COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Reference: Capacity building in Indigenous communities

WEDNESDAY, 27 NOVEMBER 2002

DARWIN

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HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Wednesday, 27 November 2002

Members: Mr Wakelin *(Chair)*, Mr Danby, Mrs Draper, Mr Haase, Ms Hoare, Mrs Hull, Dr Lawrence, Mr Lloyd, Mr Snowdon and Mr Tollner.

Members in attendance: Ms Hoare, Mr Lloyd, Mr Snowdon, Mr Tollner and Mr Wakelin.

Terms of reference for the inquiry:

To inquire into and report on:

Strategies to assist Aboriginals and Torres Strait Islanders better manage the delivery of services within their communities. In particular, the committee will consider building the capacities of:

(a) community members to better support families, community organisations and representative councils so as to deliver the best outcomes for individuals, families and communities;

(b) Indigenous organisations to better deliver and influence the delivery of services in the most effective, efficient and accountable way; and

(c) government agencies so that policy direction and management structures will improve individual and community outcomes for Indigenous people.

WITNESSES

Committee met at 8.04 a.m.

COLLINS, The Hon. Bob (Private capacity)

CHAIR—I welcome the Hon. Bob Collins, who has a CV longer than I have time to read out, and thank Bob for giving his time today. The inquiry is to do with things that you know a lot about, and have had a fair bit to do with, particularly your recent review of the education system. Earlier we were at Maningrida and they spoke well of you.

Mr Collins—That is nice to hear.

CHAIR—Could we kick off with a few comments about education, what you found and how you saw it. I will leave it to you.

Mr Collins—Most of what I need to say is contained between the covers of the report. It is not yet an ancient document. So, rather than concentrate too much on that, I will simply make the point that, historically, not a lot of attention was paid to low outcomes from remote communities in the Northern Territory. It was very much a case of 'out of sight, out of mind'. There was, historically, also strong resistance to having accountability in that respect in terms of having it tested. I personally had a number of very energetic debates with people on that subject over the years. I do concede that there are valid concerns about the misuse of educational statistics such as MAP tests. I make this point as a parent, apart from anything else, with young kids—all of whom are still in the education system and none of whom show the slightest interest in leaving home, but I live in hope—that MAP tests are a long way from being the be-all and the end-all of the test of an educational system.

I do want to say categorically that, particularly after the refinements that have been made to them, MAP tests are a reasonable indicator of minimum standards in literacy and numeracy. They are a useful diagnostic tool for teachers, in particular, and for parents, but I see their principal use as being by schools themselves to indicate when kids have got problems that need particular help.

If you go to any urban school, in the city—Parap primary or any of the schools in Darwin—you would expect to get around 85 per cent of kids achieving grade-for-age in their MAP tests. The last MAP test results from one major region in the Northern Territory was two per cent. That is of the kids who are enrolled, and there is a significant proportion as yet—not completely determined—of under-enrolment. So it is a pretty grim picture in terms of the achievement of minimum educational standards.

I have said this for a very long time—people are sick and tired of hearing me say it, and I do apologise to those in the room who have heard me say it a million times before. The review came to the conclusion—certainly it is my own view—that every Australian, irrespective of their ethnic background, needs as a minimum year 7 literacy and numeracy. That is the last year of primary school. You have no hope of having any degree of control over you own life if you have not got that minimum standard. It does not matter who you are or what your background is. Thousands of Aboriginal kids are leaving the school system hopelessly ill-equipped at year 7. As it is with all kids, the further they get behind, the further they get behind. By the time they struggle through to year 7, very large numbers of them simply give up. It is all over the top of their heads. People have been saying to me in this place for 30 years that it is going to take

another generation. What keeps me awake at night is that the MAP test results that I have just given you are the next generation. They are the year 3 reading results from one major region. So that sets the stage for how grim it all is.

On the positive side of it, an enormous focus has now been put on acknowledging the fact that these results are appallingly bad. There has been a complete overhaul of the way in which Aboriginal education is being delivered in the Northern Territory. A completely new strategic plan has been developed to deliver education to Indigenous kids in the Northern Territory—that is published, but it is also being acted on. There has been hands-on involvement with, if you like, middle management in the department, including school principals. A whole series of workshops—and they were workshops—were held last year, most of which I attended myself, where the secretary of the department personally delivered the message that the responsibility of turning this stuff around belonged to everybody in the system. It was not just the responsibility of the Aboriginal education unit on the second floor of Tamar House, it wasn't going to be ghettoed any more; it was core business for the department.

As I keep saying, all of this is not rocket science but it is the first time that this has happened. If I could say anything positive about what has occurred in the short time since the review was conducted—certainly the overwhelming feedback that I get from practitioners—is that this is the first time, because there have been other reviews, that there has actually been a real reaction to a review and a strong departmental focus on turning things around. I wait with some anticipation, of course, for further MAP results from the bush. The reason that I am keen to see what they are, as a result of what has gone over the last three years, is that the really grim news was that—and this is all contained in the report—as bad as those standards were, they were continuing to decline. The MAP test results from the particular region I spoke to you about for year 3 reading was five per cent when the review was completed. It was two per cent a few years later. This is consistent, of course, with attendance records. I desperately hope that we will get some indication that this is turning around. The reason that is important is that these results have been so bad for so long that a lot of hope has gone out of the system for both Aboriginal and non-Aboriginal people. A lot of people have just given up and said, 'This is all too hard and it is never going to change; we will just forget about it.' We need to demonstrate to people that it can be changed and it can be turned around. I hope that we have at last got to the point where we start to see these figures go up instead of down. One point I need to make is, if I had to nominate one single area where capacity needs to be built in Aboriginal communities, I would cite education without hesitation.

CHAIR—It stands out starkly, doesn't it? Can I talk about two or three obvious impediments. English is the second, third or fourth language in these communities. To me, that sounds pretty tough in a school situation. In your report, you suggested some different techniques for how people might adapt schools to Aboriginal life. You mentioned attendance—as you say, it is not rocket science but there is no doubt, I hope, that in some places it is just a bit better than in others. Maybe some areas have done it a bit better than others. With regard to the language issue, there must be a whole plethora of confusion in people's minds, because a kid goes to school in a community where English is the second, third or fourth language. Could you comment on that?

Mr Collins—For an Aboriginal kid, the situation is, in reality, grimmer than that. I say in the report that there are no kids in classrooms in Australia that face a bigger challenge than an Aboriginal kid in a remote community learning English. You cannot get, in my experience, two

cultures that are more dissimilar in their world views than the Western culture we belong to and traditional Aboriginal culture. But it is more difficult than that. If you are a Vietnamese kid or a Greek kid or an Italian kid who comes out to Australia and you cannot speak English, you have to speak English because you are immersed in it. It surrounds you every day of your life, not just at the school but in the community where you live. In an Aboriginal community, one of the very few places where standard Australian English is routinely spoken is the school. It is not spoken in the community outside the school gate; the vernacular is used outside the school gate. If you do not go to school very often—the only place in the community where standard Australian English is spoken—your chances of acquiring good English are pretty grim. English needs to be taught as a foreign language in Aboriginal communities, not as a second language. That is the first point I would make. Can it be done? Yes, it can.

CHAIR—But school is not very attractive to Aboriginal kids, is it?

Mr Collins—No and I think the major impediments still remain making education relevant to Aboriginal people. In terms of where Aboriginal people prioritise things, with most Aboriginal people that I know education is not high up on the list. Getting through the day is the challenge.

CHAIR—Or the night.

Mr Collins—Particularly the night.

CHAIR—No names no pack drill, but did you see some places where somebody has got hold of it and done something which stood out?

Mr Collins—Yes, and again that is all contained within the covers of the report. There are people who are getting better outcomes by working closely with the communities that the schools serve. As I said a few minutes ago, the good news for me—this is what I hope to see gets in the MAP test; you have given me the opportunity to talk about this—is what I have been desperately clinging to as someone who wants to see improvements—that is, are those isolated examples? What I am looking for is evidence that there has been a systemic change, not that it is not just a case of whether a little community over here is doing something good or another little community over there is doing something good, which has been the situation until now. I am looking for some real evidence—and again this is all in the report—that I would rate as a sign of real hope. People talk about whether it should be a 10 per cent increase or whatever, but I think that is meaningless here. What would be signs of real hope would be evidence of a systemic shift in outcomes across the whole system. For the first time, there has been a real push on. I give great credit—and I have done it a number of times—to the efforts that the department of education, the officers in particular, have made now that they clearly have a mandate to do it, to actually make this core business and to focus intently on getting better outcomes for these kids.

Ms HOARE—How are they going to do it?

Mr Collins—It has to be done at the end of the day by engaging the communities in which these schools are situated, by going out and working actively in cooperation with the local councils, by actively engaging cooperation with the local health services, for example. Of all the other departments that provide services on the ground in Aboriginal communities, they are the two services that needed to be delivered as a seamless operation. Again I make the point: you

can go to individual communities where, because of the individual initiative of the officers concerned, you get a terrific school principal and a terrific head nurse—that happens—but there has been no mandated system that says, 'This is the way it has to happen.' That has now changed; there is now that system. Early education: you cannot stress enough the importance of getting in as early as you possibly can. One of the fantastic things that is happening now in the Northern Territory to an increasing degree is the early childhood facilities now being built—and I went to one that has opened this year—which are combined operations between the health and the education departments. So you have babies and young mothers—and they are increasingly younger—going to a place where the kids are being cared for, they are getting all the medical attention they need—immunisation and all that sort of stuff—and the program that is being delivered there also involves teaching, not just the kids but for the mothers as well. So there is a combined effect, delivering the services together. That is something that needs to be done as a matter of course. The good news is that it is being done now, for the first time.

The other thing that has to be said, in giving people a message that there is value in them getting an education, is that public policy must be sensible—one piece of public policy has been on its head for 30 years. There are examples of silly public policy doing exactly what it should not be doing. The major area where Aboriginal people have educational attainment and have been employed is teaching; the other area is health. If you are a teacher at Maningrida you go to Batchelor College for three or four years, you become a qualified teacher, you teach in the school and you live in a tin shed. But if you are from Flinders University and you have never been in the community, you get a house to live in. The rationale for that policy, which makes sense in Darwin, is that if you are a local you are expected to find your own housing but if you are a blow-in, it has to be provided for you. That is the rationale. But what does it say to an Aboriginal?

Again, it is in *Learning lessons*, but this really came home to me in the review because it was said to me again and again. I stood in a classroom at Lajamanu and there was this young white teacher who had been in the school for just that year, with an Aboriginal teaching assistant in the room. I asked how it was going and she told me she had a science degree and a Diploma of Education. She was a highly qualified, terrific young teacher—I would have loved to have had her teaching my kids—but she said to me, 'Bob, I am in my second term at the school and I do not even know how to program a lesson for these kids. If it were not for my Aboriginal teaching assistant, I would not know what I was doing.' I said, 'Fair enough', and she said, 'You know what really embarrasses me about that?' and I asked, 'What?' She said, 'The Aboriginal teaching assistant has been teaching at the school for 23 years at Lajamanu and she lives in a rubbish dump with 23 other people. I am here for the first time in my life. I am following her around the classroom, not the other way around—she is teaching me—and I am living in a nice demountable with one other teacher. That is really wrong.'

As wrong as it is, it is still the policy of the day. I keep going on about it. If you look at it from the perspective of a bureaucrat in Darwin, it is a policy that has got validity. It makes sense that the locals get their own accommodation. Does it make any sense at Maningrida? You have been there. Does it make any sense at Wadeye? No sense at all! If you are an Aboriginal person living in shit—pardon the vernacular—and you go and do all these things that these people want you to do; you get an education, you get qualified, you become a teacher, you go back to your community and you will continue to live in it. If you are a white lady from Flinders University who comes into the community and are there for one day you will get a nice house to live in. What sort of message does that deliver? I think that is a policy that has to be worked on.

CHAIR—You realise that the media are here?

Mr Collins—I do not care. I am getting too old to worry about that mob.

CHAIR—That is fine. You remind me of how things have changed. In 1967, I was down here at Tipperary. We were in a shed with the old lighting bar banging away in our ears and working 12-hour shifts—that sort of thing. Things have moved on for most people, but they have not for the Aboriginal people in so many areas.

Mr Collins—No, and I think part of that is that it becomes such a normal part of your landscape. You live here for 30 years and it is the way you see the world; that is the way it is done.

I cannot leave here without mentioning something, and again it is in the report. There is a page in the report called the socio-economic context which I laboured over; it is only one page but I laboured over that draft for weeks, because I wanted to say it. It has to be acknowledged. You cannot overstate the negative impact that substance abuse is having on all of these capacity building exercises. Substance abuse is absolutely the rock on which many Aboriginal aspirations founder. It is a situation which is getting increasingly out of control. People think, for example, that there is a sort of acceptance these days that alcohol was always freely available. It was not. I am not Methuselah, but when I first went out to work in Aboriginal communities 30-odd years ago, the communities were virtually dry. Maningrida certainly was. Over time that situation changed. Now, of course, it is freely available all over the place. There is no other way of having it. I watched *Australian Story* and noted Noel Pearson, but as much as I support the aspirations that he has, I have to say categorically that there is no use chasing things like prohibition. It is a complete and total waste of time. It will not work. It has been tried again and again here. A famous example is in the United States, of course, but it has been tried here many times and it does not work. That is not an answer. Of course, on top of everything else now—kava and gunja—it makes it very difficult in terms of providing capacity building in the community and that is something that simply has to be worked on at a community level to turn it around.

CHAIR—You are right about that because the law has changed a hell of a lot in the last 30 years. Back in my own experience in the Territory 30 years ago, the three-stubby policy—there had to be a special dispensation et cetera. So you are right.

Mr Collins—I saw all those transitions: the happy club or happy hour as they used to call it. You got a card and you checked off your three cans and that sort of stuff. There are a lot of Aboriginal out-stations that have declared themselves dry; I know in a number of those out-stations the simple authority of the traditional owners maintains it that way, and more power to their right arm. You can do it in small isolated communities.

CHAIR—A lot of it is very practical—responsibility, et cetera, and knock it over if it is not responsible.

Mr Collins—Yes, that is right. I read a couple of the submissions that have been made to your committee: one from the NT government of course and also one that you got from the Local Government Association of the Northern Territory. I do not think I would be doing them

an injustice to say that the whole question of building capacity in terms of educational outcomes is the central theme of LGANT's submission too.

Mr LLOYD—With regard to the education issue that you raised, I am very pleased that your are talking about the importance of English. Everywhere we go in the isolated communities, that, to me, is such an impediment to leadership building. You are talking about a generational change. This is what concerns me as well. Wherever we go, most of the Aboriginal leaders that we speak to who have a good command of English have been mission trained or were part of the stolen generation. I am not going to get into that debate, whether it was right or wrong, but the end result was that they actually had a command of English.

I am worried about the next generation because when you see that generation coming through—and it is hard to generalise—there are whole generations in many communities that have no or very little command of English in their education. I am really concerned about how we are going to get leaders out of those communities. They can be leaders within their own communities, and within their own language group, but if they are going to make contact with mainstream Australia, as far as I am concerned they need English. I do not know if you want to comment on that.

Mr Collins—Yes, they do. These days, with the modern systems that are in place for administering Aboriginal communities and providing Aboriginal communities with governments, you need English. Everything else runs off the back of it. You cannot escape it. In fact, why should you escape it? It is simply a fact of life. People who are in that position are virtually unemployable in their own communities and they are certainly completely unemployable anywhere else. It is as simple as that.

There is a group of young Aboriginal people that concern me, who I think of as the lost generation, who are a growing group. These are young kids that have progressively lost a lot of their own culture and certainly a lot of their own language. I am thinking very closely to home when I think about some of these kids. My wife is an accredited translator in what is called Modern Tiwi. Last year, she had to go out to Berrimah Police Station to assist a young person who had been apprehended who could not understand English. It only took her two or three minutes to realise that he could not speak Tiwi either, and she had to explain that to the police officers. What happens, of course, is that these groups of kids—and it is understandable how it happens—develop a language of their own which is perfectly usable inside their own group but completely useless outside their own group. No-one else can understand them and they have trouble understanding anyone else. You do not have to be a genius to work out that the options for those kids are strictly limited to remaining within that group or in that particular coterie where they will be for the rest of their lives effectively.

I am not ashamed or embarrassed about saying that it is a reality that all Australians need, as an absolute minimum in terms of skills, year 7 English no matter who they are in order to have any hope of having any degree of control over their own lives. I make no bones about continuing to concentrate on it and I remain hopeful that, with the intense effort that has been put in, and is continuing to go in, to focus attention on this and to turn it around that we will start to see some sort of systemic improvement.

Mr SNOWDON—I apologise for being late. I am sorry I was not here earlier. Did you make any comment on the need for field staff, teachers, professionals, health workers, health

educators who work in Indigenous communities to be au fait with the cultural parameters of the communities within which they work and the languages of those communities within which they work.

Mr Collins—No, we have not talked about that because I have only got 30 minutes, but I am glad you have raised it. That is one of the things that has also changed interestingly enough over the years. Back in the old days, it was an accepted thing for non-Aboriginal staff going into communities that you actually did make an effort to learn the local language. I did. The missions basically required it. I remember at places like Galiwink'o and Milingimbi, for example, it was just part of the deal. After hours you had lessons in the local language. I think the need for that is greater than it has ever been, frankly. I am glad you raised the point.

I am sure you would agree with this, Warren. It is not simply the fact that it is stating the bleeding obvious. After I have been at Cadell for two years, I did not speak English. I was the only English speaker in the community so it seemed a bit silly to talk to myself. It says a lot more than simply picking up the skill. What it says is, 'I value your culture and your language as highly as I value my own and I am prepared to put in a bit of effort the other way.' I do not think, Barry, that Australians are very good at that. I do not think we are very good at being second language speakers across the board.

CHAIR—My Pitjantjatjara is terrible.

Mr Collins—I think there does need to be some effort made to do that. I will finish briefly in answering you question by talking about cross-cultural education. I think a lot of the cross-cultural education that is carried out is completely useless. It is not only completely useless, but because of the way in which it is delivered, it can often have the reverse effect. One young teacher said to me out in the bush that she got dragged in to this particular place and spent two days being told about skin relationships. After 34 years, I still find that so complex that I cannot understand it. She said that she was given some really hard lectures on things that she could not do. She had to avoid eye contact and she could not phrase questions. By the time she had finished it, she was terrified to talk to an Aboriginal or look at one.

I think the most appropriate way of delivering that kind of community understanding and cultural understanding, a good model of it, is in the Tiwi Islands. Teachers have said to me, 'When I go to Maningrida to teach, the main thing that I really want to find out about is Maningrida. I do not want to go to some generic course in skin relationships or whatever.'

In the Tiwi Islands, the community has produced its own resource material on the Tiwi Islands, which includes a significant component of language. A lot of common names and common conversational stuff that you can get in there is given to teachers at the time they are recruited to go to the Tiwi Islands. It is friendly material for them because they are teachers. They are used to reading books. By the time they get to the island, they are in a position to ask informed questions. Local people are then employed and paid—resources are available to do this—to come into the school to talk to the recruits about that community.

I think that is the way it should be delivered. It should be delivered in the communities. I have the greatest respect for the good work done by people who deliver this stuff in Darwin or Alice Springs, but the most effective way of doing it is to provide some basic material about

how things work in Maningrida or wherever and to employ local people to do the rest on the ground.

CHAIR—I thank the Hon. Bob Collins very much.

Mr Collins—It was a pleasure.

CHAIR—Before we move to the next witnesses, we need to pass two resolutions concerning the media.

Resolved (on motion by **Mr Snowdon**):

That the media request permission from the committee to allow audio recording of the public hearing.

Resolved (on motion by **Mr Lloyd**):

That the committee inform witnesses that the media is present and seek assurance that there is no issue with the media audio recording their evidence.

[8.37 a.m.]

CLEARY, Ms Jennifer, Assistant Secretary, Community Health, Aboriginal Health and Hospital Services

COLES, Mr David, Executive Director, Local Government and Regional Development

DILLON, Mr Michael Campion, Chief Executive, Department of Community Development, Sport and Cultural Affairs

SMITH, Mr Douglas Alan, Assistant Commissioner Operations Command, Northern Territory Police, Fire and Emergency Services

WEBB, Ms Phillipa Jane, Assistant Director, Client Services, Northern Territory Library and Information Services

WESTBURY, Mr Neil, Director, Office of Indigenous Policy, Department of the Chief Minister

CHAIR—I welcome all officers here today, particularly Assistant Commissioner Douglas Smith. I invite you each to make a short opening statement.

Mr Westbury—The Northern Territory government's submission to the inquiry seeks to highlight some of the issues it views as critical to securing sustainable capacity development in indigenous communities and further illustrates these through some case study examples. The case studies and issues identified are not meant to be exhaustive. The submission provides some detail about the historical context in the Northern Territory. It is important to recognise that many issues arise from the distinctive history of policy development, and the relationship between governments and Indigenous peoples and their representative organisations. These unique factors are further underlined by the demographic realities of Indigenous dispersion and location. Matters relating to funding and accountability are more widely applicable, although, as the submission points out, the Territory is hardest hit by funding arrangements that are based on per capita adjustments and not allocated on the basis of need.

Other fundamental matters identified in the submission involve the key issues of sustainable Indigenous governance and effective service delivery. The evidence is clear-cut: without effective institutions of governance and genuine local decision making, the prospects of achieving sustainable economic development remain illusory. We have provided a number of case studies to illustrate the issues from the viewpoint of practical experience in the area. With me today are Jennifer Cleary, who can elaborate on the health board's experiences; Doug Smith, who can answer any questions on the police capacity development exercises; David Coles, who can answer any questions on community governance, environmental health standards, and the law and justice projects; and Mike Dillon and Phillipa Webb, who can address any issues relating to IHANT, related funding issues and information service issues. The case studies provided also highlight that building capacity within government is at times equally important as building community capacity if effective and sustainable whole-of-government service delivery arrangements are to be developed. This is already apparent in the early stages of the

COAG Indigenous communities coordination pilot for which Wadeye, or Thamarrurr, is the Northern Territory's nominated community. I understand the committee visited there yesterday. The NT government believes that this type of approach should be replicated elsewhere and they have sought Commonwealth agreement to undertake similar collaboration in the East Katherine and West MacDonnell regions consistent with the development of regional governance arrangements in those areas.

As you may be aware, the current government has articulated a substantial agenda in Indigenous affairs and is actively exploring ways of building more effective partnerships with Indigenous communities and governments to address the chronic issues facing most Indigenous communities. Some of the more relevant initiatives are outlined in the submission. The fundamental issues involved in developing capacity in remote communities transcend party lines, and the lessons learned over previous years remain relevant. We have summarised what we see as the key issues for capacity development in the submission.

Mr SNOWDON—Neil, I was interested in your statements about funding arrangements. One of the issues is about the allocation of grants on a per capita basis. What is your view of the work done by the Commonwealth in looking at grants and how they should be allocated?

Mr Westbury—That has particular relevance to the housing funding arrangements. Mike Dillon might elaborate on that.

Mr SNOWDON—How does the Territory receive funding for Indigenous housing?

Mr Dillon—There are different routes by which funding is provided for Indigenous housing. The first distinction to make is between urban and remote. The NT has a public housing system funded under the Commonwealth-State Housing Agreement. Twenty per cent of our tenants are Indigenous. That system is funded through base funding from the Commonwealth-State Housing Agreement and rental revenue from public housing tenants et cetera. In remote areas, the Territory has a unique situation—it comprises 52 per cent of the discrete communities across Australia and 44 per cent of the population in remote areas—there is a massive housing need out there. The funding comes primarily through Northern Territory government resources and the Commonwealth's Aboriginal Rental Housing Program, which is a component of the Commonwealth-State Housing Agreement. National funding has been level at $91 million per annum since around 1990, to my memory, and the Territory gets a percentage of that.

Mr SNOWDON—Can I just confirm that there has been $91 million funding for Aboriginal rental housing since 1990 with no indexation and no increases, apart from one-off increases?

Mr Dillon—No indexation. The Commonwealth-State Housing Agreement has been the only special purpose payment that has not been indexed of all the Commonwealth's special purpose payments. In the offer just made to states and territories two weeks ago by Senator Vanstone, she has indexed the base funding for CSHA from year 2 of the next agreement. But the Indigenous component, the Aboriginal Rental Housing Program, as far as I can ascertain, is not indexed.

Mr SNOWDON—Could you give us a general idea of what you believe the dollar figure is in terms of providing for housing shortfall in the bush communities at the moment—have any

surveys been done? Then, can you tell us how the Aboriginal Rental Housing Program is allocated?

Mr Dillon—Yes, there have been surveys. The first quantitative survey of housing need was done in 1987 by the old Aboriginal Development Commission. That formed the basis of the allocations of the ARHP from 1990 onwards. That is still the basis of the allocation. Since then, there have been a number of quantitative exercises undertaken: a 1996 survey; a 1999 community housing and infrastructure survey undertaken by ATSIC; a 2001 census; a 2001 community housing and infrastructure survey undertaken by ATSIC. All of those surveys point in one single direction—the extent of housing need in remote Indigenous communities is massive, and in respect of the Northern Territory it is huge. Just to draw some statistics out of thin air, 81 per cent of the Indigenous housing in the country that is not connected to sewerage is in the Northern Territory—67 per cent with no water connection, and 75 per cent with no power connection. All of these allocation systems would require some sort of formula, some underlying assumptions. You can argue at the margins but I think everyone would agree that a vast amount of the need is in the Northern Territory.

Mr SNOWDON—So is there any additional funding for Indigenous housing separate to the rental housing program?

Mr Dillon—Yes, there is funding from ATSIC through the NAHS, the National Aboriginal Health Strategy, and through the community housing and infrastructure program. NAHS is not pooled, but the Northern Territory has a unique pooling arrangement set up under the IHANT, the Indigenous Housing Authority of the Northern Territory, where the Northern Territory pools all of its ARHP moneys under the CSHA with ATSIC's CHIP, the Community Housing and Infrastructure Program. From memory, we get $20 million under the ARHP. I think ATSIC puts in $16 million. There is some extra money from small amounts from the NT government's own revenue.

Mr SNOWDON—How is that administered?

Mr Dillon—There is a joint board with representatives of the Commonwealth, the Northern Territory and ATSIC.

Mr SNOWDON—Referring back earlier to Neil's introduction, would you see that as a positive example of cooperation and coordination in terms of the allocation of finite resources?

Mr Dillon—Yes, it is excellent coordination. It overcomes the problem that you had where, when somebody misses out on a house, you go straight into an argument between the Commonwealth and the Territory over who is responsible. In a sense, there is a one-stop-shop that you go to, to allocate housing. It is not perfect, because we would like to see the National Aboriginal Health Strategy pooled, as would ATSIC, I think, ultimately. So negotiations are foreshadowed for that. We also think essential services—the head works that provide sewerage, water and power—could also be usefully pooled between the Commonwealth and the territory. The bottom line is, however, that if we pool the existing allocations between ATSIC and the Northern Territory, we are still not meeting the massive need that is out there.

Mr SNOWDON—In terms of obtaining funds on a needs based formula, have representations been made to the Commonwealth and to the other states and territories about changing the method of allocation, and what has the response been?

Mr Dillon—The Territory has, on a longstanding basis, made representations to the Commonwealth through the coordination arrangements that exist for the ongoing negotiation and renegotiation of the Commonwealth-State Housing Agreement. I am only new to the Territory so I do not have that corporate history, but certainly in the last four months, since I have been here, the Northern Territory has made a number of representations to the Commonwealth.

Mr SNOWDON—Can you comment on the work done by the grants commission looking at funding arrangements for service delivery to communities in the Northern Territory?

Mr Dillon—The Commonwealth Grants Commission?

Mr SNOWDON—Yes.

Mr Dillon—Mr Westbury is probably more across it than I am. I would just make one point in relation to housing, and that is that the funds under the Commonwealth-State Housing Agreement are of a capital nature primarily—90 per cent—and are not equalised. So if we get more or less, there is not an automatic adjustment. The point I should make about housing need before I give Mr Westbury the floor is that if we look at the most recent data under the surveys, the Northern Territory would get in excess of 35 per cent of the ARHP. The Commonwealth has basically been prepared to leave a situation in place where we are only getting 20 per cent under the 1987 data that forms the basis of the allocation. It seems to me untenable that you could leave in place a system based on data that is 15 years out of date.

Mr SNOWDON—If it were 38 per cent, what would you be getting this year?

Mr Dillon—It is $91 million, so it is basically something like $35 million.

Mr Westbury—In relation to the Commonwealth Grants Commission, the area that is of immediate and ongoing interest to us relates to the report of the special inquiry into Indigenous funding undertaken by the commission which was released, I think, last year—which has not travelled very far in terms of the report being taken up and implemented. That inquiry provides very useful and standard reading for anyone with an interest in the issue of intergovernmental fiscal distributions and Indigenous affairs. For the first time—using the resources of the grants commission and the data that it is able to draw on by virtue of its role in relation to setting relativities more generally—it certainly has demonstrated the high levels of need in relation to Indigenous housing, health and a whole range of key areas in northern Australia in particular, and the fact that, in terms of needs based funding and resourcing, the Territory in particular is missing out. This whole issue needs re-examination.

It also draws out some important issues in relation to measuring need, the current inadequacies in terms of data collections and potential changes to the way in which the ABS goes about its data collections and what have you. These are matters that we are certainly pursuing along with some other states in relation to having these matters addressed—but again, it further underlines the issues Mr Dillon was referring to. The committee would have seen

yesterday that when you go to a place like Wadeye and you have 16 people living per house, what does that do in terms of people's ability to attend school, or to get a decent sleep at night? You have 160 houses that are outstanding in terms of the level of need out there just to meet current demand.

In terms of the resources available to us at this point in time, it is a very difficult equation to try to make any major impact in addressing those issues—even though we have cooperative arrangements in place with the ATSIC and the Commonwealth in relation to administering the moneys that are available. I think IHANT is a very successful model. It has, as much as anything, provided a basis for creating a rental income stream that was not there previously. In most of these communities people are paying rent. As a basis for that they are also getting grants for individual houses for them to be R and M'd—the repairs and maintenance that are occurring. So some innovative things have been done in that area. What we lack is the quantum of resources to address these issues in a major way.

Ms HOARE—I apologise for ducking in and out. I spoke to Neil earlier. My electorate was ravaged by bushfires yesterday. There is still quite a bit of mopping up and things happening there, so I need to keep in contact. So I apologise for breaking between listening to different submissions.

I am interested in exploring the role of the Office of Indigenous Policy in relation to systemic good policy amongst different communities about which you produced case studies. We heard yesterday at Wadeye about workshopping which had been done to enable community members to understand the Northern Territory land rights act, and workshopping with the constitution. Government delivers services to these areas, as it does to all our communities across the country and, as community members, we all encourage our children to understand the relationship between community and governance. So I was interested to explore the role of your organisation in facilitating systemic good practice.

Mr Westbury—The office was established in July this year within the Department of the Chief Minister. Its role is to provide whole of government advice on Indigenous affairs policy issues. It is not a program. It does not run individual programs. The office only has five staff. So it is not equivalent to a department. Its role primarily is to focus on whole of government policy issues and to provide high level strategic advice in those areas. An example of a practical role of the office in relation to the sorts of matters you are raising relates to the Thamarrurr exercise. The office has played a role in coordinating the input of key Territory agencies in relation to developing and negotiating the partnership agreement that we are looking to implement out there. Just as on the one side I have the responsibility to coordinate the input of various Territory agencies, similarly on the Commonwealth side, the Department of Family and Community Services has taken the responsibility for coordinating Commonwealth inputs. That is chaired by Mark Sullivan, who is the Secretary of the Department of Family and Community Services at the Commonwealth level, as you are aware.

In terms of that role, it is using, I suppose, the authority of the office of the Chief Minister and the acknowledged role by government of the whole of government policy responsibility that we have there to bring agencies together to work to common goals. In that sense it is a new way of operating with an individual community such as Wadeye. It is one that we have to look at replicating in other regions. As I mentioned in my opening statement, we are looking to develop similar approaches in East Katherine and the West Macs in Central Australia. In terms of the

role of the office in relation to other matters, just by way of illustration, the office also has carriage of negotiations on behalf of the government in relation to amendments to the Aboriginal land rights act. We are currently engaged, at the invitation of Minister Ruddock, and by agreement with the Chief Minister, to look to whether we can establish some common agreed bases for reforms to the workability of that act. So that is another role that the office plays.

We also have a responsibility to resolve a whole range of issues in relation to native title by negotiation rather than by litigation—which is a clear government approach in this area. You may have noted the recent announcements by the government about how it is looking to address national parks issues. Again, the office is playing a role and there is a whole of government responsibility there which brings together people from the National Parks and Wildlife Service, the Department of Justice, the Department of Lands, Planning and Environment and others to focus on those sorts of issues.

So, in relation to capacity building and capacity development, I think the office sees its role as developing a long-term commitment to address issues in this area—which is quite apparent to the committee and reinforces comments Bob Collins made earlier. Addressing the issues we have identified here requires a long-term commitment and putting some whole of government machinery in place. We are talking about developing a new way of thinking and operating within government. It means building our people as much as it involves building people out on the ground.

