



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON ABORIGINAL AND TORRES  
STRAIT ISLANDER AFFAIRS

**Reference: Capacity building in Indigenous communities**

TUESDAY, 8 APRIL 2003

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**HOUSE OF REPRESENTATIVES**

**STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

**Tuesday, 8 April 2003**

**Members:** Mr Wakelin (*Chair*), Mr Cobb, Mrs Draper, Ms Gillard, Mr Haase, Ms Hoare, Dr Lawrence, Mr Lloyd, Mr Snowdon, Mr Tollner

**Members in attendance:** Mr Wakelin, Ms Hoare

**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**

<b>ASHTON, Ms Vicki Ann, Company Secretary, Redfern Aboriginal Corporation .....</b>	<b>618</b>
<b>BAILEY, Ms Sandra, Chief Executive Officer, Aboriginal Health and Medical Research Council of New South Wales .....</b>	<b>646</b>
<b>BROUN, Ms Jody, Deputy Director General, New South Wales Department of Aboriginal Affairs .....</b>	<b>658</b>
<b>CAPPIE-WOOD, Mr Andrew, Director General, New South Wales Department of Aboriginal Affairs .....</b>	<b>658</b>
<b>CHRISTIAN, Mr Grant, Chairperson, Aboriginal Housing Co. Ltd.....</b>	<b>612</b>
<b>CHRISTIAN, Mr Trevor Charles, Manager, Sydney Regional Aboriginal Corporation Legal Service.....</b>	<b>639</b>
<b>COE, Mr Paul, Member, Metropolitan Local Aboriginal Land Council .....</b>	<b>625</b>
<b>COLYER, Ms Claire, Research Officer, Fred Hollows Foundation.....</b>	<b>591</b>
<b>DELANEY, Mrs Pat, Programs Manager, Aboriginal Health and Medical Research Council of New South Wales .....</b>	<b>646</b>
<b>DICK, Mr Darren, Director, Social Justice Unit, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.....</b>	<b>603</b>
<b>DONALDSON, Ms Margaret, Director, Native Title Unit, Human Rights and Equal Opportunity Commission.....</b>	<b>603</b>
<b>GILLIES, Dr Mark, Board Member, Fred Hollows Foundation.....</b>	<b>591</b>
<b>HAINES, Mr Roy Arthur, Resource Officer, Redfern Aboriginal Corporation .....</b>	<b>618</b>
<b>HAVNEN, Ms Olga, Manager, Indigenous Programs, Fred Hollows Foundation.....</b>	<b>591</b>
<b>INGRAM, Ms Norma, Manager, Metropolitan Local Aboriginal Land Council.....</b>	<b>625</b>
<b>JONAS, Dr William, Aboriginal and Torres Strait Islander Social Justice Commissioner, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.....</b>	<b>603</b>
<b>MUNDINE, Mr Michael Henry, Chief Executive Officer, Aboriginal Housing Co. Ltd .....</b>	<b>612</b>
<b>RAMSEY, Mr Michael, Project Director, Redfern/Waterloo Partnership Project, Premier's Department.....</b>	<b>669</b>
<b>SCOTT, Mr Ralph William, Finance Manager, Sydney Regional Aboriginal Corporation Legal Service.....</b>	<b>639</b>
<b>VALILIS, Mr Peter, Project Manager, Aboriginal Housing Co. Ltd.....</b>	<b>612</b>
<b>WELSH, Mr Robert, Chairperson, Metropolitan Local Aboriginal Land Council .....</b>	<b>625</b>
<b>WILLIAMS, Mr John, Policy Analyst, Aboriginal Health and Medical Research Council of New South Wales.....</b>	<b>646</b>
<b>WILSON, Mr Richard John, Deputy Principal Solicitor, Sydney Regional Aboriginal Corporation Legal Service .....</b>	<b>639</b>

**Committee met at 9.19 a.m.**

**COLYER, Ms Claire, Research Officer, Fred Hollows Foundation**

**GILLIES, Dr Mark, Board Member, Fred Hollows Foundation**

**HAVNEN, Ms Olga, Manager, Indigenous Programs, Fred Hollows Foundation**

**CHAIR**—I declare open this public hearing for the Aboriginal and Torres Strait Islander Affairs Committee inquiry into capacity building in Indigenous communities. We have taken evidence in Canberra, the Torres Strait, Maningrida, Wadeye, Darwin, Shepparton, Warrnambool and Melbourne, and now we are in Sydney. We came from Newcastle yesterday and we go to Bourke tomorrow. I welcome representatives from the Fred Hollows Foundation and people in the gallery from the Premier's office. These are legal proceedings of the parliament and need to be accorded that regard. You might like to make a short opening statement.

**Dr Gillies**—Good morning. I am an ophthalmologist who used to work with Fred Hollows. I would like to make some preliminary comments in relation to the Fred Hollows Foundation's submission to the inquiry. The foundation strongly endorses the standing committee's decision to conduct an inquiry into capacity building in Indigenous communities. I would like to touch on what we believe are the barriers to capacity building in Indigenous communities; outline the Fred Hollows Foundation approach, which is a multifaceted approach, to dealing with a complex problem; note the importance of the roles of non-government organisations, which we believe have a role to play but are not a substitute for government initiatives in this area; and touch on our unsuccessful applications for funding. I will finish by noting some key elements of capacity building.

In general, the foundation believes that the major barriers to capacity building in Indigenous communities are the very root causes of the problems besetting Indigenous Australians. These are poverty; poor nutrition leading to poor health; poor education and low literacy rates; poor community health infrastructure, including housing and sewerage et cetera; high unemployment rates; and Indigenous people's lack of power over their own destiny. The foundation strongly contends that no amount of capacity building will have an effect unless these basic community infrastructural problems are addressed. These problems are compounded by the paucity of available services, the lack of funding equity with mainstream populations, the complexity of government funding arrangements and lack of coordination of services.

If you turn to page 11 of our submission, you will see a diagram which shows all the sources of funding for community projects for Indigenous people. This funding system is not consistent with a rational government service that is responsive to the needs of its clients. The whole system lacks accountability and makes it too easy for government departments to deflect responsibilities onto other departments or other tiers of government. It also makes it very difficult to set national benchmarks, with the result being that communities are trying to implement practical solutions but are facing a maze of bureaucracy, funding sources and unreasonable requirements to get and acquit funds.

With regard to the Fred Hollows Foundation approach, our broad principles are firstly that genuine partnerships with Aboriginal organisations and communities must be established.

Communities must identify their own problems and have control over the projects. Secondly, we seek to support community initiatives in practical ways, such as by assisting them to secure funding, find expertise and access resources. Finally, we have a multifaceted approach to addressing complex problems; we approach them on a number of fronts to achieve a result. To illustrate this approach: when the Fred Hollows Foundation was looking to do an eye health project for Aboriginal Australians, we initially thought we would do a program on trachoma. Trachoma is a chronic inflammation of the eyes which has been eradicated from all first world countries apart from Australia. But, when we approached the Aboriginal people, they said that in fact their major problem was diabetic retinopathy. So we took their advice and looked at what we could do in diabetic retinopathy.

The normal treatment for diabetic retinopathy consists of screening with cameras and applying laser treatment where appropriate. But the more we looked at it the more we could see that the root causes of the problem were what I alluded to just now: poverty, poor nutrition and low literacy rates. We implemented a program with the Jarwoyn people in 2000, and a number of simple measures were undertaken. The first was support for a women's resource centre that provided meals at schools. We employed a nutritionist and practical resources such as a stove and some pots and pans. This resulted in school-age children being healthier and reportedly better students, and verifiably the school enrolment rate and attendance have doubled in the local communities. There are 158 people enrolled at the school.

**Ms Havnen**—We have a student population in the order of 160. Current enrolments run at between 120 and 130 children, so the majority of primary school age kids are attending school. In discussions, both the former principals and the current school principal have suggested that school attendance has largely been driven by the fact that breakfasts and lunches are provided at school. That is seen as an inducement for kids to come to school and to stay at school.

**Dr Gillies**—A second program was a financial literacy program through The Money Story, which explains financial dealing in terms of water: dams, reservoirs, turning taps on and off and controlling flow. This respects the principle that we address people's problems as we find them. Apparently financial literacy was the main problem for these people. We did not want people to have to go through school and university to become accountants; we wanted to teach the people about their problems so we could get immediate results. That has also been very successful. Finally, we have a stores program where we were able to foster a collaboration between Woolworths and a community that wished to regain control of their own store, which has been very successful. They are much more successful in accessing fresh food. They have paid off the debt that beset the store in six months and trained and created jobs for local people.

The next step we will be taking is implementing a Literacy for Life project. With regard to the role of non-governmental organisations, we maintained that NGOs are not a substitute for government. We maintained the government has a clear responsibility to provide just as much health care to remote Australians as it does to metropolitan Australians. However, we believe that NGOs such as the foundation have an important role to play in supporting Indigenous communities. The advantages that NGOs may enjoy are that they are able to take a genuine partnership approach and work alongside communities. They can take the long view and stick with a community for a long time. We have already been with the Jarwoyn people for three years, and we anticipate a 10-year collaboration with them. We believe that we are flexible and can respond to changing needs in a community.

The government has encouraged NGOs to get involved in this area, but you might be interested to know that we have not been very successful in gaining funding. The Commonwealth Department of Education, Science and Training rejected a program aimed at improving maternal literacy and preparing preschool children for school. The Department of Family and Community Services rejected an application to support women's centre programs in a cluster of communities in the Katherine region. The programs were to improve homemakers' skills, financial management and budgeting. The Commonwealth Department of Health and Ageing rejected an application for assistance under the National Child Nutrition Program to enhance the existing school nutrition program of which I have just spoken.

The key elements that we believe are important in capacity building are to recognise the principle that capacity building means a genuine transfer of responsibility and ownership to Indigenous people to the extent that they become self-reliant. Some of the key elements we believe are important are: recognising and working with individuals and communities at the stage they are at and working to build on that; responding to the needs identified by communities such as taking on a diabetic retinopathy rather than trachoma program, which I have just talked about; working towards empowerment and Indigenous decision making; strengthening existing community initiatives where possible; employing local people if possible to solve their own problems; and providing adequate resources, flexibility and support.

In conclusion, we believe that the government is very much on the right track with this inquiry into capacity building and we fervently hope that the process does not end with the deposition of these submissions. It is our view that capacity building will only succeed if root causes and basic infrastructural problems are also addressed. The ultimate aim of capacity building should be to allow communities to identify their own problems and have real control over their program. We believe that an important objective for government right now is to rationalise services in a way that transcends state lines and departmental boundaries. Benchmarks should be set to ensure that programs for Indigenous Australians achieve parity with mainstream programs, taking into account that the need is greater and the services are more expensive to deliver.

**CHAIR**—Thank you very much, Dr Gillies. Olga, did you want to add anything from your perspective? First, we should introduce Claire. Where do you fit in, Claire?

**Ms Colyer**—I am a researcher with the Fred Hollows Foundation.

**Ms Havnen**—My current position with the foundation is the Manager of Indigenous Programs. For most of my working life, I have worked in Aboriginal affairs—either with local Indigenous organisations or at various times with other government agencies, such as the former Aboriginal Development Commission and subsequently ATSIC. So I come with a fair degree of knowledge and background with respect to the subject matter.

The one opening comment I would like to make—and I think it is really important that we recognise this—is about the impact of historical practices, if you like, and government policies of the past. If you think about it, Aboriginal lives were absolutely and totally controlled in every aspect for so long, right down to where you could live and work, who you could marry and all of those sorts of things. I think it has only ever been in more recent times, in the last 20 to 30 years, that Aboriginal people have been allowed to exercise that level of autonomy—the personal choice and freedom—in some sort of legal manner. So when you are talking about capacity

building in Indigenous communities, you have to be very mindful of the practices of the past and how they have actually impacted on the current generation. Then I think there are the intergenerational impacts as well. So you have to take very much a long-term approach, and you have to be very mindful of the history and the experiences of people at a very local and regional level.

**CHAIR**—I have fond recollections of being in Broome and speaking with an old Aboriginal gentleman. I will not paraphrase the late Fred Hollows, but we know that he had a very direct way of speaking. He basically said, ‘What are we going to do here?’ but in more direct language than that. I have never forgotten that, and it still makes me chuckle. From that I think grew the Broome Aboriginal Medical Service.

As I flicked through your submission, I was mindful of the fact that you have already been over the ground that we are covering now over many years and you have actually written it down here. You have almost written our report for us. The point is that we really value your submission. To glean from you some directions and try to tease out some of the issues in the 30 minutes or so that we have left this morning will be a bit of a challenge. Can we start with the Harvard project? What are your views on the Harvard project? What are some of the obvious things that could apply here? We talk about culture and cross cultural, but perhaps you could explain what we mean by culture and cross cultural. Often this word ‘culture’ is used quite loosely by a lot of people for a whole lot of reasons. So how do we define it? Without getting too broad, perhaps you could start with the Harvard project and the advantages you see for this country and for some of the issues?

**Ms Havnen**—I think the Harvard project itself is particularly interesting. That research was conducted by first nations people themselves, and that was a useful starting point in that people actually understood the social and cultural context and environment in which they were working. The critical information that they gained from that research project was that it was really about how local Indigenous institutions were developed in a way that provided a cultural and social fit—that is, they did not just adopt the mainstream, Western corporate model of developing their local government arrangements. If there is flexibility in the way those institutional arrangements are developed, they are much more likely to have legitimacy and authority amongst the local community. I think you only need to look at what has happened in places in Africa, and closer to home in PNG, where government and governance does not work. It has largely been because there has not been that recognition of the social and cultural parameters, constraints or imperatives.

The other thing that comes through absolutely clearly, with the Harvard project in particular, is that where you have the greatest possible degree of local ownership and control, you are much more likely to get better outcomes not only in terms of ‘more bang for your buck’ from dollars spent on program activities but also with employment outcomes and people’s sense of wellbeing. There are a number of ways you can look at that particular study, and there are real parallels that are very useful for Indigenous communities here.

The other thing, as Mark has already said, is that it is about recognising where people are at, not where we expect them to be. In the communities where we are currently working, people do not have English as a first language—quite often it is a third or fourth language—and literacy levels are quite low. The other thing is that people’s social and cultural responsibilities and



obligations are in fact part of everyday reality; they are part of people's everyday lives. To highlight that for you, an example is in the community store. The people that we have working in there may at times need to find somebody else to work on the checkout because the customers coming through that checkout are people with whom they have avoidance relationships. So, it is understanding those sorts of practical realities.

**CHAIR**—Can we talk a bit about the definition and relevance of 'culture'?

**Ms Havnen**—This is the other thing. The policies that have been developed by governments, whether at a state or federal level, have reflected a tendency to think one size fits all. There has been failure to recognise the multiplicity of Indigenous societies. There has been a tendency to want to treat Indigenous people as being the same all over the country, which is quite clearly not the case—there are distinct Aboriginal societies right across the country. How do you define 'cultural'? I guess it is about the way you see and understand the world: the rules, the relationships and all of those things.

**CHAIR**—I agree with all of what you are saying and I think it is important to many of us who think about these things. We also touched on many things in Mark's contribution and your submission. There are clear issues involved: literacy, numeracy—the money issue—health and sustainable economic development. There are a whole lot of things relating to the issue of cultural connection. Richard Trudgen talks about this. Unless we understand those issues better, we will never hit the mark. I am trying to connect. Where can we get the cultural understanding and start to make progress with these other things? Do you see what I am trying to get at? We have been missing the point and not connecting.

**Dr Gillies**—The point is: where do you get the knowledge about the culture? Is that the question?

**CHAIR**—There is that, and that is essential. It is the meeting of the two cultures, essentially. With the economic and literacy issues, we are asking people to do a whole lot of things which, in a whole lot of ways, are probably causing difficulty, especially with second and third languages. I tried to learn Pitjantjatjara—maybe that is a good, practical example. I spent a week trying to learn Pitjantjatjara; that is an insult to Pitjantjatjara, but I wanted at least to understand a bit about it. From those few words that I retain—and I am having to go back and relearn and relearn—I now have the semblance of an understanding of the language difference. And we get to a literacy issue based on health; Richard Trudgen has some views about that. I am just trying to pick out one or two points where this connection might assist us in going forward.

**Ms Havnen**—Maybe I could answer the question in this way. Coming from the Northern Territory, it used to absolutely astound me to watch Northern Territory government politicians and members of the Legislative Assembly go to great pains to learn Bahasa and to familiarise themselves with the protocols of working and operating in countries like Indonesia, yet I cannot recall any one of them ever putting their minds to attempting to understand Indigenous cultures within their own backyard and that of their constituents. So, when we are talking about capacity building in Indigenous communities, it is a two-way thing. You have to build the capacity of non-Indigenous people and institutions to understand the environment and people with whom they are working. One would argue that that is based on mutual trust and respect. If you do not have that respect for your fellow Australians and you do not think that it is important to

understand them, you would not bother to learn or understand anything of their language, culture, customs or traditions.

**CHAIR**—Take, for example, the trachoma/diabetes example and the discussion that you had with the Aboriginal people where they said, ‘No, we’ll try this.’ It seems to be vital to get to that position where you understand what the focus is. It seems to me that in every issue you need to come to that common view and common mind; if literacy is important, let us understand how we make literacy important. Go through every issue that needs to be dealt with: housing and the whole lot of it. Unless you make that connection, you will always fall short. I am just trying to connect the two cultures to get to the outcome that I think we all, along the way, want to get to.

**Dr Gillies**—It is important to have two cultures in charge of the programs. Obviously you are thinking in this way, but a lot of people have not thought in this way historically. I think you will make a lot of progress on this issue if there is Indigenous control of projects—not necessarily total control but at least with a significant Indigenous voice in management and, when it comes to acquit programs and that sort of thing, in the reviews of the programs.

The other thing is that, as you are well aware, there are no quick fixes in this. You have to prioritise and direct your efforts where they are best met. You are not going to suddenly make all Indigenous Australians literate, but, if you institute programs now, in 10 to 15 years time you will be in a much better position.

**CHAIR**—But you might be able to get some departmental people to become more literate in Aboriginal issues.

**Dr Gillies**—That is a very good point, yes.

**CHAIR**—They are the things that this inquiry has to make some progress on. Dr Dewar and I were having this debate before about Aboriginal control. One of the ATSIC commissioners was running this with us yesterday. In every portfolio, every dollar goes straight to the Aboriginal people. They are responsible, and they spend it as they see fit. My instant reaction and my prejudice, if you like, was: but how do we know that this money is going to be spent in a way that everyone is happy with? We get back to this sort of cycle all the time. It seems to me that these are the fundamentals of some of the questions.

**Dr Gillies**—One of the problems you have there is that, as we have found, the government departments which are administering these Indigenous programs have a very high turnover rate. That is one of the reasons that they never make any progress, because people are constantly coming into the job and they do not know where they are. You really need to make it a bit of a career for people: invest more of their time in training so that they believe that it is more worth while to stick with it than to go off to DFAT or whatever else they want to do once they have spent one or two years in one of the many departments which are associated with Aboriginal affairs.

**CHAIR**—On the pathway to heaven, wherever that might be!

**Ms Havnen**—I want to go back to the point about the fear and apprehension that the general public and the government have about the ability of Indigenous people to be good financial

managers. Again, I will go back to the example of where we are currently working, in the Jarwoyn communities. Mark mentioned the financial literacy program that we run out there. I will give you a newsletter which explains diagrammatically—

**CHAIR**—While you are doing that, as there are real issues with banking—PIN numbers and things like that—you might also talk about those things.

**Ms Havnen**—I will touch on those in a minute. The purpose of the financial literacy program is to try to present financial statements and accounts in a diagrammatic format, not unlike the way in which major corporations present their annual financial statements. If you have a look at the National Bank, the AMP Society or whoever, you see that they tend to use diagrams—bar graphs, pie charts and so on—and there is no expectation that the ordinary shareholder would read pages and pages of figures; yet this is the way in which financial information is presented to non-literate people. At the same time, with this incredible burden and the expectation that people will be responsible for these things, there is no effort made to try to bridge that gap.

The financial literacy program—which we call the Money \$tory—is a way of showing people financial accounts and reports in a diagrammatic way so that everybody in that room can actually understand what the current state of play is with respect to those accounts. It has been an extremely useful tool, particularly for the people at Manyallaluk who run a tourism operation. The tourism business operates only during the dry season; tourism falls right off during the wet season. Those people were struggling to understand how to better manage their cash flow. When they saw this diagrammatically done by the seasons of the year, they very quickly made the decision that, instead of spending all of this money, either by way of salaries or by way of other disbursements, they would hold over money in some sort of holding fund which would then carry them through the whole year. That is one example of how this financial management program is actually working.

The other thing I would say about the financial literacy program—or the Money \$tory—is that, of the organisations where that tool has been used, I know of no organisation that has suffered financial mismanagement or has actually expended beyond their budget.

**Ms HOARE**—How many have used it?

**Ms Havnen**—I think most of the Aboriginal remote medical services in the Northern Territory. We have been using it for the local community government councils, for the store, for the women's centre and for the tourism operations. On every one of the occasions when there have been these open public meetings, everybody in the room understands what is going on and they know who is in control of the chequebook; namely, them—the executive—and not the white fella sitting in the office who says, 'Sign here, please.' People can actually see what is going on: it is open, it is transparent and it makes people accountable. I think they are the sorts of tools that absolutely cut to the quick, if you like, about how you improve capacity building and give people some real power over their lives.

Interestingly enough, the Money \$tory program has had enormous difficulties in being funded as a tool or a service. We have had great arguments about it with the Commonwealth Department of Health and Ageing, who say, 'This isn't an accredited training program.' They have missed

the point: it is not an accredited training program; it is actually a tool to help people understand and manage their financial affairs. I think there is a real resistance to innovation.

**CHAIR**—It goes to the core of this whole issue of misunderstanding and not getting to the guts of what we are trying to do or what we should be trying to do.

**Ms Havnen**—Absolutely.

**CHAIR**—Can you touch on PIN numbers and banking? Do you come across a bit of that stuff?

**Ms Havnen**—Do you have all day?

**Ms HOARE**—Did the foundation put a submission to the banking services inquiry?

**Ms Havnen**—No, we did not. It was just one of those things: there are so many things happening that you kind of—

**CHAIR**—But I think the message for us to take away is that this is not about some rigid system that satisfies some bureaucracy in some other way than the actual intent of this program. Could you quickly touch on PIN numbers and key cards?

**Ms Havnen**—PIN numbers and key cards would have to be the bane of the lives of most of the people who live in remote communities. Everybody, from the taxi drivers to the hawkers to the local publican, tends to want to hang on to people's key cards and PIN numbers.

**CHAIR**—They become the bankers?

**Ms Havnen**—They become the de facto bankers, but it is a question of whether that is necessarily the best way to provide alternate banking services. I would suggest it is not. It is also problematic for people who cannot retrieve their cards because they are totally disempowered as to knowing what to do and how you go about cancelling them.

**CHAIR**—And many are just simply in permanent overdraft.

**Ms Havnen**—It is even worse than that. You would be much better off going back to the old days and just having 'book-up' in the local store. In my view, that is a safer form of credit.

**CHAIR**—As you said, 'How long have we got?' We do not have enough time. I just wanted to touch on that.

**Ms HOARE**—I would like to go back to the programs that you are running in the Jarwoyn community. In your initial statement you talked about the applications that the foundation has submitted for Commonwealth funding from the departments of FACS, health, and Education, Science and Training. You compared the programs that the foundation is running with the Katherine West Coordinated Care trial, where they cashed out the health funding. Could you see that process of Commonwealth funding expanding from health only to health, education and training, to cash out on a wider basis?

**Dr Gillies**—It would certainly be appropriate if you are talking about health care, because this is where we contend that all of the problems are flowing from. But it would take a lot of flexibility on behalf of the departments we have been dealing with to implement it. We certainly have no problems with it. That is the way we approach the health issues in the regions where we work. You would need to have the will on the part of government and you would have to be able to cross these interdepartmental boundaries. That is the root cause, but the trouble is that the root cause transcends these things. We had submissions with the Department of Family and Community Services for a project to develop women's centre programs, with DEST to do maternal literacy programs and with health and aged care to do child nutrition programs. There are three different things. All those things are appropriate; in our opinion, they are the things to do if you really want to make a difference in health in the region.

**Ms HOARE**—Why were they rejected?

**Ms Havnen**—You never get an explanation as to why anything is rejected. I have found it somewhat interesting that there has not been a more positive response to those submissions, because they were very comprehensive, regional and based on fairly serious academic research. It was not as though we were sitting back in fairy land dreaming up things like a bunch of bleeding heart do-gooders. There was quite a serious effort put into them. I suspect part of it may be a recognition of the reality that there is an awful lot of competition out there. Perhaps the perception was, 'This is the Fred Hollows Foundation. You have plenty of resources; you don't need government money.' I would have thought and expected that there would have been greater interest and support for those government agencies to get involved precisely because we are a non-government organisation and it may have been an exercise in confidence building on the part of both the community and those departments.

I come back again to the model. You mentioned the coordinated care trial and the cashing out of PBS and MBS money. I think that is a particularly good model. Have a look at the issues we have raised in the diagram on page 11 about the complexity and fragmentation of what currently happens with respect to funding. I would argue that if, on a regional basis, you were to calculate how much money was available and then pool it, and have communities in those regions go through and identify their priorities over a three-year period, it would provide one line of reporting and accountability so the administrative burdens would be significantly diminished. It would also enable people to be engaged in making decisions about the priorities in their local regions: for example, how many houses do you want and is it a choice between building new houses and renovating existing stock? Do you use local labour? Can you build in the kind of training programs that used to be there in communities?

Just by way of interest, while we are talking about training: the only reason we have been able to get accredited training for the store workers is that the local Woolworths manager is an accredited trainer. When we tried to access training from training providers in Darwin and Katherine, the response was, 'No, this is too expensive. We won't make any money out of it. Therefore, we're not prepared to come.' That raises the question—and this is digressing somewhat—about mutual obligation in response to all of these welfare reforms. Again, I do not think sufficient attention is being paid to the burden you are going to place on people as individuals and on communities when you go down this path. I flag that point and just say that it is going to be a real issue.

