

Standing Committee on Social Issues

Overcoming Indigenous disadvantage in New South Wales

Final Report

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Terms of reference

Terms of reference

1. That the Standing Committee on Social Issues inquire into and report on:
 - (a) policies and programs being implemented both within Australia (States/Territories/Federal) and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people (currently estimated at 17 years), with the assessment of policies and programs including but not limited to: New Zealand, Canada, North America, South America, and also considering available reports and information from key NGOs and community organizations,
 - (b) the impact of the following factors on the current lifetime expectancy gap:
 - (i) environmental health (water, sewerage, waste, other)
 - (ii) health and wellbeing
 - (iii) education
 - (iv) employment
 - (v) housing
 - (vi) incarceration and the criminal justice system
 - (vii) other infrastructure,
 - (c) previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations,
 - (d) the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales,
 - (e) opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination, and
 - (f) the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned.
2. That the Committee provide an interim report to the House by Monday 30 June 2008.
3. That the Committee provide a final report to the House by Friday 28 November 2008.

These terms of reference were referred to the Committee by Hon Paul Lynch MP, Minister for Aboriginal Affairs, on 25 September 2007

Committee membership

Hon Ian West MLC	Australian Labor Party	<i>Chair</i>
Hon Trevor Khan MLC	The Nationals	<i>Deputy Chair</i>
Hon Greg Donnelly MLC	Australian Labor Party	
Hon Marie Ficarra MLC	Liberal Party	
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Hon Mick Veitch MLC	Australian Labor Party	

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Chair's foreword

How many times do Aboriginal people have to keep telling? People keep asking and we keep telling, but nobody is listening to what we are saying and that is frustrating.¹

These words echoed throughout the Inquiry's hearings. Time and time again during this 18-month Inquiry we heard the same messages - from Indigenous people, from service providers working in Indigenous communities, even from government departments. The main message we heard was that where there are problems in Aboriginal communities, government needs to listen to those communities and work with them to come up with and implement appropriate solutions.

Everything we say in this Final Report has been said before: in parliamentary inquiries like this one; in the annual Social Justice Reports of the Social Justice Commissioner; in the evaluation reports of government programs; and in any number of reviews, reports, responses, summaries, analyses, and consultations. We recognise this, and our recommendations build on existing frameworks and tools rather than creating something new.

The framework to address Indigenous disadvantage is there - the State Plan, Two Ways Together and the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011. The tools are also there - Aboriginal community organisations, Elders, government and non-government agencies, policies and programs. Following the National Apology there is hope that this country also has good intent. Governments must not allow political or economic cycles to be excuses for nice words and little implementation. The opportunity for good intentions to translate into reality is waiting to be fully taken. What is needed is a radical change in the way that government engages with Aboriginal communities, in the way that restrictive bureaucratic systems such as budget cycles are imposed on Aboriginal communities and result in a failure to address inherent problems within Aboriginal communities. There is a pressing need for greater flexibility in service design, provision and implementation.

Accountability for achieving successful outcomes for Aboriginal people must have a high priority for every government department. This report elevates the task of overcoming Indigenous disadvantage to an integral part of the core business of every government department, and increase the authority of the Department of Aboriginal Affairs to facilitate between agencies and ensure targets and objectives are met. However, our recommendations and conclusions will only have an impact if the expressions of desire we heard during the Inquiry to close the gap in life expectancy between Indigenous and non-Indigenous Australians are backed up by political will at all levels of government, and by the willingness of all Australians to make it work.

We heard about a lot of problems during this Inquiry. But we also heard tremendous stories of personal pride, strength in the face of adversity, and cultural resilience. It's important for all Australians, non-Indigenous and Indigenous, to appreciate and understand Aboriginal history and culture. It's what makes this country special, unique. I hope we can build on the spirit felt in this country following the National Apology, and make a brighter future for all of us.

There is a tremendous strain on individuals and organisations in the community that are doing good, often with little or no reward. On behalf of the Committee I would like to thank all of the people

¹ Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates, Evidence, 18 September 2008, p 58

across the State who gave their time and energy to this long Inquiry, in Sydney, from Armidale to Broken Hill, Nowra to Griffith. I hope this Final Report gets the attention it deserves from the New South Wales Government.

I would also like to thank the Committee secretariat for their efforts in supporting the Inquiry process and preparing this Final Report – Rachel Simpson, Simon Johnston, Glenda Baker, Lynn Race, Victoria Pymm, Teresa Robinson and Elizabeth Galton. Particular thanks go to Emilia Lukeman and Chelsea Perry, Macquarie University students who undertook an internship with the Committee during the second stage of the Inquiry and made valuable contributions.

Finally, I would like to express my appreciation to my fellow Committee members for their genuine and sincere interest in this issue, and their willingness to work in a bipartisan way. To the question ‘Who’s listening?’ I can say with confidence – ‘We’re listening.’

I commend this Final Report to the Government.

A handwritten signature in black ink, appearing to read 'Ian West', with a horizontal line underneath the name.

Hon Ian West MLC

Executive summary

The Standing Committee on Social Issues has been examining Indigenous disadvantage since receiving the terms of reference from the Minister for Aboriginal Affairs in August 2007. This is the Final Report of the Inquiry - the Committee produced an Interim Report in June 2008. The Committee's initial examination of factors affecting life expectancy raised 45 issues for consideration. The themes underlying those issues form the basis of this Final Report and are: measuring outcomes, coordinating service delivery, partnership in service delivery, funding, employment, mentoring and training of Aboriginal people.

Responsibility and accountability for policies and programs aimed at overcoming Indigenous disadvantage is considered in this Final Report. The nature of partnership between government and Aboriginal communities, and how that affects service delivery is also considered. Another key issue considered in this Final Report is the role and importance of culturally resilient communities. The Final Report looks at the Murdi Paaki COAG trial, the Northern Territory intervention and relevance of international programs and initiatives for New South Wales. Finally, the Committee reflects upon the recommendations it has made and looks to the near future where with good intentions, steadfast political commitment and willingness to engage Aboriginal communities in true, equal partnerships, closing the gap between Indigenous and non-Indigenous Australians may be truly possible.

Chapter 1 – Conduct of the Inquiry

Over the course of the Inquiry the Committee received 105 submissions, including 16 supplementary submissions, conducted 13 public hearings, held two public forums, three round table discussions and three informal discussion sessions. In order to hear from a wide range of people the Committee visited Bidwill in Sydney's south west, Redfern in the inner city, and the regional areas of Armidale, Broken Hill, Griffith, Kempsey, Dubbo and Nowra. In total, the Committee heard formal evidence from 226 Inquiry participants.

Chapter 2 – Responsibilities and accountabilities

In this chapter, the Committee considers the responsibility and accountability mechanisms underpinning the NSW Government's commitment to Aboriginal affairs. The New South Wales State Plan and the Two Ways Together Plan are the main strategy documents guiding Aboriginal affairs in New South Wales. The adequacy of these plans to address Indigenous disadvantage, the interaction of the State and Australian governments in the development of policy and the delivery of services to Aboriginal people are considered, as is the implementation of previous recommendations of the Social Issues Committee as they relate to Aboriginal people.

The central recommendations in this chapter aim to elevate Aboriginal affairs to the core business of all government agencies, and increase the authority of the Department of Aboriginal Affairs to facilitate between agencies and ensure targets and objectives are met. Existing indicators contained in the Two Ways Together plan should be elevated to the level of the State Plan and included within State Plan Priorities that are currently the responsibility of agencies other than the Department of Aboriginal Affairs, thus making improvements in outcomes for Aboriginal people a core part of their business. The elevation of existing Two Ways Together targets into the State Plan should necessarily involve the inclusion of State Plan specific targets into senior public servant's performance agreements.

The Committee recommends that New South Wales should follow the Prime Minister's lead, with the Premier reporting to Parliament on the first sitting day of each parliamentary year, on the progress the NSW Government has made in closing the gap between Indigenous and non-Indigenous Australians. Aboriginal communities' views on the government's success or failure addressing Indigenous disadvantage must be a key component of the Premier's report to Parliament. The Committee also recommends an ongoing review of progress, based on the Premier's annual report, will keep politicians and bureaucrats focussed on achieving real improvement in Aboriginal communities. The review could be undertaken by the Standing Committee on Social Issues.

Chapter 3 – Effective partnerships

Genuine partnership between government and Aboriginal communities is fundamental to addressing Indigenous disadvantage. However, the Committee heard from Aboriginal communities that they do not consider themselves to be genuine, equal partners in the design and delivery of programs and services in Aboriginal communities. Aboriginal communities should be being asked what they need, or be able to say what they need, knowing that they will be listened to. They should be offered assistance in meeting that need, rather than tokenistic consultation after plans have been made.

The theory behind the Department of Aboriginal Affairs' Two Ways Together Partnership Community Engagement is a sound one – reinforce the capacity of existing representative structures within Aboriginal communities and empower those communities to address the issues they identify as problems with the agencies responsible for the delivery of those services. To halt the cycle of overconsultation the Committee recommends that the NSW Government require government departments and agencies involved in the delivery of services to Aboriginal communities to use the representative structures established by the Department of Aboriginal Affairs' Two Ways Together Partnership Community Engagement strategy to conduct their business.

The regional presence of the DAA will be a critical factor in the success or failure of the Two Ways Together Partnership Community Engagement structure. The Committee is concerned that the 40 part time (0.5 Full Time Equivalent) Partnership Community Officer positions that were announced during the Inquiry will not be sufficient, and recommends that the number of positions be increased to adequately support the Two Ways Together Partnership Community Engagement structure. Importantly, the Committee recommends that the NSW Government should provide additional funding to DAA to implement this recommendation, and suggests that 40 Full Time Equivalent positions may be an appropriate staffing level.

Genuine local-level decision-making is vitally important to effective partnerships. Evidence has shown that localised solutions are the most appropriate and have the greatest chance of making an impact on Indigenous disadvantage in a community. The Committee therefore recommends that NSW Government agencies engage Aboriginal communities to identify local problems and solutions, and tailor programs delivered in a community accordingly.

This chapter also examines a number of existing barriers to effective partnership, including limitations imposed by the structure of bureaucracy and by operating within the budget cycle; and the capacity of Aboriginal communities to negotiate with government and manage services within the community.

Provision of training to Aboriginal people to deliver services to their communities is a key part of economic development and self-determination and will provide a much-needed link between government service providers and the communities they service. It therefore recommends that the NSW Government provide adequate funding and infrastructure resources to the Department of

Aboriginal Affairs for training Aboriginal people to deliver services to their communities, and meet accountability requirements.

Language can be a substantial barrier for Indigenous Australians when interacting with government departments and other service providers. Training provided to public servants in cultural sensitivity should include practical information on how to communicate clearly and effectively without using bureaucratic language that can be seen to disempower communities.

Chapter 4 – Service delivery

Aboriginal communities need to feel ownership over the strategies put in place by the NSW Government to address disadvantage. Ownership does not end at the policy development or implementation stage. Effectively coordinated service delivery is one of the central themes arising during the Inquiry. This chapter examines issues relating to measuring success, funding and coordination of services across different levels of government to meet the self-identified needs of Aboriginal communities.

The Committee has concluded throughout this Final Report that it is essential for local Aboriginal communities to be equal partners in developing and delivering plans of action to address disadvantage in their community. Fundamental to this is community involvement in determining measures of success.

‘Success’ is measured on multiple levels. Recurrent throughout the Inquiry was the view that, ultimately, the community should determine the measure of success that should be applied to programs in Aboriginal communities. If Aboriginal communities are to be responsible for meeting the objectives they set, they must be supported by government and provided relevant training and infrastructure so that they have the capacity to meet outcomes.

Being able to demonstrate ‘success’ is important for a program to receive ongoing funding. However, there is tension between traditional measures of success and flexibility to measure the outcomes that programs in Aboriginal communities are hoping to achieve. The Committee urges government agencies to adopt a more flexible approach to outcome measurement, and believes that this can be achieved by working closely with Aboriginal communities to determine measures of success. Accepting, applying and reporting against the measures identified by communities will achieve required levels of accountability.

Co-ordination of services and consistency in delivery were identified as pivotal to successful outcomes for Indigenous people. While it is necessary to negotiate and implement appropriate services at a regional or community level it is the role of government to avoid duplication of services and maintain consistency in their delivery.

Indigenous people also need to have input into what services are provided and how services are delivered. Coordination of services at the local level brings multiple benefits, for example where there is a more culturally appropriate approach for Indigenous communities, there is less chance of duplication of services and Indigenous ownership of the process will be heightened.

Programs delivered to Aboriginal communities need to be funded over the long term. The effect of short term funding associated with pilot programs leads to uncertainty and inefficiency as communities and organisations spend a significant amount of their time attempting to meet accountability requirements and identify new sources of funding. There should be a mix of long term and short term

(pilot) funding available. The Committee therefore recommends that to mitigate against the effects of short term funding, the Government commit to funding programs that have successfully completed a pilot for a minimum of five years.

Constantly applying for funding is a considerable drain on already stretched resources of both government departments and applicants. To facilitate communities source funding, the Committee recommends that the NSW Government develop a whole of government website containing comprehensive information on the funding sources available (including those available at Australian Government level) for Aboriginal community based programs services in specific regions, and across the State as a whole.

The criteria under which funding is available can also be a problem for some Aboriginal service providers. Strict criteria that are not sufficiently flexible to enable Aboriginal communities to address the self-identified need for programs within their communities is an impediment to true and equal partnership between communities and government. The Committee therefore recommends the Government, in consultation with the Department of Aboriginal Affairs and Aboriginal communities, review funding criteria for services to Aboriginal communities, to provide greater flexibility and promote programs that focus on Aboriginal communities' identified needs.

Chapter 5 – Resilience

This chapter considers cultural resilience and community resilience. To be resilient, communities need to be able to work together effectively with strong leadership and a strong capacity for self-determination and governance.

The Apology by the Prime Minister on behalf of the Australian Government to the Indigenous people of Australia is evidence of the recognition of the importance of Aboriginal culture and the role that non-Indigenous Australians have played in diminishing respect for that culture. It has raised awareness of all Australians to the plight of Indigenous Australians, the responsibility of colonisation for fracturing Indigenous communities and the loss of Indigenous cultural practices. This damage to the cultural underpinning of Indigenous society is a major factor contributing to the gap between Indigenous and non-Indigenous circumstances in Australia.

While government cannot 'dispense resilience', the way in which government uses its resources can make a difference to cultural resilience. The goal of promoting resilience through projects that demonstrate, and promote, understanding and respect for culture is as meaningful and important as other more tangible goals such as the provision of a building for dispensing medical services.

Knowledge and understanding of Aboriginal culture and history will help engender respect for cultural difference. The Committee believes that both Indigenous and non-Indigenous people in Australia need to be educated about Indigenous culture. Educators, particularly those in schools, have an important role to ensure that Aboriginal peoples' stories are told to all Australian students, including a recognition of prior occupation and a rejection of terra nullius.. The Committee therefore recommends that the New South Wales Department of Education and Training liaise with representatives of the Aboriginal Education Consultative Group and teacher training institutions in NSW to ensure that there are sufficient teachers, both Indigenous and non-Indigenous, qualified to teach those compulsory elements of the primary and secondary schools' curricula that relate to Aboriginal history and culture. The Committee also recommends that comparative studies of Australian history and culture be a mandatory core subject within all NSW educational institutions.

Language is culturally significant to Aboriginal people, and helps maintain a sense of identity and connection with the past. The Committee has heard that many Indigenous languages have either died out or are under threat. Programs to record oral histories and promote Indigenous languages are not expensive and, as well as promoting cultural resilience, have a strong symbolic value – acknowledging the importance and value of Indigenous languages and culture. The Committee therefore recommends that the NSW Government provide ongoing support and resources for continuing Indigenous language programs, recording of oral histories and the compilation of Indigenous dictionaries.

The recommendations contained in Chapter 3 of this Final Report are intended to ensure that community resilience is strengthened through ownership of community social problems and their solutions, and through effective partnership between communities and government agencies. By engaging more effectively with Aboriginal communities, showing respect for Aboriginal culture and promoting its development, government can have a greater impact in Indigenous communities and in overcoming Indigenous disadvantage than is currently the case.

Chapter 6 – The Murdi Paaki trial

The Murdi Paaki region in far west New South Wales is one of eight regions across Australia in which the Council of Australian Governments (COAG) trialled innovative ways of working with local Indigenous communities. The Murdi Paaki trial ended almost one year ago in December 2007. The Committee is concerned that the ongoing negotiation of the Regional Partnership Agreement is sending the wrong signal to the communities that have invested so much time and energy into making the Community Working Parties work as genuinely representative bodies in control of self-identified community priorities.

The Murdi Paaki trial illustrates the challenges faced by Aboriginal communities attempting to take control of their affairs - a five year program at the conclusion of which the government agencies that are partners to the program change and leave behind uncertainty over the levels of support and commitment from government. The Committee urges the NSW Government work with the Australian Government and the Murdi Paaki Regional Assembly to finalise the Murdi Paaki Regional Partnership Agreement before the end of December 2008.

Chapter 7 – The Northern Territory Emergency Response

This chapter contains an overview of the Northern Territory Emergency Response, sometimes called ‘the Intervention’, announced in response to the *Little Children Are Sacred* report.

The Government of New South Wales can learn from the Northern Territory Emergency Response. The Committee shares the opinion of Inquiry participants that the Northern Territory Emergency Response does not set a good example for New South Wales in the design, development and implementation of programs.

The overall findings of the Northern Territory Emergency Response Review Board are consistent with those of this Committee - that there is a ‘chronic problem in establishing effective integrated services in Aboriginal communities’.

Chapter 8 – The international context

This chapter briefly examines the history and background of the Indigenous people of Canada, New Zealand, the United States of America and South America. Policies and programs in those countries

that are aimed at, or have the effect of, closing the life expectancy gap between Indigenous and non-Indigenous people in those countries are considered.

The messages that came from overseas support the evidence coming from witnesses about the need for localised and specific programs that are ‘owned’ by the Indigenous population who will be affected by any given program. While there are many effective programs and initiatives to be found both internationally and within Australia Governments need to be mindful of the need to engage at the regional level and involve Aboriginal communities in the design, implementation and assessment of programs.

Chapter 9 – No quick fix

Throughout the Inquiry the Committee was told repeatedly that there is no ‘silver bullet’ to overcome Indigenous disadvantage. The issues the Committee have addressed in the Interim Report and this Final Report are not new, and the solutions to them are also not new – they take hard work, sincere commitment and a long term approach.

This chapter reflects on the recommendations made and looks into a near future that, with good intentions matched by steadfast political commitment and a willingness to engage and do things a little differently, a closing of the gap is truly possible.

So much of the current language about Aboriginal Australia is negative. Even the title of this Inquiry is negative – ‘overcoming Indigenous disadvantage’. But the attitude of the people, Indigenous and non-Indigenous, who have shared their passion for Aboriginal culture and Aboriginal community with the Committee is anything but negative.

This Final Report has mostly been about what government can do, because this Committee makes recommendations to the NSW Government. Long term change in the relations between Indigenous and non-Indigenous people is everyone’s responsibility, everyone’s challenge. However, Governments at all levels have the primary responsibility to make sure that things happen and policy and programs are financed and implemented. Governments must not allow political or economic cycles to be excuses for nice words and little implementation.

Summary of recommendations

- Recommendation 1** **10**
That the NSW Government includes Aboriginal-specific targets in the relevant Priority areas of the State Plan as part of its next review. The targets should be derived from existing targets included in the Two Ways Together plan, and should include Aboriginal-specific justice indicators relevant to Priority Areas R1, R2 and R3.
- Recommendation 2** **13**
That the NSW Premier take steps to ensure that collaboration between the different levels of government in the coordination of service delivery, and consultation with Aboriginal communities, is given a high priority during future Council of Australian Government meetings on Indigenous issues.
- Recommendation 3** **15**
That the Premier report to Parliament on the first sitting day of each parliamentary year, on the progress the NSW Government has made in closing the gap between Indigenous and non-Indigenous Australians. Aboriginal communities' views, as expressed through existing representative structures, on the government's success or failure addressing Indigenous disadvantage must be a key component of the Premier's report to Parliament.
- Recommendation 4** **32**
That the NSW Government require government departments and agencies involved in the delivery of services to Aboriginal communities to use the representative structures established by the Department of Aboriginal Affairs' Two Ways Together Partnership Community Engagement strategy to conduct their business.
- Recommendation 5** **32**
That the Department of Aboriginal Affairs increase the staffing complement of Partnership Community Officers to adequately support the Two Ways Together Partnership Community Engagement strategy. Additional funds must be allocated to the Department of Aboriginal Affairs to fund any additional positions. The Committee suggests that 40 Full Time Equivalent Partnership Community Officer positions may be an appropriate staffing level.
- Recommendation 6** **34**
That the Department of Aboriginal Affairs meet expenses associated with attending and participating in Partnership Community Engagement group meetings, such as travel expenses and meals.
- Recommendation 7** **37**
That NSW Government agencies engage Aboriginal communities to identify local problems and solutions, and tailor programs delivered in a community accordingly.
- Recommendation 8** **44**
That the NSW Government provide adequate funding and infrastructure resources to the Department of Aboriginal Affairs for the provision of training to Aboriginal people to deliver services to their communities, and meet accountability requirements.

- Recommendation 9** **46**
 That the Department of Aboriginal Affairs develop practical training to be delivered to NSW public servants on how to communicate clearly and effectively with Aboriginal communities, without using bureaucratic language.
- Recommendation 10** **54**
 That the NSW Government, through the representative structure supported by the Department of Aboriginal Affairs, facilitate Aboriginal communities to determine measures of success for programs being delivered in local communities, prior to the commencement of the programs, and strengthen communities' capacity to meet those outcomes by providing relevant training and infrastructure.
- Recommendation 11** **63**
 That the following outcomes of the job compacts be included in the Premier's report to parliament, as recommended in recommendation 4:
- the number of job compacts negotiated and the number of organisations engaged in job compacts
 - the number of people employed under job compacts
 - the number of training opportunities provided
 - the number of people and businesses supported by mentoring.
- Recommendation 12** **68**
 That the Government commit to funding programs that have successfully completed a pilot for a minimum of three to five years.
- Recommendation 13** **70**
 That the funding provided to implement the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011 be maintained for a minimum period of ten years at at least the current level of annual funding.
- Recommendation 14** **72**
 That the NSW Government develop a whole of government website containing comprehensive information on the funding sources available (including those available at Australian Government level) for Aboriginal community based programs services in specific regions, and across the State as a whole.
- Recommendation 15** **73**
 That the Government, in consultation with the Department of Aboriginal Affairs and Aboriginal communities, review funding criteria for services to Aboriginal communities, to provide greater flexibility and promote programs that focus on Aboriginal communities' identified needs.
- Recommendation 16** **82**
 That the Department of Aboriginal Affairs work with Indigenous community representatives and the Australian Government to develop a suitable definition of 'cultural resilience' to be used by all agencies when formulating and implementing policy objectives.

Recommendation 17**89**

That the NSW Department of Education and Training liaise with representatives of the Aboriginal Education Consultative Group and teacher training institutions in NSW to ensure that:

- there are sufficient teachers, both Indigenous and non-Indigenous, qualified to teach those compulsory elements of the primary and secondary schools' curricula that relate to Aboriginal history and culture
- extensive and intensive in-service training is given to existing teachers so that they meet the standards required to effectively understand and teach Aboriginal culture and history

Recommendation 18**89**

That comparative studies of Australian history and culture be included as a mandatory core subject within all NSW educational institutions and that sufficient teachers are trained to ensure that it is taught effectively.

Recommendation 19**90**

That the NSW Department of Education and Training, in collaboration with the Aboriginal Education Consultative Group, review, and amend as required, the current school curriculum and associated materials to ensure that the teaching of the history of colonisation in Australia includes a recognition of prior occupation and a rejection of terra nullius.

Recommendation 20**92**

That the NSW Government provide ongoing support and resources for continuing Indigenous language programs, recording of oral histories and the compilation of Indigenous dictionaries. The Premier should take ownership of this opportunity to raise the profile of Indigenous issues and emphasise the importance placed on Indigenous languages and culture by the NSW Government.

Recommendation 21**99**

That the NSW Department of Education and Training provide a one-week, fully funded, induction program for all teachers, principals and other school leaders commencing in positions in schools with significant Aboriginal student populations. The induction program should be tailored to meet the circumstances of the particular school and community, and be arranged in partnership between the school principal and local Aboriginal community organisations.

Recommendation 22**124**

That the NSW Government work with the Australian Government and the Murdi Paaki Regional Assembly to finalise the Murdi Paaki Regional Partnership Agreement before the end of December 2008.

Recommendation 23**134**

That the NSW Government work collaboratively to develop and support policies and programs with the Australian Government which address Indigenous disadvantage in urban, regional and remote areas that are long-term, sustainable, and outlast the political cycle.

Glossary and acronyms

ACDP	Aboriginal Community Development Program
AECG	Aboriginal Education Consultative Group
AHMRC	Aboriginal Health and Medical Research Council
AMS	Aboriginal Medical Service
ANTaR	Australians for Native Title & Reconciliation
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CAPs	Community Action Plans
CDEP	Community Development Employment Projects
CEC	Chief Executives Committee
CGWs	Community Governance Workshops
COAG	Council of Australian Governments
CWP	Community Working Party
DAA	Department of Aboriginal Affairs (NSW)
DPC	Department of Premier and Cabinet
DEST	Department of Education Science and Training
DET	Department of Education and Training
Final Report	Standing Committee on Social Issues, Inquiry into overcoming Indigenous disadvantage, Final Report, November 2008
HREOC	Human Rights and Equal Opportunity Commission
Interim Report	Standing Committee on Social Issues, Inquiry into overcoming Indigenous disadvantage, Interim Report, June 2008
MCATSIA	Ministerial Council on Aboriginal and Torres Strait Islander Affairs
NATSISS	National Aboriginal and Torres Strait Islander Social Survey
NATSIHS	National Aboriginal and Torres Strait Islander Health Survey
NCOSS	National Council of Social Services
NSWALC	New South Wales Aboriginal Land Council
RWA	Redfern Waterloo Authority
SRA	Shared Responsibility Agreement
Steering Committee	COAG Trial Steering Committee

Chapter 1 Conduct of the Inquiry

Establishment of the Inquiry

- 1.1 On 25 September 2007, the Standing Committee on Social Issues received a reference from the Minister for Aboriginal Affairs, the Hon Paul Lynch MP, for an inquiry into overcoming the 17-year life expectancy gap between Indigenous and non-Indigenous Australians.² The Committee provided an Interim Report to the House in June 2008. This Final Report represents the conclusion to the Inquiry.
- 1.2 The terms of reference for the Inquiry and the membership of the Committee can be found on page iv and v.

Conduct of the Inquiry

The Interim Report

- 1.3 In June 2008 the Committee tabled a substantial Interim Report. The Interim Report identified 45 issues for consideration arising from the evidence received during the ten public hearings and one public forum conducted during February and March 2008, and from submissions provided to the Committee.
- 1.4 The issues for consideration arising from the first half of the Inquiry were grouped into a number of themes that appeared consistently in evidence:
- measuring outcomes: programs and strategies have been ineffectively monitored against targets and a need for improved reporting and accountability mechanisms to identify both successful and unsuccessful programs.
 - coordinated service the delivery: a lack of strategy in the provision of services was identified as a cause of both gaps and duplication of services; a change in the relationship between Government service provides and non-Government services is required
 - partnership in service delivery: Aboriginal communities need to be equal partners in the design, implementation and assessment of programs, with recognition of the important role played by elders within communities
 - funding: it was found that program funding is often short term with insufficient resources for many programs that are working
 - employment, mentoring and training of Aboriginal people: this has been found to be an essential element in addressing both the number of Aboriginal people employed and retention rates; this is equally applicable to all aspects of service provision designed to provide opportunities for Aboriginal people to overcome disadvantage
 - specific strategies.

² *Minutes of the Proceedings*, Legislative Council, 25 September 2007, No 16, Item 24, pp 234-235

- 1.5** Chapter 10 of the Interim Report provides a summary of the issues for consideration, grouped by the themes above, and is attached to this Final Report as Appendix 4.
- 1.6** The second half of the Inquiry was focussed on addressing the themes and issues for consideration raised in the Interim Report. Appendix 4 also highlights the chapters in the Final Report where the themes underpinning the identified issues for consideration are examined.

Submissions

- 1.7** Since the publication of the Interim Report, the Committee has received an additional 30 submissions, including 16 supplementary submissions provided by organisations and individuals commenting on the issues for consideration raised in the Interim Report. The total number of submissions received, including supplementary submissions, is 105.
- 1.8** Submissions have been received from a broad range of individuals and organisations such as the New South Wales Government, legal agencies, reconciliation groups, Aboriginal elders, Land Council representatives, community groups and community organisations. The full list of submissions received at the time of printing is included as Appendix 1. Submissions that have been made public by the Committee can be accessed via the Committee's website at www.parliament.nsw.gov.au/socialissues.

Site visits

- 1.9** In this second half of the Inquiry, the Committee visited Griffith, Broken Hill and Armidale. In Griffith, the Committee visited Tirkandi Inaburra Cultural and Development Centre which is an Aboriginal community run centre offering Aboriginal boys aged 12-15 a culturally-based residential program aimed at reducing future contact with the criminal justice system by strengthening the boys' cultural identity, self-esteem and resilience.
- 1.10** In Broken Hill, the Committee visited Maari Ma Health Aboriginal Corporation, which is a regionally focused Aboriginal community controlled health service that manages the health services in the towns of Balranald, Dareton, Ivanhoe, Menindee, Tibooburra, Wentworth, Wilcannia and White Cliffs.
- 1.11** While in Armidale, the Committee visited The Aboriginal Cultural Centre and Keeping Place. This is a community based gallery which showcases the diversity of Australian Indigenous arts and culture and also provides a small library, archival centre and research room for researchers.
- 1.12** An informal lunch was held in each town and was an opportunity for community members to meet with Committee members to discuss local issues in an informal atmosphere. We thank those people who took the time and made the effort to meet with us to talk about the issues important to them.
- 1.13** Following the lunch a more structured 'round table' session was held with service providers and others working with Aboriginal communities in the region. These sessions enabled the Committee to workshop suggested responses to the issues for consideration raised in the Interim Report. The round table sessions were not intended to be an exhaustive consultation

with all stakeholders in the community. Many of the key themes arising from the Interim Report related to service delivery and the relationship between government and the community in which services are provided.

- 1.14** In Armidale there was a considerable amount of community interest in the Committee's visit, and a public forum was held after the round table session to allow issues of concern to be aired and recorded.

Hearings

- 1.15** In this second half of the Inquiry, the Committee conducted three public hearings, three round table sessions and one public forum, with a total of 85 participants. Three round table sessions were held at locations other than Parliament House, as part of site visits conducted in Griffith, Broken Hill and Armidale.
- 1.16** In total, thirteen hearings, two public forums and three round table sessions were held during the course of the Inquiry, with 226 witnesses. Many witnesses were invited to reappear before the Committee to respond to issues for consideration raised in the Interim Report.
- 1.17** Appendix 2 contains lists of witnesses from the Committee's hearings and public forum. Transcripts of all hearings and the public forum are available on the Committee's website at www.parliament.nsw.gov.au/socialissues.

Terminology

- 1.18** The Committee has used the terms 'Indigenous people' and 'Aboriginal people' interchangeably throughout this Report, to refer to descendants of the first Australians that lived in Australia prior to colonisation by the English and identify themselves as Indigenous. The Committee acknowledges the difficulty of defining these terms and notes that the terms were used differently in different communities.

Structure of the Final Report

- 1.19** The terms of reference required the Committee to complete an Interim Report by 30 June 2008 and a Final Report by 28 November 2008. As such, the Committee has divided the issues raised in the Inquiry. In the Final Report, the Committee examines the issues raised in the Interim Report, considering them by the identified themes.
- 1.20** This Final Report is divided into nine chapters.
- 1.21** Chapter 1 provides an overview of the Inquiry and outlines the structure of this Final Report.
- 1.22** Chapter 2 considers the responsibility and accountability mechanisms underpinning the NSW Government's commitment to Aboriginal affairs. The final part of this chapter considers what happened to the recommendations arising from previous Social Issues reports.
- 1.23** Chapter 3 examines the nature of partnership between government and Aboriginal communities, consultation and decision-making and barriers to effective partnership.

- 1.24** Chapter 4 examines issues relating to service provision, measuring success and funding that were raised in the Interim Report.
- 1.25** Chapter 5 considers the issue of cultural resilience in Aboriginal communities, including ways of strengthening that resilience.
- 1.26** Chapter 6 reviews the Council of Australian Governments Murdi Paaki trial conducted in far west NSW and the lessons for NSW government departments and Aboriginal communities arising from that trial.
- 1.27** Chapter 7 examines the Northern Territory Emergency Response, which after one year of operation has been subject to considerable attention and analysis. The chapter considers whether there are lessons for NSW arising from the Emergency Response.
- 1.28** Chapter 8 reviews the programs and policies adopted by a number of international jurisdictions, with a particular focus on New Zealand and Canada.
- 1.29** Chapter 9 reflects on the recommendations and looks to the near future where with good intentions, steadfast political commitment and willingness to engage, closing the gap is truly possible.

Chapter 2 Responsibilities and accountabilities

Overcoming Indigenous disadvantage is not easy. The Committee has heard repeatedly throughout its Inquiry that Aboriginal communities do not consider it to be the responsibility of government alone, although government does have an important role. For Aboriginal communities to share responsibility for overcoming Indigenous disadvantage, they must be supported and equipped to do so. This is examined in Chapter 3 – effective partnerships, and Chapter 4 – service delivery.

In this chapter, the Committee considers the responsibility and accountability mechanisms underpinning the NSW Government's commitment to Aboriginal affairs. The New South Wales State Plan the Two Ways Together Plan are the main strategy documents guiding Aboriginal affairs in New South Wales. The adequacy of these plans to address Indigenous disadvantage is examined. The interaction of the State and Australian governments in the development of policy and the delivery of services to Aboriginal people are also examined, and the implementation of previous recommendations of the Social Issues Committee affecting Aboriginal people is considered.

The central recommendations in this chapter aim to elevate Aboriginal affairs to the core business of all government agencies, and increase the authority of the Department of Aboriginal Affairs to facilitate between agencies and ensure targets and objectives are met.

New South Wales State Plan Priorities and the Two Ways Together Plan

- 2.1** This chapter continues the Committee's consideration of the need for 'greater clarity in who has the overall leadership and responsibility for defining the performance indicators and delivering priorities under the New South Wales State Plan and Two Ways Together Plan,'³ a need that was identified in the Interim Report.
- 2.2** As noted in the Interim Report, the NSW Government is committed to Priority F1 of the New South Wales State Plan (the State Plan), which is intended to address health, education and social outcomes for Aboriginal people. The Chief Executive Committee (CEC), chaired by the Department of Premier and Cabinet, has responsibility for this Priority and for all Priorities in the State Plan. The CEC is also responsible for monitoring implementation of the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities (the Interagency Plan).⁴
- 2.3** The Two Ways Together Plan identifies seven priority areas within which outcomes for Aboriginal people can be improved. The seven priority areas are health, education, economic development, justice, families and young people, culture and heritage and housing. The Two Ways Together Plan is described in greater detail in the Interim Report.

³ NSW Legislative Council, Standing Committee on Social Issues, *Overcoming Indigenous disadvantage in New South Wales: Interim Report*, Report 40, June 2008, (the Interim Report) p 269

⁴ Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 17 September 2008, p 10

2.4 The Two Ways Together Coordinating Committee (TWTCC) is ‘the principal coordinating body for the Government’s Aboriginal Affairs Plan, *Two Ways Together*.’⁵ The Department of Aboriginal Affairs (DAA) chairs the TWTCC, and also leads the implementation of initiatives under the Two Ways Together Plan. When the NSW State Plan was introduced, the structure of Two Ways Together was altered to align with the State Plan and it is through the TWTCC that all priorities relating to Indigenous affairs are monitored.⁶

Reporting against State Plan targets

2.5 In its Interim Report, the Committee highlighted a need for clearly articulated priorities and commitments relevant to Indigenous affairs in the State Plan. The Committee also noted that the State Plan Priority area of justice did not have any specific commitments relating to addressing justice issues in Aboriginal communities.

2.6 Other State Plan Priority areas identified in the *Two Ways Together Report on Indicators 2007* as ‘of direct relevance to Aboriginal people’ are:

- R4 Increased participation and integration in community activities
- S3 Improved health through reduced obesity, smoking, illicit drug use and risk drinking
- S4 Increasing levels of attainment for all students
- S5 More students complete Year 12 or recognised vocational training
- F3 Improved outcomes in mental health
- F4 Embedding the principle of prevention and early intervention into Government Service delivery in NSW
- F6 Increased proportion of children learning with skills for life and learning at school entry
- F7 Reduced rates of child abuse and neglect
- E4 Better environmental outcomes for native vegetation, biodiversity, land, rivers and coastal waterways
- E8 More people using parks, sporting and recreational facilities and participating in arts and cultural activities.⁷

2.7 The NSW Government notes in its supplementary submission that under a number of Priorities, including Priorities R1 (reduced rates of crime) R2 (reduced re-offending) and R3 (reduced antisocial behaviour) criminal justice agencies such as the Attorney General’s Department, the Department of Juvenile Justice, NSW Police and the Department of Corrective Services are responsible for addressing Aboriginal justice issues.⁸ The submission

⁵ Answers to questions taken on notice during evidence, 29 April 2008, Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Question 10 (4), p 24

⁶ Supplementary Submission 40a, NSW Government, p 5. This is diagrammatically represented in the Interim Report, p 45

⁷ *Two Ways Together Report on Indicators 2007*, p 6

⁸ Supplementary Submission 40a, p 5

also notes that the Two Ways Together Plan includes indicators relating to Aboriginal justice (in turn derived from the preceding Aboriginal Justice Plan) which are similar to those contained in the State Plan:

These targets relate closely, but are not identical, to the indicators for the State Plan Priorities R1, R2 and R3, in that the State Plan does not yet articulate specific Aboriginal indicators in this area.⁹

- 2.8** Ms Robyn Kruk, the then Director General of the Department of Premier and Cabinet, told the Committee that any expansion of targets in the State Plan as part of the review had to be done in conjunction with the community:

The State Plan picks up targets that are very definitely focused on indigenous communities in a number of areas. The question will be, and this will no doubt come up in the review of those targets, whether we need to expand them. That is something that has to be done with the community because the targets that are identified in Two Ways Together were done in concert with the Aboriginal community in the first instance.¹⁰

- 2.9** When asked how DAA ensures that other agencies delivered on their responsibilities, the Director General, Ms Jody Broun, explained the role of the TWTCC in monitoring progress against Priority F1 and other State Plan priorities that have significance for Aboriginal people:

While I do not have a CEO group on Aboriginal affairs, I have a Two Ways Together Coordinating Committee, which is government agencies but also all the peak bodies—the State Land Council, the Aboriginal Education Consultative Group chairpersons. There is an Aboriginal child care secretariat that attends and the Aboriginal Health and Medical Research Council and the Aboriginal Housing Board all attend at that group as well. So, we monitor not only at that level of F1 actions but we also monitor a number of other State Plan Priorities that we think have a significant relevance to Aboriginal people, and there are another 13 of those. So, there is a whole range of monitoring of not only the outcomes but also the actions that have been committed to.¹¹

- 2.10** Ms Broun continued that the TWTCC would address the matter initially, but in situations where more action was required she would address the matter through one-on-one contact with other CEOs:

... I have regular meetings with a number of CEOs on a personal, one-to-one basis, so I would talk to them about particular actions they are responsible for.¹²

- 2.11** During the Committee's round table session held in Griffith, Mr Steve Meredith, Chairperson of the Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator at the Griffith TAFE, told the Committee that a Government commitment to implementation was the real issue, not reporting:

⁹ Supplementary Submission 40a, p 5

¹⁰ Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 38

¹¹ Ms Broun, Evidence, 17 September 2008, p 10

¹² Ms Broun, Evidence, 17 September 2008, p 10

Looking at the way we report and the way things have been reported in my life, I do not think there is any issue with the way we report. The issue is the Government's commitment to implementation and to deal with Aboriginal people in a way Aboriginal people are comfortable dealing with the issues.¹³

- 2.12** Ms Kruk told the Committee that the current arrangement of regular CEO meetings to monitor the progress of departments against their Priorities in the State Plan (the CEC) provided a forum for the Director General of DAA to ensure other departments were achieving their targets. Ms Kruk commented that her involvement would come about in areas where the targets were difficult to achieve, and noted that cooperation between Ministers and their portfolios was required as well as bureaucratic cooperation:

Again, it is not just about bureaucratic cooperation, it is also about cooperation across ministerial portfolios. That is significant in terms of getting political support, which at the end of the day translates into funding support too. It is a matter of lining up that support at all levels. I did not hear the bulk of Jody [Broun]'s testimony, but I think that structure is working. She has access at the CEO level to all agencies, as she should. Her remit is one of the most difficult.¹⁴

- 2.13** Ms Broun explained to the Committee the importance of agencies regarding activities to strengthen Aboriginal communities and achieve better outcomes in service delivery as part of their 'core business':

... it is recognising that this is actually core business for agencies, not just the Department of Aboriginal Affairs. That has been a promotion that we have had for the whole life of Two Ways Together. The improvement of service delivery or getting better results, say, in education is the Education Department's core business. We can assist in terms of policy setting and advice as required, but really it has to be seen as a core business of those other agencies.¹⁵

- 2.14** Ms Jill Herbert, Regional Director with the Department of Community Services and a participant in the round table session held in Broken Hill, suggested that in order to ensure that service delivery to Aboriginal communities remained 'on the agenda', the NSW Government could adopt additional accountability measures for senior public servants, within performance agreements:

That is perhaps one of the things that could come out of the report; that is how government service delivery focuses on improving its own service delivery now and does not let that get off the agenda. There are obvious ways of getting that to happen. My own personal performance agreement could say "start to ensure you are changing

those figures and that balance". Of course, as a funder of some services, we need to be setting targets in terms of access to the services that the Department of

¹³ Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Griffith TAFE, Griffith round table, Evidence, 5 August 2008, p 6

¹⁴ Ms Kruk, Evidence, 17 September 2008, p 39

¹⁵ Ms Broun, Evidence, 17 September 2008, p 4

Community Services funds for Aboriginal kids. Again, we must try to ensure that we get those services out in the communities.¹⁶

- 2.15** Ms Kruk advised the Committee that the performance agreements of CEOs [Directors General of NSW Government departments] included performance indicators linked to Aboriginal service components, which were reflected in the performance agreements of staff within the departments:

CEOs must have those in their agreements. I have them in my agreement. My senior staff have components of them in their agreements. If it is in the boss's agreement, it tends to go in, in the pecking order, to everyone else's agreement ...¹⁷

Committee comment

- 2.16** The Committee believes the existing indicators contained in the Two Ways Together plan should be elevated to the level of the State Plan. At the moment, the Department of Aboriginal Affairs is represented on the Chief Executives Committee by the Director General, as the agency with primary responsibility for meeting the targets in the State Plan for Priority F1. However, there are a large number of Priorities within the State Plan of significance to Aboriginal people that do not have targets specific to Aboriginal people – those targets are included in the Two Ways Together plan and progress against the targets is measured annually in the *Two Ways Together Report on Indicators*.
- 2.17** The Two Ways Together Coordinating Committee is the current forum for monitoring progress against the targets specific to Aboriginal people. Elevating the targets to the level of the State Plan and including them within Priorities that are currently the responsibility of agencies other than the Department of Aboriginal Affairs will ensure that those agencies are held accountable at the highest level for delivering on those targets.
- 2.18** It is important to note that the Committee is not suggesting **new** targets and reporting requirements, merely the elevation of existing targets and reporting requirements. It is not our intention to impose additional reporting burdens on agencies that should be devoting their energy to meeting the targets.
- 2.19** The specific targets to be included in the State Plan should be determined by the Department of Aboriginal Affairs through existing Priority areas as identified by Indigenous communities, however the Committee believes that the Aboriginal-specific justice indicators relevant to Priority Areas R1, R2 and R3 should be included.

¹⁶ Ms Jill Herbert, Regional Director, Department of Corrective Services, Broken Hill round table, Evidence, 5 August 2008, p 24

¹⁷ Ms Kruk, Evidence, 17 September 2008, p 27

Recommendation 1

That the NSW Government includes Aboriginal-specific targets in the relevant Priority areas of the State Plan as part of its next review. The targets should be derived from existing targets included in the *Two Ways Together* plan, and should include Aboriginal-specific justice indicators relevant to Priority Areas R1, R2 and R3.

- 2.20** Elevating existing targets to the State Plan level is intended to ensure that government departments consider improvements in outcomes for Aboriginal people a core part of their business. There is still a central role for the *Two Ways Together Indicators Report* and the Two Ways Together Coordinating Committee. The Committee's comments and recommendations are intended to strengthen the NSW Government's responsibilities and accountabilities to Aboriginal people.
- 2.21** The elevation of existing Two Ways Together targets into the State Plan should necessarily involve the inclusion of State Plan specific targets into senior public servant's performance agreements. The Committee supports the view expressed by participants in this Inquiry that this alignment of targets would focus attention on the objective of overcoming Indigenous disadvantage.

State and Australian Government interaction

- 2.22** The relationship between New South Wales and the Australian Governments was outlined in Chapter 3 of the Committee's Interim Report. The *Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005-2010* (the *Overarching Agreement*) establishes a foundation for how the two Governments should work together. The principles contained in the *Overarching Agreement* include the promotion of joint planning, streamlining of service delivery and establishing a strategic approach for joint and innovative action by Governments in partnership with communities.¹⁸
- 2.23** Despite these laudable principles, the Committee heard evidence during its regional site visits of continued poor collaboration between the State and Australian governments. In the context of a discussion on the role of poverty in considering Indigenous disadvantage, Ms Kruk told the Committee that 'this is not an area in which the Commonwealth and the State can continue on the path that they have for a number of years where there have been almost parallel universes in operation.'¹⁹
- 2.24** Ms Aloma Simpson, Chairperson, Gurrubungu Elders Group in Griffith, told the Committee that the demarcation of responsibilities between levels of government was often perceived by Aboriginal communities as a way for government representatives to shirk responsibility:

When I questioned these people, the big shots I call them because they sit up there with their mobiles ringing up and whatever, they say, "Oh, it's not us. It's Commonwealth. They put these rules and regulations in." But I know for a fact

¹⁸ *Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005 – 2010*, www.daa.nsw.gov.au/data/files//Bilateral.pdf (accessed 26 September 2008)

¹⁹ Ms Kruk, Evidence, 17 September 2008, p 24

because I have been there that there are a lot of decisions that do get made around them tables. It is sad but the people are elected, most of the time ... The only time you see them is election time: "I'm so and so running for this position and that position." I said, "Typical. Only time I see you is at election times." ... You never ever see them again.²⁰

- 2.25** An example of the impact of lack of coordination between the State and Australian governments was provided by Ms Jill Herberte, a Regional Director with the Department of Community Services, who told the Committee that Commonwealth funding had, in some cases, duplicated programs already run at State level. Ms Herberte explained that these often short term programs in areas already serviced by the NSW Government were a source of confusion as well as a poor use of resources:

The other issue that has happened is that the Commonwealth in recent years has only funded short-term pilot projects. So, the Commonwealth has replicated funding in some areas. Say, for example, they are funding around early childhood, family support services. That was three-year non-renewable funding. So people set up quite a network of services and they could not continue. So there certainly have been some Commonwealth programs and I think the historical nature of funding has meant that always annually there is a bit of uncertainty for people. Hopefully, we can overcome that now.²¹

- 2.26** Ms Kruk agreed that not looking at what the Commonwealth government is doing in a particular area can lead to inefficiencies:

So it is a matter of what the Commonwealth can do in that regard and aligning that with the States. It is a frightful inefficient use of resources if we are embarking on one aspect in relation to job compacts and those initiatives that are beginning to yield fruit, as you would have seen in our submission, without having regard to the initiatives that the Commonwealth can or is already offering. There has to be coherence.²²

- 2.27** Ms Broun also discussed the need for better coordination between Commonwealth and State agencies to use resources available to Aboriginal communities in the most effective way and to try and avoid duplication of programs both across State agencies as well as across State and Federal agencies:

... we need to link really closely with Commonwealth government programs. I find Aboriginal people generally not accessing the sorts of grants programs that are available, particularly through Commonwealth agencies. There are a whole range of programs that are advertised a lot yet Aboriginal people are not well resourced, do not know they are there, do not know where the funding can come from or they need support to help actually do the submissions. I also think you get to do things by doing better coordination. You may well see an increase in demand but you also might see that there is some duplication of service delivery that if you address that will free up some additional resource into that community as well.

²⁰ Ms Aloma Simpson, Chairperson, Gurrubungu Elders Group, Participant, Griffith round table, Evidence, 5 August 2008, p 10

²¹ Ms Herberte, Evidence, 6 August 2008, p 5

²² Ms Kruk, Evidence, 17 September 2008, p 24

I think it is incredibly important to look at how resources are being used on the ground, is there a duplication of the way that is being done, whether it is within or across State agencies or whether it is across State and Federal agencies and so the coordination, locally, regionally and at a State level is really important to try to address that sort of increasing demand. It is not always about, "We need another bucket of money". Let us use what we have now in a more effective way.²³

2.28 The Committee heard a lot of evidence raising issues about how Aboriginal programs are funded. This issue is considered in detail in Chapter 4 – Service Delivery.

2.29 The adoption by the Australian Government of ambitious Indigenous health equality targets as part of the Closing the Gap initiative and the alignment of those targets with NSW targets under the State Plan was cited by Ms Kruk as an example of a ‘clear line of sight’ between different levels of government:

The issue, as I see it, is to have it in the political accountability at the Federal level, to have it in the political accountability at the State level, as articulated through the State Plan, to have it in CEOs' accountability at the government level, in turn to have that translated through the work that we do with the not-for-profit sector. That line of sight is there. I have seen enough different targets over the years that have different endpoints. The issue is that they all line up quite clearly.²⁴

2.30 The Murdi Paaki trial developed by the Council of Australian Governments (COAG) and implemented in Western parts of NSW is discussed in some detail in Chapter 6 of this Report. The Committee has heard evidence that this model of government and community engagement was an effective way of addressing disadvantage in some Aboriginal communities, and involved collaboration between State and Australian governments.

2.31 Mr Tony Kickett, a participant in the Broken Hill round table session, added that the Murdi Paaki process was a more successful form of consultation than going ‘one on one’ with government departments:

That [the Murdi Paaki COAG trial] process has worked partly because we might have one of a few processes that continually benefits our community and ensures that they are a part of those consultations. Otherwise we go one on one with government departments and that tends to be very difficult.²⁵

2.32 Mr Kickett also emphasised the advantages of this COAG approach over the more traditional approach to policy development through government departments regional offices:

One of the idiosyncrasies of bureaucracy relates to who is the primary customer. Generally the primary customer is the Minister, State and Federal. Therefore the ripple effect that flows out to communities goes through quite a few layers and tiers. By the time it gets down to a grass roots level its ability to make a change is quite diluted, which leads us to wondering how it was conceived and what were the criteria. Again, it is not developed or implemented by a community. One of the strongest outcomes

²³ Ms Broun, Evidence, 17 September 2008, p 8

²⁴ Ms Kruk, Evidence, 17 September 2008, p 28

²⁵ Mr Tony Kickett, Indigenous Education Officer, Sydney University Department of Rural Health, Participant, Broken Hill round table, Evidence, 6 August 2008, p 15

of the COAG trial relates to community governance, developing a degree of ownership, working with what we have, and communities working together.²⁶

- 2.33** An example of the impact of this poor collaboration is the destabilising effect of delays in completing the Regional Partnership Agreement following the Murdi Paaki COAG trial, as addressed in Chapter 6.

Committee comment

- 2.34** The issue of poor collaboration between different levels of government is not an issue confined to the Aboriginal community. However, given the importance of the kinds of issues that occur in Aboriginal communities, poor collaboration can have a greater impact on Aboriginal communities.
- 2.35** The attitude of the Australian Government, as expressed through the Apology and through the ambitious targets signed up to as part of the Close the Gap initiative, indicates an intent to get things done.
- 2.36** The Premier should take steps to ensure that collaboration between the different levels of government in the coordination of services and consultation with Aboriginal communities is given a high priority during future Council of Australian Government meetings on Indigenous issues.

Recommendation 2

That the NSW Premier take steps to ensure that collaboration between the different levels of government in the coordination of service delivery, and consultation with Aboriginal communities, is given a high priority during future Council of Australian Government meetings on Indigenous issues.

Aboriginal representation

- 2.37** Aboriginal representation was discussed in Chapter 3 of the Interim Report, where the Committee reported that the absence of ATSIC or an alternative representative body was keenly felt within the Aboriginal community.²⁷
- 2.38** This issue was considered during the second half of the Inquiry. Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, is leading a campaign to establish a national Indigenous representative body:

Without genuine engagement with Indigenous Australians, governments will struggle in their efforts to make lasting progress to improve the conditions of our people and in our communities.

²⁶ Mr Kickett, Broken Hill round table, Evidence, 6 August 2008, p 21

²⁷ Standing Committee on Social Issues, Interim Report, pp 66-70

There is currently no transparent, rigorous process or mechanism at a national level to engage with Indigenous communities, where policies and priorities can be developed and which can hold governments accountable for their performance.²⁸

2.39 Other Inquiry participants, such as Dr Sandra Bailey, Chief Executive Officer, Aboriginal Health and Medical Research Council, endorsed the view of Mr Calma.²⁹

2.40 In answers to questions taken on notice, Mr Darren Dick, Director, Social Justice Unit, Human Rights and Equal Opportunity Commission, stressed the imperative that the new body is ‘truly representative’:

Our research recognizes that a body cannot be truly representative without being able to engage with a broad section of Indigenous people across local, regional and federal levels. That is, any model needs to consider how to best represent the views of Indigenous men, women and youth, not to mention communities across different geographic locations, Stolen Generations members and traditional owners.³⁰

2.41 The Australian Government has committed to setting up a national Indigenous representative body, and the Department of Families, Housing, Community Services and Indigenous Affairs commenced consultation in July 2008 on the establishment of such a body. Submissions closed on 19 September 2008.