As Bob pointed out to you, the capacity development with our own agencies has fallen away in recent years. There has been a loss of knowledge and capacity, and we have to look at ways to redevelop that not only within the Northern Territory but also within the Commonwealth, which acknowledges it has a similar difficulty in this area. We are really looking at taking a community development approach out on the ground. That is not something you can achieve overnight; it requires a fair degree of development of our own people. You will notice that one of the things we draw attention to in our submission is the health board approach that is being taken in the health area. Lessons have been learnt from the Katherine West Health Board about what works and what does not in this area. I think that is illustrative of how the government is trying to take lessons from those exercises and apply them more generally.

Ms HOARE—Further to that, as you know we have just heard from Bob Collins on the education issue, on his report and his delight—and all our delight—about the issue finally being acknowledged by the Northern Territory government and something being done about it. Can you further define your role in making sure that the momentum from what has started now continues so it does not get too hard again?

Mr Westbury—We are taking an active interest in the work that is being undertaken in the education department and seeking to keep ourselves informed about the developments in that area. Clearly, there is a view that there is strong progress being made in that area. In our submission we refer to some of the approaches that are being rolled out under that agreement. Certainly, the Chief Minister has a particular interest in that area and wishes to be kept regularly informed on what progress is being made. In that regard, the office has been maintaining interest in that area.

Ms HOARE—I have a final question that requires a quick answer. How many discrete communities are there in the Northern Territory? We have a population figure.

Mr Coles—There are about 888 identified communities in the Territory. That is everything, including out-stations.

Ms HOARE—Thank you.

CHAIR—Further to Mr Snowdon's comments about housing, where we were talking in a global sense about negotiations and some of the concerns there, I want to bring it down to a community level and try to pick up a few of those issues that highlight community capacity but get down to actually doing things on the ground and the great challenges that it seems we have. Yesterday at Wadeye, someone said their aim is to halve the cost per house. I cannot give exact figures, but hypothetically it could go from $250,000 to $125,000.

That is pretty ambitious, but we heard people yesterday talking about the great interest in previous years when they made their own bricks and that type of thing. You would probably be aware of those issues. That leads on to their cry for employment—for useful things to do—and the work activity, and then we go to cultural practice and what is and what is not culturally appropriate. Finally, Assistant Commissioner, your people have difficulty in managing what is quite regularly a lawless situation among some members of that community.

Let us start with how we achieve capacity which means something to people on the ground. Can we reasonably aim, at Wadeye or any other community, to halve the housing cost by a range of mechanisms? I know we could talk at great length about that. Your papers talk about it at great length, and I have great regard for them. Could we talk at a practical level, from the ground up, about moving from us to the people to whom things are being done?

Mr Westbury—David may be able to talk about housing, because he is very familiar with the particular example you are citing.

Mr Coles—I will try. These are fairly big and difficult issues, and ones that we have been grappling with at Wadeye and other places for a while. The cost of an individual house at Port Keats is—

CHAIR—You pronounce it 'Wad-air'?

Mr Coles—Yes.

CHAIR—I wondered about that. I heard that yesterday. I like to get it right but I did not quite clarify it yesterday.

Mr Coles—I think it is normally pronounced 'Wad-air'. The difficulty down there is obviously that it is very remote. It costs about $250,000 for a three-bedroom house to be constructed there. It can be done more cheaply by bringing in outside contractors who can trim the cost by about $50,000 less per house, which is the cost of a bedroom and therefore quite significant. There is a strong tension between trying to foster employment at a local level and getting that extra bedroom on the house, given that the bedroom will house a family—we are talking about four or five to a bedroom at Port Keats. There is real tension for the community in

decision making and real tension for the housing authority program managers in trying to rationalise that. The tilt-up design that they are now working on down there looks fantastic and will, I believe, reduce the cost of housing over time. It would be fantastic if it got down to half but, even if it did get down to half, that would be eight houses a year on the current average and they need 160 tomorrow morning. That is the sort of thing you are dealing with.

To deal with the problem of employment in the long term—to give people a reason to get up in the morning and therefore not cavort about all night playing up and giving trouble to the local police—and to try to create entrepreneurs such as plumbers, tradesmen and builders, we need to ratchet up the construction industry to a fairly high level. What Mike said earlier about additional funds is relevant there. Another thing we have to look at—and the people down there are doing so—is how to use the land base, without putting it at risk in any way, to raise some of the money that we need. Private finance people are not in the game at Keats at the moment. The banking industry are not in the business at all. We are the only funders in the business. The people themselves cannot even be in the business, so it is all completely reliant on government. It seems to us that the only way to break through this, other than a dramatic change of heart on the part of the Commonwealth—and we have battled this issue for 20 years—is to engage those other parts of industry and society to try to bring in that additional money. That is the only way we will get through this.

Neil spoke about the maintenance program. Traditionally in the Territory—up until about four years ago—the average level of rent paid across the entire Territory by Aboriginal communities was $2 million a year. It is now $9 million. That $9 million is added to another $8.5 million that IHANT has allocated to maintenance. That entire amount—$17.5 million—is going into maintenance every year. That has had the effect of keeping houses in place longer.

CHAIR—Maintaining the housing stock and maybe getting ahead.

Mr Coles—That is right. In 1993-94, a new house was going out every five years. Five years was the average life. That is now behind us. People are looking after their houses, as you saw down at Keats—I hope! There might have been a few houses that copped a bit of a hiding after a recent blue.

CHAIR—No, they were in reasonable repair.

Mr Coles—Things are looking pretty good. That is very different from the way it used to be. I was invited into a house down there where the woman actually asked me to take my shoes off. I did, and it was fantastic. It is excellent that people are looking after the houses so well. There is a change in culture, a change in attitude. That is going to have a major effect. We have still got to get those other industries involved and get the money into the place.

CHAIR—A number of houses are being built there by contractors at the moment, of course.

Mr Coles—Yes, I know.

CHAIR—The local building team is building that major construction in the main street. There is tension between external contractors and the local committee. No doubt you have heard much about that.

Mr Coles—A lot of it.

CHAIR—You can see where I am coming from in the sense of the linkages that that community aspires to make and the challenges that the Commonwealth and Territory governments—governance—external to the community demand of them. It is not meeting their aspirations, looking back on when they made the bricks et cetera. If you could get to half, that would be a major breakthrough. But you cannot see that. One other aspect is freight. For example, say road freight costs $60 to $70 per tonne versus $100 per tonne for barge freight. What are the advantages of one form of freight over the other? Is there any particular issue apart from the obvious impact of the wet season? Why do you use barge freight instead of road freight?

Mr Coles—We do not use it. It is the contractors who make the decision.

CHAIR—Why would they make that decision?

Mr Coles—It is always on the basis of price and the scheduling of the work. That is the way they operate. It would be fantastic if we could get the price of a house at Keats down to $150,000. It is extremely difficult, though, to say that eight people are going to miss out on housing but we are going to have an employment program. At the same time, without the employment program the place will not go forward. What we are trying to do—with them—is achieve a balance. Part of the reason for starting the discussions which have led to the whole of government trial and the partnership agreement proposals was to try to engage the community itself in decisions. At the time, about five years ago, decisions were essentially being made for them by us and non-Aboriginal administrators—clerks or whatever. The reason that we needed a governing capacity—we had one there before but it was not a particularly legitimate organisation—was to engage the people in making those decisions. They are their decisions, not ours.

CHAIR—Is Thamarrurr part of that?

Mr Coles—Thamarrurr is very much the articulation of that governance structure. That is it.

CHAIR—How long has that been going?

Mr Coles—We have been talking with them for nearly five years to get to a point where Thamarrurr is now agreed on as the structure that will be put in place. That has been a process of working with them to go back to the pre-mission days, come through from there and marry it with what we have got.

CHAIR—I will ask about cultural practice, cultural linkage. You heard Bob Collins talking about the Western view, the Aboriginal view and the great disparity et cetera. Therefore, the challenge is how you get the meeting of minds to make some progress by everybody's definition of progress. I am endeavouring to ask in terms of work employment—and housing and maintenance is one obvious area. Thamarrurr is part of that engagement. Can you see one or two clear areas where you are starting not to measure it but perhaps instinctively to get a bit of a feel for where that is coming together, whether it be in terms of the work gangs, the building gang, the garbage collection—I do not care what it is—in that community? Is there something you can point to which indicates that it is starting to pick up a bit?

Mr Westbury—In terms of totality and the atmospherics of what is happening there and what we are picking up and our people are telling us, there is a great enthusiasm and a real interest and belief that by moving down and adopting the Thamarrurr, as the people have, they believe this is the basis on which they have sorted out a lot of issues that have dogged them for a long time—in terms of sorting out who has legitimacy in terms of decision making and getting a structure that reflects the cultural imperatives of the landowning groups there. It provides a basis to move forward so people feel they all have an equal say and a capacity to influence decision making in ways that previously did not occur. That sets an atmospheric in itself, an expectation.

CHAIR—That is as much as you could hope for, perhaps, at this point.

Mr Westbury—That is right. The next element is delivering—you are trying to deal with those expectations but you have to do it in such a way that there is a shared responsibility in decision making.

CHAIR—And not a false expectation.

Mr Westbury—Exactly. One of the things we negotiated there last week was a set of principles which are going to guide the work we do together. Within those principles is an agreement on shared responsibility, an acknowledgment of Thamarrurr as being central to this issue in terms of the governance structure and a range of other things. The other thing—David made the point this morning, and I think Bob did too—is that you are talking about education in terms of people, work and opportunities. The issue in a lot of these places is: education for what? To that extent, one of the reasons why there is such a focus at Thamarrurr on the issue of the building and construction opportunities is that there is such a need, and there are opportunities for extractive industries in terms of quarries—this is where there is a potential for cost savings.

CHAIR—There is some good sand in the Daly Creek, I understand.

Mr Westbury—Yes, that is right. We already have agreement down there with them and the key Commonwealth and NT agencies to look at this in quite a systematic way and explore the real possibilities. There is a motivation and a view there that people are very keen. This is an area that they are trying to link to kids coming out of the school system—that there are these sorts of job opportunities. I see it as a clear one that we should be addressing. That is just one element of it, and I think there is a real enthusiasm and interest in that. It is something on which we are seeking to work with them.

CHAIR—You are aware of those school statistics of the last 18 months and the base data?

Mr Westbury—Yes.

CHAIR—Thank you. Assistant Commissioner Smith, you have a large part of Australia in terms of logistics and what you have to do, and in circumstances that are probably totally different from most other Australian areas of policing, particularly in the remote areas. Maybe you would like to say something about Territory policy generally. What, to you, are a couple of the main challenges—the distance, the isolation? You have some great officers there. Just what

are the challenges for policing at some of these more remote communities and generally across the Territory?

Mr Smith—There are quite a few. The fundamental starting point is that what you are trying to achieve is a situation of both law and order within communities, and sometimes they are quite contradictory concepts. You can look at the experience in Brixton in London where police action to enforce law created a situation which created a great deal of disorder. No doubt you have heard some of the stories about situations in Port Keats on your visit there, where the pursuit of law and the pursuit of order have been mutually exclusive concepts.

Recent experiences in a couple of Central Australian communities have indicated quite clearly to the non-Indigenous press, particularly the *Australian*, the difficulties confronted by police in reconciling very different cultures and very different expectations—expectations of order as opposed to law as non-Indigenous people would see it. Several articles in the *Australian* over the last 18 months have given a pretty fair indication of the complexity of that problem. To train police officers to deal with those issues is a very difficult thing. Former Senator Collins made it pretty clear that, even after his many years of involvement with Indigenous communities, he still does not fully understand issues of culture, law and family. That someone with his experience has difficulty with those concepts highlights the difficulty we face when we train police officers to work in those communities. It really does emphasise the need for the communities to start to embrace self-policing as a concept. But, inevitably, self-policing will be at odds with Western non-Indigenous concepts of law and order.

We come back full circle to the situation where we do not have clarity about what it is that we expect from the concept of law and order in remote communities. Add to that the complexities of distance and in fact you do have disparity in the policing effort—and I use the word 'policing' to cover both law and order—because there are inherently huge costs associated with policing the 880-odd communities. The disparity becomes apparent at Ramingining, where I do not have any resources on the ground whatsoever. The disparity comes about from expectations of overpolicing in non-Indigenous communities, where the potential for accusations of racist policing are very apparent, because the expectations that the non-Indigenous community in Darwin has create a very difficult scenario, through media and political expectation, of what the police can and should do.

So it is a very complex and very difficult jurisdiction to police. It does make it very difficult to meet public interest and community interest, because there is no one definition in the Northern Territory of a public interest and there is no one definition of a community interest. It is very disparate community. But underpinning that comment is the fact that it does not matter if you are in Port Keats, Ramingining or the NPY lands in Central Australia; the fundamental desire is for a peaceful community. All those tensions aside, that is your starting point for capacity building. You have to have law and order and a peaceful community in order to have capacity built; in fact, you try to build the capacity so you can maintain a peaceful community. So it is at both the start and the finish of the exercise that I think you are undertaking.

CHAIR—At a community—not Wadeye but another community—on Monday we heard about the concept of endeavouring to negotiate those complexities and those differences. Could you comment on that? It is a partially political question but, from a practical policing perspective, it seems to me that strong attempts—and there has been an issue in the last few weeks which has brought this to attention—to negotiate Aboriginal and mainstream Australian

law have not been as seriously addressed as they might have been. Would some kind of laying down of the framework and the agreements assist that? Perhaps the undertaking at Wadeye is endeavouring to help with that, but (a) has the formal laying down of some these agreements with the community been tried and (b) would it help?

Mr Smith—If you take a step back many hundreds of years, the whole concept of the state and state justice in Anglo-Celtic justice said that the state will make the laws in a criminal sense. They were no longer religious laws or individual laws. The state made the law and over many hundreds of years. We have got to the point now where an offence against the criminal law is an offence against the state. Those laws are very simply broken into two concepts—property laws and laws against the individual. An assault, a wounding, a grievous harm to a person is, in fact, a law against the state and the state punishes for what has happened to an individual as a victim.

Predicated in our criminal law throughout is property rights as personal property rights. You cannot pick up the Northern Territory Criminal Code or the Queensland Criminal Code and adopt it to the situation that we are dealing with in a lot of remote communities. It has taken many hundreds of years to get it set and we still have arguments through to the High Court as to the interpretation of our criminal codes and other criminal laws in the country.

When you look at the situation that police officers and others are confronting in Indigenous communities, it is a clash between that concept and the concepts that have been around for 40,000 or 60,000 years in Indigenous law. I get a lot of friction, and the commissioner gets a lot of friction, over how we do that job. Sometimes ill-informed press outside the Northern Territory says, 'It is simple. There are people there spearing other people. Why don't you intervene and prevent it from happening?' You cannot because what you do today will have an impact tomorrow, next year and decades out and it can be based on something that occurred yesterday, a year ago or decades ago.

There are things that have been done in the Northern Territory—and David can very capably expand on this. We have to try and find some form of middle ground which recognises that fundamental tension. People will make a very simplistic comment to committees such as yours or to the media such as 'there is the law; why don't you enforce it?' I would suggest to you that that is not the case in Cabramatta, that is not the case on the Gold Coast and it is definitely not the case in the Northern Territory. That is why underpinning everything that a police officer does is a recognition of a thing called police discretion. You see police discretion when police officers do their job on the Gold Coast or in Melbourne and you see the discretion exercised, albeit in a very different way, in the Northern Territory.

I would make the comment that what we do in conjunction with communities like Numbulwar, or whatever, is to sit down and identify the community interest as it applies in that community, recognising what is fundamentally against the public interest. For that reason, we will ignore what may be regarded as reasonably serious breaches of criminal law elsewhere in the country. David can talk about the process far better than I can.

CHAIR—Does technology assist officers in their work—a lot of it is implementing the old Anglo-Celtic law—allowing you to police a little better? Does it make things easier, basically?

Mr Smith—I get frustrated with the concept of technology making policing an easier task. Again, it does not matter if it is schoolies week on the Gold Coast or whether it is a serious clash of interests at the oval.

CHAIR—Aiding and abetting the task.

Mr Smith—The whole thing about policing is that you are dealing with social problems, and technology cannot solve social problems. If you want to solve the policing problems that we confront every day, there are two things you can do to make my job easier. It is not computers, cars, guns or anything else. It is jobs and it is education, and the education is for jobs. If people have an education that leads them to a good job, I do not have as much work to do—all of those social things. If you look at where we sit in the funnel of society, the top of the funnel is very broad and there is a series of social fillers that are put in place, and they are education and jobs. As that funnel closes, somewhere in there is where we take up our role, and then there is the judicial system and the correction system. Unfortunately, that funnel is too broad as it makes its way down in some of our communities.

CHAIR—In your paper of June 2000, you quote the US experience about how they negotiated some of the issues with indigenous people. It may or may not be applicable, but the broader question is: are there some international lessons to pick up from? Is there anything specific to the US model that you believe we can build on to any degree?

Mr Westbury—I think that there are some lessons to be drawn from the experiences in both Canada and the US in relation to how they have addressed indigenous governance arrangements in both countries. There are some generic issues that are applicable here, from the point of view of both how they have gone down this route far earlier than we have, in terms of recognising these issues and their importance, and how they have gone about addressing issues relating to how to support the development of effective indigenous governance structures at the local level. Also they have addressed their service delivery arrangements through funds pooling and by collapsing programs and moving away from a sort of stovepipe approach. They have actually been getting into funds pooling and providing communities with some genuine decision making powers in relation to how they allocate resources and apply them to issues that they see are important.

These matters are not totally transferable, of course, but there are some real and important lessons to be drawn from the work that has been done. I think some of the most systematic research into what does and does not work in indigenous governance has been done through the Harvard project on indigenous economic development, which I think is world-class research. It is research that has been picked up not only by the US but also by the Canadian government, the regional people in Alaska and now New Zealand, who see this work as important in identifying some of the fundamental factors that need to be addressed in this area.

I think we in Australia are still in the process of having the debate, particularly in the context of welfare reform, about where we go in this area. It is certainly worth doing some comparative work to see how they have gone about moving to a situation whereby some of the indigenous communities in the US and Canada are now operating far more effectively than they were 10 or 15 years ago. Some of them have taken off. There are some interesting measures about how effectively people are engaging in economic development in ways that no-one ever anticipated

would occur. There are some key factors that they have identified that have allowed that to occur, and I think we should be informed by those here.

CHAIR—You have provoked a supplementary question with regard to this whole issue of passive welfare, as it is called. The Western world seems to be endeavouring to engage the impact and difficulties which it helped create over perhaps a generation or more, and that is no less the case with our own situation, and we heard Bob Collins talk about some of the Pearson comments as well. So there is a real tension for all of us in terms of how we actually make this work for us. Are you able to give us a bit of clarity as to where you see that debate and where we might constructively engage in this thing over the next year or two?

Mr Westbury—Constructively, we should be focusing on issues relating to governance: what does and does not work and what are the fundamentals that make it work. They relate to genuine decision making power, effective institutions where you separate the powers, and cultural match, where you have institutions that reflect the cultural values and beliefs so that the people who are in those structures are truly representative.

CHAIR—It is not easy to get that cultural match, is it?

Mr Westbury—It is not easy.

CHAIR—There is tension within any given community.

Mr Westbury—That is right. But I think Thamarrurr is a wonderful example of how people, over a number of years, have sorted out those issues on their own account. I think the other issue is in relation to our whole service delivery approach. We cannot continue with ad hoc approaches with individual public servants running out with their own individual programs and requirements.

CHAIR—The magic—

Mr Westbury—Yes, each with their magic bullet, in effect. We have to look at funds pooling, meaningful partnership arrangements across governments and ways we can empower communities to drive the process and not have us adopting such top-down approaches.

The other key issue is one that David alluded to before and that is the whole issue of financial capacity and literacy as well as the educational element that we talked about. In welfare reform processes in the US and in Canada, people linked the whole move in welfare reform to people's access to financial services. In most of the communities that we are talking about, people have no access to even a basic bank account. You talk about people engaged in economic development; the rhetoric is a bit thin if you cannot even access—

CHAIR—The key card—the dramas around all of that.

Mr Westbury—That's right, and people's literacy levels. There are some good examples here in the Territory. I think you have a submission from the Traditional Credit Union which does a fantastic job, with little support. That is an area, as is the issue of access to private capital and finance. The NT government financed a railway. It raised moneys in relation to lands that they have leased from the land councils. It is not a matter of Aboriginal land that is not there

available to be leased for various purposes, including for communities like Wadeye as a basis for starting to raise the private capital for housing that David mentioned.

There is another area where the US is instructive. They have a whole range of programs in the housing area such as a 'tribal six' program where they give a community a grant of $4 million and say, 'We will give you that grant on the basis that you go and get a loan of another $6 million from a bank to increase your housing stock in a major way.'

CHAIR—They leverage it up.

Mr Westbury—They leverage it up and then they use their rental repayments to service the loans. We have to be looking at innovative approaches along those lines that actually engage the financial sector in ways that we are currently not doing. If we are going to make some quantum moves in this area, we have to look at these things.

CHAIR—Talking about the land issue, how much of an impediment is that? I do not understand it well enough. What is the reality? Can you give us a bit of a clue on that?

Mr Westbury—There are provisions under section 19 of the Aboriginal land rights act that provide for leasing and we are actively pursuing those in our discussions with the land councils about improving the operations of those provisions. At the same time, their evidence is that they can be applied as in the railway example, where they raised something like $2 billion in relation to financing the railway. Some of the collateral that they are using includes the 99-year renewal leases that the railway runs across. These are things that can be done. It is question that will make us think a little outside the box about possibilities. Until some of these communities have a basis by which they can operate on secure leases and the rights and obligations of traditional owners are sorted out and reflected in agreements, that will be a key issue.

CHAIR—I do not see resistance. I know that there will be for various reasons; I cannot speak for the traditional owners. But I do not sense a reaction which would be opposed to those concepts.

Mr Westbury—No, we do not either. We think the issues have not been systematically worked through at a policy level and in ways that respect the mutual rights of government to roll out its local governance arrangements, at the same time recognising the rights and obligations of traditional owners who own the lands. These are things that we have to work through if we are going to make some effective movement in this area.

Mr SNOWDON—In terms of the section 19 leases, what is the major structural impediment?

Mr Westbury—There is some question in relation to mortgaging arrangements; there is a technical issue relating to the current act that needs to be clarified. I think it came up and was recognised through the negotiations over the railway. The House of Representatives standing committee that reviewed the Reeves report findings made a number of recommendations.

Mr SNOWDON—That was us.

Mr Westbury—We obviously commend some of those findings. We are picking them up and applying them in our discussions with the land councils. There is a range of things identified

there that will improve it. We are also taking advice on this from our own people who have some experience in this area and it is a matter of some discussion with land councils. I think the point should be made that the land councils have indicated that they want to progress. They can acknowledge that, at the end of the day out there on the ground, if we are going to address the issues we have been talking about we have to see some movement in these areas.

CHAIR—We are seeing some people later today who will, I think, reinforce that and the rail negotiations with the land councils that you mentioned.

Mr SNOWDON—I do not want to be offensive when I use these words but, in my time in the Territory, which has been not quite as long as Bob's but covers the almost the same period and roughly the same sort of experience, there was always this expression about the mercenaries, the misfits and the missionaries. I would add to that the spivs, the crooks and the other assorted rip-off merchants who find themselves in powerful administrative positions in Indigenous communities. To me, these people are a major impediment to empowering communities to make decisions. Obviously that is a very generalised assertion and there are very good people working in administrative positions in Indigenous communities around the Northern Territory who are not spivs, misfits, missionaries and all the rest of it, but what do we do to address this problem of people who make life very difficult for Indigenous communities? People in those communities have no background or experience in administration, no literacy in administration or finance and no ability to supervise staff because they have not adopted an understanding of the law in terms of accountability, transparency and decision making. How do we overcome that problem?

Mr Coles—As you are obviously aware, it is extremely hard. It is hard to get people to work in some of the jobs we are talking about. It is hard to find people with a reasonable level of skill and competence. It is even more difficult to find people who maintain a reasonable ethical standard. The difficulty is getting worse as we move into more complex areas of administration, as more funds flow into communities and as more programs have to be delivered by councils. The whole problem is exacerbated so that in far too many cases—not in every case, as you say—we have incompetent, unethical people delivering quite expensive programs and that is not necessarily to the benefit of the people.

We are pursuing a number of strategies to address these problems. One is to bring together on a regional level a more effective service delivery framework that tries to take out of individual communities the level of administrative complexity currently necessary to run a lot of programs. Thamarrurr is one example of that; the Tiwi Islands is another; the Wangka Willurrarra proposal in the West MacDonnell Ranges is another; Nyirranggulung is another.

Mr SNOWDON—Can you explain how each of those proposals differ?

Mr Coles—I will try. They keep moving around; they are not by any means fixed. Those proposals are all about trying, on one level at least, to establish a capacity for an administrative infrastructure which can take the complexity out of the community and allow locals to enter community management positions. What we are really aiming to do is get locals into those community management positions. For instance, in the Tiwi Islands Maurice Rioli is the community manager and we think that is a great idea. That needs to keep going. We aim to take out the complexity and pay reasonable money—good money, if you like—for the jobs. It may

be necessary to put those jobs in places where you can hold people. It is difficult to keep people in Kintore for many years; Alice Springs is a different matter.

That is one way of doing it. The other way is to try to get a critical mass of competent Aboriginal administrators or elected members across the top. A community of 500 does not necessarily generate a consistently good council of 15 people. A community of 2,000 or 3,000 can do that. In that regard, the ATSIC regional councils have grown in competence over the years while some of the local government councils bob along at the bottom for a lot of the time. It is extremely difficult. It is a matter of bringing in that greater level of competence and then focusing on their skills and trying to train elected members so they can carry out those responsibilities and enforce their wishes on their people. We believe that will turn the power structure around so it is not the white administrator that is running the show, it is the Aboriginal council. That is really what we are doing.

Very quickly on Thamarrurr, Tiwi, Wangka Willurrarra and Nyirranggulung—they are all different. There are some similarities in them in that they are trying to achieve the mix of traditional decision making structures while including the need to have mainstream service delivery decisions made within their governance structures. Wangka Willurrarra will involve either four or eight communities in the West MacDonnells—we are not sure yet, the negotiations and the discussions continue. Nyirranggulung will involve a group of Katherine East communities. The constitution will be different because it is likely to be based on the Duwa Yirritja arrangement, a fairly heavily clan based electoral arrangement. The Thamarrurr structure is based on landowning groups, and I believe the Wangka Willurrarra one will come out at least initially with a community representative arrangement rather than a traditional structure being married in at this point.

Mr SNOWDON—The Katherine West Health Board has arrived at a position where you have governance undertaken by a board of Aboriginal people who, in other circumstances, would not be given that responsibility but who have been trained in corporate governance by the organisation. Would you like to comment on what has happened in the Katherine West instance?

Ms Cleary—Their board is comprised of elected members who join the Katherine West Health Board Association and then are elected by—

Mr SNOWDON—To inform the committee you might explain the area that they cover; it is roughly the size of Victoria.

Ms Cleary—Yes, it is roughly the size of Victoria. It stretches from Timber Creek in the North down to Lajamanu in the south, which is in the Tanami Desert, and out to the West Australian border and practically into the Stuart Highway, so it is a really huge chunk of the Territory west of the town of Katherine. It is very diverse culturally in terms of tribes and also has dozens of cattle stations—I cannot recall exactly how many—and a fairly large non-Indigenous population in the town of Timber Creek and also in Kalkarindji. It is a diverse group. The board is all Aboriginal, they are elected members as I said and, as Warren alluded to, it is not necessarily people who would be traditional owners of land or council presidents or whatever other form of community leadership that we are used to; it comprises people who have an intense interest in health and so it is a specialist board.

There are a number of Aboriginal health workers on that board who are very useful in terms of professional expertise. Their training has been undertaken with dedicated Commonwealth funding. It is at the level of around $100,000 a year of capacity building in terms of training of health board members. They have taken different modules, so the department that I come from, health and community services, has done a lot of the health and medical capacity building of the board so that they understand the epidemiological profile of their communities and the health problems that they need to worry about.

They have also had excellent culturally appropriate financial training through an organisation called Pangea Pty Ltd, which you might have heard of recently because they won the national small business award. They have something called the *Money Story* which is a pictorial representation of balance sheets. The board members are now highly financially literate and able to tell government funding bodies and other people and the community they represent how they are travelling financially. It has been a really critical component of their strength and they have gained a lot of self-confidence in their role.

CHAIR—Thank you, I am sure that was valuable for committee members.

Mr TOLLNER—I am interested in the Aboriginal land rights act review. I am aware that the Northern Territory government are not interested in administering the Aboriginal land rights act, but they are interested in lobbying Canberra to make changes to the act. I am aware that the review is focused on issues about mining. I am wondering whether the recent court case in Darwin last week, about the journalist who went out to Wadeye, has raised any issues for that review in that I think the magistrate said that the permit system was being used as a method of suppressing information. Could you comment on that?

Mr Westbury—I do not think I want to comment on the specific remarks of the magistrate other than to say that we were at Wadeye when this event occurred. It was made clear to us by representatives of the people there that they were most upset by the arrival of the person involved because it occurred in the middle of a funeral that was being conducted that day. The community indicated to us that they had expressly refused permission for that person to visit on five consecutive occasions. In the circumstances relating to the events at the time and in relation to the funeral itself, and given the obvious tensions and issues surrounding how that day was managed in a broader context, one can just imagine what a difficult week it had been. The arrival of the said person constituted a major problem and that was the context.

Mr TOLLNER—I understand the background of the situation. I was asking whether the magistrate's decision would have any impact on the review.

Mr Westbury—I understand that the person involved was convicted.

Mr TOLLNER—No, he was found guilty without conviction.

Mr Westbury—I am sorry, without conviction and there was not a fine or any penalty applied. We have not had the matter raised with us by the land councils in the discussions we are having but that does not mean it will not occur.

Mr TOLLNER—Are there other people involved in the review aside from the land councils?

Mr Westbury—The discussions are between the Northern Territory government and the four major land councils. Other representations have been made to us in relation to matters that are before us, but on this matter we have not had any specific views put to us.

Mr SNOWDON—I can commend to Mr Tollner, for his education, elucidation and to provide some knowledge that he does not have, this committee's report on the review of the land rights act and the comments it made on the permit system.

CHAIR—Thank you for your contributions. They have been very valuable for us as a committee and I thank you for your efforts and for your comprehensive submission.

[9.57 a.m.]

TAPSELL, Mr Tony Francis, Chief Executive Officer, Local Government Association of the Northern Territory

CHAIR—Welcome. Thank you for your organisation's submission. I invite you to make a short opening statement.

Mr SNOWDON—I would like to ask Tony if, when he gives his introduction, he could give us some information about himself. I should have asked the same question of Mr Coles and the other witnesses. I think it will help the committee to understand the depth of experience and knowledge that Mr Tapsell brings to us.

Mr Tapsell—I have held the position of Chief Executive Officer of the Local Government Association of the Northern Territory since January this year. Prior to that, I was the joint chief executive officer of the Jabiru and Gunbalanya councils, a position I held for 2½ years. Prior to that, for some seven years I was the chief executive officer of the Jabiru town council. Prior to that, I was the regional operations assistant director, corporate services with the Department of Local Government. Prior to that, I was a senior finance field officer with the Department of Community Development. I did financial investigations into councils. I was also instrumental in setting up manual accounting systems—which are not much good these days. I did elected member training and training of finance people in remote areas. I have been in the Northern Territory since 1972. I came here as a patrol officer in training with the then Commonwealth administration. I have spent a lot of time living and working in remote areas in the Northern Territory.

Mr SNOWDON—I know Tony, and I think it is important that we get this on the record: are you a product of the ASOPA?

Mr Tapsell—Yes, I was a graduate of the Australian School of Pacific Administration. Neil Westbury was in my class, along with a lot of other officers who now work in fairly senior positions.

CHAIR—Can you tell me about that organisation?

Mr Tapsell—The Australian School of Pacific Administration was an offshoot of the University of Sydney. It was based at Mosman in Sydney and it ran a multidisciplinary diploma course in Aboriginal affairs. It was made up of about 14 units, which included law, psychology, anthropology and government. It basically prepared people for working in the Northern Territory. It was an excellent course. It was a way of getting people trained up to work in remote areas.

CHAIR—How long would it have been going?

Mr Tapsell—It started in the fifties, but unfortunately it ended in 1974 and, to my knowledge, has never been replicated.

CHAIR—Thank you very much. Certainly part of our brief is to look at where the body of knowledge has come from. To have it going back that far and then to have it stopped is in itself an interesting comment. There would be quite a story in all of that. Tony, would you like to make an opening statement about how the Local Government Association of the Northern Territory sees this issue and some of the things we might do about it.

Mr Tapsell—Our submission emphasises two major areas. We are coming from the sector of local administration, and we would like to see the administration and the elected member arms improve dramatically. If you look at the Northern Territory, you will see that the municipal councils, which are the bigger councils that go along the Stuart Highway, are generally performing at a pretty good standard. A number of other councils off the Stuart Highway are also going pretty well, but a lot of the more remote places are struggling. They are struggling because their administration is not where it should be. If we are to improve capacity building, we have got to improve that and we have got to improve the level of knowledge and understanding of elected members that are a part of those councils.

Our submission covers most of those areas. We would also like to table a transcript of evidence that we gave to the cost-shifting inquiry. Also, for your benefit—I do not know why we chose that flower, but we did—here is a copy of our annual report, which will give details about all the programs that our association runs, our membership, how we spend our money et cetera.