**Ms HOARE**—To go further with that, the main part of my original question was: how can we broaden it from the department of health to cover housing, family and community services, education and training? And can it be further broadened through ATSLA funding? What you are saying is absolutely correct. In all the communities that I have been able to visit, which is only a very small minority, there is no one size fits all—it is not a per capita funding issue for housing or for health. Each community has different and quite unique needs and priorities, yet the funding seems to be allocated through the Commonwealth, ATSLA and state bodies on a per capita basis for a particular use. That is why I was getting to that question of broadening it even further from the department of health.

**Ms Havnen**—I would make a couple of points in response to that. The first is that I do not think we have ever been truly honest about the level of need—true need—and I do not think it has ever been properly quantified, particularly in rural and remote Australia. When we talk about the current level of housing need, figures vary between \$2 billion and \$4 billion. Those figures are based on current population figures; they do not take into account population growth. If we think things are bad now, you do not need to be Einstein to figure out that in five or 10 years they are going to be significantly worse. That is the first thing I would say about it.

Secondly, I would argue that we must get honest about what is the true quantum—and by that I mean not just housing and infrastructure but the things that other people expect to have in their local communities: sport and recreational facilities, a decent clinic, a school that is built out of decent materials and is properly constructed with library facilities et cetera. What is needed is a comprehensive needs assessment across the country—working out what is needed and going through and ticking them all off and working out how much they are going to cost us. I would suggest that, if we do not do this as a nation, the burden will be absolutely unsustainable both in terms of the health care system and on taxpayers. In the Northern Territory, where Aboriginal people make up 30 per cent of the population, you have rates of end-stage kidney disease that are far higher than anywhere else in the world—in fact, they are doubling every three years. The cost of dialysis per person per year is in excess of \$100,000. Much of that kidney disease is directly attributable to and associated with poor living conditions. It would seem to me to be ludicrous to be prepared to spend \$100,000 on somebody in the last year of their life and not be prepared to make that investment at the beginning of their life.

The other thing that I will mention very quickly is that there are examples and models. In the United States during the Clinton administration there was direct funding to Indian tribal councils. The initial pilot program, I think, targeted 12 Indian reservation communities. After a three-year trial, that trial was evaluated and it was shown to provide better outcomes and a whole lot of other benefits for the Indian tribal communities and also for government administration. That program has subsequently been expanded across the country. So there is already a whole body of evidence elsewhere that this actually works. I think that the coordinated care trial models also show the same thing. So the potential is there.

**CHAIR**—The extent of that can be seen in the last six or nine months with the Territory government and PBS, MBS, state pooling et cetera. Claire, did you have anything in particular to add?

**Ms Colyer**—No. I am the backup.

**CHAIR**—I had one quick question to conclude. There are private foundations like the Fred Hollows Foundation, NGOs and there is government. There are some things that government does well; and there are some things that government does appallingly badly for a whole range of reasons. Could you give us your view about how you see the role of both and the interrelationship between both? There is a frustration about government, and you mentioned some of the programs and funding issues.

**Dr Gillies**—Without addressing it comprehensively, the way the foundation sees it is that we would like to go into a community and develop an approach. If that approach works, we would like to see that implemented elsewhere but we would not be interested in doing that ourselves on a national scale. We would give it to the government. We are happy to go to specific communities, develop long-term relationships and try to identify approaches that work. We can then document those and give them to the government and the government can then implement them nationally, as we did in Far North Queensland with the development of eye health services.

**CHAIR**—This is a little deeper: if the Fred Hollows Foundation did not want to do it, the government may not be able to do it. Could you come to the core—governments do things absolutely appallingly; they cannot do it. You people can do it and you have success. If it is not the Fred Hollows Foundation, maybe it will be another NGO that does it across Australia and that is the way we will do that. Do you see what I am getting at?

**Dr Gillies**—I do not think the government can get away from their responsibility to provide services.

**CHAIR**—They do not.

**Dr Gillies**—They cannot palm it off to non-governmental organisations. I do not think any NGO is going to be big enough to solve the problem for you. They can suggest solutions—

**CHAIR**—But I am trying to find out whether there is a structure in place to get the benefits of NGOs applied nationally and meeting that national mutual obligation and responsibility. If that is not possible then the government will have to go and do it rather badly, but I am trying to discover if there is a way that we can blend the two.

**Ms Havnen**—The model already exists within the current government structure and that is through departments like AusAID, which essentially provide the funding—they become the funnel to fund NGOs to carry out our development programs overseas. There is a capacity here for the government to take a similar approach. In fact, I strongly encourage development type organisations—whether it is Oxfam or whoever—to engage in similar sorts of regional partnerships between government and Indigenous communities.

**CHAIR**—And we should be looking at those principles—which we can learn from and which we are not applying—very seriously. You are absolutely right that the government cannot walk away, but our experience teaches us to be very wary about relying on government to do everything well because it simply does not.

**Ms Havnen**—The only thing that I would caution about that approach is to ensure that the NGOs do not end up being the de facto bureaucracy or administrators. That is really going to

have to be the core of how those agreements are negotiated, so people are very clear about what the roles are and why these roles are different.

**CHAIR**—That training example of yours is a classic. In fact we were advised the other day that in the US they have USO banking, which is nonexistent here. There are real challenges in the bastion of private enterprise in the US actually doing it for their Indigenous people. There are different ways of looking at things. I would love to go on for some considerable time—I could have talked about Cape York and Pearson as some of it sounds a bit like the work that they are endeavouring to do with the corporate people—but I cannot. Do you have any quick final comments?

**Ms Havnen**—The final comment I would make is to strongly urge the consideration and recommendation of pilot programs working with NGOs, taking a regional approach. If you are serious about changing and building capacity in Indigenous communities, it has got to be about health and education in parallel. For too long these things have been separated and I think they are both fundamentally linked.

**CHAIR**—Thank you for the wonderful submission; we are in your debt.

**Ms Havnen**—I will also leave you with a copy of this report. Thank you.



[10.08 a.m.]

**DICK, Mr Darren, Director, Social Justice Unit, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission**

**DONALDSON, Ms Margaret, Director, Native Title Unit, Human Rights and Equal Opportunity Commission**

**JONAS, Dr William, Aboriginal and Torres Strait Islander Social Justice Commissioner, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission**

**CHAIR**—I welcome the witnesses to the table. I remind you that these are legal proceedings of the parliament. Do you have any comments to make on the capacity in which you appear?

**Dr Jonas**—I am also the Acting Race Discrimination Commissioner with the Human Rights and Equal Opportunity Commission.

**CHAIR**—I invite you to make an opening statement.

**Dr Jonas**—There was a name tag on the table that said Eleanor Hogan. Dr Hogan cannot be with us today because she had to go to Darwin, but I point out that a lot of the work that was done on our submission was done by Dr Hogan. We are pleased to appear before this committee today. Over the past three years, my annual social justice reports to parliament have emphasised the importance and, indeed, the necessity of building Indigenous community capacity and enhancing Indigenous governance structures to facilitate long-term improvement in Indigenous people's circumstances. I am pleased to see that this committee is inquiring into a matter of such importance.

I would also like to say that I acknowledge the Gagadil people of the Eora nation, the traditional owners of the land where we are meeting today. In making an opening statement, I thought it would be a benefit to you to provide an overview of the consideration that the Social Justice Commissioner's office has given to issues relating to capacity building in recent social justice reports. My *Social Justice Report 2000* set out a human rights based framework for reconciliation which identified three structural areas that should be addressed in order to progress reconciliation: first, addressing Indigenous disadvantage; second, strengthening Indigenous governance and developing Indigenous community capacity; and, third, recognising and protecting Indigenous rights in a federal system.

In my view, none of those things exists in a vacuum. They are all interrelated and interdependent. As I stated in the *Social Justice Report 2000*, building Indigenous community capacity and governance reform has the potential to be a successful meeting place to integrate the various strands of reconciliation. In particular, it is able to tie together the aims of promoting recognition of Indigenous rights with the related aims of overcoming disadvantage and achieving economic independence.

Chapters 2 and 3 of the *Social Justice Report 2001* then considered the current approach to mutual obligation and attempts to move Indigenous people beyond welfare dependency. It also considered some recent initiatives aimed at building Indigenous capacity and governance, and that report identified a number of challenges that remain for policy makers to assist in the development and provision of crucial support for community capacity building. Ultimately, that report concluded that the need for participation of Indigenous peoples in addressing longstanding disadvantage through such means as capacity building and self-governance is justly receiving greater attention. Partnerships between Indigenous and other stakeholders have become an accepted part of government policy for promoting better outcomes in service delivery. However, for there to be substantial progress in the reconciliation relationship, these arrangements need to be equitable insofar as they recognise and respond adequately and progressively to the historically derived disadvantage experienced by Indigenous people. That report also noted that there is a need to take up the challenge of facilitating rather than repressing recognition of the specific characteristics and aspirations of Indigenous cultures and societies.

The *Social Justice Report 2002* which was tabled in parliament just a couple weeks ago then analyses the debate on self-determination and identifies further challenges for how government in particular supports capacity building initiatives. The native title reports 2001 and 2002 also give consideration to issues related to capacity building as it relates to native title. I note in these reports that native title has been removed from the range of tools available to policy makers to build the capacity of communities to participate in decision making on issues that affect them. The diminution of native title, both through the legislation and the amendments to the Native Title Act, means that the significance of the link between cultural identity, with its origin in traditional law and custom, and the wellbeing of the community has been overlooked by policy makers. By making native title ineffective, its potential to assist in economic empowerment has also been wasted.

The reports in general also provide recognition of the numerous significant and creative initiatives in the area of Indigenous capacity building and governance that has emerged in recent years. These include the community participation agreements approach; COAG's 10 whole of government community trials; the ATSI round table on building community capacity; the Australian Indigenous leadership centre in AIATSIS; and various initiatives of the Department of Family and Community Services, the department of workplace relations and small business, the Cape York partnership and coordinated health trials in the Northern Territory among others.

There are varying degrees of success among these initiatives, but I think they reflect two key factors—first, there is no absence of thought as to how current arrangements need to be reformed if we are to make any steady and prolonged progress in improving Indigenous circumstances; and, second, there is no one size fits all model that is magically going to work for all communities in Australia. Even saying that second point, if we have the time when I finish this statement and depending on how your questions go, I would like to talk about what I think has been a wonderful example of capacity building on the ground.

Ultimately, those factors reflect the need for greater participation and community capacity with the development of Indigenous self-governance arrangements that redefine the current financial and administrative relationships between government and Indigenous communities.

My submission to this inquiry examines some of the requirements that are necessary in order for capacity building to be effective in reversing the disadvantage experienced by many Indigenous communities today. Some of the observations the submission makes about current issues in regard to capacity building are: the need for longer-term commitments by government to Indigenous governance and capacity building processes, including a higher initial investment of human and financial resources to achieve more sustainable outcomes; funding arrangements and policy initiatives that encourage sustainable economic participation; more effective coordination and commitment, at an interagency level, in any government-led capacity building and governance initiatives; flexibility and consideration of a range of strategies and mechanisms that take the diversity of Indigenous communities into account in any proposal for Indigenous governance and autonomy; retention of an Indigenous peak body at the national level to address government and coordinate Indigenous advocacy; reviewing current accountability mechanisms and design of regional governance and autonomy mechanisms more suitable to the needs and aspirations of Indigenous peoples; ownership of governance structures by Indigenous people and for the relationship of Indigenous kinship and authority structures to these structures to be taken into account; and acknowledgment, by all levels of government, of the need to facilitate governance arrangements with Indigenous peoples, including through the provision of appropriate support, including technical support, to build capacity, long-term funding arrangements and legislative backing.

To conclude, we need to remain focused on the purpose of building Indigenous community capacity. In a document titled *Directions for Change*, released ahead of the 2001 budget, ATSIC stated that, for all programs and policy proposals:

The values and aspirations that are meaningful to, and express priorities of, Australia's Indigenous peoples must be the basis for the policy approaches being taken.

Accordingly, the question that they saw as being central—and which, I would suggest, is central for this inquiry in looking at government policy making processes—in relation to various programs and approaches is: will it enhance Indigenous people's capacity to achieve what is important to them; and, in its development and implementation, will it contribute to the empowerment of Indigenous peoples and the achievement of their objectives and priorities?

**CHAIR**—Thank you. Are there statements from anyone else?

**Dr Jonas**—No, but when we come to answering your questions, they are the technical experts and they will probably have a lot to say then.

**CHAIR**—When you mentioned a 'national peak body', what were you referring to?

**Dr Jonas**—A body like ATSIC—a body which can act as an advocate for Indigenous people right across the country and which can interact with government and be accountable to government but also hold government accountable to Indigenous people.

**CHAIR**—Are we replacing ATSIC in that sense, in your view? Or can we talk about enhancing ATSIC? I think this is a key issue, and it is particularly key for a range of reasons presently. People will talk informally about the role of ATSIC. Can we talk a bit about that?

**Dr Jonas**—Sure. I said recently to another inquiry like this one—and you are quite right: we do appear before a number of these inquiries—that I probably stand a little bit apart from a lot of other people in my views on this. Apart from believing that Aboriginal people should have an elected body to represent them, I believe that it is possible for that body to have an advocacy role and also be a provider of objective advice to government, like any other department of state. I think that was how ATSIC was originally envisaged to be but, for some reason or other, it was decided that that was not working. But I believe that it could work, and that would be a very good structure. I believe that it is possible to be an advocate and an objective decision maker.

**CHAIR**—I for one think it has great merit, Bill, if I may be so informal. But, regarding this whole debate around that role, I think that there is an urgent need for strong advocacy rather than just chasing minutiae, so I am delighted to have this exchange this morning.

**Dr Jonas**—Do you want to add anything about the service delivery role?

**Mr Dick**—Briefly, a lot of the programs they run—like the Community Housing Infrastructure Program, CDEP, the support for native title rep bodies and so on—are fairly successful programs compared to programs delivered by other departments and come up very well in terms of accountability. There is also a lot of movement towards where we probably need to be in terms of being able to identify the level of needs in those communities and being better able to prioritise the funding in a way that supports community development in that sense. However, they are also really at the thin edge of the wedge, in that those programs are very underfunded in lots of ways and they often have to respond in a crisis way. At the same time, ATSIC is not responsible for a range of areas, yet it is being accused of not having achieved in those areas—health being the classic one.

**CHAIR**—I said yesterday on the public record that ATSIC was given mission impossible in a whole lot of ways, but it is for ATSIC to accept some responsibility in terms of defining its role. It is an independent body after all. But there is this clear issue about the need for advocacy and independent policy advice, and I think that is what I am hearing. I was delighted to have this opportunity.

**Ms HOARE**—Thank you for that, Bill. The idea that you outlined in the submission about the regional authorities is something that I have been keen to pursue in this inquiry, because we have visited the Torres Strait Islands both in this inquiry and in previous inquiries, and we have seen that evolve. Even over the last two terms that I have been involved in this committee I have seen that evolution. I am keen to pursue the idea of regional authorities, along with the idea of the broad funding arrangements from the Commonwealth, state and ATSIC that we pursued with our previous witnesses from the Fred Hollows Foundation and how those two concepts could work together. Linked in with that is ATSIC's overall role as an advocate and advisor rather than as a service provider or deliverer because, as you would know, the Torres Strait Regional Authority seems to work because it is so close to the communities. It is not a national body, up there at the Commonwealth bureaucratic level. It is a local body there on the ground that works with the communities and knows the needs of and what best suits the communities.

**Dr Jonas**—Yes. I think we all have a bit to say on this. We will go Marg, Darren and then me.

**Ms Donaldson**—In a sense, one of native title's significant aspects has been the focus on the region as the basis for a community's cultural identity and, therefore, their rights and relationship to land. To exclude native title from that is to the detriment of policy makers looking at other issues like health, housing and education in isolation from this fundamental geographical entity in a sense on which Indigenous people identify as a regional concept.

**Mr Dick**—In terms of the interface between regional authorities and ATSIC, if you take ATSIC as having a representative role at the national level and also at the regional level, the distinction often with regional authorities is that sort of direct funding component. The two can coexist in that way; that is certainly always the way they have been envisaged. There is a lot of apprehension. People have to be careful about regional authorities so that it is not the creation of a new bureaucratic beast. It has to come out of the ground. It has to have that ground up development for it to work or it will be another bureaucratic overlay that could just further complicate or, in fact, prevent any development or progress being made.

It is interesting to look at some of the models that are there. The Torres Strait Regional Authority obviously is one. As a general comment, they seem to be having trouble getting to the next level of control and responsibility. The state and the Commonwealth are not necessarily willing to relinquish that power. That is often a crucial point that underpins community capacity building and there is the question: how much control is the authority prepared to give up? There are other models like the Murdi Paaki proposal.

**Ms HOARE**—Can you talk a bit more about that? We are visiting Bourke tomorrow.

**Mr Dick**—I have to confess that I am not an expert on it; our other colleague Dr Hogan knows more about the model. The difference essentially, as I understand it, is that they are taking the ATSIC region as the appropriate basis for regional autonomy. Rather than looking at creating a new structure or one that would sit aside that, they see that their needs can be met through matching up the ATSIC structure and its region, with the regional interface being at that level, which is different from the Torres Strait. There are other proposals around Alice Springs, the west MacDonnell Ranges region, that are slightly different again. In a sense, the central point on how they are constructed has to come from those local areas; it cannot be imposed in that sense. We can probably provide you with more information about the Murdi Paaki approach. If you are visiting there, you will get it in a lot more detail than we have.

**Ms HOARE**—Yes. We visited some areas, in relation to the last inquiry that we held in the last parliament, where there were three or four different housing authorities in one community. They were all trying for ATSIC funding for housing, competing against each other. A regional authority is based around local people—for instance, the regional council area in the Northern Territory or the two major land councils up there. It is a similar argument in regard to local, state and Commonwealth governments: should there be state authorities or should local authorities be more regionally based, getting resources and services closer to the people who actually require them, whether Indigenous or other discrete communities?

**Dr Jonas**—I will give what I think is one of the best examples of capacity building in the whole country. It cannot be replicated everywhere because not only is the example in an urban environment but also in the early days I know we had a bit of luck. I am talking about the Newcastle community. When we set up the Awabakal cooperative in the late 1970s, early 1980s,

the aim was to provide services to Aboriginal people that were not being provided by other government departments or were not being provided in the way we thought they should have been provided. We set up this cooperative and started applying for grants to meet the needs of the community as they were defined by the community. We set up a medical centre, a disabilities program and a homework centre. We wanted to make certain that we took culture into account, so we had a program for elders that we took very seriously. We also set up a cultural resource centre as we moved from smaller headquarters to bigger headquarters, from a little office in the middle of Newcastle to a former high school to, ironically, a police station, as we kept getting bigger and better properties.

There were three things that I think were very important. One was that all of those projects were done under one umbrella. If we are going to be moving towards regional authorities, this could be regarded as a very fledgling, at least overarching, authority. Secondly, we were always very good at the accountability side of it, and that was why, when we successfully did some projects, we got other projects because they knew that we would deliver the goods. There was another interesting thing about it—I have heard criticism in other places; we probably came in for some criticism, but it worked well and the criticism sort of went away—and that was, a lot of use was made of family links, the family unit, rather than some artificially defined community.

We were supported by all levels of government. The federal member then was Allan Morris, who was always very supportive. State members were very supportive. We had in the early days our wonderful lord mayor, Joy Cummings, who always marched the entire length of Hunter Street every NAIDOC week. I know what I am about to say you cannot necessarily duplicate, but being Newcastle they were all members of the same political party. So you did not get, as you do get in some other areas, Aboriginal politics or the Aboriginal affairs issue being a political football, with people fighting against each other. We also made certain that all of the other activities that were government run, like Aboriginal hostels, or semi-government funded, like the Aboriginal Legal Service or our Aboriginal education consultative groups, were all linked into that overarching authority. After about 10 years of working like that, we were then able to break away and set up and manage some self-sufficient commercial enterprises.

The Yarnteen project that is going there now began as a training project. It teaches people how to use computers and it teaches accountancy skills. It also has its own private enterprise with some property investments and a big warehousing project where they bag the grain and so on. All these things grew out of that one small but overarching family oriented government supported project. Other things happened there. Once that started to be successful, the Batabah Land Council set up at Lake Macquarie. The Worimi Land Council got a farm. The Mindariba cooperative or land council is doing very well. In a way, they were all spin-offs from the Awabakal coop. It is spreading regionally. I can see that as the forerunner of some sort of regional basis, apart from the fact that it is a very good example of capacity building.

I cannot remember off the top of my head how the ATSIC regions were drawn up. I do not know if there might be a need to revisit what might be better regions, if you are going to fit in with the sort of structure I am talking about there. It would be good if you have a opportunity to look at Awabakal or Yarnteen, which are also tied in with the university. The university has that very innovative medical faculty program. In tertiary education, I think Newcastle University leads the way.

All these things were linked. When I think about governance structures, capacity building and regional authorities, I think you might find the elements are all there, with the proviso that you could not set that down in the middle of the western desert and have the same thing work there. But I am quite certain that elements of it would work.

**CHAIR**—We were very impressed yesterday. We saw the warehouses, and one thing and another. The one thing that struck me was that there was a population mass and an academic critical mass as well as the community attitude, which really did flourish. Every time I have gone to Newcastle on other issues, I have been pretty impressed with what has been achieved in that area and in other areas as well. As you were saying, you would not try and duplicate it in the western desert, but you would try some of the principles out of it.

**Dr Jonas**—Yes.

**CHAIR**—Yesterday, Professor John Lester was talking about the really wonderful evidence for us to think about in terms of the basics of literacy, governance and those sorts of things. It is really interesting that you mention it today, because we came away pretty fresh from it yesterday.

**Dr Jonas**—It has all been done totally independently; I have had no contact with him in relation to this inquiry.

**CHAIR**—I remember that years ago you mentioned the medical situation, and I have seen the practitioners around Australia and the focus they had on understanding the cultural issues and then going on. Thank you very much for that.

**Dr Jonas**—Darren, do you want to say something about what Bruce Walker said about provision of water in remote communities that related to critical mass? I think you should. He is about to describe a nut that we cannot crack. It is related to that critical mass thing that you are talking about.

**Mr Dick**—The Human Rights Commission has done a range of work since about 1994 looking at the provision of water in remote Indigenous communities. There is a report by the Race Discrimination Commissioner—Irene Moss, at the time—called the Water Report. It did case studies of about 12 different communities around Australia—one in the Torres Strait, some in outstations around Alice Springs and in a variety of other places around the country. It looked at the level of the basic infrastructure and delivery in those communities. The initial report found an alarming lack of provision of those sorts of services and made a range of recommendations to address that.

Working with the Centre for Appropriate Technology in Alice Springs and Dr Bruce Walker there, the commission went back about six years later to review those communities and to see what happened in the intervening years: had the water quality issue been addressed? The initial answer to that was that, yes, it had and that much more was being provided. There remained an unanswered question that affects a lot of stuff, which is that it was being met but at great cost, a cost which was going to continue and which would have no end, because of the costs of replacement, maintaining the systems and so on. He raised an important question about how you make those communities sustainable.

I am sure you have heard the figures about the number of discrete Indigenous communities of fewer than 50 people. I think there are over 900 discrete communities in remote rural areas with fewer than 50 people. We looked at the definition of a sustainable community. You have towns of thousands of people closing down because they are not sustainable. How you make them sustainable is the big question.

**CHAIR**—It is a huge question.

**Mr Dick**—It is a difficult question. We are quite cognisant of it in terms of how you apply a very simple standard of equality and whether there is a level of service delivery that is not being met in a community. That can sometimes skew the service delivery into meeting a need without asking a broader question.

**CHAIR**—How do you operate a CDEP program, for example, and the structure of a CDEP program? Take the Pitjantjatjara: there are 600 participants and 16 programs or whatever it is, including homeland programs. Something like \$2 million goes towards administrative costs. If you could alter those administrative costs, you would change the balance as to how you might use money differently, but you would have a lot of duplication. If I am getting the message correctly, they are some of the issues we really struggle with.

**Mr Dick**—Yes.

**CHAIR**—I have one quick question that the staff prepared for us. Non-Indigenous communities are not heavily involved—and it is something that I had not thought about very much—in community service delivery. Perhaps it goes back to the demands on ATSIC and the expectation on Indigenous people that, somehow or other, all the services had to be provided, for very good reason: they did not have the services, and that is self-apparent. How do we always end up in this position? I think I know some of the answers, but I would like your view.

**Dr Jonas**—I think it has, in part, been the wish of Indigenous people that they have a say in the design and delivery of services, and I am all for that. I think that, provided funding is sufficient and some help is given—often some technical help—Indigenous people can provide those services very well anyway. Why it has actually come about in the longer term, I am not quite certain. Certainly, if you go back to the late 1970s and the early 1980s and the situation in Newcastle that I was talking about, if we had not decided that we would provide those services, they would not have been provided.

**CHAIR**—I think that is probably the answer. I just wanted to see if there were other things scooting off from that where we had made a rod for our own back, but I suspect that that is the main point. Can we also take that question on notice and get back to you if we have any other thoughts about that particular one?

**Dr Jonas**—Yes.

**CHAIR**—Did you want to conclude by generally summing up the situation?

**Dr Jonas**—Two things have come into my head while we have been talking. I used to be a geographer, and recently I was asked to give a paper at a geography conference. I had to say to a



friend of mine, 'I'm okay on the human rights aspect of it'—which is what they wanted me to talk about: human rights and geography—'but it is a long time since I did any geography. What can I read to bring me up to scratch very quickly?' He referred me to a paper that was written by a very famous geographer, Doreen Massey—a New Zealander, I think, originally—who works in England. She wrote about the fact that she was feeling very glum and melancholy at about the time of the last UK election because Tony Blair had discovered the north-south problem which geographers had worked on 25 years ago.