Holding government accountable in New South Wales

2.42 To ensure that progress is being made in overcoming Indigenous disadvantage, there must be some form of ongoing accountability mechanism. Currently, DAA tables an annual report in Parliament. There is also reporting on the State Plan, which with the new indicators recommended in this report, will raise the priority of Aboriginal issues.

2.43 In April 2008, the Prime Minister, the Hon Kevin Rudd MP, announced that on the first sitting day of each parliamentary year, he will report to the Parliament on the progress his government has made closing the gap between Indigenous and non Indigenous Australians. The report will focus on progress is closing the gap in:

- life expectancy
- infant mortality and mortality of children up to five years of age
- literacy and numeracy.³¹

²⁸ Mr Tom Calma, Aboriginal Social Justice Commissioner, *Towards a new National Indigenous Representative Body*, Human Rights and Equal Opportunity Commission, 2008, p 1

²⁹ Supplementary Submission 38a, Aboriginal Health and Medical Council, p 59

³⁰ Answers to questions taken on notice during evidence, 15 September 2008, Mr Darren Dick, Director, Social Justice Unit, Human Rights and Equal Opportunity Commission, p 1

³¹ The Hon Kevin Rudd MP, Prime Minister, ‘Annual Prime Ministerial Statement on Closing the Gap’, *Media Release*, 5 April 2008

Committee comment

- 2.44** The Committee applauds the Prime Minister for his commitment to closing the gap between Indigenous and non Indigenous Australians, and his willingness to hold himself accountable before parliament for progress in meeting targets. The Committee believes that New South Wales should follow the Prime Minister's lead, with the Premier making an annual report to the State Parliament. An ongoing review of progress, based on the Premier's annual report, will keep politicians and bureaucrats focussed on achieving real improvement in Aboriginal communities. The Standing Committee on Social Issues could undertake this annual review.
- 2.45** The Committee strongly supports increased involvement of Aboriginal communities in determining and delivering programs in their communities that aim to address Indigenous disadvantage. Chapters 3 to 5 examine this in further detail. The partnership recommended in these chapters between government and Aboriginal communities will involve communities in determining targets and measures of success in their community and assessing the effectiveness of government programs in meeting targets.
- 2.46** The Committee believes that the partnership must extend to Aboriginal communities' views, as expressed through existing representative structures, on the government's success or failure addressing Indigenous disadvantage being a key component of the Premier's report to Parliament.

Recommendation 3

That the Premier report to Parliament on the first sitting day of each parliamentary year, on the progress the NSW Government has made in closing the gap between Indigenous and non-Indigenous Australians. Aboriginal communities' views, as expressed through existing representative structures, on the government's success or failure addressing Indigenous disadvantage must be a key component of the Premier's report to Parliament.

Previous recommendations of the Social Issues Committee

- 2.47** This is the 41st report of the Standing Committee on Social Issues examining matters relating to the social development of people in NSW. Many of the Committee's previous reports since its inception in June 1988 have also considered issues and contain recommendations relating to Indigenous people in NSW. Recognising the Committee's ongoing consideration of issues relevant to Aboriginal people, the terms of reference for this Inquiry instruct the Committee to consider previous Social Issues Committee reports containing reference to Aboriginal communities, and to assess the progress of government in implementing adopted report recommendations.³²
- 2.48** Parliamentary committees provide an opportunity for people in the community to become involved in the democratic process and enable committee members to be informed by community views. This direct engagement with the community creates an invaluable opportunity to thoroughly address the subject of the committee's terms of reference.

³² Term of reference 1(c)

2.49 Within six months of a committee report being tabled in Parliament, the Government reports back to the Parliament. This report, the ‘government response’, outlines the action the government has or will take in response to the recommendations contained in the report. The government response can be debated in the House. It is published and put on the committee’s website and sent to all Inquiry participants.

2.50 Recommendations made at the time of reporting are proposals for government policy that the Committee finds applicable at that time. Government responses to previous Social Issues committee reports indicate many of recommendations have been addressed. Several Departmental witnesses also supported this view during evidence.³³ However, the Committee heard that sometimes Indigenous communities did not share this view, and that government could do more in response to Inquiry recommendations. The following example from the Inquiry into issues relating to Redfern Waterloo, illustrates the confusion that can surround the implementation of committee recommendations.

Case study: Inquiry into issues relating to Redfern Waterloo recommendations concerning the ‘Needle Bus’

2.51 In 2004 the Standing Committee on Social Issues, following the tragic death of a 17 year old Aboriginal man and the subsequent riot in Redfern, undertook a wide-ranging inquiry into issues relating to Redfern/Waterloo.

2.52 Many of the recommendations that came out of this report have been adopted and implemented by the government; for example, there have been changes to policing in the area, establishment of the Redfern-Waterloo Authority and a Minister specifically responsible for Redfern and Waterloo.

2.53 In its Interim Report in August 2004 the Committee also recommended that the Mobile Needle and Syringe Van (Needle Bus) be moved from its current location, within the community and beside a children’s playground, and a strictly imposed limit placed on the number of needles distributed.

2.54 In the NSW Government’s response in February 2005, the government stated that the ‘Mobile Needle and Syringe Van will close as soon as the community health facility opens’ at 120 Lawson Street.³⁴

2.55 During the overcoming Indigenous disadvantage Inquiry, NSW Health informed the Committee that for a number of reasons this health facility was not built and there are no current plans to close or relocate the Needle Bus. However, when the Committee visited Redfern, local residents were asked what they would like to see come out of this Inquiry,

³³ For example: Ms Carol Mills, Deputy Director General, NSW Department of Ageing, Disability and Home Care and Mr Mike Allen, Director General, NSW Housing, Evidence 12 February 2008, p 39; Commissioner Andrew Scipione, Commissioner, NSW Police Force, Evidence 12 February 2008, p 72; Dr Denise Robinson, Chief Health Officer and Deputy Director General, Population Health, NSW Health, Evidence 30 April 2008, p 19; Ms Kruk, Evidence, 17 September 2008, pp 33-36

³⁴ Government response to Standing Committee on Social Issues Reports 32 and 34, *Issues relating to Redfern/Waterloo*, February 2005, p 11

Mr Michael Mundine, CEO of the Aboriginal Housing Company replied 'NSW Health removal of the Needle Bus'.³⁵ Given the continued community concern regarding the location of the bus the need for discussions and an ultimate solution remains.

- 2.56** This example demonstrates the need for both government and communities to engage with one another to consider additional information as changes in circumstances arise. It is also demonstrative of the need for Aboriginal communities to have input into the implementation, assessment and accountability phases of public policies that effect outcomes for Indigenous well-being.
- 2.57** During this Inquiry, NSW Health outlined its protocols for distribution of needles and syringes from the Needle Bus and assured the Committee that these were followed.³⁶ The protocols for syringe distribution stipulate that no more than ten syringes are to be distributed per client presentation. NSW Health noted that NSW Health Needle Syringe policy and Guidelines state that 'people who inject drugs require access to an adequate number of syringes'.³⁷ The Committee noted that there was evidence provided during hearings from several witnesses that indicated that the protocol was not observed in some instances.
- 2.58** Although the original protocols were established in consultation with key community stakeholders, which included a number of Aboriginal community groups, the information supplied to the Committee is contradictory. The recommendations of the Committees' inquiry into issues relating to Redfern/Waterloo were to address this problem.³⁸
- 2.59** The Committee found similar issues arising with other recommendations, in particular those relating to the provision of services for Indigenous people with a disability. Inquiry participants from peak disability organisations, including Aboriginal Disability Network NSW and People with Disability Australian Inc, told the Committee of the lack of specific services for Indigenous people with a disability, yet the Department of Ageing Disability and Home Care (DADHC) told the Committee of its progress in implementing previous Social Issues Committee report recommendations. Whether there has been progress or not is not at issue. If the Aboriginal community feels that the services are not available, or are too mainstream and not culturally appropriate, the problem remains.

Committee comment

- 2.60** In relation to Indigenous matters, the Director General of DAA, Ms Jodi Broun, told the Committee that DAA monitors overall outcomes, looking for gaps in service delivery at the State and regional levels, but does not monitor the implementation of committee recommendations that have been adopted by the NSW Government.³⁹

³⁵ Answers to questions taken on notice during evidence, 30 April 2008, Mr Michael Mundine, Chief Executive Officer, Aboriginal Housing Company, pp 6-7

³⁶ Answers to questions taken on notice during evidence, 18 September 2008, Dr Richard Matthews, Deputy Director General, Strategic Development, NSW Health, pp 3-4

³⁷ Answers to questions taken on notice during evidence, 18 September 2008, Dr Matthews, NSW Health, p 3

³⁸ NSW Legislative Council Standing Committee on Social Issues, *Inquiry into Issues Relating to Redfern/Waterloo Interim Report*. Report 32, August 2004, recommendation 20.

³⁹ Ms Broun, Evidence, 12 February 2008, p 13

- 2.61** The Committee encourages Government departments to take advantage of the high levels of community consultation and research that inform committee inquiries. Committee recommendations are seen as the most appropriate course of action at the time, however, the Committee understands that there may also be alternative solutions.
- 2.62** The need to improve communication between government and Aboriginal communities has been starkly apparent throughout the whole of this Inquiry, and is evident in the example of previous recommendations relating to the Needle Exchange in Redfern. This need is addressed in this report through recommendations strengthening partnership and consultation between government and Aboriginal communities.

Chapter 3 Effective partnerships

This chapter examines the nature of partnership between government and Aboriginal communities. ‘Partnership’ is a term that is widely used, yet the Committee heard from Aboriginal communities that they do not consider themselves to be genuine, equal partners in the design and delivery of programs and services in Aboriginal communities. This chapter examines the nature of partnership between government and Aboriginal communities, consultation by government agencies and asks the question, what needs to change in order for services to be delivered to Aboriginal communities in genuine partnership?

The Interim Report identified many specific issues that contribute to Indigenous disadvantage, including inadequate housing, lack of non-custodial sentencing options, impediments to obtaining drivers licences and support for Aboriginal men’s and women’s groups. While this Final Report does not make specific recommendations in relation to each issue for consideration, the recommendations in Chapters 2, 3 and 4 relating to accountability, partnership, service delivery and funding will equip and empower Aboriginal communities to develop programs in response to specific issues in their community, such as those identified in the Interim Report and empower them to hold government accountable for support to implement them.

Partnership with Aboriginal communities

3.1 Throughout the Inquiry the Committee was told of the need for government to work in partnership with Aboriginal communities in order to improve service delivery to those communities. This point was made very clearly by representatives from the Human Rights and Equal Opportunities Commission (HREOC):

Strategies and programs aimed at improving Indigenous services are futile without genuine partnerships with Indigenous people. Accordingly, state and national responses need to ensure that Indigenous input forms the basis of government policy in order to facilitate lasting as opposed to short term outcomes.⁴⁰

3.2 The NSW Government’s submission affirms the NSW Government’s recognition of the need for government agencies to change the way they work with Aboriginal people to deliver services.⁴¹ Key to this change is a partnership between the NSW Government and peak Aboriginal representative groups:

Two Ways Together is changing the way government agencies work with Aboriginal people to deliver services, and emphasises the need to work closely in partnership with Aboriginal communities.

This requires changes in the way government works with Aboriginal people, and development of the skills and ability of Aboriginal people to work with governments.

⁴⁰ Answers to questions taken on notice during evidence, 15 November 2008, Human Rights and Equal Opportunities Commission (HREOC), p 2

⁴¹ Submission 40, New South Wales Government, p 5

Two Ways Together involves a partnership between the NSW Government and peak representative Aboriginal groups including the NSW Aboriginal Land Council, NSW Aboriginal Education Consultative Group, the Aboriginal Health and Medical Research Council, the Aboriginal Child, Family and Community Care State Secretariat, the Aboriginal Housing Board and the Aboriginal Justice Advisory Council.⁴²

- 3.3** Associate Professor Sue Green, Director of Nura Gili Indigenous Programs at the University of New South Wales, said that working with Aboriginal communities in developing a solution to a problem resulted in an individualised program or delivery of services that responded to the community's needs and wants. Often the solution to the problem was unexpected:

There have been quite a few examples around the country where there is an issue, people have gone in to fix the issue and then when they have sat down and talked to the community, their idea about how the issue was to be fixed was actually quite different to what the community saw as the issue. Sometimes the people who were fixing the problem had not even considered the factors that the community were saying they wanted fixed. But once they were able to engage with the community around the community's wants and needs, then they were actually able to address the bigger issue that they were there to fix in the first place. So it is about working with that community and allowing it to come from the community as to what the solutions are.⁴³

- 3.4** In evidence to the Committee, representatives of NSW Government departments highlighted the NSW Government's commitment to engaging in a partnership with Aboriginal communities, and to developing effective services for those communities.⁴⁴ The NSW Government department representatives were all well aware of the importance of consulting with Aboriginal communities in relation to service provision.

- 3.5** For example, Ms Robyn Kruk, the former Director General of the NSW Department of Premier and Cabinet, reinforced the need to strengthen Aboriginal communities' capacity to 'tell you what they believe needs to be done and then work with you to make sure it is done'.⁴⁵

- 3.6** The language being used by the NSW Government in its submission to this Inquiry and the language used by representatives of government departments appearing before the Committee is the same as that being used by Inquiry participants critical of current government consultation and engagement strategies. However, the Committee was told throughout the second half of this Inquiry that genuine partnership between NSW Government and communities has yet to be established to the satisfaction of Aboriginal people. The Committee has heard that:

- Aboriginal people are consulted at the end of the service delivery process and often do not feel ownership over the reasons for service provision

⁴² Submission 40, p 5

⁴³ Associate Professor Sue Green, Director, Nura Gili Indigenous Programs, University of New South Wales, Evidence, 15 September 2008, p 59

⁴⁴ Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 12 February 2008, p 2

⁴⁵ Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 28

- it is difficult for service providers to strike a balance between over consulting and not consulting enough
- Aboriginal communities are consulted using mainstream bureaucratic processes, which is not an effective method of consultation.

3.7 If the language being used is the same, if there is agreement on the importance of genuine consultation and effective partnership between government and Aboriginal communities, why isn't it happening on the ground?

What is partnership?

3.8 The term 'partnership' is sometimes used loosely to describe any working relationship between government agencies, government and non government agencies or government and Aboriginal communities or organisations. During the Inquiry, the Committee heard criticism of perceived 'lip-service' by the government to the term 'partnership'. For example, Ms Cindy Berwick, President of the New South Wales Aboriginal Education Consultative Group told the Committee that practice does not always follow the rhetoric of partnership:

I would say that government departments pay lip-service. I do not think they value what we bring to the table. They talk about partnerships all the time. The partnership is actually: "We will have a conversation with you, and we hear what you say but we do not listen." They hear what we say but they do not listen. As someone mentioned before, the rhetoric is there and the commitment is there, but the practice and the action are not there. It is the value of working together.⁴⁶

3.9 Ms Berwick told the Committee that genuine partnership involved government working 'with Aboriginal people', not 'doing things to Aboriginal people':

It is not about doing things to Aboriginal people, it is about doing them with Aboriginal people. If the gap is to be closed or there are to be any improvements in whatever it is, Aboriginal people have some responsibility as well. You have to make sure that they are able to do it and that they have the skills to do it.⁴⁷

3.10 Associate Professor Green echoed Ms Berwick's comments:

It is about working with that individual community, honestly talking with them, real consultation, and working with them to set the goals and the objectives of any program that is going to happen within that community. It is ensuring that they actually have full participation within the program rather than someone coming in from above and saying, "This is what needs to happen here" or "This is the problem as it needs to be addressed".⁴⁸

⁴⁶ Ms Cindy Berwick, President, New South Wales Aboriginal Education Consultative Group, Evidence, 18 September 2008, p 24

⁴⁷ Ms Berwick, Evidence, 18 September 2008, p 24

⁴⁸ Associate Professor Green, Evidence, 15 September 2008, p 59

- 3.11** Representatives from HREOC took this concept further, stating that as a minimum, Aboriginal people must participate as partners in the design and delivery of programs and activities that affect them:

That way, it is 'built in' that the programs that are so delivered fit in with the existing way of life, or enhance it with the full 'buy in' of the people concerned.⁴⁹

- 3.12** A very strong message that became apparent throughout the Inquiry was that partnerships must be equal if they are to be effective. Mrs Aloma Simpson, Chairperson, Gurrubungu Elders Group, told the Committee during the round table session in Griffith that this equality did not exist between government agencies and Aboriginal people:

Commonwealth or State Government agencies do not want to sit at the table as equals with Aboriginal people and listen to them determine what are the priority areas for their communities and hold government agencies accountable for the services they deliver to our communities.⁵⁰

- 3.13** Ms Berwick phrased this equality in terms of 'valuing what people bring to the table', and was critical of government agencies who fail to do this:

There are successful places and successful programs. Where they have been successful is when it involves the principles of governance and effective leadership, and valuing what people bring to the table and having a say in the decision-making process. I think government departments—I will say the education department because that is the one I know—fall down on it all the time, because they just do things that they think they need to do.⁵¹

- 3.14** Ms Michelle Hall, Director, Aboriginal Education and Training Directorate, Department of Education and Training, also told the committee that for the partnership to be equal, both parties must be valued:

I believe that partnerships must be equal. For them to be successful they must be equal. For that to occur, both parties have to be valued in the decision making and the implementation of what they are doing.⁵²

- 3.15** Dr Sandra Bailey, Chief Executive Officer of the Aboriginal Health and Medical Research Council (AHMRC), told the Committee that equality is essential to partnership, and described the partnership between NSW Health and the AHMRC as an example of an equal partnership:

When I talk about effective partnership it has always been important for us with our health services to have an equal partnership with the Department of Health, and that is the case. The partnership between the AHMRC and the Department of Health, or the Government via the Department of Health. We see that equality as being essential to an equal partnership because there are examples over many years, and even some

⁴⁹ Answers to questions taken on notice during evidence, 15 September 2008, HREOC, p 3

⁵⁰ Mrs Aloma Simpson, Chairperson, Gurrubungu Elders Group, Griffith Round Table, Evidence, 5 August 2008, p 8

⁵¹ Ms Berwick, Evidence, 13 February 2008, p 32

⁵² Ms Michelle Hall, Director, Aboriginal Education and Training Directorate, Department of Education and Training, Evidence, 17 September 2008, p 59

continuing ones, where, like you say—we just call it the old term, which is divide and rule, basically—if a Government does not like the advice of one organised Aboriginal community structure quite often or in the past they have gone off to another structure or designed ways of bypassing any obligation to go to that structure, or perceived obligation. So, yes, that is important.⁵³

Committee comment

- 3.16** Genuine partnership between government and Aboriginal communities is fundamental to addressing Indigenous disadvantage. The Committee heard repeatedly that programs not developed and delivered in true, equal partnership are destined to fail. The Committee was heartened by examples of effective partnerships that were presented during the Inquiry, such as the Tirkandi Inaburra facility. The Committee is also aware of the possible overuse of the term ‘partnership’ and is concerned that lip service sometimes may be paid to the rhetoric of partnership, or that despite best intentions, true partnerships are not formed. In the following sections, the Committee examines two key elements of effective partnership – consultation and decision-making, as well as some of the specific barriers to effective partnership.

Consultation

- 3.17** Ms Berwick succinctly described the central problem with consultation:

... the perception in the community is we tell you all our problems, we often tell you what we need and all it does is go into a little booklet somewhere and nothing gets done about it. So, I think the perception of overconsultation, when I hear people say that, it is not that we are being asked too much about things, it is the fact that we are asked all the time. We tell you all the time but nothing gets done.⁵⁴

- 3.18** Ms Berwick’s sentiment was echoed by Mr Jack Beetson, Chief Executive Officer of the Birpai Local Aboriginal Land Council and Director of Beetson and Associates. Mr Beetson, who has recently been involved in conducting the consultation process over the Department of Aboriginal Affairs’ Two Ways Together Partnership Community Engagement framework, told the Committee of his experience with consultation over many decades:

... years ago, in 1985, I watched a video called *Still you keep asking and asking*. It is now 23 years later and still you keep asking and asking. How many times do Aboriginal people have to keep telling? People keep asking and we keep telling, but nobody is listening to what we are saying and that is frustrating. As an Aboriginal man who lived through the freedom ride when I was nine years old, and 42 years later I am still being asked the very same questions: How do we address the issues, concerns, social and economic disadvantage within your communities—42 years later?⁵⁵

- 3.19** During the Committee’s round table session in Griffith, Ms Desma Newman made similar comments:

⁵³ Dr Sandra Bailey, Chief Executive Officer of the Aboriginal Health and Medical Research Council (AHMRC), Evidence, 17 September 2008, p 64

⁵⁴ Ms Berwick, Evidence, 18 September 2008, p 30

⁵⁵ Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates, Evidence, 18 September 2008, p 58

We all know our community's issues or our people's issues. How many years have we been sitting around in forums, or sitting together in community working parties? How long have service providers been sitting around discussing issues that impact on our people? It seems to me that we sit around and talk but we have not got the things to go and do it.⁵⁶

3.20 As emphasised throughout the Committee's Interim Report, there is a large amount of consultation conducted in Aboriginal communities by a large number of agencies at all levels of government. Consultation fatigue was identified as a very real issue and over-consultation was an issue raised by many Aboriginal Inquiry participants. Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE, told the Committee during the round table in Griffith that '[I]t seems to me that during the course of my lifetime we have been the most reported on and planned for race of people on Earth.'⁵⁷

3.21 Ms Maureen O'Donnell, Chairperson, Broken Hill Local Aboriginal Land Council, told the Committee that Government departments were not actively engaging the Aboriginal community effectively in the development of services:

What do they do to encourage Aboriginal people to come along and have a say in things? It is too easy for people to put the blame on Aboriginal people instead of working together to see how they can help those people. I cannot sit here today and give you an answer that will tell you how to do it. I think we should start talking about it with the schools and everybody else. We are expected to sit here and make a big decision straightaway, but I think that is something we have to talk about.⁵⁸

3.22 In this context, the Committee notes the difficulty in reconciling policy makers' and bureaucrats' need and desire to consult with Aboriginal people with the nature of decision making within Aboriginal communities. This difficulty was raised by Dr Gaynor Macdonald, Senior Lecturer, Department of Anthropology, University of Sydney:

Aboriginal decision-making is often referred to, sometimes misleadingly, as a consensus style. This does not mean that it is necessary for everyone to agree. Rather, it refers to the strong value placed on ensuring that everyone is informed and has an opportunity, should they wish to make use of it, to have their say. This is a cultural practice that values the autonomy of every person and does not acknowledge the right of any person to speak for another without that person's express permission. In other words, this is not a cultural world in which representative governance is valued or respected. It can only be negotiated according to context. Someone who is respected sufficiently to represent his/her people in one context is not necessarily being given the right to represent them in other contexts unless this has also been negotiated.⁵⁹

⁵⁶ Ms Desma Newman, Griffith Office of the Department of Community Services, Griffith round table, Evidence, 5 August 2008, pp 19-20

⁵⁷ Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE, Griffith round table, Evidence, 5 August 2008, p 4

⁵⁸ Ms Maureen O'Donnell, Participant, Broken Hill round table, Evidence, 6 August 2008, p 13

⁵⁹ Answers to questions taken on notice during evidence, 18 September 2008, Dr Gaynor MacDonald, Senior Lecturer, Department of Anthropology, University of Sydney, pp 8-9

- 3.23** Mr Richard Weston, Regional Director, Maari Ma Health, noted the challenges of consulting with the Aboriginal community for service providers. Mr Weston noted that service providers could not be expected to consult ‘ad infinitum over every little thing’ but that Aboriginal communities needed to feel ownership over the strategies that are being implemented in their communities. For this reason, he highlighted the benefits of community controlled organisations:

From an Aboriginal point of view the other reason I like it is that it is not funded or incorporated, so nobody can take it away from the community. Only the community knows that it exists, or it does not exist, because of the community. No-one is funding it and there is no legislation covering it, so we cannot be sacked or we cannot have our funding pulled, which is good. In a number of communities where the working parties are located you get a pretty good cross-section of views.⁶⁰

- 3.24** Ms Maria Williams, an Aboriginal Community Liaison Officer with the Griffith Local Area Command and participant in the Griffith round table, told the Committee that there was a lack of willingness among government departments to engage as equals in the delivery of services to communities:

Commonwealth or State Government agencies do not want to sit at the table as equals with Aboriginal people and listen to them determine what are the priority areas for their communities and hold government agencies accountable for the services they deliver to our communities.⁶¹

Two Ways Together Partnership Community Engagement framework

- 3.25** The Dharriwaa Elders Group told the Committee that, while Government departments should develop plans for policy design and service delivery in consultation with Aboriginal communities, not every Government department needs to form its own Aboriginal consultative group in those communities.⁶² The Group argued:

It is a ridiculous imposition on community elders to have to attend advisory monthly meetings for each government department that has written a plan for how it will implement Aboriginal specific priorities.

...

This way of working is impractical for the community and its organisations which are hard-pressed delivering services. We need a system for working with government which is better designed to pass on advocacy and policy advice, as well as report on how the Plans are meeting their objectives and targets. Skilfully convened on-line [forums] would help.⁶³

⁶⁰ Mr Richard Weston, Regional Director, Maari Ma Health, Broken Hill round table, Evidence, 6 August 2008, p 14

⁶¹ Ms Maria Williams, Aboriginal Community Liaison Officer, Griffith Local Area Command, Griffith round table, Evidence, 5 August 2008, p 8

⁶² Supplementary submission 19a, Dharriwaa Elders Group, p 2

⁶³ Supplementary submission 19a, p2

- 3.26** Mr Geoff Scott, Chief Executive Officer, NSW Aboriginal Land Council, expressed his frustration over consultation by government agencies, citing lack of coordination and heavy demands as two problems:

Every government agency and every section of the government has its own advisory committee. They have their own focus on where they get advice, and the demands on people are enormous. I understand that: they are trying to get the best advice they can. But it provides to the Aboriginal community a myriad advisory committees and consultative process. You might hear that we are sick of being consulted. I think the real issue is that there is a myriad of those and there is no single process to do it and no structured or coordinated way to go about it.⁶⁴

- 3.27** DAA is currently developing and implementing a consultation and representation framework – the Two Ways Together Partnership Community Engagement framework. This framework is intended to strengthen the capacity of Aboriginal communities to consult and negotiate with Government departments in order to ensure that the community's needs are being met. It is also intended to provide a focal point for co-ordinated consultation by government agencies and address the sorts of concerns raised by the Dharrwaa Elders Group. The Committee understands that it is not intended to replace current organisations such as the Aboriginal Land Councils, but to provide a structure that enables government agencies to be consistent in their consultation and engagement with Aboriginal communities.

- 3.28** DAA's Director General, Ms Broun, Director General, explained the rationale behind DAA's community engagement framework:

Communities clearly wanted a model that responded to their local needs in terms of our not prescribing something or coming along and delivering something to them. They wanted us to recognise that they already have strengths in the bodies in their towns. They also want some guarantee that if they do this work and engage with government it will make a difference and that government has a commitment to them as a group as well as to service delivery. I think that was fair enough. One of the principles that we had in the engagement framework was the accountability of that group to report back to their communities. Equally, they wanted government to have accountability as a principle within the framework. That is quite similar to the next point, which is that they want genuine and equal partnership with the principle of mutual accountability between the Government and the community.⁶⁵

- 3.29** In evidence to the Committee, Ms Broun outlined the current consultation being conducted to develop the Two Ways Together Partnership Community Engagement framework, which will involve the identification of Community Engagement Groups for ongoing partnership between Government and communities in the delivery of services:

It is a very generic and broad framework and it recognises what is already on the ground but also tries to bring them together in a model that can work with the community's strengths. We are not trying to diminish the role of Local Aboriginal Land Councils [LALCs], for instance.⁶⁶

⁶⁴ Mr Geoff Scott, Chief Executive Officer, NSW Aboriginal Land Council, Evidence, 15 September 2008, p 6

⁶⁵ Ms Broun, Evidence, 17 September 2008, pp 2-3

⁶⁶ Ms Broun, Evidence, 17 September 2008, p 2

- 3.30** Ms Broun referred to the ‘consultation fatigue’ in Aboriginal communities, but differentiated DAA’s current consultation in developing the Two Ways Together Partnership Community Engagement framework and suggested that the community partnership engagement groups that are being established by DAA may actually redress this consultation fatigue by being engaged on an ongoing basis:

I think some of the consultation fatigue and the cynicism comes as much from the process not being responsive to community but also that not always is there feedback to the community. So in the consultations we have just done there was a commitment to send out the revised framework as well as the consultant's report very early on. So every single person that came will get a copy of that consultant's report. But also I think people often get consulted and do not see anything as a result of that and so they do not feel it was a genuine consultation in the first instance—that is the first point.⁶⁷

The second point around the community partnership engagement groups, or governance groups, or whatever you want to call them, is actually that they will assist in that consultation fatigue I would have thought because they are engaged on an ongoing basis.⁶⁸

- 3.31** As noted previously, Ms Broun commented that the establishment of Community Engagement Groups was intended to address the issue of consultation fatigue by ensuring a representative body within the community could be used as an ongoing source for consultation by a range of government agencies:

... not only can Government use them [community partnership engagement groups] as that source, they will not have to go in and set up a separate consultation mechanism or have a different meeting. People will know that is where you do that sort of business. I encourage agencies to utilise those and they generally may meet the third Monday of every month, or something like that, and that will be the point at which the Government can come and do that consultation as well.⁶⁹

- 3.32** The Dharriwaa Elders Group told the Committee that in their opinion ‘many State Government departments are not educated about the Two Ways Together policy or the State

Plan.’⁷⁰ The Group also explained that, in their opinion, regional groups should be developed and monitored through the Department of Premier and Cabinet:

[T]here is the Department of Aboriginal Affairs which in our experience is a wasted resource. It should be abolished and its current resources devoted to funding regional evaluation teams, targeted policy development teams, targeted project teams and the infrastructure needed to support this community facilitation. These tasks should be managed by Department of Premier and Cabinet which in our experience has an overview of all government departments.⁷¹

⁶⁷ Ms Broun, Evidence, 17 September 2008, p 16

⁶⁸ Ms Broun, Evidence, 17 September 2008, p 16

⁶⁹ Ms Broun, Evidence, 17 September 2008, p 16

⁷⁰ Supplementary submission 19a, p 2

⁷¹ Supplementary submission 19a, p 2

- 3.33** In their supplementary submission to the Inquiry, the Dharriwaa Elders Group highlighted the lack of departmental engagement with existing local strategies and groups, and observed that in their community many elders and organisations are wary of further layers of bureaucracy:

NSW Department of Aboriginal Affairs recently held a consultation in July 2008 regarding a proposed new framework for Aboriginal community governance where communities were required to come up with convincing designs for a workable governance framework within a short time. DAA workers present were largely unaware of local initiatives and existing plans. Patiently, many elders attended in a voluntary capacity and community organisations released staff from their normal duties to attend. Alongside this hopeful contribution from the community, there was general disquiet that yet another new framework would be imposed over the top of existing structures which themselves are in great need of support.⁷²

- 3.34** Ms Broun noted this concern and explained that the process of establishing Community Engagement Groups would involve the strengthening and support of existing local groups:

We do not want to transplant something there or diminish their roles; it is about enhancing, strengthening and supporting their roles. Where local groups are already in place they will be reviewed against what we have developed as a framework.⁷³

- 3.35** In answers to questions taken on notice, Ms Broun expanded on this statement:

Many groups fulfil the function of community governance at the local level already. Depending on the circumstances of each community these can include: Local Aboriginal Land Councils; Community Working Parties; Elders and youth groups; men's and women's groups....

The framework does not seek to undermine, duplicate or diminish existing structures in any way. Existing groups will be encouraged to participate in the Partnership Community Program. There is currently some form of representative structure in approximately 88% of Partnership Communities with approximately 75% having undertaken or are undertaking some level of community planning.

Where possible, these existing local community decision-making bodies involved in the Two Ways Together Partnership Community Program will be reviewed against the Framework. Only if necessary, new bodies will be established in accordance with the Framework.⁷⁴

- 3.36** Responding to the suggestion that there was some confusion in the Aboriginal community over the role of the DAA, Ms Broun acknowledged that the DAA's responsibility for delivering the Aboriginal Community Development Plan (the provision of housing services, as discussed in detail in Chapters 3 and 4 of the Committee's Interim Report) might have created

⁷² Supplementary submission 19a, p 4

⁷³ Ms Broun, Evidence, 17 September 2008, p 2

⁷⁴ Answers to questions taken on notice during evidence, 17 September 2008, Ms Jody Broun, Director General, Department of Aboriginal Affairs, pp 3-5

some of that confusion. She described the DAA's role as 'more around significant policy and coordination than it is around service delivery'.⁷⁵

- 3.37** Ms Broun added that the establishment of Partnership Community Officers, 40 of whom will be employed by the DAA and assigned to 40 Partnership Communities as a part time (0.5 Full Time Equivalent (FTE)) position, would help to clarify the understanding of DAA's role within Aboriginal communities:

They will see very clearly that [there] is a DAA officer there who will be working with them and supporting the governance structure as well as working between them and government to get the service delivery improved at those local levels.⁷⁶

- 3.38** Expanding on the role and purpose of the Partnership Community Officers, Ms Broun told the Committee that they were expected to strengthen the capacity of communities, through the Community Engagement Groups, to advocate for improved services in their communities:

Rather than us [the DAA] being the one that fixes the problem, it goes back to the issue about the core business of agencies. It is up to them to come to the table and deal with the community to solve some of those things themselves.⁷⁷

- 3.39** Mr Bill Palmer, Acting Business Manager of the Brewarrina Business Centre and a former Community Facilitator with the Council of Australian Government's Murdi Paaki Trial, supported the role of the Partnership Community Officers and their position within a government structure:

I think the direction the Department of Aboriginal Affairs is heading in will be very useful for that because in those priority communities there will be those project officers. As facilitators I believe that we have done a great job, but at the end of the line we are not part of a government department—no-one has to listen to us. To actually have project officers who are employed by government will make a difference.⁷⁸

- 3.40** Dr Bob Boughton, Senior Lecturer in Adult and Workplace Education at the University of New England, told the Committee that during the consultation he had recently conducted with Mr Beetson over the Two Ways Together Partnership Community Engagement framework on behalf of the Department of Aboriginal Affairs, the problem of 'advice shopping' had arisen. Advice shopping refers to a situation in which a government department or non government organisation consults with different groups until an answer is received that suits the organisation:

⁷⁵ Ms Broun, Evidence, 17 September 2008, p 18

⁷⁶ Ms Broun, Evidence, 17 September 2008, p 17

⁷⁷ Ms Broun, Evidence, 17 September 2008, p 18

⁷⁸ Mr Bill Palmer, Acting Business Manager, Brewarrina Business Centre, Evidence, 15 September 2008, p 49

We talked to about 300 people in nine different places representing over 60 communities and I think in every meeting someone said exactly that. They said that if we do not agree with what the agency says it wants they go and ask someone else.⁷⁹

3.41 Mr Beetson confirmed that advice shopping was a feature of consultation in Aboriginal communities:

We discovered that people are saying that when agencies or others come into the communities they shop around until they get the answer they want to deliver the program that they want.⁸⁰

3.42 Mr Weston argued that all levels of government decision making should be decentralised, in order to give more decision making power to communities:

Everything seems to be driven from the top down and by head office in Sydney or Canberra. It gets out to the regional or the local level and the people on the ground still have their obligation to deliver their departmental policies and objectives and they are trying to do some creative stuff on the side with very limited resources and time. Those are the areas where there could be better outcomes.⁸¹

I do not know how you get from a Sydney or Canberra-centric, top-down approach and to some decentralisation. There has to be some political will to decentralise some of the decision-making. ... It is now based on models set up for urban Sydney and city-based areas. It is a credit to the people who work in this environment that they are able to meet their organisation's reporting requirements or legislative requirements. In some cases they are still able to do pretty innovative stuff. ... New South Wales is a big State and it has different environments, demographics and population distribution. We need different thinking.⁸²

3.43 Witnesses told the Committee of the distance between Aboriginal communities and government departments making policy decisions. Mr Craig Cromelin, Councillor for Wiradjuri, New South Wales Aboriginal Land Council, told the Committee that in his opinion

most of the people charged with writing policy for Aboriginal people had not engaged with the communities they are writing policy for:

One thing that was made aware to me recently was a quote that something like 93 per cent of non-Aboriginal Australians have not met Aboriginal people, yet it is probably that 93 per cent that make decisions that affect Aboriginal people. How is that so if they have not met, do not know or understand the needs of Aboriginal people? How is it in this day and age that we still allow that to happen? We talk about the ability to make decisions for and on behalf of ourselves, yet still there is 93 per cent of the non-

⁷⁹ Dr Bob Boughton, Senior Lecturer Adult and Workplace Education, University of New England, Evidence, 18 September 2008, p 7

⁸⁰ Mr Beetson, Evidence, 18 September 2008, p 58

⁸¹ Mr Weston, Broken Hill round table, Evidence, 6 August 2008, p 14

⁸² Mr Weston, Broken Hill round table, Evidence, 6 August 2008, p 24

Aboriginal population that makes decisions for us and they have not even met an Aboriginal person.⁸³

- 3.44** Dr Boughton told the Committee that ‘people learn through struggle’, and that a degree of questioning and challenging was needed in Aboriginal communities in their interaction with government:

You have to accept that if there is going to be another generation of young people trained to provide leadership in Aboriginal communities there has to be a process whereby they can learn by interacting critically with government, not simply be a passive kind of handmaiden of a government department that wants them to help the department deliver the service. They have to learn to be more challenging about what the Government wants to do in their communities.⁸⁴

Committee comment

- 3.45** One very obvious feature of the relationship between government and Aboriginal communities is the lack of genuine consultation. Genuine consultation means that when Aboriginal communities talk, they are listened to. More fundamentally, it refers to what is being asked and when – Aboriginal communities should be being asked what they need, or saying what they need, and should be offered assistance in meeting that need, rather than tokenistic consultation after plans have been made.
- 3.46** The theory behind the Department of Aboriginal Affairs’ Two Ways Together Partnership Community Engagement is a sound one – reinforce the capacity of existing representative structures within Aboriginal communities and empower those communities to address the issues they identify as problems with the agencies responsible for the delivery of those services. If this is achieved, it will address many of the concerns regarding consultation that have been raised by Aboriginal community representatives.
- 3.47** However, the Committee understands and shares the scepticism of Aboriginal communities about the Two Ways Together Partnership Community Engagement framework being yet another layer of bureaucracy. The Department of Aboriginal Affairs will need to work hard to overcome this scepticism, and will need all other government departments, at local, federal and state levels, to ensure that they use the representative structures established to conduct their business.
- 3.48** It is not clear to the Committee that the Two Ways Together framework, once finalised, will be effectively implemented and used by other Government departments as they perform their core service delivery functions. The Committee’s previous recommendation in Chapter 2, elevating outcome targets to the State Plan level, will partially address this issue and should have a positive impact on the willingness of Government departments to use consistent representative structures. However, government departments need to be explicitly required to use these representative structures, where they exist, if the cycle of over consultation is not to continue.

⁸³ Mr Craig Cromelin, Councillor for Wiradjuri, New South Wales Aboriginal Land Council, Griffith round table, Evidence, 5 August 2008, p 3

⁸⁴ Dr Boughton, Evidence, 18 September 2008, p 57

- 3.49** Accordingly, the Committee believes that the NSW Government should ensure that Government departments involved in the delivery of services to Aboriginal communities are required to review their consultative and representative structures to ensure they match with the representative structure developed and supported by the DAA as part of the Two Ways Together plan.
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Recommendation 4

That the NSW Government require government departments and agencies involved in the delivery of services to Aboriginal communities to use the representative structures established by the Department of Aboriginal Affairs' Two Ways Together Partnership Community Engagement strategy to conduct their business.

- 3.50** The Committee acknowledges the confusion expressed by Inquiry participants over the role of the DAA. This confusion is created in part by the implementation role the Department has previously had with the Aboriginal Community Development Program. The Committee agrees with the Director General, Jody Broun, that the Department's main role is 'policy and coordination.' The Two Ways Together Partnership Community Engagement strategy should epitomise the role of the Department – to facilitate and empower Aboriginal communities in addressing their self-identified needs directly with the government departments that have the core responsibility for meeting those needs: education, health, community services, sanitation. The Committee also sees the Department's role as an educator of other government departments, and a source of expert assistance for those Aboriginal communities whose representative structures are not working as well as they should.
- 3.51** The regional presence of the DAA will be a critical factor in the success or failure of the Two Ways Together Partnership Community Engagement structure. The Committee is concerned that the 40 part time (0.5 Full Time Equivalent) Partnership Community Officer positions that were announced during the Inquiry will not be sufficient. Increasing the staffing, would improve the chances of success and enhance the Department's advocacy role for Aboriginal communities on the ground, as well as their educative role with representatives of other government departments and their facilitation role in the interaction between Government departments and Aboriginal communities. The Committee suggests that 40 Full Time Equivalent Community Partnership Officer positions may be an appropriate staffing level. The NSW Government should provide additional funding to DAA to implement this recommendation.
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Recommendation 5

That the Department of Aboriginal Affairs increase the staffing complement of Partnership Community Officers to adequately support the Two Ways Together Partnership Community Engagement strategy. Additional funds must be allocated to the Department of Aboriginal Affairs to fund any additional positions. The Committee suggests that 40 Full Time Equivalent Partnership Community Officer positions may be an appropriate staffing level.

Impact on Elders

3.52 The Committee notes the comments from various Inquiry participants about the impact on those members of Aboriginal communities who are involved in consultation and decision making. This workload is often heavy, and is often undertaken by those members of the community who already make substantial contributions to the community in other roles. The Chief Magistrate of the Local Court, Justice Graham Henson, told the Committee of his experiences in this regard with Circle Sentencing, noting that was often a burden for the limited number of elders able to give of their time to the process.

3.53 While Justice Henson argued for the many positive aspects of circle sentencing, the burden it placed on some members of the Aboriginal community was also noted. Justice Henson explained that he had found ‘...a common thread of fatigue on the part of members of the Aboriginal community and a seeming lack of capacity to increase the number of people available to participate in Aboriginal centric Court processes.’⁸⁵

3.54 Mrs Taylor, an elder who participated in Armidale round table also raised the drain and cost to elders in fulfilling their role within their communities:

The saddest thing is that all the Aboriginal people doing these things are volunteers. The elders do things voluntarily. They spend their time at meetings when they should be sitting at home. The elders in Armidale work hard and they have to use petrol to get to meetings. They have no money. ... They are only pensioners, but everything they ask for is knocked back. They were our leaders once and they are still our leaders. Money is poured into departments, but the elders get nothing.⁸⁶

3.55 It is not only elders but successful community organisations that are relied upon heavily by government. The Jumbunna Indigenous House of Learning pointed out that successful community organisations ‘tend to get overloaded with demands by government’ and urged the government to consider providing additional funding to those organisations who are relied on to engage with government:

Government must also continue to support organisations that are successful and fund them if they require them to extend their core work to include engagement with government. Successful community organisations tend to get overloaded with demands by government and other bodies who are seeking to work with the community. This stretches their ability to attend to their core business.⁸⁷

3.56 It is appropriate that people who are involved in consultation and decision making as part of the representative structure developed and supported by the Department of Aboriginal Affairs should be supported in their role. That support should take the form of meeting expenses associated with attending and participating in the meetings of the group, such as travel expenses and meals.

⁸⁵ Submission 79, Justice Graham Henson, Chief Justice of the Local Court, p 3

⁸⁶ Mrs Elva Taylor, Acting Chief Executive Officer, Pat Dixon Medical Centre, Armidale round table, Evidence, 7 August 2008, p 13

⁸⁷ Answers to questions taken on notice during evidence, 15 September 2008, Jumbunna Indigenous House of Learning, p3

Recommendation 6

That the Department of Aboriginal Affairs meet expenses associated with attending and participating in Partnership Community Engagement group meetings, such as travel expenses and meals.

Decision making

- 3.57** Another recurrent message throughout the Inquiry was the importance to effective partnerships of genuine local-level decision-making. Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Committee (AJAC) told the Committee about the problems associated with a ‘head office mentality’ whereby there is a reluctance to release decision making control to local, particularly remote, communities:

At all times it must be remembered, as espoused in the Aboriginal Justice Plan, local people know the solutions to local problems. With the deepest respect to the hard work done by many dedicated public service employees throughout the state they do not get this!! In almost all situations, ‘head office’ mentality is such that they will not let go of control of initiatives and the control from a ‘remote’ location is nearly always a hindrance. What is required is assistance and guidance at all times but with decision making authority residing at a local level with good governance procedures in place.⁸⁸

- 3.58** Mr Cromelin also emphasised to the Committee the need for government departments to engage with communities at a local level:

... whenever you try to work with Aboriginal people, you have to stop using a broad-brush approach. The broad-brush approach does not work. This community is separate. If you go to Narrandera you will find that it is a different community altogether. If you go to Leeton you will find that the Aboriginal community is different again in its demographics and its dynamics. The issues are the same. We all face the same issues but it is how you address them. The size of those issues is different. You have to be able to address the needs of each individual community and there must be flexibility from the Government to allow people to do that.⁸⁹

- 3.59** The Bahá’í Community submission stressed the importance of local decision making in overcoming Indigenous disadvantage, stating that the ‘actual process of making community decisions at the local level and of organizing and developing a community is vitally important’⁹⁰:

Another important step towards overcoming Indigenous disadvantage is encouraging indigenous participation in public affairs and granting Indigenous communities the right to determine their own future. That all members of the community should have a say in how they are governed is a principle that today very few would deny, and the

⁸⁸ Answers to questions taken on notice during evidence, 18 September 2008, Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council, p 6

⁸⁹ Mr Craig Cromelin, Councillor for Wiradjuri, New South Wales Aboriginal Land Council, Griffith round table, Evidence, 5 August 2008, p 13

⁹⁰ Submission 32, Bahá’í Community of NSW and ACT, p5

most effective level at which such widespread participation can be realized is local, not national.

The actual process of making community decisions at the local level and of organizing and developing a community is vitally important. The Bahá'í community recognises the importance of actively involving the indigenous community in the various processes of formulating state government policies related to overcoming indigenous disadvantage.⁹¹

- 3.60** The Jumbunna House of Learning provided the Committee with outcomes of research from North America and Australia, showing that genuine decision making power is an essential part of achieving prosperity in Indigenous communities:

The research identifies that economic, social and cultural prosperity is achieved where communities exercise genuine decision-making control over their internal affairs and utilisation of resources; where they have capable institutions of self-governance that have cultural legitimacy with the community that they serve and where their actions are based on long term systemic strategies...⁹²

- 3.61** Ms Kerry Pearse, Executive Director, Community and Programs, DAA, connected working in partnership and involving Aboriginal communities and individuals in decision making at the local level:

But I guess one of the features of this work in New South Wales that will lead ultimately to sustainable change is doing this work on the ground with communities in partnership where community members—men and women—are leading that decision making around how they want to respond to that at the local level.⁹³

- 3.62** Mr Steve Widders, Aboriginal Community Liaison Officer, Armidale Dumaresq Council, also emphasised the need to empower Aboriginal representatives engaged in the consultative process with genuine decision making ability:

You can put in all the government services you like until you are black in the face, but unless you get real leaders you will not make any changes. So we need empowerment, leaders, and leadership training for our people who want it, not for people who appoint themselves as leaders, but for people who really want to make a difference. If we encourage them we will make a big difference in the communities. Most importantly, we have to deliver services that are appropriate. We need more consultation with the Aboriginal community. Millions of dollars do not solve problems; they create them.⁹⁴

- 3.63** The Committee also heard that consultation with Aboriginal people was often left to the end of the policy development process, after bureaucrats have 'come up with the ideas', and this did not allow the community enough time to contribute effectively shutting them out of the

⁹¹ Submission 32, p 10

⁹² Submission 83, Jumbunna Indigenous House of Learning, p 8

⁹³ Ms Kerry Pearse, Executive Director, Community and Programs, DAA, Evidence, 12 February 2008, p 15

⁹⁴ Mr Steve Widders, Aboriginal Community Liaison Officer, Armidale Dumaresq Council, Armidale round table, Evidence, 7 August 2008, pp 9-10

decision making process. Ms Donna Kennedy, Chair, Murdi Paaki Community Working Party, emphasised the issue of limited time in relation to consulting with Aboriginal people throughout the policy development and implementation process:

Most of the time if anything comes up and they need to have either the input or the Aboriginal people on board, it is a last minute thing. That is one of the things that I see as an issue, especially if they have money thrown at them. They say, "You need to do this project. We need to get it out of the way and you need to go and involve the Aboriginal communities." Sometimes they do not bring the community on board until they have come up with the ideas and thought about it. They have not really talked to people at the local level. I want to make a couple of points. I am saying it relates to the timeframe but also looking at the programs and having Aboriginal people in from the beginning—not halfway into the program or whatever it could be. The timeframe is always short.⁹⁵

3.64 Mr Widders argued that government departments often implemented policies in Aboriginal communities without consultation and were not making improvements to people within those communities:

... they have got worse. I think government departments think they know all the answers and Aboriginal people do not know the answers. They are getting things delivered to them that they do not want. So I think service delivery needs to be responsive; it needs to be flexible and it needs to be culturally appropriate.⁹⁶

⁹⁵ Ms Donna Kennedy, Chair, Aboriginal Community Working Party, Broken Hill round table, Evidence, 6 August 2008, p 14

⁹⁶ Mr Widders, Armidale round table, Evidence, 7 August 2008, p 9

- 3.65** An example of not including Aboriginal communities in decision making was given by Professor Deborah Picone, Director General, NSW Health:

Nothing infuriates the Aboriginal people more than us going through our numbers and working out the epi-arguments and where the best investments and returns for dollars are because they often have a far more commonsense approach.⁹⁷

Committee comment

- 3.66** The Committee believes that Aboriginal communities are best placed to respond to problems identified in their community, because evidence has shown that localised solutions are the most appropriate and have the greatest chance of making an impact on Indigenous disadvantage in a community. Government agencies have not always included Aboriginal communities from the beginning of the policy development process, instead consulting with communities towards the end of the process. Understandably, this leads to frustration and resentment from community leaders. The Committee therefore recommends that NSW Government agencies engage Aboriginal communities to identify local problems and solutions, and tailor programs delivered in a community accordingly.

Recommendation 7

That NSW Government agencies engage Aboriginal communities to identify local problems and solutions, and tailor programs delivered in a community accordingly.

Barriers to effective partnership

- 3.67** In this section a number of existing barriers to effective partnership are examined, with suggestions made to overcome those barriers.

The structure and way of operation of government departments

- 3.68** One of the consequences of the budget cycle and the structure of bureaucracy is that what happens in Aboriginal communities is determined by the policies and guidelines of the funding agencies. Programs are implemented according to the funding cycle, and policies and funding guidelines are imposed onto communities to determine the programs that are delivered. Mr Beetson explained this phenomenon to the Committee:

Over at least three decades now I have talked about the fact that policy and guidelines of government actually design the programs that we run in our communities. If you do not fit the policy and guidelines of the Government you do not get the funding to run the program. In effect it is not the communities determining the programs and how agencies will interact with the community, it is the agency that deposits the guidelines for funding in those communities that determines what programs will take place.⁹⁸

⁹⁷ Professor Deborah Picone, Director General, NSW Health, Evidence, 12 February 2008, p 28

⁹⁸ Mr Beetson, Evidence, 18 September 2008, p 58

3.69 Mr Steve Meredith, Chairperson of the Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE, told the Committee during its Griffith round table session that there was an expectation among government departments that things would be done in the non-Aboriginal way. He said that ‘if you go to Japan and you do business with Japanese people, you do business their way’ but that was not the case for Aboriginal people doing business with government:

When the Government or any agency comes to Aboriginal communities and it wants to implement collaborative programs we always have to mould the way we do things to a non-Aboriginal way.⁹⁹

3.70 Mr Meredith continued, saying that when governments or any agency want to implement collaborative programs in Aboriginal communities it is the community that has to ‘do things in a non-Aboriginal way’:¹⁰⁰

The bottom line is that self-determination and self-management have strings attached so long as we do it in the non-Aboriginal way. ... The issue is the Government’s commitment to implementation and to deal with Aboriginal people in a way Aboriginal people are comfortable dealing with the issues. Unless we own the problems we will never solve them.¹⁰¹

3.71 Ms Maureen Young, at the Griffith round table session, put the problem even more simply:

You have to act like they act, dress like they dress, talk like they talk, walk like they walk.¹⁰²

3.72 Dr Macdonald told the Committee that although Australia no longer has a policy of assimilation, where policies enforce conformity with Australian mainstream practices and values, programs of many kinds still expect Aboriginal adherence to mainstream values:

... [while] they are not only assimilationist, they can be demeaning or disrespectful of Aboriginal difference. This compounds Aboriginal disadvantage because it renders them ‘in the wrong’, as not complying or succeeding, as second rate citizens.¹⁰³

3.73 The effect of the method of service delivery on Aboriginal people was also of concern to Dr Macdonald, who told the Committee that government ‘must be accountable’ for the

consequences of a method of service delivery which requires Aboriginal people to live according to the values of the public service but which may not be their own:

Aboriginal people are bureaucratized to an extent not experienced by any other members of the Australian population. They cannot and should not be subjected to a

⁹⁹ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 5

¹⁰⁰ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 5

¹⁰¹ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 6

¹⁰² Ms Maureen Young, Griffith Local Aboriginal Land Council, Griffith round table, Evidence, 5 August 2008, p 7

¹⁰³ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 1

requirement to live according to values that may pertain within the public service but are not the ways in which most people lived their lives. This is an outcome of them receiving government funding for which government must be accountable.