Ours is only a small office. We employ seven people—you will see our staffing structure in the annual report. We see the association as having a major role in providing support services to councils throughout the Northern Territory. Compared to the interstate associations, we are only small—as I said, seven people. Eighty-four per cent of our revenue comes from government grants. Our subscription base is relatively small. We are not able to offer the full range of services that our interstate counterparts can offer, and that is largely a matter of population, logistics and so on.

Nevertheless, we see the directions that the association needs to pursue are along the lines of providing those types of support services and improving administrative performance, particularly, of a lot of councils. We see elected member training as the cornerstone of that. We want to greatly enhance the volume of that training in the Northern Territory, because at the moment we consider it to be pretty inadequate. Do you have any specific questions you want to ask me?

CHAIR—I have a couple of things. Are there 65 municipal areas?

Mr Tapsell—There are 65 councils in the Northern Territory, and they are also members of our association. Unlike the other states, local government in the Northern Territory is fairly new. Melbourne city council was actually formed before the state government there. You will find the same with Perth and Adelaide, which have been around for 150 years; whereas in the Northern Territory our oldest council is Darwin, which began in 1957. You will find that a lot of the other councils only began in the 1970s. As far as remote councils go, when Whitlam came to power in 1972 there was a change in the way Aboriginal affairs was to be administered, and that led to the development of a lot of organisations in the Northern Territory. At the time, there was the then Local Government Ordinance, which was Commonwealth legislation—remember, self-government did not come to the Territory until 1978. The only other legislation that was around

was called Associations Incorporations Ordinance. That legislation was used to incorporate a lot of councils in the Territory. As a consequence, a lot of our councils are actually associations. You will find in the other states—for example, Queensland—that you can go anywhere, regardless of the land title or anything else, and you are in a local government area; whereas in the Northern Territory only five per cent of our land mass is local government area.

CHAIR—As you would aware, in South Australia we have a very large unincorporated area.

Mr Tapsell—Yes, in South Australia as well. I think New South Wales has a bit out at the back of Bourke or Broken Hill somewhere.

Mr SNOWDON—Back of the black stump.

Mr Tapsell—But all other jurisdictions are fully incorporated.

CHAIR—That raises issues of engagement and involvement, which you have touched on, skill development and training of the Indigenous population. How do you see that? How is it going? What do we need to do? Could you reiterate what is no doubt in the submission?

Mr Tapsell—Thanks for saying that. I probably should have said in my opening remarks that one of the key things in any capacity building has to be to lift the level of literacy and numeracy amongst the Indigenous population. It is not just a matter of skills either but a matter of it having to be in the workplace. Under the legislation, I am required to prepare agendas and so on. I know from my experience at lots of councils that you have to take time to explain concepts and to try to get them across. The levels of programs that a lot of these councils are required to administer are getting more complex, and you have to somehow get those messages across to elected members. If they do not understand them then their decision making is going to be impaired.

Of course, you can prepare a set of agendas, but it is meaningless to give it to somebody unless they can read. I found the only way I could overcome that was to use interpreters at times. That meant that my interpreter had to be literate. At Gunbalanya we used to have one day where we went through the entire agenda. The agenda was divided up into areas where decisions had been made previously and what had happened to them; agenda items only for information, so you were not required to make a decision; the ones you were required to make a decision about; and those you had made decisions about but had not finished. I guess that was a reasonably successful way of getting people to understand.

CHAIR—This is a pretty tough question, but can you indicate whether a majority or minority of your council members were sufficiently literate? Was it a very significant number of people who were not literate and had great difficulty with the written word, so it had to be done through verbal communication? Were they the majority or minority?

Mr Tapsell—I would say the majority were not able to read, so that is a major problem. It is a major problem for the governance of the organisation because, if they cannot understand the papers that have been put before them, that can make it bad for them. Also, it is not so good for the CEOs. It could put the CEOs in positions where they are exercising more authority than they normally would.

CHAIR—My last question is about the linkages with other organisations in the Territory. Clearly, there is the land council, there are other significant organisations and there would be other associations that are not necessarily local government roles.

Mr Tapsell—The local governing bodies—they are the 65 organisations that are receiving local government financial assistance grants—are made up of the six municipalities and are incorporated under the Local Government Act. There are 33-odd community government councils, which are also incorporated under the Local Government Act. There is one special purpose town, Jabiru, which has its own legislation. Then there are those incorporated under the Associations Incorporations Act of the Northern Territory and those incorporated under the Commonwealth's Aboriginal Councils and Associations Act.

CHAIR—The question really was about what would, to the outside, appear to be duplication and maybe a little bit of blurring of roles. It has been emerging in this way for a long time and no doubt it evolved in a practical way to the best of everyone's ability, but I am interested in whether there is any evolving belief about how we might do it better in terms of developing community capacity and certainly in terms of delivering services in a way that provides the best outcome. Can you make any comment about that?

Mr Tapsell—You will see in our annual report, too, that the president's statement comments that it is clear that a lot of the local governing bodies are too small, that they are never going to be big enough and that they are never going to have the resources to do all the things they are required to do. Some of them are even saying to us now that they will fold before the end of the financial year because they just do not have the resources to carry on. When they are that small, they do not often attract good personnel. For example, we had one council ring us about their insurance bill, which was $86,000 a year. They are only a very small council. I know from my experience at Jabiru that we paid about $50,000 a year. We said to that council that they were clearly paying too much and that they needed to get it checked out. The bloke did not take that advice; he just went and paid the bill. Now he is telling us that he probably will not have the funds to finish the year.

CHAIR—They are pretty profound decisions.

Mr Tapsell—For a lot of them, the only way they are going to survive—and this is what we have said in our submission—is to look at working with other councils and sharing resources. We have some wonderful Networking the Nation projects that will enhance that capacity. Unlike the other states, we have only just started this project and we are finding that if we replicate what is out there now we will just make the same mistakes. What I mean by that is that a lot of these remote places have stand-alone computers—they are not even networked—and in one case, for example, as soon as they got a virus they would throw the computer out and go and buy a new one. You can buy a new Dell now for about $2,000. If you got somebody in to fix the old one it would cost $1,000 just to fly them over and everything else. That is what is happening. That sort of thing is just not sustainable, so we are looking at perhaps having a lot of the servers and whatnot in Darwin or somewhere else. These days, with telecommunications, we should be able to do that. We are testing it at the moment. We want to limit the amount of on-site IT expertise that would be needed. We want things networked so that everyone gets the information, but have somebody elsewhere worry about the technical side. We think that is sustainable and that is the advice we are also getting from our consultants. That should enable

councils to work better together, to use common business systems and hopefully save costs and create more capacity.

Ms HOARE—What role does the association then play in that process?

Mr Tapsell—We are rolling it out at the moment.

Ms HOARE—As an organisation you are rolling it out into the councils?

Mr Tapsell—Yes. We are to create a local government network in the Northern Territory which will link all the councils in the Northern Territory. Most of the money is going to the remote councils. We will be setting up web sites for all the councils and we will also put in business applications for the remoter councils. That does require us to convince some people to change the way they work, and that is going to be our biggest challenge—convincing some of those on the ground that maybe the applications they have been using are not as important or as useful as those that are perhaps bigger and more integrated.

Ms HOARE—You are going to do all that with seven people?

Mr Tapsell—Yes. We have one manager who manages the IT project but we are using consultants to implement it. We do not have the expertise in house.

Mr LLOYD—In relation to new organisations like Thamarrurr, are you working with them and assisting them in their setting up? I understand they are hopefully having elections next year. How do you work in with communities such as that when they want to establish a new regional authority?

Mr Tapsell—We have pointed out to the Northern Territory government that they have not been as inclusive of us in some of those arrangements as we would have liked. From my own perspective, I think that the government have been good in terms of the consultations for setting up the governance structures—getting the electoral systems and all that right—but where I think they have fallen down has been with the administrative side. The Tiwi Islands is one example of where the administrative structures have not been as good as they should have been. We believe we are overcoming that in our talks with the government. We want the local government sector involved in those kinds of arrangements, particularly senior personnel in local government who can give good advice on the administrative stuff. The department have now agreed that they will engage us, but on that particular one we have not had a lot of input, even though we know it has been developed.

Mr LLOYD—To me, that is a little disappointing because this has been touted as a pilot program. It is a very important initiative bringing together so many different people into basically a new management structure, and I would have thought that the Local Government Association could have been a key player in assisting that or as part of it. So it is interesting that you have not been included in that.

Mr Tapsell—We are going to be, and we are going to make sure that we have some input into it. I know that the CEO of Darwin City Council has had some involvement in it, so that has been good. That is the point that we have been making—the practitioners should be involved in any new organisation that is set up, because they will be able to help with giving advice on

whether the organisational structure et cetera is in place, along with the systems to support the governance arrangements.

Mr SNOWDON—One of the reasons I was interested in asking about your background was so I could ask you to comment on the proposition that one of the major difficulties we have in the governance of these Indigenous communities is a lack of awareness and understanding of cross-cultural issues, language and Indigenous governance issues by non-Indigenous personnel employed in these organisations. Would you like to comment on that?

Mr Tapsell—Yes. I think that is a major problem area, in that there has not been a process in place—there are in some places, but not everywhere—for giving people good inductions when they go out. Certainly, if I look back on my career, we were given an excellent induction before we went out and lived in the bush. That kind of induction can prepare you better for—

CHAIR—Where did that induction occur?

Mr Tapsell—In Sydney, in Mosman.

CHAIR—We must find out a little more about that induction.

Mr Tapsell—When I first started, there was also a fair bit of mentoring. You were put under people who had good experience and could explain things to you. For example, I went straight from Sydney to Amuonguna, which was a bit of a culture shock for me. Having somebody who could explain things to you, guide you and tell you what was and was not appropriate behaviour and all that sort of thing, with the rigour of study and what not in those areas added to that, helped prepare you better for working in those areas. A lot of people go to communities without any induction whatsoever, and even when they get there they can form opinions about places without getting the full facts of why things are as they are, or an understanding that there is a different world view and culture out there and that if you want to operate successfully within it then there are certain behaviours that you need to employ.

CHAIR—We could do a lot better there. I very much appreciate that, Tony. You have a magnificent breadth of experience, and I will follow up how it was done, in terms of your background, and where we are missing out now.

[10.25 a.m.]

FULLER, Dr Don Edwin, Head, School of Business Economics, Flinders University

CHAIR—Would you like to make a short opening statement?

Dr Fuller—I have been involved in research and project teams within small enterprise development within Indigenous communities in the North of Australia now for around six years. I will make some initial comments in relation to this area of capacity building and how it might link up with my interests. I see that area of capacity building as being particularly wide. It involves economic issues for sure, but it also increasingly involves political, social, cultural and human development issues.

As you are probably aware, people concerned with economic development have usually been concerned with the production of goods and services at just efficient rates of resource usage, but increasingly it has been recognised that, in economic development contexts such as in relation to Indigenous communities, we need to be concerned with human development aspects, such as income distribution, employment and unemployment particularly, the key issues of education and training, and the major issue of health. Therefore, when we are talking about capacity building within the context of development, it is going to cover all of those things. The major implication of that as far as we are concerned is that it is likely to be very painful for Indigenous people, involving changes to social structures, attitudes and institutions. But the bottom line as far as we are concerned is that it is important that Indigenous people remain in control of the direction and, particularly, the pace of the change. I am based in Adelaide, although I work in the Northern Territory a lot. If I am unable to complete my submission today, I will be very happy to continue it in Adelaide if that is convenient.

CHAIR—It being vital area, I am sure we will try to accommodate that.

Dr Fuller—Thank you very much. I will give some additional introductory information as to why we think the area that we are focusing on is important. There has obviously been significant dependence in Indigenous communities on government services and programs. A central part of my submission is that it is necessary to get an increased degree of economic equality within Indigenous communities before we can confront the substantial social inequalities that exist and that micro and small enterprise development provides a very promising avenue. There has been a considerable amount of money spent by governments in the past on promoting Indigenous businesses, but relatively little attention has been given to the appropriate scale and the nature of the enterprises, with the result that some of them have been large scale organisations requiring the importation, as you have no doubt heard many times before, of complex technologies without adequate training support. This has involved the importation of non-Indigenous management structures and regimes which have quickly got out of contact with the aims and aspirations of the Indigenous communities.

It is important to build small or microenterprises because that will lead to an increased degree of interaction between different groups within the Australian community. To be viable, a lot of these enterprises need to be joint venture operations connected into the mainstream economy. It is important that there is a decreased role for illegal businesses, which we are aware from our

fieldwork are becoming increasingly prevalent within Indigenous communities—possibly as a result of a lack of legitimate business opportunities. Building microenterprises will address leadership and role-modelling issues and decrease reliance on social welfare. There will also be major implications for things such as import replacement across a range of products and services. There will be increased employment and training experience, reduced alcohol consumption, and the social benefits of, in short, having something productive to do within Indigenous communities.

Our research across a range of Indigenous communities—which we hope to continue, although I must emphasise that the funding provided by government agencies to support such economic enterprise is minuscule, to say the least—has indicated that Indigenous people have a high desire to become involved in microenterprise. One of their main objectives is to help their children and future generations have a better life than they have had. They see involvement in microenterprise as an important way in which that may be achieved. However, there are substantial constraints, and there is a need to invest in human capital and to provide skills, particularly in financial management and control, business management, and resource assessment and planning.

There are major problems with programs directed towards business development, such as CDEP. While it does have the potential to provide a lot of opportunity and support for Indigenous small enterprise if properly and appropriately administered and arranged, we observe major corruption at a number of levels within the government processes. This has major implications for governance and for the delivery of services from major programs such as CDEP—which, of course, contributed about $400 million throughout Australia to Indigenous employment and business development. Those are my major background and introductory points as to the focus of our interest and concern and why we think it is important.

CHAIR—I do not think anyone would disagree that it is important, but the issue lies in that little word 'how'. How do we do it? You may not have heard Bob Collins this morning?

Dr Fuller—No, I did not.

CHAIR—There are so many fundamental issues with capacity, including literacy and numeracy, the cultural divide and the English language. There are many impediments to hurdle to reach what many Australians would see as the way to create a small business. Going back to the word 'how', can you address a couple of those things? Then I will open up to questions from the other committee members.

Dr Fuller—We have been working on the Finnis River Land Trust Area with the Warai people. There are small-scale pastoral opportunities and cattle-holding facilities there, and our feasibility studies have indicated that there is a high potential for ecotourism. As the ATSIC business program structure ideally should indicate, all our feasibility studies indicate that if you undertake a scanning or a consideration of opportunities within any community you will see a number of opportunities there. At the very least, there are opportunities with respect to the delivery of services—not only government services but also a range of private sector services. I could, if you are interested, identify a number of these in more detail.

CHAIR—I think we understand the opportunities but we want to know about how you get the individual to the point of competency, to where they can succeed. We do not want to set up

something that is funded to fail, or whatever; we want to set up something with a reasonable opportunity of success.

Dr Fuller—The first thing is to identify that there is a desire, in my view. I think you can identify the desire across a range. The second thing is to undertake, as the ATSIC business programs ideally require—they do not really do this but they would like to do it—an economic feasibility stage to see whether this is a feasible business proposition. What are the normal things that one looks at in terms of a feasible business proposition? One looks at questions like: is labour available; is skilled labour available; is the infrastructure available; is there access to markets; are the sources of finance available? Talking about the broad issues, I think that, except for the cultural issues, there is no difference between the sorts of things—

CHAIR—I think the cultural issues are very significant.

Dr Fuller—They are very important, yes.

CHAIR—Are the cultural issues significant to the extent of blocking the path to success?

Dr Fuller—Not at all, in my view. What is blocking the path to success is inadequate education and training, inadequate mentoring, inadequate access to sources of finance and inadequate connection with mainstream economic actors. When we worked at Ngukurr there were a number of mainstream economic actors who wanted to become involved with Indigenous enterprises—in ecotourism, for example. We saw no difficulty and no lack of mainstream non-Indigenous economic actors who were interested in discussing the possibilities of joint venture arrangements.

But there are constraints, and I think a very important constraint goes to what Warren Snowdon was saying. You do not have people falling out of the trees who are interested in going to Indigenous communities. In my experience, most people do not want to go. They do not feel comfortable going and therefore there is no particular interest. Also, they are not trained to go. I think training is insufficient, in itself; there has to be an interest in going and then some training, as well. But these people are important because if you can get them they can facilitate the sorts of connections that we are talking about between Indigenous and non-Indigenous business enterprises. I do not see the cultural things as impediments at all. In fact, I see a great desire to merge cultures and to work with non-Indigenous people to take advantage of those sorts of things. I see a very positive, constructive desire.

Mr TOLLNER—I am curious about this, Dr Fuller. You talk in here about the Aboriginal Land Rights Act and what a good thing it has been for Aboriginal people. What impact does dealing with the land councils have for individual communities that want to start an enterprise? They are almost obligated to deal through the land councils. Does that have an impact on enterprise?

Dr Fuller—In my experience, it does. There are some Indigenous people who do not want to deal with particular land councils. My experience from working in, say, a community in south-eastern Arnhem Land is that the community may not have a particular connection with a land council that it sees as dominated and run by people who are elected, primarily, from another part of Northern Territory. I think we have to get those land councils to be a lot more representative

of the interests they are actually working with. But I do not think it relates just to the land councils.

I would like to make an important point. I have always supported the construction of highly skilled, mobile project-directed teams to work in this sort of environment. My reason for that is that Indigenous people find it frustrating to deal with government agencies and land councils. I find that a lot of those government agencies or land council people—unless the land council has Indigenous representatives there—are not often in the communities addressing a lot of these issues.

There is a lack of trust and confidence in large-scale bureaucracies, and I can see why there is. For years they have been told that these things are going to happen but for some people they seem to get progressively worse. One way of overcoming this is to form these highly mobile, project-specific research teams that can target particular areas. Of course, they can and should consist of stakeholders across a range of areas but they should also involve, if necessary, business specialists, government technicians, land council representatives and so on. The teams go in to look at particular ways of identifying businesses and then conduct the feasibility studies to identify those that are reasonable, which might not include barramundi farming in highly capital-intensive technical areas, for example, but might include a bus transport operation from Ngukurr to Katherine rather than an airline. Highly skilled, highly mobile teams which are representative of key stakeholders are important.

CHAIR—Is that addressing your question, David?

Mr TOLLNER—I am quite happy with the answer so far. Specifically looking at the Aboriginal Land Rights Act, it has not changed much since 1996. I understand that there were a couple of major changes in 1987 with regard to the veto provisions of operations and that they have been actively used, but in the main there have not been any great changes. Is that because it is a workable act, or should there be changes to it? Should it be a developing act?

Dr Fuller—Yes, particularly where we were looking at, for example, the possibility of getting joint venture arrangements between some of the grape growers in the one-mile block at Ti Tree and some of the Indigenous landowners around Ti Tree. It became particularly obvious that the political processes required to gain approval from the full council through the land council board to approve that sort of development going ahead were extremely unwieldy and highly political, which resulted in nothing going ahead. It might be convenient if you happen to be the chairman of that particular land council; you might find that things go ahead fairly well. But, if you are Joe Blow out in the sticks a long way away and you are not somehow connected via family, then again we are talking about questions of representation.

CHAIR—You reckon they have missed the boat?

Dr Fuller—Absolutely. I agree entirely that we do need to look at ways of streamlining the operation of the Aboriginal Land Rights Act, particularly with respect to the use of land for economic enterprise in joint venture arrangements. It currently gets bogged down in a political process, which means a lot of land cannot be used.

Mr TOLLNER—There has been an option put to the Northern Territory government to look at having responsibilities for the Aboriginal Land Rights Act moved to the Northern Territory government. Would this, if that were to happen, improve the response?

Dr Fuller—I would be in favour of decentralisation of those sorts of issues within the regions where the people who are affected can electorally respond to that. Getting the system more sensitive, and bringing some of those things away from Canberra, is incredibly important.

CHAIR—Mr Tollner's question was about Commonwealth transfer to a territory.

Mr TOLLNER—Yes, that is right.

Dr Fuller—Yes, that is what I am answering.

CHAIR—I thought you said that it would be down to the local level—because it would go up through Darwin, wouldn't it?

Dr Fuller—Sorry, with respect, anything outside of Canberra is local!

CHAIR—No, you are fine. I come from South Australia.

Dr Fuller—When you went straight back to the micro—

CHAIR—It would have to come through Darwin first, and I wondered whether Canberra would be any better. There are those who would say that Canberra could offer better protection than Darwin might, depending on where you sit.

Dr Fuller—They may say that, but I am saying that I am not convinced that that is the case. People may ideally want democracy right down, as you say, to the micro level but it becomes a trade-off between cost, delivery and so on.

CHAIR—Sorry I intervened, but I just wanted to be clear in my own mind.

Dr Fuller—I would go for a compromise. One can see it across a range of areas. It is in relation to not only the administration and operation of the land rights act, in my view, but also service delivery, information transfer and how people can connect with various other people to get things through. It is evident that a lot of this decision making is somehow locked up in Canberra so that it is inaccessible to people. That is really what I am saying. I would say there would be an argument for leaving it in Canberra if ATSIC and a lot of those resources were not located in Woden and never got out of a concrete building, for example. As well, there are questions about the quality of the resources there to administer the complexity of these sorts of programs. Therefore, moving it to the Northern Territory level would give you a chance to understand what you have to deal with a lot better and to get a better match between the resources and the sorts of problems that you are likely to confront.

CHAIR—I would like the Territory to be like every other state and to have responsibility for land resources management.

Dr Fuller—Exactly.

CHAIR—But it is not happening at the moment.

Mr SNOWDON—It is unlikely to happen, so forget about it. We will have this debate and we will have this argument, but I am sick of the clown on my left coming up with this crap all the time.

Mr TOLLNER—We do not all follow your enlightened—

CHAIR—He is entitled to his point of view, Mr Tollner.

Mr SNOWDON—Dr Fuller, I am interested in what appears to be a very grave misunderstanding of how CDEP funding is made available. In your submission, you say that the CDEP program is funded through the Northern Territory local government authority. There is no such authority.

Dr Fuller—What I mean is the Northern Territory local government structure. When I was working at Ngukurr, it was clear to us that ATSIC was using the community government council structure to actually administer and disburse CDEP funding. That is what I mean, but thank you for pointing out that I had my terminology incorrect.

Mr SNOWDON—I think we need to be very clear about it, because ATSIC funds incorporated bodies to do certain things. What it does in Aboriginal communities by and large is fund organisations such as community government councils to administer CDEP funds.

Dr Fuller—That is what I mean, but I still see that as a major problem.

Mr SNOWDON—It could be a major problem but it may not be. I think there is a difficulty here.

Dr Fuller—I take the point as to the wrong terminology, but if one assumes I am talking about community government councils—which I am—then my arguments rest on information about things that we have actually found to occur out there. I am saying that, given that funding was going from ATSIC to this community government council, which was essentially administered by the Northern Territory government, you did have—

Mr SNOWDON—Hang on.

Dr Fuller—The town clerks are responsible and being paid by the Northern Territory government.

Mr SNOWDON—No, they are not. You need to be clear about the funding arrangements. It is true that the Northern Territory Local Government Act allows for the minister to approve the appointment of the CEOs, but it is not true to say that they administer—in the way you have described it—ATSIC moneys.

Dr Fuller—It is happening.

Mr SNOWDON—No, let us be very clear about it.

Mr LLOYD—By your definition, Mr Snowdon, the world revolves around you.

CHAIR—Dr Fuller, you have about three minutes before you have to leave. You know when you need to leave.

Mr SNOWDON—I have not finished.

Mr LLOYD—I would like to hear the witness's view, not yours.

Mr SNOWDON—With due respect, Dr Fuller, I probably have more experience in the field than you.

Dr Fuller—I am not going to argue with you.

Mr SNOWDON—I think that in this document there is a very clear misunderstanding about the way in which ATSIC funds are made available. I take your point about Ngukurr, but Ngukurr has its own difficulties in that the administration of the council is now being investigated by the Northern Territory government.

Dr Fuller—I know, but it was largely as a result of our work that that was uncovered. That was primarily based on the experience of working within a community such as that, which is pretty representative of the arrangements we are talking about in terms of ATSIC funding and the community government council.

Mr SNOWDON—But my point is this: I am wondering what alternatives are proposed for the CDEP administration. It seems to me that this is an incorporated body which has the responsibility under whatever act it might be—in the case of Ngukurr it is the community government legislation—to administer the funds and be accountable transparently through ATSIC accounting procedures and Northern Territory local government accounting procedures.

Dr Fuller—They are not. That was the point I made in the submission. They cannot be. It is ridiculous to have one level of government responsible to another level of government. They just do not work that way. The Northern Territory government auditors are concerned about Northern Territory government funds. The direct experience we had in Ngukurr was that they do not want to pass the information to the ATSIC people. The ATSIC people cannot force the Northern Territory government to do that.

Mr SNOWDON—What is the solution?

Dr Fuller—I said in the submission, if you have a closer look, that it seems to me to be pretty fundamental that if ATSIC remains with its current operations—which is increasingly in doubt, given some of the statements from the federal minister—it should administer funding in the community itself. Why would it go through another agency that had a relationship with the Northern Territory government? It immediately confuses the accountability and transparency process. It immediately adds an unnecessary link to the chain, which is already very complex

anyway. I have recommended that the body giving out the funding should be administering it and making sure that it is accountable for that funding, not putting it through an intermediary.

Mr SNOWDON—Local CDEPs would be administered by whom?

Dr Fuller—There would be an ATSIC person on site to administer that, not a town clerk who has no loyalty to the federal structure. There is a built-in incentive to take the money because there are no auditing structures.

Mr SNOWDON—How many people are on CDEP at Ngukurr?

Dr Fuller—Maybe 600.

Mr SNOWDON—It would not be 600; let us say it is 200. In any event, they will have a CDEP coordinator who is paid for by ATSIC.

Dr Fuller—Yes, but that is not an ATSIC employee. In the case of Ngukurr, it happened to be a relation of the town clerk, who subsequently—

Mr SNOWDON—We understand the problem.

Dr Fuller—So my case rests.

Mr SNOWDON—But that goes further. You were not here for the earlier evidence, but we had a discussion about misfits and others.

Dr Fuller—That is why accountability needs to be clear.

Mr SNOWDON—What happens to the planning of a CDEP program where the on-cost component and the material component are for use by a local government or local government type function? For example, we were out at Wadeye yesterday. That community have 300 people on CDEP. They would like 900 people on CDEP. They want to use the CDEP as an employment program for the community. They are comfortable with the administration of the CDEP arrangements, and I am sure ATSIC are. Why would that not be appropriate?

Dr Fuller—It would not be appropriate because of what is evident in a number of other communities in Australia. That is what I am saying. It might have happened reasonably well there, but where else would a government agency that was responsible for expending a lot of money—in global amounts, we are talking about nearly half a billion dollars—

Mr SNOWDON—We are effectively talking about a transfer from—

Mr TOLLNER—Let him finish.

Dr Fuller—Where else would you pass that to another level of government to expend it on your behalf—

Mr SNOWDON—We do it all the time.

Dr Fuller—without appropriate accountability and other mechanisms in place? ATSIC may say that they have those in place but there are many cases where they have demonstrated—not only in the Northern Territory but recently in Western Australia, as was reported on *Four Corners* last year—that they are very slow or unwilling to enforce them.

Mr SNOWDON—That is a different issue.

Dr Fuller—No, it is not a different issue. If it did not exist, you would not have the issue.

Mr SNOWDON—The question goes back to the discussion we had this morning about having appropriate staff in these positions. I refute your proposition. I do not think you can make that generalisation on the basis of the experience at Ngukurr. You can fix the problem at Ngukurr and then—

Dr Fuller—May I make a parting comment?

CHAIR—Yes, you may.

Dr Fuller—It was interesting that one of the enterprises we were looking at for Ngukurr was a bus transport operation rather than an airline. In my view, it probably got going largely without any support from the members of the community and was a major initiative of a non Indigenous member from the local council under the auspices of the Northern Territory government. This was ironic, when I came up here to go across to Bathurst Island to start work: do you know who I travelled with? Air Ngukurr, out of Darwin. I wonder who paid for that.

Mr SNOWDON—You have a point about Air Ngukurr but let me ask you this question: my point—

Dr Fuller—That is my point. It is based on experience out there.

Mr SNOWDON—The Commonwealth government gives money to the state and territory governments to spend on its behalf all the time. Why would it not be appropriate for a Commonwealth agency to give money to a local government authority to spend money on its behalf, as the Commonwealth government does all the time?

Dr Fuller—It is not working, and I have given you a good indication of that.

Mr SNOWDON—You have given me an example of one case.

CHAIR—We will continue this in South Australia. Thank you, Dr Fuller.

Proceedings suspended from 10.57 a.m. to 11.06 a.m.

HILL, Mr Kim, Commissioner, North Zone, Aboriginal and Torres Strait Islander Commission

CHAIR—I welcome Mr Kim Hill to our inquiry this morning.

Mr TOLLNER—We should congratulate him on his re-election.

CHAIR—Yes, I congratulate you, Mr Hill, on your re-election. You would have had the final results confirmed in the last few weeks. All the best with it.

Mr Hill—Thank you.

CHAIR—Mr Hill, you would be aware that the media are in attendance and are recording our proceedings. I understand that we, as a committee, do not have objections to that, but we wanted the media to advise us that that is what they are doing and also advise you that that is what is happening. If you wish, we could authorise that no recording occur; it is up to you.

Mr Hill—No, that is fine with me.

CHAIR—I now invite you to make an opening statement, Mr Hill.

Mr Hill—I would like to thank the committee for allowing me the opportunity to speak to you in regard to the inquiry into capacity building in Indigenous communities. My presentation is going to be based on three primary areas: the terms of reference; access and equality; and communities, organisations and government agencies. The terms of reference are limited to service delivery only. If the aim of the inquiry is to overcome disadvantage and failing policies then we have to look beyond just service delivery. I believe the inquiry should be based on the human element of the problems which we face and not on service delivery. It should be about how our people can become full and active partners with agencies as part of our participation in the economic, political and social environment of Australia.

So capacity building should concentrate on the participation of people, with human and citizenship rights, rather than on organisations, which are only deliverers of such services to the communities. In terms of access and equality, I think governments have a responsibility to provide services. The inquiry should not just be looking at ways to hand over this responsibility to communities; it has to take a broader view of capacity building—or capacity development, which is the term I prefer to use.

The quality and quantity of services is also another aspect that needs to be considered by your committee. The definition of community flows throughout Australia, so any community capacity development framework and programs have to be flexible. No doubt, during your visit to the Northern Territory, you could see the difference within our communities. Many communities have already had a lot of capacity, so there needs to be a new way of developing this capacity and this is more than just training, I believe.

The other part I want to refer to in my opening statement involves communities, organisations and government agencies. All three have to embark on a new relationship with capacity building as a key focus. Concentrating on communities will not make any significant changes. Agencies have to change the way they deal with and interact with communities and community people. For communities, I believe, the aim is empowerment. For organisations, the aim is appropriate government systems. For agencies, the aim is to have a whole of government approach with community aims in mind. That is all I would like to say as an opening statement. I am happy to take questions.

CHAIR—Thank you for your comments about delivery of services to communities. I suppose that is always the challenge for governments. One of the key responsibilities is to deliver services effectively, with the aim to improve individual and family outcomes. We are endeavouring to pick up the terms of reference—and they are across party lines. If there is a flaw in them, we mutually accept that responsibility. For me, the key term of reference is:

... committee members to better support families, community organisations and representative councils ...

So it is trying to understand the issues of governance which will 'deliver the best outcomes for individuals, families and communities'. That said, my leading question is about the challenges to ATSIC and you as a commissioner. We learnt this morning, for example, that there were something like 880 separate communities—individual discrete communities—in the Northern Territory. Could you describe the basic challenges that presents to you as a commissioner in terms of your electorate? How do you do it? It is a huge task.

Mr Hill—It is a huge task. No doubt in your position not only as chair of this committee but as a representative of your own electorate and the nation as a whole, considering the recent incidents around the world, it is a great concern. How do we prioritise issues? How do we get people to come together and advance their lives, so to speak? In the Northern Territory and other places, I have arranged for people and communities, through the ATSIC regional councils, to be more strategic in addressing a lot of the issues. We were able to identify five priority areas in the Northern Territory which we can work on with governments, and that is both federal and Territory. Those five areas are economic development; governance, law and justice; homelands; health and education. We could not separate health and education. We believe you need to be healthy to be educated and you need to be educated to be healthy, so we were not able to separate those two issues.

How will we manage it? I see it from two perspectives. One is as an elected arm and the other is the administration process of ATSIC as a government organisation, because it is a government organisation. They tend to clash on a day-to-day basis, especially with regard to delegation and what we can do and what we cannot do from a community elected perspective.

When you look at the communities, there is no doubt all our communities are living on a knife edge at the moment and have been for some time. I have no doubt that agencies and politicians, such as you, have all the will and intent to get things right for communities, not just Aboriginal communities but mainstream communities throughout Australia. I believe that many agencies do not realise the impact and implications—even the ATSIC administration arm believe this—of their actions and policies on communities. No doubt with your visit some of the community people would have told you that there is a great deal more regulation on our communities these days than there was 10 years ago. I had the privilege of meeting a former

director of Westpac Bank who said that back in the forties, post war, there were hardly any regulations and that today there are a lot more regulations on them. That applies right across the board, I believe.