**CHAIR**—Evolution and all that.

**Dr Jonas**—It was also looking at it in the way that a lot of people do: describing the poor regions in terms of the number of people who had jobs, the number of people who were unemployed and salaries—all of the characteristics of the poor regions—without looking at the relationships between the poor regions and the rich regions. I really think that, if we are going to be looking at the situation of Indigenous people, we have to look at it in terms of Indigenous people and non-Indigenous people across a whole spectrum of things.

The second thing is that we are doing some work on benchmarking and so on for reconciliation under a human rights framework—and I know that other people are as well. I think we need to look a little more closely or a bit more innovatively at what we are going to measure. Years ago, just before the New South Wales land rights act was introduced, the ministry of Aboriginal affairs had just been set up—it was set up back in 1981 or 1982—and it needed data for policy making. We were interested in whether people were going to be advantaged or otherwise by the land rights act, so we wanted to do a before and after study to see whether people's situation improved and also to gather data for policy making. It was very difficult to find a measuring stick—most people did not have jobs, most people lived in government houses and so on. What we took as our measuring stick were people's perceptions of their own basic needs. We went to almost every Aboriginal community in New South Wales asking, 'How do you see your needs as a family? How do you see your needs as a community?' The aim was to see if those patterns of needs had changed over time. Unfortunately, stage 2 of the project never got done. Stage 1, though, was very good. I just wonder if, as part of this process of building capacity, moving towards governance structures and overcoming disadvantage for Indigenous people, we might need to be a little more creative and innovative in what we are actually measuring.

**CHAIR**—I thank you for that. When we were trying to design our little cheat sheet—propaganda piece or whatever—to get to those individuals, it was really a battle to design something which would engage, because these phrases do not mean very much.

**Dr Jonas**—That is right. When we started out to do that study, we came under criticism from two different areas. Our basic assumption was that, when it comes to the day-to-day reality of living as an Aboriginal person, it is the Aboriginal people who are the experts. Our academic colleagues said, 'They know a lot, Bill, but you can't actually call them experts because they have not published in journals, written books and that sort of thing.' The urban bureaucrats, both black and white, said, 'You don't need to go and ask them what they need. We know what they need.' Both groups were proven to be very wrong.

**CHAIR**—We have really appreciated your time this morning. Thank you very much.

[10.48 a.m.]

**CHRISTIAN, Mr Grant, Chairperson, Aboriginal Housing Co. Ltd**

**MUNDINE, Mr Michael Henry, Chief Executive Officer, Aboriginal Housing Co. Ltd**

**VALILIS, Mr Peter, Project Manager, Aboriginal Housing Co. Ltd**

**CHAIR**—Welcome. I acknowledge the presence of the federal member, Tanya Plibersek MHR. It is lovely to see you. I invite the witnesses to make a brief opening statement.

**Mr G. Christian**—Welcome to Redfern.

**CHAIR**—Thank you.

**Mr G. Christian**—We would just like to state a few things to the inquiry. We understand the inquiry is about partnership building and capacity building for our Indigenous organisations. First of all, let me say that here in Sydney the Aboriginal Housing Co. has good relationships with the state government and the local members. We have got no problems with them. I personally have no dramas with the council of ATSIC; however, our concerns are about the bureaucracy and administration. The majority of aboriginal organisations are funded quarter to quarter, for obvious reasons; there are no profits or anything to be made, and the red tape that we have to go through to get our scraps is unbelievable. As far as partnership building is concerned with that, we have a good relationship with the state government, the local council and our local members. However, the administration of ATSIC makes it very difficult for us to operate.

**CHAIR**—We are here to try and understand why, how and with whom.

**Mr G. Christian**—That is our concern as far as partnership building with the funding bodies is concerned. As far as our capacity at the housing company is concerned, we have hardworking staff—obviously I am not going to come in here and kick anyone—but unfortunately the way things have been done for the last 25 or 30 years, and with the different changes in government, policy and administration, then the formation of ATSIC et cetera, it is like we are restarting all over again every three or four years. We have a new board now and we are looking to change. The housing company cannot concern itself with the past. Captain Cook arrived and we cannot do anything about it; we have to worry about the next 200 years. That is how I personally feel about it, and I think I can speak on behalf of Nick and Peter. Is there anything that you want to ask us rather than me just droning on?

**CHAIR**—I have heard of Redfern, and we are pleased to be here. We thought it was important to be here rather than be down at Parliament House or somewhere, to get out and walk around a bit and to get a feel for what is happening. There is the question you raise about ATSIC and some of the bureaucracy, the stop-start and them saying, ‘That’s part of the deal; we’re at where we’re at because of whatever.’ We are trying to understand what you see. Can you think of three things—you can think of as many things as you like, but two or three would probably take up all the time we have got—that are blocking where you want to be: federal parliament, federal

government, ATSIC bureaucracy or whatever. For you people, where is the drama? Where is the hassle?

**Mr G. Christian**—I can speak for the housing company and also the legal service. We are federally funded and managed by the state. When the state changes anything and we go to them for additional money, they say, 'You're federally funded; go and see Mr Howard.' Mr Howard says, 'That's all the money you're getting; we can't do what Mr Carr is doing in New South Wales and we can't change it.' So we fall further and further behind.

I will break for one second to speak about the legal service. We are federally funded. Because of all the changes that Mr Carr brings into legislation, New South Wales state legal aid get additional funding and the Aboriginal legal service falls further and further behind. Then people see that the ALS is not doing the jobs that legal aid is getting. That has nothing to do with us; it is because we are funded federally. You go and see the minister here and he says, 'You're funded federally.' You go and see the federal minister, and he says, 'That's state change.' It is passing the buck.

It is the same with the housing system. Whilst it is a national housing program et cetera, we have implementations put on us by the Aboriginal Housing Office here in New South Wales. It is trying to do a good thing; I am not going to say it is not. Our primary funding is from the Aboriginal Housing Office, because it was taken away from ATSIC by the government with respect to housing and health. So, unfortunately, the housing company is trying to please six and seven masters, and we are pleasing no-one and going nowhere fast.

**Ms HOARE**—Six to seven?

**Mr G. Christian**—We have to please ATSIC, we have to please the South Sydney City Council and we have to please the Premier's Department in New South Wales and the Aboriginal Housing Office.

**Ms HOARE**—All this involves paperwork and auditing?

**Mr G. Christian**—We have to put submissions in for everything—I am not going to say every time we change a light bulb, but everyone wants to know what is going on because it is such a high-profile area. Probably not every six months but every three months we are on the front page of the paper for something—a young kid with a needle in his arm or something like that. That is where it makes it difficult. Not only do we have to answer to the funding bodies; we also have to answer to the community. Every time we try and change something, Micky gets called every name under the sun for selling his people out. The housing company in particular is torn to answer to so many people. You are trying to please AHO, and if you please them then ATSIC says you are not doing your job. If you please ATSIC, the council says, 'What's going on?' That is where it is hard for us.

**CHAIR**—I am just a country boy. I do not fully understand urban situations anyway, let alone Redfern, Sydney. So it is a bit unwise for me to comment. But it is important in terms of governance if you are being stuffed around in an unreasonable way. I do not even have the authority to step in and deal with it in the sense that maybe would reassure you. But we need to try and understand where federal government is not performing to give a better outcome, and

that includes ATSIC as a federal agency, even though it is an independent authority. And there is the information between state and other levels of government: we need to understand that. As to understanding it, given what my grey matter allows me to do, I do not know whether that is possible, but we need to try and understand it. That is why you are here this morning. Does anyone else want to add anything?

**Mr Valilis**—I just want to add to what Grant has already said. The fact is that there are competing agendas. The dominant agenda should be what the community needs and what the community wants. Unfortunately, groups like ATSIC have their own agenda, and we have seen it in the way that they treat us. I want to be honest here and not beat around the bush and say that a few years back ATSIC tried to take all the title deeds from our company. This was obviously not an agenda that suited the community when ATSIC pushed their own agenda. Although the housing company is a very small organisation, is a private company and has very few resources, it has a lot of vision, it has a lot of drive and it has a few people there who are determined to the point of stubbornness to protect the community and to better the community. The only obstacles that have ever come up have been interventions by groups like ATSIC—not in a positive way but in a really negative way. I have looked at a lot of obstacles in the four years that I have been there as project manager, and they are the only ones that tend to trip us up. We work with some of the most hard-core tenants you could ever imagine. We have got drug dealers and we have got people who want to kill us—and that is not even close to how bad it gets when ATSIC starts to interfere.

**CHAIR**—That sounds serious to me. There is serious hassle. We will try to understand that.

**Mr Mundine**—I think we need changes. I have been working there for 28 years. We went through a vicious cycle of evil, and that is coming from the government point of view, too. You have to fight tooth and nail to get funding for that area. We have been kicked around like a football in a lot of ways. But I think we are at the stage now where it is time for changes. I must say this: this welfare mentality is poisoning our people's minds; that is why we have ended up with a vicious cycle of evil down there. It is time for a change. I really feel that it is time to move on. We have to think about the present and the future. A lot of our people still think about the present and dwell on the past. It is not very good for our people, and it is no good for the next generation. That is why the company—thanks to the board and Pete here—want changes. We went through hell to get to where we are today, from the government point of view and even from the general community point of view. We had a lot of knockers out there; there were a lot of hard-necks that just wanted to destroy us, but we stood firm.

We believe in honesty and that it is time for a change and to move on. That is why we are doing this redevelopment—to change the image of the place. We do not want to be isolated in one little area where it is just blacks; where nobody else but blacks can go. We want that all changed. We work in the general community and we want to live together. It is time to open it up and it is time to just move on. The reason why we are doing that is for the next generation. I really feel that ATSIC, any government body or even any Aboriginal organisation, if they do not set up a strong foundation for the next generation, where are they going to go? They all going to fall by the wayside.

When you walk down here today, look at our kids. Look at the role models that they have down here. There are no role models. Kids are falling by the wayside; they are perishing. That is

why, from our point of view, we want to make sure that we build a very strong foundation for the next generation. I think we all should be looking that way because it is the new millennium now and it is time we moved on. We have a lot of obstacles, not only our people—and our people are their own worse enemy. A lot of people in the general community and in different organisations condemn us as the lowest. They do not want changes because they want our organisation to be in that predicament so that they can say, 'We need funding to help the poor blacks.' Those days have gone now. It is time for us to move on. We want to move on and we are strong enough to do what we have to do. We hope that everybody will help us and go along with us. That is our main goal that we are heading for.

**CHAIR**—We are going to go and have a look around today. What would you hope that we might see? What would you hope we might be able to contribute to that future that Michael talked about?

**Mr G. Christian**—I can answer that question and I also want to answer the question you asked me before Peter spoke. Unfortunately, our system of government does not help Aboriginal people with federalism. People think that, when everyone arrived, all Aborigines were like all Australians and we all lived peacefully in harmony. There were a million different tribes here. I suppose that is why Africa has 4,700,000 countries. Unfortunately, the way it is at the moment, it is said, 'We're funding Aborigines.' You are not. When ATSIC was set up, as you would know better than I would, they were told how to set it up and how to spend the money. All that ATSIC was, was black faces on a white bureaucracy. That is not working and it has not worked. Before the late Charlie Perkins passed away he said he could see now how things should have been done but he could not do anything about it because it was set in concrete when the ATSIC Act was put in place. I can only speak for Sydney and New South Wales, but when they set this up they thought: 'There are no blacks left in Tasmania, Victoria and New South Wales, so we'll give all the money to Queensland, South Australia, the Northern Territory and Western Australia.' Yet New South Wales and Victoria are the two states that have got the least to claim on land rights. In the Northern Territory they have got their big mining companies that are set up, and here in Sydney—

**CHAIR**—There has not been much mining in Redfern lately.

**Mr G. Christian**—No; there is not too much mining where we can put in a claim. I like the native American Indian policy where the governments gave them the licences for casinos and allowed them self-determination.

**CHAIR**—I was there in September and I was staggered in terms of what it is doing there.

**Mr G. Christian**—I think they could have done that here but unfortunately—and I am not going to mention names but you know who owns them all—they have just made them another \$10 billion when—

**CHAIR**—It does offer that alternative vision, doesn't it?

**Mr G. Christian**—That is right, because Aboriginal people—this answers both your questions and is what Micky said—if we are the puppy dog in the house while ever we are relying on the government to feed us, we are going to forget how to hunt. The other way that it could have been

done—and it is too late now—was the casino option. That is for here in Sydney, let us say, because there are no mining rights here. When it was originally set up, all the money was in Western Australia. If you go to the legal service over there, they are paying solicitors 20 times what we can pay them here in Sydney and the cost of living in Sydney is the highest in Australia.

**CHAIR**—I know; I have just had a lad move here.

**Mr G. Christian**—I hope that answers that question.

**CHAIR**—That is excellent. It is starting to take shape from what I am hearing. As far as the Block is concerned, can you give me a definition? I have never been here before. What would be its aspiration? What is the Block?

**Mr G. Christian**—Wait till you get there. Keep in mind that it is a demolition-construction zone at the moment. I agree: you do not build ghettos; people make ghettos. We can go up there and build Gracelands, Buckingham Palace and the Taj Mahal but, while we have this welfare mentality of Aboriginal people, in five years time it will be a ghetto again.

**CHAIR**—We are trying to look underneath that.

**Mr G. Christian**—The biggest issue here—and I am not saying anything new—comes down to employment for Aboriginal people.

**Ms HOARE**—I have some quick questions you can answer in one word. Is the Aboriginal Housing Co. the only Aboriginal housing company in the local area? The reason I ask is that we have been to some communities where there are three or four. Would a regional authority or regional council to which Commonwealth, state and ATSI funding was directed to enable, say, the Sydney community to work out what the needs are and then distribute the funding and resources according to needs—whether they be housing, health, education, training, infrastructure or support—be a beneficial structure? It might mean that the Aboriginal Housing Co. would have to relinquish some control over housing, because you would then be competing with the legal service or the health organisation for funds. We could not have you competing for those funds because it is a community needs driven project rather than an organisation driven project. If that happened, what would be the future role for the Aboriginal Housing Co.?

**Mr G. Christian**—Regarding your first question: no, we are not the only housing provider. There is the metropolitan lands council, the Aboriginal Housing Office and the different regional lands councils in Sydney, like Ganingara, Dharuk et cetera.

**Ms HOARE**—Do you all cover the one area?

**Mr G. Christian**—We cover all metropolitan Sydney. That was the first question. You asked me quite a few. I think the second question was about the regionalisation of ATSI. I agree that that would work. Unfortunately, when people meet the commissioners in Canberra, the people from Perth do not understand the issues of Sydney and the Sydney people do not understand issues of Perth.

**Ms HOARE**—What would be the role of the Aboriginal Housing Co. in that kind of regionalisation process?

**Mr G. Christian**—It would be a help if everything were regionalised and streamlined and we only answered to one Aboriginal peak body. At the moment we are answering to two and, to a lesser extent, to the metropolitan lands council because of their massive house resource and the things that they have. I believe it would help for it to be regionalised and for us to be answerable to only one Aboriginal master, for want of a better word.

**Ms HOARE**—Would there still be a role for the half-dozen housing groups in the metropolitan area?

**Mr G. Christian**—Yes, because each individual housing group has its own problems and its own people. The south-west of Sydney is totally different from Redfern. Redfern is totally different from Wollongong.

**Ms HOARE**—So you have different geographical bases for clients within the metropolitan area?

**Mr G. Christian**—Yes.

**Mr Valilis**—There are certain areas—Redfern being one of them—that are almost like linchpin areas. If you can identify and fix those, it will have a domino effect on other areas. To use Mick's term, Redfern is like a main watering hole, and Aboriginal people from around Australia come to Redfern. At the moment it is like a cancer. The cancer is flowing out of Redfern and into other regional areas. If you can fix the main cause of that, then a positive flow-on effect—whether it be economic, educational or whatever—will be exported from there. The fact is that, in the past, everybody tried to change the structure and mechanism that is naturally there—that walkabout where people naturally travel around New South Wales. We cannot change it, but we can use it in a positive way. At the moment, if you go to any Aboriginal community along the coast and ask where they got the drugs from, they will say that all the drugs come from Redfern.

**Mr G. Christian**—As a final response to your question, I will say that the Aboriginal Housing Co. in Redfern, the Aboriginal Medical Service in Redfern and the Aboriginal Legal Service in Redfern were the first of their kind in Australia. To disband or amalgamate the housing company would be akin to kicking South Sydney out of the competition.

**Ms HOARE**—I know what kind of reaction that would get.

**CHAIR**—Thank you very much for that.

**Proceedings suspended from 11.11 a.m. to 12.55 p.m.**

**ASHTON, Ms Vicki Ann, Company Secretary, Redfern Aboriginal Corporation**

**HAINES, Mr Roy Arthur, Resource Officer, Redfern Aboriginal Corporation**

**CHAIR**—I welcome representatives from Redfern Aboriginal Corporation to today's public hearing for the RATSIA committee inquiry into capacity building in Indigenous communities. I remind you that these are proceedings of the federal parliament, and I invite you to make a short opening statement.

**Ms Ashton**—The Redfern Aboriginal Corporation is a Sydney based Indigenous employment centre. We are a community based organisation and a non-profit organisation, funded by ATSIC to employ and train Indigenous people in the community and get them ready to go into the work force. We also have a construction arm and a garbage and health arm, which is currently doing a contract for South Sydney City Council in council cleaning. It involves emptying garbage bins, cleaning streets and maintaining the parks and gardens in the Block area, which comprises Eveleigh, Caroline, Hugo, Louis, Vine and Hudson streets down to Cleveland and back around to Abercrombie Street. We also have outreach workers out in the community working in different schools and preschools, different areas and different Aboriginal communities throughout the area from Redfern to Burwood. We also have a marine arm, which organises cruises for the people of the community; we can hire a boat and take people on boat cruises and things like that.

Our main arm at the moment is in getting people employed for 20 hours a week. Twenty hours is now classed as mainstream, full-time employment. It used to be 35 hours, which was a bit hard for them; it is a bit easier now. We have gone pretty well. We have had a bit of association with the police, both Redfern police and headquarters police, employing Indigenous people as ACLOs and human resource officers. They also use support groups to support the Indigenous people that are arrested and detained in the police station. They are on call.

We do a lot of things. We mentor the people who we get jobs for. We do not leave them; we have a mentoring system that goes on for 12 months after they have been placed in full-time employment. We mentor them; we assist them with fares. We assist them mainly with fares because none of them are eligible for concessions, which is a sore point in the Aboriginal community, because they do not earn enough. With CDEP, the community development projects, you get the same as for Work for the Dole, which is \$190 a week. Out of that \$190 a week, people coming from Penrith have to pay \$30 or \$40 a week in fares, so they only get \$140 out of their wages. That is one of the biggest points that need to be addressed: getting concessions.

We work within the community with all the Aboriginal community organisations. Any time they need administration staff, handymen, cleaners or garbage services, they ring us up and we go and do it. We also have a furniture removal service that cleans up old buildings. For example, if an Aboriginal organisation is leaving a building, our men will go into the building and take all the rubbish away so that it gets its bond back and all of that. So we really assist in the community. But our sticking point is that we cannot get the people to come in, because they cannot afford it. It is better for them to be on the dole and get a concession than it is for them to come and work for the CDEP and get no concession. We are in a catch-22 situation.



**CHAIR**—Could you clarify something for me? With Newstart, you would get a transport concession?

**Ms Ashton**—Newstart do, but CDEP do not.

**CHAIR**—That is what I wanted to clarify. Newstart has transport concessions. CDEP does not, because it is regarded, as you say, as full-time.

**Ms Ashton**—Work for the Dole do, but CDEP do not.

**CHAIR**—Work for the Dole do not?

**Ms Ashton**—That gets concessions.

**CHAIR**—That is silly, isn't it?

**Ms Ashton**—It is a bit of a disadvantage for the Indigenous people. If they want to go and make something of themselves—get trained, get jobs and things like that—they have not got the money to do it because of the high rise of fares.

**CHAIR**—I am glad we clarified it, because I was going to come back and talk about that bit. I thought that is what you were saying, and I just wanted to be clear about that. Thank you for that.

**Ms HOARE**—It has been a state government issue, because I think that, in Queensland, Work for the Dole recipients do not get transport concessions.

**Ms Ashton**—It has been under review since 1999 by both federal and state, and nothing has come back.

**CHAIR**—I am trying to work out why Work for the Dole would still qualify.

**Ms Ashton**—If you are on the dole, Newstart or Work for the Dole, you qualify for concession.

**CHAIR**—In other words, what I am getting at is that the Commonwealth, I would have thought, would have had a regional agreement with the state—or the state, more accurately, would need to reach agreement about Work for the Dole.

**Ms Ashton**—I do not think any of them can. It has been since 1999 that this has been going on—

**CHAIR**—And this definition of CDEP—

**Ms Ashton**—and it is disadvantaging in our people in a big way.

**CHAIR**—That is something we need to do more work on, and we will. We will make a note that. Thank you. Roy, do you have anything to add?

**Mr Haines**—Our main concern was the concessions, because it is a state government that we usually travel around on and not federal. We do not qualify for any concessions within the state because we are on CDEP. That is probably our main problem.

**CHAIR**—I would be interested to know, because I see in your brief that you have gone up from 30 to about 100 participants.

**Ms Ashton**—We are the Indigenous employment centre for the Sydney base. There are only six nationally, and we are the Sydney based Indigenous employment centre. We are doing very well.

**CHAIR**—That is excellent. Going back to the increase, is it 10 years that you have been going on the CDEP?

**Ms Ashton**—No, we have been going for seven years.

**CHAIR**—Have most of the participants been in that CDEP all the time?

**Ms Ashton**—No.

**CHAIR**—So they are moving on.

**Ms Ashton**—They are continually turning over. We get rid of some; we get new ones in. We get rid of some—

**CHAIR**—The reason I ask is that I am just trying to understand the transport concession. Work for the dole has about a 30 per cent rate of people going on to permanent work. In Sydney, I would expect it to be higher because of the job market.

**Ms Ashton**—We are currently at 62 per cent. Sixty-two per cent are going into the work force.

**CHAIR**—That is exceptionally good, isn't it? You would have to be proud of that.

**Ms Ashton**—We are very proud. New South Wales Police have helped me. I have got training accolades at Redfern. I have got trainees down in the city, and now other commands are looking at what we are doing in Redfern and following suit. We are now getting a community youth liaison group up.

**CHAIR**—We have just met a couple of your police commanders, actually.

**Ms Ashton**—Did you meet Sir—Murray Reynolds?

**CHAIR**—Yes.

**Ms Ashton**—He is a lovely man.

**CHAIR**—I saw two on bikes, actually. Just a couple of quick questions, and then I will hand over to Kelly. Does the South Sydney City Council provide a rubbish removal service? Where does your service fit in with that?

**Ms Ashton**—We are in the South Sydney zone. There are problems with the people going into the Block. The Block itself is actually an Aboriginal mission.

**CHAIR**—We have just had a walk around.

**Ms Ashton**—A lot of people are not very welcome in the Block, because they come in there causing troubles. We have got people out looking at them. We are doing exactly the same with our own people as South Sydney do with their council people down the Block. We are on a month-to-month contract.

**CHAIR**—With the council?

**Ms Ashton**—Yes.

**CHAIR**—Can we have a few comments about the Indigenous employment centres? Were you looking at setting one up?

**Ms Ashton**—We are one.

**CHAIR**—So you automatically are one?

**Ms Ashton**—We are the Sydney based Indigenous employment centre.

**CHAIR**—That is what you were saying, yes.

**Ms Ashton**—There are six nationally throughout Australia, but we are the New South Wales based one.

**CHAIR**—My cold is not helping my hearing and I am a bit deaf anyway; but that is what you were getting at earlier.

**Ms Ashton**—Yes.

**CHAIR**—I was thinking in terms of six urban CDEPs.

**Ms Ashton**—No, there are 14 CDEPs nationally. There are six IECs nationally. In the Sydney-New South Wales area, we have got four CDEPs: Mount Druitt, Wollongong, Redfern and out west. There is one IEC—that is me; I service them all. So I can bring people in from country Kempsey, transfer them down here and put them on CDEP down here and get them a job. That is a relocation, because we are relocating them out of their area down here.

**CHAIR**—Do you have any other barriers in CDEP? We have talked about transport. There is an issue around the 20 hours, matching it up with full time—another 35 hours or something?

**Ms Ashton**—No, not really. The only disadvantage really is that some of the selection criteria on jobs want degrees, and a lot of our people are literacy and numeracy lacking and do not have degrees. So that puts us at a bit of a disadvantage.

**CHAIR**—I have a lot of CDEP in my own electorate, but I am not quite sure of the detail. Work for the Dole has certain training allowances—I think it is \$500—which started last July. As I understand it, the idea of that is to try to help with the literacy and numeracy issue or other training issues; it contributes to that. I do not know that CDEP has that.

**Ms Ashton**—Yes, we have training dollars attached to CDEPs and IECs.

**CHAIR**—Is that a set amount? What sort of money is that?

**Ms Ashton**—If you become a member of IEC, your training account is \$880.

**Ms HOARE**—Per participant?

**Ms Ashton**—Per person. And your Jobsearch support training is \$550 per twelve months per person.

**CHAIR**—So it is equivalent to Work for the Dole. There is no discrimination, as you would see it, with Work for the Dole?

**Ms Ashton**—The only discrimination we have got is that they get concessions to get to Work for the Dole and our people do not get concessions to work for their communities.

**Ms HOARE**—Roy, aside from CDEP, Vicki was also talking about getting people work-ready. Would that be using those training dollars?

**Mr Haines**—Vicki would be the best person to answer that, because I do not work in the IEC section down here.

**Ms HOARE**—What does the IEC do differently from the CDEP? Do they have two separate roles?

**Ms Ashton**—Out of the 100 people that we employ on CDEP, everyone is given the chance to come into the IEC. On the IEC, you come in for twelve months; you are supported in that, if you get any jobs, we mentor you: we go and speak to the employer, we check and see that you are right, that you are doing everything right, that your fares are right and that you get there and things like that. We keep in constant contact. We train them. When they first come in we do a skills analysis test and a needs analysis test.

