a lot of. We have not to date spent a lot of time focused on how local government works and its strengths and its weaknesses. Maybe you could just spend a little bit more time talking through that work you have done,

about the 79 local government areas, what you found in terms of where some of the deficiencies might be, some strengths, and what you suggest that we could recommend about improving that in the future?

**Lisa BRIGGS:** Yes. I think they are a really good example, actually. One of the things that we were doing was using the 136 individual indicators outlined in the national agreement as an assessment tool to benchmark how well local governments were responding to the National Agreement on Closing the Gap, including the socio-economic targets. They are, again, against the four priority reforms of shared decision-making, formalising partnerships, sector strengthening, transformation – and I would refer to transformation on page 19 in the submission, because I think they are very good recommendations – and then also priority reform 4 around data sovereignty. It was a desktop review of all of the publicly available documents on their websites – annual reports, community plans, strategic plans, financial plans, you name it, investment strategies and so on. We did it that way because we wanted to identify the gaps in what they had embedded within their own strategic frameworks for Aboriginal people and what they had not. What we found was that unless there was a very strong relationship with the local community – about 27 of the 79 actually had very strong relationships, and they were really demonstrated through the statements of commitment that they had pulled together along with their reconciliation action plans. But what we saw was that it did not extend too far from the reconciliation action plan.

When consultation is called by local government, they may put that out as part of a process, but in terms of the health and wellbeing framework or the council plan, which most of them are now rolling into, there is very little participation and uptake by Aboriginal people because they do not understand the full role and function of local governments. I myself was very ignorant about the role and function of local governments. They are actually a very good ally and partnership tool for Aboriginal community-controlled and Traditional Owner groups because of the urban planning that they do as part of their scale. They have direct servicing that is actually really responsible to the clinical practice or service practice of Aboriginal community control. And then you have the maintenance and caring for country, which is the same for Traditional Owners. There are a lot of indirect services that are also bannered under local government, but there is no synergy. We do not see, for instance, in particular regions, their community safety plans. They do not recognise Aboriginal governance forums like Dhelk Dja, who actually develop all the policies and procedures and practices and funding. Therefore you might find that there is duplication rather than alignment, so there is some tweaking and strengthening that is required.

**Emily HOCKING:** I would also add to that, Lisa, that reaching out to local council is something that we had to do proactively, and we find that with a lot of the people that we engage or consult with the onus is often on us to reach out to say, ‘Hey, we noticed you’re doing this work. Can we provide input into that?’ rather than being reached out to. And I mean, we have the formal status of the Victorian government’s implementation partner, and even to that degree, not being reached out to just as kind of part of the normal process really speaks to kind of where there are some real fractures in consultation more generally. I would also add that with the local governments one thing we have consistently heard back is that they do not know how to reach out. They do not know who to talk to. They do not know whether it is the ACCO or the TOC or a community elder or what the roles and functions are within the community, and then they do not have the resources or the cultural competency to actually be able to navigate that context and to do things in a culturally safe and meaningful way. So there is work on our side that we are doing to kind of help develop that guidance.

**The CHAIR:** On that point, in a practical sense, how do you think we provide better tools to local councils so that they know who to speak to in what circumstances and what they have got to do for themselves to get ready for those discussions?

**Emily HOCKING:** I think a lot of it is it has got to be Aboriginal led. It is not really worth the department saying, ‘Hey, this is how you’ve got to interact and engage with them’ or ‘These are our contacts’, because their contacts are very different to people who live in a local government area. So, yes, I will hand over to Lisa because I think she has got more to say on that too.

**Lisa BRIGGS:** Again, local governments – because they are very small, small, medium and large, their capability and scalability is very different. I think that needs to be taken into consideration when you are doing any type of engagement. Now, from watching the live stream and the comments that Iain Walker made, particularly around the embedding principles and minimum standards – that would also apply to us as part of process but also the transparency in actually providing any of the documentation back, because I think we have

also got language barriers around interpretation. So we have got the barrier of understanding the role and function about what we do and what they do, and then also the interpretation of the feedback that we are providing. So there does need to be an additional requirement of follow-up and maybe even an additional consultation, just because of the nature of going away, thinking about it and thinking, 'Oh, I should have put something forward.' There has got to be another mechanism.