On the one hand you have government and non-government agencies and organisations that have funding resources and years of knowledge and skills. I believe it is about respecting one another and having an understanding of what goes on in a community, and that is something which the elected arm brings to the table. Some people may say that ATSIC is not the appropriate voice for Indigenous people nationally, but I see in some areas in the Northern Territory, especially in my zone, that it is a voice. There has been a larger representation with voting in the northern zone because communities are well aware of ATSIC's contribution. We sustain the local economy in parts of the Northern Territory and that is something which mainstream people need to understand. Through our CDEP program, we get the local economy rolling. If we took the CDEP program out and if Aboriginal people did not shop in places such as Alice Springs and Katherine, those places would end up being ghost towns. So I think your question, Chair, is a valid one: where do we go? We can build upon what we have already done. Capacity building is an exercise of the past and capacity development is an exercise of the future, and that is something we need to take on collectively.

Mr TOLLNER—We heard information yesterday at Wadeye that they can account for how much money comes into the community and for how much is spent in the community and that there is a big difference. There is so much more money being spent outside of the community and they have no idea what it is spent on, but they suggest that there is probably a lot of grog involved. We heard a number of stories about grog runners and the like at Wadeye. Does ATSIC take a role in addressing some of those issues and in building enterprises where people can spend their money on communities and creating economy in communities?

Mr Hill—There is an opportunity for ATSIC to participate in looking at that. However, our legislative process does not allow us to. We do not have funding for health programs, and a lot of the problems confronted by most of the communities, such as Wadeye, are really health issues. We do not have the resources to do that. We supplement a lot of government agencies, both Commonwealth and Territory, through our developmental programs and CDEP that are trying to look at active participation of community members in projects, such as fencing or economic development. There are issues in regard to economic development on Aboriginal land, as you are well aware, David. In this zone I will be looking at land use agreements involving stakeholders such as the land councils and other enterprises who want to invest in Aboriginal communities for the wealth of all Australians, particularly Territorians. So to answer your question: it is something which ATSIC is well aware of and it is something which we are addressing. Some of the issues they are confronting out there are long-term issues. I believe we have short-term strategies, but we do not necessarily have long-term strategies because we need the cooperation of other agencies to come to the table. We do not have the legislative teeth, so to speak, to bite other agencies and make them accountable for the services they provide.

For example, no doubt the council told you about who provides the funds for the maintenance of the school. Most of the CDEP programs pick it up; if not, we pick it up through IHANT—the bilateral housing agreement. We have the housing repairs and maintenance teams go and fix the school where it is not our responsibility, and guess who gets billed? ATSIC.

Education is a classic example. We have over 200 CDEP participants working in the education system. My concern about that is that the majority have received tertiary education through the Batchelor Institute; however, they are not getting paid accordingly. One thing which worries me is the insurance aspect of these people going onto these premises. That is something we are addressing with the Territory government through the Learning Lessons committee.

Mr TOLLNER—I have been to a number of communities across the Top End and Central Australia, and I am aware that, in some areas, the CDEP program is not stacking up the way communities would like it to, simply because there is not enough work for them to do. There are other communities like Wadeye, who said to us yesterday that they had 300 people on a CDEP program and they would love to make it 900. Do you do any research as to the effectiveness of these programs in particular communities and whether you can shuffle that around, or is there a set allocation per community? How does ATSIC decide who gets CDEP funding and who does not?

Mr Hill—The criteria is based on the community's credibility in the sense of actually administering the program. That is the first thing. We do provide communities with start-up money to get CDEP, and we then look at ways in which we can provide assistance to that group. Remember that there are two aspects to ATSIC: the admin arm and the elected arm. I think most people get confused: when people talk about ATSIC they are talking about the elected arm. We are the elected arm of ATSIC; we do not have delegation over the admin arm. That is in the control of the regional managers and the CEO. That is the reality. We try to centre on the borderline between self-determination and self-management for Aboriginal people. Regional councils and the ATSIC Board of Commissioners tend to say, 'Okay, if this community has met these criteria, let's support them and give them money, and we will monitor them.' Then they report back through our terms of conditional grant.

It is very difficult at times to know and police some of these communities. In a lot of our communities we do not get involved in the hiring and firing of staff. We believe it is the community's responsibility. If the community wants to hire and fire people, that is their business; it is not ATSIC's business and I do not think it is government's business. We have to allow people the opportunity to exercise their right in choosing who they want. No doubt you would have heard over your years in the Territory, David, that there are some people who come into the Territory and walk out with a lot of money from these communities. It is not just our problem; it is everybody's problem.

Mr TOLLNER—As you are aware, my background is superannuation. One of the concerns that I had in my previous occupation was the number of CDEP people who were workers in a mainstream sense but did not have access to all of the other ancillary benefits that a normal employee anywhere else would get. My understanding is that CDEP is virtually a replacement of the dole, plus a few top-ups here and there. But there does not seem to have been any provision made for those ancillary benefits that people would expect from normal employment. Is that an area where ATSIC has a role to play?

Mr Hill—Yes, we are talking to the union and to various other stakeholders about how we can go about this. It is an issue that has been around for quite some time. In some regions I think the CDEP is bad—if I can put it that way—and in some other areas it is good. I do not really want to say that we need additional resources. I believe that we have identified solutions in our regions. It is a matter of getting the cooperation of federal and Territory government

departments. As you know, the Top End operates in a different manner to the Centre but we are classed as a whole territory. In some areas we can maximise the local economy and the employment opportunities for communities if we are given the opportunity. Most often we have not been given the opportunity because of the past government's policies in the Northern Territory.

Mr LLOYD—Could you outline the areas that the north zone covers?

Mr Hill—The north zone covers all regions north of Elliott, which is a small community 250 kilometres north of Tennant Creek. The north zone is half of the Northern Territory and includes all the islands—that is VRD, Arnhem Land, Daly River, the region of Wadeye and the south-east and the islands.

Mr LLOYD—Have you provided a written submission to the committee?

Mr Hill—No, we have not provided a written submission because we are in a caretaker period. We will no doubt get something to you once the commissioner is elected tomorrow. As you know, we have also got a new CEO and we are going through another restructure, so it is a bit difficult at this stage.

Mr LLOYD—That is fine and we appreciate your time today. I would like to get your views on two issues that were raised at Wadeye yesterday. Firstly, in your view how important is it within the education system that everyone has command of the English language within the communities? Secondly, what is your view on the expansion of the mutual obligation and the Work for the Dole schemes within communities instead of the welfare mentality where money is handed out? Is there a role for mutual obligation with the communities being able to contribute something? What are your views on those subjects?

Mr Hill—I will answer your last question first. I think mutual obligation is an issue which is entrenched in Aboriginal society and always has been. We base mutual obligation on respect. If you look at the Territory's history, everything east—that is north of Katherine, for example—and everything west and the islands north of Darwin was run by the Catholics and everything east of the Stuart Highway was run by other churches. I say that merely because we have an issue with identity and our place in society. When we talk about mutual obligation I think people have to understand our place in society as individuals and as part of a family, a clan, a community or a society. I believe that agencies must recognise the community dynamics and the groups that are involved because with mutual obligation I believe you have three groups of people as a result of past history and policies.

You have the traditional owners—people who have been here since day one—and, while they roamed around their country, they stayed put in their country. You have the long-term residents, people like David, Warren and me, living in Darwin. I am a long-term resident; I am not a traditional owner of Darwin. My parents were put here because of past policies of governments and they love it here. The third group is people who have moved in recently—immigrants over the last five years or people moving into the Territory for work reasons. I think agencies and governments need to look at the dynamics and try to ascertain a community for mutual obligation. People are trying to figure out what they do in the community and in most of the communities these three subgroups are all trying to understand that.

If I have a mutual obligation to develop a program that will bring economic development, do I have the right to any of those benefits as a long-term resident? I do not think so. Although you may have some rights on the land you occupy, and you can use its resources, the TOs are the primary decision makers. I think that is where a lot of agencies get really confused. They get a bit annoyed because they want to deliver a program which they see can benefit the community, but it does not actually benefit the lives of those people. It has been demonstrated that it has not benefited the lives of individual people from those three groups.

Just recently, the permit issue has been raised here in the Northern Territory. The editor of *Northern Territory News* said that all Territorians are frustrated that they cannot visit all places in the Territory. One thing that he has forgotten is that this was, is and always will be Aboriginal land. There is legislation to support that—the Aboriginal Land Rights (Northern Territory) Act. People need to understand the dynamics of mutual obligation and government departments. Questions need to be asked about the rights that the TOs and we, as long-term residents of Darwin, inherit. Access is another issue that we really need to talk about. There has not been any action.

Personally, I have some good things to say about the CPA, mainly because of how I was brought up. All my brothers worked, and my father had a very good work ethic. But that is not how it is for my cousins. My mum's brother lives down the road and his kids do not work. We are family, but he and my cousins have to work out their own identities and where they fit within the clan system. It is not simply a case of, 'Let's stop benefits that people are entitled to.' If you are going to do that, why don't you do it in Melbourne and Sydney? As I said earlier, I think there is a will these days to get communities more functional to bring about better results.

The first question you asked was about education. If Bob Collins reported only a year ago that only one out of 100 kids in remote areas can meet the national benchmark, we have a long way to go. I would not be judging outcomes or results in the next 12 months to two years. You are talking about two generations who will not have the level of English in the next 10 years. So it is a long-term issue. I think we are addressing issues—and we could probably do it better for the short term—by having more government involvement, especially ATSIC involvement, with the communities.

Mr LLOYD—That is pretty frightening to me to think that it will take two generations. My view is that, if you do not have a basic command of English, these generations will really struggle to survive and to relate to mainstream Australia. Bob was talking of at least another generation, and you are now saying two generations. It is a frightening concept to me.

Ms HOARE—Commissioner, in response to a question earlier from David, you indicated that you had identified solutions to particular issues in different communities. Could you expand on those particular areas? I do not know whether it would be the elected arm or the administrative arm of ATSIC, but can you identify areas where ATSIC service delivery could be improved? Can we look at particular examples or case studies of best-practice models. This is a two-part question.

Mr Hill—It may seem a bit simple, but that is just the way I tend to live—that is, I live a simple life. One example is the Indigenous Housing Authority of the Northern Territory. That framework between the Commonwealth, the Territory government and ATSIC is something I see which, in principle, could be used in regard to governance structure. It allows ATSIC

regional councils to determine where houses are to be allocated. I think that bilateral agreement should rest with an independent body; it currently rests with the Territory government. I think that is one possible solution in regard to governance within communities.

From the perspective of the elected arm of ATSIC, ATSIC regional councils are required to develop regional plans. In my capacity as commissioner for the past two years I have been urging government departments and people like you—politicians—to ascertain their regional ATSIC council's plan. That is the way we fund organisations or communities. I believe these plans are a key document which can be used as a link between all agencies and the communities. I see the benefits of these links being as follows. If implemented, they become a community driven program and policy. They become a key partnership, with the community seen as a partner in the whole process. Everybody writes plans and so forth, but I tend to try and encourage regional councils to look at ways in which they can address certain issues in their communities in terms of what we are required to do under the legislation. Most often, about 95 per cent of the time, we are actually dealing with things that we do not have any legislative powers to deal with. But we do believe that our regional plan gives people an indication of where we are going.

We also need to look at ways of enhancing networks and relationships with the communities and other agencies, especially within ATSIC. The reality is that federally we have had four ATSIC CEOs in the last four years. Here, me and my elected members have had three state managers in the past three years, and I have had changes of key regional managers. It does have an effect, not just on the elected arm but also on the communities, because the communities are saying, 'Who do we contact?' If we keep things simple like, for example, looking at community driven programs and policies, I think we can go a long way. It may surprise a lot of people in Canberra—advisers and so forth—who come out with these wonderful methodologies and terminology in regard to what capacity building is, what capacity development is and where we are going.

I would rather keep things simple, because it is the simple things that are happening in communities. Kids are dying. I believe we have now got the highest rate of youth suicide in the world. There is also diabetes. You could say that things may have slowed down one per cent. But kids are still being born with it today, which frightens me; it is a concern. No doubt Mr Coles mentioned alcohol and drugs coming into communities. It is a responsibility not only for me and other Aboriginal leaders in the communities but also for people like you, who have got to start making sacrifices in the sense of dobbing people in. It is going to cost the taxpayers a lot more money in the next five to 10 years. I anticipate that you guys will be forking out at least two or three times the amount of money you are forking out now.

In my experience of two years as a commissioner, one thing I have seen is an increase in administrative dollars. I believe that that is a bit of a concern to most people in this country. There is a lot more money spent on admin rather than on the program aspects of dealing with the problems in the communities.

Mr SNOWDON—Firstly, I will make an observation about mutual obligation. I think it needs to be put on the record that CDEP was historically the first exercise of mutual obligation by any group in Australia. CDEP was introduced in the early 1970s on the basis that communities agreed to forgo their entitlements to sit-down money to get CDEP for the right to work. So let us make it very clear that those communities around Australia who are currently on

CDEP have accepted in their own way the mutual obligation that the government and the previous Labor government concerned themselves about.

It is also worth pointing out that an extension of mutual obligation by an extension of CDEP would be a very worthwhile thing. But successful governments, including Labor governments, have capped the amount of money available for CDEP and the number of CDEP places. If it were a demand driven program, like benefits under other programs are, then we would have a satisfactory response. But, of course, the real issue is that the Department of Finance and Administration and Treasury are loath to provide the substantial increase in expenditure which CDEP requires—that is, the 10 per cent for oncosts and administration—which other programs do not require. While people are talking about Work for the Dole and a whole range of other programs, it seems to me that a very logical thing for them to do is to go back and look at CDEP and perhaps enhance it, develop it or change it—do what they must—but understand, appreciate and accept that Aboriginal communities throughout Australia are accepting their mutual obligation through the administration of CDEP.

Mr LLOYD—Thanks for that history lesson. I was aware of that, and I am very supportive of CDEP plans.

Mr SNOWDON—I was not aiming it at you, comrade—but, if you think I was, that is fine. Kim, just to clear something up for us, could you tell me how CDEP moneys are allocated? I do not mean in terms of the numbers but, if community X has 100 positions, how is the money allocated and who is responsible for its administration?

Mr Hill—My understanding with regard to CDEP and its allocation is that it is based on participants. ATSIC regional councils approve the planning activities of projects in communities. The organisations that receive CDEP money then look at ways in which they can get the groups working in the community. A classic example is Ngukurr. The Ngukurr community has a clan group of about 20. Those clan groups are mainly families. One group may do fencing and landscaping. I believe one is doing a butcher shop. Each participant gets, I think, $3,000 or $4,000. That $3,000 or $4,000 enables the community to look at the employment of a manager, an accountant and field officers. That employment comes out of the $3,000 or $4,000. The governing committee on the community will then determine what activities are required, and each of those will get a percentage of money to carry out those activities.

As I said earlier with regard to mutual obligation and CDEP, in some areas it sustains the local economy but in other areas it is a bit concerning and has created something along the lines of what Noel Pearson said where there is ample opportunity to look at economic development aspects, which does worry me. We do need more participants. We need to enhance CDEP and to bring the entitlements in line with what other part-time people get—either from the corporate or the private sector. I think we need to enhance that and we need to give people the opportunity. Then they would be eligible for housing assistance, rental assistance and so forth. That would then enable the local government councils to apply by-laws, which they already have but they do not necessarily use because there is no linkage between those agencies or those activities.

I believe you went to Maningrida. If you had the opportunity to go to Goulburn Island, which is just north of Maningrida, you would see that most of the CDEP participants there are over the age of 35—because the young people do not want to work, which is of grave concern. We need

to enhance the CDEP so as to get the younger people involved. When I go to communities these days, more often than not the normal routine is that the older people are doing the rubbish run, are on the frontloaders and are at the construction sites and the younger people are sitting down.

Mr SNOWDON—I am aware of communities where there is a no work, no pay rule. Are you aware of those?

Mr Hill—In some communities, there is no work, no pay. However, I have my own personal views about it. I think that is fine; however, if mum and dad have three kids, what are they going to eat? That is my concern.

Mr LLOYD—What particular communities are they? It is generalised as 'some communities'. I do not know; I am from New South Wales.

Mr SNOWDON—We will get a list. We will ask ATSIC to provide us with a list of communities and their rules through the administration.

Mr Hill—However, there was a Spicer report on CDEP back in 1997, before I came to ATSIC, which said that there was concern in relation to no work, no pay, because it is an entitlement. It is similar to Work for the Dole. For the people who work on chain gangs for the Work for the Dole scheme, if you do not go, you do not get paid. I think it is an issue of a breach of human rights.

Mr LLOYD—I am not saying it is a good or bad policy. It is just the generality of 'some communities'. But is it one, two, 10, or 15? I am interested to know the number or the particular communities.

CHAIR—The point you were making, Kim, is that it depends on individual circumstances about what the incentives are or what the reality of their situation is in terms of no work, no pay. Have I got that right?

Mr Hill—It is coming down, because of what the Commonwealth finance department makes ATSIC do in regard to the CDEP. We tell organisations, 'If you don't provide your quarterly statements and so forth with regard to numbers, you don't get your money for the next quarter.' I think the finance department has put some restrictions which, realistically, cannot be met. It impinges upon the operations of the local organisation. ATSIC's admin arm can probably accommodate what the finance department is asking, but the communities cannot. What we have created in the communities are very specific positions which people in the Aboriginal community cannot apply for. For example, a coordinator on the CDEP program in a community is a very specific, detailed position. It requires a bit of accounting and a bit of legal work. Some of our community members are becoming quite aware of what is required of the CDEP coordinator and the manager, and there have been increased incidents of court challenges. Here in Darwin there have been two challenges with regard to people's rights, which does have a reflection on ATSIC, because we do not have additional dollars—

CHAIR—To challenge it or to deal with it.

Mr Hill—When the court says, 'You've got to backpay X and Y,' we do not have any surplus money to do that, and so the whole community then suffers because of some individuals

challenging—and I encourage anyone, if they think they are not getting a fair deal, to challenge it.

CHAIR—Sure; but it has budgetary considerations.

Mr Hill—It does have budgetary considerations for us. We are looking at ways of maximising participation, especially through CDEP. One of the things I have been pushing through IHANT is the allocation of a percentage of the housing construction program towards specific individuals within communities: our educators, our health workers and our police aides. These police aides and people working in the education system and the health system live in very bad conditions. Kids going past a health workers house think, 'Why do I want to become a health worker?'

CHAIR—You probably know what Bob Collins thinks about this. That is the very point that Bob made this morning about these inequities; and it applies to the newly arrived teacher as well who may well be provided with a house. There are all sorts of those inequities, which are quite profound. Bob explained that quite well, as you have; so that is quite valuable.

Mr SNOWDON—It is historical inequity.

CHAIR—Historical as well.

Mr SNOWDON—Twenty-seven years of active neglect.

CHAIR—I think we could go on at length, Kim. You have given us very valuable input.

Mr LLOYD—Your comments about the high rate of youth suicide in the communities really concerned me. Do you have any figures to back that up? In my own community we had the same difficulty with quantifying that. Coroners were not keeping records of youth suicide. We changed that a few years ago. I wondered whether that is an assessment or whether there are some figures to back that up.

Mr Hill—There are. We can ascertain some figures for you and get some documentation and provide it to the committee.

Mr LLOYD—If you could provide that to the committee, I would appreciate it.

Mr Hill—That issue is just one of many issues. But it does frighten you. I had the intention of coming and speaking to you more from the human element position rather than from a bureaucratic position or saying what you guys want to hear. But I believe the human element of today's debate is used for the wrong purposes. This is something which we all need to deal with. I tell people that it is going to hurt us in the hip. Nobody likes to be hurt in the hip.

Mr LLOYD—Thank you for that.

CHAIR—Commissioner Hill, thank you very much. It was much appreciated.

[11.52 a.m.]

SMALLACOMBE, Ms Sonia Ann, Associate Dean, School of General Studies, Faculty of Indigenous Research and Education, Centre for Indigenous Natural and Cultural Resource Management, Northern Territory University

CHAIR—Welcome. Would you like to make a brief opening statement and any comments about the capacity in which you appear?

Ms Smallacombe—Yes. The acronym of the faculty is FIRE. I am the only representative because the other two members are away. I represent the faculty as the associate dean but also as one of the authors of the submission that we put forward to you. I will start by making a statement which covers a broad overview of our submission.

I want to say first up that the faculty recommends a national centre of excellence in Indigenous governance capacity building. We believe such a centre could coordinate teaching, training and research into areas relating to Indigenous governance and capacity building and could also act as both a national and international clearing house in all matters relating to these areas where they impact on indigenous peoples globally.

The faculty has concerns with the inquiry's focus. We feel it is too narrow and it seems to be limited to examining issues relating to the delivery of mainstream citizenship type services and programs to Indigenous communities, and how such service delivery in terms of outcomes and expenditure is accountable to governments. The focus of the terms of reference of this inquiry impedes what could be a far reaching and innovative inquiry into Indigenous affairs, policies and practices, particularly in relation to the issues of Indigenous governance and development. For example, two recent Indigenous forums in the Northern Territory in which our faculty staff were involved raised important issues which are relevant to this inquiry but which are outside the scope of this inquiry.

At a recent Indigenous ranger conference held at Kakadu National Park in August, Indigenous rangers expressed views about the lack of real jurisdictional power to take responsibility for land and resource management matters and the lack of enforcement in that regard. Statements from the recent Garma education forum on Indigenous peoples and the environment, also held in August, reflected Indigenous or Yolngu views about Indigenous governance, environmental management and the need to redefine power and authority.

It is argued in our submission that better forms of service delivery with an Indigenous role will not in itself reduce disadvantage. There is a need to understand the causes of Indigenous disadvantage if real and innovative solutions are to be found. The failure to reduce Indigenous disadvantage needs to be understood in the context of the failure of conventional service delivery models, including both the failure to deliver an adequate level of service and public perceptions of Indigenous disadvantage. State and territory agencies have no legal obligation to take responsibility for service provision to Indigenous peoples or for addressing longstanding inequalities.

There is a lack of clear and enforceable agreements between state and federal governments in respect of their responsibilities. There are no adequate performance targets, benchmarks and mechanisms to ensure government accountability and transparency in funding and service delivery arrangements. It is also possible that public perceptions of Indigenous disadvantage have influenced the political and policy approaches of governments, due both to myths espoused in the wider community that it is Indigenous behaviour, lifestyle and culture that contributes to Indigenous disadvantage, and to the perception that special funding measures are discriminatory.

The term 'capacity building' is a new buzzword in Indigenous affairs, and its meanings vary according to different agencies and governments. It is argued in our submission that capacity building is about developmental processes to increase the potential and the capabilities of Indigenous peoples that build or strengthen Indigenous social and cultural institutions, and it is linked to interventions that improve social and cultural, economic, environmental and political aspects of Indigenous life. We have recommended in our submission that there be a clear definition of the term 'capacity building' and a clear statement of whether this form of capacity building devolves responsibility and authority to Indigenous organisations and communities. We have also asked that there be a clear statement as to whether the notion of capacity building, as espoused by governments and their agencies, accords with Indigenous development aspirations, particularly with regard to community control and self-determination.

In our submission, we state that it appears that, in the ongoing public and political debate regarding Indigenous rights and disadvantage, the views and aspirations of Indigenous peoples have very little relevance to or impact on the current political and policy direction of governments. Therefore it could be argued that capacity building amounts to approaches that are top-down, established to serve the agenda of governments, imposing non-Indigenous ideas and structures on Indigenous peoples. Further, there is the fear that Australian government perceptions of capacity building and governance may in fact amount to no more than a continuation of existing programs and service delivery methods under new rhetorical language.

We argue that conventional service delivery methods do not really require genuine partnerships with Indigenous communities or organisations, because Indigenous people are treated as a category of disadvantaged Australians rather than as political communities with rights and responsibilities. Partnerships with the Northern Territory government are not always collaborative nor do they deliver control to Indigenous communities or deliver the desired outcomes. Also, existing collaborative arrangements between the federal and Northern Territory governments have left the Indigenous partners with no equitable voice, because decision-making and budgetary powers are largely devolved to the Northern Territory government.

Given this situation, it is important to establish strong community or regional Indigenous organisations. Such organisations would articulate the community's development agenda and play a significant role in coordinating state, territory and federal government agencies to ensure that adequate and appropriate levels of funding and service delivery are provided and that there is a more holistic approach to Indigenous social and economic development.

We believe it is the responsibility of Australian governments to create the environment and the conditions for human and community development within Indigenous communities. Governments must be facilitative and enabling rather than controlling. They must be honest, efficient, effective, transparent and responsive to the needs of Indigenous people. What is

required is developmental processes to assist Indigenous communities to define and implement their own development agenda. The existing conventional service delivery approaches by government have failed to produce sustainable long-term benefits to Indigenous communities, because the service delivery approach is devoid of developmental philosophy and methods.

Development interventions are more about facilitating resourcefulness, assisting people to gain better control over their future, and finding solutions to social, economic and political marginalisation. However, community capacity building requires long-term sustainable commitment, and this includes resources—particularly adequate financial resources—and physical infrastructure. Research suggests that for Indigenous communities to receive greater levels of entitlements to financial resources, Indigenous community organisations must perform functions of governance and become part of the Australian fiscal and government framework.

International literature on indigenous capacity building focuses on improving sustainability of individuals, families, communities and organisational and societal capacities in developing countries. In many aspects, this approach in capacity building is relevant to the situation of Indigenous peoples in Australia because, although Australia is ranked highly as a developed country, the Indigenous population has a life expectancy similar to, or even worse than, many developing countries. Capacity building is a holistic approach, as opposed to a one-dimensional, service delivery approach. Capacity building enables families, individuals, and organisations to have an active role in the process rather than be passive recipients of services. Capacity building interventions are directed towards human—that is, individual, family and community—and organisational—that is, family, community, corporate and government—development. Capacity building is an approach that involves government; the private sector; civil society organisations, such as the Australian governments; and the broader Australian society; and they all have a responsibility to address Indigenous disadvantage.

Research, education and training are the key components of capacity building, and in that regard the Faculty of Indigenous Research and Education has a role in building sustainable communities through partnerships and collaborative efforts with local community organisations and groups. Research indicates that sustainable human and economic development must occur locally, must be planned and actioned locally, with technical assistance that is delivered collaboratively with Indigenous organisations and with Indigenous knowledge incorporated into the development process. The faculty is examining how it can contribute to sustainable outcomes in Indigenous communities through a governance capacity building process, particularly by offering governance courses in conjunction with its land and resource management courses.

We have outlined a couple of issues. We believe that there has to be a strengthening of all forms of leadership, and not just corporate leadership but things like social and entrepreneurial leadership and leadership that has its basis in law, custom and tradition. Indigenous organisations must have legitimate authority from the community, and such authority must accord with customs and traditions. Indigenous governing organisations must allow for greater local participation and control over community and social development. Both the Indigenous leadership and non-Indigenous employees must have leadership, management and administration skills, as well as community development training and experience. Thank you.

CHAIR—Thank you, Associate Dean. In response to the concern about terms of reference, I remind you and the faculty that in our terms of reference we talk about building the capacity of community members to:

... better support family, community organisations, and representative councils so as to deliver the best outcomes for individuals, families and communities.

Further, we go on to talk about developing the capacity of government agencies:

... so that policy direction and management structures will improve individual and community outcomes for Indigenous people.

We believe we have picked up a number of those concerns. Further, there is some contradiction, it seems to me—and I would be interested in your response to it—in criticising the committee on the basis of its talking about the delivery of services but at the same time going on and explaining how we need to deliver better services. I challenge you, I suppose—and we are here to hear a coherent and clear position—and we are really interested to hear how that community capacity can be developed in any other way than through improved education services, improved medical services and improved housing services, and how the community then interacts with that. One of my challenges is to try to do that, and I just wanted to make that quite clear.

Ms Smallacombe—Yes. The concern we had was that the focus was specifically on service delivery and that was all. Government service delivery was focusing on just delivering mainstream services to Indigenous communities. We said in our submission that we believed there was some improvement, from the fact that governments were asking Indigenous people to have a say in how those services were delivered. There is the service delivery part, but there is much more to be done in terms of capacity building. Capacity is about building people's capacity to make informed decisions about the types of services they have. There was much more discussion about how we build cohesiveness in communities to make those informed decisions, so that any kinds of decisions that are made in communities are collaborative and so that people are informed. There are a number of ways to be informed: one is through education and training, and another is that, when governments set up organisations or when organisations are set up in communities, people are trained to run those organisations. Every day we have Indigenous organisations falling over.

CHAIR—Our terms of reference would not preclude that discussion. That is very much part of our discussion. Our terms of reference do not talk about mainstream services; they talk about services. Therefore that is as wide and as broad as you want to make it. I wanted to make that point.

Ms HOARE—We have had a fair bit of discussion. I have been in the parliament for two terms and on this committee for the same length of time, and over those years we have had discussions with the Institute of Aboriginal and Torres Strait Islander Studies in Canberra. I am extremely impressed with the work that they do. It is an organisation that I turn to for advice a lot of the time. How do you see the institute and the Indigenous Leadership Program, which is also running, fitting into the faculty's recommendations for the establishment of a national centre of excellence in indigenous governance and capacity building? I would see that there would be a good partnership link with the institute and with the leadership program as well.

Ms Smallacombe—Certainly. All we have done at this stage is to put that recommendation up. At this stage we do not want to talk about the kinds of discussions that are going on behind the scenes with different organisations about such a centre. Of course, AIATSIS—the Australian Institute of Aboriginal and Torres Strait Islander Studies—would be an extremely important body in any kind of partnership like that, and its leadership program particularly, I think, is excellent. It is a really good program, churning out some very good leaders. We have personally been involved in some of the courses that they run. They ran their last one here in Darwin a few months ago in, maybe, July, and we were involved in that. So we have had quite a lot of involvement. Among a lot of the Indigenous organisations anyway, there is a lot cross-information.

Ms HOARE—I think we are going to be meeting with some of those new leaders next week in Canberra and we look forward to it.

Ms Smallacombe—Good.

Mr TOLLNER—Ms Smallacombe, in the context of your comments about self-determination and the points that you made about the interaction of the federal government, the Northern Territory government and a whole heap of bureaucracies and other forms of government such as ATSIC and the land councils and the like that seem to have been set up, it does not appear to me that there is a lot of room for self-determination, because there are so many tiers of government. The federal government and governments across Australia have for quite a long time tended to expend enormous amounts of money trying to build capacities, but it does not seem to have had a great impact. The way I see self-determination is giving the individual the ability to determine their own future. Do you believe that a lot of these tiers should be disbanded and that money should be paid directly to individuals of Aboriginal and Torres Strait Islander descent in order for them to determine their own futures on an individual basis?

Ms Smallacombe—No, I still believe in the idea of collective responses. We do live in a community, so community aspirations and community needs are really important. I like the idea of communities being responsible for the social wellbeing of that community—as a collective a community has stronger bargaining power than, say, individuals. I am not against individual people being developed, and certainly within the university we see that all the time. We do not develop communities; we develop individuals. The idea is that we develop individuals in the university structure but that they will go back to communities and build on the community structures, that they will work within the community to build the capacities of that community.

One of the things that you said then was that governments have been building the capacities in communities. I am not quite sure whether that has been across the board. I think some communities have looked at it, but if we look at the way that, for example, Indigenous organisations are falling over, we can see that there are some issues there. I really wonder whether organisations are learning. From our experience, we do not think organisations are getting that kind of information or they are not getting the training. Often people in organisations are not aware of their legal responsibilities, for example, as a secretary, a treasurer or a president. It is that kind of training that needs to be done, that kind of capacity that needs to be built. Our staff have been working with the Northern Land Council, talking to people about their roles and responsibilities, because there are legal responsibilities in running an organisation and people often do not have that knowledge. So it is that kind of knowledge that

needs to be developed out there. There is also the capacity building of people who deliver services. Often there is a lack of training of those front people in governments who go out and talk to communities. There is a need for training in both areas and for that to be developed further.

Mr SNOWDON—I do not want to create a blue with my comrade over here, but I want to refer to what my friend the member for Solomon said about the enormous amounts of dollars being spent in building capacities across Australia. I have got to tell you, mate, I ain't seen them. There is a real issue here about the failure of governments to accept their responsibilities to build capacities within communities for governance and other issues. My observation and experience in the Northern Territory and elsewhere in Australia has been that governments have handed out buckets of money, given responsibility and provided no back-up and training. That is the problem, and there are any number of examples of that. Earlier this morning, I spoke about the instances of non-Indigenous employees in communities controlling the purse and all the decisions made within the communities, because the communities themselves do not have the experience, the understanding, the educational background in either literacy or numeracy in fiscal terms to be able to supervise and control their work. It is a real problem. I note your reference in your submission, which I must congratulate you on—

Mr TOLLNER—I think we should take evidence from Warren next time!

Mr SNOWDON—I am hoping to give evidence, mate—it would be more a coherent than yours! Ms Smallacombe, you referred to your work for the Commonwealth Grants Commission of October 2000. Would you like to build on the comments you made in the report? I take you to the bottom half of page 13 and the four recommendations that you quote. We referred earlier this morning to the report, but it might be worth while if you were to give us an explanation as to why you think those four points are so important.