**Ms HOARE**—How do they get into the IEC?

**Ms Ashton**—Through the CDEP. You cannot come into the IEC unless you are in CDEP.

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**Ms HOARE**—Are there a set number of places in the IEC?

**Ms Ashton**—Yes; we are at the capacity of 35 at the moment.

**Ms HOARE**—How do you select those participants to go from CDEP?

**Ms Ashton**—When we were set up we put a questionnaire around to all the CDEP participants inviting them to come onto the IEC to see how it went and what benefits there were for them. There are good benefits: we pay for courses at TAFE, we pay for books, we pay fares, we pay for birth certificates if they need them, we pay for licences if they need them. They have got three selections and, so long as the training is relevant to some sort of job that they can get, we do not mind paying for it, but it has to be accredited.

**Ms HOARE**—You said there were six IECs throughout the country. We were at Newcastle yesterday, and they missed out on being an IEC when they applied; so they are not one of the six. You have 35 participants. Is there a limit on the amount of funding per participant?

**Ms Ashton**—At this point in time, at capacity mine is 35 out of 100. I have to run at 35. If I lose two to a job, I replace two. If I lose someone to sickness, I substitute someone else into that place.

**Ms HOARE**—Each of those 35 people has an amount of dollars they bring with them?

**Ms Ashton**—Yes.

**Ms HOARE**—Funded through whom?

**Ms Ashton**—DEWR.

**Ms HOARE**—What I am getting at is in relation to Job Network providers. Why are only 35 Aboriginal people able to be placed by your organisation—and I do not know how many there are in each of the other five—when, if you are non-Aboriginal, there is no limit? You get the same services through Job Network providers with the same amount of dollars, and it is limitless.

**Ms Ashton**—With Job Network members, people are not helped on a one-on-one basis; with Indigenous Employment Centres, it is done on a one-on-one basis. Job Network members are helped on a group basis; it is not a one-on-one service. In the Indigenous Employment Centre, I am there for that person. All 35 people can have me for maybe three hours a day and scream in my ears and tell me what is wrong, and I have to try to correct it. That is the difference. If one job comes in to a JNM and their case load is 170 then 170 people will know about it. If one job comes in to us, only 35 Indigenous people will know about it.

**Ms HOARE**—One thing we have found in my home area, the Newcastle region, is that the Job Network providers are failing Aboriginal people.

**Ms Ashton**—A lot of Job Network members are failing Indigenous people.

**Ms HOARE**—But in Newcastle we do not have an Indigenous Employment Centre.

**Ms Ashton**—In Newcastle you have CDEP.

**Ms HOARE**—We have CDEP but we do not have one of the six Indigenous Employment Centres.

**Ms Ashton**—So for Indigenous employment Newcastle people would come to me.

**Ms HOARE**—Do Newcastle jobs come to you?

**Ms Ashton**—No. But, if Newcastle people come to me, I can contact the Job Network member in Newcastle on behalf of the Indigenous person. It is a support mechanism and counselling and mentoring program. We will do everything to get them into employment.

**Ms HOARE**—Brilliant. At the beginning, you spoke about how well you are going. Give us a couple of examples and tell us what is working for the Redfern Aboriginal Corporation.

**Ms Ashton**—I think it is dedication—a lot of dedication and a lot of commitment. I have committed myself, Dennis has committed himself and the staff are very committed to the people we deal with. In the last nine months—because the contract is not open at the moment—we have had 16 people employed on a permanent, full-time basis. The family law court has one of our people. We have had people in government positions and in private employment, and we have been supporting them. Everyone tells us that it is great and that at least they have someone they can talk to about Indigenous problems and things like that. A lot of the employers say, ‘We’re glad you’re only a phone call away so we can talk to you.’ NSW Police has come to the party. We have two trainee ACLOs over at the Redfern office. We have a human resources trainee officer down in headquarters and we have two more—two young girls—going down next Tuesday. One is a 16-year-old girl who has just come out of school and one is a 20-year-old girl. They are going down to assist the state ACLO manager, and we are going to try to get them all in the Sydney area. We are also talking to Bankstown and Campbelltown commands about taking some Indigenous people out in the areas.

**Ms HOARE**—Good on you.

**Ms Ashton**—We are going very well.

**CHAIR**—Thank you for coming in; we appreciate it. I am not sure whether to offer commiserations or regards to Dennis Weatherall. Is he unwell or just not available?

**Ms Ashton**—He is not available; he has been called into ATSIC in town. I will tell you why: we are going to buy a new building. We were the only CDEP IEC that did not have its own building. We now have one in Chippendale, which we bought last week. So now we have our own building and our own IEC, and we are all right.

**CHAIR**—You are cooking with gas! Thank you very much for your attendance here today.

**Ms Ashton**—Thank you for inviting us.

[1.21 p.m.]

**COE, Mr Paul, Member, Metropolitan Local Aboriginal Land Council**

**INGRAM, Ms Norma, Manager, Metropolitan Local Aboriginal Land Council**

**WELSH, Mr Robert, Chairperson, Metropolitan Local Aboriginal Land Council**

**CHAIR**—I welcome representatives of the Metropolitan Local Aboriginal Land Council to this public hearing of our committee today. I remind everybody that these proceedings are regarded as proceedings of the federal parliament, and I invite you to make a short opening statement.

**Mr Welsh**—Thank you, Mr Chairperson and delegates. To start with, the MLC feel that this inquiry is long overdue. It appears that there has been no long-term planning between the Commonwealth, the state and the various agencies. If there has, we have never been made aware of or asked to participate in any long-term strategic plan for development within our community or to identify the needs of our community in a constructive way. The metro land council, whilst we are bound to operate within the confines of the land rights act, have the capacity under sections 40C, 40D and 41 of the land rights act to be involved in resource development and also long-term planning for our community. This same capacity does not appear to exist under native title legislation, the ILC or ATSIC. However, if it does exist, we have never been made aware of it or asked to participate.

As a community based organisation, we are directly accountable to our members and have developed a five-year plan, which we believe to be the first of its kind that we are aware of. It has the ability to become a permanent fixture of forward-planning and gives the metro land council the capacity for growth and resource development. Whilst we are resource rich, we have limitations on how we can use resources under the land rights act. However, despite these limitations, there is a capacity for long-term community development, identifying the needs of our community and giving effect to those needs. That is basically our statement. I have with me spare copies of the land rights act if you want to look at sections 40C, 40D and 41.

**Mr Coe**—Mr Chairman, perhaps I could direct your attention to section 40D, ‘sales of land’—which is on page 19 and is extremely important—and section 41, ‘Powers of Aboriginal Land Councils with respect to properties’. I direct your attention to those sections and point out, as our chairman, Mr Robert Welsh, has pointed out, that we do have the capacity with land claims over crown lands for development in the future. However, there are restrictions upon that, in that within our boundaries of metro most of the crown land that is claimable, or that we have claimed, exist on the North Shore and most of our members live on the south side of the harbour. So we are faced with the problem of getting the assets from the North Shore across to the south side to directly benefit our members. It is a question of finding members who want to live on the North Shore in terms of housing or, alternatively, of selling land and being in joint development with certain agencies in commercial or residential development, bringing the benefits directly back to our members and purchasing land in and around this area or other areas where our members wish to live.

**CHAIR**—Could you assist me in terms of the state legislation and federal legislation?

**Mr Coe**—The state legislation has been in operation for 20 years. There was a major review last year, whereby much tighter constraints were placed upon LALCs—local land councils—and the state in terms of members who can sit on LALCs or be appointed to the state. They have to declare pecuniary interests, and the definition of ‘pecuniary interests’ is very, very stringent.

Metro is in a unique position. It has resources, whereas most of the LALCs throughout New South Wales do not have independent resources. There are approximately 120 LALCs throughout New South Wales, including the state land council. I am informed from reliable sources that only 39 of the LALCs currently in operation are being run by their members; the rest are under the control of an appointed administrator. That becomes self-defeating and self-perpetuating because it does not let the members develop the skills or the expertise to, or the expectation that they can, run and develop programs and have the capacity for future development.

**CHAIR**—I guess what I am trying to establish is the state and the Commonwealth connection.

**Mr Coe**—What we would put to you, Mr Chairman, with all due respect is that, from our perspective, it appears that the Commonwealth and the state never seem to be involved. If they have been involved in joint discussions between Commonwealth and state commissions—

**CHAIR**—Hence the opening comments?

**Mr Coe**—Yes. We have never been involved in that. In my 30-odd years of involvement in Aboriginal affairs, I have never been aware of grassroots organisations actually participating and identifying the long-term strategic needs of the Aboriginal community. That is a major problem in terms of ATSIC and the Indigenous Land Corporation—or, if you go back 20 years, the Aboriginal Development Corporation. They have all had this one major, glaring omission; that is, the community has never been included in the development of strategic plans for the future, in governmental planning or in the adoption of legislation which affects Aboriginal and Islander people. That is a major weakness which we have identified. I think it can be overcome. It is not going to incur any expenses on the part of the Commonwealth or the states; it is just a matter of a shift in strategic planning and policy.

**CHAIR**—I think many would be attracted to the concept of a strategic plan that had federal and state agreement or was at least focused on the most appropriate outcomes. You may be aware of the current COAG discussions, where the Commonwealth and the states are endeavouring to work together in a more progressive and cooperative way. To come to some specific detail: I understand there is a property which was funded by the Indigenous Land Corporation and now has some financial issues around it.

**Mr Welsh**—On Elizabeth Street? Is that the property which was purchased by the ILC—the ‘Day of Mourning’ site?

**Mr Coe**—They provided us with the purchase price of \$4½ million to purchase the building. That matter was resolved in the Supreme Court between the parties—ourselves and the



Indigenous metropolitan trust. We settled it last Friday. The ILC have reserved to keep their options open until 12 December. The settlement, as far as we are concerned, is satisfactory. We have the right to have our members become members of the association.

**CHAIR**—So it is moving forward?

**Mr Welsh**—Yes.

**Mr Coe**—It has moved forward. It has gone past the blockage that we had. The litigation opened it up and the consultation process that took place also opened it up.

**CHAIR**—So it is not an issue for us today?

**Mr Coe**—No, it is not an issue, but if members would like to have a copy of the final settlement we would be only too pleased to provide you with copies of that.

**CHAIR**—We would be guided by you. But I think you have made it quite clear that it is not the issue we are here to talk about today. We are here to talk about the strategic relationship between the Commonwealth and state and the oversight in terms of—

**Ms Ingram**—Because it is documented, I think it is important to say that the New South Wales Aboriginal Land Rights Act is a state act that we have to abide by. The Native Title Act is a Commonwealth matter, as is the Indigenous Land Corporation.

**CHAIR**—As I recall, the state has to endorse the Commonwealth and the Senate then has to agree with the state. Sorry to interrupt; please go on.

**Ms Ingram**—But what we are not sure about is the kind of communication that is happening at that level, where you have the state and the Commonwealth making plans, talking to each other, communicating with each other, and that which is being articulated down to the community level. We feel at the community level that perhaps we are not being a party to that or a part of developing those policies. Within Aboriginal organisations and the Aboriginal community, it seems to be a luxury to be able to sit down and be able to forward-plan for even five years time.

It looks like Aboriginal communities are constantly in crisis and dealing with issues. I heard on the radio today issues about youth in some of our country towns. I know the state has been dealing with those issues. However, how can it deal with those issues without having the people at the grassroots level, who are there on a day-to-day basis, as part of that whole process? We do not believe that government can do it on its own, and the communities cannot do it on their own. Unless there is some sort of communication that bridges that, I just do not think the capacity building that we are talking about will ever really happen in any real way.

**CHAIR**—I am not an expert in it and I am probably, I suppose, as privileged as anyone in understanding some of the debates that have occurred on these issues over the last decade; that is, on native title and the land council. I was a member of this same committee when we reviewed the Northern Territory land rights act, a review which involved us with the land

councils in that part of the world. My comments would therefore be prefaced by saying that I think the whole country is trying to come to grips with this.

I would make the observation that native title came out of the High Court decision, the parliament adjusting to it and endeavouring to adapt to it, amendments being made in about 1997, and the response to subsequent High Court decisions. This is what I think many call evolving law or evolving legislation. Perhaps we should all take some solace—even though it does not resolve it easily—from the fact that we are all coming to terms with it, whether it be the state legislature or the Commonwealth legislature.

We came across an organisation the other day which has been endeavouring to focus on the sorts of issues that you have just spoken about—liaising and understanding at an Aboriginal community level, trying to seek resolution and forward-movement in a way that we can all understand. That is probably about as far as I can go at this stage.

We have noted capacity development in this inquiry. People have been giving us some advice about that. I make the broader observation that these are areas of law which are still evolving, which are really very new. I have a final comment, after which I will invite Ms Hoare to comment and then go back to you. I welcome the fact that you raised this issue because I had not really given it a lot of thought until then. It has been coming through to us in a couple of examples just in the last month in our inquiry. When issues have been there for a long time, you are familiar with them. You are comfortable with them and you have a range of options. This one is brand new, and I make the observation that I look forward to working with people like you to see what we should do.

**Ms HOARE**—I am interested in your ideas and views on the role of the metropolitan land council in formulating a strategic plan for your community. What geographical area do you cover? How do you work with other Aboriginal organisations in the community here, with housing, health and education? What would be the role for your land council if a plan were developed for your community?

**Mr Welsh**—Your first question relates to the boundaries. We are bounded by the Georges River to the south as far as Parramatta. We go out along the Putty Road as far as 22 kilometres short of Maitland. We have quite a large region. Windsor and all that area are within our boundaries. We come back along the Hawkesbury River to Hornsby, where it goes across the bridge—that is all within our boundaries.

We are probably one of the largest Aboriginal land councils within the state. We are asset rich. We are probably one of the richest land councils in Australia. At the moment, we have 360 members under the new rules and regulations that came in last year. All our members are part of some Aboriginal organisation within this community, so we are connected just within our membership. Since I have been in office over the last two years, we have had meetings with all the community organisations, asking them to participate in and be part of the projects where land councils are taking the lead role in this community.

Last year, we finished our five-year plan. John Moriarty was part of our workshop.

**Ms HOARE**—That was in consultation with whom?

**Mr Welsh**—That was in consultation with John Moriarty and—

**Ms HOARE**—Who is John?

**Mr Welsh**—He is one of our members. He has his own company, Balarinji, which painted the Koori designs on the Qantas aircraft. His group wrote the five-year plan with us. All members were participants in that. Our aims and objectives are within the five-year plan. We should have brought you a copy; we can probably get a copy to you.

**Ms HOARE**—That would be good.

**Mr Welsh**—It is about targeting all the issues within our community. It is about our culture, protecting our lands. There are commercial aspects to it. It covers issues like employment and setting our own goals—basically trying to get away from the welfare system. We want to be self-sufficient. All our members want to be looking at that concept.

It also concerns home ownership, which is probably a major thing that is coming up within all land councils. Since we have the resources and the land to do that, we just now are putting the strategy together for how to do it. The state land council has been doing it for 10 years, and we cannot wait around for them forever. We need to be doing it ourselves. We are setting up policies and procedures within our housing projects. We are targeting all the things within the five-year plan.

We have had the five-year plan probably for six to eight months now, and now we are going back to reassess it and to see what we have achieved so far. This five-year plan is a plan that targets the next five years as well. We have really put a lot of work into achieving our goals—and I believe we have already achieved some of those goals. With the metro land council, probably one of the major concerns when I came into office was connecting with the community, getting the community to work together.

**Ms HOARE**—How have you been able to? We have gone into some fairly discrete communities where it is easy to have people on the ground involved in planning and contributing to that process. As you cover a large geographical area with a wide range of different people, how do you drag them along with you?

**Ms Ingram**—We do not have to drag them along; they are there with us.

**Ms HOARE**—How are they with you? I used the wrong term; please excuse me.

**Ms Ingram**—I have to say that Sydney, where the Metropolitan Local Aboriginal Land Council is situated, for me is probably the most political area in Australia. It was the first site of the colonisation of our people, so we were at the forefront of the onslaught of colonisation, and we have had to develop through that and survive it. It is a pretty unique situation that we are in. It is pleasing that we are open to all Aboriginal people; they are able to be members of our organisation. There were some slight changes from last year, and we have had to go back and reinvite our members to come back in and to participate. We have our meetings monthly; they are held in this hall once a month on Wednesday evenings.

**Mr Welsh**—Tomorrow night.

**Ms Ingram**—You are quite welcome to come. So it is open to all Aboriginal people within our communities from the age of 18 years up. A lot of elders are members and come to our meetings. As Rob said, if you look at our membership you will see that those members are affiliated with, or members of, most of the key Aboriginal organisations within this community. So the information then is fed back through that network. We talk about the Koori kinship system; we talk about the Koori grapevine and the network system. We have just about the best there is in the world. The information gets out very quickly, so you really cannot hide anything in any case.

We are very proud of the way that our organisation is run regarding those communication processes because they are open now. We have monthly meetings and they are open to the members. We vigorously go out and get members who we know are entitled to join to come in and be a part of that. The wonderful thing about it is that it is the members who make the decisions about how this organisation progresses and works on a day-to-day basis. We have to take everything back to the members for them to okay any decision which is made—and I do not think that any other organisation does that.

**Mr Welsh**—Perhaps I can touch on one other thing you mentioned. You talked about how in other communities it is easy to get them in under the one umbrella. Basically, when you go out to country towns or wherever, it is basically a one-family, one-clan community you are talking to. Here at Metro we are probably the most multicultural Aboriginal society within Australia. We have people from everywhere here—from the Northern Territory, Western Australia, Queensland. Within New South Wales, we probably have a big majority of the tribes, many of which moved here 20 years ago. My family moved here 25 years ago. They basically set up here because of employment and because my younger brother was sick. A lot of families were doing the same as well. So it is an Aboriginal multicultural society within itself. Within the 118 land councils we cover, we probably have 118 tribes living within our area, and we have to delegate. It is not an easy job either, because there are confrontations between tribes. We have to organise that as well and keep that structured.

**Ms HOARE**—One of the reasons I asked was because of that. That is interesting.

**Mr Coe**—I would like to make one point which I think is critical to your inquiry, and that is about the ability to capacity-build. If surveyed, you would find that most funded Aboriginal organisations, be they funded through the state or the Commonwealth, spend the majority of their time justifying their existence, because they are crisis orientated. Whether or not we like it, it is the way the organisations are funded. They are funded on a quarterly basis, so most organisations have to meet deadlines and put a tremendous amount of energy into just ensuring that there is ongoing funding from year to year. That, in itself, becomes a self-fulfilling problem: rather than being out there developing or implementing new strategies, you are putting a lot of emphasis on just maintaining the status quo and continuing the current operations of your organisation.

That is a problem that both the Commonwealth and the state need to look at. If that problem can be overcome—and if I can use the example of the approximately 90 LALCs being administered under the state land rights act—that money and those resources could be better

spent on development within the community, rather than, once again, Aboriginal people continually having to account for and justify their actions as to why they did this and that incorrectly. Whether under state or Commonwealth legislation, we do not have the right to make mistakes and, as a consequence, we do not have the right to learn from those mistakes. That is a political and cultural factor that the Commonwealth and state need to deal with; otherwise, Aboriginal people will be caught in a time frame, like frozen objects in a museum.

**Mr Welsh**—Even within the New South Wales Aboriginal Land Rights Act, if you have an investigator appointed to your administration, you do not get a chance to respond to the investigator's report.

**Mr Coe**—You are not given procedural fairness.

**Mr Welsh**—That is probably why the 90 land councils have had an administrator appointed—because they have not been given the opportunity to respond to the investigation.

**CHAIR**—Is this under the native title legislation?

**Mr Coe**—No, this is under the New South Wales Aboriginal Land Rights Act.

**CHAIR**—I just wanted to be clear about that.

**Mr Welsh**—It goes to the minister without a response.

**Mr Coe**—One final comment from where I sit is that the native title legislation is pretty much redundant in the state of New South Wales following the decision of the High Court in Yorta Yorta. Because of the amendments that occurred back in 1996, you could no longer be involved in a negotiation process, or, if you could, there were strict limitations upon that. Following the decision in the Yorta Yorta case, it is now virtually impossible for Aboriginal people in New South Wales to get to the benchmark. That then raises the question of what the Indigenous Land Corporation was funded for, and that was to compensate people who could not meet the native title benchmark. That raises the question of whether or not it is fulfilling its role in New South Wales.

**CHAIR**—While sitting here and listening to you, I am really observing and absorbing the difference between New South Wales—and probably Victoria, as you rightly identified—and South Australia. I do not know if you have ever heard of section 47 of the South Australian pastoral act—and the vast majority of the land in my state of South Australia is pastoral. That act of 1860 or 1870 protected native title rights in South Australia, but the situation was totally different in other states. The reason that native title really gained momentum was based on the Queensland legislation, which was quite harsh and restricted Aboriginal ownership in many ways. So the issue is quite distinctive and quite variable from state to state, and I am just realising how little I know. That is what you reminded me about today.

You provided us with some statistics in your submission. As at 3 September 2002, 301 land claims had been made. I think it is up to 350 or so now, probably through your own organisation. The statistics also detailed the number of claims granted, the number of claims refused and all the variations in the status of those claims. What occurs to me while I am sitting here is that I

cannot tell you anything about this. You are so far ahead in understanding it because you have been working with it.

**Mr Welsh**—We had to jump all the hurdles that have been put in front of us. Rather than doing 151 claims, why wasn't it just one claim of crown land in our region?

**Mr Coe**—One question arising out of your comments which I would like to take your mind to is that, when we apply for a grant of crown land in New South Wales, only one person is registering those claims. We get a backlog. We have claims that were lodged nearly 10, 15 years ago that have not been dealt with. We are in the process of revisiting claims that have been rejected to see whether or not they have been rejected on a bona fide basis and whether they can be revisited.

**Mr Welsh**—One surveyor surveys 118 land councils, and he might get one job done a week. So there is a bottleneck right there.

**CHAIR**—It is fundamentally an administrative problem.

**Mr Welsh**—We have even approached the minister and the Department of Land and Water Conservation. We are prepared to pay to have our claims processed by an independent surveyor, but we are still waiting for an answer. They are just keeping the bottlenecks there.

**Ms Ingram**—I do not think that department is listening.

**Mr Coe**—That is a major logistical problem. There needs to be a recommendation made at both state and Commonwealth levels that identifies that sort of thing as an example of a problem that we do not need, because it is stopping Aboriginal communities from being involved in resource development.

**CHAIR**—Until you brought up that issue today, I did not have any concept of it. It is a totally new and quite remarkable area. I do not have a ready answer for it—and you probably would not expect me to have one. You have been dealing with it.

**Mr Welsh**—We were aware that you would not have an answer, because a lot of people are not aware of what is going on. We have done a lot in the last couple of years, since we have been in office, to try and get this problem solved. It is not only for ourselves; we have got members throughout the state, so it is an issue for the whole state.

**CHAIR**—What is the state response to this?

**Mr Coe**—With all due respect, I think you are going to have to ask them.

**CHAIR**—They will appear before us a little later, so we will ask them about it in terms of resolution.

**Mr Welsh**—There are lots of resolutions. Once a year, they have a big conference for the membership of the 118 land councils. There are that many motions that get up, but there are that

many that have not been achieved. Many things that need to be achieved have not been achieved because of the restraints within the land rights act.

**Ms HOARE**—Who processes it? The New South Wales Aboriginal Land Council or the New South Wales state department?

**Mr Welsh**—A land claim?

**Ms HOARE**—Yes.

**Mr Welsh**—We send that down to the registrar, the registrar sends it to the state land council and they send it back to the minister. It then goes to the surveyor. He surveys it, and then it goes back to the registrar and to the minister to kick off on it. So it is bounced around all over the place.

**Ms HOARE**—So there is the land council, the minister and one surveyor. Did you say 180 land councils?

**Mr Welsh**—There are 118 land councils within this state.

**Ms HOARE**—You cover a large region. In my area we have two or three smaller ones. I have got Koompahtoo and Bahtabah.

**Mr Welsh**—Yes, that is in Gosford. I am aware of that. We and La Perouse are in their region. There are five land councils within Sydney: us, La Perouse—which is your small one there—Gandangarra, Deerubin and another. There are five just within Sydney. We are concerned about the way they have split the regions up because—

**Ms HOARE**—Who split them up?

**Mr Welsh**—When the land rights act came in, the state land council split them up into regions. There is us and La Perouse. We then go up to Gosford. Our region goes as far as Newcastle. The other three out there include Deerubin, Gandangarra and down to Wollongong. It is another region that way.

**Ms HOARE**—Do you overlap at all?

**Mr Welsh**—No, they definitely do not overlap.

**Mr Coe**—If I could take you back in terms of land rights, originally there was a three-tiered structure: state, regional and LALCs under that. The LALCs, the local land councils, would meet on a regional level and then they would inform the regional delegates. There were 13 regional officers throughout the state of New South Wales. They still exist in theory; but they are not working because they are not funded. I think the land rights network was much more efficient when the 13 regional land councils were coordinating. For instance, in Sydney, if there were five land councils, we would have Sydney coordinating.

**Mr Welsh**—If you want me to, I can make a phone call and get a map up here within about two minutes. You would have a view of the whole New South Wales region and how it is broken up into boundaries. The office is only down at the next corner.

**Ms HOARE**—Would we be able to get a map sent to us?

**CHAIR**—We could probably take it on notice.

**Ms HOARE**—That would be useful.

**Mr Welsh**—It is quite hard to get these maps because you have to pay independently to get them. They are broken up into regions.

**Ms HOARE**—I would like to clarify something. The land council can only make claims on land—

**Mr Welsh**—On land that is within their own boundaries and is unoccupied or unused crown land—open spaces.

**Ms Ingram**—Land that nobody else wants.

**Mr Coe**—There can be crown land there but we cannot claim it if it is preserved for a future purpose.

**Mr Welsh**—And we cannot claim it if it is being used—for example, parkland. Redfern Park is crown land but it is parkland and people are using it, so we cannot claim that.