I think making sure that we do have Aboriginal consultants that are aligned to the consultation process is important, because they actually help and should be part of the preparation. I think the preparation is key. I will use the example again of the Victorian regulatory review, where Deloitte actually came to us beforehand as part of preparation. They reached out by pure chance – it was not like it was advertised in the right place either – and I went, 'Oh, my goodness. There are so many of our members that actually need to inform this, because it may reduce the overburden of reporting.' And I would think that local governments would also support the addressing of overburden of reporting, so there are some strong synergies. But again, how do you shape that if you are not really aware? So there is just a bit more prep work that needs to happen as part of the process.

**The CHAIR:** Okay. I am going to hand over to Ms Broad.

**Gaelle BROAD:** Thank you very much for your contribution today. I am just interested – your submission talks about over-reliance on Aboriginal public servants. Can you talk to that?

**Emily HOCKING:** So what we have heard – we have run consultation. At the moment we are co-writing the Closing the Gap implementation plan with the Victorian government, and so we have run the consultation for our members and through our governance forum delegates, and the DPC has coordinated across all the Victorian government departments. What really has come through is that there is that reliance on Aboriginal public servants to provide that advice on behalf of subject matter experts. So what you then see is that experts in policy and systems – like how they actually operate – are left out, and Aboriginal public servants are then given that extra burden to speak on things that may be outside their area of expertise, and they are also expected to speak on behalf of the community.

I think that what we have noticed and what a lot of our members have said, because obviously Aboriginal communities are very small communities, is it creates a mismatch in the role and authority as to what capacity people are speaking in. Whether a public servant is representing a view of government, a view of community or a view of an organisation that they may be on the board of, it just becomes quite murky and really difficult to navigate. Consulting public servants cannot be used to replace or shortcut consulting with the community or community orgs themselves. Oftentimes it like, 'Well, we had an Aboriginal public servant provide advice and they said it was okay,' but they are also in a different position and capacity and they have different access to information. I think that is something that comes through quite often. At the Coalition of Peaks, which we are a member of – it is kind of our equivalent at the Commonwealth level – they speak on this quite a lot, and I think it is probably more prominent in the Commonwealth space as well, where responsibility is kind of shifted to Aboriginal public servants to deal with "Aboriginal problems". In doing so, that abrogates the responsibility of all ministers or all public servants that they have to Aboriginal people as citizens.

At a base level, the Minister for Children has responsibility for all children in child protection. The Minister for Housing has responsibility for all people in housing, regardless of whether they are Aboriginal or not. When you start to shift the responsibility of giving that advice to Aboriginal public servants or Aboriginal portfolios or Aboriginal ministers, it actually disadvantages them from being considered in the broader policy and service delivery context.

**Lisa BRIGGS:** Can I just make one follow-up comment as well. The consultation process is only one element of it. It is 'What's the outcome?' I think it is also being really clear on what the limitations or thresholds are around any of the expectations that we may have as Aboriginal people for change. That really needs to be a lot clearer. But at the same time, where we are recognised in the report after it, as part of the changes, rather than it being so broad brushed that you are not seeing what particular exemptions or amendments or considerations you need to have when actually working with the Aboriginal community controlled sector, Traditional Owner groups or not. I take your point earlier around how it does become a bit of a tick box, and it really does, I think, over a period of time because of the factor of timing, lack of preparation and lack of knowledge, on both sides. There are a lot of improvements needed to ensure that we are recognised in all of the documentation once it is finished.

**Gaelle BROAD:** This inquiry is also looking into Engage Victoria and how effective it is and any ways it can be improved. Do you have any feedback on that mechanism?

**Emily HOCKING:** Yes. Late last year the Department of Transport and Planning actually reached out to us. It was one of the few occasions we have had actual proactive outreach, and I really want to give props to the team that was doing the Plan for Victoria 2050, because they actually did a really good job of engaging with us and working through with us to find the best way to engage with organisations and also the best way to engage with the community. For that, there were two separate portals on Engage Victoria. One was for organisations like us to provide longer form written submissions, and then there was a short five- or 10-question survey with radio buttons and a bit of free text for community members. They did flyers. If you were in your health service waiting for your appointment, it would be on the wall – you could scan the QR code and do it in the waiting room. I think that is probably the best example I have seen around consultation actually taking into account the community or the end user and the position that they are being consulted from, whether as an org or as an individual.

But beyond that, I do not think a lot of our consultation directly goes through the Engage Victoria platform. When we were initially looking at rolling out the consultation for the implementation plan, we had considered using Engage Victoria, but there had to be a long lead time to get the site up and running and then we would not be able to access the information for our Aboriginal community or our organisations either. It would then become kind of owned by government, which creates issues under Indigenous Data Sovereignty and Indigenous Data Governance as well.