Ms Smallacombe—As I said before, the Commonwealth Grants Commission has picked up on the idea that intergovernmental arrangements do not acknowledge or adequately address long-term disadvantage. Disadvantage is certainly not getting any better—in fact, it is getting worse—and there has been no long-term strategic planning. That is one of the important things that has been lacking in our communities and it is part of the capacity building that we were talking about. That leads to my second point. There really needs to be long-term strategic planning in communities and people have to be trained in the area of strategic planning. That, again, entails encouraging Indigenous participation, priority setting and decision making and dealing with the non-funding issues such as coordination and fragmentation across functions. One of the things we had concerns about was the fact that, as Warren was saying, buckets of money were being given out without coordination among the government departments. There has been some attempt this year to have a whole-of-government approach to service delivery, but there is still no coordination between the agencies. I have just been around Australia visiting communities and looking at some education issues, and communities have government people visiting every day. Even though we came from a university, we were just another body coming into the community to talk about issues in the community. Communities are being bombarded on a daily basis with different government departments coming in. They get confused about who you are and which government department you are representing. There is no organisation among government departments themselves in the way they service or deal with communities.

There is also the fact that the same people in the communities are always dealing with departmental representatives and governments. We go on to talk a bit more about Indigenous leadership, but people do not look elsewhere in the community. I know when you go into a community you deal with the community councils or the community presidents, but there are often people behind that leadership who support the leaders but who are not consulted. People often say, 'Well, that's a community's responsibility—they have got to decide who they put up,' but I think there can be some emphasis put on who you talk to in communities. If you talk to one person you just get the one view but if you talk to other people in the community you get other views. For example, we were recently in New South Wales talking to an elder who is a trained child-care worker and runs one of the child-care centres in Broken Hill. She had some issues with the Murdi Paaki regional model that has been put up in terms of service delivery. She is an elder who should have been consulted in the process. We told her to go back and talk with people involved in that model. There are certainly people in the communities who are often overlooked, particularly the women elders, who may be just running a child-care centre but who still have a lot to say and a lot of information about the communities.

Mr SNOWDON—Thank you very much.

Mr LLOYD—I agree with what you were saying in that we often only get the views of the leaders in the communities, but one of the difficulties we have as a committee, particularly in the isolated communities—and I raised this yesterday—is that so many in the community do not have any English. I get quite frustrated that we go to a community and only speak to two or three representatives who speak English. The community are there and the representatives are purporting to speak on their behalf, but I have no way of knowing whether that is in fact the case. That is a frustration I have, but there is no easy answer to it.

Ms Smallacombe—I take your point. I think it is frustrating for the committees that just come in for one day and talk to communities. Often the morning tea or lunch breaks are when you really talk to the communities. Sometimes when you come into a community you have time constraints and you do not have the time to talk to community members other than the leaders, who are the articulate people in the community and are often the ones put up to talk to governments.

Mr LLOYD—Yes. The other thing it highlights is that we do actually consult with the Aboriginal communities. There is a bit of a conflict in what you are saying: one minute you are saying that maybe governments are not consulting enough and Aboriginal communities do not have an input, but the next minute you are saying that they are 'meetinged out' because there are so many departments going to meet with the communities. So there is a bit of a conflict there.

Ms Smallacombe—I do not think it is a conflict, because you are meeting with the same people. The question is: when you go into communities, are people having community meetings or are you just talking to the one person? Yes, people are meetinged out, but I am also talking about the fact that we are not building the capacity of those people to make informed decisions and to have strategies in place about how we deal with it when we have government people coming in. Tomorrow we have this government department coming in—how do we deal with it? We do not have that capacity. We do not have the capacities within communities to workshop that kind of stuff before you arrive.

Mr LLOYD—Fair enough.

CHAIR—I have often thought it might be a great research effort—God forbid, more research—to have a look at a community and how many visitors they have in a 12-month period, how they manage that and how much time is taken up. It would be quite interesting.

Ms Smallacombe—There is one quick point I would like to make before I leave. With regard to education and training issues, particularly here in the Northern Territory, the lack of people able to speak English is a matter of great concern, but there is also the lack of literacy and numeracy skills in the communities. Under what they call the MAP testing, which is at the grade 3 and grade 5 levels, right across the country 90 per cent of non-Indigenous people are passing that test, 70 per cent of Indigenous people and three per cent of bush kids. The education system is horrendous.

Mr LLOYD—We heard that.

CHAIR—Yes. You may not be aware of this but we had Bob Collins in this morning as our first witness.

Mr SNOWDON—I just want to make this point. I have grave concerns about the MAP tests because one has to question their cultural appropriateness and whether or not better tests could be designed which would give you a more effective examination of what the literacy levels really were in some of these communities. I have seen some of these tests and as an ex-teacher I wonder why anyone could be asking this particular set of kids to do tasks which might be useful in New South Wales but have totally no relevance to people who live in north-east Arnhem Land.

CHAIR—That is right.

Ms Smallacombe—I take your point.

CHAIR—Thank you very much. I would like to acknowledge that we have here at the hearing the Minister for the Environment and Heritage and Minister for Tourism, Dr Chris Burns, and Assembly members Matthew Bonson and Len Kiely.

[12.23 p.m.]

MANNING, Mr Rollo, Tiwi Health Board Trust

CHAIR—Welcome. We only have about five minutes for you to make your position known to us. Perhaps you could make a two-minute opening statement and then we can ask a couple of questions.

Mr Manning—Thank you. I am a pharmacy consultant and I work with the Tiwi Health Board, but I am speaking to you more as a private individual with some views I have developed over the last two years in working with the Tiwi people. I am very grateful to them for that opportunity. It has occurred to me that we will not get anywhere in the way of improving people's health, education and housing until we give them a better purpose in life and something to live for.

My mind goes back to the 1970s, when I worked with the Social Welfare Commission on a program called the Australian assistance plan, which sought to encourage people to determine for themselves their own social priorities and to work out ways in which they could build for themselves a better community. Taking up on something that David mentioned about the money going to the community, I think it does need some seed funding to be able to get projects going which the community themselves have identified as something which they would like to be involved in. I would suggest that one of the reasons why we do not do very well in getting more people to be better educated, to work more and to get up in the morning and look forward to the day is that they have not had the chance to put into place something that they want to do. We have encouraged them to do more things that we think they should do rather than what they might want to do. That is the essence of what I will say in a written submission that I will present to you. Thank you very much for the opportunity to say these few words now.

CHAIR—Thank you. I have a quick question: what about the identification of a community and how do they negotiate what they might like to do?

Mr Manning—The way that Kim Hill described the community, the clan structure, is something we have to be very cognisant of. Exactly how you get the community to express what their needs are through that clan structure is something that I do not have an answer to, but I am sure that they would if we told them why it was that we wanted to find their needs.

CHAIR—Thank you. It is much appreciated.

Proceedings suspended from 12.26 p.m. to 1.30 p.m.

BURR BURR, Mr Timothy, Member, Perron Island Enterprise Aboriginal Corporation

MOFFAT, Mr Victor Andrew, Chairperson, Perron Island Enterprise Aboriginal Corporation

NIKOLAKIS, Mr William, Economic Consultant, Perron Island Enterprise Aboriginal Corporation

CHAIR—Good afternoon to you. Thank you for being with us and for your submission. Do you have any comments to make on the capacity in which you appear?

Mr Moffat—I represent the Perron Island Enterprise Aboriginal Corporation. Basically we are a more of a farming community. Timothy Burr Burr is also a director of the Cliff Head agroforestry business. Billy Nikolakis is a friend of mine who has basically been advising me for the last two years on how to access funding and which channel to go down to try and get this thing up and running.

All I want to do is explain to you at a grassroots level where we are coming from. We have been in our area—in Wagait Reserve—most of our lives. We have set up other farming projects. We keep coming across this obstacle—it is like a rabbit-proof fence really—every time we try to go ahead and do things. It is the land rights act which seems to be the problem—the way it has been written. I can give you an example of some of the things we have done. I tried to get the Batchelor College—the Indigenous college—involved in the culling of goannas on the Peron Islands because there was no interest in our community for people to do that; they were concentrating on other things, I assume. We had students down there who had to do the survey before they started doing the culling. They were informed by the Northern Land Council that they were breaking the law, so that was put on hold.

When Telstra was sold, I applied to the Natural Heritage Trust for $30,000 over three years to continue this project that has to be done. The project was set up so that other people from a different community, Belyuen, were going to be involved. Belyuen is just over the harbour. We were pretty certain of getting the funding because it was for a worthy cause—and then that project came to an end. The landmass where we live, Wagait Reserve—we live on western Wagait—is 220 square kilometres in area. Less than 10 per cent of the people live there, and every time the people on the land want to get up and do something, the NLC recommends that we go through the process of getting the permission of people who live 200 to 300 kilometres away from us before we can do these things. Being a small organisation, and a small group of people, we have always been outvoted.

We have been going about this sustainable agroforestry project that Bill has been helping to try and set up. I have kids—Tammy has graduated from Kormilda College. I have another girl who graduates on Friday, and she is off to university next year—NTU—to do forestry management. I have another kid in Marrara Christian School, and she is getting by. It is all right having all this education and whatnot, but where do you apply it? That has been my argument for a while with the Northern Land Council.

CHAIR—That is understandable.

Mr Moffatt—As I was saying to Kelly, I think we have only got one option. The Northern Land Council has been good for the people on the land for the last 20 years or so. It protected us, and there were clauses there. Now we are in the 21st century and we have got to get on with things. We have got to go down another road—that is the way I look at it. As I was saying to Kelly, we should be looking at setting up regional councils where people will be more hands-on.

CHAIR—What is the reason for them saying no; why do they say that they will not allow it to go ahead?

Mr Moffatt—This land rights thing has been around for the last 27 years. Social security has been in place for the last 20 years or so. A lot of people have got comfortable in a lifestyle of not working. Why rock the boat? That is what they are on about. If I start creating employment, they have got no reason to be on the dole. That is all it is.

CHAIR—But you would not necessarily interfere with that, would you? The fact that you have an enterprise should not necessarily interfere with others, should it?

Mr Moffatt—No, it would not. Half the people, as I said, live in that area and only about 15 to 20 people live where we are. The majority of the people live in Darwin and Belyuen. A lot of them do not really want to do anything. The people on the land have got no option—we want to do something.

CHAIR—Whereabouts is this area? I know it is in the Daly River region, but whereabouts in the region is it?

Mr Moffatt—It is near the Perron Islands.

CHAIR—Is it upstream?

Mr Moffatt—No, it is more to the north-west.

CHAIR—Right on the coast?

Mr Moffatt—Yes, right on the coast. It has been going like this for quite a while. We see people coming down there during the dry. They do a bit of goose shooting and stuff like that. There is this project that we would like to set up—where we are is too close, even though it is a four-hour drive away. The place where we want to set up this project is in an isolated area and the closest person to us would be about 60 or 70 kilometres away. There is no road there—we would be cutting roads through. The Cliff Head agroforestry project would be putting in dongas and giving people access to their land.

CHAIR—I understand that, but it is a real puzzle to me why they would say no. On the face of it, there does not seem to be any reason why they would not allow that to proceed. What is the reason they have given you? Have they given you no reason?

Mr Moffatt—I am not really sure. I have asked John Avery's wife, who is a psychiatrist, and she said that it seems to be that I am the obstacle really, because we have been doing things. I

have never really been dependent on the social security system. They said that if I got other people to represent me and tried to present this case—

CHAIR—How long has this been going on?

Mr Moffatt—Quite a few years.

CHAIR—You have had this vision for many years?

Mr Moffatt—Yes, it has sort of evolved. Years ago we used to do buffalo catching in the area, for pet meat—

CHAIR—I have worked down that Daly River road. But I have not been right out that way.

Mr Moffatt—In the off-season we used to go barra fishing and work on the barra boats. Tim used to work on the barra boats when he was a young fella—at about 11 or 12 years of age—to make a bit of money.

CHAIR—So what would you ask us to do? I have heard what you said, but if you would just like to restate it. What would you like to see change?

Mr Moffatt—First of all, I really believe we should rewrite or correct the land rights act. It can never work as it is at present. The second thing is that we have to set up regional councils so that there is more hands-on control in the communities. People always say, 'How come your organisation is getting funded all the time?' The simple reason is accountability. That is how we operate. Before we can access money from our budget, our accountant needs an invoice. That is the only way our people can do it. We are not banking geniuses. That is the only avenue for us; we have got to get certified accountants. Even though we have an organisation, we need somebody to watch our backs all the time. Billy watches mine.

CHAIR—William, would you like to say something at this point?

Mr Nikolakis—In response to your question about why people continue to say no, I think it is purely political. The land rights act looks at communal ownership of the land. Victor is trying to promote individual entrepreneurship.

CHAIR—Would that mean individual title or community title?

Mr Nikolakis—Victor would be seeking a more flexible approach to tenure under the land rights act to allow, for instance, more flexible procedures in obtaining leasehold interests.

CHAIR—I could ask Mr Snowdon. It is section 19, isn't it, Warren?

Mr Nikolakis—Yes, section 19. That is correct.

CHAIR—Would that allow it? Could that allow it?

Mr SNOWDON—It does allow it.

Mr Nikolakis—It does allow it, but Victor is a traditional owner in the Wagiman clan estate. He is running a political gauntlet whenever he attempts to obtain leasehold interest.

CHAIR—He doesn't have the numbers on the broader—

Mr Nikolakis—That is the hurdle he keeps running into.

Mr SNOWDON—Victor, can you just clarify that? Do the other traditional owners agree or not?

Mr Moffatt—No.

Mr SNOWDON—So your problem is with the other TOs, not the land council?

Mr Moffatt—It is more likely to be with the TOs, but it is not only with me that this is happening. I have known other cases around the area too, Warren, such as down in the Daly Basin area. I have heard from different people over in Arnhem Land.

CHAIR—The land council would respond to the TOs.

Mr SNOWDON—Under the act, the land council has to consult with landowners as a group. It cannot go to one person. It may go to one person over a particular piece of estate, but it still has to consult with other people.

Mr Moffatt—There are 30 other people involved with our organisation who want to do this thing. If we can get one project up and running and prove that we are capable of going down this line, maybe the other people would like to come on board or do something themselves. There is enough land there for everyone, mate.

Mr SNOWDON—Can I clarify that? Are you a TO of the block you are after?

Mr Moffatt—Yes, I am a TO.

Mr SNOWDON—You are one of a number of TOs for that block.

Mr Moffatt—Yes. There are 300 people involved in our immediate area and, as I said, only 10 per cent live on the land. There is a constant problem with doing things in that country. I have had friends on the other side of the Daly River who have been trying to do things themselves. In the end, you sort of want to walk away from it but you cannot.

CHAIR—Mr Snowdon raised a very good point. Is the problem with TOs of your land or TOs from a wider group?

Mr Moffatt—TOs from our immediate clan group.

CHAIR—You have been overruled by those TOs?

Mr Moffatt—Yes. At one point, I had to take drastic measures. I borrowed our next-door neighbour's bulldozers, and we just got up and cleared 40 hectares. After we got the bore in, we had crops in the ground within six weeks. We had a little bit of backing from DEET to support that project. That is the sort of thing you have to do when you get to that point. We had up to 18 people working on that project.

Mr SNOWDON—Not that we can do a lot about it, but it seems that there is a real issue about conciliation at the local level.

Mr Moffatt—Yes, on the ground level. I am living out there and then I have to come in and negotiate with the people who are sitting over at the banyan tree over in Mandorah, and I find out that because they do not want to do anything, I am not allowed to do anything. That is what I am saying: we have got to correct the land rights act so that people can get on with their lives. We have only got a certain time around—we Aboriginals, anyway. There are other kids coming on line that are more than capable of running this project. It is a long-term project.

CHAIR—One more crack: as you said, there is plenty of land for everybody. What you are perhaps suggesting is that you could have access to what would be regarded as your part, or a part, of that land, with the approval of the other TOs. But that would be totally in conflict with and would be totally foreign to the current thinking about land ownership, wouldn't it? It is a fundamental difference in land ownership as it traditionally exists.

Mr Moffatt—Yes, it is.

CHAIR—I have an open mind and I can see your frustration. If there was a way of altering that that would allow you to coexist but have access—it sounds like you have already had a little bit of activity there—

Mr Moffatt—Yes.

CHAIR—Is that part going all right?

Mr Moffatt—No. That farm got burnt down.

CHAIR—Okay. What I am saying—and, William, you might help me—is that we are really talking about a fundamental change in terms of what would allow this to happen. That would challenge the whole concept in terms of the traditional ownership and the agreement mechanisms, wouldn't it?

Mr Nikolakis—I think there are problems with the policies of particular agencies such as DEWR, ATSIC and IBA and particular sections of the Aboriginal land rights act, because not all development is purely at the level of the community as a whole. Some people want to do things individually. The land rights act needs to reflect that or—I do not know about the Central Land Council, I can only speak from my experience up here—there needs to be a change in the culture of the Northern Land Council. Whether that is driven by statute or not—

CHAIR—Well, it would have to be, I think, wouldn't it?

Mr SNOWDON—That would fundamentally challenge the nature of the title. The title is inalienable and collective. The other option is to seek a lease over a prescribed area.

Mr Nikolakis—And again you have to go through those consultation procedures.

CHAIR—Have you tried that option of a lease over a prescribed area?

Mr Nikolakis—There have been attempts made and Victor could probably discuss those.

CHAIR—I am looking for a solution, because I am a farmer too, or was a farmer. I could not call myself a farmer now—too long in this job.

Mr SNOWDON—You look like a well-fed one.

CHAIR—Yes, I am. It is true: too well fed. In terms of individual ownership, that is my whole ethos—that is where I have come from; that is my tradition. But this is a different tradition. Therefore I empathise and I would like you to have that right. Mr Snowdon says that at the moment there is that potential, but you still have to get the agreement of everybody else, and that is where the statute comes in and the question of whether that should be a requirement of the act. That is something we should take on board.

Mr SNOWDON—What we can do is raise it directly with the NLC as an issue which they need to confront and ask them for a response as to how they will confront it. Because you have put it on the public record it is an issue which they need to respond to.

CHAIR—I appreciate that. That is excellent. Thanks, Warren.

Ms HOARE—I was going to raise an issue in relation to the lease arrangements under the land rights act. We have had discussions over the last couple of days about land use agreements and lease arrangements to encourage private investment in Aboriginal land. That would be a possible solution to your situation, Billy, but I do not know how that would be negotiated or what agreements and lease arrangements would be satisfying or appropriate to the other traditional owners of that land. Maybe you would see it as a private venture.

Mr SNOWDON—Which land claim is it?

Mr Nikolakis—It is the Daly.

CHAIR—You have presented that very well. Mr Snowdon has offered a way forward for what we can do. We are limited—very limited, some would say—but we will raise it. Would anyone else like to say anything in conclusion?

Mr Moffatt—Mr Chairman, I would like to give you a little package on our past experience of doing things on the land. Thank you for hearing us out.

CHAIR—Thank you for attending. I saw you sitting up there for a while, and I thought, 'Who are these fellas?' It was great to have you come forward.

Mr SNOWDON—I would encourage you to keep talking.

Mr Moffatt—Our final feasibility study will be completed in January, then we can hand it around. We have already given NLC a draft and the right to go ahead and negotiate on our behalf. We have asked them to let us know if there is anything else we need to present.

Mr SNOWDON—Give me a ring and I will go to the meeting with you.

Mr Moffatt—Thanks. I appreciate that.

CHAIR—That is excellent. Thank you very much.

[1.52 p.m.]

McMILLAN, Mr Stuart John, Administration Manager, Educator, Aboriginal Resource and Development Services Inc.

TRUDGEN, Mr Richard Ian, Business Manager, Public Officer, Aboriginal Resource and Development Services Inc.

CHAIR—Welcome. Would you like to make an opening statement?

Mr McMillan—Yes.

CHAIR—Please go ahead.

Mr McMillan—Thank you for the opportunity to talk to you today. We have got a brief opening statement.

Overhead transparencies were then shown—

Mr McMillan—Our submission revolves around a very fundamental issue which when taken into consideration will result in effective capacity building for Indigenous persons and their communities. The issue is effective communication. It has two aspects. The first is the use of first nation languages and the second is the understanding of first nation world views, the people's cultural knowledge base. We would like to illustrate these points by speaking about a particular story contained within a copy of the publication *Why Warriors lie down and die*, which was submitted to the committee. The opening chapter of that publication has a quote from the Ottawa charter for health promotion. We could change the first words from 'health promotion' to 'effective communication' and it would read: 'Effective communication supports personal and social development through providing information, education for health, and enhancing life skills'. We contend that effective communication is the critical factor.

The story goes like this. David was a middle-aged, very articulate Aboriginal man from north-eastern Arnhem Land. The full version of this story can be found on pages 98 through 112 in the book. David had represented his community on many national and regional committees and boards. After 13 years of frustration about being told that he had bad kidneys, one day in one of the eastern Arnhem Land communities he contacted my colleague here, Richard Trudgen, because the doctors had told him that his heart was enlarged. However, they could not explain why his heart was enlarged and that was of great concern to him. The doctors had told him that he should give up eating salt and sugar and stop smoking cigarettes. But David was confused about that and was noncompliant because of a lack of any clear explanation. A specialist in Darwin who had seen David had not, in David's view, been able to tell him why his heart was enlarged. David asked, 'Why couldn't he tell me, if he was the specialist?'

The doctor was visiting this particular community and David had an appointment the following day. Richard asked David if he would like him to go with him to that appointment. David questioned whether that would be allowed. Richard said, 'Yes, it is allowed,' but David seemed unsure, so they went to check that with the clinic. While they were doing that, a clinic sister who was listening to that conversation interjected and said that it was unnecessary for

Richard to go with David to the clinic the following day because when David had come back from Darwin he had relayed all the information that the specialist had provided in his written report. The sister had felt that David clearly understood what was wrong with him and, not only that, that he had close relatives who were Aboriginal health workers and he could easily ask them about his diabetes on any occasion.

In the end it was agreed that Richard would go with David, and so they both went. David asked the doctor, 'Why is my heart enlarged?' The doctor's reply was: 'We cannot conclusively say why. We cannot really tell without injecting into your heart and testing some of the heart muscle.' At this point, Richard explained to David what the doctor was saying. Richard went on to ask the doctor, 'You have a good idea why David's heart is enlarged, don't you?' The doctor said: 'Yes, we believe it is enlarged because of his diabetes, although it could be hereditary. We can't tell for sure.' David asked Richard why the doctor would think this and Richard told him it was because the doctors knew the action and process of diabetes and kidney disease. David asked what the process was, so the doctor explained about diabetes and kidney disease. In the explanation, the doctor said David only had two per cent kidney function. Richard drew a kidney and shaded in the functional two per cent of the kidney, saying that the rest was as if it were dead.

This information was a great shock to David and he checked the information, discovering that, because his kidneys were not fully functioning, his blood was thick and therefore his heart had to work extra hard to pump the blood in his body and had enlarged. More explanation followed about kidney function until David understood. His next question was, 'Why should I give up sugar, salt and cigarettes?' The doctor explained, and then Richard explained some more using a conceptual framework which David understood, as well as language. Finally, David was advised that soon he would have to go on dialysis in Darwin. This was something that David did not want to do but the doctor told him that it was inevitable. However, the doctor did say to him that if he took care of himself—if he stopped smoking and ate correctly—he might be able to stay in the community a little longer. David and Richard left the doctor's appointment and no further explanation was necessary. David was quiet and reflective. He said to Richard, on the way back to his house, that for 13 years they had been telling him about his kidneys and only today had he understood what they meant.

Some days later the doctor rang Richard to ask him a question: 'What have you done? David's blood is much better.' Richard said: 'You were there. I have not done anything. We have just communicated to him for the first time what the problem really is.' After 13 years, a 30-minute consultation and 20 minutes of extra conversation had made a significant difference in David's level of understanding and his ability to do something about his health condition. Why had that happened? Firstly, he had asked the questions and received the answers in his own language. Secondly, the understanding had come through the world view and conceptual knowledge base which he had. It did not appear just like a white fella story to shut a black fella up.

In summary, the elements of the world view problems that are in this little illustration are as follows. Firstly, David was not sure about his rights. He did not know whether he had the right to have somebody else with him in the consultation. Why was that so? It was a fact of history, because the mission and the welfare authorities had the complete authority in the clinic and the doctor represented a modern-day version of that. Secondly, because David repeated all that the specialist had said to him in rote fashion, the sister had assumed that he understood. The Yolngu

people are an aural society and are clearly taught to repeat messages very accurately. Sometimes the message carrier will not even know the meaning of the message but will repeat the words accurately. Thirdly, the sister also said that David could ask his Aboriginal health worker relatives. We checked with the Aboriginal health worker relatives and they did not understand David's condition either. He was an older male—he could not ask questions of young females, even one that was a close relative.

The implication of not being able to explain the heart enlargement was significant. If an expert cannot explain, then the Yolngu world view is going to go straightaway to sorcery. People are confused and in absolute fear because of the lack of conceptual and clear communication about the physical causes of health. David did not want to believe the sorcery stuff, but he had asked the doctors and they could not tell him the answer. David was unable to ask the questions that were on his mind because in a Yolngu society, an aural society, information is important and valuable and, to keep it accurate, you limit the supply—you never ask the questions; you are invited and told the answers when the time is right. The doctor used percentages in the explanation—which meant nothing. When talking about the kidney, the doctor made the assumption that David understood the function of the kidney. He knew very well, from animals as well as humans, the size and the shape of the kidney and where it was located in the body but he had no idea what the function of the kidney was. The doctors asked David to give up salt, sugar and cigarettes, but they could not really explain it to him. As a Yolngu man, who is trained to intellectually reason things out and to do things when they know why intellectually, there was no resultant action. He continued to struggle with what that was all about.

The most significant thing is the language problem. There was a problem with the word 'conclusively'. When they said, 'We can't tell you conclusively why your heart is enlarged,' David heard, 'We can't tell you'—blah, blah, blah—'why your heart is enlarged.' The word 'conclusively' was not understood. We contend that capacity will be built as dominant Australia recognises and embraces the need for clear and meaningful communication.

CHAIR—Richard, do you want to add something?

Mr Trudgen—I would like to make a short statement. I think the committee's terms of reference—capacity building and all that—can be summed up as one thing. As Stuart put it adequately, capacity building can only occur for Indigenous people when the dominant Australian culture recognises that information and knowledge need to be passed over to them so that they can understand the contemporary world around them. I do not know whether Stuart has also tabled the paper entitled *Sharing the true stories*.

Mr McMillan—I have.

Mr Trudgen—I do not know whether the committee has a copy of it.

CHAIR—We have.

Mr Trudgen—The results outlined about midway on page 1 show that a shared understanding of key concepts was rarely achieved. This was from a study of patients at a renal clinic—

CHAIR—Where in the paper is that, Richard—the committee is not with you?

Mr Trudgen—It is on page 1—'Main outcomes', 'Measures' and then 'Results'. It says that a shared understanding of the key concepts was rarely achieved and miscommunication often went unrecognised. Sources of miscommunication include lack of patient control over language and so on.

One of the things that comes very clearly out of that study, which is our experience continually and the experience of David's story, is that miscommunication is occurring on both sides. People do not know what they do not know and they do not understand just how bad the communication is. That is not the fault of the teachers, doctors, sisters and support staff who go to Indigenous communities. It is not the fault of the Indigenous people. In a sense it is the fault of a society that is not approaching the transfer of knowledge in an intellectual way and not using good theory to say that if you need to understand something you probably need to understand it in your first language, which you think and construct knowledge in. We are saying, in a nutshell, that if you look at *Sharing the true stories* and the conclusion on the front page you will see that miscommunication is pervasive and that trained interpreters provide only partial solutions. The report goes on to say very strongly that one of the things that should happen is that all staff—medical; it does not say 'educational' here, but let me add educational staff and so forth—must be trained in cross-cultural, cross-language communication. That is a must; it must happen in Australia.

We send people overseas—even the Australian Army go to Peace Corps efforts and so forth with the UN. They do training in the language of the community they are going to. Even though they have had that language training they still have interpreters with them. They learn the cultural aspects of the people they are going to work with. A friend of mine was telling me the other day that he was sending somebody off to China; the person was going off to work in China for three years. The preparation to work in China for three years is one year's training in the language, cultural world view and so on of the people. At the moment, when a staff member comes into an Indigenous community, whether it is an Aboriginal council, an education facility, a hospital or a clinic, the training they receive—

Mr McMillan—The committee is pushed for time, so we need to be quick.

Mr Trudgen—The Australian government pays about $30,000 to $50,000 to recruit and get that person on community. There is virtually no value adding to that person to give them some equipment so they can then communicate with the people they are going to.

CHAIR—Where are you, Richard?

Mr Trudgen—I am in Nhulunbuy at the moment.

CHAIR—Thank you very much for participating. It seems to me that this is all-pervasive; that is, it is in everything. It is not about the kidney—

Mr McMillan—No, absolutely not.

CHAIR—That is a wonderful example, but I am saying that, for me, this is about everything. I am just getting my head around it. I think that you, Stuart, may have been before us in another inquiry where we talked about communication and cultural interpretation.

Mr McMillan—We have.

CHAIR—It may have been another committee—perhaps the House of Representatives Standing Committee on Family and Community Affairs. You would also have looked at the methodologies; they are implied in the outcomes and in the story. Could we talk a little bit about the step by step methodology? We have already talked about it, but how do we grasp this concept in the way in which I think we all need to? Do you see where I am coming from?

Mr McMillan—I do. I am going to defer to Richard because he has come online for that purpose. Do you want to go through that, Richard?

Mr Trudgen—Do you mean methodology in terms of how you get English speaking staff more ready for the intercultural interface? Was that the question?

CHAIR—Yes, but it is wider than that. I think this is all-pervasive for both parts of the equation. It is not just the English speaking people; it is the Aboriginal people as well. English speaking people are a very good place to start, but it is both parts of it, isn't it?

Mr Trudgen—Yes, it is both parts. In the seventies, the training of people who had English as a first language stopped, and we said that we were just going to train Indigenous people. That is probably where we fell down, because nobody could then answer the question that was still being asked: who would train the Indigenous people who have English as a fifth, sixth or second language, without having specially trained people with the ability to do that training? So it is a two-way thing. It is actually summed up quite a bit on page 470, the last page of *Sharing the true stories*. Under 'Strategies for improving communication between non-Aboriginal healthcare staff and Aboriginal patients', the first point says:

Train staff in intercultural communication.

This is absolutely necessary. There are not a lot of skills in Australia to do this training at the moment. We are doing it in ARDS, and we are finding that the requests to do it outstrip our resources. The last dot point in box 4 on that page says:

Develop educational resources to facilitate a shared understanding ...

We are saying that there are a number of educational resources. First of all, expatriates, if we want to call them that—people who are coming from outside—need special training in the cross-cultural field. That can be done; it can be developed. We are now effectively teaching people language and communication skills in one to 1½ years. You can do even less than that—you can actually train people to a level where they can be twice as effective as they are now, even in a number of days. Of course, the more training you give, the greater level of efficiency they have. Specialists, for special education in health and so on, need to be trained.

The other thing we are saying is that, for the people, there need to be media-type services. We are trying to get one of those up at the moment. They are aimed at facilitating the cross-flow of

lots of information that the people want—answers to the questions that the people have. They want to know about diabetes, they want to know where money comes from, they want to know how the government operates and they want to know about banks and ATMs and maybe telephone banking. They should have access to all that knowledge today. Today, in a modern world like Australia, they should have access to that knowledge in their first language. If they have access to it in their first language, they then understand it quickly and they can also then start to participate more fully in English, which is a second language to them.

Mr McMillan—There is a recent example of that on the Pitjantjatjara lands, where there has been a dispute for quite some time. Dodson had been trying to negotiate it but was not getting anywhere. You are all aware of it. One of the keys to starting to break down some of that has been the local radio service, which started to broadcast the meetings live across the lands in the language, so people heard what was actually being said rather than what was said to be said. Straightaway we started to get a better result on the ground across the lands, just because of that simple media service and it going out in the language.

CHAIR—I should come to Darwin more often to find out what is happening in my own electorate! That is excellent.

Mr Trudgen—In the past, though, we have developed some very partial media services for Aboriginal people which are mostly around entertainment. We are now pushing for things like broadband and so forth. We are saying, 'Let's go back to the beginning and let's give people just a basic service.' We are saying in our submission that people do not have a lot of what we call 'self-learning tools'. On one side, we need to train the staff. That can be done. With resources, we can do that. On the other side, we need to give people self-learning tools.

The highest priority of even, say, the Northern Territory government in the education field is to develop an English-to-their-language dictionary. I remember talking to a Yugoslavian doctor who came to Australia, at a course that we did not long ago. She said, 'I don't understand this. I came to Australia; I spoke English as a second language but I went right through my medical training and here I am now, a doctor. Why don't the Aboriginal people do this?' I said, 'You have one tool that they haven't.' She couldn't understand what I was getting at. I said, 'The dictionary that is probably in the bag that you're carrying.' She said, 'Oh, my dictionary!' I asked, 'How many times a day do you refer to it?' She said, 'At least once a week and sometimes three times a day.' She has a self-learning tool, which costs the government nothing, where she can go immediately back to the language that she thinks and constructs knowledge in every time she hears a foreign, English term. Indigenous people do not have any of these tools, although Asian people do and so forth because they have been working on dictionaries in those areas for the last 400 years.

With modern technology, with the right resources, dictionary development could be done in a number of years if we had trained personnel. It means Indigenous people and people with English as their first language working together to what we call charter the English language, especially the cognitive, effective language. It is the main reason that education is failing absolutely in Aboriginal communities: people have just reached this state of ultraconfusion.

CHAIR—It would have to be oral. The self-learning tool would have to be in an oral form, particularly with new technologies; is that what you are saying?

Mr McMillan—No, we are not just saying it in just an oral form; we are saying it in a written form as well. We are currently developing a database for the languages of this region, which is in a written form.