**Mr Coe**—And if the state says, ‘In 20 years we are going to build a hospital there,’ we are excluded from claiming that because it has a future use on it. Therefore, it excludes our making a claim.

**Mr Welsh**—They put swings and bench seats in parks so that it is being used and we cannot claim it.

**Ms Ingram**—There is another important issue here. We talked about the number of local Aboriginal land councils. In a lot of those communities—and I do not know where you have been in New South Wales—the local Aboriginal land council is the core organisation that the community relates to and relies on. They are not always able to stick to the core business of land claims. They actually provide a number of other services that they do not get funded for but they still have to do.

**Mr Welsh**—That is why investigators and administrators are put in. They only get \$110,000 per land council to run a secretary, a car and everything else within their region.

**Ms Ingram**—One of the major issues in our communities is the death of our people, and funerals. As Aboriginal people, we have a strong cultural responsibility for funerals, but that responsibility is not allowed for under the act or given any government funding. Our people are obligated to bury our dead in dignity, but we are restricted in the way we can use the money in



our organisations. Sometimes they just go ahead and do it and take the consequences of that—which is less money to run their organisations appropriately. I do not think the government really takes that situation into account, but it is a major part of who we are, our culture and our responsibilities. If you get to travel out there, you will see that Aboriginal people rely very strongly on their local Aboriginal councils.

**CHAIR**—I am curious about the page of the New South Wales Aboriginal Land Rights Act with the marker at 40D(c).

**Mr Welsh**—I will give you a rundown on 40D. It tells us what we have to do at a land rights meeting.

**CHAIR**—Yes, but (c) is repealed. I am just curious about what was repealed.

**Mr Welsh**—Under the land rights act, you have to call an extraordinary meeting to get a 40D sale or lease of land. At the meeting you have to have 80 per cent of the members present at the meeting—which is fantastic; it is a great regulation—to dispose of the land. Then we have to send it out to the state to get a tick from them to say, ‘Yes, you can sell the land.’ Then they send it off to the minister to sign off on. That 40D covers sale, leasing or any other use within the land. It is just to make everyone aware.

**Mr Coe**—Under 40C(3) we have to make a determination—and the obligation is on the local land council—that the land in question does not have any cultural significance to the members of Metro, before it can be dealt with in a commercial way, leased, sold or otherwise.

**Mr Welsh**—It has to be put in the motion that it has no Aboriginal cultural significance to the members.

**CHAIR**—I presume that the New South Wales Aboriginal Land Council is an overarching group of all of the land councils. Would any member of that group have the power of veto?

**Mr Coe**—No.

**Mr Welsh**—I will give you a quick breakdown. There are 118 land councils and nine regions. So there are nine delegates representing the regions and they all meet to form the New South Wales Aboriginal Land Council.

**CHAIR**—It says that (c) was repealed, so I was curious as to what was repealed.

**Mr Coe**—I would have to look at the old act.

**CHAIR**—It is only to satisfy my curiosity; it is not important.

**Mr Coe**—We could send you a copy of the old act.

**CHAIR**—If it were of great significance, you would remember it.

**Mr Coe**—There are a lot of matters in this act, in terms of the adoption of the New South Wales Crimes Act, which relate to the suitability of those being elected as members or as office bearers or those who are employees of the local land councils. For instance, if you are convicted of an offence of interfering with church property or interfering with wreckages 100 miles out to sea, you cannot be employed by the local land council. You can be a member but you cannot be employed by them.

**Mr Welsh**—You cannot be an executive member of the land council.

**Mr Coe**—I direct your attention to that specifically, because that violates Aboriginal people's civic rights.

**Mr Welsh**—A great example is that, if your dog bites someone and you get charged with it, you then cannot become an executive member of your land council for five years.

**CHAIR**—This was in 1983, basically.

**Mr Coe**—No, the amendments took place last year.

**Mr Welsh**—These are new amendments that came in last year.

**CHAIR**—I find that immensely interesting. I am on the edge of understanding something I knew nothing about.

**Mr Coe**—The Crimes Act has been adopted practically verbatim in relation to offences against property and offences against a person. For the full intent of those categories, you cannot be an office bearer of a local land council. You cannot be employed by a local land council. Why that is in the regulations and the act, I do not know. Most of our people come into conflict with the police sooner or later; it is inevitable. How do we get around this problem, and why was it necessary for the state to amend the act so that it reflects the New South Wales Crimes Act and to use it as a means of stopping members from becoming employees or elected office bearers?

**Ms HOARE**—Has that been asked of the minister?

**Mr Coe**—Yes. Metro have made submissions on that particular point to the Minister for Aboriginal Affairs.

**Mr Welsh**—And to the registrar of the land rights act, as well, so we have targeted all parties.

**Mr Coe**—We can give you a copy of our submissions, if you would like.

**Mr Welsh**—Reading through the paperwork presented to us, we found that there were many ridiculous charges which meant that you could not become an executive member of the land council or work within the land council. One of them was for not feeding your wife and kids. These were the charges. It was absolutely appalling that it actually got through.

**Ms HOARE**—When did you put the submission in?

**Mr Coe**—We put the submissions in last year prior to them becoming law. We tried to raise the issue at the state conference in August last year. We put the submissions in and obtained council's advice in May. We and our council maintain that these amendments breach our human rights under the human rights convention—also under the Commonwealth treaty obligations under the human rights convention.

**Ms HOARE**—I would like to see a copy of the submission.

**CHAIR**—Yes, I am quite curious about it. It is absolutely fascinating.

**Mr Coe**—I will give an example. From my many years of involvement with the Aboriginal legal service, I know that certain Aboriginal families and their kids get persecuted by individual police officers—they get record after record. It means that entire families cannot be beneficiaries under the land rights act because a certain police officer or certain police members have got it in for that particular family. That goes on whether you like it or not.

**CHAIR**—I would have thought that it would struggle to survive a fair-go test by any criteria on the basis that, if you do the crime and get into strife, you do the time or whatever but then go on.

**Mr Coe**—This is double jeopardy.

**CHAIR**—I am surprised.

**Ms HOARE**—How many regions did you say there were in New South Wales?

**Mr Welsh**—There are nine.

**Mr Coe**—There were originally 13 regions prior to the amendments.

**Ms HOARE**—I would like your personal opinion, and your answer can be yes or no. Do you think there should be the same number of land councils, with the same boundaries, as the regions?

**Mr Welsh**—The regions are broken up within the boundaries of other land councils. For our Newcastle-Sydney region, there are eight local land councils within that one region.

**Ms HOARE**—So the land councils do not overlap regions?

**Mr Coe**—Under the old legislation they did not overlap and they do not overlap now. The 13 regional land councils had an administrative responsibility for looking after the local land councils in their regions. The local land councils did not overlap with the regional land councils, and they still do not today.

**Mr Welsh**—Within our boundaries, we have one regional rep, and she is the spokesperson for the eight local land councils within that region. She has a boundary within which she works, and she has to be a member of one of those land councils. That is how the whole state gets broken down into nine land councils.

**CHAIR**—Thank you very much for your attendance here today; we appreciate it.

[2.08 p.m.]

**CHRISTIAN, Mr Trevor Charles, Manager, Sydney Regional Aboriginal Corporation Legal Service**

**SCOTT, Mr Ralph William, Finance Manager, Sydney Regional Aboriginal Corporation Legal Service**

**WILSON, Mr Richard John, Deputy Principal Solicitor, Sydney Regional Aboriginal Corporation Legal Service**

**CHAIR**—I welcome representatives from the Sydney Regional Aboriginal Corporation Legal Service to our public hearing. I remind you that these are formal proceedings of the parliament, and I invite you to make a short opening statement. Mr Christian, I believe we have already had a younger advocate in here this morning by the name of Grant Christian.

**Mr T. Christian**—Yes, that is my son.

**CHAIR**—He was putting a word in for the legal service, not knowing that his father was going to be appearing this afternoon. Over to you, sir.

**Mr T. Christian**—We were asked to send something along. I do not know whether you have this or not.

**CHAIR**—Our secretariat will accept that.

**Mr T. Christian**—I faxed a letter about our concerns.

**CHAIR**—Do you want to make a brief opening statement and describe where things are at and how they are going with respect to our terms of reference? Kelly and I will have a glance at the issues that you have raised in your paper.

**Mr T. Christian**—Should I go to how we are stretched at the moment? I do not know whether or not you want to hear about that.

**CHAIR**—The first point I need to make is that our committee is not authorised to fund or make decisions about that. You probably understand that. We are here to listen to the general principles but with respect to our terms of reference—that is, the capacity of the community, what we need to do about it and how it is going from an Aboriginal perspective, a bureaucratic perspective and an individual perspective. We would like to hear your observations about community capacity and how we might move the issue forward.

**Mr T. Christian**—Our funding, as you know, is by a 12-months by 12-months arrangement. That puts a lot of pressure on our staff; we can keep them for only 12 months because we are under that 12-months by 12-months arrangement. It would be a lot more beneficial to us if we had triennial funding so that we could set up some sort of a career path for the staff in our

organisation. The surety of continuation of funding is a big concern. Another thing is that, where we are delving in courts, we are paying for public defenders. I do not believe we should be paying for public defenders. I think that should be given to us free like it is to the Legal Aid Commission. We get a brief-out budget, which is not a great brief-out budget, and we pay out most of that to the public defenders. That is a big strain on our budget. Also, we are spending somewhere between \$50,000 and \$70,000 a year on medical reports—where there is a medical problem or whatever—and that comes out of our brief-out budget as well. That stretches things.

**CHAIR**—So the capacity to offer reasonable legal service to Aboriginal people is impeded by the need to pick up the tab for a whole lot of other issues?

**Mr T. Christian**—Yes.

**Mr Scott**—Trevor is making the point that we are happily a community controlled organisation—that is, controlled by members of the Aboriginal community through our board—and we provide services very similar to those of the Legal Aid Commission but the resourcing we get per staff member would be nothing like what the mainstream service gets per head of staff. So the onus is always on us to do things very cheaply. Obviously, it is our objective to not compromise the service we provide. What we are getting at is that we are striving to provide a very high standard of service but we are not resourced per staff member, or per matter dealt with, in the same terms as the mainstream service—which is not to suggest we want to become part of the Legal Aid Commission. I do not think we would be effective if we lost our community control.

**CHAIR**—If I have got it right, there is a different funding formula for the mainstream legal service than for the Aboriginal legal service?

**Mr Scott**—There are different formulas.

**CHAIR**—A lesser amount, if not resourced from the same formula?

**Mr Scott**—Yes.

**CHAIR**—By implication, I take it the service certainly would not expect to be quite the same; it is stretched further or—

**Mr Scott**—It is that classic situation where maybe your staff are more dedicated so that you are pulling yourself up by the extra effort of your staff, but they burn out, and it is not a sustainable long-term resource solution. To add to that, we have existed for six years, and we have been bringing more and more Aboriginal people over to use our services over the six years. So we are not servicing 100 per cent of the client base, but we have been consistently lifting that each year. So as we get better, we just attract more clients. That is probably not even examined; that flow of client from legal aid to us, and whether there is a flow back the other way. There would be no resource sharing between the agencies based on that, because I do not think anyone analyses it.

**CHAIR**—Kelly might follow up on that. Before I pass to Kelly, I want to ask a general question in a different area. If I spoke about a Koori court, would you know what I was referring to?

**Mr T. Christian**—Yes, I would.

**CHAIR**—I would like your opinion about that in terms of linking it to traditional elders and the community. How do you feel about it? Is there a form of Koori court in New South Wales? My colleague is nodding.

**Ms HOARE**—Circle sentencing.

**CHAIR**—There is something like that here. I would like your comments about it and how you feel about it.

**Mr T. Christian**—I think it is very good. We recently went over to Adelaide and had a look at the Nunga courts in Port Adelaide and Murray Bridge. There were quite a few other people over there as well looking at the same model. We looked at it along the lines of introducing it here at Redfern courts, because Redfern courts only have a two day a week court now, amalgamated with Kogarah.

**Mr Wilson**—That is where the magistrate sits—

**Mr T. Christian**—So if we were going to do it, we would want to do it at Redfern court. But the ideas are really good. The sentencing formula, I think, is a lot better. Until we get something like that going here in New South Wales, we are always going to have a high representation of Aboriginal people in the prison system.

**CHAIR**—I could go on at great length about the reasons why the number of Aboriginal people are disproportionate in the legal system, but I will not at this point. You might like to offer something later, but I will pass to Kelly.

**Ms HOARE**—I would like to ask about circle sentencing. The chair is from South Australia, so he knows about the system there. I witnessed the legislated Koori court in Shepparton, and the committee visited there. I know that we have circle sentencing in New South Wales, but I do not know a lot about it. Can you explain what happens here in New South Wales and why you, too, Trevor, think that that could be improved upon by legislating a Koori court system?

**Mr Wilson**—I can perhaps assist about the current state of circle sentencing. It is only on a trial basis in the Nowra area just south of Sydney. It is not a separate Koori court; it is part of the existing court. When someone is going to be sentenced, the whole court adjourns out to somewhere where everyone sits down in a circle and talks about it—people from the community, the elders, the magistrate, representatives from the police, the offender, and his or her family. It takes all day to do one sentence, so it is very resource intensive. But the outcomes seem to be a lot better supported by the offender in terms of both compliance with orders such as community service orders and periodic detention and things like that, and in terms of the community feeling like justice is being done and someone is having to be responsible for their actions, as opposed to perhaps a view by some in the community that someone turns up to court and it is all over and

they do not take responsibility and do not think about it. So it is working very well. I am not the expert on it. Mr Gary Pudney, from the South Eastern Aboriginal Legal Service, is an expert on it. He is perhaps the best person to talk to about that. He is very knowledgeable about it. It does appear to be working very well, but it is very resource intense.

**Ms HOARE**—Does it include young people?

**Mr Wilson**—It includes both adults and juveniles, from my recollection.

**Ms HOARE**—The systems that we have seen do not include juveniles. The system in Victoria did not include juveniles. I do not know about South Australia. Can you tell us a little about juvenile rates of crime here in Sydney?

**Mr Wilson**—It depends whether you are talking about rates of crime or rates of arrest, but certainly young Aboriginal people are very highly represented in arrest rates. There is a very high level of interaction between police and young Aboriginal people. We have clients who complain of being pulled over and searched by the police on a daily basis in inner-city Sydney. That does affect the rate of perceived crime, I guess, because if every child in Sydney were pulled over every day the police would find all sorts of things on them—small amounts of drugs, pocket knives and so on. The actual arrest rate is extremely high and so is the contact rate. The crime rate overall is pretty high as well. You may be aware of the figures for Aboriginal juveniles in detention centres. I think they are about half of the population in the detention centres.

**Ms HOARE**—Is it declining at all, Richard? Are any diversionary measures working?

**Mr Wilson**—The Young Offenders Act, which came in a few years ago, has had some impact. That involves conferences which are not quite like circle sentencing but on a vaguely similar model where you involve community members, the young offender and their family members or support people, and the victim. The feedback from our clients is that having to face their victims is much harder than going to court and being told by the magistrate not to do it again or even being locked up for a short period of time. I think the police still see it as a softer option, ironically, when our clients see it as a harder option. That is having some impact in terms of letting young people know the results of their actions. So, if they steal a car, they get to hear how the woman could not take her child to school because the car was not there any more—and so on. It is something that perhaps is underutilized, because it involves the police in seeing it has a hard option.

**Ms HOARE**—We were in Newcastle yesterday, and there was some discussion about young people re-establishing protocols within their own families. They did not feel as though they knew how to communicate with their elders or with their family members or with the wider community members. There seemed to be a drive coming from younger Aboriginal people—and, of course, this is an urban area—that they wanted to be able to communicate like that. Maybe those protocols for young people could be reinforced in communities. If there is more communication and interaction between young people and elders in the community then the end result will be that it will not have to happen in conferencing or in circle sentencing.



**Mr T. Christian**—We have a big problem here in Sydney. It is the same for every capital city in Australia, but they call them different things. In Sydney, we call them the floating population. Because of all the resettlement here, we have so many factions of Aboriginal people. They come from the south, the south-west, the west, the north-west and the north. They come from all over Australia, so it is very hard to talk about elders talking with young people. They can go to Redfern court one day, and they can be back home in Brewarrina on Friday. If they have to get back to court by the following Friday and they cannot get back there, they are given an FTA for the next Thursday here in court. Is that right, Richard?

**Mr Wilson**—Yes.

**Mr T. Christian**—We get so much, and that is the biggest problem, because of the floating population. What is happening with the Nunga court is not circle sentencing; it is a different sort of thing. We should have it working here, but we need more rehabilitation centres so that, when sentencing comes up, they can be diverted to those places. At the moment we do not have the resources to be able to do that. We could send them to Morrisset, which is a mental institution. A lot of people do not want to go there; they want to go somewhere where—

**Ms HOARE**—That is in my electorate.

**Mr T. Christian**—They do not have that sort of mental problem; they have another sort of mental problem. That is what I was just talking about with these medical reports. When they are going for a sentence and going to different people, we are spending money on those sorts of reports to place these people where they should be going. But it is not happening because there are not enough diversionary places to go to.

**Mr Scott**—You asked your first question about diversionary programs. In the six years we have existed, there has not been a steady build-up of those kinds of programs. We have not had people come to us at all saying, ‘We can do this for your juvenile clients,’ or, ‘We can do this for your clients.’ I have not noticed any build-up in alternative sentencing programs in Sydney at all. We have tried to get a few up and running, but our problem is that, for us to set up a diversionary program, we are diverting resources from ourselves. Nothing is coming out of other departments or other levels of government at all that I have noticed.

**Ms HOARE**—And there is only one Chris Riley around.

**CHAIR**—I note that under ‘need for resources’ you refer to drug and alcohol rehabilitation programs. It says there is an overwhelming shortage of placements in residential community based rehabilitation services and in dual diagnosis and treatment rehabilitation programs. You clearly have in your mind what you see as trying to break the cycle. I do not have anything that I could offer. In a previous inquiry, we looked at substance abuse and issues like that. I still serve on that committee and I am involved in some of the recommendations we are making, and to a degree this is picked up in that. I can only say that all the evidence we found across Australia indicated that the whole rehabilitation issue is really struggling. There are reasons for that. Even to find a service manual—where are these services?—was an issue in itself. That is not offering hope but it is offering the fact that there is a growing awareness of the issue. I will let that rest there. We will have to file that in the too-hard basket for a little bit longer, unfortunately, but that does not mean that the issue is not there.

Kelly might like to ask another question, but I want to conclude by trying to understand the recidivism, the literacy and numeracy issues, and the jails of New South Wales—and of Australia, but we are in New South Wales, so I will ask you about New South Wales. We know the statistics. This is not new information. We all know the stats within a percentage or two. Could you make a comment about efforts at rehabilitation—that is, in our diversion system but also in our jail system—at recidivism and at something as basic as literacy and numeracy? I am looking for anecdotal evidence. You deal with clients every day. Could we talk a little bit about their self-esteem, their literacy—the issue that is going to give them a sporting chance somewhere?

**Mr T. Christian**—Most of the people that we deal with have finished school before the fifth class. I know that, being an Aboriginal myself. I know of other Aboriginal people who only went to sixth class or the first year in high school, then they bailed out and did something else. The recidivism that you are talking about very strongly relates back to the issue of rehabilitation. Once you are sentenced and you go to jail, especially if you are on a drug charge, taking heroin or whatever, you are immediately placed on methadone. You are on supplied methadone while ever you are in there—three years, four years, five years or whatever—and when you come back out, if you do not go back on to methadone, you go back on the streets as another drug user; so it is just a complete circle.

In the last couple of years I have taken the Commissioner of Corrective Services out to a Naltrexone hospital. You know about rehabilitation, so you know about Naltrexone. I am a great believer in Naltrexone; I think it should be introduced into all prisons. I think that anybody who goes into prison for two years or more who has an addiction, whether it be to heroin or speed or whatever, should be placed on Naltrexone. They have got the facilities in there to be able to supply Naltrexone to those people. When they come out, they are clean. If they come out and they are clean, they are going to go down a different path, aren't they?

**CHAIR**—They have got a far better chance, haven't they?

**Mr T. Christian**—That is right.

**CHAIR**—I think there is a lot of wisdom in that. I did not visit the hospital here, but I know that some of the work that has been done here in Sydney on Naltrexone is quite encouraging, but it needs the back-up. The thing that I find about jail—which is quite amazing to me—is that, for many of these people, that is the only time in their lives when they stabilise. Excuse the pun, but they are a captive audience. They actually have a chance of getting stronger and fitter in jail. I do not know whether that is your experience or your view; please disagree with me if I am wrong.

**Mr Wilson**—It is a common thing for very heavy drug users to find themselves much more physically fit and healthy when they are in jail, but it is what goes on to prepare them for when they get out that is lacking. There is disruption to their lives caused by jail; they may have been on a waiting list for public housing and finally got their public housing, then they are in jail for X amount of time and they come out with \$300 in their pocket and nowhere to live. Perhaps relatives have given up on them and they have nowhere to stay and they meet up with their old associates and off they go again. The disruptive nature of jail and the lack of follow-through is a big issue. I know that at Emu Plains women's prison the situation is much better than it is for

men, especially for women with children; they do try to find them somewhere stable to go to in terms of accommodation. With the men it is sometimes quite hopeless.

I guess it is a multifaceted issue. You are quite right about literacy. The literacy levels are much lower than they should be, much lower than those of the general population. The unemployment rate is extremely high. In my experience and that of my colleagues, sometimes the best rehabilitation anyone can get is getting their first job and actually feeling like they have got something useful to do and to contribute. They get some money rather than being on the welfare cycle. That is a huge issue as well.

**Mr Scott**—What we have been talking about has been very focused on our clients who are involved with the criminal justice system. Ninety per cent of our work is with the criminal justice system, and about 10 per cent of it is with family law and care proceedings. We have been lobbying successfully to get some money to run pilots for care proceedings. We are about to be able to represent children in care matters, and that is probably where we can get in early and address education and self-esteem issues. If we are able to act in the interests of Aboriginal children in these matters—and it might sometimes be against DOCS or against other family members—that, to me, will be a great opportunity to bolster self-esteem, encourage education and involve children from an early age before they are our criminal law clients.

**CHAIR**—In the Tough on Drugs policy, with regard to accessing Commonwealth money, there was a view floating around that not much of that money was going into our jail systems, which may imply that Aboriginal people, as well, are not getting access to some of this cash. I will stand corrected on that; I just put it out there.

**Mr T. Christian**—We have just made some sort of a breakthrough with the Legal Aid Commission—something which has not happened since 1988. If you were a private practitioner or belonged to a community legal service, somebody could come along to you with a family law problem and you could make an application to the Legal Aid Commission for a grant for legal aid and get that grant. However, since 1988, the Aboriginal legal service has been unable to do that. We were being discriminated against.

Just recently I believe there was some unspent money in Mr Williams's budget, and it was spread out around some of the federal and family law courts for mediation and things like that, and we are now able to make an application for family matters. However, care proceedings are not family matters; they are state matters and are found in the state courts. That is where we fall down. We cannot make an application—

**CHAIR**—Through the gap.

**Mr T. Christian**—That is right.

**CHAIR**—Gentlemen, your input is much appreciated. Thank you very much.

[2.40 p.m.]

**BAILEY, Ms Sandra, Chief Executive Officer, Aboriginal Health and Medical Research Council of New South Wales**

**DELANEY, Mrs Pat, Programs Manager, Aboriginal Health and Medical Research Council of New South Wales**

**WILLIAMS, Mr John, Policy Analyst, Aboriginal Health and Medical Research Council of New South Wales**

**CHAIR**—I welcome representatives from the Aboriginal Health and Medical Research Council of New South Wales to our public hearing today. I would remind everyone that these are proceedings of the federal parliament and we need to be mindful of that. I invite the witnesses to make a short opening statement.

**Ms Bailey**—Thank you for the opportunity to address the standing committee today. I have been elected the spokesperson for our organisation to convey the views of the Aboriginal community-controlled health sector on the issues to be considered by this inquiry. Our response today is based on the terms of reference. We note that the committee has expressed an interest in success stories, and we believe we have quite a few of them. We would also like to extend an invitation to the committee to meet the AHMRC delegates at our general meeting in May, if you want to broaden your consultation.

The committee's explanatory paper touches on some very important points, particularly that of Aboriginal community control, at page 2. We would like to expand on these points. The importance of Aboriginal community control in programs, service delivery and other matters has long been recognised, and I can cite a few reports. The first is the Brereton report, which was produced by the task force into Aboriginal health in New South Wales, in 1982-83; Pat O'Shane was the chairperson of that committee. There was also the National Aboriginal Health Strategy in 1989, and the Royal Commission on Aboriginal Deaths in Custody in 1991. All of these have recommendations which are pertinent, we believe, to the issue of capacity building and what that means for Aboriginal communities. Aboriginal community-controlled health services have a proven track record for being stable and viable, and this was referred to in your explanatory document. The services have competent staff, effective corporate governance and financial accountability. We would argue, though, that increased funding is required for infrastructure.

I will start with a brief history of the Aboriginal community-controlled health services. We maintain that Aboriginal community-controlled health services have been delivering holistic primary health care for many years and practise Aboriginal capacity building. We also maintain that this is only possible at the local level. In 1971, the first Aboriginal medical service was established here in Redfern in response to the critical need of Aboriginal people to have access to appropriate primary health care. That service was run for at least two years on voluntary labour and also with a governing committee elected by the local Aboriginal community, whose role was also voluntary. That was in 1971. In 2001, there were over 120 Aboriginal community-controlled health services around the country delivering culturally appropriate, holistic primary health care.

The philosophy, as I have said, with the medical services is that the local Aboriginal community controls their services. That then makes them culturally appropriate and they are able to best adapt to local Aboriginal community needs, with the flexibility and speed required. Most importantly, they are able to make Aboriginal health services accessible to the community. In the past, the Aboriginal community was not accessing mainstream services due to a number of factors—perhaps due to a myth that hospitals were places where people went to die or because people were being discriminated against in some way in those structures.