**The CHAIR:** All right. I might go to Dr Mansfield.

**Sarah MANSFIELD:** Thank you. Thank you so much for your presentation and your submission. Further to some of the comments you have made and some points in your submission, you talked about people working within the public service doing more to provide culturally safe environments and culturally safe consultation when they undertake it. What do you think needs to happen to ensure that that is more embedded within the public service?

**Lisa BRIGGS:** Again just using the current regulatory review, I think there were two opportunities that they took on in addition as part of engagement. Largely, consultations happen within larger groups. If we have got young people – we actually have a young delegation that are members of ours – they may be talked out, you know, talked over, like they do not get an opportunity. So we particularly ask for individual follow-ups as part of engagement so that they can talk from their lens, from their view, as part of it. It also then provides them with that culturally safe space where they feel like they can express any issues within the sanctuary of privacy so it is not taken out of context by the wider group, so to speak. I think there is that element.

It is also about the preparation. I would lean on the Aboriginal consultants or even the Aboriginal public servants that sit across the departments – they work very much within the preparation of this process – so that they can also inform them beforehand about what they need to do as part of getting the space ready. The Deloitte crew reached out to us. They have Aboriginal consultants with them. It was more like another layer about what else we could do as part of that. We actually scrutinised some of their questions as well to make sure that they could get the appropriate responses, and then we also fed that out to our members so that we could highlight the significance of actually participating. It is probably a bit of additional work on what you would usually do and then advertising, calling for participation, but it does work.

**Emily HOCKING:** I might just add to Lisa's answer as well. I think it is really important when consulting with Aboriginal communities to remember that there is such a long history of distrust of government as well and distrust of how government uses information. We see this in a service delivery context around things like identification and confirmation of Aboriginality all the time. A lot of people are really not comfortable in health settings or child protection settings disclosing Aboriginality because it is oftentimes marked as a risk factor. I think when consultation is occurring with Aboriginal people and organisations, there needs to be that awareness that there are additional barriers to building those relationships and building that trust. I think the young people that were here before us, I think might have been Meena Singh, touched on having relationships that extend beyond the consultation. I think it is really important to have those relationships and those partnerships in an ongoing capacity so it does not feel so transactional or so used, that there is that goodwill, there is that trust and

there is that respect that has been built throughout. It just enables and streamlines how consultation can happen not just in one instance but over periods of time.

**Sarah MANSFIELD:** Yes. I imagine that if consultation is done poorly, it risks then reinforcing that sense of mistrust.

**Emily HOCKING:** Absolutely.

**Sarah MANSFIELD:** You have also mentioned there being a greater role for First Nations people and voices being involved in reviewing cabinet processes, in particular with relation to things like budget priorities. I would be really interested in understanding a bit more about that suggestion.

**Emily HOCKING:** That comes from the National Agreement. It steps out transforming government and how government does its business, including things like cabinet and the budget. The Productivity Commission's review of the National Agreement, which was handed down in February last year, made further recommendations and reinforced that. I think it comes down to recognising that Aboriginal organisations and Aboriginal communities know what works for their communities. When you are identifying budget priorities around, 'Well, what are we going to fund? We've got this bucket of money. What's it going to?' engaging with the bodies that have to either receive or deliver those services is crucial. Because if you are intervening continuously as a tertiary and crisis response, you are not meeting demand. Our members tell us this all the time: 'Why are we funding prisons? Why are we funding end-point child protection? Why are we funding hospitals? Why aren't we funding at the preventative end?' You know, safe relationships, preventative health and things like the Koori Way at VAHS, which is tackling Indigenous smoking. These are all the priorities that our members keep speaking to, but there is a kind of a barrier that once we provide input through departments or ministers, everything enters a cabinet-in-confidence process. From December, when budget bids are being submitted for consideration, until the budget comes out you do not really have line of sight as to what those discussions are or what is really happening. I think it is just about appreciating that cabinet in confidence exists, but how do you maintain what has been gathered through that consultation and through the identification of priorities by the community so that stays true throughout the process and does not become misinterpreted or get misaligned to suit government priorities?