CHAIR—Are you confident that that could be very effective?

Mr McMillan—You are right. A number of people do not read their own language. But the acquisition of reading skills is much quicker in your own language than a foreign language. We are discovering that our Indigenous linguists are very quick. We have an example on Elcho Island at the moment: one of the linguists is teaching the Aboriginal teacher assistants in the school to read their own language so that they can teach the kids in the school to read and write in their own language.

CHAIR—I think I am getting the picture: you have the written in mind.

Mr McMillan—Yes.

Mr Trudgen—We are also saying that audio dictionaries could be done over a radio service. So if we have a term like 'serious' at the moment—

CHAIR—That was the sort of thing that was going through my mind.

Mr Trudgen—You need both. You need all your tools operating. They all feed each other. If you are doing it in one medium, it can go to another medium. It can even end up on a web site. Down the track when broadband does hit us, we can teach people their own language on a web site. We can be doing that stuff now and really getting into high gear, but we have not got a lot of solid intellectual thinking about this. In the Northern Territory we are still approaching education the way the British did in India.

Mr SNOWDON—That is not right, though, is it? In the late seventies—and this no longer exists—the primacy of the first language was seen as a fundamental tool for education. Bilingual education at its height—when you had teacher-linguists working with Aboriginal teachers on dictionaries and teaching media in the schools—has effectively gone. There are half a dozen schools around the Northern Territory where it currently exists. Effectively, you are right: the first language stuff has gone. But it has been there, and it may not have been as effective as people wanted. There is certainly a lot of educational and psychological theory which demonstrates—as you have demonstrated—that the primacy of the first language, in terms of a teaching tool and in literacy, is fundamental. The problem we have is that we keep confronting the position that the thing we must be teaching people is English.

Mr McMillan—The argument is clearly that the best acquisition of English occurs when you teach as long as you possibly can in the first language. The literature is complete—it is irrefutable—in that the longer you teach in their first language, the better the acquisition of English is going to be.

Mr Trudgen—I agree totally with everything Mr Snowdon said. What I am saying is that we have not done it well enough. Even when we did have bilingual education in the Territory before, we still had it as transitional bilingual. There is a paper out of the American Congress that talks about best evidence and the use of both languages. We have a problem in Australia in

that most of us are monolingual. We do not have the same experience that they have in Europe, where it is okay to actually learn three or four languages all your life and have them in your head. We have the capacity to do that. Indigenous people know up to 15 languages. Our monolingual approach to education and training is the blocker that we have. We are not doing as well as we should be; we should be doing it far better. The evidence is there.

We find that there is not a subject that we cannot teach to a traditional Aboriginal person. Whether I am at the hospital or talking to the oldest people in Arnhem Land about debt to equity ratios, they understand that in about three minutes. We can go through the teaching of renal failure in under an hour. For rheumatic heart condition it sometimes takes 20 minutes. We find that there is not a subject that we cannot teach very effectively when we are in the traditional language. Then we can come out of that and even operate in English with the sister or the doctor. What I am saying is that we need to do it far better. Take the last attempt at bilingual education. When bilingual education was started in the Northern Territory, it was the very year that in Arnhem Land the dollars to linguists who were doing dictionary work were actually cut off. So, as we started bilingual education, we said to the Indigenous people, 'It's all over to you now,' and we stopped training the expat people who had English as their first language who were needed to continue to develop all those other resources that would have put us on a fast track.

CHAIR—We had Bob Collins with us this morning and he reminded us—and Warren will correct me—of the issue of language, and the real language. You talked about doing it well and doing it well enough, but we ended up with the focus on English not being done particularly well, for a whole range of reasons. We then ended up with something perhaps as bad, if not worse: people had lost their own language. We ended up with a language sometimes that only a small group of people understood. Does that make sense to you, Richard and Stuart?

Mr Trudgen—It makes sense, because the evidence we have had in Arnhem Land is that, when we started bilingual education, many of the Indigenous teaching assistants who were coming to use that bilingual training material were not trained. It was assumed that, because they were Indigenous language speakers, they could then teach Indigenous languages. It is like assuming that I could teach English because I speak English, and that would be the biggest joke in the world. We do not always keep our brains in gear, it seems to me, when we do things for Indigenous people. We say, 'We will just do this,' rather than asking, 'What are the real steps to just do this, and what is our theory?' As we say in ARDS, our theory must always match our action. In other words, we need to know why we are taking these steps, and it must make good theoretical sense, whether it is good educational theoretical sense, or mechanical or medical.

CHAIR—I have a question about the cultural realities, as I would term it. What are the blockages in—for want of a better phrase—loss of face, or loss of natural personal dignity, to do with admitting whether or not you understand within a language? What are some of the things that might just be normal human realities that would stop us from making better progress? Is there something in that?

Mr Trudgen—Absolutely. For example, if you are standing at a party talking to somebody and you can sort of hear what they are talking about but you have lost the content and you are sitting there—

CHAIR—Nodding politely or something.

Mr Trudgen—Yes. You are nodding politely and thinking, 'I hope he doesn't ask a question,' or 'I want to get out of here.' That happens to Indigenous people on a daily basis and it leads to a lot of stress. Some start to play the game of saying, 'Yes, I understand.' Of course, if you do not know what you are saying yes or no to, then you do not know what you are saying yes or no to. It is the same if I operate in an Indigenous language. Daily, somebody will say something to me and then say, 'Do you understand?' Humanly, I always say, 'Yes,' but I have to stop myself and say, 'No, I really don't understand what you're talking about.' That is a very skilled practice which does not belong to humanity on either side of the barrier. That is why you need people that are coming to the interface—especially the expatriates—trained to understand all those things so that they can then say, 'Give me your picture of what I am talking about.'

Mr McMillan—Some of the reality of that is starting to hit home now. There are a number of men that we have worked with over the last 20 years or so who, 15 years ago, 10 years ago, would use lots of big English words and think that within those words there was some power that was going to cause a power flow to them, whether they were operating in a council situation or a land council situation or whatever. Those guys today have discovered that that is not the reality, that we do not have big powerful words that open the doors of the parliament or open the doors of the Reserve Bank or something and that that in fact happens in another way. Those same guys today are keenly pursuing the conceptual investigations of what is going on in contemporary law or whatever it might be. We find ourselves working with those guys in a very different way today because of the frustration of that not occurring for them. They are still around and they still want the answers.

CHAIR—And they had thought that it was occurring?

Mr McMillan—Yes. They thought it was, but then it did not result in any change in their communities so now they really want to do that investigation.

Ms HOARE—Richard, I think you spoke about television being used for education. Yesterday we heard an example of where local television was used to broadcast information about workshops which were happening to discuss the Aboriginal Land Rights (Northern Territory) Act and the Australian Constitution. That would all have been in the local language, of course. Do you see a role for local broadcasting as a medium for information on health education, sex education and reproductive health education in communities?

Mr Trudgen—Very much so. I have hundreds of case studies that show that, where there is some good oral communication, people will suddenly become up to 90 per cent compliant in relation to health and so on. I have one example. We have a very quickly produced tape about diabetes which was given to a patient in the Royal Darwin Hospital. She listened to the tape overnight. Whether it is on a tape or on the radio does not make any difference, but once you go into TV you are getting into very expensive production unless you run live material in a meeting, as you were just talking about. Just repeating that can get very boring for people, unless they want to watch their rellies and so on. Going back to the medium of radio and the tape example, this patient was given the diabetes tape to listen to. The hospital educator went back the next day and said, 'Did you have a listen to that tape?' This person said, 'Yeah, and I am really angry.' Our educator thought that she had messed it up and asked 'What are you angry about?' She said, 'There's a takeaway at the main store, there's a takeaway down near the council and there's a takeaway down near the basketball courts. Nobody has told us up to now that these three places are selling stuff that is killing me and killing my relatives.' All of sudden

this patient saw the relationship between takeaway food and her diabetic condition—she is now in the final stage renal failure—and she was shocked.

The use of a very standard medium such as a good radio service, which we are having great difficulty getting up—you would think that everybody would be racing to us to help us get it up—through which you can transmit information to people is important. Whether they are in their homelands off one of the tropical islands to the North or in the savanna woodlands in Central Arnhem Land or travelling in a vehicle or wherever they are, this should be our standard medium. We have done that in the outback for years with the School of the Air and the flying doctor services, using fairly simple and cheap technologies. Nobody wants to back it today, because it is not seen as being sexy—if you don't mind my saying that—technology. It is seen as 'old hat' technology. It may be old hat in the cities but it is not old hat here yet because it is not even here. I think we could put a lot of material out quickly over the radio that could also be put on tape or CD. We also hope to move towards using the electronic classroom and to create a web site that every doctor in Australia could access for information about any disease or condition. We only have to train a couple of medical people well in a language to work with some Indigenous people and put up on that web site every disease and condition for that particular language group.

Ms HOARE—Richard, I think we heard yesterday that there are 888 discrete communities in the Northern Territory. We were at one of those communities yesterday, and there were five language groups.

Mr McMillan—There are a large number of language groups, but for the Northern Territory we are talking about only 13 or 14 major language groups that are commonly understood. In Eastern Arnhem Land there are about 50 language groups, but we can work primarily in one language and that would be understood throughout the Eastern Arnhem Land region. On the Pitjantjatjara lands you can work in Pitjantjatjara. You can work in Arrernte and you can work in Warlpiri. There are about 13 or 14 languages.

CHAIR—It is a very good question; I asked the question yesterday in the same way. There are a number of common themes in those five groups, and I take the point about the groups. Hopefully there are some key words that we would not get wrong within the groups.

Ms HOARE—Thank you. That has cleared that up.

Mr Trudgen—We find that once you get up to the concept level of language you get more commonality in the languages. In other words, once you get up into the high commerce levels, the same terms are used across the whole region. We find that that works in our favour.

CHAIR—That is encouraging.

Mr McMillan—We are even finding some terms in the deeper legal language that translate across regions or have only slight changes.

Mr SNOWDON—I was engaged in working in the Pitjantjatjara lands in the late 1970s, and the first thing I did was spend six months learning the language and sitting with the community. One of the jobs that we had to do was consult with the federal government over petrol sniffing and other social security related issues. We took two traditional people to Canberra and insisted

that the Commonwealth provide interpreters, and the outcome of that was actually very profitable. It meant that the people we brought along were talking in their language and that the Commonwealth had to respond through an interpreter in their language, and it also gave them time to think constructively. It seems to me that governments ought to accept responsibility for ensuring that, if they cannot speak the first language of the communities they are in—and I am as much at fault as anyone—resources should be provided for locally qualified interpreters so that we can communicate more effectively. I would like your response on that.

I will comment on your earlier statement, which I think is very accurate, but my other point is that recently I was in Indonesia and I met an employee of the Australian government in the embassy. They had spent six months, or it may have been 12 months, on language training prior to posting. It would be useful for this committee—and I would ask the secretary if we could do this—to seek advice from the foreign affairs department and from defence about how they train and why they train people in the first languages of the countries they are going to visit. Those of us who live and work in the remoter parts of the Northern Territory understand that we are going into different countries every day of the week. I would just like you to comment on that.

Mr McMillan—We agree entirely with your first proposition. The only thing that we would want to add to it is that we still do not have training dollars to take people from a paraprofessional level of interpreting to a professional level. The Northern Territory has done some great stuff in that regard; we need to commend the government for that. There is no question in starting an Aboriginal interpreter service, but we have people who are paraprofessionals. That means that the people who are operating in RDH today as interpreters have no medical training and no ability to conceptualise the stuff they are talking about. They can do only literal interpreting, and it is not effective. They are getting defeated because they are failing in that interpreting.

There are some pretty cluey people there, but there is no funding from the Commonwealth or from the Territory for giving them that professional level of training. The same is true in the court. It is the same sort of thing. We have got people who are trying to operate as interpreters because they speak their own language well and because they are intelligent people, but they have not been trained to do the interpreting in that particular arena. We would not accept it in any other situation.

We provide an education service to RDH now, which they buy from us. We work between patients and health professionals, with the interpreters. In fact, we are upskilling the interpreters at no cost to the system, if you like, just by the interactions that are occurring there at the moment. But we really need—and I believe the Commonwealth has an opportunity to do something about this—to get some dollars into the system to get those people from paraprofessional to professional levels if we are going to have the quality of interpreting that is necessary to deal with that conceptual stuff.

Mr Trudgen—I have a couple of things to add. One is that I support everything that has been said. As an example, what happens now with a lot of interpreters is that first of all we say that they should have language centre service in interpreting rather than using ethnic affairs. Ethnic affairs people have the streaming, they have the dictionaries and they have everything. Indigenous people do not have any of those tools to stream and we are saying what they need is language centres. IAD in Central Australia, Katherine Language Centre and so on could be skilling up in this area to speed along education, transfer of health information and all sorts of

things and also bringing the interpreters up to speed as they work with English as a first language speakers and so on. That needs to happen.

I worked with interpreters for a week once at the Royal Darwin Hospital. By the end of the week the interpreter just wanted to go and get drunk. All of a sudden she discovered that she had been party to helping some of her relatives into an early grave, because she thought the English terms that she was playing with had no meaning. They were terms like 'malnutrition', and she did not know what it meant, 'carbohydrate', 'protein', 'percentage of kidney failure', 'kidney function'. She did not know what it was around; she did not know anything about bacteria, germ theory and so on. She worked with me all week and by the end of the week she was in absolute shock. We do very unprofessional things when we come to Indigenous people and we put people in the stress stream straight away. We must do something about our interpreters otherwise we will not have any Indigenous interpreters. The best way to support them at the moment is the service language centres in each region, which provide that service and which continue then to stream them on professionally, not just one-day or one-week courses. Then dictionaries could be developed and that would feed into the education department and so on.

CHAIR—We have had a wonderful discussion around this subject and I have ended up enlightened to the point of hopefully taking it to another stage. Are there any concluding statements and then we will wrap it up?

Mr Trudgen—Capacity building demands that people have access to information and knowledge. That can only occur in their first nation languages and Australia should be grabbing this with both hands because we are losing the intellectual language capacity of our Indigenous people. It happened down South 200 years ago and we are losing it in the North right now. Australia could do a lot to stop that from happening in a lot of strategies that we have already talked about and in some others.

Mr SNOWDON—There is a current issue which I think is relevant in this context. It does not involve government; it involves banks. People are now getting electronic EFTPOS machines in communities and they are getting cards. Of course, the banks do not sit down and explain to them in any coherent way what this obligation means. They are now in a situation where they go to banks and, we have had a number of examples of this, they put the EFTPOS card into the bank machine and there is no money in the account. They get charged $20 for that exercise. They keep going back until the money comes into the account and by the time the money comes in, they are down $20, $40, $60 or $80. Then they have been charged an overdrawn fee. That is a simple example, but it happens all over the Northern Territory on a continuing basis. The issue becomes one where the banks, and other institutions like banks, do not accept any responsibility for communicating effectively with their customers. The customers are signing on a contractual basis to the bank to get a service from the bank and they are provided with a service, for example a card. The customers have very little understanding of what that actually means in terms of their obligations to the bank, let alone the bank's obligations to them.

Mr McMillan—I think the bank charter does obligate them to do some education, doesn't it? But they are not doing it.

CHAIR—That is an excellent point, isn't it?

Mr McMillan—It is.

CHAIR—We have heard that. It creates chaos with personal finances. A lot of deals are being done off community and they do not even have control of them within the community. The bill is being run up at some anonymous place somewhere and suddenly they are out of money very quickly. I have intervened there. Do you have a response to Warren—

Mr SNOWDON—I do not need a response on this one.

CHAIR—It is self-explanatory, I guess. Richard, did you want to respond to Warren on that?

Mr Trudgen—We can give you many similar examples. People are spending up to $600 to do a bank transaction in Nhulunbuy. They fly in, do the bank transaction and fly back. That is to do $20, $35 or $50—pay a bill or whatever. That is costing them $600 and they could do it via the phone. With the right technology, with the right educated staff—which we know is possible—we could teach people how to do banking from their own phone. We could teach them the things that Warren has just talked about. All this could happen if we changed our approach to that education through good media and good, trained, educated personnel.

Mr McMillan—I think Warren is saying the banks have to pick up some of the cost of that. They are making the money.

Mr Trudgen—I have talked this out with banks. I think that is right. But unless government actually leads on this, I do not think there is going to be a corporate move on it because—

CHAIR—It is the old story.

Mr Trudgen—The old story, yes.

CHAIR—I had a financial question but it was quite different. Warren's point was excellent. I will just put my hard Treasury hat on for a minute. My instincts tell me that by investing what would sound to some people like a lot of money, we would do a lot better. We are already spending bulk money. Do you get the principle? Have you people made any assessment of the sorts of costs that would bring a greater understanding? Wearing my hard Treasury hat, has anyone done a cost-benefit analysis? I would think this has so much potential. We spend money; we fund to fail sometimes—too often. Has anyone done much work along those lines?

Mr Trudgen—We have done a lot of thinking in this area. It costs you to put a teacher in a community. It costs you $30,000, $40,000 or $50,000 to get them on the community. If you do no value adding to them, the chances are they will not do any teaching in that year and they will leave in between seven months or a year and a half feeling a complete failure and not wanting to come back near an Aboriginal community again. I have met so many teachers in that boat. We say train them for three months up front. At the moment, we have a system where people could stay in the field up to three years—do not quote me on this—and then they get six months leave at the end. That to me is an absolute waste of money. If you put your three months up front, after two or three years you start to find the teachers who are good at language and you value add to those again. We have done it with our meagre resources with a couple of health educators and so on. We know that we can save the Territory government and the Commonwealth millions of dollars. We could probably drop the renal rates in Arnhem Land 20 per cent by just teaching

people how to drink water and then going on to explain what renal failure is about. We know that we can get massive changes because we have seen that face to face over the last 10 years.

Mr McMillan—Nobody has done the hard number crunching. We are talking to you anecdotally. There was an NT Treasury guy at a briefing we did for the government recently who did some calculations quickly on renal dialysis and the renal failure rates in the Territory and what we were talking about. If a third of what we claimed could happen was able to happen then that would be a very significant saving on the Territory's budget. He was a hard Treasury guy but he was saying this makes sense.

Mr Trudgen—We are talking millions.

CHAIR—With the money at the end of the day—there are a whole lot of issues about equity and fairness and all the rest of it which should come to pass—when you look at the investment, as modest or as inadequate as it might be at times, you would have some idea of what it takes. You people would know better than anyone else what it takes. You have mentioned the three-month induction or preparatory course. Have you done any work—and it sounds like you have—and is that publicly available? If not, can you do us a little bit more hypothetical work which says, 'If you did that across many of the disciplines and in the major areas, what would the cost of that be?'

Mr Trudgen—Stuart is the figure man.

Mr McMillan—We have looked for some support in that area to do the hard numbers.

CHAIR—All I am saying is that this is such a good idea that I do not want to see it lost. This will support it a bit but is not essential. The bigger reality of it is that it should at least be tried for the purpose of developing it. You will never get the accurate numbers, anyway. But that is enough from me. Wrap it up, Richard and Stuart.

Mr Trudgen—I am clear, thank you, Mr Chairman.

Mr McMillan—So am I, Mr Chairman. We have taken a lot of your time, and I appreciate it. If any members of the committee do not have a copy of the book and would like one, I am quite happy to make other copies available. Warren, have you seen it?

Mr SNOWDON—I had a copy and I gave it away, so another copy would be good. Thanks.

Mr McMillan—Thank you.

CHAIR—Thank you very much. We are indebted to you.

Proceedings suspended from 2.51 p.m. to 3.12 p.m.

WHITEHEAD, Dr Peter, Director, Australian Research Council Key Centre for Tropical Wildlife Management, Northern Territory University

CHAIR—Welcome, Dr Whitehead. Would you like to make a short opening statement for two or three minutes? After that, we will have questions and a chat.

Dr Whitehead—The Australian Research Council Key Centre for Tropical Wildlife Management at the Northern Territory University is involved in looking at, amongst other things, both commercial and subsistence use of wildlife by Aboriginal people, and conservation of wildlife in general. That is really the content that I want to talk about today. I will summarise what I put in the submission without covering it all in detail again.

Australia faces major challenges in sustainable development and biodiversity conservation in Northern Australia. That may seem odd to people who come to North Australia and see how intact the landscapes appear, but there is a growing body of evidence that we really are in some trouble. and we do not quite know why. Some suggest that in things like wildfire, we do not have control over fire regimes in northern Australia—since fires sweep through huge areas of the landscape—and we do not have control over feral animals or over weeds. These are all things that damage conservation and production values, whether or not people are in the landscape.

Unlike in many other parts of the country and the world, one of our problems up here is that there are too few people to be actively intervening in landscapes. That is really what I am interested in, in terms of your general brief to look at capacity building. Bringing sufficient human resources to bear to work on these things is extraordinarily difficult. The region is sparsely populated, and we lack infrastructure. In a lot of those places where there are not many other people and where there is very little infrastructure, Aboriginal people are a large proportion of the land-owning population. They are in a position to do a lot of work that is not currently recognised as work but that should be valued by the nation. That work relates to those issues that I have mentioned—the control of fire, feral animals and weeds, and generally managing land so that we meet our biodiversity conservation objectives.

If such a process of engaging Aboriginal people and recognising very directly the contribution that they are making to national objectives were undertaken, it would be capable of building social and human capital in a substantial way in Northern Australia. I am not suggesting that that is the only thing in which Aboriginal people should be building capacity and seeking training and education, but it is something that matches current interests and skills. It also has the capacity to engage more of the Aboriginal community than something that focuses on delivery of essential services. A lot of Aboriginal people, particularly older Aboriginal people, are extraordinary skilled in land management and they are not the sorts of people who are going to become administrators or look after delivery of essential services. It is not something that they would value doing themselves, and nor would they be particularly good at it, because of their backgrounds.

A related aspect of that is that the federal parliament has legislated to not only recognise but also make use of Aboriginal knowledge in the management of landscapes. The Environment Protection and Biodiversity Conservation Act explicitly provides for recognising and using

Aboriginal skills in the management of landscapes. So far as I am aware, there has been nothing coherent done to implement that obligation in the legislation. I think there are opportunities to do that in a way that benefits landscapes, the economy of Northern Australia and also Aboriginal people.

Some of the incentives to get Aboriginal people more involved could involve enterprise based on the use of native plants and animals. There are a lot of obstacles to that. It is not something that the Australian public is very comfortable with. There are a lot of legislative barriers and it would take a long time before those sorts of incentives could be applied very directly and effectively. In the meantime, I think there is scope for the government to actively support Aboriginal people to do land management more directly—to fund people with real jobs, doing real land management to meet national objectives. I guess that is the basis of the submission.

A related aspect is that some of these ideas will seem foreign to a lot of Australians—that we can use native species for commerce and, through that, can become involved in conservation activity. It will take some time to work through all of that. I have suggested that perhaps the government might consider fairly large-scale trials, where they support a range of communities to look at some of the possibilities of mixing enterprise development involving native species with active land management for conservation, and of evaluating those experiences so that we can test some of these ideas and opportunities and evaluate them from the social, economic and conservation perspectives.

CHAIR—Is that as far as you want to go for now?

Dr Whitehead—Yes.

CHAIR—Do you draw on any particular models? You would need to design it specifically for Territory, I suppose, and every situation is different; but is there anything that stands out for you, either within Australia or internationally, that might guide us on how we might set something like this up?

Dr Whitehead—I do not think there are good examples. I think that is one of problems. If there were good examples, we probably would have tried them.

CHAIR—Yes; we would have had a go at them.

Dr Whitehead—Particularly for a nation like Australia, where you have a very urban population for the most part but also huge, sparsely populated areas, where the realities are very different, bringing together the sorts of attitudes to conservation that exist in the urban populations with those that exist in more remote areas is very difficult and will take time. That is why I think these tests are so important, so that you can take the public along with you in implementing some of these things.

Bawinanga Aboriginal Corporation is one group that I have worked with a lot over the past seven or so years. They are doing extraordinarily valuable things with their limited funding. They have probably been diverting some of it from some of the purposes for which it was originally intended, to support people on their country doing conservation management, and to develop enterprises based on native species. They are a very good model of what might be possible if organisations like those were supported more strongly.

CHAIR—That is what I was looking for. You have that experience. You can relate back to people who have been doing a bit of this sort of thing and getting good value out of what is happening.

Mr TOLLNER—I am wondering about the analogy with what happens in Africa—the way they commercialise their native wildlife in order to preserve endangered species, and that sort of thing. Is that what you are looking at here? To follow on from that, there is a story in today's newspaper in which Professor Webb talks about exactly that: commercialising native wildlife in Australia. He uses the example of allowing the export of black cockatoos, which are around $US20,000 on the black market. For a start, you would wipe out a black market and, secondly, derive benefits for remote communities. Is that along the lines of what you are looking at?

Dr Whitehead—Yes. The red-tailed black cockatoo example is a good one, in the sense that it highlights one of the regulatory barriers. The recent changes to the Environmental Protection and Biodiversity Conservation Act 1999, to include the wildlife management laws, prevent the export of live animals. So you cannot hit that market. No matter how well you did it, there would be a blanket prohibition. No matter how carefully you chose the animals—or if they were hand-reared so that they were very calm and would suffer no stress from being in captivity—you would still not be able to do it under current Australian law.

I am not necessarily suggesting that that be changed, but that is an example of a whole lot of little regulatory barriers and unrealistic requirements for monitoring the outcomes of these things. We have worked with groups in Arnhem Land on things like harvesting cycads. Cycads have been put on appendix 2 of CITES—all species, I think—on fairly spurious grounds. At the place where we were working with Aboriginal people, we were requiring them, because of the regulatory requirements that were put upon us, to measure the diameter of the cycads that were left after they had harvested a few. They were harvesting up to 200 per annum from a population we estimated at something like 6 million. If you implemented a rotational system, you would not revisit the same plot for 10,000 years. If that is not sustainable, I do not know what is. Yet we were trying to explain to the Aboriginal people out there why they were measuring the diameter of the stems.

CHAIR—And it was impossible to explain it!

Mr SNOWDON—Who made this decision to put this particular species on the list?

Dr Whitehead—It was made by the Australian government. I guess they made the recommendations to CITES.

Mr SNOWDON—On whose advice?

Dr Whitehead—It would have been based on the advice that we did not know enough about these plants and that therefore they could be at risk.

CHAIR—The precautionary principle?

Dr Whitehead—That is a very common requirement and it has its place, but it does get misused.

Ms HOARE—Can they get taken off the list again?

Dr Whitehead—Yes. I was involved with Graham Webb getting crocodiles moved from appendix 1 to appendix 2 of CITES, and it took the NT government some millions of dollars and several years to achieve that. So there are obstacles all through this stuff, and that is one of the reasons the African experience is not as directly applicable as we might like. There is also an Australian ethos against hunting—a lot of money in Africa is made from hunting—and so there are difficulties there. Also, if you forget about hunting and some of the more consumptive uses of wildlife, we do not have the spectacular large animals and so we do not have quite the experiences that can be offered in Africa that make the wildlife valuable to local people.

There is not as much opportunity for people to get involved in acting as guides or in other activity associated with tourism. There is some, but a different mix of things needs to be considered—because we do not have those really outstanding opportunities that they have in Africa. Some of the issues there are relevant, including the notion that, if people have some form of ownership over wildlife, they are more likely to look after it. If they are getting direct rewards from having the wildlife present on their lands, they will look more closely at those opportunities, as compared with more orthodox sorts of land uses, such as converting to crops or forestry or whatever. That is one of the issues that could be explored as part of the sorts of exercises that I am proposing.

Mr TOLLNER—I would like to make the comment that Australia is overly dominated by militant-fringe type greenies who tend to come out of cities and have absolutely no idea of realities in other parts of the country. They are the sorts of people who tend to dominate these CITES meetings—I say that after having spent considerable time with Graham Webb and having listened to his anecdotes about what happens at CITES meetings. He told me about the most recent one he went to in Chile, where they demanded that people now tag sea horses, which they sell for 10c each around the world. They are a bycatch product. They are going to die anyhow. How are they going to tag a sea horse? He said that it is an international requirement now.

Dr Whitehead—Some of the concerns for animal welfare are obviously legitimate, and we ought not to downgrade them. The spectrum of interest that is influencing policy has shifted from animal welfare to animal rights, and it is a very different kettle of fish.

Ms HOARE—Where does the current national parks system in the Northern Territory fit in with what you are proposing? As a visitor and an observer, it would seem that you are proposing is already happening in places that tourists visit, at least.

Dr Whitehead—The national parks system is relatively small, by Australian and international standards. It is about three per cent of the land mass. The sorts of declines and problems that I have referred to are actually occurring on the reserves as well as outside them. So the reserves are not dealing with the problem. The cost of running the reserves is of at least an order of magnitude more than some of the land management work that is being done by groups like Bawinanga. So the cost is at least 10 times higher per square kilometre than it is around Kakadu or other equivalent reserves. Some of the most biodiverse areas of the Northern Territory and Northern Australia generally are outside the existing reserve system, and there is not a large prospect that they will be included in any expanded reserve system.

There has been a national reserve system program run by the federal government for around a decade now. It has not resulted in any recent substantial increase in reserves in Northern Australia that I am aware of—not directly. There have been additions to reserves over that period, but not directly coming out of the national reserve system. So it has not proved very effective—even though it is recognised, too, that the reserves, where they are located now, do not adequately sample environmental variation across northern Australia. They are very biased in their selection of places that they deal with. There are a few arguments there: one, the reserve system is not working; two, it is very expensive; and, three, they are in the wrong place anyway, for some of the issues we are talking about.

Mr SNOWDON—Could you inform us about what the Djelk Rangers do, the Bawinanga rangers? How do they work; what sorts of things do they get involved with?

Dr Whitehead—The Djelk Rangers have existed for at least five years now, or probably a little longer than that. I have been associated with them for most of that period. They are a group that is funded predominantly using CDEP, plus some money from the NHT for operational expenses. They have become involved in a wide range of activities. They do weed management. Dean Yibarbuk, the senior ranger at the time in Djelk Rangers, was able to find an infestation of mimosa on the Liverpool River system and saved probably tens of thousands, or millions, of dollars by getting it before it got away. They are involved in fire management as part of the west Arnhem Land fire management project, trying to re-establish traditional burning regimes and inhibit wildfire. As part of that experience, there is a possibility that, depending on what happens with the Kyoto protocol and so on, there may be options for getting income from carbon credits by changing burning regimes, reducing the amount of CO_2 produced and increasing storage in woody plants in the areas that they control.

The Djelk Rangers are involved in a range of conservation activities. They are involved in some harvests of wildlife. Some examples include the cycad harvest, with the owners of the land on which that project goes on. They are involved in a harvest of freshwater turtles for the pet trade, where they capture the females, inject a hormone to get them to lay the eggs in captivity, then release the female and hatch the eggs in captivity. This is eminently sustainable. There is no impact on the wild populations at all, and it generates an income of some tens of thousands of dollars a year in a place where income is hard to come by. It is a substantial increment.

The Djelk Rangers are involved in collecting crocodile eggs, incubating them and raising them for a short period to the stage where they can be sold to crocodile farms for $35 to $50 each. They are making an income of something like $70,000 a year from that. They are gradually accruing a suite of very sustainable enterprises that collectively, if given a bit more of a push and a bit more coherent support, could become quite a significant part of the regional economy.

They are also involved in looking after existing enterprise, like the arts industry, which brings in an income of about $300,000 a year to Maningrida and offers opportunities to up to 300 or 400 people in the community to harvest plants and use those plants in the art industry. There are some concerns about local overharvest, and the Djelk Rangers are working with the key centre and other groups to look at ways of making sure that it is sustainable.

Mr SNOWDON—Although I consider the range of activities you are articulating to be in a good area of work, externally, under normal circumstances, people would probably not immediately come to that view. It is a demonstration of where people do not need a high level of literacy particularly but they need knowledge of their own communities and their own environments to be able to sustain them.

Dr Whitehead—There are also arguments that flow from that about the way you regulate this sort of stuff. At the moment, there is a tendency to try and centralise regulation. For instance, the problem with the harvest of some carving woods—one of the problems identified with the arts industry—was not identified by the central regulatory authorities but identified by the community. They will be able to exercise control over that locally. There is no way that the central authorities have the capacity to implement local-scale management over wide areas. The risks in this stuff are not global extermination of species but localised overharvest, which you need localised input to control. The local people are in the best place to do it, if they are supported with training, education and general support to be doing this sort of work.

Mr SNOWDON—Are you aware of the Indigenous protected areas?

Dr Whitehead—Yes.

Mr SNOWDON—Is that a possible way of getting into this exercise?

Dr Whitehead—It is one of the areas, but again it confronts some political and philosophical problems. For example, we work with the Dhimurru Land Management Aboriginal Corporation in north-east Arnhem Land on marine turtles. They are doing work to manage beaches better. They are doing work to deal with marine debris. They are doing more for managing marine turtles in Northern Australia than any government agency or NGO has ever done.

But in the recent draft of the recovery plan for marine turtles made by the federal government, Environment Australia arbitrarily changed the wording to, with no evidence, see Aboriginal involvement in harvesting turtles as a threat. The original wording agreed by a group of biologists and Aboriginal people was that one of the objectives of the recovery plan ought to be to maintain populations large enough to sustain an Indigenous harvest. On the one hand, in north-east Arnhem Land we have an IPA where the federal government is saying, 'We support your standards of management of this land'—in fact, that is on big signs. On the other hand, when it comes to a resource that the people are fundamentally dependent on and have a special attachment to, the government is saying: 'No, you're doing it wrong. We're going to have to intervene.' It is nonsense, yet this doublespeak goes on all the time. There is a need to get away from this doublespeak.