One important philosophy in the early days of the Aboriginal medical services and their national organisation—which, at the time, was the National Aboriginal and Islander Health Organisation—was ‘each one teach one’. The first wave of Aboriginal community-controlled medical services around the country was established with assistance from more established AMSs. It was a very concerted effort by Aboriginal communities to address their health needs and to build their capacity to deliver services that were needed to improve the health of their people.

We use the term ‘Aboriginal community-controlled health service’ generically, but I will use AMS for convenience. Some positive outcomes of AMSs are the improved health of Aboriginal communities in which they deliver health services; a drastic reduction in hospital admission rates; early intervention programs, which improve health; programs such as immunisation, which are extremely successful at the moment; education in terms of health; employment; and increased community morale. Empowering communities to deal with their own problems and make their own decisions within their own areas is extremely important to the restoration of Aboriginal health in this country, we believe. That is all made possible by the culturally appropriate primary health care model of AMSs.

Other functions that stem from the existence of Aboriginal medical services include the ability to represent local communities at state and national levels; the important role of advocacy outside communities; and accountability to local Aboriginal communities through the process. An Aboriginal medical service, by the way, has an Aboriginal board or governing committee which is made up of Aboriginal people elected by the Aboriginal community which it services. I think that bears out the true meaning of accountability because, if you do not deliver, you do not get elected next time around and people know where to find you if they have a complaint about the service. So there is a high level of accountability and transparency in AMSs to the community.

There is the possibility of working in partnership with governments on an equal footing, and I will talk more about that under the specific points. There is the opportunity to network and to glean support from other medical services in terms of their experiences and solutions and basically the exchange of ideas. They also allow for specialised expertise so that you have a critical mass of Aboriginal health expertise, and for the overall capacity to deliver efficiently and effectively services to Aboriginal people in their communities.

Having provided the above information by way of background, I will address some of the specific issues in the paper. I have invited John and Pat to intervene if I forget anything. It is the position of medical services that community leadership, as a logical step towards Aboriginal community control, has to be determined by local Aboriginal communities. That means that those leaders are the ones that the community elects to represent them. They may not be leaders

the government likes to talk to, but they will be objective, have community credibility, have the interests of the Aboriginal community at heart and be committed to the community's aspirations. We believe these are the important qualities of community leaders. Also, they will be accountable to the community. In AMSs, the process exists for the local Aboriginal community to elect their governing committee, as I have already mentioned.

There is a reference in the explanatory paper to the issue of encouraging new leaders. We have a note here to say that new leaders are taken care of through the community-controlled process, as the community elects new leaders when they deem it necessary. Do you want to add anything to that?

**Mrs Delaney**—No.

**Ms Bailey**—The second point is: what do Indigenous people, governments and the wider community respectively think makes a well-run community? It is our position that Aboriginal communities want their leaders to represent them and their needs faithfully and to establish and maintain service delivery organisations to meet their needs, especially where mainstream services and programs have failed them. We believe that this is, in actual fact, capacity building. In terms of what the government deems to be a well-run community, we think the government does not always necessarily hold the same view on this, because it is not part of the Aboriginal community. The government might think a well-run community is one that does not draw too much attention to identified problems or raise contentious issues.

In relation to the wider community, some of the best stories about well-run communities are often not heard, because those communities are not adept at media utilisation, and the benefits are sometimes known only to the community itself. There are a lot of Aboriginal media outlets at the moment. There are three newspapers, as well as Koori Radio and Aboriginal radio programs. But not much is being heard about those good stories in terms of the wider community.

In relation to what the wider community believes is a well-run community, we are not really familiar with what the wider community wants, and there probably is not one generic view or a one-size-fits-all view in that regard. There is probably a broad spectrum of views, and we assume that, given the proper information, the wider community would support the idea that Aboriginal medical services have a vital role to play in the delivery of health services to the community. We believe that, if they were equipped with knowledge about the outcomes and positive benefits, their support would be forthcoming. We know that everybody—that is, the Aboriginal community, the governments and the wider community—expects accountability in terms of a well-run Aboriginal community.

The third point is: how important is community capacity building to the communities themselves, and how do Indigenous people believe that their communities can be strengthened in urban as well as regional and remote areas? There is no need for a distinction there, because the principles apply across the board in either scenario. Capacity building is extremely important. In fact, it is crucial in the right context, without losing the right to local community control and its processes and structures. It builds on existing achievements. We often read about capacity building as if it were something new, and we often think that a lot has been done. You can look back to the 1930s and earlier in terms of leaders trying to build the capacity of the community and make governments more responsive to Aboriginal community needs. The capacity building

was basically a part of that whole process of leadership within the community by community nominated leaders.

It is also important that capacity building take place in the Aboriginal community, because a lot of Aboriginal people never actually leave their local Aboriginal community. Although there is a lot of travelling and moving around, people generally stay based in their communities, so it is important that that capacity be built at that level, stay at that level and be controlled at that level.

Resourcing for Aboriginal communities must be adequate to meet needs. The Deeble report provides a detailed analysis of Aboriginal health needs and costs. You might be familiar with that; if not, we will put it in our formal submission to you. We believe that capacity building can be strengthened by additional resources for infrastructure as well as work force. Some of the negative outcomes that the media and government point to at times are that there are divisions in communities, that people cannot get on or that people are not quite sure about governance. We believe that the capacity is there, that those communities and community organisations need support in terms of infrastructure and work force and that programs and resources must be based on local Aboriginal community-identified priorities. It is no good giving a major grant in respect of some issue that the community does not see as a priority.

How best can community and regional organisations do business and make decisions in traditional ways while meeting wider governance and accountability standards? What can governments do to help? Local Aboriginal community-controlled health services embody such a process. Our organisations embrace cultural imperatives and values within corporate governance and accountability standards. The AHMRC is an incorporation agent recognised by the Australian Securities and Investments Commission, and we work with local Aboriginal communities to develop their constitutions. This issue is central to the development of those constitutions: in all respects and as far as possible, Aboriginal values are to be maintained whilst corporate governance and accountability standards are met.

How can governments help? Governments could recognise the efforts of the Aboriginal community-controlled health sector and support the sector's training and education efforts aimed at increasing skill levels in governance, management, planning and development. They are broad areas, but a lot of education and training needs are encompassed by those. The AHMRC are currently developing, through our Aboriginal health college, curricula for Aboriginal health organisations in these areas.

**CHAIR**—I will ask you to just wind up there. Our questions will pick up from there and you might like to refer to your notes. This is a fairly demanding process. You might have a couple of points you want to pick out of there and quickly make, but perhaps we can come to those through the questions. Do you want to halt there?

**Ms Bailey**—Yes.

**CHAIR**—I have three or four questions. What does the Aboriginal Health and Medical Research Council see as the priority issues?

**Ms Bailey**—The improvement of Aboriginal health.

**CHAIR**—Can we get a little more specific?

**Ms Bailey**—The improvement of Aboriginal health through community empowerment.

**CHAIR**—Can we go to particular areas of Aboriginal health in terms of the capacity of people? Are you familiar with the book *Why Warriors Lie Down and Die*?

**Ms Bailey**—I have heard about it.

**CHAIR**—Have you read it?

**Mrs Delaney**—I have skimmed it, yes.

**CHAIR**—In the limited time we have, I am interested to drill in and find out those things—if we could get three things—that would make the most difference. What do you think might make the most difference in terms of the research right across the board but particularly focused on health? Here we have a research issue.

**Mrs Delaney**—Are you talking about research priorities?

**CHAIR**—Yes, but you cover research and primary health.

**Mrs Delaney**—And ethics.

**CHAIR**—It is pretty broad, but if you had to pick one priority in research and one priority in primary health what would they be?

**Ms Bailey**—There is a whole array. Our medical services approach health in a holistic way, rather than deal with what we call ‘body parts’—to take your ears over there and your liver over to another place—

**CHAIR**—One issue might be that we need to be more holistic. That might be the priority.

**Ms Bailey**—We have been talking about holistic primary health care for years. Recently the mainstream is coming over to that way of thinking too in terms of grouping issues such as eye health, vascular health, renal disease and so forth—

**Mrs Delaney**—They have learnt a lot from us!

**Ms Bailey**—into, say, macrovascular health. There is more evidence now to say that you cannot just look at dental health in isolation from the rest of your body, heart health, nutrition and a number of other factors. There is no one priority. We need more research into the prevalence of morbidity in Aboriginal communities.

**CHAIR**—For example, some people might say to me, ‘Aboriginal communities have just about been researched out.’ If we apply what we know now, that is another issue. But you have mentioned an important issue.



**Ms Bailey**—Again, research needs to be tied to what the community needs and has identified as a priority for it. It needs to be useful and acceptable and it needs to be ethically sound in the process that is utilised. That is if you are talking about research.

**CHAIR**—You mentioned the framework agreements partnership in your submission. How do you think it has gone? Is it worth while, and is there any particular issue that is sticking a bit at the moment?

**Ms Bailey**—It is very important because in 1989 the National Aboriginal Health Strategy recommended that we work in partnership with governments and the community, as you would be aware. It has taken us a long time to get to that situation. In 1995 in New South Wales, we entered into a partnership with New South Wales Health for a number of reasons. We have a role in advising government on Aboriginal health issues. We found that the politicians got their advice from the department but we were also giving them advice and the advice differed. The partnership came about so that the government could move with confidence and make decisions that they knew had their basis in the Aboriginal community and had been worked through in a proper partnership process. We have achieved a lot through that partnership in New South Wales.

I have a document here called *Ensuring progress in Aboriginal health in NSW: a reader friendly information kit*. It has all the policy documents in relation to Aboriginal health that have been created through the partnership. There have been a number of them and I will not list them now. The partnership is very important because it recognises Aboriginal community-controlled health services as an entity and as an equal partner. If we are going to fix Aboriginal health, we have to get on with the business and we have to do this together. If the public health system is delivering health services to Aboriginal people, it makes sense that they ask the Aboriginal people what is the best way to do it.

As well as the state Aboriginal health partnership, we have local-area partnerships at every area level. Rather than having a regional focus, they have a local focus with the local Aboriginal medical services. They are aimed at improving health service delivery in the area and attacking some of the practical issues of that health service delivery.

**CHAIR**—I have three or four quick questions on capacity. The issues go like this: education and training; the relationship with mainstream services, for want of a better phrase; culture—you have touched on culture, although you might like to add to that; and Indigenous participation in the health industry—participation as health professionals, doctors, specialists, the whole issue. I think Newcastle leads Australia in many ways on the medical side.

**Ms Bailey**—Absolutely.

**CHAIR**—Could you provide three or four brief comments on education and training—where that is at, national accreditation, state accreditation and those sorts of things, how you think it is going and capacity issues, even going back to the literacy and numeracy issues, if you like. How is it going in terms of the health industry itself, do you think?

**Ms Bailey**—I will start with the Aboriginal health workers, because they are the cornerstone of the Aboriginal medical services. They are crucial to providing the linkage between the health professionals—doctors, nurses and specialists—and the Aboriginal patient. They have a very

important role in terms of bridging the cultural gap, which has been a barrier to accessing health services in the past.

In terms of the education of health workers, the AHMRC has established its college in a small way. We have an Aboriginal health worker course that is being run by Redfern AMS, an Aboriginal mental health worker course and an Aboriginal sexual health worker course—and the list is growing. We have developed those because we feel it is important to be training a work force that understands all those issues around Aboriginal health and that is suited to the needs of an Aboriginal medical service.

**CHAIR**—Is that across Australia or just in New South Wales?

**Ms Bailey**—We have established it in New South Wales; we do not yet know if we are going to get people from around the country.

**CHAIR**—Aboriginal people are quite mobile. I am thinking about people coming to get a qualification and practising in New South Wales and whether they are able to practise in Western Australia and the Northern Territory.

**Ms Bailey**—Yes. We also work with the Australian College of Health Service Executives. We have also developed the Aboriginal trainee managers program—that is the next level, with management—and then there is Newcastle, in terms of doctors. There is a recruitment program for nurses at the moment. One of the issues relating to getting education is recognition of prior learning. Our mob have had educational disadvantages, which are not going to be rectified overnight. That prevents them from accessing mainstream health courses, which is another reason why we think it is desirable to run our own courses.

In terms of recruitment for medical services, having those people skilled is one thing but the most important thing is that they work with Aboriginal medical services. Recruitment is a major problem for medical services and a lot of health services in the rural areas but also in urban areas. I would like to make the point that the health status, the recruitment issues and the funding issues are pretty much on a par across the state, irrespective of whether it is rural or urban. But the recruitment issue is a major one. Sometimes we have people who are educated, such as doctors and so forth, who do not come back to work in the community-controlled health setting. But it is early days; they may be off getting experience elsewhere and may come back later.

**CHAIR**—We all hope that. We hope for the same kind of thing in regional Australia.

**Ms Bailey**—There is another issue relating to education. As I mentioned, our college is developing governance courses to increase skill levels in governance, management, planning and service delivery. Those are very important to build the capacity of the most important building block in the whole health structure, which is the AMS network.

**CHAIR**—With regard to the broader health system, relationships and developing an understanding, Pat made the point earlier about how much the mainstream system has learnt from the holistic approach. It is still a bit patchy to me. I am interested in how you think that is going. You do not have to answer at any great length.

**Ms Bailey**—It has changed a lot since we have had the partnership in New South Wales, which has been there for eight years. Local-area partnerships have made a big difference. You now have the CEO and the chairperson of the medical service in the area forming the partnership. All the other players in the area, region or local community—whatever you want to call it—can then come in under the umbrella of that local area partnership. Since 1995 I have seen a lot of difference. There was a lot of resistance to partnerships. People did not want to work with AMSs, whereas now, through local-area partnerships, areas are transferring positions to AMSs—for example, mental health positions. They know that people are not going to come through the doors. Pat is the expert in social and emotional wellbeing and mental health. They are not going to access services in the mainstream, in the public health system. So it makes sense to transfer those positions to a community-controlled health service, for example. There are all sorts of other arrangements. In one area the area health service funded a building for a medical service in Casino. So a lot can be done.

**CHAIR**—It has come a long way.

**Ms Bailey**—Yes.

**CHAIR**—My last question relates to the participation of Indigenous people in the health industry itself. I do not know if there is any measurement. It may be anecdotal. Are you seeing an increase in the participation of Aboriginal people in the industry at AHW level or the professional level, the doctor level?

**Mrs Delaney**—We now have two psychiatrists.

**Ms Bailey**—That has always been our goal—to have Aboriginal people in those roles, because it is culturally appropriate.

**CHAIR**—What I am looking for in the answer is whether you think there is progress; it is a very worthy goal. If there is, that is good, but what could strengthen it? What could government and the community do to strengthen that?

**Ms Bailey**—We need proper resources for those positions in Aboriginal medical services. There has been a longstanding issue about government funding for award levels and award conditions. The Aboriginal health services award of the Health Services Union of Australia is currently being reviewed and simplified. There have been a number of attempts to raise the standard so that we can recruit and retain staff in the health services. The conditions are not very good, and often people leave to go to mainstream services or out of the health sector altogether.

**CHAIR**—So there is an issue in terms of being able to maintain a hold.

**Ms Bailey**—Absolutely. Dependency on government funding and the reluctance of the government to fund those award conditions is a major issue. The government could come to the party with a few more dollars in terms of those positions. Also, because of inadequate funding under some programs in the past, medical services have had to put staff off because they have been told to find the extra money within their own budget—which is a joke—and there is no funding to keep people on. So positions are lost and services cease.

**Ms HOARE**—I have two questions, one going back to when you were talking about Aboriginal people accessing mainstream health services. We have had people from the Canberra health service talk about the barriers in the ACT to Aboriginal people going to the local hospital. In my area—I am fairly sure I have met you up there, Sandra—at the John Hunter Hospital in Newcastle, there was a purpose-built accommodation facility called Yallarwah Cottage, and now more non-Aboriginal people are using it than Aboriginal people. We have come a long way, but some more, fairly urgent steps need to be taken. So that is one question which links back to what you were saying before. The other question is in relation to getting your views on the coordinated care trials which are happening in the Katherine West area. Do you think that they are a good idea, and do you think they could be translated into the New South Wales health system?

**Ms Bailey**—Indigenous community-coordinated trials or the coordinated care trials?

**Ms HOARE**—The cashing in of the Medicare rebate.

**Mrs Delaney**—On the first one, with mainstream services, if you have a doctor and a health worker in the mainstream service and one at the AMS, if you sit at both services and see how many people come through the door it is relevant in terms of where the people are going. With an Aboriginal medical service, it is not just a place where you go for a medical service; it is a place of pride which has come up out of the community. It is a one-stop shop where you can see somebody about welfare issues, for example, or when there is a death in the family, and you do not have to explain everything to everybody. For example, if there is a death in custody, you can go to AMS Redfern and they know when you walk through the door what has happened to your family; and the services, the people and the support are there. You are not going to walk into a mainstream service and get that.

An AMS looks after not only your physical needs but also your psychological, cultural and other needs. Everything is there. You can get a cup of coffee, tell someone confidentially about your kids and get community support. You could not do that at an area health service. Area health services are needed because they have all the specialist services that can support, backup and provide services. But, when you are talking about an Aboriginal medical service, you really need to say what it means to the community.

All the dots on the board are our AMSs and our committees, but every one of those services has a board of directors who come from a broad range of families. None of them is paid—they are not like ATSIC councillors. Not one of those board members is paid. They are elected at the regional level. None of our regional reps is paid. None of our national reps is paid. They do not get travel allowance—and they are really committed to what they are doing. With a mainstream service, it depends on how committed those doctors and nurses are and who the CEO is. They change all the time. But in an AMS, if you have got that good basis and that really strong foundation from the community up, it does not matter which doctors come and go—if they want to go off into the mainstream and earn a quid, well good on them—but that foundation is still there to support the community.

**Ms Bailey**—In relation to Yallarwah, that is currently being reviewed to look at what the issues are in terms of its utilisation.

**Ms HOARE**—Do you have any ideas, Sandra?

**Ms Bailey**—It has a fee attached to it, which might be a barrier. It might be its location. It might be something to do with awareness or whatever. I think that will become evident in the process of the review which is being conducted by the local-area partnership.

In relation to the coordinated care trials, we were concerned in 1995 or 1996 when they first came down from on high that they were not necessarily designed to deal with Aboriginal communities. When they called for tenders or expressions of interest nationally, they ended up with four Aboriginal submissions. So, with a system which was designed for individuals with acute and complex health care needs, overnight they said, 'For Aboriginal communities, we will make it Aboriginal communities who deal with those issues.' It was not designed from the ground up for communities.

I think it is debatable how successful the ones in the Aboriginal communities have been. I think there is one on the North Coast at the moment, and the Aboriginal community-controlled health services that are involved are insisting that they do not lose any of their autonomy in the process of the coordinated care trials so that they keep their decision making role and community control function. They may get some good outcomes from that.

**Ms HOARE**—I probably worded that wrongly. I was talking about the Katherine West health services where the community has basically cashed in the per capita amount which would be spent through Medicare, MBS and pharmaceutical benefits, so they as a community then control the health service provision to the whole community.

**Ms Bailey**—So it is not coordinated care—it is a cashing out of the MBS and PBS?

**Ms HOARE**—Yes.

**Ms Bailey**—We looked at that in New South Wales and we thought there were a lot of difficulties in terms of Aboriginal people moving around. If their value or allocation had been cashed out in one particular site and they went to another site, there would be issues of identification, Medicare numbers and the fact that they might not be able to access services in another place. Some of the sites were too small to do that, and we looked at doing that on a statewide level and just a small regional level. But, in the end, taking everything into account, it was deemed not to be very suitable for the Aboriginal community. But there is the issue of accessing the small amount of the pie that Aboriginal people access through Medicare.

**Mrs Delaney**—Also, you have got to get to the community—each individual person—to sign off on that. In some communities it is a bit hard to do that with about 30,000 people.

**Mr Williams**—The level of sickness of Aboriginal people is greater than in non-Aboriginal communities. If you cash out, to be viable you would have to be selecting a balance of healthy Aboriginal people rather than selecting them across the board. Some of the coordinated care trials in some states have faltered because of that very factor. I do not think it needs much imagination to realise where the problem lies.

**Ms Bailey**—Even to cash out does not give you enough money to deal with the health care needs of Aboriginal people.

**CHAIR**—Coordinated care could lead to cashing out, but it would depend on what the bottom line is, I guess. If you look at the per capita Medicare amount drawdown, you would be well aware that the rural and remote Australia drawdown is a lot less than that of urban areas. Therefore, if you strike some per capita rate that is significantly higher, then, clearly, there are more resources available for those communities. But, if you are heading the other way, then I can see the dilemma, if I have got the equation somewhat right, in the way that someone responsible for a state system might look at it.

**Mr Williams**—I would like to raise one issue, because you did not ask a question on it. You asked about other models: closing down smaller, local organisations vis-a-vis increasing regional organisations. Sandra just touched on it before she stopped. For the local community, because of the Aboriginal people staying in-country, it is essential that the community is represented. A regional model representing 1,500 kilometres of communities, crossing language and cultural barriers, diminishes capacity building. I thought I would just mention that point.

You mentioned that you were looking for community organisations that were stable, viable and with competent staff, effective corporate governance and financial accountability. I think what has been presented to you today is the epitome of the requirements that you have. The worry is that our present funding arrangements are based on our local needs and through our own structures; there is an issue if they are to be funded regionally and not directly to the community on a needs basis. The transition from ATSIC to the department of health was because the funding arrangement was inadequate to meet the needs of local communities—it was not needs based; it was just purely CPI oriented. We have shown you a very strong, working partnership arrangement with the state government which is a bicycle and not a penny-farthing. We would not like to see any of this jeopardised through the regionalisation of our local services.

**CHAIR**—Thank you, John.

**Mrs Delaney**—When ATSIC had the budget, it was not suitable for AMSs across the country but, in hindsight, they only had six people to administer that budget. Today, the Commonwealth health department has 230 people. Capacity building has gone on at that level in the department, but it has not reached Aboriginal people on the ground.

**CHAIR**—That needs further examination, thank you very much.

**Ms Bailey**—Because our structure is based on local community empowerment, and there was a question about regional models, we wanted to say that regional models are pretty much, by definition and in practice, outside the control of local Aboriginal communities. Boundaries are often imposed and, if you look at the ATSIC boundaries—

**CHAIR**—Should they be? Should there be a stronger regional focus? Would a stronger Aboriginal regional focus assist us? Perhaps you have not thought about that. You focus on AMS, which is local but sometimes it is regional. I wonder whether, in a strategic sense, we should be thinking more widely about developing capacity or adding to capacity. In other words, the capacity is already there—but if you harnessed that capacity then you could enhance the

regional delivery. That is all I am really saying. It is nothing particularly profound; it just seemed an important point to make.

**Ms Bailey**—If there are benefits to accrue to the community without in any way detracting from their rights to local decision making, to local community control, to elect their own representation and to have their own expertise put forward, then by all means it is okay. The ATSIC regions were imposed, and they went from 60 to 36 overnight. Insofar as it removes the role of decision making and that right from the local community, it is counterproductive to capacity building.

**CHAIR**—Thank you very much. Your attendance here today is much appreciated.

[3.35 p.m.]

**BROUN, Ms Jody, Deputy Director General, New South Wales Department of Aboriginal Affairs**

**CAPPIE-WOOD, Mr Andrew, Director General, New South Wales Department of Aboriginal Affairs**

**CHAIR**—I welcome representatives from the New South Wales Department of Aboriginal Affairs to our public hearing today. I remind you all that these are proceedings of the federal parliament. Do you have any comments to make on the capacity in which you appear?

**Mr Cappie-Wood**—I am also substantively the Director General of the Department of Housing. For a short space of time, only during the process of the advertising for the director general's position, am I in this dual role. So if it appears that I look slightly quizzical at times, it is not through lack of intent; it is through the sheer fact that I am only here for a short space. With the committee's agreement, I seek to be able to give evidence and get back to briefing my new housing minister, who I have left in the tender mercies of some of my senior officers.

**CHAIR**—Thank you very much; we appreciate your time. I am quite relaxed as to whoever would like to make the opening statement.

**Mr Cappie-Wood**—I will make the opening statement. If I am reading it, it is not, as I said, through any lack of intent; it is making sure that I just get the facts right. Thank you very much for inviting us to speak today; we appreciate that. The role of the department is to advocate for Aboriginal representation in the development of New South Wales government policies and services and to lead and coordinate agencies on Aboriginal affairs. Today we will be focusing on the current initiatives that the department is working on that relate to capacity building. The department recognises that Aboriginal people are best placed to develop solutions which meet their needs. Effective governance structures and decision making mechanisms at the local level ensure that capacity building is developed within Aboriginal communities, thereby producing successful long-term outcomes.

All initiatives in the department are based on better coordination, planning and resource sharing with Aboriginal representative bodies and Aboriginal communities. This is evidenced by the service delivery partnership, which is an agreement that was recently signed by the New South Wales government, ATSIC and the New South Wales Aboriginal Land Council. Key areas identified in the agreement are community leadership and capacity building. The agreement includes an action plan that provides for the strengthening of community governance by encouraging and facilitating community representative structures. This will be achieved by actively supporting Aboriginal service providers and Aboriginal owned businesses and by building on the capacity of government agencies to work effectively with Aboriginal people and organisations.

Complementing the work of the service delivery partnership agreement is the Department of Aboriginal Affairs' plan entitled 'Two Ways Together: Partnerships—A New Way of Doing



Business with Aboriginal People'. Two Ways Together will be an umbrella policy which will underpin the development of strategies aimed at improving the wellbeing of Aboriginal people. This policy will change the way the New South Wales government traditionally dealt with Aboriginal issues. The policy will be a 10-year plan working with Aboriginal people in a coordinated manner. There will be measurable targets and a monitoring system in place to ensure that agencies are held accountable for actions and results.