**Lisa BRIGGS:** Could I just follow up as well, using another practical example which I am sure a lot of you in the room are aware of. Recently within the Hume region they had an event that was talking about the economic development across the region and investment, so really around prosperity. Uncle Paul Briggs was in attendance, because as we know, he did the prosperity plan for the region. One of the things that did not happen, although local government and others were aware of the plan and he had been consulted many times about it – there is actually nowhere within the current investment strategy about how that plan fits in. Aboriginal people in Victoria actually contribute \$600 million annually to the economy, and yet we cannot get into these basic things around how to do the economic development in a different way, where you are actually bolstering employment for Aboriginal people right across the streams, not just within our sector but right across the area, and that recognition of what you can do as part of that contribution. I think you can consult, we give you the tools, but there is no recognition or embedment about what that means for us, so then we are written out and there is no place for us. Again, I think there is a bit of work around, yes, we need the consultation, but we want to be part of that outcome and embedded in that outcome so there are outcomes for us as well as part of inclusion, not separation.

**The CHAIR:** All right. I might go to Ms Watt.

**Sheena WATT:** Lovely. Thank you so much, Chair, and thank you to both Lisa and Emily for coming along today and for the considered work in your submission before us. Look, I have got, frankly, many, many questions, but I am particularly interested in Aboriginal impact assessments. You had as one of your points under 'Strengthening accountability measures' that we could consider implementing Aboriginal impact assessments to understand how proposals may actually have an ultimate impact on Aboriginal people. Can you talk to us a little bit about that proposal? I am particularly interested in exploring that.

**Emily HOCKING:** Yes, absolutely. A lot of the work that we have done – and we have been working closely with the Commissioner for Gender Equality in the Public Sector. Gender impact assessments are something that are done in relation to budget bids; there is a section in cabinet proposals around, you know,

assessing that impact. It is basically the same concept. It is around looking at what is the impact of this policy or legislative reform or whatever it is – the budget bid or whatever it may be – on Aboriginal people, on Aboriginal organisations, on Aboriginal communities. I think it is about making it really intentional to actually consider that.

**Sheena WATT:** Is there a community consultation element to the development of an Aboriginal impact assessment? I am just trying to think if we are –

**Emily HOCKING:** I think the assessment and what you are assessing should absolutely be determined by community to make sure that it is right. It is not just someone going, ‘Oh yes, it might impact in this way,’ and that is kind of the end of it. I think that actually establishing how they are conducted and who they are conducted by, if there needs to be a consultation requirement to doing the assessment, I think that is absolutely something that needs to be designed in partnership with community orgs. But the intention is similar to the gender impact statements.

**Sheena WATT:** So the actual full proposal about what that model could look like, that is still to be developed –

**Emily HOCKING:** Yes.

**Sheena WATT:** So at the moment the proposal is sort of at a high level on the Aboriginal –

**Lisa BRIGGS:** I think one of the examples that we see is even around the bail laws, in particular, in consultations around the impacts. A social impact assessment would identify some of the fundamental flaws that these new changes would actually have for Aboriginal people and then provide opportunity for governments to actually then put in mitigations to actually address that, whether they be guidance or other types of amendments or policy reforms that actually shape it. But again, it goes back to the consultation and the questions that you are specifically asking us. I do not remember very often hearing, as part of the consultation process, what social impact assessment should be conducted for Aboriginal people to ensure that we are reducing the risks of incarceration, of over-representation or whatever the other deficit processes are. I think there are some questions that are missing that actually should be in.

**Sheena WATT:** Okay, great.

**Emily HOCKING:** I think the Victorian Aboriginal Legal Service have a slightly more built-out –

**Sheena WATT:** Proposal?

**Emily HOCKING:** Proposal. Yes, because it is originally one of theirs that have come through.

**Sheena WATT:** Yes, okay. I am particularly interested in that. I have got more time, so I might go to another question, Chair, if I can, which is around the way that community consultation is done broadly on all things government, not just those specific to Aboriginal people. We have heard proposals that are out here about returning to the old ways and big town halls. Can you talk to me about cultural safety for Aboriginal people when it comes to community engagement that is happening on not particularly an issue directly affecting Aboriginal people, although it may do, but more broad scale affecting all of the Victorian community, and what would be a preferred model for community engagement on public policy matters with respect to getting good feedback from Aboriginal people?