When service delivery, upon which people have become economically and socially dependent, is delivered in ways that cut across Aboriginal values, people are subjected to stress because of the contradictions they are faced with in their day to day lives.¹⁰⁴

- 3.74** Mr Meredith, commenting on the engagement of the Australian Government with the Griffith Aboriginal community through the Indigenous Coordination Centres, added that the engagement structures did not take into account the way in which Aboriginal people do business:

Those Indigenous Coordination Centres said, "You have to have a structure, you have to have chair people, you have to have this, and you have to have that." Most Aboriginal people sitting around the table here today know that business was not done that way. We go to our elders, we take advice from them and, basically, the whole community is involved in programs and in resolving matters and issues.¹⁰⁵

- 3.75** Ms Jill Herberte, Regional Director, Department of Community Services, explained that government departments generally attempt to consult Aboriginal communities using bureaucratic frameworks, similar to those on which they operate, which is often intimidating to Aboriginal communities and not reflective of the representative structures already in place within communities:

[W]e go out to consult with structures that look like the structures that the department wants to have in place. When we consult, we do not actually always consult with the community as it is organised now. We should be approaching the community at the community level and respect the structures that exist in the community, even if they are not the structures we would normally relate to. We go out to make an organisation that looks like a body we fund or a coordinating group rather than saying, "Hang on, in this place there are six groups and we have to talk to all six."

...

The lesson for bureaucracies like the Department of Community Services is to ensure that we go out to talk to the community as the community is currently organised rather than trying to organise it how we would like it to be. It is a bureaucratic issue.¹⁰⁶

- 3.76** Similarly, Mr Meredith explained that many programs were implemented with the intention of working in a collaborative way with Aboriginal people, but because the fundamental premise was the same as for all other bureaucratic relationships, the relationships between Government and the community fell down:

I belong to Ngiyampaa people north of the Lachlan River. One of our special places was Mount Grenfell. We put together a negotiating panel and negotiated a lease with the New South Wales Government and it successfully handed back the site in 2004.

¹⁰⁴ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 2

¹⁰⁵ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 6

¹⁰⁶ Ms Jill Herberte, Regional Director, Department of Community Services, Broken Hill round table, Evidence, 6 August 2008, p 17

We have had a board of management since then. We have a 30-year lease and it is up for review every five years, so it will be reviewed next year. What has happened is that the agency responsible for holding the register of Aboriginal land is the Office of the Registrar. It has fallen down a bit in its commitment to that process. We want to do certain things and create employment programs and to get community in touch more with their old culture. We always seem to be hitting stumbling blocks with regard to National Parks and Wildlife policy. Whenever I talk to community people there seems to be a feeling of "they are doing it to us again". They want us to be part of the society but then they put the up all the barricades.¹⁰⁷

Aboriginal community capacity

- 3.77** This chapter has reported many instances where the Committee was told of the need to build Aboriginal community capacity to equip communities to negotiate with government and manage services within the community. Both the DAA and the Department of Premier and Cabinet (DPC) have recognised the need to develop governance structures that empower communities and work effectively together with government. The Director General of DAA, Ms Jodi Broun, stated:

...we want to build up their [Aboriginal community] capacity to deal with government. Equally, it is about building the capacity of government to work effectively with community.¹⁰⁸

- 3.78** Similarly, the then Director General of the DPC, Ms Robyn Kruk, told the Committee of the need to work with communities and listen to what they say:

... the resilience stuff is not just window dressing; it is a matter of having a strong cohort in Aboriginal communities [to] ... tell you what they believe needs to be done and then work with you to make sure it is done. It is so simple but the point is that different communities have different membership of the elders where the power politics lie – they are like any community. That is our hardest issue, and if you need to invest in that in the first instance, you should do it. That is a clear message.¹⁰⁹

- 3.79** Ms Janet Hunt, Fellow and researcher, Centre for Aboriginal Economic Policy Research (CAEPR), Australian National University, spoke of capacity on two levels – capacity within communities as well as the capacity within government to respond:

One is to build the capacity of the communities, to get their governance in order, to actually work for them in terms of articulating their aspirations and being able to implement them when they get the resources to do it.

The other side of that coin is government's own capacity to respond. One of the things that the COAG trials showed us was that that is a challenge too and that quite frequently some of those conditions for a really good partnership between government and communities are very hard to achieve in terms of some sort of stability of personnel—that was mentioned by the previous witnesses I noticed; in terms of funding decisions up to a certain level anyway being able to be made at a regional level or a local level; just a lot of clarity among departments about who is

¹⁰⁷ Mr Meredith, Griffith round table, Evidence, 5 August 2008, pp 5-6

¹⁰⁸ Ms Broun, Evidence, 17 September 2008, p 1-2

¹⁰⁹ Ms Kruk, Evidence, 17 September 2008, p 28

going to do what when whole-of-government arrangements are put in place. So there is a whole range of conditions that are necessary on the government's side to really make that work, and that requires, I think, more effort in, I suppose, helping government officials working interdepartmentally and also working cross-culturally with Aboriginal communities.¹¹⁰

- 3.80** While agreeing that government agencies have a responsibility in the way in which they do business with Aboriginal communities, Mr William Jeffries, Chairperson, Murdi Paaki Regional Assembly, told the Committee that Aboriginal people also have a responsibility to ensure communities have good governance and leadership:

Aboriginal people also have a responsibility. It is not just the responsibility of government. It is also our responsibility to ensure that our communities have good governance and leadership and are empowered to be in those positions. Those aspects build strong resolve and resilience in people to deal with the issues that impact on them. Responsibility in itself tells us there should be a partnership between government and Aboriginal people, or at least a parallel approach that demonstrates what each is doing. If we continue to work in isolation, we will be back in 5 or 10 years talking to an inquiry about the same issues.¹¹¹

- 3.81** Ms Jeanette Barker, a Director of the Brewarrina Business Centre, gave a personal account of the difficulties in running a community organisation where there are not enough properly trained staff:

For 12 years I was struggling to try and run the Northern Star Aboriginal Corporation. I had to be the general manager, accountant, financial adviser and for the last five years I started to get weighed down because I did not have trained and skilled staff to do that.

Organisations are just given a chequebook and expected to run an organisation, not knowing any of those skills, not knowing the requirements by the taxation department. I could see the need for an organisation like the Brewarrina Business Centre to help these Aboriginal organisations that are given this huge task of trying to financially manage their organisation and run them as well. I think it has been a wonderful thing in the last two years for that centre to open and to save those organisations that have been struggling.¹¹²

- 3.82** Mr Palmer suggested that, in addition to the use of the support staff proposed by the Department of Aboriginal Affairs as part of the Two Ways Together Community Partnership Engagement framework, government departments could encourage secondments of skilled employees:

¹¹⁰ Ms Janet Hunt, Fellow and researcher, Centre for Aboriginal Economic Policy Research (CAEPR), Australian National University, Evidence, 15 September 2008, p 64

¹¹¹ Mr William Jeffries, Chairperson, Murdi Paaki Regional Assembly, Evidence, 12 March 2008, p 29

¹¹² Ms Jeanette Barker, Director, Brewarrina Business Centre, Evidence, 15 September 2008, p 40

We always said, though, we would always accept secondments from government departments out there with certain sets of skills that were appropriate to the community. We have not been taken up on that yet.¹¹³

- 3.83** Commander Kyle Stewart, Commander of the Shoalhaven Police Local Area Command, advised the Committee that in his view, the key to overcoming Indigenous disadvantage is increasing capacity within Indigenous communities:

[I]t is the creation of increased capacity within the Indigenous communities that holds out the greatest prospect of overcoming what at this point appears to be an insidious and seemingly intractable problem. It is my respectful submission that the creation of capacity within communities is something that is best achieved through a well-coordinated partnership of all agencies, that is, both government and non-government alike, that play a part whether by obligation or voluntarily in providing the service, support or basic core duty response to Indigenous communities.¹¹⁴

Training

- 3.84** Mr Palmer noted that certain skill sets were required to assist Aboriginal community-controlled organisations meet accountability and financial reporting requirements to receive government funding. He lamented that, given the large amount of money that governments had spent in Brewarrina, none had been spent on teaching Aboriginal people ‘how to manage success’:

Where it came from was the community working party saying that with all the money—a total of millions over the years—that had been poured into Brewarrina, not a single dollar had ever been spent on training; not a single dollar had ever been spent on teaching Aboriginal people how to manage for success.¹¹⁵

- 3.85** Mr Cromelin also stressed the importance of training Aboriginal people to ensure they have the capacity to run the organisations for their communities, to promote self-determination. He used the example of the Murrin Bridge CDEP:

Throughout my life I have been fortunate to be involved in the community development employment program [CDEP] at Murrin Bridge. I am proud to say that Murrin Bridge is one of the most successful CDEPs in this region. About 70 people were employed at the CDEP. I know what it was like prior to the CDEP; we had nothing. As a chairperson I did not even want to be involved in certain aspects in the community. It took a non-Aboriginal person to come into the community for a period of six months. He gave us life skills, he taught us how to react at meetings such as this, how to ask certain questions, how to run our board meetings, and he gave us simple things like self-esteem and self-confidence in our own ability. In six months we went from being a group of people with no self-esteem to the point where we decided that we could run the organisation ourselves, and we did.¹¹⁶

¹¹³ Mr Bill Palmer, Acting Business Manager, Brewarrina Business Centre, Evidence, 15 September 2008, p 45

¹¹⁴ Commander Kyle Stewart, Shoalhaven Local Area Command, NSW Police, Evidence, 13 March 2008, p 11

¹¹⁵ Mr Palmer, Evidence, 15 September 2008, p 40

¹¹⁶ Mr Cromelin, Griffith round table, Evidence, 5 August 2008, pp 11-12

- 3.86** Mr Shane Levy, Enterprise and Community Development Officer, Armidale and Business Enterprise Centre told the Committee that training for Aboriginal people to manage bureaucracies was insufficient and with the changes to the *Aboriginal Land Rights Act*, representatives on Land Councils required comprehensive training in order to manage resources and develop effective services:

The other reason from the Aboriginal community is that because of the changes to the *Aboriginal Land Rights Act* at the moment we have gone corporate. As boards of directors of land councils we are expected to address all these issues we are talking about here through the land council system. They have given us two days' training on governance, two days' training on how to develop a land and business community plan. What are going to be the outcomes of that? Do you see what I am saying? We are not getting the training. You cannot expect us to fix all these problems with two days' training in governance. Governance is the key to all this. Teach our people how to run an organisation, how to run our communities, and people will improve. They are not going to listen to white people telling them what to do all the time. Let the black people tell them what to do. Give us training.¹¹⁷

- 3.87** Similarly, Mr Widders explained that training was a key part of enabling Aboriginal people to determine the most effective way of providing services. He argued that training people to lead organisations responsibly is more effective than funding programs designed by government agencies outside the relevant Aboriginal community:

People need to be trained as leaders. Traditionally, people reached a stage when they were elders where they could take responsibility. These days that is not happening. People are appointing themselves as leaders. You need real leadership. If you are going to give an organisation or a community millions of dollars, you need to have people who can handle it. They must not just spend it; they must be able to maintain it and be sustainable.¹¹⁸

- 3.88** Despite the need for training, Ms Walford, Councillor, Armidale Dumaresq Local Council, told the Committee that training alone was not beneficial and that jobs needed to be associated with the courses:

It is all right to talk about training, but there is no follow up after the training is finished and there are no jobs for our people. A lot of our people have gone through the training, but when the two years are up after the training and they are finished they are unemployed again. You have to look further than the training; you have to look at a job at the end of the training.¹¹⁹

- 3.89** An example of a jobs-focussed training program is the NSW Aboriginal Mental Health Workforce Program, which aims to recruit and support Aboriginal people as 'full time, permanent employees of a mental health service'.¹²⁰ Aboriginal people are recruited as trainees

¹¹⁷ Mr Shane Levy, Enterprise and Community Development Officer, Armidale and District Business Enterprise Centre Limited, Armidale round table, Evidence, 7 August 2008, p 8

¹¹⁸ Mr Widders, Armidale round table, Evidence, 7 August 2008, p 10

¹¹⁹ Ms Margaret Walford, Councillor, Armidale Dumaresq Local Council, Armidale round table, Evidence, 7 August 2008, p 14

¹²⁰ Submission 40, p 44

and are supported in gaining a formal degree in mental health training as a condition of employment. The NSW Government submission describes the process:

Trainees are supported through an integrated system of peer support, on-the-job training and supervision. At completion, the trainees will become qualified Aboriginal mental health professionals, working as part of a mainstream Area Mental Health structure on a permanent basis.¹²¹

Committee comment

- 3.90** In evidence informing the Interim Report the Committee heard that additional Aboriginal employees are needed in most sectors, particularly in education and health. In the preparation of the Final Report the Committee again heard of the importance of investing in long-term training of Aboriginal people.
- 3.91** The Committee is convinced that adequate training is an essential part of improving service delivery to Aboriginal communities. The Committee believes that the provision of training to Aboriginal people to deliver services to their communities is a key part of economic development and self-determination and will provide a much-needed link between government service providers and the communities they service.
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Recommendation 8

That the NSW Government provide adequate funding and infrastructure resources to the Department of Aboriginal Affairs for the provision of training to Aboriginal people to deliver services to their communities, and meet accountability requirements.

Language and literacy

- 3.92** Dr Boughton, advised the committee that in a recent national survey of literacy, 40 per cent of the Australian adult population as a whole had ‘insufficient literacy to do what was required of them as workers and citizens’, and questioned how much higher this level would be in the Aboriginal population ‘where there is such a long history of people not having completed even basic schooling’¹²²:

The level of adult literacy in Aboriginal communities is quite low. There is no comprehensive data set that can prove this but I can tell you that the most recent national survey of literacy in the Australian population found that 40 per cent of the population had insufficient literacy to do what was required of them as workers and citizens?. If it is 40 per cent in the population as a whole, how much higher is it going to be in the Aboriginal population? Anybody who works in Aboriginal communities like Jack and I do, and has worked there for a long time, knows that the level of literacy in the adult population is very low.

- 3.93** Dr Boughton raised literacy as one of the main barriers to genuine partnership between government and Aboriginal communities:

¹²¹ Submission 40, p 44

¹²² Dr Boughton, Evidence, 18 September 2008, p 57

For my money this is the main barrier to the development of equal partnerships and good governance because the Government is a highly literate institution. Most of the people you deal with if you are in a community come to you with 12 years of secondary schooling, three or four years of university qualifications and another five, six or 10 years of working in a highly literate environment, so you do not even know what they are talking about most of the time if you do not have literacy. If you want to have equal partnerships between communities and government you have to address the problem of illiteracy.¹²³

- 3.94** Similarly, Mr Beetson commented on the power of language to create barriers to genuine understanding and communication. He noted the disempowering effect of complex language:

It is putting it mildly to say that language can be a barrier. It can be the most disempowering and disenfranchising tool available to some people, particularly when they come into Aboriginal communities. People feel very disenfranchised by it. There is an element of disempowering and maintaining control by others there. I get very frightened by language; and I am someone, to some extent, who understands Western language and academia in our communities and I get very concerned. It is not a failure of communities to understand that communication; it is the failure of the person communicating to be able to effectively communicate with those people in the community.¹²⁴

- 3.95** The language barrier has two sides, according to Mr Chris Halligan, Youth Worker, Department of Juvenile Justice: the capacity of Indigenous people to ‘speak with empowered, clear voices’ and the capacity of non-Indigenous people to ‘listen deeply’:

My experience working with community has been and continues to be one of learning, reflection and awareness of the depth of their culture, language and identity. That is a gap between a city fella or a woman, whatever their cultural background, coming out to deliver a program. They really have no idea, and the real barrier here is language, both the capacity of Indigenous people to speak with empowered, strong clear voices and for non-Indigenous people, or even some Indigenous city people, to listen deeply, relevantly and to find between them the common language—the common script that will build that partnership and that relationship. That is lacking.¹²⁵

- 3.96** Dr Boughton told the Committee that there was a need to improve the ‘critical literacy’ of Aboriginal communities:

I am not talking about learning to read and write, I am talking about learning to read the world and to understand what a government is really telling you when it tells you something. It is about being able to read between the lines as much as read the lines. It is what we call critical literacy.¹²⁶

- 3.97** The NSW Aboriginal Land Council provides training in governance to Local Aboriginal Land Councils, however Dr Boughton commented that he felt this training was insufficient:

¹²³ Dr Boughton, Evidence, 18 September 2008, p 56

¹²⁴ Mr Beetson, Evidence, 18 September 2008, p 59

¹²⁵ Mr Chris Halligan, Youth Worker, Department of Juvenile Justice, Armidale round table, Evidence, 7 August 2008, p 11

¹²⁶ Dr Boughton, Evidence, 18 September 2008, pp 56-57

Governance needs to be learned over time. The best model is to do a little bit of front-end loading and then do some on-the-job support, and then come back for a bit more training over a much longer period of time. You really have to have a longer-term view of the way that this kind of literacy is acquired.¹²⁷

Committee comment

- 3.98** Language is a substantial barrier for Indigenous Australians when interacting with government departments and other service providers. The failure to understand does not rest with recipients of government services. It is a failure of government. When communicating with Indigenous communities it is important to ensure that the community members fully understand what is being said. This may involve the translation of bureaucratic documents either into an appropriate Indigenous language or into plain English that can be understood by community members.
- 3.99** Training provided to public servants in cultural sensitivity should include practical information on how to communicate clearly and effectively without using bureaucratic language that can be seen to disempower communities.

Recommendation 9

That the Department of Aboriginal Affairs develop practical training to be delivered to NSW public servants on how to communicate clearly and effectively with Aboriginal communities, without using bureaucratic language.

Ownership and the policy development process

- 3.100** Inquiry participants told the Committee that Aboriginal communities need to feel ownership over the strategies put in place by the NSW Government to address disadvantage. At the Broken Hill round table, Mr Anthony Kickett, Indigenous Education Officer with the Sydney University Department of Rural Health, explained to the Committee:

If it is not identified by the community then, of course, the question is why it needs to be undertaken. ... It has to be a real investment in the community in a way that everyone is involved, everyone is included. In the past we have seen token gestures. If one part of the community says it is not an important area as against another area then the bureaucratic processes continue to go forward until someone says they will take it up. Generally it is very divisive. It needs to be the whole of the community working together. Obviously the community knows the areas of need and can strongly identify them. If you are really genuine about coordinated services and delivery, that is a very important step in the primary process.¹²⁸

- 3.101** Similarly, Mr Cromelin, noted that an initiative of the CDEP, Murrumbidgee Wine, had been successful because community members were involved in the creation of the project, which meant that they felt ownership of the outcomes:

¹²⁷ Dr Boughton, Evidence, 18 September 2008, p 57

¹²⁸ Mr Anthony Kickett, Indigenous Education Officer, Sydney University Department of Rural Health, Broken Hill round table, Evidence, 6 August 2008, p 8

Earlier, when I was down in the lobby, many members of the Legislative Council were asking me about Murrumbidgee wine. That is an initiative that came from an idea that the community ran itself. It was supported by the CDEP and by the TAFE of Griffith campus, and it had the support of some other key people around the place, in particular, a local grape grower based here in Griffith.

That program did not work because the TAFE program wanted it to work one way. People in the community saw something that suited their needs and then they made it work. It did not work because the Government was sitting behind us and telling us, "You have to do this, that or the other"; it worked because we did what Steve said—we owned it and took responsibility for it. We said, "This is our program. If it is going to work it is going to work because we will make it work. If it fails it will fail because we have allowed it to fail." But it became a success in every sense of the word.¹²⁹

- 3.102** Ms Hall told the Committee that community ownership of policy development also helps build capacity within the community:

I will go back again to the process. Should it take longer to work with Aboriginal communities in developing those programs, then the community has to be given the ownership of working with the governments in doing so because they will be the ones there when the government departments have to move on or choose to move on elsewhere, so it is building the capacity, capabilities and the ownership. Aboriginal people know what they need to do in their own community, so it is building on that strength. It is a strengths base. Building on that strength and developing that partnership and listening to work towards gaining the solutions, I would suggest, would be the most appropriate process.¹³⁰

- 3.103** Mr Jeffries highlighted the Murdi Paaki model as one in which Aboriginal people have ownership:

The trial at the Murdi Paaki clearly underlines that there are benefits from greater coordination and collaboration between government agencies and Aboriginal people. Community governance is our foundation and what we bring to any partnership or relationship. It is a process that we have ownership of; it is not a government instrument, as the Aboriginal and Torres Strait Islander Commission [ATSIC] was. It is a process developed over 15 years and it is ongoing. These are strategic arrangements from our perspective about our involvement in the whole aspect of government service delivery.¹³¹

- 3.104** Ownership does not end at the policy development or implementation stage. In Chapter 4 the Committee looks at the importance of ownership in outcome measurement and evaluation of programs. The lessons from the Murdi Paaki COAG trial are further considered in Chapter 6 of this Final Report.

¹²⁹ Mr Cromelin, Griffith round table, Evidence, 5 August 2008, p 12

¹³⁰ Ms Hall, Evidence, 17 September 2008, p 59

¹³¹ Mr Jeffries, Evidence, 12 March 2008, p 29

Case study – Tirkandi Inaburra

- 3.105** On 5 August 2008, the Committee visited the Tirkandi Inaburra Cultural and Development Centre. Tirkandi Inaburra was held up to the Committee as an example of a program that had emerged from a need and the solution to that need identified by the community.
- 3.106** The philosophy of Tirkandi Inaburra is to ‘empower Aboriginal youth to develop and draw on their own resilience in order to take responsibility for their own lives, develop strategies to deal with their problems and minimise the risk of becoming involved in the criminal justice system. The promotion of cultural pride, identity and self-confidence in Aboriginal youth is seen as central to the development of resilient young men.’¹³²
- 3.107** Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs with the NSW Attorney General’s Department, told the Committee that the local community had been an integral part of the program since its inception:

The local community has determined the whole Tirkandi model, in terms of how it was going to run and the types of kids it was going to focus on, all the way down to the actual physical design of the centre itself. While there was a firm of very good architects working on the design of the centre there was also a very intensive process of community consultation about how the place actually looked, how the buildings are set out and the physical side of the place. Tirkandi is managed by a board and we have a representative on that board but apart from that everybody else are entirely community members from that local area. The young kids that are referred to that centre are referred by community members but some of them come through the Department of Community Services [DOCS] and Juvenile Justice and those places but they are largely coming through because the local community are asking them to come through.¹³³

- 3.108** Mr Thomas added that the contribution of the Attorney General’s Department, in addition to making funding available for the project, was to provide technical advice when needed.

I think it is a really good example of where we have been able to provide some technical expertise to them. We were able to link them up with all the architects, designers and all that sort of thing, and we have provided ongoing support to them in terms of their financial management and financial advice. As I mentioned, recently we had Deloitte go through and do an economic assessment. We are doing some work with them around how they staff the place, how they define jobs and that sort of thing but ultimately it is their decision at the end of the day. We just provide a sort of technical advice to help them do it.¹³⁴

- 3.109** Ms Colleen Murray, the Executive Officer of Tirkandi Inaburra, told the Committee that the facility operated on a budget of \$1.8 million annually and catered for a maximum of 16

¹³² Tirkandi Inaburra Cultural and Development Centre website www.tirkandi.org.au (accessed 13 October 2008)

¹³³ Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, NSW Attorney General’s Department, Evidence, 18 September 2008, p 15

¹³⁴ Mr Thomas, Evidence, 18 September 2008, p 15

boys.¹³⁵ She stressed that one of the reasons for the program's success was the strong support from the community:

... you have to get community engagement. In reality you have to get the people to own the place. At the end of the day they will not own it, but they will be supportive of it. If you do not do that they will misinterpret it as a juvenile justice facility.¹³⁶

Committee comment

- 3.110** Tirkandi Inaburra is an excellent example of a community-derived solution to a problem that was also identified by the community. Contributing to the success of Tirkandi Inaburra is the local ownership and ongoing community involvement in the project; as well as the nature of the partnership with government agencies that are providing long term funding and technical support. The Committee is conscious of how unique this project is and that it required a commitment from government for it to be successful. However, Tirkandi Inaburra proves that community-driven solutions bear results, and the Committee strongly believes that government must accept that one of the consequences of properly engaging with Aboriginal communities as true and equal partners may be more expensive than traditional service delivery methods.
- 3.111** Government can learn from the success of this style of policy development and implementation. The Committee sees merit in using the same principles in other innovative projects that it undertakes, and urges the NSW Government to accept the additional costs that this may incur. Overcoming Indigenous disadvantage is not easy. Only with such a commitment will Indigenous disadvantage in New South Wales begin to be redressed.

¹³⁵ Ms Colleen Murray, Executive Officer, Tirkandi Inaburra Cultural and Development Centre Inc., Tirkandi Inaburra meeting, Evidence, 5 August 2008, p 2

¹³⁶ Ms Murray, Tirkandi Inaburra meeting, Evidence, 5 August 2008, p 14

Chapter 4 Service delivery

Effectively coordinated service delivery is one of the central themes arising during the Inquiry and was considered in detail in Chapter 3 of the Interim Report. In this chapter, issues relating to measuring success, funding and coordination of services across different levels of government to meet the self-identified needs of Aboriginal communities are considered.

The Committee has concluded throughout this Final Report that it is essential for local Aboriginal communities to be equal partners in developing and delivering plans of action to address disadvantage in their community. Fundamental to this is that the community is also involved in determining measures of success. This is considered in the following section.

Measuring success

- 4.1** In its Interim Report, the Committee noted that the provision of some services to Aboriginal communities needed to be monitored more effectively to ‘determine if targets are being met and the life expectancy gap closed’.¹³⁷ Chapter 2 of this Final Report considers reporting against high-level targets such as Priority F1 in the State Plan. This section considers measurement of outcomes at a more local level, and the difficulty of balancing outcome measures in Aboriginal communities and accountability for public funds.
- 4.2** In our consultations around the measurement of outcomes the Committee learned of the following areas of concern:
- resources to ensure transparency and accountability
 - analysis over the long term
 - different ways of defining successful outcomes
 - a holistic understanding in relation to service provision and its efficacy
 - adequate funding for proper program implementation.
- 4.3** ‘Success’ is measured on multiple levels. As noted in Chapter 2, the NSW Government is committed to the NSW State Plan, under which the NSW Department of Aboriginal Affairs (DAA) is the agency responsible for Priority F1 ‘the overarching priority to improve outcomes for Aboriginal people.’¹³⁸ *Two Ways Together* is the strategy, led by DAA, to address the Priority F1. In its supplementary submission, the NSW Government outlined the consultative mechanisms it had in place to engage Aboriginal people at this broad policy development level.
- 4.4** These include the ‘local level’ implementation of the *Two Ways Together* strategy, through which 40 partnership communities have been identified in order to ‘engage with Government, as

¹³⁷ NSW Legislative Council, Standing Committee on Social Issues, *Overcoming Indigenous disadvantage in New South Wales: Interim Report*, Report 40, June 2008, p 269

¹³⁸ Supplementary Submission 40a, New South Wales Government, p 1

decision makers, around the targeting of service delivery, and the coordination of programs and effort.¹³⁹ The Committee was advised that project action plans, to guide NSW Government service delivery, are currently being drawn up.¹⁴⁰

Measures of success need to be determined by Aboriginal communities

- 4.5** Recurrent throughout the Inquiry was the view that, ultimately, the community should determine the measure of success that should be applied to programs in Aboriginal communities. This is consistent with the view that Aboriginal communities, as equal partners with government in overcoming Indigenous disadvantage, must be involved in identifying problems and solutions in their communities. Mr Bill Palmer, Acting Business Manager of the Brewarrina Business Centre, told the Committee:

The ultimate measure is if that is what communities have identified and they use consultants to identify the needs and priorities in those communities, if they are not being delivered then no program has been successful. They have done the hard yards and they have done it at a local level and they can tell you what is going to work at a local level. What it needs is that government support to make those results occur.¹⁴¹

- 4.6** In answers to questions taken on notice, the Centre for Aboriginal Economic Policy Research (CAEPR) proposed that the solution to the problem of applying traditional measures of success to Aboriginal communities is to develop agreed outcome indicators in advance with the relevant Indigenous community:

Outcomes measures can be negotiated with communities, but there is no doubt that the meaning of results on some indicators is ambiguous. We need to differentiate between positive and negative programs and outcomes; for example, enhanced policing might mean more arrests and reduced crime; while this is a positive outcome for policing, but may not be from the perspective of Indigenous communities as it may mean more Aboriginal people incarcerated.

The solution is to develop agreed outcome indicators in advance with the relevant Indigenous communities and to encourage far more participatory methodologies in evaluation of programs. This will provide the qualitative information which can give real meaning to data on outcomes which may otherwise be ambiguous. It also means that communities can themselves judge whether they believe things are improving; what is needed are stronger accountability mechanisms to enable Indigenous people to hold government departments to account for the satisfactory provision of services which are their citizenship entitlements.¹⁴²

- 4.7** Associate Professor Sue Green, Director of Nura Gili Indigenous Programs at the University of New South Wales, agreed, noting that while there was no formula for developing outcome

¹³⁹ Supplementary Submission 40a, p 2

¹⁴⁰ Supplementary Submission 40a, p 2

¹⁴¹ Mr Bill Palmer, Acting Business Manager, Brewarrina Business Centre, Evidence, 15 September 2008, p 48

¹⁴² Answers to questions taken on notice during evidence, 15 September 2008, Mr Jon Altman, Director, and Ms Janet Hunt, Fellow, Centre for Aboriginal Economic Policy Research (CAEPR), p 1

measures, there were principles. Key among those principles is to work with the community to develop outcome measures that are appropriate and owned by that community:

The overriding principle is that you deal with the community or the group of individuals who you are working with and actually look at what is going to work within the community. If you do not have consultation, and real consultation, at the point at which you are setting up a program, you will not have real success either. The principle is: How do we get the most for this group of people? What is the most? Is it not going back to prison? Is it accessing education? Is it being in a real job that pays a real wage? What are the longer-term outcomes you are looking for? You have the longer-term outcomes, but there are also short-term things that happen.¹⁴³

- 4.8** Ms Hayley Smith, in a submission on behalf of the Awabakal Newcastle Aboriginal Cooperative, suggested that program objectives such as self-determination should also be considered a measure of success:

At evaluation stage, objectives such as self-determination and choice have been ignored or have been replaced by more easily quantifiable objectives, such as increased numbers of Indigenous people in mainstream jobs.¹⁴⁴

- 4.9** Associate Professor Eileen Baldry, Associate Dean (Education), Faculty of Arts and Sciences, University of New South Wales, commenting on suitable outcome measures for a program to aid Indigenous women make the transition from correction centre to community, informed the Committee that current outcome measures tended to be unrefined:

When measuring success, particularly post-release, I am sure that you know that recidivism or going to prison is a really shonky measure. We all use it because it is the only thing we have. But if you were able to be more refined about the way we think about it, we would see a lot of different things so that we were not imposing a measure that did not fit the context. I have absolutely no doubt in my mind that the recidivism rates would go down, but they do not go down because you are measuring recidivism. They go down because the outcomes are the other things that are used in keeping people out.¹⁴⁵

- 4.10** In Chapters 5 and 9 of the Interim Report, the Committee noted that there is a need to improve data collection, particularly in relation to child sexual assault. In this second phase of this Inquiry, the Committee heard that while data collection and reporting for Aboriginal communities are beginning to be improved, defining the success of a program may also require a different way of looking at the data.
- 4.11** Ms Herberte, Regional Director, Department of Community Services (DoCS), told the round table at Broken Hill that the Department had boosted its data collection and had a renewed focus on data collection and reporting. Ms Herberte noted that in terms of measuring the success of new strategies, data around reporting had to be thought of differently to the usual way of accounting for reporting:

¹⁴³ Associate Professor Sue Green, Director, Nura Gili Indigenous Programs, University of New South Wales, Evidence, 15 September 2008, p 53

¹⁴⁴ Submission 75, Awabakal Newcastle Aboriginal Cooperative Ltd, pp 13-14

¹⁴⁵ Associate Professor Baldry, Associate Professor and Associate Dean (Education), Faculty of Arts and Sciences, University of New South Wales, Evidence, 15 September 2008, p 53

The issue for the Department of Community Services is that we have now started with a very strong data collection system for the first time through our client information system. We now have a strong focus on data collection and reporting. ...The issue that emerges is the clear over-representation of Aboriginal families in the child protection system. That is the first thing we have encountered.

In terms of performance monitoring, what you want to see is that trending down over time. But for those families in the system we need to ensure that they get culturally appropriate and high quality service delivery. That is another thing that is much more difficult to measure.¹⁴⁶

- 4.12** Mr Halligan told the Committee that effective programs need to commence from a basis of mutual partnership and good pathways of communication:

In terms of measuring effectiveness, we need to consider the process. It is not just what we are doing, it is also how we are doing it. That links very much into arrangements we might establish in partnership, whether that is non-Indigenous and Aboriginal partnerships or always multicultural partnerships. Whatever that partnership is, we need to start with equity and clarity of purpose in communication. Once we have that then we can measure outcomes that are effective for all participants.¹⁴⁷

Committee comment

- 4.13** Throughout the Inquiry, evidence to the Committee has reinforced the understanding that Aboriginal communities are the best placed to identify problems and solutions in their community. This is consistent with the view that localised solutions are most appropriate and effective. Fundamental to this approach, it is logical that Aboriginal communities also determine the measures of success upon which they will be judged. Of course, if this approach is adopted, and Aboriginal communities are to be responsible for meeting these objectives, they must be supported by government and provided relevant training and infrastructure so that they have the capacity to meet outcomes.

Recommendation 10

That the NSW Government, through the representative structure supported by the Department of Aboriginal Affairs, facilitate Aboriginal communities to determine measures of success for programs being delivered in local communities, prior to the commencement of the programs, and strengthen communities' capacity to meet those outcomes by providing relevant training and infrastructure.

¹⁴⁶ Ms Jill Herberte, Regional Director, Department of Community Services, Broken Hill round table, Evidence, 6 August 2008, p 2

¹⁴⁷ Mr Chris Halligan, Youth Worker, Department of Juvenile Justice, Armidale round table, Evidence, 7 August 2008, p 6

Holistic understanding of service provision and measurement

- 4.14** Mr Anthony Kickett, Indigenous Education Office, Sydney University Department of Rural Health, noted the difficulty of trying to measure specific outcomes in Aboriginal communities, without considering the broader context that impacts on participation in specific programs:

I think the context around measuring outcomes sometimes can be muddled by what actually really happens holistically in regards to community progress. ...if there are social issues around the child's performance in the education system, whilst they might be able to provide support in the education system, if there is no whole support outside of the school system then, of course, there is potential failure and it leaves our kids in the lurch.¹⁴⁸

- 4.15** Ms White also told the Committee that she considered a number of factors, relating to a range of indicators when assessing whether her programs were successful:

One of the things that [we] considered was how we measure outcomes. They can be very different for everyone. I will share some of the things we looked at: the number of enrolments; the course completion rate; the unit completion rate; the retention rate; the pathways to further education; the employment outcomes; the significant increase in improved literacy and numeracy; class learning skills; community participation; and lifestyle. That is the way we can measure and report to government and community agencies.¹⁴⁹

- 4.16** Ms Lisa O'Hara of the Aboriginal Medical Service (AMS) explained that community controlled Aboriginal Medical Service in Griffith provided a unique and essential service to the Aboriginal people in the area that warrant additional funding to continue its work. She noted that the AMS 'deals with everything: social, emotional, cultural [well-being] not just the body and the illness'.¹⁵⁰

AMS work on the primary health care model, which is holistic ... The thing we find hard here is providing these services with the limited resources that we have. Because we are a rural area, we cover 1,200 to 1,400 Aboriginal clients with three health workers.

- 4.17** Ms O'Hara noted that the kind of model the AMS provides is a primary health care model, which is far cheaper to run than tertiary health care, which is hospital based and is usually the treatment of significant health problems. Ms O'Hara suggested the AMS should therefore receive more funding:

... pour more money into AMS. It is cheaper to run the primary health care model than it is the tertiary health care model. It is cheaper for prevention than cure.¹⁵¹

¹⁴⁸ Mr Anthony Kickett, Indigenous Education Officer, Sydney University, Department of Rural Health, Broken Hill round table, Evidence, 6 August 2008, p 3

¹⁴⁹ Ms Carolyn White, Koori Outreach Options for Learning, TAFE, Griffith round table, Evidence, 5 August 2008, p 15

¹⁵⁰ Ms Lisa O'Hara, Practice Manager, Griffith Aboriginal Medical Service, Griffith round table, Evidence, 5 August 2008, p 17

¹⁵¹ Ms O'Hara, Griffith round table, Evidence, 5 August 2008, pp 17-18

- 4.18** In the NSW Government's submission, NSW Health outlined the NSW Aboriginal Maternal and Infant Health Strategy (AMIHS). This strategy aims to improve the health of Aboriginal mothers and their babies through a 'team approach to community maternity services (including midwifery, Aboriginal health workers, specialists and general practice).'¹⁵² Combined with a 'flexible and non-judgemental approach' this strategy has been positively evaluated three times over the eight years it has been in operation, highlighting the success of this method.¹⁵³

Outcome measurement versus accountability for public funds

- 4.19** Ms Broun clearly articulated the tension between 'pressures for accountability and the need to measure things differently in Aboriginal communities', claiming that the two 'are not irreconcilable':

There are essentially two sources of tension:

Government funding is often tied to limited timeframes and with accountability linked to the need to provide information to show that programs are working and meeting targets and goals within these timeframe. Aboriginal disadvantage, however, is entrenched, developed over many years as traditional culture and lifestyles are destroyed, and will not easily be overcome. It may take a long time to significantly improve outcomes for Aboriginal people and the risk is that Government won't stay the course, needing positive stories and results within the time frame of elected governments and needing to mark a change in policy from previous governments. Two Ways Together, as a ten year plan for Aboriginal people recognises this risk.

Accountability has traditionally focussed quantifying outcomes achieved and the costs involved, but programs for Aboriginal communities need to involve Aboriginal people as active partners and develop community capacity or resilience to succeed. For that reason it is important to allow Aboriginal people to have a say in designing and evaluating programs provided for them, through the use of techniques such as empowerment evaluation. (Empowerment evaluation is the use of evaluation concepts, techniques, and findings to foster improvement and self-determination. It is designed to help people help themselves and improve their programs using a form of self-evaluation and reflection.)

The focus on ownership or buy in of programs by the local community, on listening to stakeholders and on displaying sensitivity to Aboriginal culture is not one that is given prominence in many accountability systems. It does not replace or compete with the need for traditional accountability (outcome measures) but is an additional dimension of accountability for Aboriginal programs that needs to be included to understand whether the program is, or is likely to be, successful.¹⁵⁴

- 4.20** Dr Richard Matthews, Deputy Director General Strategic Development, NSW Health, also identified the tension between flexibility in measuring outcomes in Aboriginal communities

¹⁵² Submission 40, New South Wales Government, p 16

¹⁵³ Submission 40, p16

¹⁵⁴ Answers to questions taken on notice during evidence, 17 September 2008, Ms Jody Broun, Director General, Department of Aboriginal Affairs, p 6

with accountability for public funds. He gave the example of a performance agreement developed for a program involving AMS staff working with Justice Health clinicians to see inmates of correctional centres.

In those performance agreements we would fund a position, which might be an existing position, to come to a correctional centre on a fixed day per fortnight or per month, depending on demand, and we would expect that a given number of inmates would be seen in partnership with the clinicians. Those sorts of outcomes get written into the agreements. What does not, of course, get written into the agreements, because it is extremely difficult to do so, is any kind of demonstrated health outcome for the individuals seen. I think there is a balance here. We have to be aware that the moneys the Government gives to non-government organisations, whether they are Indigenous or non-Indigenous, are public moneys and there has to be some level of accountability.¹⁵⁵

- 4.21** However, the Jumbunna Indigenous House of Learning suggested that ‘different measures of success do not have to sit in conflict with the responsibility of meeting the desire for transparency and accountability’¹⁵⁶ as long as the long term goals are clear:

As long as it is clear what the long term goals are – and that these are consistent with state wide and universal goals in relation to, say, levels of education, housing, health and safety – the fact that the pathway to achieving those goals might be different if it is to take into account the fact that Aboriginal communities have specific and distinctive needs and may require a different approach to service delivery should not be seen as a disadvantage. It is simply engaging in a process of ensuring equality of outcome rather than equality of approach.¹⁵⁷

- 4.22** The difficulty for Aboriginal organisations working with mainstream bureaucratic organisations was evidenced in the explanation given by the former Director General of the Department of Premier and Cabinet, Ms Kruk, in relation to the funding of projects and how projects move from pilot programs to become part of the long-term funding cycle.

It is a Government budgetary process that has little to do with Indigenous needs yet people who demonstrate initiative in providing programs that work are tied to the process of yearly submissions for their program to continue.¹⁵⁸

Committee comment

- 4.23** The Committee understands the need for accountability for how public funds are spent, and that being able to demonstrate ‘success’ is important for a program to receive ongoing funding. However, the Committee also notes the tension between traditional measures of success and flexibility to measure the outcomes that programs in Aboriginal communities are

¹⁵⁵ Dr Richard Matthews, Deputy Director General Strategic Development, NSW Health, Evidence, 18 September 2008, p 2

¹⁵⁶ Answers to questions taken on notice during evidence, 15 September 2008, Jumbunna Indigenous House of Learning, p 6

¹⁵⁷ Answers to questions taken on notice during evidence, 15 September 2008, Jumbunna Indigenous House of Learning, pp 6-7

¹⁵⁸ Ms Robyn Kruk, former Director General, Department of Premier and Cabinet Evidence, 17 September 2008

hoping to achieve. The Committee urges government agencies to adopt a more flexible approach to outcome measurement, and believes that this can be achieved by working closely with Aboriginal communities to determine measures of success. Accepting, applying and reporting against the measures identified by communities will achieve required levels of accountability.

Coordinated service delivery

4.24 Throughout the Interim Report, the Committee heard that services are often delivered in an uncoordinated fashion by a variety of organisations, both government and non-government. The Committee highlighted a number of issues that specifically identified the need for improved service coordination. In essence, the Committee heard that each life expectancy factor raised by the terms of reference required a better level of service coordination. In this second phase, the Committee was told that the coordination of services needed to happen at a regional level, where services and community representatives could determine the best way of delivering services, together.

4.25 The Committee heard that the delivery of services:

- needs to be coordinated at a regional level, especially in relation to sourcing funding
- will be enhanced through accountability for outcomes for specific Aboriginal communities reflected in senior public servants' (with responsibility for those regions) performance agreements
- is complicated by the lack of clear resource stating what exactly is provided by government service providers, making it difficult for non-government organisations and community members to gain a clear understanding of what was provided for Aboriginal people.

4.26 The Committee also heard that applications for both program funding and individual cases of assistance were very difficult. These themes are explored later in this chapter in the section on funding.

Coordination at a regional level

4.27 Mr Harris, a community facilitator in Broken Hill, noted that while the achievement of positive outcomes is often directly related to the amount of funding given to a program or initiative the 'missing ingredient' in improved service delivery was better coordination between service providers:

It is interesting that we started off the discussion talking about outcomes and we have ended up talking about funding. I think that is perceived as a direct link. My perception is that throwing money at an issue is not the solution. We need to have something that often money cannot buy—the missing ingredient in the solution. Service deliverers need to talk together. I know this is something that we have here, but we need to go a bit further to ensure that we have coordinated service delivery. To

ensure creativity and solutions within the minds of the people who receive the service we need to contribute more.¹⁵⁹

- 4.28** Mr Harris also emphasised that coordination was required at many levels, including between governments and at regional and local levels. He argued that Regional Engagement Groups used by DAA will still require the input of local level service providers to have real effect:

I would like to talk about the gaps and the whole idea of how government and non-government agencies interact. There are also issues with State Government versus Federal Government and government department versus government department. One of the convictions I have arrived at over the past 12 month or so is the need for coordination to happen in service delivery at a local community level. I understand that the State Government has regional coordination management groups where things are done at a regional level, but at a local level to have the service deliverers talking about and addressing the issues we read about in the paper each morning does not seem to happen. There is a bit of a mismatch between coordination at a regional level and delivery.¹⁶⁰

- 4.29** Mr Stephen Ryan, a Central Region Councillor on the New South Wales Aboriginal Land Council, referred to more coordination as one of the 'big picture' issues that need to be addressed in overcoming Indigenous disadvantage:

The bigger picture stuff is more coordination. We know there a lot of resources there already, but if we start talking to one another, working in partnership, like the SRAs are supposed to do I think we will find some improvement. The dole will not solve everything. Starting to listen to what we need and how we might fix it, not you come along and fix it for us. But that is the bigger picture.¹⁶¹

- 4.30** Mr Richard Weston, Regional Director, Maari Ma Health Service, told the Committee that the whole of government planning surrounding Aboriginal services was not clear to the Aboriginal community. He observed that there appeared to be no planned process, and that neither the State nor Australian governments seemed to have a vision or overall strategy to address disadvantage in Aboriginal communities. Mr Weston argued that government service provision was not effectively coordinated and that rural areas, in particular, require their own articulated goals and objectives for government service provision:

Local service providers and regional service providers try; they do make attempts to work together. We have inter-agency groups and things like that. Some things do happen, but I do not get a sense that there is a vision for areas like remote far west New South Wales. ... There is no planned process where people are trying to get closer integration and collaboration with a goal in sight. That is one of the impediments to coordinated service delivery.¹⁶²

¹⁵⁹ Mr John Harris, Community Facilitator, Broken Hill round table, Evidence, 6 August 2008, p 5

¹⁶⁰ Mr Harris, Broken Hill round table, Evidence, 6 August 2008, p 8

¹⁶¹ Mr Stephen Ryan, Councillor, Central Region, New South Wales Aboriginal Land Council, Evidence, 12 March 2008, p 7

¹⁶² Mr Richard Weston, Maari Ma Regional Director and member of Murdi Paaki Community Working Party, Broken Hill round table, Evidence, 6 August 2008, p 9

- 4.31** Mr Weston also argued that flexibility in service delivery, particularly in relation to the provision of universal services, could be driven most effectively at the regional or local levels:

There must be flexibility in program areas like education and health, but perhaps that requires extra resources...Everything seems to be driven from the top down and by head office in Sydney or Canberra. It gets out to the regional or the local level and the people on the ground still have their obligation to deliver their departmental policies and objectives and they are trying to do some creative stuff on the side with very limited resources and time. Those are the areas where there could be better outcomes.

It allows more local or regionally driven solutions or designs for program and service delivery. We have some really good resources in things like health services and schools. These are fantastically well-resourced program areas.¹⁶³

- 4.32** In relation to improved coordination between services, the New South Wales Council for Social Services (NCOSS) told the Committee that the lack of transport to services provides a clear illustration of the need for improved coordination between service providers and more effective consultation with Aboriginal communities in developing policies and programs:

NCOSS encourages the Committee to consider innovative transport programs that link transport to services...These services must be flexible and respond to the particular needs of Aboriginal communities. In the longer term, improvements to transport connectivity can be achieved by better cooperation between government, transport operators and communities...¹⁶⁴

Consistency

- 4.33** Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, told of the need for government agencies to apply to themselves the same principles of engagement that are applied to the communities within which they are consulting:

... by and large when the government agents, politicians, the judiciary, whoever or whatever agency comes into our communities, they are always treated, from my experience of it, with a large degree of respect. They are dealt with integrity and their dignity is left intact when they leave. Aboriginal communities, by and large, are extremely honest with them during those interactions or engagement. I would ask, more than anything else, that when agencies come and engage with our communities that they apply the same principles of engagement that we afford them when they go there.¹⁶⁵

- 4.34** Mr Kickett highlighted the need for consistency in government representation in order to ensure a community's trust was developed and its needs met over the course of the service delivery project:

Many of these opportunities are at a distance. Sometimes it can be quite impersonal. Someone might drop in and say we have a wonderful opportunity, "Let's take it up," and they leave town the next day. Any continual discussion is again in isolation with

¹⁶³ Mr Weston, Broken Hill round table, Evidence, 6 August 2008, p 9

¹⁶⁴ Supplementary submission 27a, Council of Social Services of NSW (NCOSS), p 2

¹⁶⁵ Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates, Evidence, 18 September 2008, p 59

this silo effect. So it is around those opportunities. If service providers are genuine in their intent then that really meets with the practical opportunities they provide and the associated outcomes. That in turn results in a coordinated service.¹⁶⁶

- 4.35** The importance of consistency in government representation was also stressed by Ms Colleen Murray, Executive Officer of Tirkandi Inaburra:

At the moment within the Attorney General's Department we have a project officer who is a champion for this place. She has been with this place since day one. She has that social background and is very empathetic towards what we are doing, but if we lose her and she is replaced by a project officer who is strictly a bean counter, I would be concerned.¹⁶⁷

Committee comment

- 4.36** Co-ordination of services and consistency in delivery were identified as pivotal to successful outcomes for Indigenous people. While it is necessary to negotiate and implement appropriate services at a regional or community level it is the role of government to avoid duplication of services and maintain consistency in their delivery.
- 4.37** Indigenous people need to have input into what services are provided and how services are delivered. Coordination of services at the local level brings multiple benefits. There is a more culturally appropriate approach for Indigenous communities, there is less chance of duplication of services and Indigenous ownership of the process will be heightened

Transparency and accountability

- 4.38** In Chapter 4 of its Interim Report, the Committee highlighted the need for infrastructure to meet administrative and reporting requirements for non-government organisations. The Committee also noted the necessity for reporting requirements, particularly in the context of government-funded programs delivered by non-government organisations.
- 4.39** The New South Wales Council of Social Service (NCOSS) told the Committee that it 'strongly supports the need for consistent and appropriate reporting and accountability processes for all NGOs.'¹⁶⁸ NCOSS also advocated for 'appropriate resources and support to be made available to the community sector so that it can collectively develop capacity to meet such requirements.'¹⁶⁹
- 4.40** NCOSS told the Committee that, like many of the themes raised throughout this Inquiry, the issue of funding is tied to adequate reporting and accountability processes. NCOSS argued that 'a generic funding policy, across all human service funding agencies', would improve

¹⁶⁶ Mr Kickett, Broken Hill round table, Evidence, 6 August 2008, p 8

¹⁶⁷ Ms Colleen Murray, Executive Officer, Tirkandi Inaburra Cultural and Development Centre Inc., Tirkandi Inaburra meeting, Evidence, 5 August 2008, p 11

¹⁶⁸ Supplementary submission, 27a, p 2

¹⁶⁹ Supplementary submission, 27a, p 2

accountability processes for small non-government organisations, including those that provide services to Aboriginal communities.¹⁷⁰

- 4.41** Ms Stewart acknowledged that there are administrative costs and overheads associated with the funding of community-controlled organisations and small non-government organisations providing services to Aboriginal communities:

... there is an acknowledgement that a certain infrastructure is required to run an organisation of a particular size, manage a budget of a particular size, and meet accountability requirements. I think we are getting better at doing that across the board, but it definitely is acknowledged that there are administrative costs and overheads associated with receiving grants.¹⁷¹

- 4.42** Ms Stewart also told the Committee that NSW Health ‘have, for the last two years now, commenced utilisation of exactly the same reporting and planning documentation that the Commonwealth requires’¹⁷² in recognition of the fact that the State is a relatively minor funder of community controlled organisations compared to the Australian Government, and therefore the State should be streamlining the documentation required.

- 4.43** Dr Matthews added that NSW Health made available infrastructure grants for peak bodies in mental health and drug and alcohol services, which are then made available to individual NGO service providers to assist them with their infrastructure needs. Infrastructure grants were not available for Aboriginal Medical Services as NSW Health is not the main funding body for those services.¹⁷³

Job compacts

- 4.44** The Committee considered job compacts in the Interim Report in Chapter 7 – Employment, where it was noted that job compacts were relatively new. As foreshadowed in the Interim Report, in preparing this Final Report, the Committee followed up progress under the overarching job compacts memorandum of understanding (MOU) between the NSW Government, NSW Business Chamber, Local Government and Shires Association, NSW Aboriginal Land Council and Unions NSW.

- 4.45** Ms Broun advised that the overarching job compacts MOU ‘established the foundation for signatories to work together on jobs compacts’, by establishing ‘the guiding principles of the development and implementation of other jobs compacts right across New South Wales’.¹⁷⁴ Following the MOU there have been 11 job compacts signed, four in urban areas at Port Kembla, Redfern, Eastern Sydney, Mount Druitt and Campbelltown-Macarthur. Regional

¹⁷⁰ Supplementary submission, 27a, p 2

¹⁷¹ Ms Kim Stewart, Acting Director, Aboriginal Health Branch, NSW Health, Evidence, 18 September 2008, p 3

¹⁷² Ms Stewart, Evidence, 18 September 2008, p 3

¹⁷³ Dr Matthews, Evidence, 18 September 2008, p 3

¹⁷⁴ Ms Broun, Director General, Department of Aboriginal Affairs, Evidence, 17 September 2008, p 4

areas with job compacts in place are Tamworth, Wagga Wagga, Tweed Heads, Illawarra, Murdi Paaki, Dubbo, Newcastle and the Hunter.¹⁷⁵

4.46 The Committee was very interested in implementation of the job compacts, and solid figures showing success in securing jobs for Aboriginal people. Ms Broun chairs the steering committee that monitors the rollout of job compacts under the MOU, and advised the Committee that this data is not yet available – the overarching job compacts MOU is due for its first review in November 2008. The job compact program, including assessment of the number of people employed through each job compact will commence in 2009.¹⁷⁶ The data, when available, will identify the following outcomes:

- the number of job compacts negotiated
- the number of organisations engaged in job compacts
- the number of training opportunities provided
- the number of people employed
- the number of people and businesses supported by mentoring.¹⁷⁷

Committee comment

4.47 The Committee agrees that employment is a key to overcoming Indigenous disadvantage, and that every effort must be made to provide meaningful jobs for Aboriginal people. The overarching job compact MOU is encouraging, however the Committee is sceptical about how many new jobs will be created for Aboriginal people under job compacts. Unfortunately the data on the first year of this job compacts scheme being driven by DAA is not available for the Committee to consider as part of its current Inquiry.