Instead of tackling issues from the top down, government agencies will now be approaching issues from the bottom up, at the local and regional level. What this new approach will seek to do is address localised needs by supporting solutions which are developed and driven by Aboriginal people in their communities. The framework of Two Ways Together has two core elements. The first is making services work, which establishes what business needs to be done, and the second is new ways of doing business with Aboriginal people, which establishes how business will be done.

Through negotiation with Aboriginal communities and government agencies, concurrence has been reached on what needs to be done. Seven priority areas for action have been identified in New South Wales. They are not surprising but I will run through them. They are: health, education, economic development, justice, family and young people, culture and heritage, and housing and infrastructure. Taking the indicators developed by national processes through MCATSIA and COAG, the seven cluster groups I have already mentioned will set goals, targets and action plans for New South Wales.

The overall plan recognises that achievements are best made in the seven priority areas through implementing a whole-of-government approach. One example of this is in education. Obviously, the issue of literacy and numeracy skills for, say, year 3 is one of four education related indicators for New South Wales. It is also a national indicator. The targets for 2005, 2008 and 2012 have been set to improve the reading, writing and numeracy skills of Aboriginal students in year 3. To achieve these targets, a coordinated approach of government agencies, peak bodies and the community is being developed. This means that, in order to achieve the primary outcome of progress in numeracy and literacy, contingent issues such as improved nutrition, improved housing, reduction in ear infections and the optimal weight of newborn babies need to be addressed. Therefore, working together on all these issues across agencies is seen as a way of improving the literacy of Aboriginal children. It is not a single-issue, single-result process but one that is well recognised nationally and at state level. Reaching those targets for literacy will also make a difference in other priority areas such as justice and economic development. So, again, it is an interrelated set of circumstances and results.

The existence of the service delivery partnerships agreement ensures that our Commonwealth partners are more readily able to align their strategies with local priorities and aspirations. For each of the priority areas, a cluster group of key government agencies and peak bodies, including ATSIC, has been formed, and it is led by a lead agency. The contracts of the CEOs in New South Wales government agencies will include performance indicators which commit the agencies to the agreed outcomes and the crosscutting collaborative behaviours. The work of the cluster groups is driven by an eighth cluster group, which is focused on new ways of doing business with Aboriginal people. The cluster group is working to change the way in which government agencies work with Aboriginal people. It is focused on developing greater sensitivities,

flexibilities and responsiveness within agencies in the way in which they work and deliver services to Aboriginal people.

The government will achieve this by supporting communities in: leadership development and strengthening the ability of individuals and organisations to do business with government; individual skills development, both technical and management; organisational capacity and governance; and monitoring, review and reporting processes of services and outcomes. A practical example which I think is necessary to show how this will happen, an example of how Two Ways Together will work in Aboriginal communities, is the communities' partnerships program. This particular partnerships arrangement will enable individual communities and government agencies to work in partnership to improve delivery of services. We are looking at three initial communities: Menindee, the Central Coast and the far South Coast covering Batemans Bay to Bega. This will cover at least a four-year period. This program will enable individual communities and government agencies to work in partnership to improve service delivery and to assist in the capacity building and sustainability of those particular communities.

Consultations have taken place with each of these communities about the ways in which they want the partnership to be progressed. The consensus in each community is for the community working party structure to be developed. This particular community working party structure model is a government structure that has been used as part of the department's Aboriginal Communities Development Program—the ACDP. The community working parties have been established in each of the priority communities in which the program is operating. The working parties have been set up through the selection of representatives from each Aboriginal organisation in the community. This has allowed the personal development of the members of the working party and has resulted in a general increase in community involvement in the program.

The COAG decision in April 2002 to trial working together with Indigenous communities to provide more flexible programs and services was based on priorities identified and agreed by communities. It is expected that the New South Wales trial in Murdi Paaki will serve as a practical example of how the principle of Two Ways Together will operate at ground level—that is, making sure that the bits link up, that we do not have a disparate effort.

Monitoring and reporting on the outcomes of Two Ways Together will be coordinated at the state and national levels by aligning our indicators with MCATSIA and COAG indicator frameworks. We have developed line reporting for cluster groups to the New South Wales parliament and to COAG. Through the inclusion of peak bodies on the cluster groups, we have also ensured that Aboriginal communities are a fundamental part of the reporting process.

That is a summary from the point of view of the Department of Aboriginal Affairs. There are obviously other government efforts in this regard, and there are efforts by other Aboriginal organisations—for example, the Aboriginal Housing Office, which also goes through various elements of capacity building as it seeks to build up the community housing capacity to be able to take on self-management of housing properties. So there are many examples along those roads.

**CHAIR**—There are three or four issues that I want to sift through. With respect to the COAG arrangements with Murdi Paaki and MCATSIA, can you assist me in understanding where the two might meet?

**Mr Cappie-Wood**—Yes, and I might invite Jody to provide any additional comments.

**CHAIR**—I am interested in solving this mystery. I understand COAG and Murdi Paaki. I have been to Brisbane and I have listened to the initial group there, but the trail has gone a little cold since then. I was not so much worrying about that, but I am interested to know whether you have a view about where COAG and MCATSIA link up.

**Mr Cappie-Wood**—From my perspective, coming to this somewhat afresh and looking at it, it is fair enough to say that there is much common ground in terms of the primary indicators—there is a bit of variation there, but it is not substantive—which would therefore enable some degree of commonality in terms of what performance and outcomes are intended in this area. It is then a question of how you can then align the relative outcomes of the approach without having a layered effect out in those communities. We are looking at trying to make sure that there is an alignment between the outcomes, the monitoring processes and the performance arrangements—particularly in CEO contracts—and that there is a common reporting system. We are also trying to ensure that the efforts that are going into the communities—in terms of having resources in those communities to assist in the community development and working together to see how services can be better delivered—are delivered on a holistic basis rather than on an individual silo program basis—MCATSIA or COAG.

**Ms Broun**—A consistent criticism of government from the community has been that they see a lot of different government agencies coming out on various days dealing with either the community as a whole or, more often, with bits of the community. In any one week, DEWR might come one day and DET might come another day. Not only does that infringe a lot on the community's time to get work done, but it also means that government agencies are not talking to each other or coordinating their activities.

I think we have all been guilty of that at various times, but I suppose what we are trying to do, through the COAG trial and also our community working parties, is to establish mechanisms from the government end and also at the community end where there is a single point of contact. The philosophy behind the community working parties that we have in 22 priority communities is very much that they are a representative group—they are not an organisation in a legal sense, but they are a representative group of all the organisations in the town. Definitely in the Murdi Paaki region, they are being established to be the single point that government needs to go to do work with the community—rather than going to 10 different agencies and getting different ideas about how to do work.

**CHAIR**—There are advantages on both sides—advantages for the government and advantages for the agencies—to having some common contact. This is commonsense stuff, but I was interested to hear that COAG and MCATSIA were connecting there somewhere in respect of the system.

I would like to move on to the issue of common data for the states, the territories and the Commonwealth. It has been an issue forever, especially an Aboriginal issue. It is useful for the

allocation of resources and all of that, but do you have a view about commonality across states and territories regarding the data base? What are some of the blockages, and why haven't we done this a little sooner?

**Mr Cappie-Wood**—I might talk about this from the housing perspective, because Aboriginal housing needs are fairly acute. The housing ministers are to meet in Brisbane on Friday, and that will be one of the things on the agenda. We do have a process for getting alignment of the common indicators, for getting the data dictionaries aligned and the hard yards of the data sets in the individual agencies worked through. That is then used as a means of informing scarce resource distribution and, hopefully, trying to meet some of the competing demands between rural and urban Aboriginal needs indicators; and it is a particularly fraught one as to the distribution of those scarce resources. At least from the housing perspective, we find it particularly useful to have those data sets—and, clearly, those indicators reach beyond housing, because everything is linked—and to be informed by them. It is not done easily and it has taken a long period of time, but I think the end result will be worth while because it gives us a basis of not only policy development but also resource allocation.

**CHAIR**—This may be beyond the brief a little, but what has always fascinated me about housing, particularly Aboriginal housing, is the balance between maintenance and new development, the housing stock and the longevity of the housing stock. Could you comment about that? I suppose I need to link it to capacity.

**Mr Cappie-Wood**—This is something that occurs with mainstream housing as well as with Aboriginal housing. All housing agencies—be they community, land councils, public or whatever—are faced with a maintenance backlog because, effectively, affordable rents in any circumstances do not provide for the costs of maintenance no matter what you build the houses out of. A constant subsidy stream is not built into the current housing formula, and it is a very difficult environment to be in. There is a jurisdictional question about where some of these responsibilities lie—that is, between state and federal agencies—which is not easing the issue. Forgive me, I cannot resist, but the continual reduction in Commonwealth-state housing agreement funding over many years is not helping the situation either.

We have been putting money back into upgrading Aboriginal properties. We transferred 4,000 properties from public housing to the direct management of the Aboriginal Housing Office, a separate statutory authority, and all those properties have now been upgraded to a community standard. Wherever possible, we have used Indigenous employment in that process. The difficulty, of course, is to get consistent employment patterns in a locale that does not require people to be driving or relocating for that purpose. One of the issues is: how do you get consistent economic activity to be able to support the acquisition of a skills base?

**CHAIR**—Yes, it is very difficult. We had the circumstance in the Territory where the largest Aboriginal community in the Territory were most aggrieved—or, at best, thoroughly disappointed—that they could not win a particular local housing contract. It was multimillion dollar stuff. There is the frustration of not being able to create useful employment, and the stability of employment issue is also in there. They were much vexed that the decision was made that the contractor could apparently deliver the services more quickly and at a better price et cetera.

Perhaps we could just leave that one there for a moment. I will ask a couple more questions and then move to Kelly. It really is about having a data base and some understanding of where we are at. On the literacy and numeracy issue and the audit of it—for want of a better term—how are we measuring this? You would probably be aware of the Bob Collins report in the Northern Territory. In my own state of South Australia, I would expect a similar finding of four per cent literacy rates and that sort of thing. It is a two-part question. It is really asking the basic question about the seven priority areas that you mentioned. We could link the whole lot together. I have already tackled economic development. With literacy and numeracy, how do we—

**Mr Cappie-Wood**—How do we judge that? What data sets do we use?

**CHAIR**—What data base, but also, trying to drill a bit deeper and get the maximum amount out of the question, where do you think we are at with that—and Jody might like to come in on this as well—across the portfolios? Obviously it picks up a lot of them—justice, education, employment, development. To me, a lot of it is linked. There is the fundamental stuff and then there is trying to measure it.

**Mr Cappie-Wood**—I am sure Jody will have something to say, but from the educational perspective—and we can always supply some more information—the New South Wales government does have some standard literacy tests for school-age children. I know that they are utilised to be able to do so. That would be one of the primary areas to call upon in terms of benchmarking improvements to be made. In all of this—in all of the MCATSIA/COAG processes to look at whole-of-government responses—it is about establishing benchmarks to be able to say, ‘At least we know from what basis we are moving.’ The best practice benchmarks from elsewhere can also be applied as a litmus test to look at the efficacy of particular strategies and to link strategies. In all of those cluster areas it is about establishing, from available data and to-be-assembled data, an appropriate set of indicators that really are indicators and are not just a case of doing our best. It is intended to have measurable outcomes. Jody has been working on all the cluster groups, so she knows a lot more than I do about this.

**Ms Broun**—With the national framework of indicators which COAG have been developing, they have tried to establish indicators which will actually show change occurring. Rather than just saying, ‘What can we measure now?’ they have tried to pick out the ones that will actually show difference. They have recognised that not all jurisdictions can measure it exactly the same at the moment—that there are faults with the data. They are saying that these are still the primary and headline indicators that will show change, and they are the ones that have gotten into the set.

It is now up to each jurisdiction to go away and say, ‘Okay, we have to be able to measure this and report on this. Is our data up to scratch? If not, what are we going to do to make sure that the data is reliable?’ In all the cluster groups that I have gone to, the agencies who are responsible for different bits of the data—because it does fit across those seven areas—are saying, ‘We cannot measure that one. What are we going to do about making sure that we can measure it in the future or from this point in time?’ Some of that might mean, even with some of the housing ones, that you have to do a survey. There is one about the degree of dental caries in primary school children. The health department are saying that they might have some trouble reporting on that at this point in time, but they are still asking, ‘How do we go out and get that information and make sure that it is reliable and comparable against that of all the jurisdictions?’

**CHAIR**—That is the key part, isn't it—this movement and the methodologies that we can use to address it on reasonable policy grounds? At the risk of sounding totally feral abacus, we do need to try and measure. I suppose the question then is—this is a really subjective kind of question—how we say to the people that we are endeavouring to serve, particularly Aboriginal people, 'By the way, we are poking and prodding the system to try to understand it because we think that these issues are very important.' That seems to be a pretty hard thing to do as well. Do you have a view about that? How do we explain to people that we are doing these things for some reasonable purpose? It is a subjective judgment.

**Mr Cappie-Wood**—It is a subjective one. It is interesting: on going out and talking to the communities, you find that what they think would make the most difference—and it is one of the things which we have put into the strategy—is if the bureaucrat sitting at the table knows that their job is on the line because it is in their performance agreement that they have to make these improvements. That is what the communities felt comfortable about.

**CHAIR**—And they were encouraged.

**Mr Cappie-Wood**—They know that this is not something that can be hidden or moved around. They want to see that there, and it was their suggestion. I think it is a good one. To them it is expressing an outcome. You talked about data sets and benchmarks, and it perhaps goes over their heads sometimes. Other times they are right on to it and say, 'Hang on, this indicator has not moved.'

**CHAIR**—It is a very important part of good governance. If we, as part of government, are saying, 'We are prepared to try to govern ourselves effectively,' then it might mean something to the people we are endeavouring to inflict our governance on. It is an important part of credibility.

I have one last quick question—it is a difficult one—to do with capacity building. In Redfern today we have had a wonderful experience; some of the aspirations of some of the people are just remarkable. It does not disguise that there are some pretty challenging issues out there. I come with a prejudice: I come having chaired a previous committee on substance abuse. I just want to touch on the justice system and the capacity of our system, Commonwealth or state—and a lot of this does fall within the state. I am interested to know whether the Commonwealth can assist in terms of the literacy, numeracy and recidivism issues—those really tough issues that society has to try to deal with—and what we can do for our communities to try to break a bit of the cycle. That is one of the tougher ones.

**Mr Cappie-Wood**—It is interesting that you raise that because, as part of the parallel processes which we are going through at the moment, there is an Aboriginal justice plan, which is quite close to completion. There has been very extensive community consultation as to what goes into that. It is not surprising that the results are not just about Aboriginal people in the justice system, their interaction with it and improving how those experiences take place; they are also about how you get beyond that, how you avoid it, how you are able to make sure that you are breaking the cycle rather than just making the justice system work better. Therefore, it ties in very well with the broader intentions and statements of the Aboriginal affairs plan. This particular justice plan was discussed by all the human services CEOs at their last meeting prior to it going to government. It is very well advanced. It is recognising the impacts and opportunities that are there of alternative means by which the justice system interacts with

Aboriginal people, not only diversionary programs et cetera but also looking at other forms of justice that are more appropriate to Aboriginal people and perhaps more likely to lead to longer term benefits.

**Ms Broun**—I suppose that would be consistent with the whole philosophy behind the Aboriginal affairs plan: it links together all the underlying factors. Rather than saying that we have to deal with the justice system on its own, we say, ‘Let’s look at what impacts housing and employment will have on the justice system.’ There is a lot of evidence to show that, if you get people employed, you will make a difference to their contact with the justice system. The high-level indicators from COAG are just around the juvenile interface with the justice system, but to make a difference against that indicator you have to do a lot of preventative action so that people are not coming into contact with the justice system at all.

**CHAIR**—I have a supplementary last question about the Commonwealth-state interface. With the Tough on Drugs policy, do you know whether any of that money that came from the Commonwealth ever found its way to the jail system or to the Aboriginal justice system?

**Mr Cappie-Wood**—We would probably have to take that question on notice.

**CHAIR**—It is not a trick question or an implied criticism. In the various states and territories, it is almost an ‘out of sight, out of mind’ issue. There is always a demand and you have to spread the money across it, and all the rest of it. I am curious about the Tough on Drugs issue, which then leads into some of this stuff we have talked about.

**Mr Cappie-Wood**—I would not be surprised, but if we could take that on notice and provide you with the information we would be more than happy to do so.

**CHAIR**—Yes, in your own time. It would be useful in developing an understanding, because we have this Commonwealth-state interface where we might usefully do something.

**Ms HOARE**—You might like to take this on notice because I am mindful of the time. You talked about housing, employment, education and health linking in with justice. Does your submission deal with the idea of pooled resources? A lot of the communities that we have spoken to—as you would have heard—say, ‘We don’t want housing and health money here; we want to be able to get those resources and utilise them in the areas where we know that there is a need. We are the community and we know where the needs are in our community.’ Have you addressed that issue at all? What are your views on that?

I have another couple of questions that do not need to be responded to now. While we have you here, I would like to pass on some questions posed by previous witnesses. One was in relation to only having one surveyor for land claims in New South Wales, so there tends to be a major backlog. Is there anything being done to address that issue? Another was the issue of public transport concessions. People on CDEP do not receive them, whereas people on Work for the Dole or Newstart allowance receive fare concessions.

There is a question from yesterday’s hearing which might relate to the Two Ways Together partnerships plan and community consultation. There already are elected representatives in Aboriginal communities, in regional councils and in the local councils as well. They are not

commissioners, of course. Are they being used as advisory people; if not, why not? You do not need to answer those questions now, but they were some issues raised by other people.

**Mr Cappie-Wood**—You raised a question about the pooling of funds. My personal perspective on the pooling of funds is that, yes, it has to be on the cards. When we talk about the two strands of Two Ways Together partnerships, the second strand is about how to do things differently rather than use just the usual way of funding. It is certainly on our agenda to put the concept of pooled funding up there, particularly in the three communities where we are already working, to answer the question: how do you do things differently? Pooled funding itself might not be the answer but we have to think outside the box.

**Ms Broun**—The discussions we have had with community working parties have been about their determination of the service priorities at that local area. That does not mean that the funds all come together but, instead of the health department determining the bucket of funds for that local area and determining that it is going to send it there and do that particular action with it, the community have a say on what the priority is in that area. There are different ways of being more flexible and responsive. Pooled resources are probably one way but it is also about being more responsive in a program sense.

**Mr Cappie-Wood**—We are more than happy to take on notice the other three issues that you raised. Jody, did you want to add anything?

**Ms Broun**—There are about six rep bodies, including ones on health and housing, and ATSIC obviously has a big role. We have made sure that all our cluster groups on the Aboriginal affairs plan have representatives from those peak bodies at all of those cluster groups. All of them are represented at the eighth steering committee cluster group as well so that they have a role in determining what the final outcome looks like. They also have a say in the indicators that are being signed off and agreed by government.

**Ms HOARE**—Can community members have a look at the makeup of those cluster groups on the web site or anywhere?

**Ms Broun**—The cluster groups themselves are fairly high level at this point in time. The plan is that that will filter down to a regional level and a community level. When you get down to a community level, community people will be more heavily represented, and government agencies will be there to respond to the community needs. So it filters through that process.

**CHAIR**—I will revisit some issues and sum up. I know Andrew needs to leave us as soon as he can. In terms of the cross-portfolio issues right across government, how do you focus on Aboriginal issues? How do you get people together? I appreciate the work that goes into it. The partnership agreement on health goes back quite a few years, I think; we had some good information on it earlier. These issues go across every portfolio—you have got housing and someone else has got education—and everyone has a key area. How does it work within the state of New South Wales, getting it together and talking about Aboriginal issues? Is the Department of Aboriginal Affairs a clearinghouse for these agencies? How does it work in terms of CEOs?

We have COAG with, at the moment, its 10 programs around Australia. It is endeavouring to engage the states, although, clearly in my mind, there are senior Commonwealth bureaucrats



responsible for those 10 communities, as you would understand. I ask myself: what happens with all the states? Do we have a senior state person who can sit down and thump the table with a senior Commonwealth person? Do we have a reassurance that the ministers at the Commonwealth and state levels are going to follow this up, make progress on it, monitor it and put it in the CEO's agreement or whatever? Could you offer us something on what happens?

**Mr Cappie-Wood**—To give you a few insights: there is an Aboriginal affairs CEOs group that literally covers all of the senior CEOs in government. That includes the central agencies of Treasury, cabinet and the Premier's Department. They meet regularly. Agendas for the COAG and MCATSIA approaches, the Aboriginal affairs plan and the justice plan—all of these issues—come to that CEOs group. There are cluster groups of CEOs that operate outside Aboriginal affairs as well, and they also have their own focus on Aboriginal affairs—for instance, a chair for the human services chief executive cluster or forum. That is where the justice plan has recently been discussed before coming back to government. There is a justice cluster of CEOs; they are the ones who took responsibility for the development of the Aboriginal justice plan. There is a range of collective groupings of CEOs.

The thing that is now binding it together effectively is the Two Ways Together plan, and from that drop down performance indicators for which the CEOs are signing up; therefore, that goes into their performance agreement. The Minister for Aboriginal Affairs effectively has oversight to see how they are going into CEO contracts, and there is an Aboriginal affairs subcommittee of cabinet which sees the Aboriginal affairs plan with the subsets of not only the MCATSIA and the COAG approaches but also the Aboriginal justice plan and others. They see and make sure that those outcomes are in those CEO contracts. If they are not and if they are not performing, woe betide them.

We are looking forward to greater transparency and greater accountability for Aboriginal outcomes. Grab those Aboriginal communities through CEOs, and, as that goes into ways of working differently with the community, they will see a much more responsive state government and a desire to work with other lead agencies in other areas—not only with ATSIC but with the land councils, with local government and, wherever possible, with Commonwealth agencies.

**CHAIR**—You remind me of a supplementary but very important part of it. It is not really supplementary in the sense of the issue but by way of the nature of the governance question—that is, the Aboriginal consultative process itself and the representative process. Yesterday, someone mentioned that there had been, in the dim, distant past, a structure—I presume it was state but it may have been Commonwealth—which had an advisory group to the minister. I presume it was the aboriginal affairs minister—although we do have Aboriginal advisory groups on Aboriginal health, education or whatever. Why wouldn't people consult with the ATSIC structure or whatever? It is a vexed question, I suppose, a difficult question of Aboriginal representation, but it does raise the vital issue of negotiation with the Aboriginal community and where they sit at the table. Could we just pick up that part, and that will be stumps for me. I am just really interested in that connection with the Aboriginal community. Could you both comment on that.

**Ms Broun**—As I was saying, at this point it is probably more through the eighth cluster group, on which we have representation from every peak Aboriginal body as well as ATSIC. We are also doing some work with the Premier's Department on how ATSIC might be better

represented in regional structures. We need to look at how ATSIC is utilised as an elected body, particularly the elected representatives and how they are utilised through government. That is why, more or less, we have the partnership agreement with ATSIC and NSWALC and have been engaging them a lot in virtually all these cluster groups. In fact, ATSIC are invited to all the cluster groups. Unfortunately, because of where the elected arms are located around the state, it is often the administrative arm that attends the meetings, but the invite is to ATSIC generally.

**CHAIR**—I presume that, with your housing, you had a joint state-Commonwealth agreement—

**Mr Cappie-Wood**—Yes.

**CHAIR**—and a representative body which tried to allocate across—

**Mr Cappie-Wood**—Yes, across the spectrums. To that extent, the Minister for Aboriginal Affairs received advice from the independent board of the Aboriginal Housing Office in terms of needs in that area. Similarly, the minister meets regularly with the representatives of the New South Wales Aboriginal Land Council in terms of input into that area, so he is very well informed in making judgments about the allocation of resources and the performance of government agencies in meeting Aboriginal expectations.

**CHAIR**—Are there any concluding statements or comments you would like to make?

**Mr Cappie-Wood**—No, I do not think so. Jody, is there anything you care to add?

**Ms Broun**—Not particularly. There is a wide range of programs across government that are dealing with capacity building. The Aboriginal Housing Office does a whole range of activities around that at a community level, an organisational level and an individual level. Any capacity building has to deal with those three levels. It should not just be an organisational approach.

**CHAIR**—Thank you very much for your attendance here today.

[4.21 p.m.]

**RAMSEY, Mr Michael, Project Director, Redfern/Waterloo Partnership Project, Premier's Department**

**CHAIR**—I welcome representatives of the Redfern/Waterloo Partnership Project to our public hearing today. I remind everyone that these are proceedings of the federal parliament.

**Mr Ramsey**—Thank you very much for inviting us here today. The two people with me are Anne-Maree Sabellico, who is the Acting Regional Director of the Department of Community Services, and Monica Avis, who is the Director of Family and Children within the Department of Community Services. They will not be speaking; they are here to brief me if I am unable to respond to an issue you raise so that we can react immediately. I will give you a bit of background to the project and the context in which it fits, because that will give you a better understanding of why we are going the way we are going.

The Redfern/Waterloo Partnership Project is a whole-of-government and whole-of-community approach to addressing the significant, complex issues within Redfern and Waterloo. I will give you some idea of the issues within Redfern and Waterloo. First of all, it is important to emphasise that the suburbs of Redfern and Waterloo are separate and distinct suburbs with separate identities. Although they come together on some issues and we combine them for public policy purposes, it is easy to see them as one complete community when in fact they are not.

They have a number of strengths, including the fact that there is a strong sense of community spirit across both of the communities. A high proportion of families have lived within these communities for long periods. Redfern and Waterloo also obviously have a significant Aboriginal population—in the last census data about seven per cent of Waterloo's population and about three per cent of Redfern's. I accept that those figures are probably underestimated because a number of Aboriginal people may not have responded to the question in the census. There is a large population of people from a culturally and linguistically diverse background. I think about 40 per cent of the population in Waterloo are within that category. It is a very diverse community.