**Lisa BRIGGS:** I think, particularly around cultural safety, one of the elements is Aboriginal community controlled organisations have a lot of properties, and the engagement should take place where a lot of our mob go and visit anyway because that is a safe space for them, so that is more about venue choice to make it safe, and having the right people in the room to ensure that they can have the open dialogue. I think there are two different things. What you are talking about, Sheena, is the one where we are in the business of reforming policy from the Aboriginal community controlled leadership and Traditional Owner groups, and then we have got the consumers. I think the consumers are probably the ones that probably need more focus and attention to ensure that those cultural safety elements are in place so they feel like they can participate.

Also, I think there is a strong element around that we are probably over consulted. I bet you I could pull out a lot of documents from 20 years ago that I could table and go, ‘We are still talking about the same issues. I’m



not sure why we're having to say the same thing,' and whether there is also a bit more focus on how you bring some of those things collectively. Now we are in an IT world, we are in the digital world, is there a way where the consultations that happen with Aboriginal people can come in and we are more or less validating what we have said and is this still relevant, because also that means as part of cultural practice, we are being listened to as part of that cultural safety element. So I think there is that thing, but we still do it because we know we have to. But I think there is a bit more focus that needs to have happen also on our consumer group.

**Sheena WATT:** The validation point I think is important.

**Emily HOCKING:** Yes. I will just add to that as well. It is not always about creating separate spaces for Aboriginal people and communities. It is about making all public spaces safe, so having really clear rules of engagement – not necessarily from the people that are doing the consultation, but also other participants – to make sure that there is a standard of expectation that an Aboriginal person is safe to go to this event and express an opinion and not be at risk of ridicule or assault from another participant in the community.

**Lisa BRIGGS:** I think the reality is – Sheena, you would know this as well as I do – that at the end of the day, if you do a consultation within the Aboriginal community controlled sector, you have an Aboriginal leader that is well recognised within the groups that you are consulting with. Participation is much greater as part of that process because we would have already done our cultural obligation on this side in making sure that they are heard, we are providing the right space and they understand what the process is actually about.

**The CHAIR:** All right.

**Sheena WATT:** I believe that is all for my time. Thank you both.

**The CHAIR:** Ms Lovell.

**Wendy LOVELL:** Thank you. Emily, you spoke about the Aboriginal people having a distrust of government, and I think unfortunately there is some in reverse – a distrust or maybe an apprehension of negotiating with an Aboriginal group by government. I grew up in Shepparton – Ms Tyrrell did not, but she lives there now – but I am very passionate about Closing the Gap. I find it offensive that somebody I sat next to in high school has a life expectancy 20 years less than my own purely because they are Indigenous.

When I became the early childhood minister, one of the first things they briefed me on was the participation rates: there were 95 per cent of non-Indigenous children attending four-year-old kindergarten, and there were 57 per cent of Indigenous children. My passion and my determination was to get that to 95 per cent. We did that in a relatively short period of time, and we did that because at the time I worked with VAEAI. I already had long-term relationships with Uncle Lionel and Aunty Geri, so we had an absolute trust of each other that what we were doing was for the benefit of the Indigenous community, and we could say what we liked to each other and we could just get things done. We cannot build those types of relationships between everyone in government and the Aboriginal organisations, but how can we break down the distrust on both sides so that we can get better outcomes for our Indigenous community and particularly close the gap?

**Lisa BRIGGS:** I think using the current example of the local governments – I mean, they did not know who we were. They were probably a bit standoffish at first, but what we came with was something of a shared vision and a shared commitment about particular things. Over the course of time I have interviewed 60 CEOs and executives and been invited back to do more reviews, because they understand actually our shared issues that we have that we can collectively solve, like maternal and child health. Mind you, they did not come to me – I went to them. But again, what I do find with a lot of institutions is some of them are in paralysis simply because they need direction. They do not need fluff, you know – 'I need this in 10 years or that.' It is clearly around: what can I do today or tomorrow to fix this issue? So we were able to provide that for them, and so I think as we come along and build that sense of shared unity and shared vision, the relevance of actually having a strong relationship together and working together for that same cause actually is then harnessed – this train, now that I cannot stop – which is great, because I think it is good for the local communities as part of that. But it does take a lot of intensive effort.

We were not funded to do this particular work; we have just seen it as an opportunity to position Victoria, largely for the Close the Gap initiative. Again, I think there are lessons learned in that, but I think what you also have, Wendy, I think could really branch out a lot with a lot of other MPs within particular areas. We have a lot

of change-over of CEOs within the organisations, but how do you get the local elders in the community to actually navigate so that those ties stay strong and are not fractured? Because I do think you guys have a very strong role, particularly in what you do in representation, but do we leverage it enough? We probably leverage more of the stuff, you know what I mean, internally within the bureaucracy, so I think there is a real lesson that you have provided today.