4.48 The Committee considers the outcomes of the job compacts to be of such significance to overcoming Indigenous disadvantage that they should be included in the Premier's report to Parliament, recommended in Chapter 2.

Recommendation 11

That the following outcomes of the job compacts be included in the Premier's report to parliament, as recommended in recommendation 4:

- the number of job compacts negotiated and the number of organisations engaged in job compacts
 - the number of people employed under job compacts
 - the number of training opportunities provided
 - the number of people and businesses supported by mentoring.
-

¹⁷⁵ Ms Broun, Evidence, 17 September 2008, p 4

¹⁷⁶ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p15

¹⁷⁷ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p15

Funding issues

4.49 The Committee highlighted the need for targeted funding for programs throughout the Interim Report. The need to provide sufficient on going funding for programs for Aboriginal people was raised again in this second round of consultations.

Long term funding commitments

4.50 The issue of short term program funding was raised repeatedly during the Inquiry. The Committee heard that there is a need for programs delivered to Aboriginal communities to be funded over the long term, both by Government departments and government funding of non-government organisations providing services. The Committee was told this was a problem for a number of reasons:

- the inability to effectively measure outcomes of short term programs
- the complexity of applying for program funding is a strain on resources
- funding criteria do not recognise the holistic nature of many services required by Aboriginal communities.

4.51 Associate Professor Eileen Baldry commented in her joint submission with other academics from the University of New South Wales, that Indigenous disadvantage is not new. It is the result of ‘over two hundred years of policy failure’:

Current Indigenous disadvantage has arisen from over two hundred years of policy failure. In addition to these policy flaws, the lengthy duration of these failed policies, spanning many generations, has further compounded the devastating consequences for Indigenous Australians.¹⁷⁸

4.52 Mr Jeffries reminded the Committee that, as the problems confronting Aboriginal communities are generations old, it is unreasonable to expect short term programs to make significant changes. Mr Jeffries argued that funding needs to be for one or two generations:

My thoughts about this very complex and problematic issue are to have government investment or government involvement that goes beyond an electoral cycle. It has to be for one or two generations. The problems that we confront in our communities are two and three generations old. We are not going to be able to change these things in an electoral cycle; we are not going to be able to change them in the five-year trial period suggest by the Council of Australian Governments. We need longevity in the investment process and a governance framework that builds across that period.¹⁷⁹

4.53 Associate Professor Baldry, commenting on the work she and her colleague Associate Professor Sue Green had done in relation to the experiences of Aboriginal people accessing

¹⁷⁸ Submission 21, University of New South Wales, p 2

¹⁷⁹ Mr Sam Jeffries, Chairperson, Murdi Paaki Regional Assembly, Evidence, 12 March 2008, p 29

human services in Sydney, highlighted the inappropriateness of short term funding in addressing long term disadvantage:

One of the things that Sue and I have done is work, as you probably saw, on Aboriginal people's experience in human services in Sydney. Certainly one of the things coming out of that was, "We just experience all these short-term pilot projects and then they disappear." That is of no use to anyone, is it, particularly in the kind of areas we are talking about. If we are looking towards increasing Aboriginal people's wellbeing and lifespan, that is not a short-term business. The Government has to take on board that it is not going to be achieved within that three-year or four-year period in which they are in power. I just think that the way in which governments accept what is happening is something that has to change.¹⁸⁰

4.54 Ms Kruk provided the Committee with an example of a program that responds to this concern - the water and sewerage program:

On the whole, our budgets are set on three to four year time horizons. That is why it was encouraging in relation to the announcement that was made after my last appearance about looking at better provision of water and sewerage services. We are talking about a 20-year program. It was recognised that it needed to be over that time frame. It was a good program because it was done in partnership with the land council. That is what made it exceptional, but it was saying this is not just a two or three-year thing and then we will walk away from it until it gets bad again and then we will look at it again. It was a long-term commitment.¹⁸¹

4.55 Mr Thomas, Assistant Director General, Crime Prevention and Community Programs, Attorney General's Department, told the Committee that there had been a tendency to use pilot programs:

I think all Government departments, and ours amongst them, have been guilty of the pilot process in the past. I remember a woman in Wollongong saying, "You give us the pilot but where is the plane?" You often have a lot of short-term fixes to what really are long-term problems.¹⁸²

4.56 Success also needs to be measured over time. Ms Carolyn White, Coordinator, Koori Outreach Options for Learning program (KOOL) explained that the outcomes of the KOOL program are measured in the long term as well as at 6 months, 12 months and 2 year intervals. Ms White noted that outcomes were often not measurable in the early stages of program participation:

Sometimes the important thing is when you see students or their children accessing community services or their children going to preschool. Sometimes the outcomes are not immediate. Some of our students are now undertaking teacher training, but that has been a journey of eight years. Outcomes are not always there at the end of six

¹⁸⁰ Associate Professor Baldry, Evidence, 15 September 2008, p 54

¹⁸¹ Ms Kruk, Evidence, 17 September 2008, p 28

¹⁸² Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, NSW Attorney General's Department, Evidence, 18 September 2008, p 15

months or so. However, we were able to monitor the measurement outcomes I have discussed over six months, 12 months and two years.¹⁸³

- 4.57** Ms Kennedy also told the Committee that the short funding time frame for the provision of programs did not allow the proper measurement of efficacy. She told the Committee that outcomes or improvements were often not immediately evident:

When you are talking about programs, the trouble I see is that a lot of programs only run for a short period of time. To me they are bandaid projects and programs. When you keep talking about measurements, you just start to measure and it stops. It needs to be longer term before you can really say you measure something. I feel in the community they are too short; they are just bandaid projects or programs. I do not think there is enough time that you would get a really good measurement out of it.

...We see a lot of things presented to our community working party but, once again, you hear it is just a short-term program. A lot of them are brilliant and fantastic and they may just start to work, but then it comes to a stop. It all boils down to the dollars.¹⁸⁴

- 4.58** In their supplementary submission, focussing on the issues drawn from the Interim Report, the Dubbo Neighbourhood Centre argued that outcomes measurement must allow for the level of disadvantage within the Aboriginal community:

[T]here needs to be more programs developed with communities that allow incremental change over time, rather [than] a short term expectation for massively improved capacity in seriously disempowered communities. Clearly, some individuals may develop rapidly and we should celebrate and support such people. It is not reasonable to expect a major shift in entrenched attitudes and behaviours in a one year pilot or three year project.¹⁸⁵

- 4.59** Ms Herberte noted the long term aspect of measuring outcomes that DoCS has recently instituted:

...When we are measuring performance, we have to be thinking where we want to be in the long term and what that might take in the short term. The classic issue is school participation—we want more kids going to school and then to see an improvement in the literacy and numeracy rates. You hope that eventually that will result in kids completing school to year 12. That will take a very long a time, so we need to do it in steps.¹⁸⁶

- 4.60** Ms Broun also acknowledged the problematic nature of short term funding:

... the short-term nature of funding last time has always been an issue. Even if you give a group what you might consider a long-term funding commitment of say three years, three years in the term of program delivery can be quite short to see the

¹⁸³ Ms White, Griffith round table, Evidence, 5 August 2008, p 15

¹⁸⁴ Ms Donna Kennedy, Chair, Aboriginal Community Working Party, Broken Hill round table, Evidence, 6 August 2008, p 4

¹⁸⁵ Supplementary submission 65a, Dubbo Neighbourhood Centre, p 3

¹⁸⁶ Ms Herberte, Broken Hill round table, Evidence, 6 August 2008, p 2

outcomes you want to expect, so you might have to actually commit for longer than that. There has been that history of a drip feed or a small program delivery, such as "Here is something just to get you started" and then people are in this cycle of having to continue to submit for new funds to keep that program going and it does affect the momentum of the program. I think the only answer is to have much longer commitments to programs. That is probably the only way you are going to do that. At the same time, what that might prevent are some of those innovative little things getting started as well.¹⁸⁷

- 4.61** Ms Kruk discussed the need to balance flexibility with certainty of funding, telling the Committee that there 'is not an easy fix':

In some instances, those 12-month programs are because they are trials. The issue then is to translate them from being a small pot of money, which is normally set up to test something—and we have all done it. The issue then is to look at the extent to which you build that into your mainstream budget. The trap is not to build it into your mainstream budget and not question at a certain point whether it is still the best and smartest way of doing it. So there have to be proper milestones to say this program might have been effective in the year 2000 but life has moved on, the demographics of the community may have changed significantly. The program might have been geared at the five to 10 year cohort and there might have been a significant move in that community and there would be more or less, et cetera. So you need to have that flexibility anyway. The challenge has always been to stop it from going from a 12-month program into something that is statewide. I am a strong advocate of looking at it on a place basis.¹⁸⁸

- 4.62** Ms Kruk continued that Commonwealth-State funding arrangements were advantageous because they are longer term:

What Vicki has touched on in terms of the funding arrangements between the Commonwealth and State, the advantage of that is that it builds it into a longer-term funding stream. In the Indigenous programs, one that has allowed us to translate some very good initiatives such as the Aboriginal Maternal and Infant Health strategy from being what was initially a pilot in a couple of areas to something that we started rolling out statewide and now will start to be rolled out over a number of States. That program is identified in the Commonwealth-State funding agreement. That gives it a certainty.¹⁸⁹

Committee comment

- 4.63** While the Committee recognises that there is a legitimate role for pilot programs, the effect of short term funding associated with such programs leads to uncertainty and inefficiency and a loss of goodwill and morale as communities and organisations spend a significant amount of their time attempting to meet accountability requirements and identify new sources of funding. There should be a mix of long term and short term (pilot) funding available. The Committee believes that to mitigate against the effects of short term funding, the Government should commit to funding programs that have successfully completed a pilot for a minimum

¹⁸⁷ Ms Broun, Director General, Evidence, 17 September 2008, pp 6-7

¹⁸⁸ Ms Kruk, Evidence, 17 September 2008, p 28

¹⁸⁹ Ms Kruk, Evidence, 17 September 2008, p 28

of five years. As discussed earlier in this Chapter, the Committee is committed to the view that the partnership with Aboriginal communities must extend to Aboriginal communities also determining what constitutes 'success'.

Recommendation 12

That the NSW Government commit to funding programs that have successfully completed a pilot for a minimum of five years.

The Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011

- 4.64** In Chapter 2 the Committee considered the State Plan and the Two Ways Together plan, the frameworks that guide the way in which services are delivered against priorities within the NSW Government structure. The other important initiative considered in the Interim Report was the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011 (the Interagency Plan).
- 4.65** The Interagency Plan is the NSW Government's response to the 2006 report on child sexual assault in Aboriginal communities, the *Breaking the Silence: Creating the Future* report. In Chapter 5 of its Interim Report the Committee examined and described the Interagency Plan. During evidence, Ms Broun provided more information on the way in which the \$22.9 million of funding over four years announced in June 2008 would be used to implement the Interagency Plan.
- 4.66** The \$22.9 million has been provided to NSW Health, the NSW Police Force and the NSW Department of Corrective Services to focus on communities in the west of the State as part of the Safe Families Orana Far West program, with an additional 10 child protection caseworkers to be employed.¹⁹⁰
- 4.67** Dr Richard Matthews, Deputy Director General, Strategic Development, NSW Health, told the Committee that as a result of the funding the Safe Families Orana Far West program would have additional child sexual assault counsellor positions in a number of locations in the west of the State. He noted that a 'key question' was whether NSW Health would be able to recruit:

The news on that is that the Educational Centre Against Violence [ECAV], which we fund, has recast its training to be very heavily weighted towards Aboriginal programs and for Aboriginal people. So the number of Aboriginal-specific courses has increased from 33 to 90, and we provided training to 525 Aboriginal people last year. ... So again, if we are going to fill these positions there is more to it than simply putting an ad in the paper: you have to train a workforce. I am now, hopefully with the approval of ECAV, going to try and seek out the people who had the training and try and match them to the positions, and also match them to vacant positions within the

¹⁹⁰ Ms Broun, Evidence, 17 September 2008, p 3

existing program. We are not going to do that overnight, but I think we have got a process whereby we can provide the training and get people into those positions.¹⁹¹

- 4.68** Dr Matthews confirmed that the progress of the Interagency Plan was monitored through a ‘very regular meeting’ chaired by the Minister for Aboriginal Affairs, the Hon Paul Lynch MP, during which ‘chief executives or deputies such as myself are given a reasonable grilling as to progress against the milestones.’¹⁹²

Committee comment

- 4.69** In its Interim Report the Committee identified a number of issues for consideration associated with the Interagency Plan. One of those issues (Issue 14) was whether the funding provided was appropriate. The \$22.9 million over four years announced in June 2008 is welcome, and goes some way to address criticisms raised at the time of the Interagency Plan announcement in January 2007 that no additional funds were to be provided – the \$30 million figure announced at that time referred to the reallocation of existing funds.¹⁹³
- 4.70** The other issue for consideration identified (Issue 15) related to concerns over the arrangements for collection of data to record the incidence of child sexual abuse. The reasons for underreporting of child sexual assault are complicated, and relate to the need to build within Aboriginal communities trust and confidence in the agencies to which people report sexual assault. The Committee hopes that one of the results of the Interagency Plan will be an improvement in the levels of trust and confidence, and acknowledges that one paradoxical indicator of success of the Interagency Plan may be an increase in the incidence of reported child sexual assault.
- 4.71** The Committee understands that addressing the issue of child sexual assault in any community is a sensitive process. Addressing child sexual assault in Aboriginal communities is particularly sensitive given the historical role of Government agencies in the removal of children from their parents. The Committee heard evidence from Professor Judy Atkinson, Professor of Indigenous Australian Studies at Southern Cross University, on the challenging work that she has been involved with in addressing child sexual assault, which served to reinforce the challenges that those working to tackle this serious issue will face.¹⁹⁴
- 4.72** Addressing child sexual assault in Aboriginal communities is also a long-term project. The four years of funding discussed in this section is a start, but the Committee is concerned that it will not be sufficient for the long-term, and notes the convincing evidence received throughout the Inquiry about the problems of short term funding. The funding provided should therefore be guaranteed for a minimum period of ten years. The Committee understands that the way in which the program is implemented may change in emphasis over time as lessons are learnt, and notes the timeframe of the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011.

¹⁹¹ Dr Richard Matthews, Deputy Director General, Strategic Development, NSW Health, Evidence, 18 September 2008, pp 11-12

¹⁹² Dr Matthews, Evidence, 18 September 2008, p 12

¹⁹³ Gibson, J, ‘Too inept to save children’, *Sydney Morning Herald*, June 19 2008

¹⁹⁴ Professor Judy Atkinson, Director, Gnibi College of Indigenous Australian People, Southern Cross University, Evidence, 18 September 2008, p 47

Recommendation 13

That the funding provided to implement the Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011 be maintained for a minimum period of ten years in real terms and quarantined from efficiency dividends.

Applying for funding

- 4.73** The National Elders Council highlighted the lack of clarity surrounding where and how to apply for funding grants, particularly in light of the dissolution of the Aboriginal and Torres Strait Islander Commission (ATSIC):

Where Aboriginal peoples used to be able to go to ATSIC for funding, they now are often uninformed or confused by the grants and funding bodies, where they are located how to find out about them. Many felt at least in the past [ATSIC] was a one-stop funding body.¹⁹⁵

- 4.74** Mr Kickett also observed that the Aboriginal community may often support initiatives in order to gain some funding for a specific program, even if it was not seen as ideal, as it is better to get some funding than none at all:

In the past there has been a constant fear that, if the Aboriginal community does not participate, it will lose out. So we generally support a lot of the funding opportunities. However, we have also found that if we do not achieve success the funding organisers and ourselves are in for a bit of a spanking, so there is a degree of reluctance.

Because we want to achieve direct benefits for our children we get on board and become a part of it in a constructive way. There is an ongoing fear that, if we do not get the proper funding this year, we will miss out.¹⁹⁶

- 4.75** Ms Carolyn White, Koori Outreach Options for Learning (KOOL), at Griffith TAFE, explained that funding was sourced from a variety of places and that constant applications were necessary as funding was not assured for long term periods, despite the fact that the KOOL program is run over a 12 month timeframe:

This program is run over a 12-month timeframe. Students usually commence in February and go through to December. The aim is to achieve development in their literacy and numeracy levels and self-confidence so that they can move on to mainstream programs.

Funding needs to be reapplied for every six months and it is not guaranteed. For the past 10 years we have written submissions, reports and applications to access this funding. We are always very positive and we plan ahead, but we are never sure. That influences our delivery and the way that we can work.¹⁹⁷

¹⁹⁵ Submission 80, National Elders Council, p 1

¹⁹⁶ Mr Kickett, Broken Hill round table, Evidence, 6 August 2008, p 7

¹⁹⁷ Ms White, Griffith round table, Evidence, 5 August 2008, p 14

- 4.76 Ms White added in response to questioning that she applied for many more than 20 funding applications per year as she could not depend on the funding application being successful, even if it had been in the past.¹⁹⁸ Ms White explained why one source of funding was not adequate:

Some funding buckets will provide funds for hours of teaching and some for coordination. We also need money for meals, excursions and providing activities. This weekend we are participating in the Now Showing exhibition. To do that we need to get canvasses and paint. We also have mentors working with students. That will not necessarily come out of the one bucket, so I use other funds.¹⁹⁹

- 4.77 Mr John Harris, Community Facilitator with the Murdi Paaki Community Working Party, told the Committee that one way to achieve more comprehensive information on the services delivered by Government to regions is to create a web page which lists all services provided in specific communities. He suggested this may make funding applications to relevant departments more straightforward, as well as informing community members what services may be available to them:

While service delivery itself might be difficult to coordinate or it might take a long time get the consultation happening and the relationships built and that sort of thing, there is one aspect into which we could perhaps make major inroads in a relatively short space of time and relatively inexpensively. I refer to a centralised community, easily accessible information from a community perspective about the different services provided.

Only a few months back...the director of school education, moved into the job. She had a chat with me and she said that she was the director of school education and she had no idea what the Department of Community Services and drug and alcohol agencies do for school-aged kids. ... We are trying to address the kids' needs and there are all these other silos of information and money and she did not know. I just suggest that there may be a centralised web base into which you type "Broken Hill" and "youth" and up would come all the department funding options.²⁰⁰

- 4.78 In the NSW Government's submission the Department of Ageing, Disability and Home Care advised that it has developed a web based portal for service providers to 'assist communication between the agency and service providers.'²⁰¹ The Committee encourages this innovation and further recommends that the portal provide a link to a whole of government website containing comprehensive information on the services available in specific regions.

Committee comment

- 4.79 Constantly applying for funding is a considerable drain on already stretched resources of both government departments and applicants. The processes of both sourcing what may be available and applying for those funds needs to become more streamlined and user friendly.

¹⁹⁸ Ms White, Griffith round table, Evidence, 5 August 2008, p 14

¹⁹⁹ Ms White, Griffith round table, Evidence, 5 August 2008, p 15

²⁰⁰ Mr Harris, Broken Hill round table, Evidence, 6 August 2008, pp 16-17

²⁰¹ Supplementary Submission 40, p 3

Streamlining will also assist in reducing duplication of both the application for funding and the provision of services.

Recommendation 14

That the NSW Government develop a whole of government website containing comprehensive information on the funding sources available (including those available at Australian Government level) for Aboriginal community based programs services in specific regions, and across the State as a whole.

Inflexible criteria

- 4.80** Ms Kennedy also told the Committee that much program funding had strict criteria that did not effectively address programs running within the Aboriginal community because the majority of, in this case Aboriginal children, are in need of additional services:

When you are talking about funding, if you do not fit in that selection criteria you cannot get funding ... Just talking in general, I run a youth program and one of the things is that the majority of the funding that is out there is targeting kids at risk. This is my personal opinion: I think any kid is at risk. They should not be just marked and labelled all the time because that is the trouble. You see so much funding get poured into kids at risk and once again it is a bandaid project. When there are programs that are running and surviving on very limited funds, like my program, you have kids and they are achieving and making a difference because you are not just targeting the one group; you are targeting a broad range of kids. I think with any project or funding, when they come to the criteria, if you do not fit it, or it could be one little word that might not apply to your program or project, then you cannot get it.²⁰²

- 4.81** Increased funding for Aboriginal communities is not the simple answer. In relation to the provision of funding more broadly, Mr Widders argued that the Aboriginal community had to take responsibility for the problems Aboriginal people face and work together to address them, rather than focus on the need for additional Government funding:

Funding is not necessarily the answer. Anybody who has worked in Aboriginal organisations would agree with that: it breaks communities and organisations up. When are we going to stop being victims all the time? When are we going to stop putting our hands out and saying, "The Government needs to give us money?" We have to stop that. ... When are we going to get to that point when we say, "We're independent now. We've had enough assistance, we can do things by ourselves" instead of fighting over money all the time? ... If people come together like they did 50 years ago without money and without government assistance, if they come together and work together as a community, there would be no problems.²⁰³

²⁰² Ms Kennedy, Broken Hill round table, Evidence, 6 August 2008, p 20

²⁰³ Mr Steve Widders, Aboriginal Community Liaison Officer, Armidale Dumaresq Council, Armidale round table, Evidence, 7 August 2008, p 15

- 4.82** The Dubbo Neighbourhood Centre also argued that funding grants should have some degree of flexibility built into them, so that needs may be addressed as they emerge:

Funding should be based on quantifiable need, be community based where possible and have goals determined by the community and services in partnership. Funding must have room for flexibility to respond to emerging needs or greater understanding and be long term enough to both attract, develop and retain the best staff possible.²⁰⁴

Committee comment

- 4.83** Strict criteria that are not sufficiently flexible to enable Aboriginal communities to address the self-identified need for programs within their communities is an impediment to true and equal partnership between communities and government. The Committee therefore recommends the Government, in consultation with the Department of Aboriginal Affairs and Aboriginal communities, review funding criteria for services to Aboriginal communities, to provide greater flexibility and promote programs that focus on Aboriginal communities' identified needs.

Recommendation 15

That the NSW Government, in consultation with the Department of Aboriginal Affairs and Aboriginal communities, review funding criteria for services to Aboriginal communities, to provide greater flexibility and promote programs that focus on Aboriginal communities' identified needs.

²⁰⁴ Supplementary Submission 65a, p 3

Chapter 5 Resilience

Resilience, the ability to readily recover from adversity or the ability to cope with change, cannot be 'gifted'. It is built up over time and is the result of generations of growth and development. Aboriginal communities in Australia have faced, and survived, enormous changes since the arrival of Europeans in their land. When cultural and/or community resilience falters it can take generations to restore what has been lost. This chapter examines both cultural and community resilience in the context of overcoming Indigenous disadvantage in New South Wales and the role that government can undertake in strengthening and promoting resilience.

Community resilience and cultural resilience

- 5.1 In this chapter the Committee differentiates between cultural resilience and community resilience. Cultural resilience is an element of community resilience but not all culturally resilient people are resilient as a community. To be resilient, communities need to be able to work together effectively with strong leadership and a strong capacity for self-determination and governance. Mr Terry Chenery, Executive Officer of the Aboriginal Justice Advisory Council (AJAC), emphasised the important distinction between resilience of Aboriginal cultural practices and community resilience, which he linked to social disadvantage factors:

It is imperative that the phrase "culturally resilient" be linked specifically to the issue of the continuance of knowledge and practice of tradition and culture and not interchanged with indicators of social disadvantage such as employment, education, health and housing often encompassed in the term "community resilience". This mistaken use has increased over recent times, causing some level of confusion of what communities see as a priority.²⁰⁵

Cultural resilience

- 5.2 Cultural resilience of Indigenous populations is based on the respect and understanding of Indigenous culture by both Indigenous and non-Indigenous people. Self-respect and respect from the wider Australian community are essential elements for creating an environment in which culturally resilient communities can grow and thrive. This section examines the ways that government can empower Indigenous people by facilitating appreciation and understanding of Aboriginal and Torres Strait Islander cultures. In particular, the importance of respect for family relationships within the Indigenous culture and the role of education in developing respect and understanding of Aboriginal society by all Australians are discussed.
- 5.3 Many of the issues critical to empowering Aboriginal people in their communities by strengthening their cultural resilience are entwined with the development of effective partnerships between Aboriginal communities and Government. This issue is discussed in Chapters 3 and 4.

²⁰⁵ Answers to questions taken on notice during evidence, 18 September 2008, Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council (AJAC), p 4

Defining cultural resilience

- 5.4** The Committee has received no evidence of a whole-of-government definition of cultural resilience, although the New South Wales Department of Education and Training (DET) told the Committee that it is working with communities to define cultural resilience:

In order to ensure that Aboriginal communities are engaged and have ownership of the process, the Department of Education and Training will work in collaboration with the Aboriginal Education and Consultative Group Inc to define cultural resilience from a local Aboriginal community perspective within an education and training framework.²⁰⁶

- 5.5** A series of related indicators are currently used by government to examine the components of cultural resilience. These relate to 'knowledge of traditional languages, access to lands, and repatriation of cultural objects and ancestral remains'.²⁰⁷
- 5.6** Professor Jon Altman and Ms Janet Hunt of the Centre for Aboriginal Economic and Policy Research (CAEPR), Australian National University, defined culture as the 'values and beliefs shared by a group that inform everyday decision making and practices' and stated that it is clear 'kinship and connection to country remain important priorities that influence all aspects of Indigenous social life'.²⁰⁸
- 5.7** If culture is the set of values and beliefs held by the group, as defined by Professor Altman and Ms Hunt, it is necessary to understand what it is that gives Aboriginal people strength to adhere to their values and beliefs and gain strength from them. In the opinion of Dr Gaynor Macdonald, Senior Lecturer in Anthropology, University of Sydney, '[c]ultural resilience stems from pride, self-awareness and self-confidence. It is important to listen to what Aboriginal people say about who and what they are'.²⁰⁹
- 5.8** Mr Chris Holland, Senior Policy Officer for the Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission (HREOC), summed up what he regards as cultural resilience:

As the word "resilience" would suggest ... it is the capacity to maintain and develop our own identity and to perpetuate itself at the end of the day and hold itself together against outward attacks, whether they be natural disasters, political attacks or whatever. It is almost like transposing personal resilience to a cultural scale.²¹⁰

²⁰⁶ Answers to questions taken on notice during evidence, 17 September 2008, Mr Michael Coutts-Trotter, Director General, NSW Department of Education and Training (DET), p 15

²⁰⁷ Submission 40, New South Wales Government, p 70

²⁰⁸ Answers to questions taken on notice during evidence, 15 September 2008, Professor Jon Altman and Ms Janet Hunt, Centre for Aboriginal Economic and Policy Research, Australian National University, p 2

²⁰⁹ Answers to questions taken on notice during evidence, 18 September 2008, Dr Gaynor MacDonal, Senior Lecturer, Department of Anthropology, University of Sydney, p 6

²¹⁰ Mr Chris Holland, Senior Policy Officer, Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission (HREOC). Evidence, 15 September 2008, p 23

5.9 Cultural resilience has a strong bearing on community resilience. The Government's *Two Ways Together Report on Indicators 2007*, states that resilience is dependent on recognition and respect by the wider Australian community:

The development and sustenance of strong and resilient Aboriginal communities, able to effectively promote community wellbeing, depends on the recognition, promotion and practice of culture among Aboriginal communities, and the respect for Aboriginal culture shown by the wider community.²¹¹

5.10 To be culturally resilient, a member of a community needs to be comfortable in the expression of their individual and community identity. For Aboriginal Australians this is clearly linked to kinship and connection to country. Professor Altman and Ms Hunt told the Committee that this includes acceptance by the wider society of:

- the local history
- the legitimacy of Indigenous aspirations including connection to country
- the ability of Indigenous people to 'care for country', look after cultural heritage, and practice cultural traditions such as hunting, gathering, fishing, to pass on cultural knowledge about country to future generations.²¹²

5.11 Mr Chenery told the Committee that although researchers have attempted to determine the characteristics of cultural resilience it is an issue that must be considered on an individual community basis. The generic characteristics forming the basis of strengthening community resilience that were identified by the AJAC were aligned with those of Professor Altman and Ms Hunt, and included:

- language
- kinship structures and responsibilities
- power and authority balance
- ceremonies.²¹³

5.12 Mr Chenery also noted that in some communities the ability to 'return' to these ideological positions may be limited. In some cases the move away from culturally based beliefs and practices has been so large that the 'recording of languages would be considered the extent of cultural resilience'.²¹⁴

5.13 Throughout this chapter, therefore, cultural resilience is understood as the continuance of knowledge and practice of tradition and culture. Community resilience is understood as the strength of a community in terms of social indicators – how sustainable a community is and its ability to overcome disadvantage and function independently.

²¹¹ *Two Ways Together Indicators Report 2007*, p 81

²¹² Answers to questions taken on notice during evidence, 15 September 2008, Prof Altman and Ms Hunt, p 2

²¹³ Answers to questions taken on notice during evidence, 18 September 2008, Mr Chenery, p 4

²¹⁴ Answers to questions taken on notice during evidence, 18 September 2008, Mr Chenery, p 4

Relevance (importance) of culture

5.14 For thousands of years, Aboriginal people have been linked by strong cultural ties. Culture continues to be of central importance. When the Northern Territory Emergency Response (NTER) Review Board visited communities in Northern Territory, it reported that the importance of customary law and language, and the strength of kinship ties and responsibilities, was evident in all the communities visited.²¹⁵

5.15 In her welcome to country delivered to the Committee in its visit to Griffith on 5 August 2008, Wiradjuri elder Ms Gloria Goolagong, told the Committee how culture was important to the future of all Aboriginal people:

As an elder I know how important it is for our children to know their history and their culture. This way they will know who they are to make sure their future is bright and happy. We all have to work together and this way our children and our grandchildren work together.²¹⁶

5.16 There is a link between the way that Aboriginal culture is regarded by all Australians and the way that Indigenous people view themselves. Mr Chenery told the Committee that although Aboriginal people were personally proud of their identity they would be made stronger by acceptance of their culture:

I think every Aboriginal person is proud of who they are regardless of their current situation. I have yet to meet a brother or sister who is not proud to be black. ... it is possible to be prouder on the basis that you have a cultural identity and a healing, for want of a better term, with all the historical issues?²¹⁷

5.17 Senior Lecturer in Adult and Workplace Education at the University of New England, Dr Bob Boughton, linked poor attitudes of non-Indigenous people towards Indigenous culture to the current poor health and life expectancy of Indigenous people:

The continuing lack of respect for Aboriginal peoples and their relationships to each other and their lands is a pernicious form of racism that is directly implicated in the continuing poor health and low life expectancies in Aboriginal communities.²¹⁸

5.18 Dr Boughton also told the Committee that ‘populations which have experienced an attempted genocide face enormous challenges which persist for generations, long after mortality rates begin to turn around’. Dr Boughton outlined the barriers to developing cultural resilience in these communities:

One of the biggest obstacles to people developing a capacity to resist and fight on is the lack of a clear understanding of the circumstances in which they find themselves, that is, of the causes of their own disadvantage, including the history which has gone

²¹⁵ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 8

²¹⁶ Mrs Gloria Goolagong, Wiradjuri Elder, Griffith round table, Evidence, 5 August 2008, p 1

²¹⁷ Mr Terry Chenery, Executive Officer, AJAC, Evidence, 18 September 2008, p 23

²¹⁸ Answers to questions taken on notice during evidence, 18 September 2008, Dr Bob Boughton, Senior Lecturer Adult and Workplace Education, University of New England, p 2

before. In the absence of understanding, grief, anger and despair turn inward, while the real causes of the problems continue unchallenged.²¹⁹

- 5.19** The effect of loss of Aboriginal identity was also of concern to the Aboriginal Community Liaison Officer with Armidale-Dumaresq Local Council, Mr Steve Widders:

[It] causes a lot of problems because many Aboriginal people do not know who they are or where they are from. That causes conflict in communities. People have to be culturally aware of who they are and what they are doing because there are so many divided communities in New South Wales, and in Australian for that matter. People cannot work together if they are divided. ... You will not get any results while people are fighting and they are at each other's heads all the time.²²⁰

- 5.20** Representatives of HREOC told the Committee that the notion of cultural resilience allows for a culture to be a living, changing thing and that the ability to develop and remain strong or resilient in circumstances where there is a dominant culture can be greatly influenced by the attitudes of the dominant culture:

Logic suggests that the less hostile, and conversely more supportive, the dominant culture is, the easier it will be for the minority culture to be resilient.²²¹

- 5.21** Dr Gaynor Macdonald is a social anthropologist with many years of experience working with Aboriginal communities across Australia, including New South Wales. She told the Committee that the 'images of Aboriginal culture that are generally held in Australia are somewhat exotic, often quite romanticised.'²²² Dr Macdonald emphasised the importance of looking at modern Aboriginal culture rather than 'traditional culture' as that is not how Aboriginal people live today, even in the more remote parts of Australia. Dr Macdonald made the analogy that it would 'be like expecting Greek Australians to live like the ancient Greeks and telling them they are "not real" if they don't'.²²³

Committee comment

- 5.22** Recognising the importance and relevance of cultural issues is integral to overcoming Indigenous disadvantage. The Committee is aware of the need for government to interact with Indigenous communities in a manner that is culturally appropriate, respectful of traditional culture and relevant to modern Australian Indigenous communities.

²¹⁹ Answers to questions taken on notice during evidence, 18 September 2008, Dr Boughton, p 2

²²⁰ Mr Steve Widders, Ainaowan man and Aboriginal Community Liaison Officer, Armidale Dumaresq Council, Armidale round table, Evidence, 7 August 2008, p10

²²¹ Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Darren Dick, Director and Mr Chris Holland, Senior Policy Officer, Aboriginal and Torres Strait Islander Social Justice Unit, HREOC Answers to questions taken on notice during evidence, 15 September 2008, p 3

²²² Dr Gaynor Macdonald, Senior Lecturer, Department of Anthropology, University of Sydney, Evidence, 18 September 2008, p 37

²²³ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 6

The National Apology

- 5.23** On 13 February 2008 the Prime Minister of Australia, the Hon Kevin Rudd MP, apologised to Indigenous people across Australia for the ‘laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on those our fellow Australians’.²²⁴
- 5.24** This was the first time the Australian Government acknowledged white colonisation as a cause of Indigenous suffering. It was warmly received, accepted and responded to by Indigenous communities.²²⁵
- 5.25** The effect of the Apology was profound. Ms Winsome Matthews, Gamilaroi-Yorta Yorta woman and Project Manager for Mount Druitt Learning Ground, told the Committee during a public hearing forum at Bidwill in Sydney’s South West the day following the Apology, that the Apology was a powerful event that had given her new courage to address some of the more challenging problems of Indigenous people. Ms Matthews challenged all Australians to move forward, to work together, to accept Indigenous culture and use these principles to solve the very real problems that beset Indigenous communities:

I say to all my contemporaries, peers, seniors and elders in front of me that it is also about us stepping up and getting back to the true spirit of our Aboriginality. As I said, the government cannot be let off the hook. You now have to stand up and accept that you are dealing with the world’s oldest culture and religion; that our culture and spirituality have the answers to your complexities in providing us with a socially just existence.²²⁶

Role of government in promoting cultural resilience

- 5.26** It is difficult for Government to deliver a service earmarked as ‘cultural resilience’. Government can however deliver programs in culturally appropriate and respectful ways that strengthen Aboriginal culture. Through its actions government also has the capacity to engender respect for different cultures and to promote understanding and acceptance by the wider community. By enabling the provision of services in a culturally appropriate manner, promoting and respecting Aboriginal culture and assisting in the provision of programs that empower people and increase their pride in self and their traditions, the government can affect the way that communities view themselves and their place within the wider community.
- 5.27** A significant aspect of cultural resilience is appreciation of the culture and traditions of Indigenous people by the wider, non-Indigenous, community. This is achievable through education of non-Indigenous people in the ways of Indigenous people and teaching respect for religion, traditions and the longevity of the Aboriginal culture.

²²⁴ Prime Minister of Australia, the Hon Kevin Rudd MP, Apology to Australia’s Indigenous peoples, House of Representatives, Parliament House, Canberra 13 February 2008, www.pm.gov.au/media/speech/2008, accessed 22 October 2008 (accessed 17 November 2008)

²²⁵ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 7

²²⁶ Ms Winsome Matthews, Project Manager, Mount Druitt Learning Ground, Public Forum, Bidwill, 14 February 2008, p 58

5.28 Professor Altman and Ms Hunt believe that the NSW Government is doing 'a lot that's right' in relation to strengthening cultural resilience within Aboriginal communities. This includes the development of language programs, the recording of oral histories and a more consultative approach in its dealings with Indigenous communities. However, they also expressed the need for additional investment in community social and physical infrastructure and local projects:

... let people tell local stories, enhance their engagement in "ownership of places"; recalibrate the thinking to see Indigenous people as a key element of NSW history and society, as an asset, culturally, historically, socially, environmentally etc. Take any opportunities to demonstrate respect for Aboriginal culture, heritage, knowledge and history that you can.²²⁷

5.29 Dr Macdonald told the Committee as a result of governments not understanding, or working with Aboriginal cultural difference, many of these values and practices are ignored by government. This serves to both undermine Aboriginal culture and exacerbate conflict within communities.²²⁸

5.30 Dr Boughton agreed that the maintenance and revival of local languages and cultures is essential to Aboriginal people but said that as different communities have different histories the specific local communities need to be the ones who say how they can be assisted in strengthening their cultural resistance.²²⁹

Committee comment

5.31 The Apology by the Prime Minister on behalf of the Australian Government to the Indigenous people of Australia is evidence of the recognition of the importance of Aboriginal culture and the role that non-Indigenous Australians have played in diminishing respect for that culture. It has raised awareness of all Australians to the plight of Indigenous Australians, the responsibility of colonisation for fracturing Indigenous communities and the loss of Indigenous cultural practices. The Australian Government, through the Apology, has taken responsibility for past wrongs by recognising that Aboriginal people and their culture have suffered as a result of colonisation, the actions of successive governments and people inhabiting their land. This damage to the cultural underpinning of Indigenous society is a major factor contributing to the gap between Indigenous and non-Indigenous circumstances in Australia.

5.32 Despite the colonisation of their land and the dominance of European culture, Aboriginal culture remains an important factor in Aboriginal community life. To follow up on the good will engendered by the National Apology, to move forward and address the imbalance between Indigenous and non-Indigenous circumstances in NSW, it is time to recognise the role that culture plays in Aboriginal resilience, and to examine how the machinery of government can be employed to empower Aboriginal communities and grow resilience.

5.33 From a policy development point of view there are inherent problems in the lack of a decisive and comprehensive, workable definition of cultural resilience. While the Committee

²²⁷ Answers to questions taken on notice during evidence, 15 September 2008, Prof Altman and Ms Hunt, p 3

²²⁸ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, pp 4-5

²²⁹ Answers to questions taken on notice during evidence, 18 September 2008, Dr Boughton, p 3

understands that several government departments are working towards a definition of resilience, it is the Committee's view that as the lead organisation the Department of Aboriginal Affairs should be working with Indigenous community representatives to develop a common definition that ensures that all agencies are working toward the same goal and that communities are proactive in striving for that goal. In keeping with the collaborative approach advocated throughout this Final Report the Committee believes that the definition should also be developed in conjunction with the Australian Government.

Recommendation 16

That the Department of Aboriginal Affairs work with Indigenous community representatives and the Australian Government to develop a suitable definition of 'cultural resilience' to be used by all agencies when formulating and implementing policy objectives.

- 5.34** In previous chapters of this Final Report there has been discussion of the importance of community ownership of problems and the need for genuine consultation/partnerships between the communities and government. The Committee strongly believes that this will promote acceptance and understanding of Aboriginal culture by both Indigenous and non-Indigenous Australians and strengthen Aboriginal cultural resilience.
- 5.35** While government cannot 'dispense resilience', the way in which government uses its resources can make a difference to cultural resilience. The goal of promoting resilience through projects that demonstrate, and promote, understanding and respect for culture is as meaningful and important as other more tangible goals such as the provision of a building for dispensing medical services.

Strategies for enhancing cultural resilience

- 5.36** A two-pronged approach to enhancing cultural resilience should be adopted. Firstly, it is important to facilitate pride in culture in Indigenous people and secondly it is equally important to engender respect and understanding of that culture in non-Indigenous Australians.
- 5.37** In the following sections the Committee considers the importance of strategies for promoting cultural resilience, in three broad areas:
- respect for culture and cultural differences
 - educational strategies to promote cultural understanding in non-Indigenous communities and cultural and resilience in Indigenous communities
 - keeping alive and promoting Indigenous languages.

Respect

- 5.38** A social justice approach to cultural resilience was advocated by representatives of HREOC who told the Committee that the dominant non-Indigenous Australian culture should 'respect, protect and fulfil' the cultural rights of Indigenous Australians:

- respect – do nothing to harm Indigenous cultures, directly or indirectly
- protect – actively protect the members of minority cultures’ right to enjoy the different culture e.g. anti-discrimination legislation
- fulfil – actively encourage the exercise of the culture by its members. Enabling the exercise of self-determination by the members of Indigenous culture is seen as an important way this can be achieved.²³⁰

5.39 Dr Macdonald told the Committee that she regarded valuing difference as a lynchpin in the development of cultural resilience. Dr Macdonald outlined the consequent disadvantage to Aboriginal people when there is no recognition of their achievements:

Disadvantage which stems from lack of recognition and unwillingness to value difference is of long standing. It promotes oppression, lack of confidence, anger and resentment. It makes it very difficult for Aboriginal achievements to be recognised in their own terms. It also means achievements can be overlooked or even dismantled – causing more distress and damage.²³¹

5.40 Dr Macdonald said that although Aboriginal and non-Aboriginal cultural/social values are often regarded as incommensurable it does not mean that an accommodation between the two cannot be realised. Dr Macdonald said that this requires a real commitment to tackling the hard questions:

- the legitimacy of difference
- how differences can be negotiated and accommodated on both sides within various contexts
- how interactions can lead to more respectful relations
- how actual understandings of cultural differences can be articulated and subjected to informed discussion by both Aboriginal and non-Aboriginal Australians.²³²

5.41 While it is recognised as important to be respectful of difference and legitimise Aboriginal culture, the Committee heard that it is also important for both non-Indigenous and Indigenous people to retain ownership of their own heritage. Ms Matthews, stated:

Do not make my heritage your history and do not put me in a position where I bargain away my self-determination.²³³

5.42 This issue was also important to Mr Chenery, who made the point that a lot of effort was being spent in explaining the past, to no real effect:

... you have black fellows on one side and white fellows on the other. The black fellows are trying to educate the white fellows about racism, discrimination and

²³⁰ Mr Calma, Evidence, 15 September 2008; Mr Dick, Evidence, 15 September 2008; Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, HREOC

²³¹ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 1

²³² Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 2

²³³ Ms Matthews, Public Forum, Bidwill, 14 February 2008, p 58

historical issues and the white fellows are trying to help the black fellows get over all their issues and their problems. ...

- 5.43** Mr Chenery spoke to the Committee of the need for both Indigenous and non-Indigenous people to come to terms with their own histories so that people can meet and move forward together:

We are spending too much money and effort with crossed-swords, essentially. Whilst it is a very vague description, there is a lot of effort in Aboriginal and Torres Strait Islander people trying to explain the reasons over this side, and there is a lot of effort in non-Aboriginal people saying, "We can fix you and help you", instead of saying, "White fellows need to heal themselves about the history. We need to heal ourselves about our history and then we can move forward together."²³⁴

- 5.44** Greater understanding by non-Indigenous people of the ongoing impact of settlement and colonisation is one means by which respect for Aboriginal culture can be enhanced. Representatives of CAEPR told the Committee that:

There is a need for non-Indigenous people to have a better understanding of the causes of marginality, to understand invasion and settler colonisation as a process with continuing ramifications, to appreciate inter-culturality and to live and work with diversity. People need to grasp the complexity of the situation, the reasons for failure ... the miracle of successes ... and the need for far greater national acceptance of Aboriginal difference/identity.²³⁵

- 5.45** The Director General of the Department of Aboriginal Affairs (DAA), Ms Jodi Broun, told the Committee that 'it is important that [Aboriginal] people are valued by the society in which they live – valued for their differences and as individuals, but also as a key and strong part of Australian culture so that their culture is recognised'.²³⁶

- 5.46** Ms Broun noted the value of symbolic public demonstrations in empowering Aboriginal people and building their sense of identity and strength as a people. Among these marks of respect Ms Broun included the Apology by the Prime Minister, welcomes to country at the beginning of school assemblies and most other significant events as well as teaching Aboriginal languages in schools. Ms Broun also listed a range of cultural activities supported by DAA and other government departments throughout the year in recognition of their importance to building the value of Aboriginal people and their sense of identity and strength as a people.²³⁷

- 5.47** Developing and promoting respect for cultural difference is also an effective strategy for counteracting racism. Mr Craig Cromelin, regional representative on the New South Wales Aboriginal Land Council, told the Committee that racism continues to exist in Australia:

²³⁴ Mr Chenery, Evidence, 18 September 2008, p 28

²³⁵ Answers to questions taken on notice during evidence, 15 September 2008, Prof Altman and Ms Hunt, p 2

²³⁶ Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 17 September 2008, p 21

²³⁷ Ms Broun, Evidence, 17 September 2008, p 21

... racism does exist, and it exists in all forms. People need to own up to it and recognise that it is there. They should not try to sweep it under the carpet as it is there in all forms. We need to recognise it and that is the only way we will ever address it.

5.48 Dr Sandra Bailey, Chief Executive Officer of the Aboriginal Health and Medical Research Council shared with the Committee the results of a recent literature review on the impact of racism on Indigenous health in Australia and Aotearoa. This study identified the following anti-racism strategies which fall into the following areas:

- direct programs to promote learning about other cultures
- social marketing
- community development
- workforce and organisational development
- advocacy
- policy and legislative reform
- research and monitoring.²³⁸

5.49 Inquiry participants suggested that anti-racist education programs for adults, and compulsory Aboriginal studies units across all levels of school and post school education can improve the cultural resilience of Aboriginal communities. For example, Dr Boughton stated that anti-racist and cross-cultural education programs, with substantial follow up in the workplace, should be mandatory for all public servants.²³⁹

5.50 Dr Boughton was of the opinion that the best anti-racist educators are trained Aboriginal people but that the people who have the capacity to do this work are needed for 'other, higher priority tasks' within their communities.²⁴⁰

5.51 Ms White, Coordinator of the Koori Outreach Options for Learning, TAFE, agreed with Dr Boughton and told the Committee that training for people providing services to Aboriginal people was essential to the proper delivery of those services:

I have been in a very fortunate position: I have worked with lots of great people who have helped me along the way, but often people are in positions where they may not have contact with Aboriginal people and they may have no understanding. It is certainly not something they have done during their schooling years. It is really important for people to know about country and language and how to work with young Aboriginal people—that is the area I work in—and to be able to ensure that their service delivery is in a culturally appropriate manner. It is really important to know our history from way back, not just the last 200 years. I just encourage the

²³⁸ Answers to questions taken on notice during evidence, 17 September 2008, Dr Sandra Bailey, Chief Executive Officer, Aboriginal Health and Medical Research Council, p 4

²³⁹ Answers to questions taken on notice during evidence, 18 September 2008, Dr Boughton, p 2

²⁴⁰ Answers to questions taken on notice during evidence, 18 September 2008, Dr Boughton, p 3

inquiry to reflect on our history and try to make a better future. I would like the approach to run further.²⁴¹

- 5.52** Taking a social justice approach, the Director General of DET, Mr Michael Coutts-Trotter, also spoke about the need for acceptance and respect for culture by both Indigenous and non-Indigenous Australians:

If a culture's accumulated multiple knowledge, languages, histories, traditions and practices are accepted, respected and valued by those both within and outside that culture, then there is every likelihood that that culture will be strong and resilient. If, however, a culture is subject to disrespect, disregard, vilification or violence, then it is very likely that culture will not be resilient. The measure of a socially just society lies in how well it supports all of its members to live equally and equitably and how well it respects diversity. Social justice is underpinned by the fundamental belief that all peoples have a right to be and to flourish, and this is only possible if the intrinsic value of individual cultures is recognised and protected. If we do not respect and value the cultures and histories of our Aboriginal children, young people, their families and communities, then we will be instrumental in undermining their capacity to maintain their cultural resilience.²⁴²

Committee comment

- 5.53** Respect for self and the value of another culture does not occur instantly. Non-Indigenous Australians have long denied the past and the significance of the Indigenous people within Australia's heritage; this cannot be turned around over night. Knowledge and understanding of Aboriginal culture and history will help engender respect for cultural difference. The Committee believes that both Indigenous and non-Indigenous people in Australia need to be educated about Indigenous culture. This is discussed in the following section.

Education

- 5.54** Strategies for enhancing cultural resilience through education can be successful in promoting widespread changes in attitude and thinking through increased understanding and acceptance of difference.
- 5.55** Professor Valerie (Judy) Atkinson, Director, Gnibi College of Indigenous Australian People, Southern Cross University told the Committee her view of education is directly related to cultural resilience:

Education is about cultural safety, it is about security, but it is also about knowing the stories people may have and allowing them to come out.²⁴³

²⁴¹ Ms Carolyn White, Koori Outreach Options for Learning, TAFE, Griffith round table, Evidence, 5 August 2008, p 16

²⁴² Answers to questions taken on notice during evidence, 17 September 2008, Mr Coutts-Trotter, p 15

²⁴³ Professor Judy Atkinson, Professor of Indigenous Australian Studies, Southern Cross University, Evidence, 18 September 2008, p 50

- 5.56** Professor Altman and Ms Hunt told the Committee how education can strengthen cultural resilience in Aboriginal communities and enhance understanding of Aboriginal culture by all Australians:

We need changes in curriculum materials, more local history, a focus on reconciliation, and opportunities for Indigenous parents and elders in educational activities. There is also a need for the education system in parts of NSW to cater for local futures in the hybrid economy, not necessarily just mainstream futures. This is particularly the case in the more remote areas. There is also a role for continuing adult and non-formal education to address the topics above.²⁴⁴

- 5.57** Developing respect for culture and improving Aboriginal circumstances includes teaching Aboriginal history within all NSW schools. The comment made by Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Co-ordinator, Aboriginal Education and Training Unit, TAFE, reinforces the need for curriculum change suggested by Professor Altman and Ms Hunt:

In my lifetime, when I went to school we were taught about Captain Cook and the educational programs in schools are still teaching us about Captain Cook, which is ridiculous ...²⁴⁵

- 5.58** In relation to education, Ms White, noted that it needs to start with young children:

...learning about Aboriginal history needs to begin when our children are very young—in primary school. Everyone needs to know about the importance of country and language. Currently there is a huge gap. Through this we can reduce racism and also have a greater understanding.²⁴⁶

- 5.59** Dr Macdonald endorsed this requirement and advised the Committee that all teachers, including Indigenous teachers, should be fully trained in the teaching of Aboriginal language, history and culture:

Avoid treating Aboriginal people as instant experts on things-Aboriginal. It can set them up to fail. Other Australians are not treated as experts in their own cultural worlds to this extent and expect to be fully trained.²⁴⁷

- 5.60** Associate Professor and Director of Nura Gili Indigenous programs, University of New South Wales, Susan Green, told the Committee that there were ‘two fantastic education policies’ in New South Wales:

One was in 1988, which is the Aboriginal education policy, which makes it mandatory for all school students to have Aboriginal history and culture as part of their curriculum, it is compulsory. The other is a policy that came in last year, which is

²⁴⁴ Answers to questions taken on notice during evidence, 15 September 2008, Prof Altman, and Ms Hunt, p 2

²⁴⁵ Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE, Griffith round table, Evidence, 5 August 2008, p 6

²⁴⁶ Ms White, Griffith round table, Evidence, 5 August 2008, p 13

²⁴⁷ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 7

Aboriginal languages. It is also compulsory for all students, K-12, to learn some form of Aboriginal language.²⁴⁸

- 5.61** However, Associate Professor Green also told the Committee there were problems with the implementation of this policy which related to the training of teachers in Aboriginal studies, training around the Indigenous curriculum and teaching of Indigenous children.²⁴⁹
- 5.62** Despite being a compulsory part of the curriculum since 1988, the Director General told the Committee that presently there are insufficient trained Aboriginal people within the department, both within TAFE and the rest of the department, to meet the demand, from government agencies particularly but also private sector organisations, for the training offered by DET.²⁵⁰
- 5.63** Since May 2007, following input from DET, Aboriginal education has been a mandatory component of initial teacher education programs and has been incorporated into the NSW Institute of Teachers *Policy for Approval of Initial Education Programs*. All new teachers are required to demonstrate their knowledge and understanding of specific strategies for teaching of Aboriginal and Torres Strait Islander students:

The requirements for teacher education programs have been developed to ensure that graduate teachers understand Aboriginal history and the diversity of Aboriginal culture and perspectives and have the knowledge and skills to address the specific learning needs of Aboriginal students.²⁵¹

- 5.64** The responsibility for teacher training lies with individual universities. Ms Michelle Hall, Director, Aboriginal Education and Training Directorate, DET told that despite having a 'relationship with the universities ... they have the autonomy to address the content and rigor of the programs'.²⁵²
- 5.65** Mr Coutts-Trotter commented that each year DET interviewed around 4,500 new teaching graduates. Included in this process is the assessment of their capacity and competency to work with Aboriginal communities and Aboriginal students.²⁵³

Committee comment

- 5.66** The Committee considers educators, particularly those in schools, have an important role to ensure that Aboriginal peoples' stories are told to all Australian students, including ancient and modern perspectives on Aboriginal culture and social systems. A more balanced view of Australian history will give the opportunity for all Australians to take pride in and accept Aboriginal culture.