Against that, there are significant levels of social and economic disadvantage in these communities. In the Tony Vinson index of social disadvantage, Waterloo ranked No. 2 in New South Wales and Redfern ranked No. 189. That was probably distorted by the fact that there are very large pockets of gentrification within Redfern. If you exclude those, Redfern would have ranked a lot higher. Added to that, 60 per cent of all dwellings in Waterloo and 23 per cent of all housing in Redfern are public housing dwellings. There is a whole range of longstanding issues, including things like transgenerational unemployment. A range of issues around drug and alcohol abuse and so forth needs to be addressed.

The Redfern/Waterloo Partnership Project is intended to build on the previous efforts of government to address these issues within these communities and to provide the framework through which the government actually does that. The Premier announced the project in March last year, and attached to that he announced \$7.2 million in new funding. That money was

designated to respond to key issues that the community itself had identified as being priority issues. When I talk about some of the initiatives that we have put in place, where we have put that money will become apparent.

The principles that the project operates on are pretty straightforward. It is about partnerships between government, council, non-government agencies and the community. It is about integration of activities, programs and services, and that is across and between all of the partners. It is about achieving sustainable outcomes which have the support and meet the needs of the whole community. It is about effectiveness. It is about the maximisation of opportunity and resources through linking social, economic and environmental issues in the development of the solutions. I think one of the things that make this project unique in New South Wales is that we are looking so broadly in trying to address the issues; we are not just looking at one end. The last principle is ownership. We believe that, with respect to anything we do in Redfern and Waterloo, the solutions have to be owned by the community if we are going to leave a sustainable legacy.

The outcomes for the project are pretty straightforward: enhanced community participation and leadership; reduced crime and improved safety; enhanced services for young people, children and children at risk or in crisis; provision of additional support for families; improved health outcomes; reduced drug and alcohol abuse; enhanced educational opportunities; increased employment opportunities; promotion of enterprise development; improved urban amenity and public space; improved planning and service coordination; enhanced relationships between government and the local community and within the local community itself; and building the capacity of services and developing innovating approaches to service delivery to better meet the needs of the community. A number of the initiatives we have put in place are absolutely cutting edge. We have developed this on the basis that we think it picks up on the type of approach that the community identified as being likely to work and it builds on knowledge that has been acquired from a whole variety of sources. One that you raised is a street team, which is an example of our cutting-edge approach.

The scope of the project is from infrastructure through to the built environment, employment, enterprise development, human services delivery, crime and safety, arts and culture—in other words, we can pick up with the project anything the community identify as impacting on their lives and look at how we can incorporate it into the solutions they identify. That is important because, if you are going to look at people, you have to look at them as having a whole range of factors that impact on them, a whole range of aspirations and a whole range of things that they want to do with their lives. We need to incorporate all of those into the solutions. We also want to build the capacity and the resilience of the community so that they are able to identify and implement their own solutions—with a bit of support from the government, of course. The government has a responsibility to deliver to the community, in partnership with the community, the solutions they need.

**Ms HOARE**—Can I interrupt you while you are still at that part of your presentation. You mentioned the seven per cent Aboriginal population at Waterloo and the three per cent Aboriginal population at Redfern as well as the social indicator statistics, which I think have been blurred. How have you been able to judge the level of all of these issues before the project started if the statistical information is not accurate?

**Mr Ramsey**—We had extensive consultation on two levels. We had extensive consultation with the community by meeting with individual residents, groups of residents, community groups and so forth. We talked intensively with the community and we had public forums. On top of that, we drew on information that agencies already had. One of the criticisms that you will find if you talk to people in Redfern and Waterloo is that that they believe they have been over-consulted. For years now, Commonwealth, state and local government agencies have talked to the community about what the solutions are. The community's criticism is that government has not delivered on those solutions. There is actually a huge bank of knowledge within agencies, so we drew on that as well. It is pointless recreating the wheel if the information is already there.

**CHAIR**—And a huge bank of slight cynicism too!

**Mr Ramsey**—But the information is there. We used that information, took it back to the community and asked, 'Have we got this right?' and took it from there. The other thing we did just recently—and the report is being written now—was to benchmark the community. We asked them to tell us what they thought of their community now so that in X years time we can see whether or not we have actually changed anything. We are completing that exercise at the present time. In that process, we also wanted to ask the community what they wanted their community to look like in one, five and 10 years time, and we had a consultant do that.

One of the things that came out of that was that the community was so swamped by the immediacy of the issues they have to face that they were not able to articulate how they wanted their communities to look in five or 10 years time. The consultant drilled down a bit and was able to get to people's aspirations, and we are putting that information together. We will use that information as part of our evaluation process to make sure that we are constantly heading in the right direction, because that is the other thing about this project. By saying 'this project', I am talking about all of the agency initiatives that we are putting in place, because they all link into it, plus literally anything else that the state government and local government are doing in Redfern and Waterloo.

We need to have absolute surety that what we are doing is right. If it is not, let us dump it and move on. If any of these new initiatives that we are putting in place are not going to work, we want to know early on so that we can redirect those scarce resources into a mechanism that will work to deliver the solutions to the community. We are setting up a very comprehensive evaluation process, and that community engagement strategy is part of that process. The overall project will be evaluated, but each of the initiatives that we are setting up will also be evaluated within that context. It is very much an integrated evaluation across the whole process.

**CHAIR**—It is very difficult to get a concept over time. I wonder how many people your consultant found who actually felt that they had been over-consulted? Did you get a picture of that? We are talking about a population of 20,000 or 30,000, aren't we?

**Mr Ramsey**—I actually have the figure here. It is about 20,000.

**CHAIR**—It is not a big deal, but I was just curious about whether they felt that they had been over-consulted. This area has form, this place has a bit of history, but we have had a wonderful day strolling around the Block and all the rest of it. It was quite amazing and inspiring, really, so something is happening.

**Mr Ramsey**—It is. Part of that over-consulted feeling comes out of cynicism. It applies to the Commonwealth government as much as to the state government that we have failed to deliver on community expectations when we have consulted with them. In such situations, people believe they have been over-consulted. They think, ‘Why did they talk to us in the first place if they did not listen to what we said?’ One of the good things that I think people have identified with this project is that we have a project team out here, that we are operating in Redfern and Waterloo.

**CHAIR**—Do you have an office here?

**Mr Ramsey**—Absolutely.

**CHAIR**—You probably said it earlier. I am sorry, I might have missed it. Is it down the street here somewhere?

**Mr Ramsey**—Middle distance between Redfern, Waterloo and Darlingtown, because they are the three areas that fall within the scope of my project. We are pretty well in the centre. The project team operate out of that office. That makes us fairly accountable to the community because the community can walk in whenever they want. Clearly we are also setting up structures so that people can participate at a number of levels. We are making clear statements to the community that not just does my project have to be accountable to the community but every single state government agency has to be accountable to the community for what it is delivering in these communities. If they are not delivering quality services that the community want then they will be held to account for that. Those clear statements are being made publicly.

**CHAIR**—Sorry to have interrupted you, Michael. Do you want to finish your statement, and then we will come to our general discussion?

**Mr Ramsey**—I thought it was worth while just to give you the scope of some of the projects that are currently in place, because there is a broad range of them. In terms of strengthening the human services network, we are just about to undertake an audit of all human services, both government and non-government, in Redfern and Waterloo. That is not just to map out what exists on the ground but also to look at the quality of services being delivered, whether or not we are actually prioritising the right target groups, and whether or not we need to strengthen the capacity of some of those services and processes—and that could be anything from professional development to some sort of infrastructure as well, within that. Linked to the audit, we are going to look at different ways of doing things. Some of the things we may explore—and I emphasise ‘may’—are back offices and co-location of services. In other words, we are looking at different ways of getting services to operate together. That may mean co-locating, for instance, government and non-government services together so that we break down the silos that have traditionally existed.

We are also going to look at different models—and I am picking up on your point from earlier—for the funding and delivery of services in Redfern and Waterloo. One of the things which are apparent—and the community has raised this in the community engagement consultancy that we have done—is that there is a multiplicity of agencies that fund services. One of the problems we find is that we do not get quality in the monitoring of those services and we do not have the capacity to strengthen those services in the way that they need to be strengthened on an ongoing basis. So we need to look at a different way of doing it. Maybe it is something

like locality based funding—I am not calling it pool funding—which identifies priorities across the community. Then we look at how they fit within funding programs rather than the other way around. Rather than saying, ‘Here are the funding programs; let’s work out what the outcomes are,’ we will say, ‘Let’s work out the outcomes that the community wants to achieve and then look at where we get the funding to deliver on those outcomes.’ It may be that then we have to look at supplementation or moving funding around to achieve that. I mean that right across the board.

Equally, though, in that process we do need to look at government delivered services. Often people focus on non-government services and talk about accountability, governance, quality and so forth; but it is not very often that people talk about the quality of government delivered services. We need to do that. We are doing some stuff around that, and that audit will start very soon.

We are developing an exchange of information protocol. One of the problems we have had is that—again, this is core to the integration of services and coordination—agencies that have information on, say, the 20 young people that are causing problems cannot share that information with other agencies because of privacy restrictions. We are going to develop a protocol.

**Ms HOARE**—We are both nodding our heads. We have that problem in our electorate offices.

**Mr Ramsey**—We are in the process of developing an exchange of information protocol, which we will register with the Privacy Commissioner, that will allow agencies to exchange that information. That will then link to the new case coordination process that we are putting in place. In that case coordination process, we are going to identify the high-risk young people and children and bring the agencies together to have an integrated approach to dealing with them. We probably do that to some extent on an ad hoc basis, but we need to formalise those processes and make sure that what we are doing protects the rights of the young person and the child as much as it delivers on community outcomes.

We are looking at other things in terms of changing some of the boundaries for the human services delivery. For instance, one of the problems we have is that the area health boundaries, which are used often to determine the human services delivery, split Waterloo and Redfern, believe it or not—they are right in the middle. If you wanted to talk about the Aboriginal community specifically, they do not identify as a Waterloo community or a Redfern community; they identify as being one community. To have that split makes no sense.

We are looking at things like developing a facilities plan, which will link in with our audit of services so that one is then about delivering on the physical infrastructure. The issue has been raised that some of our youth services are located in inappropriate places—for instance, one is opposite a hotel, which is really not an appropriate place for youth services. We need to look at what facilities are needed now and what will be needed in five and 10 years time, and how we deliver on those. That is right across the board. We are looking at better use of surplus government property so that we can again strengthen the human service delivery network. In terms of young people and children, some of the initiatives we currently have in place include the Redfern-Waterloo street team. You can get me to cut this short if you like, but it gives you a flavour of the complexity. I will run through them by name.

**CHAIR**—We are keen to get a few questions in. This is pretty absorbing stuff too; I am fascinated by some of those initiatives. Go on about the street team.

**Mr Ramsey**—I have described the Redfern-Waterloo street team as cutting edge, and it is. It brings case workers from the Department of Community Services and drug and alcohol workers from the area health services together with non-government workers to work on the streets with those children and young people who are most at risk and who are congregating on the streets causing significant social issues. Having been through this process, I can tell you that there are incredible complexities in getting a team like this up and running—everything from industrial issues through to occupational health and safety issues and so forth. But we are pretty well at the end of getting it up and running. We have an interim street team up and running. We are in the process of selecting the non-government agencies now. We have the full DOCS complement and we have a number of the area health workers on board. It is a different way of doing things. We have made it conditional that there will always be, on every shift, an Aboriginal person—male and female. Again, we are conscious of who we are targeting in the community.

We have a youth intervention and development program that allows us to be both proactive and reactive when a situation arises—for instance, young people throwing rocks at a bus—and gives us the capacity to respond very quickly. We are enhancing the existing non-government service network. We did that in the last financial year, and we will enhance it again in this financial year.

In terms of families, we are setting up a new intensive family support service. Barnardos have just been selected to run that service. This is to work with those families who do not engage traditionally with services. It is also unlike anything else that we have in New South Wales. It is cutting edge and it has brokerage money attached to it. Again, we have said specifically that we want to have Aboriginal workers on that intensive family support service as well. Complementing that, we are also setting up an in-home support service for Aboriginal families. The minister has approved Mudgin-Gal to be funded to provide that service, and they will work in partnership with Barnados in delivering that service.

We are also setting up a culturally and linguistically diverse family counselling service. We are funding the Kidspeak program. We also want to make all these services accountable—which I have just been reminded of! We are making really tight service agreements so that Barnardos, Mudgin-Gal and whoever else, with respect to any of the initiatives we are putting in place, have to deliver specific outputs. The agreements are not just open-ended delivery of service. We want them to work with specific groups—that is, the families up at this end—and they have to deliver that, and we are going to have outputs attached to the agreements.

In terms of Aboriginal family violence, the Aboriginal communities approached the Redfern/Waterloo Partnership Project and asked us if we would work with them in developing some initiatives around Aboriginal family violence, and we are working with them at the present time on that.

In terms of education, there is the new Alexandria Park Community School—which you may have heard of—which goes from kindergarten to year 12. Already, enrolments are up significantly because it is a different approach. We are also funding a sports development program out of that school. The reason we are doing that is to break down the perception of



schooling as a barrier; rather, we want the young people and children to see it as an environment that they can engage with. We are trying to increase the profile and, if you like, the spirit of the school amongst young people and children.

With respect to crime and safety, the Premier has announced the anti-drug strategy for Redfern and Waterloo. That is a very comprehensive approach to dealing with drug issues within the area. The Commonwealth is funding a Pathways to Prevention program through the Attorney-General's Department, and that will specifically target up to 12-year-olds and is intended to put in place programs and activities that will prevent children going into antisocial behaviour. It may be mentoring schemes; it may be breakfast clubs et cetera. It will operate out of the schools in the area. Again, it is a different way of doing things.

Community safety plans are being developed for Redfern and Waterloo. We have already done community safety audits right across the area. The Department of Housing is doing that in conjunction with the police and a lead agency, South Sydney City Council. I should have said that for all of these there are different lead agencies, and that shows the integration of where we have got in this project. There are only a couple more, and then I will be quiet.

**CHAIR**—We are getting keen to ask our questions.

**Mr Ramsey**—In terms of the built environment and infrastructure, we have just developed an MOU, a memorandum of understanding, around infrastructure development. The Aboriginal Housing Co., South Sydney City Council, the University of Sydney and the New South Wales government have signed that MOU. That is looking at how we can achieve some social outcomes by using the opportunities for redevelopment in the area. Linked to that, we have put in place a RED strategy. That will determine the planning environment for the whole of Redfern and Waterloo and will set a whole range of parameters. Some of the big projects that will flow out of that are the redevelopment of the railway station and of the Block. A whole lot of stuff will flow out of that. We are also developing a public domain plan.

I guess that is a 30-second summary, but it gives you a feel for how complex this project is. The reason it is complex is that this is a complex community with complex issues. The only way you are going to resolve them is if you take that holistic approach.

**CHAIR**—That is great. Obviously a lot of thought, time, process and leadership have gone into it. The Premier's role seems to be quite crucial to this. The Premier's name has come up two or three times; he has obviously decided to use the office of the Premier to focus on what has been a difficult issue for Australia, in a sense. What is your timeline? When does the \$7.5 million run out?

**Mr Ramsey**—The \$7.2 million—that is not including the half a million dollars that the Commonwealth has given—was over three financial years. Having said that, the only reason we established the project for three financial years was to allow us to evaluate it to make sure that what we were doing was right. This does not suggest that the project will necessarily cease at the end of that. In fact, the suggestion is that it will continue beyond that.

**CHAIR**—That is fine. I appreciate that. I was getting a picture of what timelines you had in your mind. We are fascinated by the Block development that we were given information about.

People have got some views about that. We were pretty pleased to have a look at that. That seems to offer some vision. The difficult question in that is: what is the community acceptance of a scheme like that? How do you think the redevelopment program that we saw at lunchtime is going?

**Mr Ramsey**—I would not talk on behalf of the Aboriginal Housing Co., nor would I talk on behalf of the Aboriginal residents, about whether or not there is community acceptance. I guess our bottom line is that, as we have said, whatever happens on the Block has to have the support of the Aboriginal community in Redfern and Waterloo and the support of the broader Aboriginal community. The Block clearly has significance for Aboriginal people Australia-wide. Redfern is a transient point that Aboriginal people in New South Wales move through all the time. So whatever we do in the Block has to have the support of the Aboriginal people. We are supporting the Aboriginal Housing Co. in the process, so we are facilitating processes like getting the Macquarie Bank to work with them on the financial modelling of that and so forth.

**CHAIR**—I am trying not to buy into the local politics: there will always be a discussion and different points of view. I am trying to ascertain whether something like that proposal would fit within your vision, within the Premier's vision or within your team's vision. If it is seen to have community support, is that something that you would be quite comfortable with? I am not interested in whatever might be contentious there. I just want to know if it is not beyond what you have in mind.

**Mr Ramsey**—The redevelopment of the Block is a priority in the project, and we will support the Aboriginal Housing Co. and the Aboriginal community in the redevelopment.

**CHAIR**—It is not for me to presume, because obviously I come from outside. But it seemed to me that there was a lot of history—some false starts, false dawns and all the stuff you talked about; consultations were not delivered on. When that happens in a community, it is a pretty tough task to re-establish it and to get it to a point where, from a national point of view—it is not too strong to put it—if something really constructive could occur there over the next three to five years, it would be a major step forward for all of us. I am quite encouraged, whatever the outcome might be, by what I have heard, what I have seen.

**Mr Ramsey**—Equally, the Commonwealth has a role to play in supporting that process as well.

**CHAIR**—Yes.

**Mr Ramsey**—Whatever happens there, I would be surprised if the Aboriginal Housing Co. did not say to you today that they needed some financial support in terms of redevelopment. I imagine that they will turn to the Commonwealth—

**CHAIR**—I do not recall that, Michael, so much as that maybe there could be a more constructive approach by some agencies, but it was more that their determination was to show us that they were not there for a handout from government.

**Mr Ramsey**—Absolutely.

**CHAIR**—They were there to develop this in a way in which this community could own it and develop it and it would be their own. And I found that pretty invigorating.

**Mr Ramsey**—The Aboriginal Housing Co. have aspirations for the Block, and the vision they have is a stunning vision. They have worked incredibly hard to deliver on that vision; there is no doubt about that whatsoever. They are taking a very responsible approach in terms of developing the framework around a financially viable model so that it is sustainable and so that it meets the ongoing needs of the Aboriginal people who live in these communities.

**CHAIR**—And I know their clear message to us today was that it was more than Aboriginal; the Greeks, the Russians and whatever other nationalities are there will be part of it. Aboriginal people will be part of it but they will be part of a multicultural community.

**Mr Ramsey**—The Aboriginal Housing Co. is a partner in this project. That is why they have signed the MOU, and we are working very closely with them on that.

**CHAIR**—You raised a question about the Commonwealth's role. You might be able to offer us some guidance on how the Commonwealth might offer help. There is usually good advice from the states about how the Commonwealth might offer help! What would be an appropriate Commonwealth role in developing the capacity of Redfern—under our narrow definition within the Aboriginal issue but also within the broader context? Clearly, it is an Aboriginal issue as well.

**Mr Ramsey**—One of the things we have not done well at this stage is that we have not engaged as closely as we would like with Commonwealth agencies. We have good partnerships with the South Sydney City Council, with the non-government sector and across state government agencies. Our partnership is not as developed with the Commonwealth. That is not a criticism of the Commonwealth; it is just the way it has happened. If you want to really resolve the issues in Redfern and Waterloo then the Commonwealth government, the state and local governments, the non-government sector and the community all need to work together to do that. It is impossible for only one part of that structure to work in isolation from the rest. For instance, here we are going to do an audit of all the government and non-government human services. If the Commonwealth does not participate in that audit, the situation could become really interesting. Does that then mean that Commonwealth government funded agencies may decline to participate? So you then do not get an integration of that service delivery network.

**CHAIR**—The obvious question to ask is: have they been invited and have they actually indicated an interest, or is there a blockage and should they be invited?

**Mr Ramsey**—I think they should be invited, and we have invited them at various levels. One of the problems is that you have regional offices operating here and it is hard for a small location like Redfern and Waterloo—and it is a small location, although significant—to get the Commonwealth system linked in with an initiative that operates at this lower level.

**CHAIR**—In my view, that should not be regarded as an impediment. If the Commonwealth programs are not sufficiently adaptable then we should be aware of that and try to develop them. Because of my enthusiasm for what you are doing and because I have been glad to be here today,

I could go on at great length, but I will not because we all want to get home tonight and Kelly has a few more questions to ask.

**Ms HOARE**—You have answered most of my questions and the chair asked a couple of questions that I had, but I am interested in following up on the Alexandria Park Community School. We heard a little bit about it today, but we were not able to visit it. It is a kinder to year 12 school?

**Mr Ramsey**—Yes.

**Ms HOARE**—Is there any Indigenous-only component to the school? I am asking because we visited a primary school in Shepparton where families had a choice of sending their children to Aboriginal-only classes with only Aboriginal teachers or to, for want of a better term, mainstream classes. Everything else in the school was not totally separated—the kids played together and had sport and different functions together—but the families could choose Indigenous-only class work. I am wondering about that, and I am also wondering about whether any consideration has been given to co-locating caring and learning environments for nought- to five-year-old children?

**Mr Ramsey**—I would have to take the second part of that question on notice, because I am not aware of it. Having said that, I should add that we are in the process of relocating the Murrawina Preschool, which is operating on the Block, to the old Redfern Public School site in order to have an enhanced environment for the children there.

**Ms HOARE**—It needs it. Children do not need to be locked behind barbed wire.

**Mr Ramsey**—The model for the Alexandria Park Community School came out of extensive consultations with the community, including the Aboriginal community. It was before my time, but my understanding is that the Aboriginal community, in particular, drove a lot of the agendas around the development of the model that we currently have. I can arrange to follow that up and get more information to you about their involvement.

**Ms HOARE**—Yes, I would be interested. That would be good, thank you. The other question is about the street team; you have one working at the moment. Is that 24 hours?

**Mr Ramsey**—No, it was envisaged that the street team would work only two shifts a day, seven days a week. The interim street team operates from three to 11, Mondays to Thursdays, then on Fridays we run two shifts a day, up until 3 a.m. When it becomes fully operational, we will operate only two shifts a day. We are doing that because we have not identified a need for the street team to be out there in the morning since there do not appear to be many young people congregating on the streets. We therefore assume that they are at school. We are just trying to address those times that the young people are out on the streets.

**Ms HOARE**—I have seen street teams operating in some cities in Asia, and some of the issues of concern are: if required, is there enough emergency housing for young people; and are the issues of reproductive health addressed by the street teams, as well? You talked about drug and alcohol workers from the Department of Health, but are reproductive health workers involved with that, as well?

**Mr Ramsey**—With regard to the intention of bringing in the non-government component of street teams, imagine we have 14 shifts a week for the non-government sector to fill. We have advertised for a variety of, if you like, priority areas but with 14 shifts a week. We have identified adolescent mental health, adolescent sexual health and other areas which I cannot remember off the top of my head. The non-government agencies have put in a bid and said, ‘We can provide three shifts of adolescent sexual health a week, and we’ll do it on Mondays, Wednesdays and Fridays.’ So what we will do is publicise when those people are on. We are doing it that way because we want to increase the capacity of the street team to meet a wider range of needs. If we just put on specialist people, we will be limiting what can actually be done. We structured it at the non-government level so that it would be different and buy in a different range of skills. That is one of the things that make it different, and I think it will work effectively. I missed the first part of your question, I am sorry.

**Ms HOARE**—It was about accommodation.

**Mr Ramsey**—I will take that on notice. One of the things we have attached to the street team is brokerage money to give the team capacity to be able to purchase services that the young people may need. That can be a wide range of services from counselling to medical services or whatever. Clearly the street team is not going to leave a young person at risk, so protocols will have to be developed to make sure that that does not happen.

The other thing that is important to emphasise is that the caseworkers from the Department of Community Services will not actually remove any children whom they see as part of their responsibility. They will refer them on to other care and protection workers who work within the Department of Community Services. That is an important distinction, because it would undermine the credibility of the street team if the young people thought that the person they were engaging with could be responsible for their being removed from their families. So we have put some very strong protocols around what the street team does and does not do, to make it effective.

**Ms HOARE**—Thank you; that sounds very exciting. When we were first talking about coming to Sydney for some public hearings, your local member Tanya Plibersek told me that we must hear about the Redfern-Waterloo project. Good luck with it.

**Mr Ramsey**—Thank you.

**CHAIR**—I have a supplementary question. You have mentioned a number of times the issue of transient populations in Redfern and the effect that has on the concept of community and community indicators. Could you make a comment on that? I will give you my little story. I was in Brixton in London for a short period. Brixton has a bit of form and history. Over 50 per cent of the issues that Brixton and its local government area of Lambeth face are visited upon them from outside. They feel very strongly about that. It is not that the transient population is necessarily negative; but it might be. I am sure that not all of the transient population is negative—a lot of it would be positive—but it does create a different dimension. Would you have a comment about that?

**Mr Ramsey**—The issue of the transient population operates on a number of levels. One is that we do have a transient Aboriginal population, but we also have a large movement of non-

Aboriginal people who come in from outside the area for a variety of reasons. One example is that non-Aboriginal people have come in to buy drugs and so forth. They have caused significant problems for these communities. As part of our antidrugs strategy, we have particularly targeted the railway station with the intention of trying to stop that tide of people coming in. What we then do is concentrate on those needs that exist within these communities so that we can support the people who live within these communities. Having said that, I should add that we also want to support the Aboriginal people who come into these communities, because that is part of the ebb and flow of the Aboriginal population. We acknowledge that, and we need to address those issues and to put in place all of the programs.

**CHAIR**—But the Aboriginal people who are transient need to have a respect for the protocols here as well. I run into this issue in my own electorate, and it is not always easy. That is my subjective view of the Aboriginal situation specifically. Anyway, I appreciate the comments, and I share with my colleague that it is quite an invigorating experience to see what is happening here and what you are endeavouring to do here. I look forward to coming back in a few years time. I wish you well.

**Mr Ramsey**—Thank you very much.

Resolved (on motion by **Ms Hoare**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 5.08 p.m.**