**Wendy LOVELL:** Yes.

**Emily HOCKING:** Wendy, you touched on having that personal relationship, and I think that is the starting point for a lot of them. A lot of the formal partnerships stem from the fact that we are all people, right? We have this natural want to connect and all of that. So I think, as Lisa said, finding that shared vision and that initial kind of informal interpersonal relationship is important, and then I think the next step is about how you embed that as part of an organisation's culture. Lisa has been meeting with CEOs, but the next step to that is making sure that the CEO is embedding that sense of partnership and contact throughout the organisation so that if the CEO does move on, we are not starting from ground zero again and then having to do all this work to rebuild. So I think it is kind of that initial build but then about how organisations embed that and work with Aboriginal community controlled orgs like us to make sure that that becomes part of their ongoing culture, that it just kind of becomes a bit of a force of habit: 'Oh, this thing's coming up; have we rung Lisa, have we rung Aunty Geri, have we rung Aunty Muriel?' – those kinds of things.

**Wendy LOVELL:** Thank you.

**The CHAIR:** Thanks. I will go to Ms Ermacora.

**Jacinta ERMACORA:** Hi. Thanks, Lisa and Emily. I think everything is heading in the same direction with these conversations. I think there is general agreement that personal relationships are sort of the bedrock and ongoing they are really powerful and important. I am interested in structural arrangements or formal arrangements, and I think that is what you are kind of pointing to with the GIA, the gender impact assessments, and having Aboriginal impact assessments. With local government, I think it was Bracks and Brumby that did a reform that required every single local council to do a medium-to-long-term strategic plan called a council plan. Before that, it was not required. I just wonder what kind of structures – if I am assuming; perhaps that is the first question. Is it some kind of structural requirement for engagement? Acknowledging relationships are important. Because I think councils particularly are very vulnerable to who gets elected. Sometimes that kind of works well and other times it is a disaster. Should there be a requirement for a structural form of engagement that then has a bit of flexibility within it based on place? What are your thoughts?

**Lisa BRIGGS:** I love your questioning; it is bang on. What we did as part of the review was a review of their statutory obligations. We did a review of the *Local Government Act*, their performance framework, the equality framework and the Act, alongside the National Agreement on Closing the Gap and the 17 socio-economic targets. We wanted to strengthen and synergise what might be in there so that we could put forward what guidance or statutory changes are required to amend it. The issue that we had, and I go directly to your point, was that it was based on people. Closing the Gap has been around for 20 years next February, and yet when you look at local governments, it is very much reliant on the people that are actually delivering it and have a passion for social justice. But if they move away and you have a different director, it changes. One of the things we found from the Commissioner for Gender Equality in the Public Sector was about doing those statutory changes and making sure what you did was publicly reported in terms of consultation or statutory obligation. It also goes to the heart of those clauses that I was talking about before – 6, 15, 19 and 32 – within the agreement.

So again, we would love if there was consideration around guidance in the first instance and then potentially amendment changes with cross or statutory bodies that would actually ensure close the gap consultation, not just cultural consultation – I think it has to be very specific to us, and we have asked for close the gap to be written in the guidance or statutory amendments because it does reflect the agreement itself rather than 'cultural', because 'cultural' can be misinterpreted. Even under the *Local Government Act* right now, for Traditional Owners it says 'recognise'. As part of that then, local governments do not necessarily have to do the full suite of consultation, and therefore it could end up being a tick box depending on what local government area or consultant you are dealing with. We are being very prescriptive, and we are happy to share that information with you guys should you require it.

**Jacinta ERMACORA:** That sounds like some kind of statutory requirement for councils to report on relevant First Nations reform processes or goals. In this case, currently it is Closing the Gap, but then there might be other things that are relevant over time. Would that be a recommendation that you would say would be a useful thing for our committee to come up with?

**Lisa BRIGGS:** Absolutely.

**Jacinta ERMACORA:** That is fascinating. I suspect a lot of the councils are not aware that they might have a role to play in Closing The Gap.