²⁴⁸ Wiradjuri woman and Associate Professor Sue Green, Director, Nura Gili Indigenous Programs, University of New South Wales, Evidence, 15 September 2008, p 57

²⁴⁹ Associate Professor Green, Evidence, 15 September 2008, p 57

²⁵⁰ Mr Coutts-Trotter, Director General, DET, Evidence, 17 September 2008, p 51

²⁵¹ Answers to questions taken on notice during evidence, 17 September 2008, Mr Coutts-Trotter, p 2

²⁵² Ms Michele Hall, Director-Aboriginal Education and Training Directorate, DET, Evidence, 17 September 2008, p 53

²⁵³ Mr Coutts-Trotter, Evidence, 17 September 2008, p 53

- 5.67** The Committee maintains the view that for educators to be successful they must be fully equipped to give the best possible service to their students and to the community. As the principal employer of new graduates, the Committee regards it as essential for DET to ensure that all NSW teachers have the expertise and confidence to teach the compulsory elements of the curriculum, including those relating to Aboriginal culture and history. While the implementation of professional standards in relation to teaching Aboriginal history and culture is a very positive development, the training and employment of specifically qualified teachers needs to be fast-tracked to meet the compulsory requirements of the curriculum.
- 5.68** Given the important role the DET as an employer of newly graduated teachers, and the requirement of the NSW Institute of Teachers that all teachers be competent to teach the compulsory components of the curriculum regarding Aboriginal culture and history, the Committee can see no reason why DET should not be able to require the teacher training institutions to satisfy their requirements.

Recommendation 17

That the NSW Department of Education and Training liaise with representatives of the Aboriginal Education Consultative Group and teacher training institutions in NSW to ensure that:

- there are sufficient teachers, both Indigenous and non-Indigenous, qualified to teach those compulsory elements of the primary and secondary schools' curricula that relate to Aboriginal history and culture
- extensive and intensive in-service training is given to existing teachers so that they meet the standards required to effectively understand and teach Aboriginal culture and history.

-
- 5.69** The Committee is mindful of the need for both Indigenous and non-Indigenous culture in Australia to be valued and recognised, for students to have knowledge of both European and Aboriginal perspectives of history. The introduction of comparative history studies into the New South Wales curriculum would assist in addressing the current imbalance of knowledge and promote cultural awareness for all students.

Recommendation 18

That comparative studies of Australian history and culture be included as a mandatory core subject within all NSW educational institutions and that sufficient teachers are trained to ensure that it is taught effectively.

- 5.70** The Committee notes and agrees with the comments of Professor Altman and Ms Hunt in relation to current curriculum materials and the need for local input into history with a focus on reconciliation. For the curriculum to address the purposes for which it is created, to increase cultural awareness and mutual respect, the role of elders in providing this knowledge should be acknowledged and their expertise employed.

Recommendation 19

That the NSW Department of Education and Training, in collaboration with the Aboriginal Education Consultative Group, review, and amend as required, the current school curriculum and associated materials to ensure that the teaching of the history of colonisation in Australia includes a recognition of prior occupation and a rejection of terra nullius.

Keeping alive and promoting Indigenous languages

- 5.71** The Committee heard from Dr Bob Boughton that ‘most if not all communities consider the maintenance and revival of their local languages and cultures to be essential to their survival as Aboriginal people’.²⁵⁴
- 5.72** The Committee notes that according to the NSW Government submission, there were at least 70 Aboriginal languages in NSW at the time of colonisation, however by 2002 the National Aboriginal and Torres Strait Islander Social Survey conducted by the Australian Bureau of Statistics found that there were only 2,682 Aboriginal people who identified as speaking an Aboriginal language in NSW. The 2006 Census found even fewer speakers of Aboriginal languages, with only 804 Aboriginal people in NSW who identified as speaking an Aboriginal language.²⁵⁵
- 5.73** As a result of past government legislation, practices and policies, many Aboriginal people were dispossessed from their land and forced to resettle in designated areas. This forced relocation of individuals and family groups has contributed to the current diversity within many communities, with many Aboriginal people identifying with more than one community. Although many languages are no longer spoken, a key component of a community’s identity will be drawn from their identification with a particular language nation. Even if people have moved, their sense of belonging and their family connections still associate them with this home family.²⁵⁶

²⁵⁴ Answers to questions taken on notice during evidence, 18 September 2008, Dr Boughton, p 3

²⁵⁵ Submission 40, p 70

²⁵⁶ NSW Board of Studies, *Working with Aboriginal Communities, A guide to community consultation and protocols*, p 9

- 5.74** The Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma, has stated that any pathway which focuses on improving cultural resilience needs to include efforts to support and revitalise languages:

Language is the vehicle of our religion and spirituality, as well as communication and kinship. It is also the key to our knowledge of country and our rich experiences as Indigenous people. When language is lost, so too are knowledge and wisdom, but more importantly, are the casualties of culture and identity.²⁵⁷

- 5.75** Echoing these sentiments and exemplifying the importance of language, Miss Colleen Campbell is a member of the Dunghutti Elders Council in Kempsey who teaches her Indigenous language at TAFE and to Dunghutti elders in a local language program. Ms Campbell told of the emotions that go with revitalising a language:

Being able to speak my grandfather's language has given me not only pride in myself as an Aboriginal person but also as a member of the Dunghutti nation. It gives me my own identity. I believe that Aboriginal languages are the way for our people to gain some dignity and pride and their special identity and a sense of belonging.²⁵⁸

- 5.76** In this the International Year of Indigenous Languages, HREOC representatives called for governments to embed Indigenous language programs into schools that allow young Indigenous students to learn in an environment that both promotes and respects their culture as a part of the overall Australian culture.²⁵⁹

- 5.77** DET informed the Committee of its commitment to increasing the knowledge and understanding of the histories, cultures and experiences of Indigenous Australians, and how language is fundamental to this:

Aboriginal languages programs operate to enable Aboriginal communities to preserve, teach and utilise traditional language and to provide opportunities for Aboriginal students from Kindergarten to Year 12 to learn an Aboriginal language. ... Under the program, 49 Aboriginal community members are employed as Aboriginal language tutors. ... Languages include Bundjalung, Wradjuri, Dhurga/Djamanj, Dharug, Gumbainggir, Yawaalaraay/Gamilaraay, Ngiyampaa, Thunghutti/Dunghutti, Paakantji, Wanghumarra and Ngamba.²⁶⁰

²⁵⁷ Calma, T., (2008) 'Be Inspired': Indigenous Education Reform, Speech delivered to the Victorian Association of State Secondary Principals, Melbourne, 18 August 2008, pp 3-5, www.hreoc.gov.au/about/media/speeches/social_justice/2008/20080818_education_reform.html (accessed 17 November 2008)

²⁵⁸ Ms Colleen Campbell, member and Dunghutti language teacher, Dunghutti Elders Council, Evidence, 11 March 2008, p 26

²⁵⁹ Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, p 5

²⁶⁰ Answers to questions taken on notice during evidence, 17 September 2008, Mr Coutts-Trotter, p 1

5.78 The Director General of DET further advised the Committee of the difficulty of this important undertaking which makes ‘school relevant for Aboriginal people and also engaging for non-Aboriginal students’:

...given the history of Aboriginal languages and the extent to which they have been threatened by the patterns of settlement in modern Australia, it is no surprise to be in a position where there are very few people who are both tertiary trained teachers and speakers of language or who are qualified in language.²⁶¹

5.79 HREOC representatives noted that increased support of Indigenous workers and organisations is required. A significant difference can be achieved by governments focussing on strengthening the Indigenous teacher workforce as well as existing community organisations which promote language and culture.²⁶²

Committee comment

5.80 The Committee is aware of the cultural significance of language and its importance in maintaining a sense of identity and connection with the past. The Committee has heard that many Indigenous languages have either died out or are under threat. The NSW Government can assist communities to keep their language alive by fostering programs for the teaching of Indigenous community languages, the recording of oral histories and the compilation of Indigenous dictionaries.

5.81 Programs to record oral histories and promote Indigenous languages are not expensive and, as well as promoting cultural resilience, have a strong symbolic value – acknowledging the importance and value of Indigenous languages and culture. The Committee therefore believes it would be appropriate that the Premier, the Hon Nathan Rees MP, take ownership of this opportunity to raise the profile of Indigenous issues.

Recommendation 20

That the NSW Government provide ongoing support and resources for continuing Indigenous language programs, recording of oral histories and the compilation of Indigenous dictionaries. The Premier should take ownership of this opportunity to raise the profile of Indigenous issues and emphasise the importance placed on Indigenous languages and culture by the NSW Government.

²⁶¹ Mr Coutts-Trotter, Evidence, 17 September 2008, p 52

²⁶² Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, p 5

Community resilience

- 5.82** DAA recognises the importance of a strong community and the role it plays in overcoming disadvantage. The *Two Ways Together Report on Indicators 2007* states:

In today's society, Aboriginal communities need to be strong and resilient to effectively address current issues threatening community wellbeing.²⁶³

- 5.83** The NSW Government outlined its commitment to a holistic approach in the development of strategies addressing Indigenous disadvantage. Building community resilience is part of their overall strategy. The Director General of DAA told the Committee why community resilience is regarded as important to Aboriginal communities in Australia:

Members of a resilient community are not only able to cope, but can overcome disadvantage and live independent, purposeful lives. Investing in the development of community resilience is critical if outcomes for Aboriginal people across NSW are to improve.²⁶⁴

- 5.84** Through the State Plan, Priority F1 – *Improving health, education and social outcomes for Aboriginal people*, the NSW Government acknowledges that European settlement of Australia is the cause of Aboriginal disadvantage and that the loss of the ability to retain and develop Aboriginal culture is integral to that disadvantage:

The development of the 'Building Community Resilience' strategy is founded on the belief that Aboriginal disadvantage has its origins in the dispossession, dislocation, suppression of cultural knowledge and practices (including language), and breakdown of community governance and leadership structures that followed European settlement. This view suggests that, in effect, Aboriginal people lost those things necessary to live an independent, purposeful life – the ability to make decisions concerning their own lives and communities, and the right to retain their culture and develop it.²⁶⁵

- 5.85** The NSW Government recognises the role that loss of cultural identity, created in part by previous government assimilation policies, plays in causing ongoing disadvantage among Indigenous people. In its submission, the NSW Government stated that, as part of the Council of Australian Governments, it is now taking a different approach:

...[it] requires more than just targeting and reducing the symptoms of disadvantage – it requires a holistic and long-term approach to identification, planning and investment in programs and actions to address the underlying cause of disadvantage – loss of cultural identity, loss of self-determination, lack of self-esteem and sense of purpose.²⁶⁶

²⁶³ *Two Ways Together Indicators Report 2007*, p 81

²⁶⁴ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun., p 1

²⁶⁵ Submission 40, p 69

²⁶⁶ Submission 40, p 69

- 5.86** The importance of community in Aboriginal life cannot be underestimated. Aboriginal communities are more than a physical place of residence. Aboriginal communities are about interrelatedness and belonging, and are central to Aboriginality. The important elements of community are country, family ties and shared experience.²⁶⁷
- 5.87** Dr Macdonald described the basis of Aboriginal civic culture as the link between kinship, country and economy. People who are part of a ‘kin-world’ which is clearly located in ancestral country have authority and responsibility within that country. People who do not belong to that country do not have the right to make decisions for that country.²⁶⁸
- 5.88** Strengthening Aboriginal families will strengthen Aboriginal communities. Ms Campbell told the Committee:
- Strong family support has played a big part to instil Aboriginal identity, cultural values, aspirations, cultural family connectedness and, most importantly, unconditional love of never giving up on yourself. Saying sorry is only the start of the people’s movement towards reconciliation. I am a firm believer in breaking down the barriers and educating the wider community in Aboriginal awareness and understanding the continuing struggle we face as Aboriginal people in today’s society.²⁶⁹
- 5.89** There is growing acceptance of the need for government to work within the civic structures of Aboriginal communities. One Inquiry participant, Mr Carlo Svagelli, then President of the Aboriginal Education Consultative Group, represented community feeling when he stated:
- ... it is about building ... relationships and that does not happen overnight. Communities have to have faith in the organisation, be it a school, be it a health provider, be it the police, or whoever.²⁷⁰
- 5.90** The then Director General of the Department of Premier and Cabinet, Ms Robyn Kruk also recognised the need to build relationships within each Indigenous community civic structure and acknowledged that this is difficult for government:
- ... the resilience stuff is not just window dressing; it is a matter of having a strong cohort in Aboriginal communities ... It is so simple but the point is that different communities have different membership of the elders where the power politics lie – they are like any community. That is our hardest issue, and if you need to invest in that in the first instance, you should do it. That is a clear message.²⁷¹

²⁶⁷ NSW Board of Studies, *Working with Aboriginal Communities, a guide to community consultation and protocols*, p 22

²⁶⁸ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, pp 4-5

²⁶⁹ Miss Campbell, Evidence, 11 March 2008, p 24

²⁷⁰ Mr Carlo Svagelli, President, Aboriginal Education Consultative Group, Evidence, 13 February 2008, p 29

²⁷¹ Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 28

Defining community resilience

5.91 The NSW Government is advocating that it is important for communities to be resilient, however, it is difficult for governments to develop effective policy without a comprehensive understanding of what resilience is and what makes a community culturally resilient. The Committee heard many ideas on this theme, all revolved around respect for Indigenous culture by both Indigenous and non-Indigenous Australians (discussed previously) and the capacity for Indigenous communities to control their future. However, the Committee received no clear and decisive definition of ‘community resilience’ from the government or Inquiry participants.

5.92 Mr Chenery is of the opinion that there is too much emphasis on terminology and told the Committee his thoughts on resilience:

Cultural and community resilience to me is essentially just the sum aggregate of social indicators of health, housing, employment and education. I do not think you need to put a big title around those because we all aspire to cultural and community resilience as opposed to the day-to-day grind of keeping kids out of trouble, keeping them at school, and health, education and so forth. I do not think giving something a title of itself is advantageous because it takes away from the day-to-day nitty gritty of what we need to do.²⁷²

5.93 Despite the lack of a clear definition of community resilience, the Committee learned of characteristics that resilient communities may exhibit. DAA and NSW Health advised the Committee that the Department of Environment and Climate Change (DECC), with oversight from the Two Ways Together Coordinating Committee, is currently developing a *Building Community Resilience Strategy*.²⁷³ This will contain a working definition of resilience and has identified a number of characteristics of resilient communities (discussed at 5.96)

5.94 In relation to the nature of resilient communities, the NSW Government informed the Committee that it regards resilient communities as those with the following characteristics:

... a strong sense of cultural identity; are safe and healthy; are participating in decision making and engage effectively with government; have access to education, employment, health, social and recreational facilities and activities.²⁷⁴

5.95 Emeritus Professor Diane Austin-Broos from the Department of Anthropology, University of Sydney, provided the following characteristics of culturally resilient communities:

- stable status and authority, which requires education and employment with high levels of functional literacy to assist community members adapt to and manage change
- niche small businesses that draw on either cultural or regional traditions of the people and their particular history

²⁷² Mr Chenery, Evidence, 18 September 2008, p 23

²⁷³ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun; p 10; Dr Matthews, Evidence, 18 September 2008, p 2

²⁷⁴ Submission 40, p 70

- vibrant public domain where there is a common purpose and sense of community beyond a particular set of relatives
- known social history and social biography, with education for both Indigenous and non-Indigenous Australians
- effective curating of the long past, of sites and middens.²⁷⁵

5.96 The Director General of DAA told the Committee that under State Plan Priority F1, the Department of Environment and Climate Change (DECC) is developing a ‘set of tools to assist communities to measure and monitor their levels of resilience, and to support community planning and prioritisation of actions to build resilience’.²⁷⁶ In developing this set of tools, DECC has conducted a review of the literature and identified a number of characteristics of community resilience:

- a strong sense of cultural identity
- adequate infrastructure and services
- a safe healthy community
- a learning community
- economically strong
- good leadership, empowerment and influence
- a sense of community
- has access to and cares for the environment.²⁷⁷

5.97 Ms Broun stated that the set of tools being developed by DEC will enable communities to use the information to monitor their level of resilience, track improvements or problem areas and to advocate for specific program requirements or service needs.²⁷⁸

Role of government in promoting resilient communities

5.98 This section examines the way in which the NSW Government can assist communities to build upon and improve their strengths through the services it provides to address self-identified Aboriginal needs.

5.99 There is a lesson for the NSW Government in the findings of the Northern Territory Emergency Response Review Board. In travelling around communities in the Northern Territory’ the Review Board reported that the government has been viewed in many Indigenous communities as having neglected the basic needs of the Indigenous people:

There is a strong sense of injustice that Aboriginal people and their culture have been seen as exclusively responsible for problems within their communities that have arisen from decades of cumulative neglect by governments in failing to provide the most

²⁷⁵ Ms Diane Austin-Broos, Professor Emeritus, Department of Anthropology, University of Sydney, Evidence, 18 September 2008, p 45

²⁷⁶ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p 10

²⁷⁷ Dr Matthews, Evidence, 18 September 2008, p 2

²⁷⁸ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p 10

basic standards of health, housing, education and ancillary services enjoyed by the wider Australian community.²⁷⁹

- 5.100** The Review Board states in its report that it is not enough to provide the ‘hardware of a healthy community: adequate housing, infrastructure and schools’ and suggests that the role of government is to build effective social and civil institutions that express the values and beliefs of the community:

If it is to work, community development must be led by the community and partnered by government. ... a relationship governed by principles of informed consent, participation and partnership. It will require structural support enabling robust and sophisticated dialogue, where common aspirations can be explored and regional and local agreements can be negotiated.²⁸⁰

Committee comment

- 5.101** Lessons from the Northern Territory Emergency Response are explored in this Final Report at Chapter 6. The Committee is mindful that all governments are bureaucratic structures that can easily overlook the need for communities to remain involved in the decision making and implementation process of programs and policies that affect them, so that the community members have a sense of belonging and control over their destiny.
- 5.102** Many of the problems encountered by Aboriginal Australians are community social problems that need to be owned by the individual communities. While government cannot ‘dispense resilience’, the way in which government uses its resources can make a difference to the resilience of Indigenous communities. The recommendations contained in Chapter 3 of this Final Report are intended to ensure that community resilience is strengthened through ownership of community social problems and their solutions, and through effective partnership between communities and government agencies. By engaging more effectively with Aboriginal communities, showing respect for Aboriginal culture and promoting its development, government can have a greater impact in Indigenous communities and in overcoming Indigenous disadvantage than is currently the case.

Strategies for promoting culturally resilient communities

Recognition of the importance of the community

- 5.103** For communities to be resilient there needs to be respect for the culture that underpins and unites individuals into a community. The National Apology has raised the profile of Indigenous culture and raised awareness of the importance that culture plays in the resilience of Indigenous communities.

²⁷⁹ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

²⁸⁰ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 8

5.104 When asked how community resilience could be strengthened, Mr Calma told the Committee that it was dependent upon the community but it came down to a few basic principles:

... by and large, the basic principle is to have respect for the community, to recognise the community, to allow people within the community to feel that what they practise is something that is respected and allowed to flourish.²⁸¹

5.105 As outlined previously in this chapter, resilience is promoted through acceptance and respect. This includes encouraging non-racist attitudes and promoting respect for differences in culture and ways of living. The strategies outlined earlier for enhancing respect for Indigenous culture, if effectively implemented, over time, will carry over to respect for community.

5.106 The role of education in changing attitudes is indisputable. The Committee was told that the DET has been working with four universities to 'offer enhanced pre-service training for teaching in schools with Aboriginal students'.²⁸² However, these skills may not be enough to meet the needs of the individual communities of which these teachers will become a part.

5.107 Ms Cindy Berwick, President of the Aboriginal Education Consultative Group (AECG) told the Committee of the need for extra pre-service orientation for teachers newly appointed to schools with a significant Aboriginal or Torres Strait Islander student population. Ms Berwick regarded this as particularly relevant and important in rural or remote locations where there is an even greater need to develop a working relationship with members of the local community:

There is a week's difference between the Eastern Division and Western division schools that Eastern Division schools start. Perhaps newly appointed teachers to the Western Division need to go that week and go through some induction program to learn who their local community is.²⁸³

5.108 The importance of specifically acclimatising new teachers to areas where there are Aboriginal student populations via a week of induction was further emphasised by Ms Berwick in the following statement:

When you are in an urban setting it is easy to escape where you live, because if you are teaching out at Liverpool it is only a very short train ride to the city; you do not necessarily escape a community, whereas in country, rural and remote areas it is a lot harder to get out and teachers who are going to those need to be appointed prior to going, perhaps the week prior.

... you could end up in Walgett—which are really hard communities, and you are 22 years old and have never seen an Aboriginal person before. It is not easy and it is not their fault. There should be better support given to them.²⁸⁴

²⁸¹ Commissioner Calma, Evidence, 15 September 2008, p 23

²⁸² Answers to questions taken on notice during evidence, 17 September 2008, Mr Coutts-Trotter, p 1

²⁸³ Ms Cindy Berwick, President, New South Wales Aboriginal Education Consultative Group, Evidence, 18 September 2008, p 27

²⁸⁴ Ms Berwick, Evidence 18 September 2008, p 27

Committee comment

- 5.109** To show respect for Indigenous culture and best serve the needs of Indigenous students it is important to develop a working relationship between teachers and school leaders and the local Indigenous community. The Committee is therefore of the opinion that teachers of Indigenous students should be given the opportunity to develop this relationship before they start in their role as teacher.
- 5.110** The Committee believes that a one-week induction program for all teachers, principals and other school leaders commencing in positions schools with significant Aboriginal student populations would provide teachers with the opportunity to begin a culturally appropriate relationship with the local Aboriginal community. The induction program should be tailored to meet the circumstances of the particular school and community, and be arranged in partnership between the school principal and local Aboriginal community organisations.

Recommendation 21

That the NSW Department of Education and Training provide a one-week, fully funded, induction program for all teachers, principals and other school leaders commencing in positions in schools with significant Aboriginal student populations. The induction program should be tailored to meet the circumstances of the particular school and community, and be arranged in partnership between the school principal and local Aboriginal community organisations.

Self-determination (Recognising leadership within Aboriginal communities)

- 5.111** During the year-long Inquiry process the Committee visited Tirkandi Innabura in Griffith, Maari Ma in Broken Hill and the Keeping Place in Armidale and saw first hand how Indigenous leadership and ownership of both problems and solutions can make a difference to the outcome of specific programs.
- 5.112** The effectiveness of mentoring programs and the maintenance of links with community were also seen to have positive effects on employment and education levels, for both attainment and retention.
- 5.113** Dr Macdonald outlined some of the values and practices within Aboriginal communities. Among these was the concept that leadership is based on respect, it is achieved, not acquired, and is 'largely based on the ability to access and allocate resources (including knowledge) as well as personal integrity'. Dr Macdonald told the Committee that not recognising the people the community regards as leaders can create problems within the community:

The election of people to resource-allocating positions (in organisations that deliver services, for instance) means that the allocation of both jobs and services is no longer in the control of culturally appropriate people and this undermines authority and respect as well as exacerbates conflict.²⁸⁵

²⁸⁵ Answers to questions taken on notice during evidence, 18 September 2008, Dr MacDonald, p 4

- 5.114** Mr Tom Briggs, Chair of AJAC, Deputy Chair and Councillor for the NSW Northern Region NSW Aboriginal Land Council, told the Committee of his belief in the importance of community, where families and clans have the ability to look after themselves:

No-one outside of us can solve these problems. We are the ones that have to solve our problems ourselves, but we need to listen and we need support to put those structures in place. Leadership and eldership have always been there in our communities.²⁸⁶

- 5.115** Professor Atkinson similarly advocated for government recognition of the leadership that already exists within Indigenous communities:

I want to know when government will actually recognise the expertise that is in our communities and fund our people to deliver services.²⁸⁷

- 5.116** The importance of recognising the ‘right’ leaders is seen as critical. In deference to Indigenous cultural practices, government needs to liaise with community representatives as selected by the community. Mr Meredith told the Committee that it is important for governments to understand the cultural practices behind the selection of Aboriginal leaders and to recognise the leaders who are respected by the community and thereby granted the right to make decisions:

You talk about wanting to do business with Aboriginal people. I say stop trying to do business with Aboriginal people and start doing business with traditional peoples. The only people who have the right to determine when it comes to culture and heritage are the traditional people of countries, not the Aboriginal people of Australia, of that community or of that region if they are not from that country. The business has to be done with traditional peoples.²⁸⁸

- 5.117** Representatives of HREOC told the Committee that the notion of cultural resilience allows for a culture to be a living, changing thing.²⁸⁹ This change also relates to the selection of leaders. Inquiry participants from Jumbunna Indigenous House of Learning told the Committee that as the culture changes it complicates the process of communities working with government and recognition of legitimate leaders:

Cultural legitimacy is increasingly complicated due to the legacies of colonialism and diverse aims and ambitions within Indigenous constituencies.²⁹⁰

- 5.118** Mr Widders also voiced his concerns over leadership issues. He told the Committee that people need to be trained as leaders. Traditionally, people reached a stage when they were elders where they could take responsibility that is not happening these days.²⁹¹

²⁸⁶ Mr Thomas Briggs, Chair, AJAC and Deputy Chair NSWALC, Armidale forum, Evidence, 7 August 2008, p 9

²⁸⁷ Professor Atkinson, Evidence, 18 September 2008, p 53

²⁸⁸ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 8

²⁸⁹ Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, p 3

²⁹⁰ Submission 83, Jumbunna Indigenous House of Learning, p 10

²⁹¹ Mr Widders, Armidale round table, Evidence, 7 August 2008, p 10

- 5.119** In recognition of the importance of Indigenous community ownership of problems and their solutions, representatives of Jumbunna Indigenous House of Learning, Professor Larissa Behrendt, Ms Ruth MaCausland and Ms Alison Vivian noted research undertaken by the Australian Collaboration & Australian Institute of Aboriginal and Torres Strait Islander Studies. This research investigated initiatives devised by Indigenous organisations that have promoted community wellbeing or overcome disadvantage:

The study observed that while Indigenous disadvantage was well documented, 'inadequate attention had been given to examples of Indigenous creativity and leadership in tackling problems and that a report focussing on such successes would be of considerable value to Indigenous people and Indigenous policy makers.'²⁹²

- 5.120** Economic development and self-determination have been discussed previously in Chapters 3 and 4 of this Final Report. They are mentioned again in recognition of the strong link between cultural resilience and the capacity of Indigenous communities to develop and determine their own futures. As outlined earlier, many government departments consult with Aboriginal communities on a regular and frequent basis but minimal progress has been made in economic development or self-determination.

- 5.121** The Committee heard that the principles of self-determination for Aboriginal people are not demonstrated in government policy structures. Mr Steve Meredith explained:

But in every piece of literature that I pick up I still see the words "self-determination" and "self management" in those reports. Nobody has ever been able to give me an adequate working definition of those expressions. The bottom line is that self-determination and self-management have strings attached so long as we do it in the non-Aboriginal way.²⁹³

- 5.122** Representatives of HREOC told the Committee that culturally resilient communities are 'inherently linked to the exercise of self-determination':

In relation to Aboriginal and Torres Strait Islander peoples, it may be that the lack of self-determination (i.e. impediments to cultural resilience are in existence) acts as a determinant of poor health in the same way that poverty does – by increasing the perception of lack of control.²⁹⁴

- 5.123** HREOC representatives also told the Committee that one of the keys to overcoming the gap between Indigenous and non-Indigenous Australians is the exercise of self-determination by the representatives of that culture:

...that they participate *as a minimum* as partners in the design and delivery of programs and activities that affect them, including those that will increase their economic and social well being. That way, it is 'built in' that the programs that are so delivered fit

²⁹² Submission 83, p 7

²⁹³ Mr Meredith, Griffith round table, Evidence, 5 August 2008, p 6

²⁹⁴ Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, HREOC, p 4

with the existing way of life, or enhance it with the full 'buy in' of the people concerned.²⁹⁵

Committee comment

- 5.124** Culturally resilient communities are essential to the progress of overcoming disadvantage. However, developing and sustaining resilience is a long-term venture. It requires willingness from non-Indigenous Australians to learn about Indigenous culture, respect the people and their culture for their differences. It requires governments and Indigenous people to 'step forward' and develop partnerships that are equal and respectful of both cultures.
- 5.125** As the Committee has consistently noted throughout this chapter, governments cannot 'dispense resilience'. However, the way in which governments use resources can make a difference to the resilience of Indigenous communities. The comments and recommendations in Chapters 2-4 of this Final Report, if adopted and implemented, will practically strengthen resilience in Aboriginal communities.

²⁹⁵ Answers to questions taken on notice during evidence, 15 September 2008, Mr Holland, HREOC, p 4

Chapter 6 The Murdi Paaki trial

The Murdi Paaki region in far west New South Wales is one of eight regions across Australia in which the Council of Australian Governments (COAG) trialled innovative ways of working with local Indigenous communities. In this chapter the Committee provides an overview of the COAG trials and considers the key lessons arising from them, with a particular emphasis on the Murdi Paaki trial.

Council of Australian Governments trials

- 6.1** In April 2002, the Council of Australian Governments (COAG) agreed to trial innovative ways in which all governments could work together with Indigenous communities. The theme of this approach was ‘Shared responsibility – Shared Future’.²⁹⁶
- 6.2** The following eight sites across Australia were chosen for the trials:
- Murdi Paaki (New South Wales)
 - The Australian Capital Territory (ACT)
 - Anangu Pitjantjatjara Yakunytjatjara (APY) Lands (South Australia)
 - Shepparton (Victoria)
 - North Eastern Tasmania
 - East Kimberly (Western Australia)
 - Wadeye (Northern Territory)
 - Cape York (Queensland).
- 6.3** The COAG trials required communities in each site to develop their own governance arrangements, agree upon what priorities should be addressed and embark on each of the trials using a negotiated agreement between the parties. The impetus for the COAG trials arose from a decision by COAG in 2000 ‘that all governments would work together to improve the social and economic well being of Indigenous people and communities.’ The decision recognised a need for better coordination of activities ‘spread across many departments, agencies, and programs’.²⁹⁷
- 6.4** Each COAG trial site was led by one State and one Australian Government agency, with the intention of delivering a whole of government approach in partnership with the Aboriginal

²⁹⁶ Indigenous Communities Coordination Taskforce, Australian Government, *Shared Responsibility Shared Future: Indigenous whole of government initiative: The Australian Government performance monitoring and evaluation framework*, October 2003, p 2, www.indigenous.gov.au/coag/docs/PerfMonFramework_Oct2003.pdf, (accessed 27 August 2008)

²⁹⁷ Report to the Office of Indigenous Policy Coordination (OIPC), prepared by Morgan Disney & Associates Pty. Ltd with Tracey Whetnall Consulting and Wis-Wei Consulting Pty Ltd, *Synopsis Review of the COAG Trial Evaluations*, November 2006, p 12 (*The Synopsis Review of COAG Trial Evaluations*) [www.fahcsia.gov.au/internet/facsinternet.nsf/via/indigenous/\\$file/COAG_Trials_Overview.pdf](http://www.fahcsia.gov.au/internet/facsinternet.nsf/via/indigenous/$file/COAG_Trials_Overview.pdf), (accessed 27 August 2008)

community.²⁹⁸ The NSW Department of Education and Training (DET), the lead NSW Government department involved in the Murdi Paaki trial, characterised the aims of the trial as being related to governance and partnership:

The trial aimed to improve the Government's understanding of Aboriginal governance and how it affects the development and maintenance of partnerships, and to provide opportunities for Aboriginal leaders and communities to understand government policies and processes.²⁹⁹

The Murdi Paaki trial region

6.5 The Murdi Paaki trial region is located in the far west of New South Wales, running up the South Australian border from the Victorian border to the Queensland border, as illustrated in Figure 2.1.

Figure 6.1 Map of Australia showing COAG trial sites.



Figure source: <www.indigenous.gov.au/coag/trial_sites/default.html#anchor1> (accessed 26 August 2008)

6.6 The Murdi Paaki region includes the communities of Bourke, Brewarrina, Broken Hill, Cobar, Collarenebri, Coonamble, Dareton, Enngonia, Goodooga, Gulargambone, Ivanhoe, Lightning Ridge, Menindee, Quambone, Tibooburra, Walgett, Weilmoringle and Wilcannia.³⁰⁰

6.7 The Western Region (Balranald, Broken Hill, Dareton, Ivanhoe, Menindee, Mootwingee, Tibooburra, Wanaaring, Wilcannia) and North Western Region (Brewarrina, Cobar, Toomelah, Collarenebri, Coonamble, Wee-Waa, Enngonia, Goodooga, Walgett, Nulla Nulla, Moree, Pillaga, Lightning Ridge, Narrabri, Weilmoringle and Mungindi) of the NSW Aboriginal Land Council also cross over the Murdi Paaki region.³⁰¹

²⁹⁸ Submission 40, New South Wales Government, p 81

²⁹⁹ Answers to questions taken on notice during evidence, 29 April 2008, Mr Trevor Fletcher, Deputy Director General – Schools, NSW Department of Education and Training (DET), p 10

³⁰⁰ COAG Indigenous Trial Sites, www.indigenous.gov.au/coag/trial_sites/nsw.html (accessed 26 August 2008)

³⁰¹ COAG Indigenous Trial Sites, www.indigenous.gov.au/coag/trial_sites/nsw.html (accessed 26 August 2008)

- 6.8** The traditional lands of a number of Aboriginal nations or language groups are contained within the Murdi Paaki region. These include Paakantji, Ngiyampaa, Wangaaybuwan, Ngemba, Wayilwan, Murrawari, Wangkumara, Muti Muti, Ualroi, Baranbinja, Malyangapa and Gamilaroi nations.³⁰²
- 6.9** The Indigenous population of the Murdi Paaki region, at 2001, was 7,542, representing 13% of the population of the region.³⁰³ The Murdi Paaki region was targeted as a trial site because it has the poorest social and economic outcomes for Aboriginal people in NSW in relation to most disadvantage and need indicators, as evidenced by *Two Ways Together* Report on Indicators data.³⁰⁴
- 6.10** In evidence to the Committee, the Director General of the Department of Aboriginal Affairs (DAA) Ms Jody Broun, noted that the Murdi Paaki area had existed before the COAG trial was initiated:
- Murdi Paaki started well before, I think, the Council of Australian Governments [COAG] trial, but it was seen as a Council of Australian Governments trial and touted as such for the past few years. It was probably more than that. It was in place before that because a lot of those Community Working Parties were established prior to that with the Aboriginal Community Development Program [ACDP], and even prior to that with the Federal Government program.³⁰⁵
- 6.11** The Murdi Paaki trial operated for five years and ended on 31 December 2007. The governance structures established during the trial remain, but there is uncertainty about the future of the support structures associated with the trial. The current and future arrangements of the Murdi Paaki area are examined later in this chapter.

Murdi Paaki trial stakeholders

Murdi Paaki COAG Trial Steering Committee

- 6.12** The Murdi Paaki COAG Trial Steering Committee (Steering Committee) provided overall direction for the Murdi Paaki trial. Membership of the Steering Committee included senior representatives of DET for the NSW Government, the Department of Education, Science and Training (DEST) for the Australian Government, the Murdi Paaki Regional Assembly, and the Australian Government Office of Indigenous Policy Coordination.³⁰⁶

³⁰² COAG Indigenous Trial Sites; Jeffries S and Menham G, 'The Murdi Paaki Regional Assembly,' *Journal of Indigenous Policy*, January 2008, Issue 9

³⁰³ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial: Final Report (Evaluation of the Murdi Paaki COAG Trial)* October 2006, p 4,

³⁰⁴ Submission 13, DET, p 17; Submission 40, p 81

³⁰⁵ Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 12 February 2008, p 19

³⁰⁶ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 10

Murdi Paaki Regional Assembly

- 6.13** During the Murdi Paaki trial the Aboriginal and Torres Strait Islander Commission (ATSIC) was abolished and the Murdi Paaki ATSIC Regional Council, the original signatory to the Murdi Paaki Shared Responsibility Agreement (SRA), became the Murdi Paaki Regional Assembly (the Regional Assembly). The Murdi Paaki SRA was modified in August 2005 to recognise the new body.³⁰⁷ The Regional Assembly is now the peak regional Indigenous community body in the Murdi Paaki region, and is recognised by governments as the primary point of Indigenous community contact, coordination and input at the regional level.
- 6.14** Membership of the Regional Assembly consists of the Chairs of each of the sixteen Community Working Parties (CWPs) in the Murdi Paaki region. The Regional Assembly is unincorporated, does not employ staff, and does not manage funds directly.
- 6.15** The Regional Assembly's responsibilities include advocacy, strategic planning, the development of service agreements, and lobbying government. Chairperson of the Regional Assembly, Mr Jeffries, outlined the organisation's role, characterising it as primarily holding agencies accountable for their service delivery obligations:

The one thing we try to champion our responsibilities around is holding government and non-government organisations accountable for their service delivery. We also played a role in relation to its responsiveness, whether it was timely, and whether it was efficient or inefficient. We would make representations to respective Ministers or the directors general of those departments to ensure that we got better responses or something that fixed up the problem they had created by being unresponsive at a certain time.³⁰⁸

The Murdi Paaki COAG Trial Regional Group

- 6.16** The Murdi Paaki COAG Trial Regional Group consists of regional managers from relevant Australian and NSW Government agencies and is responsible for implementing the Community Action Plans (CAPs) through core business, SRAs and other processes.³⁰⁹

Community Working Parties

- 6.17** Community Working Parties (CWPs) are the primary mechanism for representation and consultation at the community level. CWPs were established in the region before the Murdi Paaki trial commenced, as an initiative of the then Murdi Paaki Regional Council, with the original purpose of providing community liaison with the DAA Aboriginal Community Development Program (ACDP). The Murdi Paaki trial saw the CWPs 'refreshed', and the responsibilities of the CWPs expanded to include liaison in relation to the planning and delivery of government services more generally. The current role of CWPs centres on community governance.³¹⁰

³⁰⁷ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 13

³⁰⁸ Mr Sam Jeffries, Chairperson, Murdi Paaki Regional Assembly, Evidence, 12 March 2008, p 32

³⁰⁹ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 10

³¹⁰ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 5

- 6.18** The sixteen Murdi Paaki CWPs are unincorporated bodies; they do not employ staff and they do not manage funds. Members are nominated or elected to reflect a range of community organisations and interests. The size of CWPs varies between communities, from about 15 to 45 people.³¹¹
- 6.19** One of the key objectives of the trial was for communities to govern themselves and make their own decisions. Accordingly, the composition of CWPs was to be determined by each community. Mr Sam Jeffries, the Chairperson of the Murdi Paaki Regional Assembly, told the committee that CWPs therefore varied in composition according to the decisions of the community:

At the community level the composition of the Community Working Party or the community governance structure is decided on by the community themselves. It can be a board of expertise, it can be made up of all local Indigenous service providers, groups, individuals, it can be family based. In one community we have a family-based Community Working Party structure. Or it can be a combination of all. It is up to them to decide what they believe is going to be the best representation that will support their community. How they then bring that composition together, by election, by nomination or by choosing people, is entirely their decision.³¹²

Shared Responsibility Agreements

- 6.20** Shared Responsibility Agreements (SRAs) identify what communities, governments and others contribute to achieving change in Indigenous communities. An SRA for the Murdi Paaki trial (the Murdi Paaki SRA) was signed in August 2003 by the trial partners: DET for the NSW

Government, DEST for the Commonwealth Government and the Murdi Paaki Aboriginal and Torres Strait Islander Commission Regional Council (Murdi Paaki Regional Council) representing the Murdi Paaki communities.³¹³

- 6.21** The Murdi Paaki SRA provided a basis for cooperation and partnership between the Murdi Paaki Community Working Parties and government at State and Commonwealth level in sharing the responsibility for achieving measurable and sustainable outcomes for Aboriginal people living in the region. The main goals of the Murdi Paaki SRA were:

- improving the health and well being of children and young people
- improving educational attainment and school retention
- helping families raise healthy children, and
- strengthening community and regional governance structures.³¹⁴

- 6.22** More than seventeen SRAs have been signed by participants in the Murdi Paaki trial. The SRAs range from region-wide SRAs that establish regional priorities and recognise the

³¹¹ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 6

³¹² Mr Jeffries, Evidence, 12 March 2008, p 32

³¹³ Submission 13, p 16

³¹⁴ Submission 13, p 17

community representation and consultation structures, to local SRAs for individual communities such as the establishment of a Community Assistance Night Patrol in Bourke.³¹⁵

Community Action Plans

- 6.23** Community Action Plans (CAPs) were developed by CWPs in each of the sixteen communities to identify key local priorities. The CAPs were developed in consultation with the community members and Aboriginal community organisations. The themes identified by the CAPs were intended to guide future government activity in the region.³¹⁶

Murdi Paaki Partnership Project

- 6.24** The Murdi Paaki Partnership Project is intended to strengthen the operation of CWPs and involves the provision of eight Community Facilitator positions across the sixteen CWPs. The Community Facilitator role is intended to address the lack of technical and professional support for CWPs and improve the ability of CWPs to interact with governments and negotiate to improve services.³¹⁷
- 6.25** The NSW Department of Premier and Cabinet is the lead agency for the NSW Government in the Murdi Paaki Partnership Project. The program is funded by the NSW Department of Premier and Cabinet, the Australian Government Department of Education, Employment and Workplace Relations and the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs.³¹⁸

Community Governance Workshops

- 6.26** Two Community Governance Workshops (CGWs) were held every year in the Murdi Paaki region with the intention of developing trust, building relationships and strengthening governance, key objectives of the COAG trials. The first CGW was held in March 2004 and the most recent workshop was held in May 2006. The CGWs involved CWP members and other Murdi Paaki trial partners, and a number of workshops were attended by the relevant State or Australian Government Ministers.³¹⁹

COAG Trial Action Team

- 6.27** The COAG Trial Action Team comprises representatives of DEST, DET, DAA and the Bourke Indigenous Coordination Centre. Members of the Action Team represented government at CWP meetings and the Action Team was intended to act as a link between communities and the government sector.³²⁰

³¹⁵ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, pp 7-8

³¹⁶ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 7

³¹⁷ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 9

³¹⁸ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 15

³¹⁹ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 9

³²⁰ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 9

Indigenous Coordination Centres

- 6.28** Indigenous Coordination Centres coordinate Australian Government programs for Indigenous people and are involved in negotiating funding agreements to meet local and regional needs. The Bourke Indigenous Coordination Centre is represented on the Murdi Paaki COAG Trial Steering Committee.³²¹

Effectiveness of the Murdi Paaki trial

- 6.29** During the Inquiry the Committee received submissions and heard evidence from people and organisations involved in the Murdi Paaki trial. In this section of the chapter, comments on the effectiveness of the Murdi Paaki trial are considered.

Community Working Parties

- 6.30** The Committee heard strong, polarised views about CWPs from Aboriginal community members and government and Regional Assembly stakeholders.
- 6.31** As noted at paragraph 6.17, CWPs were originally established in the region in the mid 1990s, on the initiative of the Murdi Paaki Regional Council. Their purpose was to provide community liaison relating to the planning and provision of housing under the ACDP, but the membership was ‘refreshed’ at the commencement of the Murdi Paaki trial. The sixteen CWPs are now the primary mechanism for representation and consultation at the community level.
- 6.32** In its submission, the Dharriwaa Elders Group from Walgett stated that their CWP used to function well until the CWPs were refreshed under the Murdi Paaki trial:

This all changed when the Murdi Paaki ATSIC Council began to champion the community working parties as the centre of governance for Aboriginal communities – as a replacement for ATSIC in its last days. It then became a target for the strongest local faction, and the goodwill and understanding slowly built over 7 years was quickly destroyed.³²²

³²¹ Australian Government Indigenous Portal, www.indigenous.gov.au (accessed 29 August 2008)

³²² Submission 19, Dharriwa Elders Group, p 12

- 6.33** The Committee heard of a similar negative experience by the Dareton Aboriginal community. According to the Dareton community members' submission, Aboriginal communities have been 'decimated' by the new structures:

The Aboriginal community of Dareton and other communities across the Murdi Paaki region have been decimated by the Murdi Paaki COAG trials and the introduction of the new Aboriginal Community Working Party structure.³²³

- 6.34** The Dharriwaa Elders Group felt some scepticism about the role and potential effectiveness of the CWPs, as reported in its September 2003 issue of the monthly *Yundiboo* magazine:

... ATISIS [Aboriginal and Torres Strait Islander Services] is shaping a new operating model for community working parties whereby all service providers to Aboriginal people in each community will have to negotiate their planned outcomes with the CWP and report to the CWP re their implementation of these outcomes. The CWP will supply governance but not management for these organizations. ... Some were sceptical of this. They found it hard to believe that government could change its plans according to the wishes of the Walgett Community Working Party. More likely, the trials seem to be another way of scrutinizing Aboriginal community organizations, which already have to jump through many hoops.³²⁴

- 6.35** The Dharriwaa Elders Group were dissatisfied with the operation of the Walgett CWP once 'refreshed' during the Murdi Paaki trial, claiming that two family groups in the region dominated the membership of the CWP. In their submission, the Dharriwaa Elders Group were critical of the lack of response by Government to their request for assistance:

... government workers did not assist when the CWP was going off the rails. Instead they stood by when meetings spiralled out of control, when rules and quorums were made up as they went along. It was a shambles! Despite the advice of the DEG, the Murdi Paaki COAG trial persisted in flogging a dead horse ... No meeting rules/ codes of practice were agreed on in Walgett.³²⁵

- 6.36** Responding to the comments made in the submission of the Dharriwaa Elders Group, Mr Mark De Weerd, Director, Department of Education and Workplace Relations, Coffs Harbour and member of the COAG Trial Action Team, told the Committee that an important part of the Murdi Paaki trial was Aboriginal communities determining the membership of CWPs in their own way:

The makeup of the Community Working Parties structures was again determined by them as Aboriginal people in their communities. It was not determined by us as government representatives. When there were issues in some communities, they asked us for support. Our support was to assist them in refreshing their Community Working Parties or providing other assistance that they required from us. It was not

³²³ Submission 28, Dareton Aboriginal Community, p 22

³²⁴ Submission 19, p 12

³²⁵ Submission 19, pp 13-14

about going in and saying, "You must disband as a Community Working Party or have new elections." It was us supporting their needs.³²⁶

- 6.37** Mr De Weerd added that the CWP meetings he had attended had involved 'robust' discussion, but that due process was in place throughout:

You have to accept that at some meetings there will be robust discussion. I would not say that the meetings, the ones I participated in, were anything other than robust discussions and had participation by Dharriwa Elders Group at those meetings. When we did have issues, it resulted in the refresh of that CWP taking place, and that was supported by the Murdi Paaki Regional Assembly. So, there was due process in place to deal with those issues.³²⁷

- 6.38** In response to questions taken on notice during evidence, DET stated that each CWP developed a set of terms of reference and a code of conduct, with minutes – public documents - taken at each CWP meeting.³²⁸

- 6.39** Mr Jeffries similarly commented that to ensure transparency, CWP meetings were 'open' and 'inclusive':

As a general rule CWP meetings are open to the public, they are all inclusive, where possible to provide open forum time on the agenda for members of the public to raise issues for the delegate's consideration. This is to ensure transparency.³²⁹

- 6.40** Noting the particular comments of the Dharriwa Elders Group, Mr Trevor Fletcher, Deputy Director General Schools, said that the Department was aware of the issues and had responded:

The Department is aware of the issues and has responded through attending Community Working Party meetings to address concerns and by working in partnership with the (then) Department of Education, Science and Training and the Murdi Paaki Regional Assembly to ensure that Community Working Parties are open, transparent, accountable and representative of the community. Members of the Council of Australian Governments Trial Action Team attended the majority of Community Working Party meetings.³³⁰

- 6.41** Mr De Weerd further advised the Committee that if there were problems in the CWP concerning community governance, the COAG Action Team would refer the problem to the Murdi Paaki Regional Assembly to provide support and guidance to that CWP. Mr De Weerd stated that as government representatives, the Action Team were hesitant to determine how or

³²⁶ Mr Mark De Weerd, Director, Department of Education and Workplace Relations, Coffs Harbour, Evidence, 12 March 2008, p 21

³²⁷ Mr De Weerd, Evidence, 12 March 2008, p 23

³²⁸ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 15

³²⁹ Answers to questions taken on notice during evidence, 29 April 2008, Mr Sam Jeffries, Chairperson, Murdi Paaki Regional Assembly, p 2

³³⁰ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 15

who was involved in CWPs as it was a decision for the local Aboriginal community, and they felt it was clear from the outset that communities wanted to make those decisions themselves:

One of the critical points is that when the trial was first announced and the consultation started, communities were clear that they were sick of governments telling them how to do their business and wanted an opportunity to provide leadership at a community level and to have government support, not people telling them how to do it. As a government representative, I know it can be tricky in terms of providing support without telling communities how to do their business.³³¹

- 6.42** Members of other CWPS were more positive about their role and effectiveness. Mr Richard Weston, Coordinator of Broken Hill's Maari Ma Health Service and a delegate on the Broken Hill CWP, told the Committee that he saw Aboriginal people in the Broken Hill community taking responsibility through the CWP:

For us in Broken Hill the successes of the trial have been around Aboriginal people taking responsibility. I guess that is our share of the shared responsibility... We have developed selection criteria for our chairperson and our regional assembly representative. We have had three chairpersons over the past five years and we are due for another election. We do that on a regular basis and there have been three different people.³³²

- 6.43** Mr Weston told the Committee that in Broken Hill CWP meetings worked well. The CWP had developed their own terms of reference and a code of conduct 'for the way we behave in meetings.'³³³

- 6.44** In their submission, the Dareton community claims that the introduction of CWPs has disempowered many Aboriginal communities across the Murdi Paaki region, as CWPs have become the single point of contact for government agencies:

Individuals and organisations that are excluded from the CWPs no longer have an effective voice as government agencies are required to consult with the CWPs on all Aboriginal issues in the Aboriginal community and obtain their endorsement for various programs and projects. Visiting government officials now meet with the CWP delegates whereas in the past it was Aboriginal organisations they would liaise with.³³⁴

- 6.45** However, government and Regional Assembly witnesses denied these allegations. Mr Jeffries argued that government agencies do not only liaise with CWPs in communities, but also funded organisations such as Aboriginal Medical Services (AMSs), Community Development Employment Programs (CDEPs), and Housing Corporations. Mr Jeffries said that government agencies engage with CWPs around priority issues, then engage with either another government agency or a non-government organisation to apply an operational response to those priority issues.³³⁵

³³¹ Mr De Weerd, Evidence, 12 March 2008, p 21

³³² Mr Weston, Delegate, Broken Hill Community Working Party, Evidence, 12 March 2008, p 33

³³³ Mr Weston, Evidence, 12 March 2008, p 33

³³⁴ Submission 28, Dareton Aboriginal Community, p 22

³³⁵ Answers to questions taken on notice during evidence, 29 April 2008, Mr Jeffries, p 2

6.46 Mr Weston acknowledged that there are criticisms from the community of the CWP structure and process, however he strongly supported CWPs in evidence to the Committee:

Our structures, our Community Working Parties and our Regional Assembly are developing grounds for our capacity and leadership, decision making, strategic thinking, and trying to set the agenda for our region and our communities. There are also great forums for debate and discussion. We do not all agree. We know that there are criticisms in the community.

6.47 Mr Weston added that the CWP process had helped bring about constructive focus in a region where tension from a mix of different tribal groups and traditional owners could be high:

Broken Hill has a diverse Aboriginal community. We have tribes from all over Australia, including local traditional owners. So it is a melting pot, which can create a lot of tension. But the Community Working Party process and the protocols we have put in place have helped us focus on issues and be constructive.³³⁶

Community Action Plans

6.48 Each of the sixteen Indigenous communities in the Murdi Paaki region developed a Community Action Plan (CAP) to identify key local priorities. Development of the CAPs was overseen by the CWPs in consultation with community members and Aboriginal community organisations.

6.49 The main themes identified in the CAPs were:

- community governance
- employment and enterprise development
- health
- education
- culture and wellbeing
- economic development
- children and young people
- families
- law and justice
- housing and infrastructure.³³⁷

6.50 The themes identified by the CAPs were to be used to guide future government activity in the region. CAPs are a fundamental part of the Murdi Paaki trial – they are the self-identified priorities of the community, and provide a point of negotiation between the CWP and the responsible government departments over the delivery of services to meet those priorities.

6.51 The evaluation of the Murdi Paaki trial noted that while the time taken to develop the CAPs was extensive, the end result was positively regarded by most participants:

³³⁶ Mr Weston, Evidence, 12 March 2008, p 34

³³⁷ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p 6

Although it has taken a long time to complete, the CAP process was regarded in a positive light by the majority of stakeholders. There was strong support for the CAPs, which are regarded as an accurate reflection of community priorities. Delays in finalising CAPs have held up the progress of the Trial overall, to the frustration of both community and government stakeholders. However, the development of CAPs was seen as an important step in building community support for CWPs and the Trial generally, and has also contributed to the level of cohesion and goodwill in individual communities.³³⁸

- 6.52** While CAPs should theoretically represent the self-identified needs of an Aboriginal community, the Dareton group claimed that the Dareton community was not consulted on the development of their CAP:

The development of the Community Action Plan has had no positive outcomes for the community, the community was not consulted or had no input into this plan and the community has very little knowledge or understanding of the purpose of this plan.³³⁹

- 6.53** Other criticisms of the CAPs were related to the way in which the relevant government agencies responded to the needs identified by the community. The role of the State and Commonwealth governments throughout the trial has raised a number of issues.