Mr SNOWDON—So in terms of this inquiry, would you be arguing that there is inherent Indigenous capacity to manage land which is not being recognised? Is that what you are saying?

Dr Whitehead—Absolutely. That is the core argument. For example, we have worked in a place where Aboriginal occupation in central Arnhem Land was probably continuous, or as close to it as we can ascertain. We did what I have to admit were very quick and dirty biological surveys there, looking at the management of fire there and at fire intensity at a time of year when we would have expected fires, if we had lit them, would be very destructive. But they were not, because it has been continuously maintained by Aboriginal people. The biodiversity

was at least equivalent to that of Kakadu. Fire management was better there than in Kakadu and done at a fraction of cost—at no cost in this case. That experience is pretty constrained, because there are so few people who have maintained tight connections to the land, because of all the forces which have worked against that. I am arguing for some sort of system that enables those people who want to get back onto the land to do so. Some of the incentives for that could be enterprise or direct government support to establish a way of managing the land that produces positive results and also meets national commitments for biodiversity, conservation and environmental management.

Mr SNOWDON—And the cultural imperatives of the Indigenous people who are doing the work.

Dr Whitehead—Absolutely. There is a whole group of people—older people in particular—who are extraordinarily skilled at this stuff. They have extraordinary knowledge, which they want to pass on. They are not the sort of people who are going to be picked up as administrators of schemes in communities. They are people who are very successful Aboriginals; they are not going to be very successful pseudo-whitefellas. They ought to be recognised and valued.

Ms HOARE—What geographical area do the Djelk Rangers cover? Did you say that they were paid under CDEP? Why wouldn't they be paid award wages as Territory government employees?

Dr Whitehead—That is probably the key question. Money from the IPA and DIMIA has been used to do just that. There is a group of Aboriginal people now being paid at least much closer to award wages than CDEP wages. The only reason I can think of that they are not being paid award wages is that to date this has not been recognised as valuable work. There has not been a formal structure within which this was recognised as something that needed to be done in that place.

Ms HOARE—I see a need for training processes like that to be duplicated in other regions across the Territory. I represent an electorate that was ravaged by bushfires yesterday. The reason for the extent of the damage is that there was not enough land management in the cooler, wetter months. I see an absolute need for those skills to be employed by state or territory governments. We were talking about other national schemes previously. If we were going to have employment within the state and territory governments, could we use Green Corps, rather than CDEP, as the training program as a step towards full-time employment with the Territory government?

Dr Whitehead—I think that would be difficult, because Green Corps is predominantly a European-style thing. For the most part, it has white Australian administrators who view the sorts of activities that are of interest in those terms. I think other organisations, like Bawinanga and Dhimurru and so on, are better equipped to work with Aboriginal people—not because the issues are fundamentally different but because there are communication problems, cultural differences and a whole range of issues associated with establishing trust that work better with organisations that have an established track record. One of the reasons that the key centre, for instance, has been successful in working with people on a lot of these things is that it has been around a long time.

Ms HOARE—I did not realise that the Green Corps was so inflexible. I would see the corps as the provider of the particular program, which would then free up more local CDEP places. I was looking at maybe a replacement government training program.

Dr Whitehead—My experience of the Green Corps may be a little out of date. If you meant some of the funds that currently go to Green Corps being used in a similar way to support Aboriginal people, that is a potential mechanism, but I do not claim to know much about the levels of funding or what that might mean.

Mr TOLLNER—It sounds to me like the rangers are almost a commercial enterprise in as much as they are deriving income from eggs and crocodiles and so on. I take it that at this stage that not commercially sustainable without CDEP funding?

Dr Whitehead—Yes. It is what John Altman has called a hybrid economy. It is dependent on a base level of support through government which is then topped up with both the customary use—they are supplementing their family incomes with the wildlife they take for food—and generating additional income through art or these other enterprises that make it possible to get more people involved and out on the land. As an example, one of the people I was talking about, who is a very traditional Aboriginal person who would find the whole idea of working in an office and being trained for that as totally aberrant and bizarre, is a very skilled artist who uses the money that he generates from his art to buy vehicles that enable more people in his clan to participate in on-land management. So in some respects there is an element of commercialisation in it, but at present it is not self-sustaining.

Mr TOLLNER—The point I am getting here is that winding back some of these treaties that bind us, such as things to do with CITES and the like, would only improve those commercial prospects.

Dr Whitehead—It is not so much winding back the treaties—most of them are reasonable in their intent, and these things tend not to get through the process of consensus, as required to derive them, unless they are fairly reasonable and do not impinge too much on national sovereignty—as the way Australia has interpreted a lot of them. We have overinterpreted them. Our requirements under our legislation are much tougher than those under CITES itself. So we have been better than everyone else and in fact we have tied ourselves in knots in a lot of cases.

Mr SNOWDON—You talked about land, but what about marine resources? We talked about turtles. Maningrida is a good case in point. There is a whole lot of trepang sitting out there in the ocean. It is being—'farmed' is probably not the right word—exploited by a Tasmanian fishing company, and the local community cannot get a licence. There is an obvious inherent contradiction between your proposal that local resources should be utilised locally—which I support—and the situation where a licence, in this particular instance a fishing licence, has gone to an interstate company where the profits will not stay locally but will be immediately flown out of the Territory. I am aware of a range of the other examples that Bawinanga have been involved with which have hit the same sort of blocker. The exploitation of oysters is another example. Are you aware of other situations which you could offer as examples of where commercial exploitation is happening at the expense of the local community's interests, as in this case?

Dr Whitehead—The best examples are marine examples because there is a long history of treating marine resources as common or pool resources that anyone can have access to, provided they get through the regulatory barriers. Barramundi would be another example of that sort of thing. Aboriginal people are only permitted to get local licences for local exploitation and local sale if they are for species that are not available to commercial operators under an existing management plan. Any species for which there is an existing fisheries management plan is, by definition, no longer available to local people to meet local needs. I think that is probably what you were getting at.

Mr SNOWDON—Yes.

Dr Whitehead—The frustration that Aboriginal people suffer through that are obvious. They see people coming in adjacent to the communities and taking a resource which they use for subsistence, but they are blocked from becoming involved in it commercially. They see being discarded a whole range of other species that they would find very useful for commercial purposes locally. There is a lot of wastage; fish are discarded. Something has to be done to resolve that in the long term, and we are doing a bit of work with Bawinanga to help them frame an argument. But I also recognise that these issues of rights to resources are extraordinarily entrenched in the whole way a nation like Australia does its business. They will not be changed rapidly, but there are probably a range of gaps in the existing system where you could exploit resources that are not currently being exploited, if there were a bit of a relaxation of regulation. Oysters or shellfish are examples. With Aboriginal people at Maningrida we have been looking at mud mussels as a potential crop. They have been blocked in the past from using them on the ground that they contain heavy metals, which are a health risk. Maningrida is one of the most pristine environments you can imagine; if there is a heavy metal problem there then it is everywhere and people ought not to be eating any shellfish.

There is a history of regulation being rather arbitrarily applied to block Aboriginal entry into commerce. That is the only way you can reasonably interpret a lot of it. The trepang example is an appalling one. I feel very guilty about it. I was involved in getting the funds to look at the availability of trepang for Aboriginal people to get back into an industry they had been in probably for centuries. We got money from the Commonwealth government to look at the trepang resource on that stretch of coast and a PhD student did the work. Her report was submitted to the government and, within a matter of days to weeks, there was a Tasmanian seafood boat anchored within sight of the community taking out tonnes of trepang. The firm had used the information that the Aboriginal people had gathered, as part of their argument for getting an industry going again, to come in and plunder it. I assume they have kept plundering it until there is not much trepang left.

Mr SNOWDON—The Bawinanga tried to approach the Northern Territory government about getting a licence, didn't they?

Dr Whitehead—The government would not issue additional licences. Again, this goes back to this business of common resources where, if you introduce additional licences, you then devalue the existing ones. I can understand why there is reticence about that, but some sort of solution does need to be found for those inequities. This could be anecdotal but I am informed that, when Aboriginal groups approach people to buy licences, the prices tend to double because the people believe that they have got access to endless sums of money.

Mr SNOWDON—It is like when they try to buy land. The same thing happens.

Mr TOLLNER—I am curious about introduced pests like buffalos and pigs. Are Aboriginal communities getting into the industries of catching buffalos and putting pigs in chillers and sending them to Europe?

Dr Whitehead—We are working with Kakadu at the moment to look at their feral animal strategy. Aboriginal people there are certainly very interested in seeing whether commercial use is a possibility as a contribution to control.

Mr TOLLNER—Why wouldn't that have happened years ago? For years now, people have been making money out of sticking pigs and shooting buffalo. Why hasn't the take-up rate been mirrored in Aboriginal communities?

Dr Whitehead—It has, to some extent. At Manyalaluk there is work being done. There is quite a regular harvest of buffalo from that country. Some of it is due to the nature of the terrain. It is very difficult: a lot of the places where there are significant numbers of buffalo left are places where it is very difficult to harvest them economically. Under BTEC most of the places that were easy to harvest tended to have high incidences of TB, and so they tended to be the places where the populations were very suppressed.

Mr SNOWDON—Not that any of the buffalo had TB, by the way. That was the problem. They were just knocked over.

Mr TOLLNER—It got Kerry Packer rich! Not that he wasn't rich anyhow!

Dr Whitehead—But we are working with the people at Cobourg and with Parks and Wildlife on developing a better model for their management of the banteng herd. At the moment, the herd is being managed at carrying capacity. It is just determining its own level. It is damaging the environment to some extent—I do not think it is a great deal, but it is to some extent—and it is not producing as many trophy grade bulls as it could. We are working with them to try and implement management that brings them larger incomes but also suppresses the herd size, so that the males that are left grow faster and get bigger horns and they can get more trophy animals.

Mr TOLLNER—What about the pigs?

Dr Whitehead—There is a problem with the pig market in that it tends to be manipulated by a couple of people in southern Australia. That has been the history of it, anyway. I do not know whether that is still so much the case. But the market is very volatile. It was good a couple of years ago and now it is no good. That sort of discontinuity makes it difficult for people to find the funds to invest and then get a return on them, and so people tend to drop in and out of the industry. For instance, there were people doing it in Kakadu. They are no longer interested, because there is no income. People just are not interested in buying.

CHAIR—I saw what I thought was a very marketable pig at Maningrida the other day. It was in good order.

Mr TOLLNER—I'll tell you what, Barry: I used to get $1.60 a kilo for pigs when my parents were getting $1.40 for their cattle.

Dr Whitehead—On the issue of feral animals, I think there is some scope to develop enterprise in those areas where commercial harvest or trophy hunting is feasible. One of the things we have been talking to the various groups about is the possibility of using income from that to control the animals where commercial harvest is not feasible—because some of those areas are being very badly damaged by feral animals at the moment. It is a part of this idea of capacity building: people getting involved in the industry side and then applying those skills and some of the income of that potentially to do environmental management in other places where you cannot derive an income.

Mr SNOWDON—It is worth pointing out that people elsewhere in the Territory have proposals for feral camels, feral donkeys and so on. They are all engaged in trying to get rid of those, and there is obviously a camel industry which is growing. Docker River has a proposal for camels. There is an Aboriginal proposal to set up a meatworks for feral horses at Mataranka. So those sorts of things are happening—not for toads, though!

CHAIR—I will go through a few things in your submission. I appreciate the time and trouble you have gone to. You have raised some pretty important issues. You have asked us to consider the sometimes, or perhaps many times, unheralded skills of Aboriginal people—skills that are already there. Their skills need to be recognised in a way which will do useful things for the land resource, over time. They also have an open mind about what could be commercially done. The precautionary principle applied to biodiversity particularly is excessively and quite absurdly inhibiting in many cases. I want to quickly touch on the issue of Aboriginal people's status as mendicants, and on how we really need to challenge that. I am one who believes that anything that can challenge that has to be a step in the right direction. What I have just said about skills that are not recognised is part of that—respecting what is there. I struggle to define it but, in terms of challenging that mendicant status and respecting people's roles, how do we build an incentive which will bring the maximum number of people out to participate in these programs? I think you understand what I am saying. Could you give me a couple of pointers on how we might do that better?

Dr Whitehead—I think that is the nub of the problem, and I do not pretend to have all the answers.

CHAIR—No; but you are very experienced in this area.

Dr Whitehead—Part of the story is the organisations like Bawinanga, which can act as bridges between the community which is more in contact with the delivery of services and the formal economy and the groups which are less in contact with the formal economy: the people who are the good hunters and the good land managers, working in a subsistence economy with occasional contact with the commercial or market economy. They need protection from the forces that might damage those skills or result in them being dissipated. They also need support to deliver the products from those groups in forms that the Australian public will recognise as worth paying for. I think that is where these organisations like Bawinanga are so critical. They can act as that bridge and can buffer those people who can make a contribution but make it in a way that is not easily shoehorned into a traditional reserve or park management system, or into a traditional sort of engagement with the market economy.

In fact, if you do not protect both those bits, you are going to miss out on a lot of opportunities. We have done some work with the Rural Industries Research and Development Corporation looking at botanical medicines—a loose term for things which are not medicines which have been through a clinical testing procedure but which do undergo some scrutiny for their efficacy. Aboriginal knowledge of those items should be saleable. There is a system called GRAS—'generally recognised as safe'—in the United States and Australia, which can depend on traditional knowledge: the fact that people have used these plants for tens of thousands of years, and if that does not illustrate that they are safe then what does? So there is that aspect. The last time I looked at the figures for the market of these sorts of botanical medicines in the US, I think it was $8-odd billion in the US and growing; $7-odd billion in Europe and growing; and in Australia $2-odd billion and growing.

People are looking for alternative ways of looking after their own health. Whether you believe that that is a valid way of doing things or not, there is a market—and a very substantial and growing market. I would have thought that a connection with ongoing Aboriginal culture and the skills that demonstrated the efficacy of these things should be, in itself, valuable. One of the few ways that you are actually going to protect a market from the sorts of interventions that the trepang exemplifies for Aboriginal people, and to quarantine it to some extent, is to actually value the connection with the culture. So that is a long answer to that simple question, but I think the bridging organisations, which can maintain traditional culture alongside developing interactions with more mainstream Australia, are a really important thing for those sorts of products, and for maintaining respect for the culture as well.

CHAIR—There is no doubt that there have been a lot of intrusions by, if you like, welfare. This has challenged a lot of the capacity to go into these areas which you refer to, make those linkages and get the incentives where people are prepared to lead lives more useful to themselves. It seems a critical issue.

Dr Whitehead—Valuing the work that Aboriginal people currently do is part of the process of building respect so that young people see that as some path they should follow. At the moment there is absolutely no incentive for young people to identify themselves as skilled Aboriginal land managers. Rangers are providing some of that at Djelk and there is increasing interest in it.

CHAIR—It needs a lot more development and to get a lot more people involved, I think. Do you agree?

Dr Whitehead—Yes. It is happening by default around the Territory. I cannot remember the figures exactly, but if you are talking to the Caring for Country people, they will have a map with all of their Aboriginal ranger groups around the Top End. I think there are 70-odd groups. But they all run on a shoe string; they are all extremely fragile and they need something to keep them running.

CHAIR—Dr Peter Whitehead, thank you very much. Unless there is anything particularly pressing for members of the committee, we will finish there. We appreciate your contribution and have really enjoyed listening to you.

Dr Whitehead—Thank you. I appreciate the time you have given me.

[4.03 p.m.]

ARBON, Ms Veronica May, Director, Batchelor Institute of Indigenous Tertiary Education

KUNOTH-MONKS, Mrs Rosalie Lynette, Deputy Chairperson, Batchelor Institute of Indigenous Tertiary Education

CHAIR—Welcome. Would either of you like to make a brief opening statement?

Ms Arbon—I will open with our submission. Our paper gives you an introduction which talks about Batchelor Institute, which was set up in the Northern Territory in the sixties. Over that long period it moved from initially being an agency of the Northern Territory government to now being a separate institution under our own piece of legislation. We work across remote areas of the Northern Territory, with about 15 per cent of our enrolments coming from interstate, particularly from the northern parts of Queensland, the Kimberley in Western Australia and some parts of South Australia. This information is not in our submission, but we run at about 3,000 students each year, in all sorts of VET and higher education courses.

CHAIR—I think we saw one of your people at Wadeye yesterday.

Ms Arbon—Great. There are two fairly fundamental principles that underpin how we at the institute work which force us to look at situations in a new way. One is the 'both-ways' philosophy, which in one sense says that each of us comes from different cultures, that we are different and that we have to be able to work with that somehow and draw on it. Initially, that came out of an education process, but I think it has now worked itself through much of the institute. From my reading nationally and internationally, that position of difference is starting to come through in theory around the world. It is quite interesting that Batchelor was talking about it 10 years ago. The other one is to create new forms of work to fit change. We are working with students who come mainly from remote areas and therefore bring a number of characteristics, and we have listed those for you to look at. They include having English as a foreign language, working within a Western capitalist culture and with systems which are foreign and bringing teaching and learning systems which are not closely matched to the systems that we, as the Batchelor Institute, come out of. We are driven by the VET and the higher education systems in Australia, and trying to make those match somewhere is quite difficult. We have to take account of the languages and cultures of staff in the main because at this stage we run at only about 32 per cent Aboriginal staff, so there are issues of some staff coming from different cultures and having had an academic education outside remote communities. Formal education is an issue and, with our constituency and the age groups, educational and economic disadvantage out bush affects that. I know it pretty well because I grew up out there in the fifties and sixties, and Rose lives out there. So we know what that is all about. It is one of the things that our students bring. There is also the high incidence of ill health and disabilities among students and their communities.

We then move to talk about what makes a well-run community. We talk about leadership and good communication between people in the community and minimal hostilities. That is fairly difficult when you are changing from one system to another or when that system is imposed on

you. We talk about the ability to identify and prioritise issues. We also talk about having some members outside engaged with what is happening around Australia on committees and so on, including all people in the community in the decision-making process, qualified local Indigenous people occupying well-paid and supervisory positions, having mechanisms to ensure that there are jobs in the community which local people are confident in applying for, ensuring cross-cultural communication awareness and skills among Indigenous and non-Indigenous people at the community level and so on. Then we talk a little bit about good management and local government councils.

We move on to leadership in communities and talk about that. For me, that is a critical area. We talk about leadership in the sense that it is at not only this level but also at all sorts of levels in the community. We identify what characteristics might make good leaders at an individual level, and there are things like the ability or the capacity to encourage people to work together, understanding language and culture, meeting traditional and other obligations and sharing the aspirations of the community as a whole. That also means us as Indigenous people understanding our own language and culture and what that really means and what that means in relation to how we relate to and interact with others. A leader should be motivated, enthusiastic, able to listen and so on. Then we talk about how communities can make themselves stronger. We talk about real and meaningful work for people, and that is really difficult out in remote areas. There needs to be a major dialogue on what is real and meaningful work and what that might be into the future.

CHAIR—Veronica, something we are all wrestling with is how much store you put on incentive to work and how much disincentive there is to work? I accept that there is no strong economy so that you can walk down the road, sign up and get a salary tomorrow, but what are some of the impediments to it as well?

Ms Arbon—I think there are other things in seeking to get a job than just money. I think, as a society, Australia has not talked about what it is about getting a job that is important to Aboriginal people. It is not just about having the money and being able to supervise somebody; it is about trying to work in other ways to make social and other improvements in your community. I do not think, as a society or as many in educational institutions or anywhere else, as employers, we have got to that level of grappling with what that translates to in our practice and in our relationships with others. There is a huge social imperative there that I think we have not even got into.

The same applies in education and training. It is all right to have education and training at all levels, but if it does not give you the skills to work in a Western capitalist system in an Aboriginal way, you can do more damage than good. One of our big challenges at Batchelor is to assist students to become more aware of those sorts of things. One is respect for traditional owners and traditional culture—and, again, that is the flip side of education and training, so that you have those two lined up together. It is part of that 'both-ways' notion that I mentioned as well. Another is good communication and networks, and Rose might talk a little about what skills people in organisations need for a good community. Rose actually lives out there and sees some of these issues in a first-hand way.

CHAIR—Thank you. Rosalie, did you want to say something about where you are coming from? You are a senior member of the board.

Mrs Kunoth-Monks—It is the Batchelor Institute.

CHAIR—I am well aware of Batchelor Institute, but you are a senior member of that board. How do you see some of these key issues?

Mrs Kunoth-Monks—I come from Utopia, which is 250 kilometres north east of Alice Springs.

Ms Arbon—It takes seven hours to drive to at the moment, because it is raining, thank goodness.

CHAIR—It did not rain for us yesterday down at Wadeye.

Mrs Kunoth-Monks—Yes, the same in Alice Springs. I see that Aboriginal people are on the move. The results that I see are, to a large degree, with the young people being lost. The older people have kept their culture and their responsibilities and therefore had a meaningful role to play within the communities. There are remote communities that I am talking about. The younger people do not have the same responsibilities that their grandfathers handed on to the fathers of these younger people. Therefore, they are more at a loose end. Some of them have had access to very rudimentary education in the dominant culture—very little. If they are asked to explain themselves, they are at a loss. I see this in the court system, where people get into strife and they are not quite sure what motivated them to do whatever action it was that got them into trouble. For the people that Batchelor Institute is picking up, just to have some idea of what they are capable of doing, because it is expounded by an institution such as Batchelor, is a real big step.

There are very few paid jobs in the communities, and this is the frustrating situation that the majority of Aboriginal remote area communities find themselves in. However bright or skilled we may be—a lot of people are skilled; I have seen some wonderful people—we have no access to satisfying jobs. In the Aboriginal psyche, we did not have a job; we had responsibilities within the community. This made for a cohesive community that cared for and looked after each other and the land. Today it is not so. I am very interested to see the skills that are needed for a good community being provided by the students from the Central Arnhem Land community. Some of these skills are quite new, but they have incorporated all that with hunting, food gathering and ceremonial responsibilities within our communities. I think they should have gone a little bit further, but they are thinking in the right way. If there are organisations and governments that are trying to enhance and preserve the mental health, the emotional health and the physical health of people, I urge them to look at the whole picture. It is not just whether we can go out and be experts, social workers, doctors or lawyers—it is not that at all. We are not talking about assimilation; we are talking about access and having the potential to grow as an Aboriginal person who is intact with our culture and able to mix the two social structures that we find ourselves in—being an effective member of the community and yet different, especially in the Northern Territory.

CHAIR—Thank you very much.

Ms Arbon—From my view as a director of an institution that is trying to make that happen, it is very difficult because the system that funds us and that we work within does not recognise the need to respond to cultural difference in our society. We have a system that tries to convert

us all into being Australian citizens with like values. Somehow, if we are going to build the capacity of the whole individual, we have to change that. I am not saying that we have to—

CHAIR—Could I offer you a slightly different interpretation and see whether it makes any difference? I am not sure that the society is trying to have like values; it is endeavouring to develop core values and celebrate diversity. There may not be sufficient recognition for Aboriginal culture—and I can understand the discussion and debate that happens there—but I think it might be a misinterpretation to say that we are all looking for like values, because we are a very diverse society, but we do look to have core values and core principles. That is just one aspect.

Ms Arbon—I acknowledge that. However, the system does not do anything to celebrate and acknowledge our diversity in a tangible way. I think that is where it falls down, because it is focused so much on core values, core educational systems, and core this and core that, that it forgets that we do have differences, and sometimes we have to fund that, acknowledge that and work with that. It gets down to a very simple thing.

CHAIR—Give me one specific example.

Ms Arbon—I was just going to move there. It gets down to really simple things. We talk about working in a partnership, but working in a partnership means quite different things to different people. It means that we sometimes have to step back, take time to hear what is trying to be communicated, and then come back from a wise point to acknowledge or disagree with it. So it comes down to communication. That is one instance. The other one is that, at Batchelor, we believe very strongly that we have to support students in linguistics or language learning. It is very hard to get funding in that area. We also believe that within our degree structure we have to have some core that allows students to engage with their own cultural background. Again, that is hard to argue in a system that says, 'No; to be a professional in natural and cultural resource management you need this, this and this,' or, 'To be a nurse, you need this, this and this.' Yet to be a good nurse in an Aboriginal context you also need to know your culture and be able to communicate.

CHAIR—How much of a role do you have in designing your curriculum? You are saying that this is meeting the national competency requirement. That is where you run into the issue of whether there is sufficient flexibility to satisfy, to a degree, the national competency requirements. Taking a blood pressure or measuring a pulse is just that, and it probably does not matter who you are and what you are. Those things are fundamental: either the old heart is ticking away or it is not. Are you saying that we should go on to say 'Can we respect it more precisely, or more individually, or with greater diversity?'

Ms Arbon—That is what I am saying. I am saying that, because of the lack of knowledge of the Western culture, to take a blood pressure you need to know that you have hollow tubes running through your body with blood flowing through them, and sometimes that is hard to communicate. So it is bigger than how people necessarily see it. As English-speaking Australians, we have not necessarily ever lived or worked in a country where we had that experience of being completely lost.

CHAIR—We have heard that a few times today; it is a very good point.

Ms HOARE—You have put forward suggestions about the attributes and skills of a good leader; and we have seen some examples of communities with brilliant leadership. Can you give me examples of how those potential leaders are identified, promoted and supported? Some people who might be good leaders might have skills that they have not developed because they are not part of the majority.

Mrs Kunoth-Monks—In the last, perhaps, 30 years leadership and the choosing of leaders has changed. In the old days, you were born into that lineage. Unless you were really mentally deficient, you took up your role—but you took up your role at a certain age, depending on how you matured. That has changed, because a lot of our forward planning and so forth has changed too, in that we are trying to get what is needed by the community council rather than the leaders. The community council has to meet deadlines, and there are things that they have to apply for, such as funds to run the health centre. Therefore, that has shifted a bit. During that shift, I find that the very wise old men and women accommodate this, and they do it exceptionally well.

Leadership in the Aboriginal community at this stage has to be from a person who is—how can I say it?—whole. He has to be complete. He has to know where the community is going, not only in the white man's world but also in the Aboriginal world. It is not like saying, 'That person is a very learned person,' if he is also greedy and not really good for the community. Regardless of how excellent you might be as an entrepreneur or whatever in bringing in money, that is not the answer. The answer is a steady leader who is complete. I do not think I am putting it very well.

CHAIR—No. I think you are.

Mrs Kunoth-Monks—That is the difference.

Ms Arbon—I guess I can affirm that, from taking up a huge role at Batchelor. I have depended very much on my council in the first couple of years, because I was unsure what was going to be demanded of me. There are two things that come to my mind continually. One is to always know who you are as an Aboriginal person, and what that means in relation to that responsibility that Rose talked about. The second is to be very vigilant and, again, wise—or ethical, if that is the Western word. But the Western sense of the word 'ethics' is a little bit narrow for me. I think it is more like wisdom.

Mrs Kunoth-Monks—'Wisdom' is the word I was searching for.

Ms Arbon—Yes. So you have to be vigilant and extremely wise. That does not mean that I make all the right decisions, but at least I am cautious about how I make decisions and the basis on which I make them.

CHAIR—You give great consideration to all the aspects and the balance that you talk about—the whole.

Ms Arbon—Yes. Because I was subjected to disruption in my history, I am actually going back into my own cultural background to affirm and put the puzzle together, I guess. I have done a lot of work in the past 10 years in that area.

CHAIR—I think that many of us are doing the same, in understanding particularly Aboriginal life. We had a wonderful presentation earlier about language and what some people thought words meant and about how people responded in trying to communicate orally. To me—and maybe I am wrong—that opens up a whole lot of potentiality about language and what people really mean in the spoken word.

Mr TOLLNER—I am interested in exploring some of this. You were talking about the traditional way of things, the way they used to be in the old days when people had roles and responsibilities and they were born into that. Your submission talks about local councils and what good management is and what needs to be put forward there. One of the things that you say there is:

> Membership of the local council and all council committees which is truly representative of competing interests, with attention to gender balance—'old people working beside young people'.

Gender balance and these sorts of things seem to me to be very Western ways of thinking. I suppose that is what you mean by talking about when the old people, the wise ones, are happy to stand aside and see things differently. But how does that impact on the community itself? Do they just cede to a new sort of culture, or what?

Mrs Kunoth-Monks—I think I used the word 'accommodate'.

Mr TOLLNER—That is right. You did.

Mrs Kunoth-Monks—Some of the things that are accommodated are for the expediency of what may be needed in that community, but it is usually after much discussion between the old people. The younger people may want to sell part of the land so that they can have brand new Toyotas. The old people will not have that. They will say, 'No, you can't, because a piece of you is missing.' There is a piece who belong to that country who become homeless; they have no land. That is still alive and well within Central Australia. I can only speak for Central Australia, but I would imagine that it would be much the same throughout the Territory.

CHAIR—That is understood.

Mrs Kunoth-Monks—Once you have become a nobody, you do not have a home or anything—you are lost. The trend nowadays in my area is to go into Alice Springs and just live as guests of the traditional owners there. It is easier to become guests there because predominantly white people are living there and the culture is not really seen. You are a lost person, so you dump yourself on that heap and you are lost—you no longer have a role to play in the community. We older people in the community are very worried because the drift is becoming more and more apparent. Of course, while they are in town, there is nothing for them there.

CHAIR—I do not think I have had it better explained to me. Thank you.

Ms Arbon—On gender balance, too, you have said that, Rose. Again, I think that is Western terminology and we cannot assume that men and women did not work together and that young people did not work together in the past. If you go to a community, you can see the men and women—depending on what is happening—working together.

Mrs Kunoth-Monks—Because of the roles they have played, they have to have that balance.

Ms Arbon—There is a demand in that culture of working with, not working over or dominating someone—it is working with.

Mr TOLLNER—But people had their set roles to play, whereas I think in Western society—certainly in our society—it is heading more along the opposite lines. If you are a woman, you are not necessarily destined for a job as a teacher or a nurse; you can quite rightfully hope to get a job as a mechanic—something that was seen once as a male-dominated area. I have heard about the glass ceiling, but—

Mrs Kunoth-Monks—We have perfect balance, I can assure you. We have perfect balance, because women have corroboree songs and that gives them authority. They also have authority over tracts of land. There are sacred women's places that only the women control and run, and vice versa; the men have sacred places and sacred country and songs that only men can sing. The balance is so even that there is no need for us to burn our clothes.

Mr TOLLNER—I know exactly what you mean.

Mrs Kunoth-Monks—Women do not feel undermined at all. Each woman, as she grows, will take on the grandmother's land; each child is born knowing that one day she will be in charge.

Mr TOLLNER—I was meaning that in the sense that that was probably more a shortcoming with our culture.

Mrs Kunoth-Monks—The gender balance is, I think, much better in this culture.

Mr TOLLNER—Yes, I am sure it is.

CHAIR—Can I turn to a very difficult issue where culture is sometimes used as an explanation, as in the case at Maningrida and what is known euphemistically—no doubt, very inaccurately—as a 'child bride' case. Are you able to comment on that sort of issue in terms of culture? I know that you are not able to speak for another country but, in broad principle, without going into specifics, can you help us in understanding some of that?

Mrs Kunoth-Monks—Probably not about that particular case. It is not enforced as much. I can speak generally about marriage. The day I was born everyone knew who my husband was going to be, because when I was born he would have been about 40 years old. In the old days, at 14 or 15, with my permission, I would have gone to his camp, because that was already predestined anyway.

Ms HOARE—With your permission?

Mrs Kunoth-Monks—Yes, usually it was with the girl's permission, unless a girl is 17, 18, 19 or even 20 and she is being difficult. Then the brothers go and help the husband claim his bride. Usually there were not any arguments. Unless I did the wrong thing and I saw somebody else who was really handsome and I wanted to run away with him and he was of wrong skin and

everything else, then I was no longer a part of that community. I belonged to that clan group. It was really easy and it made life very easy. The reason I escaped was because I have a bit of mixed blood and was of mixed origin and I was sent away to school. Coming back later on, my husband was still there and he had married my cousin's sister. Everything is in order. That is part of the order: marrying that man from that land and merging those two lands, and prosperity follows.

CHAIR—Even a more difficult question is what is occurring with the current younger generation. Is the balance there and what are our challenges, particularly for Aboriginal people but for all of us? Are you able to help?

Mrs Kunoth-Monks—The challenges I guess face the Aboriginal people more than the dominant culture in that, if they reaffirm and want to live as their fathers and mothers and grandparents did, they will go back to it. There is a pride in it. I am well and truly over 50.

CHAIR—So am I.

Mrs Kunoth-Monks—There is a pride coming back into the Aboriginal people that was not there during my earlier years. I believe that it will be up to the Aboriginal people to maintain their cultural practices. I do not think anyone from outside can really have anything to do with it because it is an entirely different culture. We all realise that no culture stands still. It is very much moving.

CHAIR—I am trying to understand the implications for all of us in the sense of programs and issues and a very serious concern about the young people across Australia, within the Northern Territory and in various communities—what is the best way and how can we best do it? You have helped us today understand that but we have a huge challenge ahead of us and you are part of that.