**Lisa BRIGGS:** That is correct; they were not aware. Back when Kevin Rudd signed the statement of intent in 2008, everywhere – it did not matter where it was – there was a real strong push for close the gap, so it was embedded everywhere. Over the last 10 years I believe it has dwindled, and it has very much become the priority of whatever the state is really doing at that time because of environmental change, not political goodwill, I wouldn't say. They were not aware that the agreement was signed with the Victorian partner in 2018, and I suppose that is why we have been established, to some degree, to ensure that we go out to everybody and re-instil their knowledge around close the gap, particularly if you are funded for particular obligations. Local governments are not funded for close the gap, but they do deliver services, direct services that align with close the gap, and so again we might find that there are a lot of bodies that are actually like that.

**Jacinta ERMACORA:** Just to close that out, there would be almost like a regulatory stick and a funding carrot. The regulatory stick might be a report annually about whether or not a council is compliant with their engagement with Aboriginal people – noncompliant or compliant.

**Lisa BRIGGS:** Correct.

**Jacinta ERMACORA:** And then if there was more funding to support that, that would also assist. Is that what you are –

**Lisa BRIGGS:** Because local governments have three tiers of funding where it is tied, untied and projected, a lot of the funds that they get for Aboriginal people with a loading at the moment is through tied funding, so you are not allowed to tell them how to use that particular thing. That goes to your point around the statutory obligation, because they still get funding for us as part of the process, so that transparency probably needs to be a lot greater as part of that process. But also, if money did come through for the close the gap initiative for them to actually fulfil other parts of the obligation, there would be some type of other reporting requirement.

**Jacinta ERMACORA:** Thanks. And that would provide guidance too – like, not just the stick, but they need help sometimes.

**Lisa BRIGGS:** Yes.

**Jacinta ERMACORA:** Thank you.

**The CHAIR:** Right. Ms Tyrrell.

**Rikkie-Lee TYRRELL:** Thank you. Since the Chair pinched my first question, I am going to borrow Mr Ettershank's previous one. What is the best consultation process you have attended? We will also flip it: what is the worst one you have been to? Just so we know what to do and what not to do.

**Lisa BRIGGS:** Jeez. Gosh. Without trying to throw people under the bus, probably one of the hardest ones that I think occurred was when we were doing the housing regulatory review, and I think that was because at the time, ACCOs, because they have a lot of obligations and they have got a lot of standards that they must meet – not all of them are housing providers; Aboriginal Housing Victoria was the only one at the time – so the interpretation of what that review really meant in practice – and again, a practical example would be the complaints process. A complaints process generally as part of a quality assessment is not as rigorous as those requirements under the housing because it is related to VCAT in terms of timing. So again, there was a lack of knowledge of the role and function of that housing regulator, and our interpretation of what it was from an Aboriginal community controlled direct service provision was too skewered. I was the Wathaurong CEO at the time down in Geelong, and if I had to do it again, I would probably change everything that I said now that I know better. It was more around the preparation and truly understanding that. It was largely led by

commissioners as part of the process, and the questioning, although similar to what we were thinking, was very different in terms of the regulatory requirement in terms of practice. That is probably the worst one that comes to mind. Again, it was all done online, in a rush. It was very different.

The best ones that we have seen would be where they have actually been conducted – Rumbalara footy club, for instance. You get thousands of people that will go there because it is a safe environment to go to, it is their sense of belonging, they trust the leadership and eldership that sits around there, they know that they have done that other part of that filtering around what the consultants are coming for, making sure that they are aware, and they are also there to interpret as part of that process besides just the Aboriginal consultants, so I think there is this really strong synergy of place base in terms of consultation. I cannot undermine the value also of Aboriginal consultants, because they are really good at interpreting. We have a suite – I think there are about 15 that we have got as a regular process for procurement. Maybe part of the consultation process where it needs to be consistent is around that procurement process of those consultants, just because they know and they can then advise in a much more appropriate way about preparation, the papers that are required or how you actually do surveys. Youth in particular miss out a lot – it is largely us older mob and the people within the services. Going to your point, Wendy, about how you do consultation in school with large Aboriginal kids there, to get some feedback on particular things, I do not know if we have actually nailed that yet.

**The CHAIR:** Thank you. Lisa, Emily, thanks so much for coming in today, for the submission you have made and also for the oral evidence that you have given. We will be providing you with a copy of the transcript of today's proceedings, for you to review and check, in about a week. The committee itself will be reporting to the Parliament by February, and then the government will respond after that. Thanks very much for joining us today. With that, the committee will take a break for lunch.

**Witnesses withdrew.**