- 6.54** The Committee heard evidence that departmental politics slowed the progression of the trial. For example, Mr De Weerd told the Committee that government was not able to respond well enough to the needs and aspirations of the Aboriginal community, as identified by the CWPs through the CAPs:

Government was not able to effectively or in a timely manner respond to those because working whole of government can be complex. Each agency has its own processes that it needs to follow. So, for five or six agencies to respond to the one issue in the community can take time, and for each agency to go through its due process takes time.³⁴⁰

- 6.55** Ms Louise Bye, Coordinator, School Community Partnerships with DET, echoed Mr De Weerd's comments, adding that where a whole of government response was required, what was in fact received was a single agency response:

... it was very much a single focus or a single agency response. What the community planning process identified was the need for a combined response from a number of agencies. That was very clear in that community action planning process.³⁴¹

- 6.56** Ms Bye was critical of the way in which Government agencies and representatives were involved in CWP meetings:

³³⁸ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p iii

³³⁹ Submission 28, pp 26-27

³⁴⁰ Mr De Weerd, Evidence, 12 March 2008, p 24

³⁴¹ Ms Louise Bye, Coordinator, School Community Partnerships, DET, Evidence, 12 March 2008, p 24

I would have liked to see them look at the Community Action Plan, instead of what I heard them say time and again, for example, "I represent this agency. Here are a couple of pamphlets. This is the website and these are the programs I deliver." I would have liked them to look at the Community Action Plan and to say, "I have noticed that this is your priority. My suggestion is that you need to contact this person and talk about this program", or, "This program meets your needs."³⁴²

- 6.57** Ms Anjali Palmer, Regional Manager for Dubbo with the DAA, told the Committee that there was sometimes a tension between the agency representatives on the ground and the head office over what actions could be taken in a particular situation:

We are told, "These are the programs that can be rolled out and that is it. You can do X, Y or Z, but you cannot do A, B and C", even though A, B and C are much better suited to a particular rural or remote community.³⁴³

- 6.58** Mr De Weerd agreed with these comments and suggested that a greater flexibility in terms of how policies and programs were applied was needed:

It is a broader issue of each department having the flexibility to respond. That is, the flexibility to use its funding innovatively and not be tied to policies and guidelines which may not meet the needs of the community but which will have the same goal in terms of the outcome. It involves providing a level of flexibility to enable workers on the ground to respond to the needs of the Aboriginal communities and to be able to commit to the broader priority or agenda to support that community.³⁴⁴

- 6.59** The lack of capacity of bureaucracies to work with Aboriginal communities was also identified as an issue by Sister Jan Barnett, who commented that 'there is limited capacity at many levels of bureaucracy to work effectively with communities to respond adequately to needs.'³⁴⁵

- 6.60** Ms Bye noted that the peripheral role of Aboriginal business in government departments contributed to the problem, and needed to change:

Aboriginal business needs to become very much part of core business. That is happening, but for some agencies it is an add-on. It needs to be very much part of core business.³⁴⁶

³⁴² Ms Bye, Evidence, 12 March 2008, p 24

³⁴³ Ms Anjali Palmer, Regional Manager, DAA, Evidence, 12 March 2008, p 26

³⁴⁴ Mr De Weerd, Evidence, 12 March 2008, p 28

³⁴⁵ Submission 16, Sister Jan Barnett RSJ, Sisters of St Joseph, p 13

³⁴⁶ Ms Bye, Evidence, 12 March 2008, p 28

- 6.61** Mr Jeffries noted that the relationship between government departments and their respective ministers could also have a negative impact on the way in which business is conducted in the communities:

It was hard for DEST and DET to get full cooperation from their respective agencies at a Commonwealth and State level. Understanding that each agency has separate Ministers, sometimes Ministers wanted to hold off on certain things to do a media release at a certain time. That does not get any kudos for us when we are continually waiting around for those sorts of ideologies to pointscore while we are sitting and watching the issue getting further and further into being something we cannot control or deal with.³⁴⁷

Committee comment

- 6.62** The comments about the unwieldy nature of Government departments and the consequent slow response to addressing the needs of Aboriginal communities as part of a partnership with those communities is indicative of the kind of evidence this Committee has heard throughout the Inquiry. The challenges for Government departments involved in partnership with Aboriginal communities are addressed in this Final Report at Chapters 2 to 4

Outcomes from the trial

Evaluations

- 6.63** Several independent evaluations of the COAG trials generally and the Murdi Paaki trial specifically have been conducted since the COAG trials commenced.
- 6.64** In 2005, DEST and DET commissioned an independent review of community governance in the Murdi Paaki region. Six communities across the region were consulted to assess community governance issues in the context of the trial. A report, *Community Governance in the Council of Australian Governments (COAG) Murdi Paaki Trial Site*, was produced for the Murdi Paaki Steering Committee in December 2005.³⁴⁸
- 6.65** In 2006 the then Office of Indigenous Policy Coordination, part of the Australian Government's Department of Families, Housing, Community Services and Indigenous Affairs (OIPC), commissioned independent evaluations of all COAG trial sites. The report on the Murdi Paaki review, *Evaluation of the Murdi Paaki COAG Trial (the Murdi Paaki Evaluation)*, was released in October 2006.
- 6.66** The *Murdi Paaki Evaluation* focused on seeking information and feedback from government representatives, with community input being sought from the Murdi Paaki Regional Assembly rather than at the community level.³⁴⁹ It found that '[a]mong stakeholders familiar with the

³⁴⁷ Mr Jeffries, Evidence, 12 March 2008, p 31

³⁴⁸ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*

³⁴⁹ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p

COAG trials elsewhere in Australia, Murdi Paaki is regarded as the most advanced trial site in terms of community capacity and governance.³⁵⁰

- 6.67** The *Murdi Paaki Evaluation* indicates that the challenges the trial was designed to address are complex and long-term, and that the commitments of community and government to achieving the trial's objectives must be sustained. Substantially improving outcomes in key areas like education and employment is likely to take decades, rather than years.³⁵¹
- 6.68** In particular, the *Murdi Paaki Evaluation* confirms that the majority of stakeholders believe that government needs to continue to support key elements of the Murdi Paaki trial – CWP, CAPs and simpler working arrangements between communities and government – if community support and engagement is to continue. The NSW Government, in its submission to this Inquiry, commented that failure to support these key elements 'may further disenfranchise communities resulting in additional significant investment by Government at a later date.'³⁵²
- 6.69** In November 2006, a review of the independent evaluations conducted for the Office of Indigenous Policy Coordination (OIPC) across all eight COAG trial sites, the *Synopsis Review of the COAG Trial Evaluations* (the *Synopsis Review*), was released.³⁵³ The *Synopsis Review* involved an analysis of the evaluations conducted in each of the trial sites, it did not involve primary research in those sites.
- 6.70** The *Synopsis Review* identified some key themes that were similar across all eight COAG trial site evaluations. The *Synopsis Review* noted the lack of attention paid in evaluations to the 'how' of trials – that is, if the trials are about governments and Indigenous communities working differently together, how is that achieved? Another key theme of the evaluations was the finding that many communities did not really understand the purpose and objectives of the trials.³⁵⁴
- 6.71** The importance of leadership, and consistency in the membership of the partners, were other consistent findings of the evaluations:

In those sites where lead agencies had consistent membership, at all levels, the building of trust, understandings and commitment was markedly higher. In most Trial sites communities commented on this; either to commend the lead agencies for retaining this consistency, or being critical in those sites where there were constant changes in government representatives. Consistency in personnel was articulated by Indigenous leaders and government representatives as an important factor in building trust and knowledge of each other, and by Indigenous communities as a sign of the

³⁵⁰ Urbis Keys Young, *Evaluation of the Murdi Paaki COAG Trial*, p ii

³⁵¹ Submission 40, p 85

³⁵² Submission 40, p 86

³⁵³ Report to the Office of Indigenous Policy Coordination, *Synopsis Review of the COAG Trial Evaluations*, November 2006

³⁵⁴ Report to the Office of Indigenous Policy Coordination, *Synopsis Review of the COAG Trial Evaluations*

integrity of the serious effort to maintain and build an effective partnership and good relationships.³⁵⁵

Key lessons learned

6.72 Mr Fletcher said that as a result of their experience in the trial, key stakeholders at a government and community level have identified the following critical factors for success in developing the partnerships needed:

- strong regional and community governance
- CWP and Murdi Paaki Regional Assembly participation in decision making at a state, regional and local level
- CAPs that are owned and actioned by the community
- lead agencies that understand their role in whole of government arrangements and demonstrate leadership
- engagement by partners agencies
- a localised Action Team.³⁵⁶

6.73 Ms Palmer noted that ‘the trial has enabled conversations at a local level so that we can develop solutions. That has been the strength of the trial.’³⁵⁷

6.74 In evidence to the Committee, the then Director General of the Department of Premier and Cabinet, Ms Robyn Kruk, said that the emphasis on Indigenous providers being trained to provide services in their own communities reflected a significantly different form of government service:

What is significant, and I hark back to my time at Health, a number of the models where a quite different form of government service was being offered with a strong emphasis on Indigenous providers, Indigenous people who were trained from their communities subsequently being providers of services within that community, was starting to show results.³⁵⁸

6.75 Ms Kruk added that a preparedness to try new initiatives with the community, while retaining an evidentiary approach, was refreshing:

Nothing beats going back to working with the community and having a strong evidentiary base of what works and to be prepared to have some failures in some of the initiatives you offer.³⁵⁹

³⁵⁵ Report to the Office of Indigenous Policy Coordination, *Synopsis Review of the COAG Trial Evaluations*

³⁵⁶ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 11

³⁵⁷ Ms Palmer, Evidence, 12 March 2008, p 27

³⁵⁸ Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 5

³⁵⁹ Ms Kruk, Evidence, 17 September 2008, p 5

- 6.76** Participants in the Murdi Paaki trial commented on the value of learning more about the machinery of government. For example, Ms Jeanette Barker, Chairperson Ngemba CWP, commented on her experience of meeting with government agency representatives throughout the trial:

As a community member and at a personal level the knowledge that we have gained at the community level has been of the most benefit we have ever received. Knowing how things happen at the government level, not fully understanding how they do business but at the least having that understanding. The meetings we have had with the people at that level to come and sit, to come down to our level, has been phenomenal for me. We cannot go to their level and converse with them. So, it has been a great achievement I think for them to be able to come and sit down and work and talk with us and give us a better understanding and the knowledge that we never had before. For me, that is the greatest achievement. As for things being done, not a lot has been done, but we are hopeful for some of the things to happen.³⁶⁰

- 6.77** Mr Jeffries told the Committee that the purpose of the COAG trial had been to change the way in which government did business with Aboriginal communities, and it had been successful by bringing about a shift toward government addressing community-identified needs:

The primary goal of the COAG trial was to get government to change the way it did business, and they did do that. In saying that, the point that we agreed to work on was to get government to respond to a planning process; to more or less get away from the submission-based process and focus on issues that are impacting on communities that have been identified by communities. So, it was getting a response to a planning process at a reasonable level, underpinned by a community planning process. I had 15 years with ATSIC but this is the first time that the planning process has been completely owned by Aboriginal people. It is not something that was owned by ATSIC or whatever. This is owned completely by Aboriginal people. There are Community Action Plans and there are regional plans. So, it was getting government to respond to that planning process against the priorities, aligning their service delivery to the priorities that we have identified through the planning process.³⁶¹

- 6.78** Ms Bye commented on the change in the way in which community members had participated in the community governance workshops conducted annually throughout the Murdi Paaki trial over time:

... what I saw at the end of five years was that when I first came on board and we went to the community governance workshops there was a great deal of suspicion from the working parties about government, about the process. They certainly came on board and were committed to another government process that was coming along, but by the end of the trial at the last government workshop each of the working parties could stand up and talk about their Community Action Plan, talk about what was happening in their community and they have a much stronger understanding of the services that were coming into the community and the partnerships that needed to happen.³⁶²

³⁶⁰ Ms Jeanette Barker, Chairperson, Ngemba Community Working Party, Evidence, 12 March 2008, p 31

³⁶¹ Mr Jeffries, Evidence, 12 March 2008, p 31

³⁶² Ms Bye, Evidence, 12 March 2008, p 24

- 6.79** The NSW Government submission stated that substantial improvements across a number of indicators have occurred in Murdi Paaki since the inception of the trial, including health, housing, educational attainment, and law and justice. However they admitted that it is not possible to draw direct causal links between the trial initiatives and improved outcomes in these areas, and have attributed the improvements in a general sense to the success of the partnership approach in the region.³⁶³
- 6.80** Mr Fletcher said that outcomes and lessons from the trial included:
- Improving the way people connect with each other, learn from each other and work together develops better solutions to difficult problems.
 - Murdi Paaki trial partners and stakeholders used the power of relationships to bring about cultural shifts.
 - Lead agencies tried to focus on success, on what could and needed to be done, rather than what could not be done.
 - That the catalyst for change is the Aboriginal communities themselves, and that power and control must originate at that level.
 - Community planning and community advocacy are important tools in the process and additional work is often needed to align these priorities with Departmental strategic plans.
 - Local community governance mechanisms and processes must be developed to reflect local community views and are likely to differ across communities.³⁶⁴

The future of Murdi Paaki

- 6.81** The Murdi Paaki trial ended on 31 December 2007. The Murdi Paaki Steering Committee endorsed a transition strategy for the Murdi Paaki trial to normalise existing Murdi Paaki trial processes in future arrangements, and to ensure the continuity of engagement and participation by Murdi Paaki Aboriginal communities as key partners in decision making.³⁶⁵
- 6.82** The lead agencies worked in partnership with the Murdi Paaki Regional Assembly, DAA and the Department of Families, Housing, Community Service and Indigenous Affairs (FaHCSIA) to develop a transition strategy to ensure that effective arrangements were maintained and supported in the normalisation of services to Murdi Paaki communities.
- 6.83** DEST and DET were replaced as lead agencies in December 2007 by DAA and the Australian Government's FaHCSIA.³⁶⁶ Consequently the DAA and FaHCSIA now have increasingly significant roles across the Murdi Paaki region.³⁶⁷

³⁶³ Submission 40, pp 81-86

³⁶⁴ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 11

³⁶⁵ Submission 13, p 14

³⁶⁶ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 13

³⁶⁷ Submission 40, p 85

- 6.84** Ms Anjali Palmer, Regional Manager for Dubbo with the DAA, commented on the ongoing governance and operational arrangements:

... we have put in place several different community development government engagement strategies and, of course, underpinned by *Two Ways Together*, which has enabled us to continue what has been established as a result of the COAG trial and transition that to a certain extent seamlessly and continue the work in partnership with the Australian government agencies as well.³⁶⁸

- 6.85** A draft Regional Partnership Agreement has been negotiated between the lead agencies and the Regional Assembly. The Agreement outlines the ongoing arrangements required to support the continuation of the Regional Assembly and the 16 CWPs.³⁶⁹

- 6.86** In evidence to the Committee in September 2008, Ms Jody Broun, Director General, DAA, said that the new Regional Partnership Agreement was still in the process of negotiation:

While we have been negotiating on a regional partnership agreement since last year, we are still in the process. It has recently been reinvigorated and there is some real work being done on that around a couple of things. ... One is that the Commonwealth Government now wants to insert the COAG Working Group on Indigenous Reform and the targets that have been set nationally, around employment and a few other things, into the regional partnership agreement. Likewise we probably want some of the things more related to the State Plan in F1. We would be reworking on that basis. I have just been reading the redrafted version, which is up to version 28 or something like that.³⁷⁰

- 6.87** Ms Broun commented that the time span for the reworked Agreement would be three years or even five years, and noted the importance of maintaining the governance arrangements that had been built up in the region over the course of the Murdi Paaki trial:

What we need to maintain is the real strength of governance that has been built up there and the relationship that has been built with government. We have to maintain that.³⁷¹

- 6.88** The Committee encountered some uncertainty from witnesses regarding the current status and future of the trial. This was acknowledged by Mr Alister Ferguson, Chairperson, Bourke CWP:

I think there is a bit of confusion at the moment because the COAG trial has expired. I think it should be made clear and simple to government agencies and departments, and more so the local services, that we are still in place and we simply are not going to go away because the job is far from finished. As I think Sam touched on earlier, we have a four- or five-year process with the COAG trial. I think it is only a starting

³⁶⁸ Ms Palmer, Evidence, 12 March 2008, p 22

³⁶⁹ Submission 40, p 85

³⁷⁰ Ms Broun, Evidence, 17 September 2008, p 16

³⁷¹ Ms Broun, Evidence, 17 September 2008, p 17

point, particularly with the theme of the Inquiry today in closing the gap to Indigenous disadvantage.³⁷²

6.89 Mr Jeffries commented on the effect the uncertainty arising from not having a new Regional Partnership Agreement was having on the community and government agencies:

To this date the agreement has not been signed. So I think now already we are fearful that some of the government agencies now are not engaging with Community Working Parties. So, they are starting now to go back to engaging with corporations or service providers and thinking that they are engaging Aboriginal people, but they are not.³⁷³

6.90 A common theme heard throughout this Inquiry is the need for long term and stable programs. The same applies with Murdi Paaki, as outlined by Mr Jeffries:

My thoughts about this very complex and problematic issue are to have government investment or government involvement that goes beyond an electoral cycle. It has to be for one or two generations. The problems that we confront in our communities are two and three generations old. We are not going to be able to change these things in an electoral cycle; we are not going to be able to change them in the five-year trial period suggest by the Council of Australian Governments. We need longevity in the investment process and a governance framework that builds across that period.³⁷⁴

6.91 The Conference of Leaders of Religious Institutes in New South Wales stated in its submission that while there was no doubting the good intentions of those involved in the Murdi Paaki trial, there was a lack of long term commitment by governments:

There is no doubt that many people of good-will have been engaged in this trial in the development of ongoing policies and programs to overcome Indigenous disadvantage. The uncertainty around roles of stakeholders and the lack of long-term commitment of governments, however, will undoubtedly undermine much of the good that has been achieved, especially since uncertainties and community fears have been confirmed by the Federal Government's Intervention in the Northern Territory.³⁷⁵

6.92 This comment was echoed in the submission of the Josephite Justice Committee NSW, which stressed the need for a long term approach to overcoming the causes of disadvantage:

Those committed in the Murdi Paaki COAG trial have reiterated over and over again that the causes of disadvantage are deep-seated, and that the challenges are both complex and convoluted, requiring long-term, holistic and sustained commitment. Making substantial improvements will take decades rather than years, and long-term mandated objectives and strategies for improving living conditions and opportunities for Aboriginal people, supported by monitoring powers and real accountability; need to underpin projects such as this. At present, the absence of long term commitment

³⁷² Mr Alister Ferguson, Chairperson, Bourke Aboriginal Community Working Party, Evidence, 12 March 2008, p 30

³⁷³ Mr Jeffries, Evidence, 12 March 2008, p 31

³⁷⁴ Mr Jeffries, Evidence, 12 March 2008, p 29

³⁷⁵ Submission 13, p 3

severely limits the degree of trust in the project, and the capacity of the stakeholders to move forward in meaningful ways.³⁷⁶

- 6.93** According to the evidence received, and the independent evaluations of the Murdi Paaki trial, a significant platform was built to support future developments and achievements in Aboriginal community governance. Mr Jeffries expressed his concern that this platform could easily erode if governments do not continue to build on it:

What I am fearful of is that if we do not continue to build on those gains that we made through the trial by having some relationship with Commonwealth and State governments in partnership with Aboriginal people, we will be trying to develop some strategy in the long term again, or we will be coming back around the table again, looking at ways to make these improvements.³⁷⁷

- 6.94** Mrs Jeanette Barker, Director of the Brewarrina Business Centre, established during the Murdi Paaki Trial to support other Aboriginal organisations in meeting governance requirements, told the Committee that things were ‘at a standstill’ while negotiations continued on the Regional Partnership Agreement.³⁷⁸

- 6.95** In response to questioning from the Committee as to whether it is likely that the momentum built up from the trial could be lost now that the trial has ceased, Mr Fletcher replied that the signing of a five-year Regional Agreement will facilitate engagement by the 16 CWPs and the Murdi Paaki Regional Assembly, and that agencies will continue to work whole of government through the Regional Engagement Group to meet the NSW State Plan targets for Aboriginal people and the Australian government’s *Closing the Gap* targets.³⁷⁹ Mr Fletcher also outlined the DET’s specific role:

The Department of Education and Training will continue to build upon the successes of the Murdi Paaki trial by working with government and community to address regional and local priorities identified in CAPs. The Department will focus on its role in strengthening relationships between schools and communities to better engage Aboriginal parents and community members, teachers and executive staff and regional and agency staff in improving outcomes for Aboriginal students across Western NSW region schools.³⁸⁰

- 6.96** Other participants in the Inquiry used the Murdi Paaki trial as an illustration of a common problem with ‘trials’ and ‘pilot programs’. Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates told the Committee that the departure of personnel following the completion of the trial was a common complaint:

One of the complaints of the people out in that region, and that is the very area I belong to, is that once the trial is over everyone says the trial is finished, let us get out

³⁷⁶ Submission 16, Sisters of St Joseph, p 13

³⁷⁷ Mr Jeffries, Evidence, 12 March 2008, p 30

³⁷⁸ Ms Barker, Evidence, 15 September 2008, p 46

³⁷⁹ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 14

³⁸⁰ Answers to questions taken on notice during evidence, 29 April 2008, DET, p 14

of here. Let us uncircle the wagons and get the hell out of here in whatever direction we can because the trial is finished.³⁸¹

Committee comment

- 6.97** The Murdi Paaki trial ended in December 2007, almost one year ago. The Committee is concerned that the ongoing negotiation of the Regional Partnership Agreement is sending the wrong signal to the communities that have invested so much time and energy into making the CWPs work as genuinely representative bodies in control of self-identified community priorities. While we appreciate that the 2007 change in the Australian Government will necessarily lead to a re-focussing of policies that take time to be reflected in regional agreements, we believe there has nevertheless been sufficient time to finalise the Murdi Paaki Regional Partnership Agreement. The Agreement should be finalised before the end of this year to give certainty to communities in the Murdi Paaki region.
- 6.98** The Committee notes the concerns raised by some participants in the Murdi Paaki trial about the way certain CWPs were organised and run. These concerns are related to the internal processes decided upon by each community for the establishment and operation of the CWP. The Committee believes these concerns should be addressed by those communities directly involved rather than resolved by external parties (i.e. Government agencies), in keeping with the aims of the Murdi Paaki trial to improve community governance. Support to resolve the concerns should be provided by the Murdi Paaki Regional Assembly and the other partners to the SRA, but that support should be limited to facilitating the resolution of any disputes by the disputing parties.
- 6.99** The Murdi Paaki trial illustrates the challenges faced by Aboriginal communities attempting to take control of their affairs - a five year program at the conclusion of which the government agencies that are partners to the program change and leave behind uncertainty over the levels of support and commitment from government. As we have seen and heard throughout the Inquiry, programs require time to produce results, and need long-term support from governments. The Committee's comments and recommendations in Chapter 3 attempt to address this issue.

Recommendation 21

That the NSW Government work with the Australian Government and the Murdi Paaki Regional Assembly to finalise the Murdi Paaki Regional Partnership Agreement before the end of December 2008.

³⁸¹ Mr Jack Beetson, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates, Evidence, 18 September 2008, p 62

Chapter 7 The Northern Territory Emergency Response

This chapter contains an overview of the Northern Territory Emergency Response, sometimes called ‘the Intervention’. This is followed by a discussion of issues arising from the subsequent independent review of the response. The issues are discussed in terms of their relevance for future policy direction in New South Wales.

Background

Ampe Akelyernemane Meke Mekarle (Little Children Are Sacred)

- 7.1 In August 2006 the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse was established to inquire into and report on allegations of child sexual abuse in Aboriginal communities and recommend better ways to protect children from abuse.³⁸² The Inquiry conducted over 200 meetings, received 65 written submissions and visited 45 Aboriginal communities in the Northern Territory.
- 7.2 The report of the Inquiry, titled *Ampe Akelyernemane Meke Mekarle* (meaning ‘Little Children are Sacred’ in the Arrandic language of the Central Desert Region of the Northern Territory) was released in June 2007. It presented the Northern Territory government with 97 recommendations on how to make children in Aboriginal communities safer.³⁸³
- 7.3 The Northern Territory Emergency Response (NTER, also referred to as ‘the Intervention’) was announced on 21 June 2007 in response to the *Little Children Are Sacred* report. The then Prime Minister, the Hon John Howard MP, declared that the situation regarding child abuse in Northern Territory Aboriginal communities was a national emergency.³⁸⁴

Key elements of Northern Territory Emergency Response (NTER)

- 7.4 The immediate aims of the NTER were to protect children and make communities safe. In the longer term the stated aim was to create a better future for Aboriginal communities in the Northern Territory.³⁸⁵
- 7.5 The NTER included measures for:

³⁸² Northern Territory Government website, www.nt.gov.au/dcm/inquirysaac/report_summary.html (accessed 17 November 2008)

³⁸³ Northern Territory Government website, www.nt.gov.au/dcm/inquirysaac/media_release.html (accessed 17 November 2008)

³⁸⁴ Darren Coyne, Report proposes a new way forward, NT Intervention review, *The Koori Mail*, Wednesday October 22 2008, p 8

³⁸⁵ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

- the promotion of law and order
- reforms to the provision of welfare payments
- the improvement of employment opportunities
- the support of families
- improvements to child and family health
- reforms to housing and land.³⁸⁶

7.6 Child health checks and other administrative measures began almost immediately. Legislation in support of the NTER was passed by the Australian Parliament in August 2007:

- *Northern Territory National Emergency Response Act 2007*
- *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*
- *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*.³⁸⁷

7.7 The operation of the *Racial Discrimination Act 1975* was explicitly suspended and protection of the anti-discrimination law in the Northern Territory was removed for the purposes of the NTER.³⁸⁸ On a practical level this enabled welfare payments to be quarantined for Aboriginal people, which placed limits on the amount of money that could be accessed and where the money could be spent; the permit system for access to Aboriginal communities was terminated; and police numbers increased.

Independent review of the Northern Territory Emergency Response

7.8 On June 6 2008 the Australian Government, under a new Prime Minister, the Hon Kevin Rudd MP, appointed the Northern Territory Emergency Response Review Board (the Review Board) to conduct an independent and transparent review of the first twelve months of the NTER. Its task was to assess the progress of the NTER in improving the safety and wellbeing of children and laying the basis for a sustainable and better future for residents of remote communities in the Northern Territory.³⁸⁹

7.9 The Review Board, consisting of Mr Peter Yu, Ms Marcia Ella Duncan and Mr Bill Gray, travelled throughout the Northern Territory for two months conducting ‘community and other consultations, visiting 31 Aboriginal communities and speaking with representatives of 56 communities, together with officials of numerous government and service delivery

³⁸⁶ Australian Government, Department of Education, Employment and Workplace Relations website, www.dest.gov.au/sectors/indigenous_education/programmes_funding/programme_categories/N_T_Emergency_Response/# (accessed 27 October 2008)

³⁸⁷ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

³⁸⁸ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

³⁸⁹ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

agencies'.³⁹⁰ The Review Board received over 200 submissions from a large number of stakeholders and provided a report to the Australian Government on 13 October 2008.

7.10 The report of the Review Board states that the NTER measures directly affect approximately 45,500 Aboriginal men, women and children. The area affected encompasses more than 500 Aboriginal communities: 73 of the larger settlements were targeted for intense application of NTER measures with over 70 per cent of Aboriginal people in the Northern Territory living within prescribed areas.³⁹¹

7.11 The Review Board found that in many communities support for the positive potential of the NTER measures has been diminished by the manner in which they were imposed. The measures introduced by the Australian Government under the NTER were a collective imposition based on race.³⁹² Current feelings of the people in the Northern Territory were summed up by the Review Board:

[There is] intense hurt and anger at being isolated on the basis of race and subjected to collective measures that would never be applied to other Australians.³⁹³

7.12 The overarching recommendations of the Review are that:

- the Australian and Northern Territory Governments recognise as a matter of urgent national significance the continuing need to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory.
- in addressing these needs both governments acknowledge the requirements to reset their relationship with Aboriginal people based on genuine consultation, engagement and partnership
- government actions affecting Aboriginal communities respect Australian's human rights obligations and conform with the *Racial Discrimination Act 1975*.³⁹⁴

7.13 The Australian Government made an initial response to the Review in October 2008 and will make a full response to the Review Board's recommendations, including future funding arrangements, over the coming months.³⁹⁵

³⁹⁰ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

³⁹¹ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

³⁹² Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 9

³⁹³ Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 8

³⁹⁴ Northern Territory Emergency Response Report of the NTER Review Board, October 2008 p 12

³⁹⁵ Australian Government, Minister for Families, Housing, Community Services and Indigenous Affairs, Australian Government Initial Response to the NTER Review, www.jennymacklin.fahcsia.gov.au (accessed 27 October 2008)

7.14 In its initial response to the NTER review the Australian Government accepted each of the overarching recommendations and stated that it intends to act on them in progressing to the next phase of the NTER. This will involve:

- aligning the Northern Territory with the broader effort to closing the gap between Indigenous and non-Indigenous Australians, measuring outcomes against the Government's targets in health, life expectancy, education and employment
- re-establishing the relationship with Indigenous Australians based on the principles of mutual respect, cooperation and mutual responsibility
- government working with communities to renew local leadership and strengthen local relationships, with a greater emphasis on community development and engagement
- redesigning a compulsory income management policy which does not require the suspension of the *Racial Discrimination Act (RDA) 1975*
- establishing what is a reasonable rent for all existing five-year leases and negotiating with traditional owners for long term leases to continue.³⁹⁶

7.15 The overall emphasis of the report of the Review Board is on the need, and desire of the communities, for a new relationship between Aboriginal people and the Australian Government. In regard to the type of relationship required, the Review Board stated:

The most fundamental quality defining that relationship must be trust. And for that to occur at the community level in the Northern Territory there must be an active re-engagement with the community by government. ...one of the impacts of the NTER was to fracture an already tenuous relationship with government.³⁹⁷

Responses to the Intervention and lessons for New South Wales

7.16 The necessity of engaging effectively with Indigenous communities was seen as imperative by participants throughout this Inquiry. This Committee heard from a wide-range of stakeholders including the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma, Indigenous elders and community members, respected anthropologists and academics, government and non-government service providers, and bureaucrats. While most participants welcomed the attention that the Intervention focused on overcoming Indigenous disadvantage, many expressed reservations regarding the NTER method of dealing with the problems. The following is a summary of concerns expressed by these participants:

- lack of community consultation about the best way to address the issues raised in the *Little Children are Sacred* report
- lack of recognition of programs already in place and the effective leadership being provided by Indigenous people within the communities

³⁹⁶ Australian Government, Minister for Families, Housing, Community Services and Indigenous Affairs, Australian Government Initial Response to the NTER Review, www.jennymacklin.fahcsia.gov.au (accessed 27 October 2008)

³⁹⁷ Northern Territory Emergency Response Report of the NTER Review Board, October 2008 p 7

- government programs are often not reflective of research into what makes programs work and what makes them sustainable in the long-term
- human rights need to be respected at all times and laws such as the *Racial Discrimination Act* cannot be suspended to suit government purposes even if there is a paternalistic ‘for their own good’ attitude
- the process of policy development needs to be inclusive of Aboriginal leaders and not driven from the top down
- programs such as the NTER are counterproductive to the development of economic independence and self-determination.³⁹⁸

7.17 This list, although not exhaustive, reflects the issues identified by the NTER Review Board. The issues have been instrumental in determining the recommendations of the Board and should be considered when formulating future policy directions in New South Wales.

7.18 Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, NSW Attorney General’s Department, expressed his doubts about the Intervention, saying that it has ‘alienated a lot of community members’ without benefits being seen in the areas of crime and sexual assault.³⁹⁹

7.19 This sentiment was echoed by Mr Geoff Scott, Chief Executive Officer, NSW Aboriginal Land Council. Mr Scott told the Committee that the Land Council has an issue with the way that the Intervention was implemented and what measures were taken:

Reducing people to being beggars on their own land to bring about behavioural change is hardly a defensible public policy ...If you have got an intervention that suspends the *Racial Discrimination Act* and suspends the *Trade Practices Act* as a process of cleaning issues out, we have a real problem in this country.⁴⁰⁰

7.20 Some Inquiry participants told the Committee of their long term recognition of the on-going problems in the Northern Territory and their surprise at the way the NTER came about. However, the raised profile of Indigenous disadvantage was viewed as a positive. Professor

³⁹⁸ Inclusive of, but not limited to Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner and National Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission, Evidence, 15 September 2008; pp 17-24, Ms Diane Austin-Broos, Professor Emeritus, Department of Anthropology, University of Sydney, Evidence, 18 September 2008; pp 37-42, Professor Jon Altman, Director, Centre for Aboriginal Economic and Policy Research, Australian National University, Evidence, 15 September 2008; pp 65-69, Ms Janet Hunt, Fellow, Centre for Aboriginal Economic and Policy Research, Australian National University, Evidence, 15 September 2008; pp 66-69, Professor Larissa Behrendt, Director of Research, Professor of Law and Indigenous Studies, Jumbunna Indigenous House of Learning, University of Technology Sydney, Evidence, 15 September 2008, pp 29- 40, Ms Ruth McCausland, Senior Researcher, Jumbunna Indigenous House of Learning, University of Technology Sydney, Evidence, 15 September 2008, pp 30 - 40

³⁹⁹ Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, NSW Attorney General’s Department, Evidence, 18 September 2008, p 16

⁴⁰⁰ Mr Geoff Scott, Chief Executive Officer, NSW Aboriginal Land Council, Evidence, 15 September 2008, p 11

Emeritus Austin-Broos, Department of Anthropology, University of Sydney, told the Committee of her experience:

There was plenty of evidence over many years that there were some real difficulties here that needed to be attended to. From my personal point of view, six weeks prior to the intervention I had just finished writing a book about the conditions I have encountered in Central Australia, which I thought were tragic, bracing and needed attention. Suddenly there was the intervention. In some ways it was a relief to have something on the national public agenda, but I think the circumstances in which it was done have been unfortunate.⁴⁰¹

7.21 Professor Austin-Broos expressed regret that the Intervention came in response to the *Little Children are Sacred* report, as it generated a perception that all Aboriginal people, particularly those in remote areas, are ‘all pathological, which is not the case’.⁴⁰²

7.22 Mr Scott was critical of the lack of a development focus in the Intervention stating that the method of intervention is not sustainable and will lead to further problems:

The Intervention itself has no development focus ... It is born of frustration that nothing is happening. You need to do something and do it quick but you do not destroy a people to do it. When the Government leaves soon—and it will soon because it cannot sustain that level of effort—it has a problem coming.⁴⁰³

7.23 Of relevance and importance to Indigenous and non-Indigenous citizens of New South Wales, and the Government is the emphasis that the Review Board placed on the need for engagement with Aboriginal communities to be based on national and international experiences of what works for Indigenous communities. Evidence arising from the Review of the NTER was outlined a set of recognised principles for engagement. These principles are outlined below, and accord with the evidence received by this Committee and the thrust of the Committees recommendations in Chapters 2-4:

- genuine engagement with communities in talking about, developing and implementing policies
- active and well-supported Indigenous led decision making in program design
- bottom-up approaches that knit together local knowledge within a national framework
- local and region-specific programs that are tailored to the needs of particular communities rather than one size fits all approaches
- investment in and support for local Indigenous leadership
- long-term investment in strengthening communities at a local level to decide and manage their own affairs
- programs and policy approaches that are geared towards long-term achievements

⁴⁰¹ Ms Austin-Broos, Evidence, 18 September 2008, p 42

⁴⁰² Professor Austin-Broos, Evidence, 18 September 2008, p 42

⁴⁰³ Mr Scott, Evidence, 15 September 2008, p 11

- real investment of dollars and people based on need and ongoing support for programs that work
- regular and independent public evaluations of government programs and policies to learn from mistakes and successes
- cooperative approaches by state, Federal and local governments and their agencies which reduce the burden of duplication and red tape on community organisations.⁴⁰⁴

7.24 Mr Michael Coutts-Trotter, Director General of the NSW Department of Education and Training, was critical of the intervention for its lack of negotiation with communities stating that this would make any changes unsustainable. Mr Coutts-Trotter told the Committee that NSW had already learnt those lessons:

...we have learnt from experience that the only way to make sustainable changes ...for Aboriginal communities is to do that in genuine partnership with Aboriginal people and Aboriginal communities and that it takes time; it takes negotiation, it takes hard work, it takes compromise, it take disappointment. But from that you get things that are genuinely jointly planned and jointly committed to and it becomes something that we doing together rather than something that is being done to a student.⁴⁰⁵

7.25 There were some aspects of the Intervention that were acknowledged by Inquiry participants as successful. The introduction of police into communities where previously there were none has been seen to make a 'big difference',⁴⁰⁶ and the management of incomes brought to light the difficulty of buying healthy food at a reasonable price in many remote locations.⁴⁰⁷

7.26 One of the positives of quarantining of welfare payments has been said to be the protection it affords the welfare recipient from 'hugging' (having money coerced from the welfare recipient) from family members. Professor Larissa Behrendt, Director of Research, Professor of Law and Indigenous Studies, Jumbunna Indigenous House of Learning, suggested that there were alternatives to mandatory quarantining, such as financial management programs that could be used on a 'case-by-case basis to achieve the same aim rather than a policy that has so many negative aspects to it'.⁴⁰⁸

⁴⁰⁴ These points are a summary of recommendations and findings from the following sources: The Productivity Commission 'Overcoming Indigenous Disadvantage Key Indicators: 2007 Aboriginal and Torres Strait Islander Social Justice Commissioner Social Justice report 2006, 2005 and 2004 The Telethon Institute for Child Health Research, Western Australian Aboriginal Health Survey, 2006 P Anderson & R Wild, *Ampe Akebyememane Meke Mekarie Little Children Are Sacred* report, 2007 Reconciliation Australia and CAEPR, J Hunt & D Smith, 'Indigenous Community Governance Project: Year Two Research'. Dr Ken Henry, Treasury Secretary, 'Creating the right incentives for Indigenous Development' Address to the Cape York Institute Conference, 2007 as cited in Northern Territory Emergency Response Report of the NTER Review Board, October 2008, p 48

⁴⁰⁵ Mr Michael Coutts-Trotter, Director General, NSW Department of Education and Training, Evidence, 17 September 2008, p 58

⁴⁰⁶ Professor Larissa Behrendt, Director of Research, Professor of Law and Indigenous Studies, Jumbunna Indigenous House of Learning, University of Technology Sydney, Evidence, 15 September 2008, p 32

⁴⁰⁷ Professor Altman, Evidence, 15 September 2008, p 65

⁴⁰⁸ Professor Behrendt, Evidence, 15 September 2008, p 32

- 7.27** While numerous Inquiry participants acknowledged some positive aspects of the Intervention the overall response was one of concern for the longer term and the sustainability of such programs. This is of particular concern to this Committee and for future policy directions of the New South Wales Government.
- 7.28** For example, Ms Robyn Kruk, the then Director General of the Department of Premier and Cabinet (DPC), commented that ‘the positive aspect was the mobilising of resources, both government and non-government, State and Federal, profit and non-profit’ but noted her concerns over the sustainability of some of the initiatives:
- ... I know that a number of the service providers from my own health system at that time put themselves forward to become involved in that effort. I think the focus particularly for young Aboriginal children for a health check is a very good move but there is very little benefit if you just undertake a health check and there is not follow-through treatment and the provision of support services. ... The risk is that you can often make a situation worse by doing that. You need to have a plan that deals with the wellbeing, health and resilience ... of the community as a whole.⁴⁰⁹
- 7.29** Both government and non-government Inquiry participants expressed concern in regard to the funding of the NTER. Professor Behrendt, was critical of the intervention in that a lot of the funding for it was ‘not new money but came out of existing programs for Aboriginal communities around the country’.⁴¹⁰
- 7.30** Ms Kruk echoed the comments of Professor Behrendt, telling the Committee that the funding of the Intervention in the Northern Territory was at the expense of states such as New South Wales as it was coming from existing programs.⁴¹¹
- 7.31** The Committee heard that funding was not the only resource diverted from Indigenous communities outside the Northern Territory. Ms Vicki D’Adam, Assistant Director General (Policy), NSW DPC, was concerned that the Federal Government focus on the Northern Territory had diverted human resources to the NTER, which had been detrimental to the progress of initiatives in New South Wales Aboriginal communities:
- Areas that we did want to take forward, we have a bilateral agreement with the Commonwealth that we were beginning to get off the ground and meeting regularly, identifying priority communities or partner communities; that basically ground to a halt because all the effort was diverted to the Northern Territory and all the people who could talk to us about those issues, even in a more specialised way as well. That was the biggest effect; it meant that we could not take some things forward in New South Wales that we wanted to in partnership with the Commonwealth.⁴¹²
- 7.32** The concentration of resources and attention on the Northern Territory has also led to a worrying perception that all the problems only exist in the Northern Territory. Professor Behrendt told the Committee that this may become a long-term problem for urban and large regional areas:

⁴⁰⁹ Ms Kruk, Evidence, 17 September 2008, p 24

⁴¹⁰ Professor Behrendt, Evidence, 15 September 2008, p 32

⁴¹¹ Ms Kruk, Evidence, 17 September 2008, p 25

⁴¹² Ms Vicki D’Adam, Assistant Director General (Policy), NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 25

...particularly concerned by a view that is emerging that Aboriginal communities who live in urban and large regional areas are integrated enough to not need special attention. There have been some of the ideological flow-ons from this assumption that the Northern Territory is the only place where these things were a problem, and it is the diverging of resources that I think will be along-term problem for other Aboriginal communities.⁴¹³

- 7.33** As stated in the Committee's Interim Report, 77% of the Aboriginal population in New South Wales live in urban and regional areas, with 41,800 residing in Sydney in 2006.⁴¹⁴ Given these figures, and if the focus remains on remote communities, Ms D'Adam predicted that the outcomes for the urbanised Indigenous population of New South Wales could be negatively affected:

The targets that the Prime Minister put forward and our leaders have also signed up through the Council of Australian Governments process, can be very difficult to achieve if there is not greater effort applied to Aboriginal people living in urban areas.⁴¹⁵

- 7.34** Ms Janet Hunt, Fellow at the Centre for Aboriginal Economic and Policy Research, Australian National University, voiced her unease with the long-term effects of the Intervention on Aboriginal communities. Ms Hunt said that it 'withdrew control from people and took responsibility away from [Aboriginal] people' and commented on the long term effects of this removal of control and responsibility:

It [the Intervention] may have some short-term positive outcomes, but taking responsibility and control away from people is not going to give you the long-term capacity that is required, and it was done in a very rushed way ... I would much prefer to have seen a somewhat slower and more successful long-term approach.⁴¹⁶

- 7.35** It was the view of the NTER Review Board that this long-term approach will require changes to the machinery of government. The issues the Board discussed are similar to those which this Committee have found to be problematic in New South Wales:

If the various NTER measures are to operate as a genuine suite of measures there needs to be adjustments in the machinery of government enabling better coordination of services, greater responsiveness to the unique characteristics of each community and higher levels of community participation in the design and delivery of services.⁴¹⁷

Committee comment

- 7.36** The Northern Territory Emergency Response represented a watershed moment in Indigenous affairs in this country. The Australian Government, in the face of compelling and disturbing evidence of widespread dysfunction and sexual abuse, took decisive action. The Committee

⁴¹³ Professor Behrendt, Evidence, 15 September 2008, p 32

⁴¹⁴ *Two Ways Together Report on Indicators 2007*, p 14 as cited in NSW Legislative Council, Standing Committee on Social Issues, *Overcoming Indigenous disadvantage in New South Wales: Interim Report*, Report 40, June 2008, p 8

⁴¹⁵ Ms D'Adam, Evidence, 17 September 2008, p 25

⁴¹⁶ Ms Hunt, Fellow, Evidence, 15 September 2008, p 66

⁴¹⁷ Northern Territory Emergency Response Report of the NTER Review Board, October 2008 p 10

shares the view of most participants in this Inquiry that the Intervention brought Indigenous disadvantage into focus and identified it as a shameful problem that we as a nation have a responsibility to address.

- 7.37** The Committee also shares the opinion of Inquiry participants that the Northern Territory Emergency Response does not set a good example for New South Wales in the design, development and implementation of programs.
- 7.38** The overall findings of the Review of the Northern Territory Emergency Response are consistent with those of this Committee. This Committee agrees with that there is a ‘chronic problem in establishing effective integrated services in Aboriginal communities’.⁴¹⁸ The Committee’s comments and recommendations relating to community engagement and coordinated service delivery respond to this problem and can be found in Chapters 3 and 4.
- 7.39** The Government of New South Wales can learn from the Northern Territory Emergency Response. With governments working together, giving sustained bipartisan support and action beyond the political cycle to Indigenous communities, there is a better chance of overcoming Indigenous disadvantage in NSW.
- 7.40** The Committee has made similar findings to the Northern Territory Emergency Response Review Board and believes the principles the Review has identified are applicable in NSW as they relate to the development of policies and programs to overcome Indigenous disadvantage.

Recommendation 22

That the NSW Government work collaboratively to develop and support policies and programs with the Australian Government which address Indigenous disadvantage in urban, regional and remote areas that are long-term, sustainable, and outlast the political cycle.

⁴¹⁸ Northern Territory Emergency Response Report of the NTER Review Board, October 2008 p 10

Chapter 8 The international context

This Chapter addresses the international aspects of the Inquiry's term of reference 1(a). The chapter briefly examines the history and background of the Indigenous people of Canada, New Zealand, the United States of America and South America. Policies and programs in those countries that are aimed at, or have the effect of, closing the life expectancy gap between Indigenous and non-Indigenous people in those countries are considered.

Overview

8.1 The Committee did not receive extensive evidence relating to the Indigenous populations of other countries, or programs and policies being implemented in other countries to address Indigenous disadvantage. Throughout the Inquiry, witnesses told the Committee that while there are always lessons to be learnt from other countries, it is not possible or wise to apply programs and policies that may be successful in those countries to the specific circumstances of Indigenous communities in New South Wales.

8.2 The Director General of the Department of Aboriginal Affairs, Ms Jody Broun, told the Committee that caution should always be used when considering the programs and policies of other countries:

... I would probably caution against just implanting something from an overseas model into Australia; I think there are a lot of differences culturally and also historically and we have got to be very careful of doing that. That is not to say you do not learn from those other models, but I think you have got to be very careful of just transplanting them in and saying, "We've got something for you. You do it". But it does have to have those principles of the community owning the problem and being able to work with you and having faith in the system to deal with it.⁴¹⁹

8.3 This chapter therefore presents a non-exhaustive examination of the current situation for the Indigenous peoples of Canada and New Zealand, with case studies to illustrate some of the various programs and policies in operation in those countries. Some information is also provided on the Indigenous peoples of the United States of America and the countries of South America.

Canada

8.4 The history and nature of Canada's Aboriginal population makes a good comparison with the Australian Indigenous population. Just as the term 'Indigenous' in Australia covers linguistically and culturally different groups, the term 'Aboriginal' in Canada obscures the many cultural and linguistic differences between and within the Inuit, Métis and First Nation groups.⁴²⁰ Canada is also a constitutional monarchy with a colonial background.

⁴¹⁹ Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 17 September 2008, p 12

⁴²⁰ Report of the Royal Commission on Aboriginal Peoples, *Volume 3 'Gathering Strength'*, November 1996, www.ainc-inac.gc.ca/ch/rcap/sg/sg3_e.html (accessed 7 October 2008)

- 8.5 Canada's Aboriginal population are the descendants of the original inhabitants of North America. The Canadian Constitution recognizes three groups of Aboriginal people — Indians, Métis people and Inuit. These are three separate peoples with unique heritages, languages, cultural practices and spiritual beliefs.
- 8.6 The *Indian Act* Revised Statutes of Canada 1985 (the *Indian Act*) regulates Indian status, local government and the management of reserve land and communal monies.⁴²¹ The *Indian Act* defines 'Indian status' with associated rights and benefits flowing from that status. Indian 'status' is determined by lineage, and is affected by factors such as gender and marriage.⁴²²
- 8.7 First Nation is a term that came into common usage in the 1970s to replace the word 'Indian'. Although the term First Nation is widely used, no legal definition of it exists. Many Indian people have adopted the term 'First Nation' to replace the word 'band' in the name of their community.
- 8.8 The Inuit are an Aboriginal people in Northern Canada, who live in Nunavut, Northwest Territories, Northern Quebec and Northern Labrador. The word means 'people' in the Inuit language — Inuktitut. The singular of Inuit is Inuk.
- 8.9 Métis are people of mixed First Nation and European ancestry who identify as Métis people, as distinct from First Nations people, Inuit or non-Aboriginal people. The Métis have a unique culture that draws on their diverse ancestral origins, such as Scottish, French, Ojibway and Cree.
- 8.10 The term 'Aboriginal' will be used in this section as it is in Canada; to refer to the Inuit, First Nations and Métis peoples collectively.

Background to the Canadian Indigenous population

- 8.11 Before contact with Europeans, Aboriginal people lived in most areas of Canada, largely relying on fishing and hunting, and at the time of first European contact some groups were also practising agriculture.⁴²³
- 8.12 Although initial contact with Europeans occurred much earlier for Aboriginal Canadians than for Indigenous Australians (contact between Europeans and Aboriginal Canadians commenced in the 1500s, and the first permanent European settlements were established in 1603), it had a similar effect, with diseases brought from Europe decimating up to 93% of the population. Armed hostilities and starvation also claimed many lives.⁴²⁴

⁴²¹ Note that the *Indian Act* dates back to legislation from 1876, and was last revised in 1985.

⁴²² Furi M & Wherrett J, Canadian Parliamentary Information and Research Service, Library of Parliament, 'Indian Status and Band Membership Issues', February 2003, www.parl.gc.ca/information/library/PRBpubs/bp410-e.htm#aregistrationtx (accessed 28 October 2008)

⁴²³ Library and Archives Canada, *An Overview of Aboriginal History in Canada*, www.collectionscanada.gc.ca/archivianet/0201200110_e.html (accessed 7 October 2008)

⁴²⁴ Report of the Royal Commission on Aboriginal Peoples

- 8.13** Interaction between Europeans and Aboriginal people in Canada moved from initial contact, trade and tense coexistence, outright hostility, agreement and treaty - all signs of a degree of respect; to outright intolerance of cultural distinctiveness, with government policies designed to draw Aboriginal people into the mainstream.⁴²⁵
- 8.14** From very early contact, Aboriginal relations with Europeans were in most cases founded on the principles that Aboriginal peoples were autonomous political groups capable of forming treaty relations, and that they had some form of entitlement to the land in their possession.⁴²⁶ This was reflected in treaties formed between Aboriginal Nations and the British Crown.
- 8.15** As the colonial society became stronger this relationship began to change.⁴²⁷ The government continued to negotiate treaties with Aboriginal Nations, however, under new policies of ‘civilization’ of Aboriginal people, the value of the treaties was greatly reduced.⁴²⁸
- 8.16** The *Indian Act* of 1876 codified the policy of assimilation that had already begun to take effect. It introduced government control over all Aboriginal affairs including defining who was ‘Indian’.⁴²⁹
- 8.17** One of the most damaging products of the policy of assimilation was the joint government and church residential school program begun in 1849. These schools separated children from their parents and cultural background, and were also plagued by problems of lack of basic care, as well as many children suffering physical, emotional and sexual abuse.⁴³⁰
- 8.18** This dispossession continued until the 1970s, when government priorities began to change, and Aboriginal people began to campaign more actively for rights and control over their own lives, resulting in constitutional reform to recognise treaty rights and the Indian status of many people who had previously been excluded.⁴³¹
- 8.19** On Wednesday 11 June 2008, the Canadian Prime Minister Stephen Harper formally apologised for the treatment of children in residential schools.

Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country [...] We are sorry.⁴³²

⁴²⁵ Report of the Royal Commission on Aboriginal Peoples

⁴²⁶ Report of the Royal Commission on Aboriginal Peoples

⁴²⁷ Report of the Royal Commission on Aboriginal Peoples

⁴²⁸ Report of the Royal Commission on Aboriginal Peoples

⁴²⁹ Report of the Royal Commission on Aboriginal Peoples

⁴³⁰ Report of the Royal Commission on Aboriginal Peoples

⁴³¹ Report of the Royal Commission on Aboriginal Peoples

⁴³² Prime Minister Stephen Harper, *Apology to the Former Students of Indian Residential Schools*, 11 June 2008, www.fns.bc.ca/pdf/TextofApology.pdf (accessed 7 October 2008)

Current situation

- 8.20** The total Aboriginal population in 2006 was 1 172 785 (3.8% of the total population of Canada),⁴³³ of which 53% were Registered Indians, 30% were Métis, 11% were non-status Indians and 4% were Inuit.⁴³⁴
- 8.21** The statistics cited in Table 8.1 are drawn from a variety of sources, including Canadian Government departments such as Statistics Canada, Health Canada, Human Resources and Social Development Canada; and the 1996 report of the Royal Commission on Aboriginal Peoples. They therefore do not represent a snapshot at a single point of time, but provide an indicative illustration of the key characteristics of Aboriginal Canadians.

Table 8.1 Key characteristics of the Indigenous population of Canada

	Indigenous	Non-Indigenous
Estimated resident population	1 172 785	30 068 240
Life expectancy at birth – males	68.9	76.3
Life expectancy at birth – females	76.6	81.8
Population growth since 2001	20.1%	4.9%
Home ownership	28.5%	67%
Median age	26.5	39.7
Median individual income	C\$13 593	C\$22 431

Sources: Statistics Canada website: www.statistics.ca; Health Canada website: www.hc-sc.gc.ca; Canadian Real Estate Association website: www.inthc.org; Treasury Board of Canadian Secretariat website: www.tbs-sct.gc.ca

Programs

- 8.22** Over the past 30 years Canada has begun to address historic issues and enhance the control of Aboriginal people over their own lives. This can be seen in the narrowing gap in living conditions between Aboriginal and non-Aboriginal people, improvements in education levels, falling unemployment, improved housing conditions and infrastructure.⁴³⁵
- 8.23** There is a wide range of programs currently running in Canada, dealing with a range of Aboriginal issues. Of particular interest is the general Canadian approach to Aboriginal affairs, where general strategies are developed to address widespread issues, and specific, localised

⁴³³ Statistics Canada, *2001 Census – Aboriginal Peoples of Canada*, www12.statcan.ca/english/census01/Products/Analytic/companion/abor/canada.cfm (accessed 7 October 2008)

⁴³⁴ Statistics Canada, *Fact Sheet: 2006 Census Aboriginal Demographics*, www.ainc-inac.gc.ca/pr/info/cad-eng.asp (accessed 7 October 2008)

⁴³⁵ Minister of Indian Affairs and Northern Development, *Gathering Strength – Canada's Aboriginal Action Plan: a Progress Report*, 27 July 2000, dsp-psd.pwgsc.gc.ca/Collection/R32-192-2000E.pdf, p 5 (accessed 27 November 2007)

programs are developed and implemented to ensure the effectiveness of those strategies in particular areas.