Mrs Kunoth-Monks—This paper also says if there is a strong community the people within that, because they are holistically looked after, will come out a lot stronger—that they are not be fragmented; they are not taken away. One of the most exciting things in recent times that I have witnessed is that Ngatjarra college at Yullara. The people bring their students in. They are the house parents. They do not hand them over to someone else. They bring them in from Docker River and stay there—they maybe uncles and aunts—and then they go back. So the cohesiveness is good. Because it is a two-way learning process for us anyway. We are learning as we grow—the youth are learning our culture. We are also learning to cope with and access the culture that is outside of ours. That to me is a beautiful example. Batchelor Institute probably enhances that in the older kids. We need to fix up what we are doing.

CHAIR—Thank you very much.

Ms Arbon—One of the things I said to my staff this morning was that I had been there for 3½ years now and we have worked extremely hard to open the culture of Batchelor itself as an organisation. I have moved to slightly restructure so we can actually do more work in communities.

My vision for the next couple of years is that we make that link between our elders and our young people through our teaching processes in a much more powerful way. That is a challenge

for our institute because we are funded like Sydney University or Melbourne TAFE. How do you take the education to remote locations but make sure you have the resources to bring some strong elders into the learning environment to have an input and to talk about these issues and say, 'This is what the Western culture says or permits—like younger marriages. How does that apply in our culture? What are the issues there?' There is a whole range of things like that that need to be talked through. We have a job to do, that is for sure.

CHAIR—It is an ongoing and emerging job. We are all grappling with it.

Mr SNOWDON—We talk about the holistic development of communities. One of the issues, which I am sure Rose is fully aware of, and which is of concern to many people, is the non-Indigenous people who work in Indigenous communities and the success or otherwise of those people—and I will use Utopia as an example—not in the health service particularly but in the local government structure, where the local community have responsibility for oversight of the performance of a person who is working under the local government act or ATSIC but without any real capacity to do that oversighting because they do not have the English language skills—the literacy and knowledge base—that they need to have. But, more importantly, often these people will come in without any knowledge themselves of the culture of the people with whom they are going to work or without any understanding of their language. Is that an issue which you have identified as being of concern?

Ms Kunoth-Monks—It is of concern, yes, very much so. I have noted, having lived back there for 12 years now, that people usually get frustrated that the CEO of the council is a remote figure doing his own thing. There is no relationship. You go through the action of being at council meetings but not comprehending or understanding. Usually in the end people say, 'We don't like that one. He'll have to go.' We have horrific turnovers of people who have all the best intentions in the world.

Mr SNOWDON—Some of them do not have the best intentions.

Ms Kunoth-Monks—Maybe some do not. I am being charitable here! I am being very nice.

Ms Arbon—They also have paternalistic intentions.

Mr SNOWDON—That is what I am saying.

Ms Arbon—Malevolent intentions.

Ms Kunoth-Monks—Our way is usually just to turn our backs and let the poor thing wander around doing his own thing. It is not really helpful, but quite a lot of young people are now with Batchelor Institute and we have got Batchelor Institute on site there. They have a different way of looking at and solving some of these problems that beset us. But at Utopia we do not want anything touching our culture.

Mr SNOWDON—No, I know.

Ms Kunoth-Monks—We are terrible, aren't we? We will not move.

Mr SNOWDON—I do not want you to move—far from it! I want quite the opposite.

Ms Kunoth-Monks—We have got to move with the times.

Ms Arbon—Batchelor is a big institution now; I think it is 99 per cent Indigenous council. At Batchelor we have a strong induction of the council, and then we have the Institute of Company Directors or someone like them come in and run a workshop on the role of councillors, and on the monetary role especially. At each council meeting we have a pre council meeting for Indigenous council members only, where someone—usually not me—goes through the documentation. On the council day, I come in and it goes into the official documentation. That gives our council members time to think. Rose might want to talk a little about how that strategy works at Batchelor.

Mrs Kunoth-Monks—Yes. Pre council meetings are very important because it is the getting together of all the councillors throughout the Territory, and we all have our own little peculiarities and so forth from our communities. I am not quite sure why you passed this question on to me, Veronica.

Ms Arbon—Just to tell of your experience of pre council meetings and how you have been able to use them to work through the very many complex issues that we have to deal with at Batchelor.

Mrs Kunoth-Monks—Yes. But I also think the more you become aware, the more insurmountable it seems to be. We probably need a tremendous amount of support. I think I am getting tired.

Ms Arbon—I think that is why Warren's question is so important. We do need support but we need it from an Australian society that is wise, that accepts difference and that is able to interact. Just as we have to accept difference—we have been doing it for the last 200-odd years—the rest of Australia has to be able to do that as well.

Mrs Kunoth-Monks—Earlier on you talked about pulses being taken. At this stage in our history, with Aboriginal people taking on health workers and so forth, in the communities not just anybody can take my blood pressure. Not just anybody can come up and touch me; it has to be a certain person. There is all that kind of thing. And yet, from the Aboriginal community's viewpoint, we have accommodated some of that and we have let there be a little bit of opening. In an emergency, my son-in-law can come and save my life. That was unheard of 10 years ago. We are moving slowly but surely, as long as we see the end result being good. But we are not going to give away good things easily, things that have kept us healthy—not wealthy, but healthy; yes, we were wealthy in our own right—because they were put there for a reason, as you would know.

CHAIR—I want to put this as politely as I can. Your English is so clear; your language is so clear. For your Utopia, what language would be spoken?

Mrs Kunoth-Monks—Alywarre. It is the best language in the Northern Territory; I can speak it.

CHAIR—Just before your coming forward to give evidence, we had a fairly significant session on language and communication. Where did you acquire your English and of what importance to you is the Alywarre language? Can you take us through that a little, please?

Mrs Kunoth-Monks—When I was nine years old, along with my two siblings, I spoke no other language but Alywarre. Then one day my father's mother, my grandmother, said to my father, 'I think you'd better send those children to school.' So he gave us a crash course on how to speak English. Then within a month we had to try and say 'dad' not in Alywarre but in English, and that was very foreign to us. We were put into and attended St Mary's for six years and, during that time, we had to speak English. That is it. But my first language, the one I speak very fluently and the one that still makes sense to me, is Alywarre. I do not speak English when I go home to Utopia; I speak in my language.

CHAIR—Do you think in your native tongue?

Mrs Kunoth-Monks—Yes, I do.

CHAIR—Then you come to English.

Mrs Kunoth-Monks—Yes.

CHAIR—It is quite remarkable. Is there anything else you would like to add that relates to community capacity and where we are at? What you have said is very useful, but there may be something that is on the tip of your tongue that you would like to finish with.

Ms Arbon—In my area where I work, at Batchelor, it is vital for us to be able to make that link between Western knowledge and Aboriginal knowledge in a powerful way. At this stage it is a battle because the funding formulas do not recognise that need.

Mrs Kunoth-Monks—In conclusion, if there is a lopsided approach to what is in our submission—only one coming in and giving and the other one not receiving—you are throwing it away and it will not work. We have to respect each other and come in together. I believe that is happening in the Northern Territory, but we need to keep going, especially as there is concern about young people—and I share that concern with you.

CHAIR—Rosalie and Veronica, we very much appreciate your evidence.

Resolved (on motion by **Mr Snowdon**):

That the following documents be tabled: *Sharing the true stories: improving communication between Aboriginal patients and healthcare workers*, dated 20 May 2002, presented by Stewart McMillan; a submission from Perron Island Enterprises, presented by Victor Moffatt; *Remote service delivery initiatives in the Warlpiri region—a case study for implementation*, from Peter Toyne; *Knowledge centres* and *Factors which influence the successful implementation of digital technology in Aboriginal communities*, presented by Phillipa Webb; Local Government Association Northern Territory—Annual Report 2001-2002; and *Hansard* transcript of Economics, Finance and Public Administration Committee, dated 8 October 2002, presented by Tony Tapsell.

[4.55 p.m.]

ATKINSON, Mr Peter Colin, Manager, Game Development, Australian Football League, Northern Territory Pty Ltd

BEGGS, Mr Duncan Robert, Community Relations Manager, ADrail

CHAIR—Welcome. Do you want to roll your arm over with a few general comments about how it is going and connecting to the Aboriginal perspective?

Mr Beggs—ADrail set out to utilise or give maximum opportunity for Aboriginal participation in the Alice Springs to Darwin railway project. Indeed, it was one of the features of the bid that was put in by Asia Pacific Transport to try and set their bid apart from the other two bids that were being prepared. The result from our perspective has been very satisfying. If I talk about what I imagine being possible in, say, a future mining project as a result of our experience, that will probably communicate what I am thinking about. Given our experience on the Alice to Darwin rail project, it is possible that a future mining company—and there is a big gap between where we are today and what I am talking about—will go to an organisation such as the Northern Land Council and say, 'We are thinking about this project. We are planning it. What have you got to offer us?' That organisation would say, 'We have this number of plant operators and this number of skilled workers,' and so forth and the mining company would then do something like what we did at a very preliminary level. It would do an inventory of what was available from that organisation and what was possible using local people, then top that up with experts and so forth from outside. That organisation would then be available as the employment broker for Indigenous people in the area. In my view, it would be a great day for Australia if we were able to get to that type of thing. So I am hoping that the experience I outlined in the short email I sent around points that way, and I would be happy to answer any questions. In looking at that, I have had a bit of a football background but Peter has had a more extensive involvement in AFL.

Mr TOLLNER—That's not football!

Mr Beggs—There are no superlatives sufficient to describe it, I must admit. Twenty to 30 years ago, or even earlier, the experience of Indigenous people from the Territory going down to try their arm at the big league in the southern states was not as good as it could have been. There was talent up here but, for a range of reasons, people who tried it tended to come back before they had achieved their potential. That is not the case today, and there are some lessons for us all to learn in what the AFL has done. That is why I was keen for Peter to come along. So, without stealing too much of his thunder, I would like him speak for a couple of minutes.

Mr Atkinson—Coming from that perspective, I will just give a small summary of why perhaps the AFL sport as such has had some experience and has a role within the community within the Territory, where we deal mainly with Indigenous people. We are the biggest participation sport in the NT. That is our focus as a sport, even though the flagships are clearly the people who reach the elite level, for lack of a better word. As of our 2002 census, somewhere in the vicinity of 14,000 people participate in the sport of AFL in the Territory. Our annual census is conducted by Steve Ryan and Associates, not internally.

Based on June 2000 population estimates, the overall participation rate for five- to 39-year olds is in excess of 20 per cent of the 59 per cent or so of the country players that we recognise. I will explain where this is leading in terms of what we are trying to do in the regions and some of the principles which we try to adopt to ensure ownership—which we believe is a critical factor not just as a sport but for communities to progress.

In the regions of Arnhem, which is the northern part of Australia—excluding Darwin but including Tiwi—something like 33 per cent of males in the age group that I mentioned participate. For Barkly it is 18 per cent and for Katherine it is 15 per cent, whilst in Darwin and Alice Springs there are high participation rates. With respect to the history of the game in the Territory, it was started in 1916 in Darwin and in approximately 1950 in Alice Springs. There has been a dramatic take-up of the game by the remote areas in the last 25 years, which is relatively recent history.

Our approach to encouraging community acceptance of responsibility for ongoing activities is based on a number of building blocks. We are fortunate, as a code, to have a number of role models, and we believe that is a critical part of gaining progress within communities. I guess 'role model' is another term for 'mentor'. Recognition of authority within communities and recognition of cultural aspects are critical to any success that we have in regions. The aim is to build administration, self-esteem and confidence within communities, and that approach applies throughout the Northern Territory.

We have undertaken initiatives in terms of participation, and I will touch on the number of players who have gone to the AFL level—which is the dream and goal of most youth in the Territory, be they Indigenous or not. One of our initiatives is called Kick Start, which relies on partnerships between community, education, health and police. It is very much a lifestyle message carrier on the back of our sport, but it is very much dependant on the community's feeling that they own the program, as opposed to our visiting remote communities only once or twice. Our aim, from a very early stage, is to demonstrate ownership by the people and to show that we are there simply to resource. That is already demonstrating massive positives for communities, particularly those in remote areas.

On the issue of talented players, 80 per cent-plus are Indigenous players who succeed and get recruited to what we call the elite level—AFL out of the Territory. As recently as the early 1980s, there was little recognition of the need to address family issues and some other issues that we would consider to be major issues. In reality they were the cornerstone of attempts by AFL clubs to ensure that talented players did not leave their hold simply on the basis of lack of talent. So we as a sport tried to address the family issue, and we also recognised the need to provide experience for young people so that, when they were eventually given the opportunity at the highest levels, they were not going somewhere they had not ever seen before. We contrast the experiences of the Maurice Rioli type of person and, even earlier than that, there were other people who came from the Territory who, with the rare exception, were unable to stay and fulfil their abilities. Contrast that to the last 10 years, where we have something like 22 players on the current lists who are well tended to and have a support structure that extends all the way back to the Territory from the AFL clubs. The AFL clubs recognise the need for a range of these issues that ensure that the players stay. Recognition of the uniqueness of the talent of some of the Indigenous people and also the critical part that mentors, family and extended family play in the ability of people to relocate out of the Territory are priorities that are now fully recognised—certainly in the sport of AFL.

CHAIR—Thank you, Peter. That is very enlightening and encouraging.

Mr SNOWDON—I am going to ask Peter to advance a little further along that course. Could you explain the relationships with the corporate sponsorships that have happened in the past and some of the programs they have operated such as the healthy living program on food and nutrition processes?

Mr Atkinson—Driven by the feedback we got from communities—and when I speak of communities I speak of those that are outside the Darwin area, which, for financial reasons, I guess, until as recently as the mid-1980s most of the focus of work done by sports, not just AFL, was the main centre—over the last 10 years there has been a recognition in a number of corporate areas that there was a need to go deeper than just the sport but that the sport could be the carrier. We talk about some of these issues and the priorities piggybacking on the back of the sport because of the sport's ability to create respect within a community. To that extent, we have been able to develop relationships with bodies such as ATSIC, Rio Tinto and some of the other major corporates that generally do not gain the promotion advantages that they would if they were to put their money into the talented players area. So, on the back of that, I think they have developed a corporate conscience that drives them to want to extend and create better communities outside those that have existed for a long time because of the inability to deliver decent health services and to gain good outcomes from education approaches. This is only a personal view, but as technology improves and communities gain more access to what the teenagers, in particular, can see is available to their equivalent age groups outside their communities, we have law enforcement orders and the police. We have been able to form partnerships with those groups, with the support of the corporates, and go in with a very generous pool of resources. But all those partnerships are conditional upon being received by the communities upon performance in all those areas. We have found that school attendance has improved. We are monitoring closely the effect on law enforcement issues. Clearly, the biggest area is health. That is going to be a long-term way of assessing, but at least we think we have opened doors.

CHAIR—That is great. It is way ahead of where I had expected it to be, and that is why Duncan was keen for us to hear this. In measuring those outcomes, where are you at, what is striking you? You mentioned three areas at least in the school attendance et cetera.

Mr Atkinson—I would preface it by saying that we are in what we consider to be early days, because we do not think two or three years is a fair assessment period.

CHAIR—Which is about the length of time you have been going.

Mr Atkinson—We have been going in a lesser or more modified form since 1997, when a gentleman called Gilbert McAdam kicked off a form of Kick Start. In the last 12 months it has expanded to the extent that I have described.

CHAIR—I am a Central District supporter.

Mr Atkinson—You would know Gilbert.

Mr SNOWDON—He is back in Alice.

Mr Atkinson—Yes, on his way back to Adelaide.

CHAIR—He is indeed.

Mr SNOWDON—On his way back here?

Mr Atkinson—No, Adelaide, I think. We are particularly keen to have it assessed outside our own forum. To that end, we have become involved with a researcher at the University of Queensland who is controlling the assessment on behalf of not just ATSIC and the AFL—

CHAIR—So it will be measured very strenuously and rigorously.

Mr Atkinson—Yes. The problem with trying to assess the success of a sports driven program, when all these other aspects are on the back of the sport, is that you can get lost in statistics.

CHAIR—I agree. The brave effort and all the endeavour should not be clouded by the daily business. It is nice to have a bit of backup and an assessment of how you think it is going. I guess anecdotal evidence is not a bad start.

Mr Atkinson—We are also keen to measure it by how many of the programs throughout the regions are managed by Indigenous people. That is a measure that we are keen to develop which was not originally amongst the priorities of the other partners.

CHAIR—I imagine that there would be a lot of other agendas. You would have to be discerning about what you took on and what you did not. People would approach you and say, 'What about this or that?' Is that a reasonable assessment?

Mr Atkinson—Yes. That is exactly what is happening.

CHAIR—You would need to sort it through.

Mr Atkinson—I should make the point that we are endeavouring to identify several other sports with which to develop the concept. There is a perception in the general public that our priority is talent identification. That is not what this program is about.

CHAIR—I mentioned the gender specific nature of it, because there is a view that Aboriginal women have a lot going for them and may be a little stronger in leadership, while the men may be struggling. That is what some say. This sport is clearly gender specific, but you are bringing in other sports which will no doubt pick up the women as well.

Mr Atkinson—Our experience in the southern half of the Territory is that a lot of the communities are very matriarchal. We are able to accommodate and work best with that once there is a recognition of it. The sports that come on board with us will have to acknowledge and work with that.

CHAIR—One issue that you no doubt would be aware of—I think I have seen some posters around—is domestic violence and role models. Are you able to comment on that?

Mr Atkinson—I can say that that has not been a priority yet. We chose to gain as much feedback as we could from the communities on what they wanted to focus on in terms of law and order. Because of the focus—our participants are youth—they identified a number of areas before the one you just mentioned.

Mr SNOWDON—It is worth pointing out that earlier in the year—I think it was April—there was a planning day for the Central Australia Football League, which was about looking into the future and trying to develop some strategies. The key issue that came out of the day was that alcohol should be banned at the football. That came from the Indigenous communities. It has not been banned, but out of that has grown discussion about family violence issues and how you moderate alcohol intake as part of a social event—in this case, football. This has led to a constant round of communication between the clubs and the football league. Sport is the focal point of a lot of social activity, as it is in country Victoria or country New South Wales. In some country areas of Victoria they have banned alcohol for similar reasons. What has come about from this—in terms of our inquiry—is that people have the ability to express their priorities and to start to control events that they are the major shareholders in. It has a long way to go but I think it is a very good model.

CHAIR—It has a unique place and can influence people. As you said, the AFL can create respect within the community in that way.

Ms HOARE—Further to the gender issue and sport, are the women involved in management programs—for example, team management, ground management, event management—where they use skills which they, as leaders in their community, can further develop in other areas in their community?

Mr Atkinson—We are endeavouring to encourage that as much as possible. We have run into a couple of areas where we are confronted with cultural issues. We are endeavouring to work around that by creating special programs that can be delivered separate to the male area. Part of the program seeks to identify teenagers within the community to do critical parts of the program delivery, and we have actually discovered that the majority are girls. I mentioned that, in some areas, we have run into cultural resentment, but that is very much the minority. I would suggest that it is less than five per cent of the communities that we have worked with to date, which is something in the order of 40 communities—and that is outside the main centres. In the main centres, the number of Indigenous women who are involved with the sport is surprisingly high. So there are certainly no blocks from the sports side of it. With the number of women who are involved on the three partnership areas, there is very much an up-front endorsement that it is male/female driven.

Ms HOARE—Duncan, I have a question for you with respect to the Alice Springs-Darwin rail link. I have a note here that 370 people have completed 660 individual training courses thus far and more than 100 Aboriginal people have completed training courses—so 270 non-Aboriginal people completed the training courses. If that is the case, why isn't the number of Aboriginal people, particularly in the region you are in, higher than that?

Mr Beggs—First and foremost, we have a project to build at a budget and we had to go for the most efficient way of doing that. For occupations such as diesel fitters, scraper drivers and that sort of thing there was just not the time, given the fact that it is a 2½-year project, to train

people up to those levels of skill to come onto the project. So quite a significant number of positions were just not able to be directed towards Indigenous people.

Ms HOARE—So those other 200 would more likely be people who already have a particular trade or skill level but require further training to be adapted to the project?

Mr Beggs—Where we could take people who have basic skills and minimal experience and say, 'That position or that position is open to those people,' we blatantly and without any negative feedback have looked at Aboriginal people for those positions as much as possible. One example of that was in our culvert construction course. The technique was to build the formation of the railway line through, then where we needed to put a culvert in, using equipment, cut out the formation that was built, take preformed galvanised steel pipes and put them in place, put form work up, mix natural or existing material from the area—screening bits that we did not want out of it—and mix with cement to have a very weak concrete mixture, then place and compact that and finish it off. We made the decision that skills or work activities like that did not need a lot of previous experience or qualifications.

We ran specialist, what we call, access courses for Indigenous people and we put 60 or 70 people through the culvert construction course. It lasted five or six weeks. It was run by a registered training organisation, in this case the Northern Territory University. The Northern Land Council's role was to give us a list of people who they felt were suited to that course. We did not pay anything towards that; they were funded by CDEP wages while they were on it. We paid the cost of the training and monitored the course. We took all the participants out to our construction camps for a day or two during the course so that they would have some experience of where they were going to be living. Because the work was progressing, they had to be prepared to progress with the work. We then did whatever else we could to give them a feel for what it was going to be like out there working 10 or 12 hour days, 13 days a fortnight.

We had very real job outcomes at the end of those courses. The Northern Land Council screened people and gave us a list of 100 people and we said, 'Okay, we like the look of these guys.' It took us a bit of a while to get it up and running, but in the last course we had a guy called Fred Graham who acted as a mentor. If somebody missed the bus or whatever, Fred would be there half an hour later saying, 'How come you're not at the course? Look you can't do that on the job. You get put off the job if you do that. You've got to get there no matter what shame is attached to arriving late,' and so forth. He dealt with other issues like money getting into bank accounts and that sort of thing. So the end result was that we had very high retention rates—80 to 85 per cent of people who started those courses completed them. Some 80 to 90 per cent of the people who completed those courses were eventually offered positions on the railway project.

Ms HOARE—Were there any women?

Mr Beggs—Yes, there were. There were more women offered positions in the courses that were run by Morris Corporation. Again, there was access training—courses were run before they were given a chance at employment to give them a better chance of winning employment. Morris Corporation is our caterer and maintains the construction camps. Austrak is the company that is manufacturing the sleepers—think of a factory—and there were women in that course. Austrak tended not to run access courses but to take the view that the best training was what they could do on the job—showing people how to put the shoulders into the sleeper moulds and

that sort of thing. I cannot tell you offhand what the ratio was, but there were a number of Indigenous females in those courses and my understanding is that they performed very well.

Ms HOARE—We have had discussions with other people in relation to what used to be the TAP employment programs. The structure of what you have done sounds very similar to what used to be in place.

Mr Beggs—Yes.

CHAIR—The way that you left the cross-cultural training to the Central Land Council and the Northern Land Council seems to me to be quite practical, given the scope and the time lines on the project. It seems that their role was very positive. This is not directly related to the land councils, but you have already spoken in terms of a template for corporate Australia or for other businesses where you specify certain percentages of or certainly an amount of involvement by Aboriginal people in employment. There are two parts. There is the corporate sector setting, the lead contractor or the person doing the job setting the target right from day one as well as using people that were entirely appropriate and able to guide you through the difficulties that may lie ahead. Can you comment on that and give us a little bit more.

Mr Beggs—There is a fair bit to comment on. Essentially, we did not prepare the original bid to the government. That was Asia Pacific Transport Consortium that became Asia Pacific Pty Ltd, and they—

CHAIR—It may have been a requirement of the government of the day to have them included. I cannot recall.

Mr Beggs—I think that, whatever requirements were there—and there were some requirements or some preferences—if a principal is saying in his tender documents, where he invites the tender, that consideration will be given to the following, the smart tenderer takes notice of that and tries to set himself apart from his competitors. That is certainly what Asia Pacific did. There were a lot of people coming out of Asia Pacific's bid team into ADrail, but ADrail was not around until the financial close of the project. So ADrail had numbers of positions of employees directed to it by Asia Pacific, but that was the result of asking internally, 'Realistically, how many jobs can we expect to offer to unskilled Aboriginal people?' The answer was about 100, and we exceeded that figure. At the end of the day when we got down to it more than 100 people were offered employment.

There were other rules or criteria that were set, such as: let's not reinvent the wheel; let's use existing organisations. The role that we had with the land council was twofold. We used the land council and we paid for three or four positions with each of the councils to be set up and established during the project. Their function was to go out to the communities before we got there with construction. There were certain lengths of the corridor for which clearances were required saying, 'Okay, you can go through there, but when you are ready to start construction we the native title owners or the traditional owners—the custodians of the sacred site—want to eyeball the construction people so that we can understand exactly what they are doing and they can understand what we want to protect.' So these liaison officers had a role to play in getting the right people to those meetings then facilitating and being a point of contact for traditional owners to approach if they were unhappy. For instance, I am going down to Alice Springs tomorrow morning because the land council people that we are funding have said the people in

Alice Springs are worried about what the train is going to mean to their camp and so forth. So we will go down and do a presentation and discussion on that or with regard to employment and training.

I have not checked, but I do not believe that it is in the charter or constitution of the land councils to concern themselves with employment and training. I think they really are land councils. But there was no better organisation for us to approach than the land council, because we were going across Aboriginal land. Asia Pacific offered $5 million worth of equity in the project, even though the corridor had already been secured by the Northern Territory government, so Aboriginal people would have some ownership of the project in the 50-year life that APT has. We said, 'It is all tied up and there is no better organisation than the land councils to talk to about training and employment.' So, for training, we said to them, 'Do you have people who are suited to this,' and they said, 'Yes we have—we know people; we are trying to get them into work and give them meaningful career opportunities.' So we said, 'Give us a list of people who you think are suited to this course and this employment flowing out of it.'

I do not mean to generate the wrong impression about ADrail, but we really have not had to be overly concerned about cultural issues, because we have accepted what we have been told or what has been recommended to us in the large part. We have challenged it a number of times, but we have really accepted and worked with the advice that the liaison officers and people looking after the employment and training have given back to us, and it has been a fairly successful relationship. I am not saying that we have reached perfection; we have probably just got above passing grade. But in comparison to where we could have been or where other projects have been, that is tremendous progress.

CHAIR—I agree. Clearly it is a pretty good outcome, from where I sit.

Mr TOLLNER—I have not heard a bad word about the project at all, apart from Gouldian finches.

Mr Beggs—Don't get me started!

CHAIR—There was something to do with a railway line at the Adelaide River too—a bridge. You note in your submission that the Aboriginal Land Rights (Northern Territory) Act causes significant barriers for commercial projects. Given that the Northern Territory government negotiated the corridor for you, what were the significant barriers and problems that you had with that act? In hindsight, what changes do you think could have been made to the act to make life easier?

Mr Beggs—I do not think I said that the Aboriginal Land Rights (Northern Territory) Act caused significant barriers. I did say in the notes that were sent out that it prevents Aboriginal people from dealing in their land without having to go through a number of processes. As I understand it, financial institutions do not see that they can lend money to Aboriginal organisations against their land, as they can to me with land that I own. I was just pointing that out. We have worked with, accepted and recognised what is there and the Aboriginal Land Rights Act is there. The Northern Territory government understood that as well. That is why, even if you left Aboriginal land out of it and you looked at just the land between here and Adelaide River, to leave it up to a private consortium to secure the corridor through there was a fairly significant risk, I would suggest, because the consortium would have to go out and select

a route, approach landowners and negotiate with each one and it would take a considerable time. What I was trying to highlight in my notes was that there were restrictions and conditions on land owned by the Aboriginal Lands Trust because it is inalienable freehold land and there has to be that negotiation, which takes a lot of time. There is a lot of difficulty in an organisation such as ours trying to secure the corridor. It made a big difference. I would go so far as to claim that, if that corridor could not be offered by the government as secure to the consortium, they would not have got a consortium to put a bid in for and secure the project.

Mr TOLLNER—You are saying that, as a private operator, the cost of negotiating that corridor would have been too expensive to validate the project. It was only the drive of the previous Territory government to negotiate which freed that corridor up for you.

Mr Beggs—I have a feeling that you are trying to put some words into my mouth.

Mr TOLLNER—No. I am not. We are lucky Warren is not here; he would rip my head off at the moment!

Mr Beggs—I am saying that, for the project to get up and running, any government of the Northern Territory had to do what was done, and that was secure the corridor. In my own opinion—and it is not ADrail's official position, nor is it APT's official position; it is me as a Territorian saying—the perception of the task of securing the corridor from a greenfields site would have been so great that the consortium would have walked away from bidding for the project.

Mr TOLLNER—I hear exactly what you are saying. I am involved in another committee which is doing an inquiry into impediments into the exploration industry. It is interesting how these two committees seem to cross over on a number of issues.

Mr Beggs—I am familiar with what you are talking about. I have a great respect for the ability of participants in that other industry to speak for themselves.

Mr TOLLNER—They do not have the good fortune to have a government to negotiate land access on their behalf. That was the only point that I wanted to make.

Ms HOARE—You said, Duncan, that you were giving a presentation in Alice Springs tomorrow morning. We just had a good presentation about language and I was just wondering whether you are taking an interpreter with you or whether the Central Land Council is providing one.

Mr Beggs—I have worked in many situations and I have found that somebody from the community generally has the ability to understand the message that I am communicating. Often that person says, 'Do you mind if we talk in language,' and of course we do not mind, and they communicate that way. There will be somebody from the Central Land Council there, but the person who is coming from the Central Land Council will not be the bilingual person. Maybe it is because I am so familiar with it that it is just not an issue. You take the time. If they want to talk in language, they do; if they do not, then fine.

CHAIR—I have one question and it is really related back to the government and unrelated to ADrail. It really makes a very powerful point. In the letting of the contract and the working up

and all the effort that went into making this thing happen—securing a line was but one issue—the government clearly showed a lead in specifying an interest in having Aboriginal employment, and you fulfilled that. You said the intelligent bidder was always going to be in there bidding with that as one of the criteria. It seems to me—and in travelling around the Territory in the last few days we are very conscious of the fact—that there is a real tension between a private contractor, say, doing buildings in the community and the local community doing it.

It has been my dream for about a decade—and it has not happened—that if government directs people to do certain things they will respond. That is really a matter for government. It is a statement, but you might be able to help me reinforce it—and perhaps repeat what you have already said. If government wanted Aboriginal participation in building houses, roads and in a whole lot of activity, then in terms of the contract, particularly when it is predominantly Commonwealth and Territory money, they could have a vested interest in building on what ADrail have already done. You people have done it and done it well. You have made it happen, and I am just inviting a comment to say that it would not be impossible to do it in other areas. You had a difficult contract to fulfil with this railway.

Mr Beggs—There are a couple of comments I would like to venture. It sounds trite to say it but we have had to invest a fair bit of money in putting positions in place, if you like, that have helped get the outcomes we have got. I am talking about the Aboriginal liaison officers and the mentoring position. Yes, we have had some assistance from government programs to make that happen, but there is that there. In the AFL's instance, it comes from the clubs—they pay for people like Peter and some of his team—as well as corporate sponsorship. In our case, we saw that our bid would stand up a bit better in comparison to our competitors if we offered these things.

I have some familiarity with the NAHS program that is being run by ATSIC. It too is trying to go in the right direction. But at the end of the day there is a lot of pressure on looking at the unit cost per house. That pressure is often sufficient to drive you back to doing it the way you know how to do it—because the competitor is going to be offering an alternative price. A word of caution from our experience: we have been a 2½-year project and, interestingly enough, there was more time spent between the time the bid went in and the start—thrashing out all the financial details and the legal details—than it is taking us to build it. That is an interesting statistic.

My hope is that the railway will generate some other projects, such as mines and that sort of thing. I have been talking to one miner who is thinking the same way: what can we do to get Aboriginal people involved? And there is a lot. You could list a lot of things that you could try and do. From my limited personal knowledge, and what I have heard from other people who have had a lot more experience in this area than I, a longer-term scenario probably has a different set of stumbling blocks, impediments and restrictions on it than what we had. We were trying to do it in 2½ years. On some of the issues that perhaps started to become a bit obvious towards the end of the project, we have said, 'It is only six months more that we have; there is not a lot we can do about that.' But, if we were a long-term mining project, we would have to do something about those things to make them work. I am not blindly claiming that ADrail solved the—

CHAIR—The template may not easily be transferred.

Mr Beggs—But there are enough good things there. I am happy to talk to anybody about the experiences we have had, because I think there are good things there that need nurturing and building on. At the risk of sounding like I am offering a commercial, I think that the role, approach and performance of the land councils need to be recognised and, dare I say it, seized upon and taken advantage of. For too long in the Territory there has been a conflict—a 'them and us' type of situation. We seem to have been able to leave that behind us in this project and the results have been very good.

CHAIR—They have a competence and capacity that should be respected and built upon. If there is anything you would like to add, please feel free to.

Mr Atkinson—We believe that any long-term success is very relevant to what Duncan was touching on. In our position, we believe that the education of youth will be the long-term benefit that will carry into the communities which will eventually be run by the very people that we are trying to upskill. We think that is critical.

CHAIR—All strength to you.

Mr Beggs—It is not accidental that former Senator Bob Collins—who started out in the project in the position that I have now, and we have picked up different parts of each other's position—had the role of community liaison manager, because of his background in this area. I have read his *Learning lessons* document, and there are a lot of pointers to the future, as Peter points out. I could not agree more with what Peter is saying. The long-term future has to be education.

CHAIR—Bob started the day with us and you have finished it. This is a very appropriate point to conclude today's discussion. Duncan and Peter, thank you very much.

Resolved (on motion by **Ms Hoare**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 5.46 p.m.