- 8.24** This localised approach is made easier by the existing structures of the Aboriginal peoples of Canada, as Professor Larissa Behrendt, Director of Research and Professor of Law at the Jumbunna Indigenous House of Learning, University of Technology Sydney, noted in evidence to the Committee:

Pretty much across most of the parts of Canada there is a fairly distinct representative group; it has either been defined long ago by treaties or there is a very clear view about where the tribal boundaries are. So they are much more easily able to identify the community to build up the interface with Government, and that seems to be much more strongly developed... Where does the Government go to talk to Aboriginal communities [in Australia]?⁴³⁶

Gathering Strength – Canada’s Aboriginal Action Plan

- 8.25** *Gathering Strength - Canada’s Aboriginal Action Plan* was launched in January 1998 in response to the report of the Royal Commission on Aboriginal Peoples, released in 1996.⁴³⁷ The plan’s stated aim is to redress inequality and ‘renew the relationship with the Aboriginal peoples of Canada’.⁴³⁸

- 8.26** *Gathering Strength* acknowledges the historical ‘suppression of Aboriginal culture and values’ and the subsequent ‘erosion of the political, economic and social systems of Aboriginal people and nations’:

Sadly, our history with respect to the treatment of Aboriginal people is not something in which we can take pride. Attitudes of racial and cultural superiority led to a suppression of Aboriginal culture and values. As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices. We must recognize the impact of these actions on the once self-sustaining nations that were disaggregated, disrupted, limited or even destroyed by the dispossession of traditional territory, by the relocation of Aboriginal people, and by some provisions of the Indian Act. We must acknowledge that the result of these actions was the erosion of the political, economic and social systems of Aboriginal people and nations.⁴³⁹

- 8.27** *Gathering Strength* sets out a policy framework based on four objectives, each comprising several elements:

- *Renewing the Partnership*: this objective included a Statement of Reconciliation acknowledging past injustices, and established a \$350 million ‘healing fund’ to

⁴³⁶ Professor Larissa Behrendt, Director of Research and Professor of Law, Jumbunna Indigenous House of Learning, University of Technology Sydney, Evidence, 15 September 2008, pp 39-40

⁴³⁷ Hurley M & Wherrett J, Canadian Parliamentary Information and Research Service, Library of Parliament, ‘The Report of the Royal Commission on Aboriginal Peoples’, 4 October 1999, www.parl.gc.ca/information/library/PRBpubs/prb9924-e.htm (accessed 28 October 2008)

⁴³⁸ *Gathering strength – Canada’s Aboriginal Action Plan*

⁴³⁹ *Gathering strength – Canada’s Aboriginal Action Plan*

address as much as possible the legacy of the residential school system. This objective also includes preserving and promoting Aboriginal culture and language.

- *Strengthening Aboriginal Governance*: this relates to developing the capacity of Aboriginal people to negotiate and implement self-governance.
- *Developing a New Fiscal Relationship*: this objective aims to promote greater transparency and accountability in both Canadian federal funding and local expenditure of those funds, and to encourage First Nations governments to achieve greater financial independence.
- *Supporting Strong Communities, Peoples and Economies*: this objective focuses on improving living standards, reducing welfare dependency and investing in people and economic development.⁴⁴⁰

8.28 The Statement of Reconciliation contained in *Gathering Strength* was formally adopted by the Parliament of Canada in Prime Minister Stephen Harper's apology to the people who had suffered abuse as children at residential schools on 11 June 2008.

8.29 The 2000 Progress Report on *Gathering Strength* states that, 'after just two years, *Gathering Strength* is reporting solid, tangible results in all four areas.'⁴⁴¹

The Aboriginal Justice Strategy

8.30 The Aboriginal Justice Strategy (AJS) is administered by the Canadian Department of Justice and is composed of community-based justice programs which are cost-shared with provincial and territorial governments. Community-based programs represent an alternative to the mainstream justice system which is reported to have positive impacts on Aboriginal offenders by incorporating Aboriginal values and focusing on healing and caring, rather than punishing and isolating.⁴⁴²

Community-based justice programs are seen as a mechanism that allows that different worldview to express itself institutionally.⁴⁴³

8.31 The AJS supports four types of alternative justice programs: community circle sentencing and peacemaking; diversion or alternative measures; mediation and arbitration in family and civil cases; and court/community justice programs.⁴⁴⁴

8.32 The AJS allows the rehabilitation process to take place in the community and is based on the concept of having offenders acknowledge their wrongdoing and having victims engaged in the rehabilitation process.⁴⁴⁵

⁴⁴⁰ Hurley M & Wherrett J, 4 October 1999,

⁴⁴¹ Minister of Indian Affairs and Northern Development, *Gathering Strength – Progress Report*

⁴⁴² Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*, 31 March 2008, canada.justice.gc.ca/eng/pi/eval/rep-rap/07/ajs-sja/p4.html (accessed 26 August 2008)

⁴⁴³ Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*

⁴⁴⁴ Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*

⁴⁴⁵ Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*

- 8.33** The success of the AJS can be measured by the reduced recidivism rates, both short and long-term, of offenders who participate in AJS-funded programs compared to offenders who do not participate in these programs, shown in Table 8.2.⁴⁴⁶

Table 8.2 Trends in recidivism of Aboriginal offenders⁴⁴⁷

Percentage who re-offended after ...	AJS Participants	Non-Participants
6 months	6%	13%
4 years	27%	49%
8 years	32%	59%

Case Study: Hollow Water

- 8.34** The Hollow Water Community Holistic Circle Healing Program (CHCHP) is a program designed to deal with the intergenerational effects of sexual abuse and domestic violence in the Aboriginal community of Hollow Water in Manitoba.⁴⁴⁸
- 8.35** The Hollow Water model involves the formation of a community response team, made up of people who have faced issues of abuse, which works with the police, the courts, child protection services, victims, their families and offenders. The goal of the program is to rebalance the community and to encourage the healing of everyone involved.⁴⁴⁹
- 8.36** A report into the cost-benefit analysis of the Hollow Water program concluded that the Hollow Water program reduced alcohol abuse in the community, improved educational standards, increased the number of programs for children and youth, and that the investment in this program saved the Federal government and the Province of Manitoba over \$3 million in Justice costs, as well as making the community more sustainable.⁴⁵⁰

Community-based healing programs for sexual abuse victims and offenders can bring about real and lasting benefits in terms of greater social, cultural and economic health and well-being for Aboriginal individuals and communities.⁴⁵¹

⁴⁴⁶ Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*

⁴⁴⁷ Department of Justice Canada, *Aboriginal Justice Strategy, Summative Evaluation*

⁴⁴⁸ Department of Justice, Canada, *Community-based Justice Programs, Manitoba*, 9 April 2008, www.justice.gc.ca/eng/pi/ajs-sja/prog/manitoba.html (accessed 28 October 2008)

⁴⁴⁹ Correctional Service of Canada, *Aboriginal Spirituality, The Aboriginal Healing Movement*, 6 February 2008, www.csc-scc.gc.ca/text/prgrm/chap/faith/autoch/5-eng.shtml (accessed 28 October 2008)

⁴⁵⁰ Public Safety Canada, *Federal Government announces release of report on healing program for victims and offenders*, June 11 2001, ww2.ps-sp.gc.ca/publications/news/2001/20010611_e.asp (accessed 3 November 2008)

⁴⁵¹ The Hon. Lawrence MacAulay, Solicitor General of Canada in Public Safety Canada, *Federal Government announces release of report on healing program for victims and offenders*, June 11 2001, ww2.ps-sp.gc.ca/publications/news/2001/20010611_e.asp (accessed 3 November 2008)

8.37 In evidence to the Committee, Ms Broun commented on the Hollow Water program, elements of which have been adopted for use in New South Wales' Circle Sentencing program:

[The Hollow Water model] is about the community owning the problem and owning some of those solutions and owning the process you go through as well... With the Hollow Water [program] the perpetrator has to accept that that is an offensive behaviour and they have to accept that before they can be taken into that sort of healing circle and dealt with in that process, and some of it is confronting the victim and their family... but they need to accept responsibility for that offending behaviour as well.⁴⁵²

Case Study: Aboriginal Healing Lodges

8.38 Aboriginal Healing Lodges are operated or funded by the Correctional Service of Canada and are Aboriginal-specific accommodation designed to reintegrate Aboriginal offenders back into the community.⁴⁵³

8.39 There are currently nine healing lodges across Canada which have been developed in partnership with Aboriginal communities, with the establishment of further lodges under consideration. The Healing lodges are largely staffed by people of Aboriginal descent.⁴⁵⁴

8.40 In evidence to the Committee, Ms Ruth McCausland, Senior Researcher with the Jumbunna Indigenous House of Learning at the University of Technology Sydney, commented on the relevance and applicability of research relating to stable housing for Aboriginal women on their release from prison:

In Canada, there are some interesting programs in relation to the criminal justice system. On issues such as post-release housing, there are some really important programs that I think could be learned from in this State, particularly in relation to Aboriginal women in Canada. That is a significant issue, as you would be aware, in relation to the criminal justice system here, given the increasing overrepresentation of Aboriginal women in prison. There is some really interesting and applicable research around the importance of stable housing for Aboriginal women being released from prison, both in terms of reconnecting with their families, providing some stability and reducing recidivism, and having particular services that are targeted.⁴⁵⁵

⁴⁵² Ms Broun, Evidence, 17 September 2008, p 12

⁴⁵³ Correctional Service of Canada, *Aboriginal Community Development in Corrections: Aboriginal Healing Lodges*, www.csc-scc.gc.ca/text/prgrm/abinit/know/6-eng.html (accessed 28 October 2008)

⁴⁵⁴ Correctional Service of Canada, *Aboriginal Community Development in Corrections: Aboriginal Healing Lodges*

⁴⁵⁵ Ms Ruth McCausland, Senior Researcher, Jumbunna Indigenous House of Learning, University of Technology Sydney, Evidence, 15 September 2008, p 38

Developments in education

- 8.41** As the result of a paper entitled *Indian Control of Indian Education*,⁴⁵⁶ in 1973 the Department of Indian and Northern Affairs Canada (INAC) adopted an education policy where the identity of First Nation children is shaped by their own traditions and values. This has seen a dramatic turn around in the number of Status Indians and Inuit receiving post-secondary education. In the mid 1960's there were around 200 Status Indian students enrolled to Canadian colleges and universities, by 1999 the number had risen to over 27,000.
- 8.42** One of the factors leading to this change is cited as First Nations' increasing control over their own education.⁴⁵⁷ By the end of 2000, 98 percent of the schools on reserves were administered by First Nations themselves. Many First Nations communities now have their own high schools and children are staying at school longer. More First Nation students are graduating from high school and enrolling in college and university programs.⁴⁵⁸

Case Study: The Aboriginal Languages Initiative

- 8.43** The Aboriginal Languages Initiative (ALI) was announced in 1998 by the Department of Canadian Heritage in response to the commitment made by the Federal Government to protect and revitalise Aboriginal Languages in *Gathering Strength – Canada's Aboriginal Action Plan*. This was a four year program with a total budget of \$20 million. The ALI was extended another year under the same terms when it came to an end in 2002.⁴⁵⁹
- 8.44** The ALI was aimed at reducing the steady decline in Aboriginal Languages:
- Preserving Aboriginal languages is an extremely high priority, because of the link between cultural preservation and language – without language, the main vehicle for transmitting cultural values and traditions no longer exists. The ALI was created to address this decline. Its immediate and long-term objectives emphasize language acquisition and retention in the home.⁴⁶⁰
- 8.45** The ALI was implemented on principles of Aboriginal community control of language programs,⁴⁶¹ and resulted in the creation of around 1200 community projects as well as language instruction and linkages between language programs.⁴⁶² An evaluation of the ALI noted that this was an important first step in preserving and promoting Aboriginal languages,

⁴⁵⁶ *Indian Control of Indian Education* www.ainc-inac.gc.ca/pr/info/info_110_e.html (accessed 27 November 2007)

⁴⁵⁷ *Indian Control of Indian Education*

⁴⁵⁸ *Indian Control of Indian Education*

⁴⁵⁹ Department of Canadian heritage, *Aboriginal Languages Initiative (ALI) Evaluation: Final Report*, 26 February 2003, <http://dsp-psd.pwgsc.gc.ca/Collection/CH34-12-2003E.pdf>, p 3 (accessed 28 October 2008)

⁴⁶⁰ Department of Canadian heritage, *Aboriginal Languages Initiative Evaluation: Final Report*

⁴⁶¹ Department of Canadian heritage, *Aboriginal Languages Initiative Evaluation: Final Report*, p 3

⁴⁶² Department of Canadian heritage, *Aboriginal Languages Initiative Evaluation: Final Report*, p 4

however, in such a wide-ranging project, there were inefficiencies resulting from ‘inexperience or lack of capacity at the regional or local level.’⁴⁶³

8.46 The ALI evaluation concluded that this initiative addressed a critical need that is also a high priority for Aboriginal people, and needed to continue with enhanced funding in order to adequately fulfil the commitment given by the Federal government in *Gathering Strength*.⁴⁶⁴

8.47 In its response to questions taken on notice during evidence, the NSW Department of Education and Training highlighted the importance of language for Indigenous people in relation to education more generally:

The revitalisation and preservation of Indigenous languages is a pressing issue for community and educational partnerships as Indigenous languages are linked to the world view of Indigenous peoples and... these languages provide the impetus for new forms of collaboration between Indigenous communities and educationalists.⁴⁶⁵

Committee comment

8.48 Canada’s similarities with Australia in history, demography and current political landscape make it an excellent source of information and comparison with Australia. Despite the remaining disadvantages experienced by Canadian Indigenous people, the marked improvements in life expectancy and standard of living resulting from the concerted policy and financial effort of the Federal government after the findings of the Royal Commission on Aboriginal Peoples in 1996 demonstrate the possibilities open to New South Wales to address the current gaps between Indigenous and non-Indigenous people.

New Zealand

8.49 The Māori people of Aotearoa (New Zealand) are thought to have arrived by waka (canoe) around 1300 AD. Their exact ancestors are unknown, but the Māori are believed to be descended from peoples around the Pacific Islands, notably the Cook Islands and the Society Islands.⁴⁶⁶

8.50 The Māori have several terms that relate to their relationship with the land of New Zealand and each other. ‘Iwi’ refers to a set of people bound together by descent of a common ancestor or ancestors with the modern meaning of tribe; ‘hapu’ refers to a descent group while ‘tangata whenua’ refers to people of the land; ‘Pakeha’ is the term for a non-Māori usually of British origin.⁴⁶⁷

⁴⁶³ Department of Canadian heritage, *Aboriginal Languages Initiative Evaluation: Final Report*, p 6

⁴⁶⁴ Department of Canadian heritage, *Aboriginal Languages Initiative Evaluation: Final Report*, p 55

⁴⁶⁵ Answers to questions on notice taken during evidence, 17 September 2008, Department of Education and Training, p 17

⁴⁶⁶ *Te Ara Encyclopedia of New Zealand*, <http://www.teara.govt.nz/NewZealandInBrief/Maori/2/en> (accessed 2 September 2008)

⁴⁶⁷ *Te Ara Encyclopedia of New Zealand*

- 8.51** The Dutch explorer Abel Tasman discovered New Zealand in 1642 when he sighted the South Island but did not go ashore. Captain James Cook was the first to circumnavigate and map New Zealand in 1769, landing on the northern tip of the South Island. Cook's information about New Zealand encouraged immigration from Europe, beginning with sealers and whalers in 1792.
- 8.52** In 1840, representatives of Queen Victoria of England and Māori chieftains signed the *Treaty of Waitangi* (1840) (the Treaty). The Treaty was to bring an end to conflict between the two groups and provide a constitutional basis for the establishment of British law and government in New Zealand.⁴⁶⁸ The Treaty is not part of New Zealand domestic law and the exclusive right to determine the meaning of it rests with the Waitangi Tribunal, however it is common to refer to the intention, spirit or principles of the Treaty.⁴⁶⁹
- 8.53** The Waitangi Tribunal was established in 1975 under the *Treaty of Waitangi Act* (1975) (the *Waitangi Act*). The Tribunal is a permanent, legal commission of inquiry that makes recommendations on Māori claims which breach the promises made in the Treaty of Waitangi or omissions made by the Crown.⁴⁷⁰

Background to the New Zealand Indigenous population

- 8.54** The Māori experienced major upheaval between the year 1800 and the signing of the Treaty. Conflict was caused by the introduction of new technologies: new modes of transport, literacy, the musket and the promotion of Christianity.⁴⁷¹ The Māori fought the settlers and intertribal battles for their land and authority.
- 8.55** Following the signing of the Treaty in 1840, there was a 30-year period of sporadic warfare between British and colonial forces and the Māori tribes culminating in the 1860s. There were various issues that resulted in increased warfare: issues of sovereignty following the signing of the Treaty, unwillingness on behalf of the Māori to sell their land to the government and increasing pressure from the settlers for land due to the expanding population.⁴⁷² For the Māori that participated in the wars, this resulted in the confiscation of millions of acres of their land, which was further reduced by newly created government institutions such as the Native Land Court.
- 8.56** In the late 1960s, Māori became increasingly aware of the impacts of colonisation on their people. Māori movement and activist groups began to protest the loss of their land and culture. The creation of the Waitangi Tribunal in 1975 was designed to deal with land issues as well as grievances relating to the different translations of the Treaty.
- 8.57** The New Zealand government acknowledged the feelings of the Māori population when it created the *Waitangi Act*, which provided for the Waitangi Tribunal. The *Waitangi Act* allowed Māori to make claims regarding government breaches it may have made since 1975. This was

⁴⁶⁸ *Te Ara Encyclopedia of New Zealand*

⁴⁶⁹ *New Zealand History online*, www.nzhistory.net.nz (accessed 9th September 2008)

⁴⁷⁰ Waitangi Tribunal website, www.waitangi-tribunal.govt.nz (accessed 9 September 2008)

⁴⁷¹ *Te Ara Encyclopedia of New Zealand*

⁴⁷² *New Zealand History online*

amended in 1985 to allow claims to date back to the signing of the Treaty (1840). The government has recently set a date of 2020 for the completion of historical claims.

- 8.58** A national public holiday was created in 1974, Waitangi Day, to celebrate the cultural heritage and identity of New Zealand.

Current situation

- 8.59** The total Indigenous population of New Zealand at 2006 was 565,329, 14% of the total population.
- 8.60** The statistics cited in Table 8.3 are largely drawn from Statistics New Zealand information derived from the 2006 census.

Table 8.3 Key characteristics of the Indigenous population of New Zealand

	Indigenous	Non-Indigenous
Estimated resident population	656 329	4 027 947
Life-expectance – Males	69.0	77.2
Life-expectancy – Females	73.2	81.9
Home ownership	30%	65.9%
Median age	22.7	35.9

Figure source: Statistics New Zealand, <http://www.stats.govt.nz>

Programs

- 8.61** The settlement of the Treaty of Waitangi has helped both Māori and Pakeha overcome many grievances. The section looks at programs that have been developed by the New Zealand Government that have been specifically designed for Māori.
- 8.62** Current health legislation, the New Zealand *Public Health and Disability Act* (2000), now incorporates specific references to Māori health and wellbeing. Section 4 of the Act states:

In order to recognise and respect the principles of the Treaty of Waitangi, and with a view to improving health outcomes for Māori, part 3 provides for mechanisms to enable Māori to contribute to decision making on, and to participate in the delivery of health and disability services.⁴⁷³

- 8.63** The Act also acknowledges the relationship between Māori and the Crown under the Treaty of Waitangi:

⁴⁷³ Maori Health, <http://www.maorihealth.govt.nz/moh.nsf/pagesma/325?Open> (accessed 7 October 2008)

This principle recognises that the Treaty of Waitangi is New Zealand's founding document and the Government is committed to fulfilling its obligations as a Treaty partner. This special relationship is ongoing and is based on the underlying premise that Māori should continue to live in Aotearoa as Māori. The nature of this relationship has been confirmed through interpretations of the Treaty of Waitangi, which stem from decisions of the Waitangi Tribunal, the Court of Appeal and the Privy Council. Central to the Treaty relationship and implementation of Treaty principles is a common understanding that Māori will have an important role in implementing health strategies for Māori and that the Crown and Māori will relate to each other in good faith with mutual respect, co-operation and trust.⁴⁷⁴

He Korowai Oranga – Māori Health Strategy

- 8.64** He Korowai Oranga, the Māori Health Strategy, was launched in 2002 with the aim of providing a strategic direction for Māori health over 10 years and was developed with Māori stakeholders. He Korowai Oranga expands on the principles and objectives of the New Zealand *Public Health and Disability Act* (2000) and provides details on how these will be achieved.
- 8.65** The overall aim of He Korowai Oranga is whanau ora: Māori families supported to achieve their maximum health and wellbeing.⁴⁷⁵ The whanau (family) is recognised as the foundation of Māori society and plays a central role in the individual and collective wellbeing of Māori.⁴⁷⁶
- 8.66** *Whakatakata Tuarua – Māori Health Action Plan 2006-2011* is the second phase of He Korowai Oranga. It builds on *Whakatakata: Māori Health Action Plan 2002-2005*. It has four objectives for improving Māori health and enhancing service delivery. These are:
- Building quality data. Several programs run by the Ministry of Health have identified improving the quality of ethnicity data as a priority as this can improve planning and service delivery for Māori - better information means more informed decision-making.⁴⁷⁷
 - Developing whanau ora based models. This broad approach acknowledges the diversity of the Māori population and encourages a shift in thinking beyond a single Māori perspective.⁴⁷⁸ The use of tools particular to the situation is encouraged – one that fits the situation.
 - Ensuring Māori participation. This is undertaken in two ways:
 - Workforce development. Māori remain under-represented in the New Zealand health workforce and capable Māori health workers are vital to providing appropriate care to Māori and their whanau.⁴⁷⁹ Māori Health offers scholarships

⁴⁷⁴ Ministry of Health, New Zealand [http://www.moh.govt.nz/moh.nsf/pagesmh/2285/\\$File/newzealandhealthstrategy.pdf](http://www.moh.govt.nz/moh.nsf/pagesmh/2285/$File/newzealandhealthstrategy.pdf) (accessed 7 October 2008)

⁴⁷⁵ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*, December 2006, p 1, <http://www.maorihealth.govt.nz/> (accessed 7 October 2008)

⁴⁷⁶ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

⁴⁷⁷ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

⁴⁷⁸ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

⁴⁷⁹ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

every year to Māori to undertake accredited courses in the health and disability sector in order to build the Māori workforce capacity.

- Governance. There is an ongoing need to ensure Māori are and remain actively involved in key leadership and decision-making roles. District Health Boards (DHBs) are required by the New Zealand *Public Health and Disability Act* (2000) to provide ‘mechanisms to enable Māori to contribute to decision-making on, and to participate in, the delivery of health and disability services’.
- Improving primary health care. A strong primary health care system is essential to removing inequalities in health. The vision for primary health care is to ensure Māori (as a population group) participate in easily accessible local and primary health care services that improve their health, keep them well, and co-ordinate their ongoing care.⁴⁸⁰ The Government has invested \$2.2 billion over six years until 2009 implementing the Primary Health Care Strategy of which a main aim is to achieve sustainable action to reduce health inequalities for Māori.⁴⁸¹

8.67 The Plan is to be formally reviewed in 2009/2010 after a 5-year implementation timeframe.

Incarceration and criminal justice

8.68 Māori represent 16 percent of the New Zealand population yet their representation in the criminal justice system is approximately 50 percent. In correspondence to the Committee, the New Zealand Department of Corrections highlighted its strong focus on Māori initiatives to reduce re-offending. The Department’s *Strategic Business Plan 2008 – 2013* incorporates the Māori *Strategic Plan*, which aims to positively impact on Māori offending. The Department of Corrections works in conjunction with Māori partners in the community in the design, development and implementation of specific programmes and services that integrate a Māori view and perspective to help Māori offenders reconnect with their culture and motivate positive changes.

Evidence emerging from effectiveness evaluations shows that the Māori specific approach strengthens the cultural identity of Māori offenders, improves their attitudes and behaviours and motivates them to participate in rehabilitation.⁴⁸²

8.69 The Department offers a number of initiatives supported by, or delivered by, Māori communities, Māori assessors and Māori service providers to reduce Māori re-offending.

Specialist Māori Cultural Assessment

8.70 Specialist Māori Cultural Assessment (SMCA) provides in-depth cultural information about Māori offenders with the intention to effectively match their cultural needs to appropriate Māori interventions.⁴⁸³ The 2007 evaluation of the SMCA found that it was a ‘promising

⁴⁸⁰ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

⁴⁸¹ Ministry of Health, New Zealand, *Whakatātaka Tuarua: Māori Health Action Plan 2006-2011*

⁴⁸² Correspondence from the NZ Department of Corrections to Chair, September 29, 2008, p 3

⁴⁸³ Correspondence from the NZ Department of Corrections to Chair, September 29, 2008, p 4

intervention that succeeds in motivating offenders to strengthen their cultural identity, and to address their offending.⁴⁸⁴

Te Piriti and Kia Marama

- 8.71** Te Piriti and Kia Marama Special Treatment Units are stand-alone 60-bed units which provide treatment to male sex offenders in order to reduce their sexual re-offending against children. The programme uses cognitive behaviour therapy within a Māori cultural framework and has proven to be effective in reducing sexual reconviction rates for Māori. The 2003 evaluation found that the Te Piriti programme had a 5.47% recidivism rate compared to an untreated group who had a sexual recidivism rate of 21%. Kia Marama adopted the Te Piriti approach following the evaluation results.

Te Ihi Tu

- 8.72** Te Ihi Tu is one of three community residential centres that provide rehabilitative and re-integrative services for male offenders. The programme is run over 13 weeks and is aimed at men who are committed to a crime-free lifestyle, but who lack the skills or knowledge to change their behaviour. The programme incorporates a focus on conflict resolution, communication and addressing issues such as anger, stress and grief. An evaluation report on the program is due in December 2008.

Committee comment

- 8.73** New Zealand has achieved relative success in reducing the life expectancy gap between Māori and non-Māori. From the limited evidence received by the Committee during this Inquiry, it appears that Māori play an active role in the consultation and implementation of programs. As the Committee has seen in relation to successful programs in New South Wales, it is that involvement and ownership which is a critical factor in the success of the programs.
- 8.74** The Committee notes and supports the comments of Ms Broun in relation to the New Zealand situation. She stated that while there was potential to learn from New Zealand, there are fundamental differences in the history and population base of the two countries with respect to Indigenous relations:

I think more can be done with New Zealand particularly, although again I would be a bit cautious because they have an entirely different history. Even the population base is different. I think Maoris are 25 percent of the population and they also have one language, so there are some extreme differences and comparisons are not that easy to make.⁴⁸⁵

United States of America

- 8.75** American Indians are the Indigenous people of the United States of America, including parts of Alaska and Hawaii.

⁴⁸⁴ Correspondence from the NZ Department of Corrections to Chair, September 29, 2008, p 4

⁴⁸⁵ Ms Broun, Evidence, 17 September 2008, p 21

- 8.76** In 2000, the largest American Indian tribes were the Cherokee and Navajo (729,500 and 298,200 respectively), while the largest Alaskan Native tribe was the Eskimo with an affiliation of 54,800.⁴⁸⁶
- 8.77** Currently, there are 562 federally recognized tribal governments in the United States and this status allows them eligibility for funding and services from the Bureau of Indian Affairs (BIA).⁴⁸⁷ These tribes have ‘domestic dependant nation status’ and have the power of self-government, which includes making and enforcing laws, taxation, licensing and regulating activities, and excluding people from tribal territories.⁴⁸⁸
- 8.78** While the tribal governments handle many governing issues, the federal government is committed to a trust responsibility to protect tribal communities, tribal land and provide services.⁴⁸⁹ The trust responsibility allows tribal governments to make decisions at a local level and provide many of the services under the federal policy of Tribal Self-Determination.⁴⁹⁰

Background to the American Indigenous population

- 8.79** The European colonisation of America in the sixteenth century had a disastrous effect on the Indigenous populations, through the introduction of foreign diseases, conflict with the European population, displacement and enslavement. Scholars believe that the introduction of diseases such as chickenpox, measles and small pox were the main cause of the American Indian population decline.
- 8.80** The American War of Independence (1775-1782) also had a negative effect on the American Indian people as the two sides simultaneously competed for the allegiance of Indigenous people and at the same time destroyed their villages and tribes. In the aftermath, the British ceded American Indian land to the United States without the consent or knowledge of its people.
- 8.81** In the nineteenth century the rapid westward expansion of the colonialists saw Congress pass the *Indian Removal Act* (1830) that authorised the President to negotiate with Indian tribes an exchange of their lands located east of the Mississippi River for lands west of the Mississippi River.⁴⁹¹ The explicit policy of the removal of American Indians resulted in the relocation of a significant number of American Indian tribes from their native lands.

⁴⁸⁶ National Centre for Education Statistics, Status and Trends in the Education of American Indians and Alaska Natives, http://nces.ed.gov/pubs2005/nativetrends/ind_1_3.asp (accessed 4 November 2008)

⁴⁸⁷ Indian Affairs, *Quick facts*, http://www.doi.gov/bia/quick_facts.html (accessed 28 October 2008)

⁴⁸⁸ National Centre for Education Statistics, Status and Trends in the Education of American Indians and Alaska Natives

⁴⁸⁹ National Congress of American Indians, *Policy Issues*, http://www.ncai.org/Policy_Issues.6.0.html (accessed 28 October 2008)

⁴⁹⁰ National Congress of American Indians, *Policy Issues*

⁴⁹¹ US Department of State, *Laws Reflect Changing Status of American Indians in U.S. History*, www.america.gov/st/washfileenglish/2006/November/20061106163901bpuh0.5341455.html (accessed 21 November 2007)

- 8.82** Further dispossession of Native American land was enshrined in the effect of the *Dawes Act* (1887). This Act was an attempt to break up reservations by allocating individuals parcels of land within the reservation more generally.⁴⁹² The Act was also regarded as an attempt to assimilate American Indians into the general population by implementing a way of life more in keeping with that of the colonisers. Once allocated land, individual's names were entered on so-called 'Dawes rolls', which assisted the Bureau of Indian Affairs in determining the eligibility of individuals for land distribution.⁴⁹³ In addition, those American Indians that were allocated land often found the farming lifestyle a difficult one to adapt to from the tribal way of life and could often not afford the tools required to cultivate the land.⁴⁹⁴
- 8.83** In 1934, Congress passed the *Indian Reorganization Act*, also known as the Wheeler Howard Act. The Act was intended to provide a 'new deal' for American Indians as it reinstated the role of sovereign tribes as governments for American Indian people and their lands and it also reversed the Bureau of Indian Affairs land policy defined in the *Dawes Act*. American Indians were not considered citizens until the *Indian Citizenship Act* (1924).⁴⁹⁵

Current situation

- 8.84** The total Indigenous population of the United States of America at 2000 was 4,315,865, 1.53 percent of the total population, as shown in Table 8.4:

Table 8.4 Key characteristics of the Indigenous population in America

	Indigenous	Non-Indigenous
Estimated resident population	4 315 865	282 000 000
Life expectancy	70.6	76.6
Median age	29	36
Median individual income	US\$30 599	US\$41 994

- 8.85** The statistics cited in Table 8.4 are largely drawn from US Census figures from 2000, especially *We the people: American Indians and Alaskan Natives in the United States*, a Census 2000 Special Report.

Programs

- 8.86** While the Committee did not receive much evidence relating to programs and policies in operation in the United States of America, there was some discussion by witnesses of the Harvard Project on American Indian Economic Development (the Harvard Project).
- 8.87** The Harvard Project began in 1987 at the John F. Kennedy School of Government at Harvard University and aims to 'understand and foster the conditions under which sustained,

⁴⁹² Our Documents, *Dawes Act (1887)* <http://www.ourdocuments.gov/doc.php?doc=50> (accessed 27 November 2007)

⁴⁹³ Our Documents, *Dawes Act (1887)*

⁴⁹⁴ Our Documents, *Dawes Act (1887)*

⁴⁹⁵ US Department of State, *Laws Reflect Changing Status of American Indians in U.S. History*

self-determined social and economic development is achieved among American Indian nations.⁴⁹⁶

8.88 The key findings of the Harvard Project were:

- Sovereignty matters: When decision-making is undertaken by Native Nations on development approaches to take on a wide variety of issues, they consistently out-perform external decision makers.
- Institutions Matter: for development to take hold and have an impact, capable institutions of governance must back assertions of sovereignty.
- Culture Matters: Successful economies are based on legitimate, culturally grounded institutions of governance.
- Leadership Matters: Nation building (in the United States context) requires strong leaders who share knowledge and experiences, challenge assumptions, and promote change.⁴⁹⁷

8.89 The findings of the Harvard Project are useful indicators of a connection between the wellbeing of Indigenous communities, and autonomy in governance and decision-making about service delivery.

8.90 However, they cannot be taken to be a directly transferable solution to the issues facing the Indigenous people of Australia. Different current and historical issues make some of the findings of the Harvard project inapplicable to Australia and NSW:

I think people have to take into account what the Harvard model is and what jurisdictions we are dealing with. We always focus on government being the prerequisite for business and economic development. But we are talking about communities in those territories that have total jurisdiction for their actions... what we take from the Harvard model are the principles and the lessons learnt from it, not the process and procedure.⁴⁹⁸

8.91 The Department of Aboriginal Affairs has considered the Harvard Governance Project and commented that the project identifies essential elements for good governance in Aboriginal community organisations, including the necessity for culturally appropriate institutions and a long-term strategic focus. In the United States the project has resulted in the establishment of significant decision-making roles and processes for Indigenous people.⁴⁹⁹

8.92 Significantly, the Harvard Governance Project states that ‘Aboriginal societies are diverse and that each nation must equip itself with a governing structure, economic system, policies and

⁴⁹⁶ John F. Kennedy School of Government, Harvard University, *Overview of the Harvard Project*, 2003-4, www.hks.harvard.edu/hpaied/overview.htm (accessed 4 November 2008)

⁴⁹⁷ John F. Kennedy School of Government, Harvard University, *Overview of the Harvard Project*, 2003-4

⁴⁹⁸ Mr Geoffrey Scott, Chief Executive Officer, New South Wales Aboriginal Land Council, Evidence, 15 September 2008, p 8

⁴⁹⁹ Answers to questions taken on notice during evidence, 17 September 2008, Ms Jody Broun, Director General, NSW Department of Aboriginal Affairs, p 13

procedures that fit its own contemporary culture.⁵⁰⁰ The New South Wales Government has implemented elements of this project to underpin both *Two Ways Together* and the Community Resilience Strategy which in turn underpins the State Plan Priority F1 *Improved health, education and social outcomes for Aboriginal people*.⁵⁰¹

- 8.93** Professor Altman and Ms Hunt of CAEPR also cited the Harvard Project and the work of the Native Nations Institute as clearly relevant in NSW. The research indicates the ‘importance of self-determination (decision-making authority) not simply self-administration and approaches to governance for development not dependence’.⁵⁰² They stated that this is in contrast to government policy in Australia over the past 30 years which has ‘perpetuated dependence, governance has been for dependence, not for development’.⁵⁰³

Committee comment

- 8.94** Given the limited evidence received in relation to the Indigenous population of the United States of America and the policies and programs in operation there, it is not possible to make valid comparisons with Australia and meaningful recommendations.

- 8.95** However, the principles of the Harvard Project echo the proposition repeatedly evidenced throughout this Inquiry - that if Aboriginal people are involved in making their own decisions, taking control and building capacity, they are able to more effectively find solutions to overcoming Indigenous disadvantage.

South America

- 8.96** The situation of Indigenous people varies greatly throughout South America. The current and historical differences in political and social approaches to Indigenous peoples in different South American countries, as well as the greatly varying proportions of Indigenous people in the different countries, make the task of assessing the entire South American approach to the welfare of Indigenous people both difficult and distracting in the context of this report.

Table 8.5 Indigenous populations of South America

Country	Indigenous population	Total population ⁵⁰⁴	Indigenous percentage of total population
Bolivia	4 133 138	9 247 816	44.7%
Brazil	519 000	196 342 592	0.2%

⁵⁰⁰ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p 13

⁵⁰¹ Answers to questions taken on notice during evidence, 17 September 2008, Ms Broun, p 13

⁵⁰² Answers to questions taken on notice during evidence, 15 September 2008, Professor Jon Altman and Ms Janet Hunt, Centre for Aboriginal Economic and Policy Research, Australian National University, p 4

⁵⁰³ Answers to questions taken on notice during evidence, 15 September 2008, Prof Altman and Ms Hunt, p 4

⁵⁰⁴ Central Intelligence Agency, www.cia.gov (accessed 18 October 2008)

Country	Indigenous population	Total population ⁵⁰⁴	Indigenous percentage of total population
Columbia	865 798	45 013 672	2%
Ecuador	830 418	13 927 650	6%
Peru	3 968 717	19 180 900	14%
Guatemala	4 433 218	13 002 206	34%
Venezuela	600 000 – 700 000	26 414 816	2.3 – 2.7%

Figure sources: Instituto Nacional de Estadística de Bolivia, 2001 Census website: www.ine.gov.bo; Indigenous Development Framework, Ministry of Environment, Housing and Territorial Development, www1.minambiente.gov.co; Political Database of the Americas: <http://pdba.georgetown.edu>; The United Nations Refugee Agency, 'State of the World's Minorities 2008 – Venezuela', www.unhcr.org

8.97 Indigenous rights have become politically prominent in recent times in South America. In Venezuela, Indigenous rights were enshrined in Chapter 8 of the 1999 Constitution, and 'Day of the discovery of America' or 'Columbus Day' has been changed to 'Day of Indigenous Resistance'.

Programs

8.98 While the Committee did not receive much evidence relating to the policies and programs in operation in the countries of South America, it is worth commenting on one of the programs identified – the *Yo sí Puedo* method of adult literacy instruction.

The Yo sí Puedo Language method

8.99 The *Yo sí Puedo* (Yes, I can) adult literacy program developed by the Cuban Latin American and Caribbean Pedagogical Institute (*Institutio Pedagógico Latinoamericano y Caribeño*, or IPLAC), known as the *Yo sí Puedo* method.⁵⁰⁵ This initiative began in 2003 and has been adopted by 23 countries, including in Latin America: Bolivia, Paraguay, Brazil, the Dominican Republic, Peru, Nicaragua, Mexico, Honduras, Ecuador, Argentina, Cuba and Venezuela.

8.100 The *Yo sí Puedo* program uses mass means such as radio and television as learning aids, and uses a methodology which equates letters and numbers. Countries such as Venezuela and Bolivia have adopted the program on a large scale, and the Youth and Adult Literacy Chair of the Latin American and Caribbean Pedagogical Institute received a UNESCO King Sejong Literacy Prize in 2006.⁵⁰⁶

Committee comment

8.101 There is a huge variation in the situation of Indigenous people between South American countries. The historical, cultural and political differences between Australia and the countries in South America make it difficult to conduct a comparison, and therefore make it difficult to

⁵⁰⁵ Camilla Croso, Claudio Vóvio, Vera Masagão, 'Latin America: Literacy, Adult Education and the International Literacy Benchmarks', www.iizdv.de/index.php?article_id=808&clang=1 (accessed 27 October 2008)

⁵⁰⁶ International Reading Association Literacy Prize, King Sejong Literary Prizes, 2006 Prizewinners List, <http://unesdoc.unesco.org/images/0014/001484/148481e.pdf> (accessed 27 October 2008)

assess which programs would be appropriate or even possible for adoption in New South Wales.

Lessons for New South Wales

8.102 As stated in the overview to this chapter, the Committee cannot attempt to distil all the issues relating to the life expectancy of Indigenous people in South America, Canada, New Zealand and the United States, as these are no less complex than the issues found in Australia, which have been subject to intense examination in order to discover an effective approach to overcoming Indigenous disadvantage in New South Wales. However, it is clear that there are some lessons which are the same across these countries:

...The interesting thing to note is that whether we are looking at Australia, Latin America, Canada, New Zealand or the United States, the same messages are being delivered.⁵⁰⁷

8.103 These messages from overseas support the evidence coming from witnesses about the need for localised and specific programs that are 'owned' by the Indigenous population who will be affected by any given program.

8.104 One of the major problems in applying the lessons from successful programs from overseas was highlighted by Ms Robyn Kruk, the Director General of the Department of Premier and Cabinet, who warned the Committee that although this comes with risks there are lessons to be learnt:

The risk is you cannot just pick up a model that may work effectively in Alberta and move it into Toomalah. You cannot effectively move a model that is working in the Territory into Mount Druitt ... [where] a good percentage of our Aboriginal population [live]. But there are common factors that need to be dealt with at the macro-governmental level that can be dealt with.⁵⁰⁸

8.105 Despite this caveat, the large gaps not just between Indigenous people and non-Indigenous people in Australia, but between Indigenous people in Australia and Indigenous people internationally suggest that the NSW Government should continue to observe the positive impact of programs implemented in other countries, and to learn from the differences which arise from different historical relations between Indigenous and non-Indigenous people.

⁵⁰⁷ Answers to questions taken on notice during evidence, 17 September 2008, Department of Education and Training, Question 10, p 16

⁵⁰⁸ Ms Robyn Kruk, former Director General, NSW Department of Premier and Cabinet, Evidence, 17 September 2008, p 24

Chapter 9 No quick fix

Throughout the Inquiry the Committee was told repeatedly that there is no ‘silver bullet’ to overcome Indigenous disadvantage. The issues the Committee have addressed in the Interim Report and this Final Report are not new, and the solutions to them are also not new – they take hard work, sincere commitment and a long term approach. The Committee has made 23 recommendations that, if adopted and properly implemented by current and future NSW Governments politically and financially committed, will bring Indigenous issues into sharper focus and bring meaning to the term ‘partnership’.

In this chapter, the Committee reflects on the recommendations made and looks into a near future where, with good intentions matched by steadfast political commitment and a willingness to engage and do things a little differently, a closing of the gap is truly possible.

The near future – how things will look, and how to get there

9.1 In the following sections the Committee looks at where New South Wales should be in the near future, and reviews the recommendations of this Final Report that will help us get there.

Strong Aboriginal communities

9.2 Aboriginal communities across New South Wales will have strong, genuinely representative structures that identify their needs and actively address those needs through community-derived and owned solutions. Communities will be more equipped with the expertise and language to deal effectively with government agencies as equal partners.

How we get there

9.3 Effective partnerships between Aboriginal communities and government departments, facilitated by the Department of Aboriginal Affairs Two Ways Together Partnership Community Engagement strategy (**Recommendations 4 and 7**).

9.4 Aboriginal communities are supported in the development of policies and programs that address self-identified needs, with measures of success and outcomes determined by the communities themselves at the time of program design (**Recommendation 10**).

9.5 Support for Aboriginal community members in attending and participating in meetings of self-determined representative structures (**Recommendation 6**) and support for the regional representative structure through the Department of Aboriginal Affairs’ Partnership Community Officers (**Recommendation 5**).

9.6 Financial and logistical support for Aboriginal communities as part of the Two Ways Together Partnership Community Engagement strategy to ensure communities are confident in meeting accountability requirements associated with funded programs, and are trained to deliver services to their own communities (**Recommendation 8**).

- 9.7 An agreed definition of what ‘cultural resilience’ means in the context of Aboriginal communities, and a commitment to using that definition in the development of policies and programs (**Recommendation 16**).
- 9.8 An immediate commitment to the Murdi Paaki Regional Partnership Agreement to build on and improve the community governance work developed in that area over the duration of the Murdi Paaki trial (**Recommendation 22**).

New South Wales State Plan – a driver for Indigenous issues

- 9.9 A NSW State Plan that acknowledges the importance of our Indigenous heritage, while explicitly addressing the areas of inequity between Indigenous and non-Indigenous people.

How we get there

- 9.10 The NSW State Plan is the ‘master document’ guiding the future of the state. Government departments structure their actions and policies toward satisfying the targets contained in the State Plan. Including Aboriginal-specific targets into the State Plan makes those targets the core responsibility of all government departments at the highest level of accountability in the public sector (**Recommendation 1**) and empowers the Department of Aboriginal Affairs to drive change.
- 9.11 Chief executives of government departments and other senior public servants have their performance agreements linked to the targets contained in the NSW State Plan, bringing about a clear alignment of interests and accountability.
- 9.12 The Premier reports to the NSW Parliament on the first sitting day of each year to explain the progress made in closing the gap between Indigenous and non-Indigenous Australians (**Recommendation 3 and 11**). The report by the Premier includes the views of Aboriginal communities on government progress.

A steadily closing gap between Indigenous and non-Indigenous life expectancy

- 9.13 A steady ‘closing of the gap’ through more effective partnerships between empowered and confident Aboriginal communities on the one hand, and focussed government departments with the flexibility and funds to adapt policies and programs to local needs on the other hand.

How we get there

- 9.14 Long term funding for policies and programs that address the self-identified needs of Aboriginal communities, and those pilot programs that are successful, with funding criteria reconfigured to provide greater flexibility in the way in which programs are designed and implemented (**Recommendations 12, 13 and 15**).
- 9.15 Clear, easily accessible information on funding sources available, at all levels of government, for Aboriginal community based programs and services (**Recommendation 14**).

- 9.16** Collaboration between members of the Council of Australian Governments to ensure coordination of service delivery across the country, and the development of policies and programs that are funded, long-term, sustainable and outlast the political cycle (**Recommendations 2 and 23**).
- 9.17** Practical training provided to government departments, through the Department of Aboriginal Affairs, on how to clearly and effectively communicate with their Aboriginal community partners (**Recommendation 9**) and eliminating the disenfranchising characteristics of bureaucratic language.

Pride in our Indigenous history and living culture

- 9.18** A growing sense of pride among all New South Wales citizens in Aboriginal history and living culture, and a mature acknowledgement and understanding of the role of non-Indigenous Australians in the shared history, good and bad.

How we get there

- 9.19** A commitment in our schools to teaching Aboriginal perspectives on history, and respect and appreciation for contemporary Aboriginal culture (**Recommendations 18 and 19**).
- 9.20** Teachers graduating from teacher training institutions and commencing employment in New South Wales schools to be qualified to teach the compulsory elements of the school curriculum that relate to Aboriginal history and culture, and an ongoing in-service program for existing teachers (**Recommendation 17**).
- 9.21** Recognising the importance of teachers and schools in engaging with Aboriginal communities, all new teachers in schools with significant Aboriginal populations to participate in an induction program designed in conjunction with the local community to improve new teacher's engagement with and understanding of the community and culture within which they will work (**Recommendation 21**).
- 9.22** Ongoing support for oral history and language projects in Aboriginal communities, with the Premier taking ownership of such projects to demonstrate the NSW Government's understanding of the living culture that all New South Wales citizens can learn from and take pride in (**Recommendation 20**).

Concluding comments

- 9.23** So much of the current language about Aboriginal Australia is negative. Even the title of this Inquiry is negative – 'overcoming Indigenous disadvantage'. But the attitude of the people, Indigenous and non-Indigenous, who have shared their passion for Aboriginal culture and Aboriginal community with the Committee is anything but negative. There is a lot to be proud of, for Aboriginal people and for non-Aboriginal people, and as Committee members we feel inspired and humbled by the strength and commitment of the Inquiry participants we have been in contact with. Our hope, and our determination, is that the recommendations we make to the NSW Government will further mark out a journey will lead to a fairer future for first Australians.

- 9.24** This Final Report has mostly been about what government can do, because this Committee makes recommendations to the NSW Government. But there is a responsibility for all of us to make changes to the way in which we live and think, the way in which we respect and work with others, the way in which we view the Australia we all live in and share. Long term change in the relations between Indigenous and non-Indigenous people is everyone's responsibility, everyone's challenge. Governments at all levels have the primary responsibility to make sure that things happen and policy and programs are financed and implemented. Governments must not allow political or economic cycles to be excuses for nice words and little implementation.
- 9.25** Thank you again to all those who gave their time and energies throughout this long Inquiry process – Committee members are certainly wiser, and we hope to live up to the trust you put in us to make a difference.

Appendix 1 Submissions

No	Author
1	Ms Dianne O'Brien (Mingaletta Aboriginal Corporation)
2	Mr Lester Bostock (Aboriginal Disability Network NSW)
3	Mrs Marjorie Woodrow
4	Mr Gordon Gregory (National Rural Health Alliance Inc)
4a	Mr Gordon Gregory (National Rural Health Alliance Inc)
5	Mr Melrose Desmond Donley
6	Mr Bill Anscombe (Charles Sturt University)
7	Judge Graeme Henson (NSW Local Court)
8	Ms Sarah Thackway (Public Health Association of Australia)
9	Ms Lesley Salem
10	Ms Rachael Martin (Wirringa Baiya Aboriginal Women's Legal Centre)
11	Mr Robert Domm (Redfern-Waterloo Authority)
12	Ms Louise Voigt (Barnardos Australia)
13	Hon John Della Bosca MLC (Department of Education and Training)
14	Sister Jan Barnett RSJ (Conference of Leaders of Religious Institutes in New South Wales)
15	Hon John Hatzistergos MLC (NSW Attorney General)
16	Sister Jan Barnett RSJ (Sisters of St Joseph)
17	Ms Therese Sands (People with Disability Australia Incorporated)
17a	Ms Therese Sands (People with Disability Australia Incorporated)
18	Dr Yvonne Luxford (Australasian Faculty of Public Health Medicine, RACP)
19	Ms Wendy Spencer (Dharriwaa Elders Group)
19a	Ms Wendy Spencer (Dharriwaa Elders Group)
20	Ms Mary Waterford (Blue Mountains ANTaR)
21	Dr. Eileen Baldry (University of New South Wales)
22	Sister Mary Macgowan and Sister Esmev Herscovitch)
23	Miss Gail Hilton (Young Women's Christian Association NSW)
24	Ms Lyn Bevington (Blue Mountains People for Reconciliation)
25	Dr Jonathon Inkpin (NSW Ecumenical Council)
26	Ms Jane Lloyd
27	Ms Kristie Brown (Council of Social Service of NSW (NCOSS))
27a	Ms Alison Peters (Council of Social Service of NSW (NCOSS))
28	Dareton Aboriginal Community

No	Author
29	Mr Graeme Mundine (National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC))
30	Pastor Ray Minniecon (Crossroads Aboriginal Ministry)
31	Ms Sue Cripps (Homelessness NSW)
32	Miss Hoda Shafizadeh (Baha'i Community of NSW and ACT)
33	Ms Jane Woodruff (Uniting Care Burnside)
33a	Ms Jane Woodruff (Uniting Care Burnside)
34	Ms Julianne Abood (Blue Mountains Community Interagency)
35	Ms Britt Granath (The Cancer Council NSW)
36	Mr Vince Peters (NSW Sorry Day Committee)
37	Ms Diana Nelson (Australian Institute of Criminology)
38	Ms Sandra Bailey (Aboriginal Health & Medical Research Council of NSW)
38a	Ms Sandra Bailey (Aboriginal Health & Medical Research Council of NSW)
39	Mr Simon Luckhurst
39a	Mr Simon Luckhurst
40	Hon Paul Lynch MP (NSW Government)
40a	Ms Robyn Kruk (NSW Government)
41	Mr Geoff Turnbull (REDWatch)
42	Ms Chris Bath (Koori Aged & Disability Services Advisory Group)
43	Dr Edward Nettle (Bennelong and Surrounds Residents for Reconciliation)
44	Mr Ross Smith
45	Ms Maree McDermott (South Penrith Youth and Neighbourhood Services Inc)
46	Mr Steven Drew (Pharmaceutical Society of Australia (NSW Branch))
46a	Mr Steven Drew (Pharmaceutical Society of Australia (NSW Branch))
47	Mr Carlo Svagelli (NSW Aboriginal Education Consultative Group)
48	Mr Mark Spinks (BABANA Aboriginal Mens' Group)
49	Hon Melinda Pavey MLC (Liberal Party – The Nationals)
50	Commissioner Andrew Scipione (NSW Police)
50a	Commissioner Andrew Scipione (NSW Police)
51	Mr Peter Damcevski (Australian Bureau of Statistics)
52	Ms Alison Aggarwal (Combined Community Legal Centres' Group (NSW) Inc)
52a	Ms Roxana Zulfacar (Combined Community Legal Centres' Group (NSW) Inc)
53	Ms Ruth McCausland (Jumbunna Indigenous House of Learning)
54	Ms Gai Smith (Redfern Residents for Reconciliation)
55	Ms Glendra Stubbs (Link-Up (NSW) Aboriginal Corporation)

No	Author
56	Mr David Allen (Ex Independent for Bennelong, 2007)
57	Ms Sally Fitzpatrick (Muru Marri Indigenous Health Unit)
57a	Ms Sally Fitzpatrick (Muru Marri Indigenous Health Unit)
58	Ms Lynda Summers (Regional Communities Consultative Council)
59	Ms Shannon Minnis (Country Energy)
60	City of Sydney Council
61	Mrs Marjorie Anderson
62	Ms Margaret Cossey (Indij Readers Ltd)
63	Mr Terry Clout (South Eastern Sydney and Illawarra Area Health Service – MERIT)
64	Ms Beth Quinlivan (Faculty of Medicine, University of Sydney)
65	Ms Jackie Wright (Dubbo Neighbourhood Centre Inc.)
65a	Ms Jackie Wright (Dubbo Neighbourhood Centre Inc.)
65b	Ms Jackie Wright (Dubbo Neighbourhood Centre Inc.)
66	Mr Gary Highland (Australians for Native Title & Reconciliation (ANTaR))
67	Ms Gillian Calvert (NSW Commission for Children & Young People)
68	Ms Faye Williams (Inner Sydney Regional Council for Social Development Inc)
69	Mr Frank Pearce
70	Ms Robin Banks (Public Interest Advocacy Centre)
70a	Ms Robin Banks (Public Interest Advocacy Centre)
71	Dr Robyn Bartel (University of New England)
71a	Dr Robyn Bartel (University of New England)
72	Mr Dipakkumar Bhatt
73	Ms Barbara Livesey (Reconciliation Australia)
74	Ms Elizabeth Rice
75	Ms Hayley Smith (University of Newcastle)
76	Mr Robert White (Hornsby Area Residents for Reconciliation)
77	Dr Bob Boughton (University of New England)
78	Mr Bruce Barbour (NSW Ombudsman)
79	Mr Graeme Henson (New South Wales Local Court, Downing Centre)
80	Ms Marjorie Woodrow (Founder National Elders Council)
81	Ms Judith Johnson (Griffith Aboriginal Community, Social Action Plan)
82	Mr Rick Welsh (Men's Health Information and Resource Centre, University of Western Sydney)
83	Professor Larissa Behrendt (Jumbunna Indigenous House of Learning)

No	Author
84	Ms Michele Hugonnet (St Vincent's College)
85	Mr Tom Calma (Human Rights and Equal Opportunity Commission)
86	Professor Helen Ware (University of New England)
87	Councillor Bev Manton (NSW Aboriginal Land Council)
88	Assoc. Professor Lyn Henderson-Yates (Broome Campus, University of Notre Dame)
89	Ms Vicki Grieves (Department of Anthropology, University of Sydney)

Appendix 2 Witnesses

Date	Name	Position and Organisation
12 February 2008 Jubilee Room, Parliament House	Ms Jody Broun	Director General, NSW Department of Aboriginal Affairs
	Ms Kerry Pearse	Executive Director, Policies and Programs, NSW Department of Aboriginal Affairs
	Professor Debora Picone	Director General, NSW Health
	Dr Richard Matthews	Deputy Director General, NSW Health
	Dr Denise Robinson	Chief Health Officer and Deputy Director General, Population Health, NSW Health
	Mr Mike Allen	Director General, NSW Housing
	Ms Deborah Brill	Manager, Commonwealth Relations, NSW Housing
	Mr Ivan Simon	Director, Aboriginal Service Improvement, NSW Housing
	Mr Brendan O'Reilly	Director General, NSW Department of Ageing, Disability and Home Care
	Ms Carol Mills	Deputy Director General, NSW Department of Ageing, Disability and Home Care
	Ms Yvonne Weldon	Manager, Aboriginal Policy, NSW Department of Ageing, Disability and Home Care
	Ms Jennifer Mason	Director General, NSW Department of Juvenile Justice
	Mr Peter Muir	Deputy Director General (Operations), Department of Juvenile Justice
	Mr Joe Hedger	Manager, Aboriginal Services, Department of Juvenile Justice
	Mr Brendan Thomas	Assistant Director General, Attorney General's Department
	Mr Luke Grant	Assistant Commissioner, Department of Corrective Services
Mr Paul Newman	Director, Aboriginal Support and Planning, Department of Corrective Services	
	Commissioner Andrew Scipione	Commissioner, NSW Police Force
	Superintendent Rod Smith	Commander, Policy and Programs, NSW Police Force

Date	Name	Position and Organisation
	Assistant Commissioner Steve Bradshaw	Assistant Commissioner, NSW Police Force
	Mr Peter Lalor	Manager, Aboriginal Coordination Team, NSW Police Force
	Ms Jo Grisard	Deputy Director General, Corporate Services, NSW Department of Community Services
	Ms Carmen Parter	Director, Aboriginal Services, NSW Department of Community Services
	Ms Anne Marie Sabellico	Acting Executive Director, Operations Development, NSW Department of Community Services
	Mr Michael Coutts-Trotter	Director General, NSW Department of Education and Training
	Ms Michele Hall	Relieving Director, Aboriginal Education and Training, NSW Department of Education and Training
	Ms Robyn McKerihan	General Manager, Access and Equity, NSW Department of Education and Training
	Ms Elizabeth McGregor	Institute Director, TAFE North Coast Institute, NSW Department of Education and Training
13 February 2008 Jubilee Room, Parliament House	Dr Sophie Couzos	Public Health Officer, National Aboriginal Community Controlled Health Organisation
	Mr Terry Chenery	Executive Officer, Aboriginal Justice Advisory Council
	Mr Trevor Christian	Chief Executive Officer, Aboriginal Legal Service
	Mr John McKenzie	Chief Legal Officer, Aboriginal Legal Service
	Mr Lindon Coombes	Executive Director, Tranby Aboriginal College
	Mr Maurice Shipp	Director of Operations, Tranby Aboriginal College
	Mr Carlo Svagelli	President, NSW Aboriginal Education Consultative Group
	Ms Cindy Berwick	Vice-President, New South Wales Aboriginal Education Consultative Group

Date	Name	Position and Organisation
	Mr Russell Taylor	Chief Executive Officer, Aboriginal Housing Office
	Mr David Lee	Ministerial and Board Liaison Officer, Aboriginal Housing Office
	Mr Dick Estens	Chairman, Aboriginal Employment Strategy
	Mr Danny Lester	Chief Executive Officer, Aboriginal Employment Strategy
14 February 2008 Jubilee Room, Parliament House	Dr Don Weatherburn	Director, NSW Bureau of Crime Statistics and Research
	Mr Peter Damcevski	Director, Statistical Coordination, Australian Bureau of Statistics
	Ms Charmaine Smith	Indigenous Engagement Manager NSW, Australian Bureau of Statistics
	Reverend Tom Slockee	Chairman, Aboriginal Housing Office
	Mr David Lee	Ministerial and Board Liaison Officer, Aboriginal Housing Office
14 February 2008 Bidwill Uniting Church Community Centre, Bidwill	Mr Michael Maxwell	Housing Communities Assistance Program, Mount Druitt Community Ministry
	Ms Margaret Bell	President and Chief Executive Officer, Chain Reaction Foundation
	Ms Winsome Matthews	Project Officer, Mount Druitt Learning Ground
	Ms Jasmine Franklin	Project Coordinator, Circle Sentencing Program, Attorney General's Department
	Mr Teddy Hart	Representative, The Men's Shed, Mount Druitt
	Mr Ray Lesley	Chairperson, Mount Druitt Aboriginal Justice Group
	Councillor Roy Ah-See	Councillor, NSW Aboriginal Land Council
	Councillor Bev Manton	Chairperson, NSW Aboriginal Land Council
	Mr Geoff Scott	Chief Executive Officer, NSW Aboriginal Land Council

Date	Name	Position and Organisation
14 February 2008	Ms Avis Egan	
Bidwill Uniting Church	Mr David Nicholls	
Community Centre, Bidwill	Aunty Gloria Matthews	
	Ms Rita Tobin	
	Father Pat Mullins	
	Mr Rick Manton	
	Mr Brett Manton	
	Mrs Kayleen Manton	
	Ms Winsome Matthews	
	Ms Judy Parry	
11 March 2008	Councillor Tom Briggs	Deputy Chair and Northern Region Representative, NSW Aboriginal Land Council
Kempsey-Macleay RSL Club, Kempsey	Mr Lewis Kelly	Board member, Kempsey Local Aboriginal Land Council
	Councillor Patricia Laurie	North Coast Region Representative, NSW Aboriginal Land Council
	Mr Bob Mumbler	Board member, Kempsey Local Aboriginal Land Council
	Mr Andrew Riley	Director- Northern Zone, NSW Aboriginal Land Council
	Mr Clarrie Dries	General Manager, Wellington Correctional Centre
	Ms Moira Magrath	Director, Community Offender Services, Probation and Parole Service, Department of Community Services
	Mr Mark Rutherford	Aboriginal Client Service Officer, Probation and Parole Service, Department of Community Services
	Mr Don Wade	Community Service Supervisor, Probation and Parole Service, Department of Corrective Services,
	Ms Ruth Maruca	Chairperson, Dunghutti Elders Council
	Ms Colleen Campbell	Dunghutti Language Teacher and Member, Dunghutti Elders Council
	Ms Faith March	Deputy Director of Training, Booroongen-Djugun College
	Gary Morris	Chairman, Booroongen-Djugun Aboriginal Corporation

Date	Name	Position and Organisation
	Mr Victor Darcy	Circle Sentencing Project Officer, Attorney-General's Department
	Ms Mavis Davis	Circle Sentencing panel member
	Mr Wayne Evans	Magistrate, Kempsey Local Court
12 March 2008 Oxley Room, Dubbo Civic Centre, Dubbo	Councillor Stephen Ryan	NSW Aboriginal Land Council - Central Region
	Mr Tony Sutherland	Director, Western Zone, NSW Aboriginal Land Council
	Mr Craig Toole	Operations Manager, Strategic Operations, Birrang Enterprise Development Co.
	Mr Mark De Weerd	Director Service Delivery, North Coast, NSW Department of Education, Employment and Workplace Relations
	Ms Louise Bye	Coordinator, School Community Partnerships, NSW Department of Education and Training
	Ms Anjali Palmer	Regional Manager, NSW Department of Aboriginal Affairs
	Ms Jeanette Barker	Chairperson, Ngemba Community Working Party
	Mr Alister Ferguson	Chairperson, Bourke Aboriginal Community Working Party
	Mr Sam Jeffries	Chairperson, Murdi Paaki Regional Assembly
	Mr Richard Weston	Delegate, Broken Hill Community Working Party
	Mr Darren Toomey	Chairperson, Dubbo Aboriginal Community Working Party
13 March 2008 Shoalhaven Arts Centre, Nowra	Mr Greg Collins	Service Manager, MERIT program
	Ms Jaime Keys	Aboriginal Drug and Alcohol Counsellor, MERIT program
	Senior Constable Gina Wood	Youth Liaison Officer, Shoalhaven, NSW Police Force
	Mr Barry Lenihan	Aboriginal Community Liaison Officer
	Mr Kyle Stewart	Commander, Shoalhaven Local Area Command, NSW Police Force
	Ms Jean Turner	Program Coordinator, Aunty Jean's Good Health Program, South East Sydney Illawarra Area Health Service

Date	Name	Position and Organisation
	Ms Nola Roberts	Program participant, Aunty Jean's Good Health Program
	Mr Shane Carriage	Chairperson, Ulladulla Local Aboriginal Land Council
	Mr Jack Hampton	South Coast region representative, NSW Aboriginal Land Council
	Mr Sonny Simms	Chief Executive Officer, Nowra Local Aboriginal Land Council
	Ms Dianne Murray	Director, Illawarra Institute, TAFE NSW
	Ms Iris White	Aboriginal Development Manager, Illawarra Institute, TAFE NSW
	Ms Faye Worner	Chief Executive Officer, Waminda South Coast Women's Health and Welfare Aboriginal Corporation
29 April 2008 Jubilee Room, Parliament House	Ms Robyn Kruk	Director General, Department of Premier and Cabinet
	Ms Vicki D'Adam	Assistant Director General, Policy, Department of Premier and Cabinet
	Ms Susan Finnigan	NSW State Manager, Department of Families, Housing, Community Services and Indigenous Affairs
	Mr James McCormack	Manager, Dubbo Indigenous Coordination Centre, Department of Families, Housing, Community Services and Indigenous Affairs
	Mr Trevor Fletcher	Deputy Director General, Schools, NSW Department of Education and Training
	Mr Tony Greer	Group Manager, Indigenous Education Group, Department of Education, Employment and Workplace Relation
	Ms Sally Fitzpatrick	Vice President, Australians for Native Title & Reconciliation
	Mr Gary Highland	President, Australians for Native Title & Reconciliation
	Professor Ian Ring	Professorial Fellow, Centre for Health Service Development, University of Wollongong
	Witness A	
	Witness B	
	Mr Paul Parks	Director, Sydney Region, NSW DET

Date	Name	Position and Organisation
	Ms Anne-Marie Vine	Principal, Alexandria Park Community School
	Mr Robert Domm	Chief Executive Officer, Redfern-Waterloo Authority
	Ms Denny Hall	Principal Project Manager, Training, Enterprise and Employment, Redfern-Waterloo Authority
	Ms Julie Parsons	Acting Manager, Community Relations, Redfern-Waterloo Authority
	Ms Beryl Van-Oploo	Manager/Teacher, Redfern-Waterloo Authority Hospitality Training School
	Mr Bruce McQualter	Head of Indigenous Employment and Training, ANZ
	Ms Cathy Duncan	Indigenous Cultural Capability Manager, ANZ
	Ms Terri Benson	Group General Manager, Corporate Services, Country Energy
	Ms Amanda McCarthy	Indigenous Program Coordinator, Country Energy
	Mr Brian McLean	Group Manager, Meter Reading, Country Energy
30 April 2008 Jubilee Room, Parliament House	Mr Wayne Rigby	Director, Djirruwang Aboriginal and Torres Strait Islander Mental Health Program, Charles Sturt University
	Mr Roger Kennedy	National Program Manager, Mission Australia
	Associate Professor Joseph Canalese	School of Rural Health, University of Sydney, Dubbo
30 April 2008 Redfern Community Centre, Redfern	Mr Mick Mundine	Aboriginal Housing Company
	Mr Peter Valilis	Project Director, Aboriginal Housing Company
	Mr Colin James	Ian Buchan Fell Housing Research Centre, Faculty of Architecture, University of Sydney
	Ms Angela Pitts	Community Social Planner, Aboriginal Housing Company
	Dr Denise Robinson	Chief Health Officer and Deputy Director General, Population Health, NSW Health

Date	Name	Position and Organisation
	Ms Kim Stewart	Acting Director, Centre for Aboriginal Health, NSW Health
	Mr Sol Bellear	Chairman, Aboriginal Medical Service - Redfern
	Mr Mark Spinks	Chairman, BABANA Aboriginal Men's Group
	Mr John Williams	Pro-bono Adviser, BABANA Aboriginal Men's Group
	Pastor Ray Minniecon	Member, BABANA Aboriginal Men's Group
	Mr Jack Dunn	Member, BABANA Aboriginal Men's Group
	Mr Michael Gravener	Executive Officer, The Settlement Neighbourhood Centre
5 August 2008 Tirkandi Inaburra Cultural and Development Centre Inc., Griffith	Ms Colleen Murray	Executive Officer, Tirkandi Inaburra Cultural and Development Centre Inc.
	Mr Adrian Andrezza	Service Coordinator Youth Work, Tirkandi Inaburra Cultural and Development Centre Inc.
	Ms Anne-Mariee McIntosh	Casework Coordinator, Tirkandi Inaburra Cultural and Development Centre Inc.
	Ms Nicole Gibbs	Service Coordinator Youth Work, Tirkandi Inaburra Cultural and Development Centre Inc.
5 August 2008 Griffith Council Chambers, Griffith	Ms Gail Brydon	Senior Counter Clerk, Griffith Local Court
	Ms Alice Watts	Aboriginal Student Support Officer, Aboriginal Education and Training Unit, TAFE
	Mr Craig Cromelin	Councillor for Wiradjuri, New South Wales Aboriginal Land Council
	Ms Carolyn White	Koori Outreach Options for Learning, TAFE
	Ms Maria Williams	Aboriginal Community Liaison Officer, Griffith Local Area Command
	Mr Steve Meredith	Chairperson, Griffith AMS, and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE

Date	Name	Position and Organisation
	Ms Lisa O'Hara	Practice Manager, Griffith Aboriginal Medical Service
	Ms Carolyn Webb	Griffith Office of Department of Juvenile Justice
	Ms Margaret MacGregor	President, Griffith Ratepayers and Residents Association
	Ms Aloma Simpson	Chairperson, Gurribungu Elders Group
	Ms Gloria Goolagong Ms Young	Wiradjuri Elder
6 August 2008 Centre for Community, Broken Hill	Mr Richard Weston	Maari Ma Regional Director and member of Murdi Paaki Community Working Party
	Mr John Harris	Community Facilitator
	Ms Donna Kennedy	Chair, Aboriginal Community Working Party
	Ms Maureen O'Donnell	Chairperson, Broken Hill Local Aboriginal Land Council
	Ms Joanne O'Donnell	Chief Executive Officer, Broken Hill, Aboriginal Land Council
	Ms Margaret Murray	Principal, Broken Hill North, for the Director of Education, Broken Hill district
	Ms Jill Herbert	Regional Director, Department of Community Services
	Ms Kerrie Standley	Aboriginal Community Justice Group Coordinator
	Mr Anthony Kickett	Indigenous Education Officer, Sydney University Department of Rural Health
7 August 2008 Quality Powerhouse Hotel Conference Room, Armidale	Mr John Walkawiak	Acting Inspector, New England Local Area Command
	Ms Elva Taylor	Acting Chief Executive Officer, Pat Dixon Medical Centre
	Ms Margaret Walford	Councillor, Armidale-Dumaresq Local Council
	Mr Alan Graham	Manager Tenancy, Department of Housing
	Mr Thomas Briggs	Chair, New South Wales Aboriginal Justice Advisory Council
	Mr David Henderson	Chief Executive Officer, Armidale and Business Enterprise Centre

Date	Name	Position and Organisation
	Mr Shane Levy	Enterprise and Community Development Officer
	Mr Matthew Walsh	Manager Aboriginal Employment Unit, Jobs Australia
	Mr Chris Halligan	Youth Worker Department of Juvenile Justice
	Mr Steve Widders	Aboriginal Community Liaison Officer, Aboriginal Advisory Council Chair, Anaiwan Elder
7 August 2008 Quality Powerhouse Hotel Conference Room, Armidale	Ms Shirley Cohen	
	Aunty Grace Gordon	
	Ms Hazel Green	
	Ms Hazel Vaile	
	Ms Emily Roberts	
	Ms Michelle Munro	
	Mrs Lesley Vaile	
	Ms Helen Ware	
	Ms Vicki Dennison	
	Mrs Lockwood	
	Ms Kate Coward	
	Ms Johnaleen Cook	
	Mrs Walford	
	Mr Briggs	
15 September 2008 Room 814/815, Parliament House	Councillor Bev Manton	Chairperson, NSW Aboriginal Land Council
	Mr Geoff Scott	Chief Executive Officer, NSW Aboriginal Land Council
	Mr Tom Calma	Aboriginal and Torres Strait Islander Social Justice Commissioner and National Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission
	Mr Darren Dick	Director, Aboriginal and Torres Strait Islander Social Justice Unit Social Justice Unit, Human Rights and Equal Opportunity Commission
	Mr Chris Holland	Senior Policy Officer, Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission

Date	Name	Position and Organisation
	Professor Larissa Behrendt	Director of Research and Professor of Law, Jumbunna Indigenous House of Learning, University of Technology, Sydney
	Ms Ruth McCausland	Senior Researcher, Jumbunna Indigenous House of Learning, University of Technology, Sydney
	Mr Bill Palmer	Acting Business Manager, Brewarrina Business Centre
	Mrs Jeanette Barker	Director, Brewarrina Business Centre
	Assoc Prof Eileen Baldry	Associate Professor and Associate Dean (Education), Faculty of Arts and Sciences, University of New South Wales
	Assoc Prof Sue Green	Associate Professor and Director of Nura Gili Indigenous Programs, University of New South Wales
	Professor Jon Altman	Director, Centre for Aboriginal Economic Policy Research (CAEPR), ANU
	Ms Janet Hunt	Researcher, Centre for Aboriginal Economic Policy Research (CAEPR), ANU
17 September 2008 Room 814/815, Parliament House	Ms Jody Broun	Director General, NSW Department of Aboriginal Affairs
	Ms Robyn Kruk	Director General, Department of Premier and Cabinet
	Ms Vicki D'Adam	Assistant Director General (Policy), Department of Premier and Cabinet
	Mr Stephen McIntyre	Executive Director, Policy, Strategy and Finance, NSW Department of Housing
	Mr Russell Taylor	Chief Executive Officer, NSW Aboriginal Housing Office
	Ms Deborah Brill	Acting Manager, Housing Assistance Policy, NSW Department of Housing
	Ms Deonne Smith	General Manager – Access and Equity, NSW Department of Education and Training
	Ms Michele Hall	Director – Aboriginal Education and Training Directorate, NSW Department of Education and Training

Date	Name	Position and Organisation
	Ms Elizabeth McGregor	Institute Director, North Coast Institute of TAFE
	Mr Michael Coutts-Trotter	Director General, NSW Department of Education and Training
	Ms Sandra Bailey	Chief Executive Officer, Aboriginal Health and Medical Research Council of NSW
	Mr Rodger Williams	Chief Operations Officer, Aboriginal Health and Medical Research Council of NSW
18 September 2008 Room 814/815, Parliament House	Professor Debora Picone	NSW Health
	Dr Richard Matthews	Deputy Director General Strategic Development, NSW Health
	Ms Kim Stewart	Acting Director, Aboriginal Health Branch, NSW Health
	Mr Brendan Thomas	Assistant Director General, Crime Prevention and Community Programs, Attorney General's Department
	Ms Cindy Berwick	President, NSW Aboriginal Education Consultative Group
	Mr Terry Chenery	Executive Officer, Aboriginal Justice Advisory Council
	Dr Gaynor Macdonald	Senior Lecturer in Anthropology, Department of Anthropology, University of Sydney
	Ms Diane Joyce Austin-Broos	Professor Emeritus, Department of Anthropology, University of Sydney
	Professor Judy Atkinson	Director, Gnibi College of Indigenous Australian People, Southern Cross University
	Dr Bob Boughton	Senior Lecturer, Adult and Workplace Education, University of New England
	Mr Jack Beetson	Chief Executive Officer, Birpai Local Aboriginal Land Council and Director, Beetson and Associates

Appendix 3 Site visits

Date	Location
11 March 2008	Dunghutti Land Many Rivers Violence Prevention Unit, Kempsey Bennelong's Haven centre for drug and alcohol rehabilitation, Kinchela
12 March 2008	Wiradjuri Land Aboriginal Employment Strategy, Dubbo
13 March 2008	Wandi Wandian Land South Coast Medical Service Aboriginal Corporation Nowra
5 August 2008	Wiradjuri Land Tirkandi Inaburra Cultural and Development Centre Inc, Griffith
6 August 2008	Wilyakali Land Maari Ma Health Aboriginal Corporation, Broken Hill
7 August 2008	Anaiwan Land The Aboriginal Cultural Centre and Keeping Place, Armidale

Appendix 4 Summary of issues for consideration, Chapter 10 of Interim Report

The interim Report raised 45 issues for consideration. The themes underlying those issues for consideration were addressed in the second stage of the Inquiry, and are covered in this Final Report. Chapter 10 of the Interim Report summarised the issues for consideration and has been reproduced in this appendix, with the chapters in which the issues for consideration (or the theme underlying that issue for consideration) are addressed in the Final Report highlighted.

Chapter 10 (Interim Report) Summary of issues for consideration

A number of themes became evident throughout this Inquiry. The Committee has clustered together the issues that have been raised throughout this Interim Report thematically, although they have been discussed in the context of their specific sectors in the body of the Interim Report. This approach will assist the Committee address the broader issues of Indigenous disadvantage comprehensively in the Final Report.

10.1 The themes that have become apparent throughout the course of the Inquiry to date are:

- measuring outcomes
- coordinated service delivery
- partnership in service delivery
- funding
- employment, mentoring and training of Aboriginal people
- specific strategies

Measuring outcomes

10.2 The effective measurement of outcomes, or the success of programs and services was a key issue raised throughout this Inquiry. In relation to a number of service delivery areas, the Committee heard that programs and strategies were not effectively monitored to determine if targets are being met and the life expectancy gap being closed.

10.3 These issues are drawn from Chapters 3, 5 and 9: Service delivery; Health and wellbeing; and Incarceration and the criminal justice system, respectively.

Issues for consideration – Measuring outcomes

- **Issue for consideration 2 – Delivery: responsibility.** Considered in Chapter 2 of the Final Report.
The need for greater clarity in who has the overall leadership and responsibility for defining the performance indicators and delivering priorities under the New South Wales State Plan and Two Ways Together Plan, and how this leadership is translated into meaningful, measurable outcomes that are accepted by the Indigenous community, will be further considered in the Final Report.

- **Issue for consideration 12 – Environment and Infrastructure: reporting and accountability.** Considered in Chapter 3 of the Final Report.
The Committee will examine mechanisms for improving the reporting and accountability processes for community organisations.
- **Issue for consideration 15 – Health and Wellbeing: child sexual assault database.** Considered in Chapter 2 of the Final Report.
The Committee will review the methodology used to record the incidence of child sexual abuse in Aboriginal communities. The review will consider the existing arrangements used with respect to data collection and examine how it can be refined and improved.
- **Issue for consideration 17 – Health and Wellbeing: measurement.** Considered in Chapter 4 of the Final Report.
The Committee believes that the measurement of health priorities and the associated programs should be a key element of the New South Wales Government’s health strategy for Indigenous communities. The Committee will examine the need for more comprehensive measurement of health outcomes for Indigenous people.
- **Issue for consideration 38 – Justice: priorities.** Considered in Chapter 2 of the Final Report.
The Committee believes that the lack of Aboriginal specific criminal justice priorities in the New South Wales State Plan needs to be addressed.
- **Issue for consideration 39 – Justice: Aboriginal Justice Plan.** Considered in Chapter 2 of the Final Report.
The successful implementation of the Aboriginal Justice Plan is being hindered by the lack of clarity surrounding its current status and relevance to the New South Wales State Plan. The Committee will consider further the status of the Aboriginal Justice Plan and its proper implementation.
- **Issue for consideration 45 – Justice: Underreporting.** Considered in Chapter 2 of the Final Report.
The ability to address family violence and child sexual abuse issues is impeded by the high level of underreporting of these incidents by Aboriginal communities. The Committee will examine the reasons behind underreporting of domestic violence and sexual abuse. Consideration will be given to the level of government support for Aboriginal police officers and ACLOs. The Committee will examine the efficacy of early intervention programs targeted at male perpetrators.

Coordinated service delivery

- 10.4** The Committee heard that services are often delivered in an ad-hoc manner, or in such a fashion that they overlap or create significant gaps in service provision. These concerns included issues relating to the implementation of pilot programs and how they may be replicated more broadly to address the needs of a large number of Indigenous people over a longer period of time. Inquiry participants told the Committee that service delivery at all levels of government and in conjunction with non-government agencies and the private sector required a more coordinated approach.
- 10.5** These issues are drawn from Chapters 4, 5, 6, 7 and 8: Environmental health and infrastructure; Health and wellbeing; Education; Employment; and Housing.

Issues for further consideration – Coordinated service delivery

- **Issue for consideration 8 – Environment and Infrastructure: essential services.** Considered in Chapter 4 of the Final Report.
The effective provision of essential services including water, sewerage and waste collection in Aboriginal communities that are not serviced by local government will be considered.
- **Issue for consideration 11 – Environment and Infrastructure: transport.** Considered in Chapter 4 of the Final Report.
The Committee will consider the need for a co-ordinated approach to identify communities' transport requirements and tailor additional services to meet those needs.
- **Issue for consideration 18 – Government-organisation relationship.** Considered in Chapter 4 of the Final Report.
The Committee intends to examine the issue of improving the relationship between government and non-government services in more detail.
- **Issue for consideration 21 – Education: expanding success.** Considered in Chapter 3 of the Final Report.
There are many successful initiatives undertaken by government to improve educational outcomes for small numbers of Indigenous students. The Committee will examine how these programs can meet a larger number of students and improve the outcome for Indigenous people as a whole.
- **Issue for consideration 25 – Employment: service delivery.** Considered in Chapter 4 of the Final Report.
The Committee will review appropriate service delivery models to effectively address obstacles to Indigenous employment.
- **Issue for consideration 29 – Employment: corporate role.** Considered in Chapter 3 of the Final Report.
The Committee heard examples of businesses overcoming their skills shortages through employment and training schemes targeted at Indigenous workers. The Committee will further consider the strengthening of the relationship between corporations and Indigenous communities.
- **Issue for consideration 35 – Housing: overcrowding.** Considered in Chapter 3 of the Final Report.
Overcrowding is a fundamental problem within the Aboriginal community. The Committee highlights the need for various providers and funding programs to work together strategically to provide affordable, appropriate housing for Indigenous people.
- **Issue for consideration 36 – Housing: affordability.** Considered in Chapter 4 of the Final Report.
The Committee believes that housing affordability is a fundamental obstacle to addressing the housing needs of the Indigenous community. The Committee will examine mechanisms to increase the availability of affordable housing.

- **Issue for consideration 40 – Justice: support for offenders.** Considered in Chapter 4 of the Final Report
There is a significant lack of support services for Aboriginal offenders, whilst in custody, prior to release, after release and in relation to drug and alcohol services. The Committee is concerned about this lack of appropriate service provision for Aboriginal offenders and will examine relevant initiatives.

Partnership in service delivery

- 10.6 The need for provision of services by government, but in conjunction with the Aboriginal community, was highlighted repeatedly in evidence. The Committee was told that communities need to feel real ownership over both the problem and the kind of service developed to address it.
- 10.7 These issues are drawn from Chapters 3, 5, 7 and 8: Service delivery, Environmental health and infrastructure; Health and wellbeing; Employment; and Housing.

Issues for further consideration – Partnership in service delivery

- **Issue for consideration 4 – Delivery: funding to communities.** Considered in Chapter 4 of the Final Report.
The Committee will examine the issue of the provision of funding to community-controlled services and services which are delivered in partnership with the Indigenous community.
- **Issue for consideration 16 – Health and wellbeing: services.** Considered in Chapter 4 of the Final Report.
The effective provision of health services is a key issue in addressing the lifetime expectancy gap. The Committee will examine possible improvements to service delivery and opportunities to work in partnership with Aboriginal communities.
- **Issue for consideration 30 – Employment: Elders' role.** Considered in Chapter 3 of the Final Report.
Inquiry participants recognised the important role played by Indigenous elders and their communities in providing support for Indigenous employment and youth programs. The Committee regards the building of trust and respect between Indigenous communities, government, and prospective employers as critical to the provision of Indigenous employment opportunities in the long-term.
- **Issue for consideration 34 – Housing: participation.** Considered in Chapter 3 of the Final Report.
The Committee will examine the issue of community participation in the housing design and delivery process.

Funding

- 10.8 It is not surprising that the funding of programs and services to address Indigenous disadvantage is a key issue, given the high levels of need within the Aboriginal community.
- 10.9 These issues are drawn from Chapters 3, 4, 6, 7, 8 and 9: Service delivery; Environmental health and infrastructure; Education; Employment; Housing; and Incarceration and the criminal justice system.

Issues for consideration – Funding

- **Issue for consideration 1 – Delivery: Federal funding.** Considered in Chapter 2 of the Final Report.
Although the majority of Aboriginal people in Australia reside in New South Wales, this is not reflected in the level of Federal funding received by New South Wales. This impacts on the State's ability to implement priorities under the Federal-State Overarching Agreement on Aboriginal Affairs 2005 – 2010, the NSW State Plan and the Two Ways Together plan.
- **Issue for consideration 3 – Delivery: Short term funding.** Considered in Chapters 2 and 4 of the Final Report.
The Committee will look at the effectiveness and assessment of funding programs that are temporary and intermittent in nature.
- **Issue for consideration 7 – Environment and infrastructure: funding.** Considered in Chapter 3 of the Final Report.
The Committee will examine the need for ongoing funding for environmental health programs, after funding for the Aboriginal Community Development Program ends in 2009.
- **Issue for consideration 14 – Health and wellbeing: child sexual abuse services.** Considered in Chapter 2 of the Final Report.
The Committee will seek evidence of the appropriate levels of funding and services to reduce the incidence of and ameliorate the effects of child sexual abuse, including the implementation of the interagency plan in response to the *Breaking the Silence* report.
- **Issue for consideration 22 – Education: long term services.** Considered in Chapter 4 of the Final Report.
The need to provide and fund long-term education services with Indigenous specific focus and the necessary funding will be considered.
- **Issue for consideration 26 – Employment: funding.** Considered in Chapter 3 of the Final Report.
The Committee will examine the funding of employment programs to ensure skill development and retention rates.
- **Issue for consideration 32 – Housing: funding.** Considered in Chapter 3 of the Final Report.
An issue for further consideration will be the equitable distribution of funds and co-ordination of programs for social housing in New South Wales, between urban, regional and rural areas, to better address unmet housing needs of Indigenous people.
- **Issue for consideration 37 – Housing: maintenance.** Considered in Chapter 3 of the Final Report.
The Committee is concerned that, given the demand for housing and consequent overcrowding and health issues, that funding for necessary maintenance of properties is provided.
- **Issue for consideration 42 – Justice: circle sentencing.** Considered in Chapter 3 of the Final Report.
The Committee is concerned that there are insufficient resources available for Circle Sentencing courts and highlights this issue for discussion.

Employment, mentoring and training of Indigenous people

- 10.10** The Committee heard that, across the majority of sectors, there is a strong need for additional Aboriginal employees and in order to increase the numbers and retention of Aboriginal employees, mentoring and training programs.
- 10.11** These issues are drawn from Chapters 5, 6, 7, and 9: Health; Education; Employment; Incarceration and the criminal justice system.

Issues for further consideration – employment, mentoring and training

- **Issue for consideration 19 – Health and wellbeing: training and scholarships.** Considered in Chapter 5 of the Final Report.
The Committee will review the adequacy of training and scholarships for Indigenous health workers in more detail.
- **Issue for consideration 23 – Education: mentoring.** Considered in Chapter 4 of the Final Report.
Establishing links with family and community and culturally appropriate mentoring programs in order to encourage students in their education and support students in their endeavours at all levels of attainment will be investigated further.
- **Issue for consideration 24 – Education: role models.** Considered in Chapter 5 of the Final Report.
The importance of employing Indigenous staff as teachers and role models is apparent, however there is a need to address the attainment levels of current and future students so that this can occur.
- **Issue for consideration 27 – Employment: job compacts.** Considered in Chapter 5 of the Final Report.
The Committee notes that the changes to the CDEP scheme, the strengthening of the STEP program and Job Compacts are all relatively new. The Committee will revisit these schemes, when the Job Compacts are finalised and there is data available on their initial impact and progress towards addressing Indigenous employment issues.
- **Issue for consideration 28 – Employment: mentoring.** Considered in Chapter 5 of the Final Report.
Given the volume of evidence supporting mentoring programs and their effectiveness in gaining and retaining Indigenous employees, the Committee will consider how mentoring can be incorporated into a variety of programs aimed at addressing Indigenous disadvantage.
- **Issue for consideration 31 – Employment: reassessment.** Considered in Chapter 5 of the Final Report.
It is evident from the statistics that current policies and/or initiatives have not been enough to make substantial inroads into Indigenous unemployment. The Committee will examine reasons for this, including the limited time frame, education levels and early disengagement of Indigenous students in the educational process.

Specific strategies

- 10.12** During the course of the Inquiry, a number of strategies and programs were brought to the attention of the Committee as being in need of review. These strategies range from

amendments to the *Aboriginal Land Rights Act 1983*, to the provision of education programs specifically targeting literacy and numeracy rates.

- 10.13** These issues are drawn from Chapters 3, 4, 6, 7, 8 and 9: Service delivery; Environmental health and infrastructure; Education; Employment; Housing; and Incarceration and the criminal justice system.

Issues for further consideration – Specific strategies

- **Issue for consideration 5 – Delivery: representation.** Considered in Chapters 3 and 8 of the Final Report.
The Committee will investigate further the issue of an independent body for Indigenous representation.
- **Issue for consideration 6 – Delivery: Aboriginal Land Rights Act 1983.** Considered in Chapter 2 of the Final Report, but note that second round amendments to the Act have not yet been introduced.
The Committee will follow with interest the second round of amendments to the Aboriginal Land Rights Act 1983 (NSW), due to be introduced into Parliament in late 2008. The Committee will examine the need for an appropriate ongoing review mechanism, including the issue of the separation of regulatory and assistance functions of the New South Wales Aboriginal Land Rights Council.
- **Issue for consideration 9 – Environment and infrastructure: Internet.** Considered in Chapter 4 of the Final Report.
The provision of accessible Internet to Aboriginal communities will be considered.
- **Issue for consideration 10 – Environment and infrastructure: drivers licences.** Considered in Chapter 4 of the Final Report.
The Committee will consider the appropriateness of driver training programs aimed at assisting members of the Aboriginal community to gain drivers licenses.
- **Issue for consideration 13 – Health and Wellbeing: family.** Considered in Chapter 5 of the Final Report.
To help support and strengthen families in Aboriginal communities, the Committee will consider opportunities to bolster existing men's and women's groups, and appropriate programs to assist parents, in particular young parents.
- **Issue for consideration 20 – Education: literacy and numeracy.** Considered in Chapter 4 of the Final Report.
The Committee notes that there has been some improvement in the literacy and numeracy levels of Aboriginal students in New South Wales, however we remain concerned that these levels require significant improvement in order for Indigenous students to meet the national benchmarks. The Committee will examine the efficacy of strategies to address literacy and numeracy rates of Indigenous children and the adequacy of funding.
- **Issue for consideration 33 – Housing: regulations.** Considered in Chapter 2 of the Final Report.
The Committee considers that the regulatory requirements for community housing providers should be reviewed, in order to facilitate the provision of community housing to the Aboriginal community.

- **Issue for consideration 41 – Justice: community-based sentencing.** Considered in Chapter 3 of the Final Report.
The Committee will consider the accessibility of community based sentencing options to Aboriginal offenders.
- **Issue for consideration 43 – Justice: diversions.** Considered in Chapter 4 of the Final Report.
Evidence suggests that juvenile diversions are less likely to be granted to Aboriginal young offenders than to non-Aboriginal young offenders. The Committee will consider the availability and use of diversions for young Aboriginal offenders in the Final Report.
- **Issue for consideration 44 – Justice: mental health.** Considered in Chapter 3 of the Final Report.
Evidence suggests that some Aboriginal offenders with a mental health disorder are being incarcerated due to a lack of adequate mental health services. The Committee is concerned about the wellbeing of these offenders.

Committee comment

- 10.14** The Committee is committed to addressing each of these issues in the Final Report. The second and final stage of the Inquiry will commence with the tabling of this Interim Report and will revolve around the issues summarised in this chapter.
- 10.15** During the second half of the Inquiry, we will also inquire into and report on the following terms of reference;
- 1(a) policies and programs being implemented both within Australia (States/Territories/Federal) and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people (currently estimated at 17 years), with the assessment of policies and programs including but not limited to: New Zealand, Canada, North America, South America, and also considering available reports and information from key NGO and community organisations,
 - (c) previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations,
 - (d) the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales,
 - (e) opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination
 - (f) the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned.
- 10.16** The Committee will consult on these issues over the next five months and will present its Final Report to the Legislative Council 30 November 2008. The Committee anticipates that the Final

Report will focus on the areas outlined above to present informed, specific recommendations to the Minister for Aboriginal Affairs, through the Parliament.

- 10.17** The Government's response to the recommendations in the Final Report is expected six months from the date of tabling. It will tell us how the Government intends to implement our recommendations. The Government response is published on the Committee's website www.parliament.nsw.gov.au/socialissues.

Appendix 5 Minutes

Minutes No 18

Wednesday 23 July

Room 1102, Parliament House at 1:04pm

1. Members present

Mr Ian West (*Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Dr John Kaye

Mr Mick Veitch

2. Apologies

Mr Trevor Khan (*Deputy Chair*)

3. Confirmation of previous Minutes

Resolved, on the motion of Mr Donnelly: That draft Minutes no 17 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Sent:

- Letters to stakeholders providing information on ‘Overcoming Indigenous disadvantage in New South Wales: Interim Report’ (314 letters sent)
- Letter to Councillor Peter Ducat, Mayor of Armidale Dumaresq Council, advising of the Committee’s intention to visit Armidale as part of the Overcoming Indigenous disadvantage Inquiry
- Letter to Mr Ken Boyle, Broken Hill City Council Administrator, advising of the Committee’s intention to visit Broken Hill as part of the Overcoming Indigenous disadvantage Inquiry
- Letter to Councillor Dino Zappacosta, Mayor of Griffith City Council, advising of the Committee’s intention to visit Griffith as part of the Overcoming Indigenous disadvantage Inquiry.

5. Submissions

Resolved, on the motion of Mr Veitch: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223 (1), the Committee authorise the publication of Submissions No 75-78.

6. Consideration of proposed site visit itinerary

Resolved, on the motion of Ms Ficarra: That the Committee adopt the site visit itinerary proposed by the secretariat and authorise the use of a charter aircraft for travel during the site visit, at a cost of \$21,885.

7. Next meeting

The Committee adjourned at 1:28pm until Tuesday 5 August 2008 at 9:00am in Griffith.

Simon Johnston

Clerk to the Committee

Minutes No. 19

Tuesday 5 August 2008

Tirkandi Inaburra Cultural and Development Centre, Coleambally at 10 am and Griffith Council Chambers, Benerembah St, Griffith at 1pm

1. Members present

Mr Ian West (Chair)

Mr Trevor Khan (Deputy Chair)

Mr Greg Donnelly

Dr John Kaye
Mr Mick Veitch

2. **Apologies**

Ms Marie Ficarra.

3. **Deliberative meeting – Confirmation of previous Minutes**

Resolved, on the motion of Mr Kaye: That draft minutes no. 18 be confirmed.

4. **Correspondence**

The Committee noted the following items of correspondence:

Sent:

- Letter to Ms Kay Hull MP, Member for Riverina, advising that the Committee will be visiting Griffith on 5 August 2008
- Letter to Mr Adrian Piccoli MP, Member for Griffith, advising that the Committee will be visiting Griffith on 5 August 2008
- Letter to the Hon Susan Ley MP, Member for Farrer, advising that the Committee will be visiting Broken Hill on 6 August 2008
- Letter to Mr John Williams MP, Member for Murray-Darling, advising that the Committee will be visiting Broken Hill on 6 August 2008
- Letter to Mr Tony Windsor MP, Member for New England, advising that the Committee will be visiting Armidale on 7 August 2008
- Letter to the Hon Richard Torbay MP, Member for Northern Tablelands, advising that the Committee will be visiting Armidale on 7 August 2008.

Received:

- Letter from Ms Dawn Fardell MP, Member for Dubbo, addressing issues raised by constituents relating to evidence given to the Committee during the Inquiry into overcoming Indigenous disadvantage.
- Letter from the Hon Dave Hereora MP, Chairperson, Maori Affairs Committee, providing contact details of people within the New Zealand public service that may provide assistance to the Committee.

Resolved, on the motion of Mr Veitch: That the Chair, on behalf of the Committee, write to Ms Fardell noting that the Committee has received her correspondence, and advising Ms Fardell that the Committee has not published her correspondence due to the unsubstantiated nature of the allegations. Further, that the draft correspondence be circulated to the Committee for approval before being sent.

5. **Confirmation of witnesses at hearings on 15, 17 and 18 September**

Resolved, on the motion of Mr Kaye: That the following witnesses be invited to attend the hearings on 15, 17 and 18 September, and that the proposed schedule be circulated to the Committee for approval:

15 September 2008

- NSW Aboriginal Land Council
- Tom Calma, Social Justice Commissioner, HREOC
- Larissa Behrendt, Jumbunna Indigenous House of Learning, UTS
- Brewarrina Business Centre
- Sue Green and Eileen Baldry, Nura Gili Indigenous Studies Centre, UNSW
- Francesca Merlan, Professor of Anthropology, ANU

17 September 2008

- Department of Aboriginal Affairs
- Department of Premier and Cabinet
- Department of Housing
- Aboriginal Housing Office
- Department of Education and Training

18 September 2008

- Department of Health
- Attorney General's Department
- Aboriginal Educative Consultative Group
- Aboriginal Justice Advisory Group
- Diane Austin-Boos, Professor of Anthropology, University of Sydney
- Judy Atkinson, Head of College, Gribi College of Indigenous Peoples, Southern Cross University
- Centre for Aboriginal Economic Policy Research.

6. Welcome to Country at Griffith and Armidale

Resolved, on the motion of Mr Kaye: That the Committee acknowledge the welcome to country delivered by Ms Gloria Goolagong at Griffith by providing Ms Goolagong with a gift voucher to the value of \$100, in accordance with the wishes of Ms Goolagong.

Resolved, on the motion of Mr Kaye: That the Committee acknowledge the welcome to country delivered by Mr Steve Widders at Armidale by donating the sum of \$100 to the Narwan Aboriginal Sports Club, in accordance with the wishes of Mr Widders.

7. Site visit

The Committee toured the facilities of the Tirkandi Inaburra Cultural and Development Centre, Coleambally, and were briefed by the following staff:

- Ms Colleen Murray, Executive Officer
- Ms Anne-Marice McIntosh, Casework Coordinator
- Mr Adrian Andrezza, Service Coordinator Youth Work
- Ms Nicole Gibbs, Service Coordinator Youth Work.

8. Informal lunch

The Committee held an informal lunch at the Griffith Council Chambers, attended by local service providers and other interested persons.

9. Round table discussion

The public and media were admitted.

The Committee was Welcomed to Country by Ms Gloria Goolagong. The Committee conducted a round table discussion with the following witnesses:

- Ms Gloria Goolagong, Wiradjuri Elder
- Mr Craig Cromelin, Councillor for Wiradjuri, NSW Aboriginal Land Council
- Mr Steve Meredith, Chairperson, Griffith Aboriginal Medical Service and Aboriginal Programs Coordinator, Aboriginal Education and Training Unit, TAFE
- Ms Carolyn White, Koori Outreach Options for Learning, TAFE
- Ms Alice Watts, Aboriginal Student Support Officer, Aboriginal Education and Training Unit, TAFE
- Ms Carolyn Webb, Griffith Office of Department of Juvenile Justice
- Ms Maria Williams, Aboriginal Community Liaison Officer, Griffith Local Area Command
- Ms Gail Brydon, Senior Counter Clerk, Griffith Local Court
- Ms Margaret MacGregor, President, Griffith Ratepayers' Association
- Ms Lisa O'Hara, Practice Manager, Griffith Aboriginal Medical Service
- Ms Aloma Simpson, Chairperson, Gurribungu Elders Group.

The evidence concluded and the witnesses withdrew.

10. Adjournment

The Committee adjourned at 4.15 pm.

Madeleine Foley
Committee Clerk

Minutes No. 20

Wednesday 6 August 2008

Maari Ma Health Aboriginal Corporation at 9.30 am and Broken Hill Centre for Community, Broken Hill at 11.30 am

1. Members present

Mr Ian West (Chair)
Mr Trevor Khan (Deputy Chair)
Mr Greg Donnelly
Dr John Kaye
Mr Mick Veitch

2. Apologies

Ms Marie Ficarra.

3. Site visit

The Committee visited the offices of the of Maari Ma Health Aboriginal Corporation, Broken Hill, and were briefed by the following staff:

- Mr Richard Weston, Regional Director
- Ms Cathy Dyer, Manager Primary Health Programs.

4. Informal lunch

The Committee held an informal lunch at Broken Hill Centre for Community, attended by local service providers and other interested persons.

5. Round table discussion

The public and media were admitted.

The Committee was Welcomed to Country by Ms Maureen O'Donnell. The Committee conducted a round table discussion with the following witnesses:

- Mr Richard Weston, Regional Director, Maari Ma Health Aboriginal Corporation
- Mr John Harris, Community Facilitator
- Ms Donna Kennedy, Chair, Aboriginal Community Working Party
- Ms Maureen O'Donnell, Chairperson, Broken Hill Local Aboriginal Land Council
- Ms Joanne O'Donnell, Chief Executive Officer, Broken Hill Local Aboriginal Land Council
- Ms Margaret Murray, Principal, Broken Hill North Primary School, for the Director, Education, Broken Hill District
- Ms Jill Herbert, Regional Director, Department of Community Services
- Mr Tony Kickett, Indigenous Education Officer, Department of Rural Health, Sydney University
- Ms Kerrie Standley, Aboriginal Community Justice Group Coordinator.

The evidence concluded and the witnesses withdrew.

6. Adjournment

The Committee adjourned at 3.15 pm.

Madeleine Foley
Committee Clerk

Minutes No. 21

Thursday 7 August 2008

Koori Cultural Centre and Keeping Place at 9.30 am and Quality Powerhouse Hotel, Armidale at 11.30 am

1. Members present

Mr Ian West (Chair)
Mr Trevor Khan (Deputy Chair)
Mr Greg Donnelly
Dr John Kaye
Mr Mick Veitch

2. Apologies

Ms Marie Ficarra.

3. Deliberative meeting

Resolved, on the motion of Mr Kaye: That the Committee donate \$50 to the Koori Cultural Centre and Keeping Place, Armidale, in appreciation of the guided tour to be provided.

4. Site visit

The Committee toured the Koori Cultural Centre and Keeping Place, led by Mr Chris Davis, Guide, followed by a briefing from Ms Daisy Williams, Director.

5. Informal lunch

The Committee held an informal lunch at Quality Powerhouse Hotel, attended by local service providers and other interested persons.

6. Round table discussion

The public and media were admitted.

The Committee was Welcomed to Country by Mr Steve Widders. The Committee conducted a round table discussion with the following witnesses:

- Clr Margaret Walford, Armidale Dumaresq Council
- Mr Tom Briggs, Chair, NSW Aboriginal Justice Advisory Committee
- Mrs Elva Taylor, A/Chief Executive Officer, Pat Dixon Medical Centre
- Mr Steve Widders, Aboriginal Community Liaison Officer, Armidale Dumaresq Council and Aboriginal Advisory Council Chair.
- Mr Matthew Walsh, Manager, Aboriginal Employment Unit, Jobs Australia
- Mr David Henderson, CEO, Armidale and District Enterprise Centre
- Mr Shane Levy, Enterprise and Community Development Officer, Armidale and District Enterprise Centre
- Mr Chris Halligan, Youth Worker, Department of Juvenile Justice
- Mr Alan Graham, Manager, Tenancy, Department of Housing
- Acting Inspector John Walkowiak, A/Inspector, New England Local Area Command

The evidence concluded and the witnesses withdrew.

7. Public forum

The Committee held a public forum with the following witnesses:

- Ms Shirley Cohen
- Ms Hazel Green
- Ms Grace Gordon
- Ms Hazel Vaile
- Ms Emily Roberts
- Ms Michelle Munro
- Ms Leslie Vaile
- Ms Helen Ware
- Ms Vicki Dennison
- Ms Irene Lockwood
- Ms Kate Coward
- Ms Johnaleen Cook

8. Adjournment

The Committee adjourned at 3.50 pm.

Madeleine Foley
Committee Clerk

Minutes No. 22

Monday 15 September 2008

Room 814/815, Parliament House at 8.45

1. **Members present**

Mr Ian West (Chair)
Mr Greg Donnelly
Dr John Kaye
Mr Mick Veitch
Ms Marie Ficarra

2. **Apologies**

Mr Trevor Khan

3. **Confirmation of minutes**

Resolved, on the motion of Mr Veitch: That draft Minutes 19, 20 and 21 be confirmed.

4. **Correspondence**

The Committee noted the following items of correspondence:

Received

- From Ms Jill Ahoy to Committee secretariat regarding disability issues (7 August 2008)
- From Mr John Picot, Chief Executive Officer, NSW State Council, St Vincent de Paul Society to Chair regarding the Interim Report into overcoming Indigenous disadvantage (12 August 2008).
- From Mr Stepan Kerkyasharian AM, Chairperson, Community Relations Commission to Chair regarding the Interim Report into overcoming Indigenous disadvantage (19 August 2008).

Resolved, on the motion of Mr Donnelly: That the Chair send the letter to Ms Dawn Fardell MP, responding to her letter of 22 July 2008 regarding evidence given during the inquiry into overcoming Indigenous disadvantage.

Resolved, on the motion of Mr Veitch: That the Chair forward the letter from Ms Jill Ahoy received 7 August 2008 to the Minister for Disability Services for attention and action as appropriate.

5. **Submissions**

Resolved, on the motion of Ms Ficarra: That according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the Committee authorise the publication of submissions 75-86 and supplementary submissions 17a, 19a, 27a, 33a, 39a, 40a, 46a, 50a, 52a, 57a, 65a, 65b, 70a, and 71a.

6. **Transcripts of site visit meetings and public forum**

Resolved, on the motion of Mr Donnelly: That the Committee publish the transcript from the Committee's meeting with Tirkandi Inaburra staff on 5 August 2008 with the names and identifying details of students of the facility removed, and publish the transcript of the public forum held in Armidale on 7 August 2008.

7. **Questions on notice**

Resolved, on the motion of Ms Ficarra: That questions taken on notice during the hearings held on 15, 17 and 18 September 2008 be returned to the Committee secretariat by Friday 10 October 2008.

8. **Public hearing – Inquiry into overcoming Indigenous disadvantage**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witnesses were examined under their previous oath:

- Mr Geoff Scott, Chief Executive Officer, NSW Aboriginal Land Council
- Councillor Bev Manton, Chairperson, NSW Aboriginal Land Council

Mr Scott tendered the following documents:

- NSWALC submission to the Inquiry
- Speaking notes of Mr Geoff Scott, CEO, NSWALC

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission
- Mr Darren Dick, Director, Social Justice Unit, Human Rights and Equal Opportunity Commission
- Mr Chris Holland, Senior Policy Officer, Social Justice Unit, Human Rights and Equal Opportunity Commission

Mr Calma tendered the following documents:

- Opening statement of Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner
- February 2008 speech by Mr Tom Calma titled 'Essentials for Social Justice: Reform'
- Copy of HREOC report on outcomes from the National Indigenous Health Equality Summit held in Canberra in March 2008 titled Close the Gap: National Indigenous Health Equality Targets, and related poster
- Social Justice Report Community Guide 2007, 'Communities confronting family violence'

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Professor Larissa Behrendt, Director of Research, Professor of Law and Indigenous Studies, Jumbunna Indigenous House of Learning
- Ms Ruth McCausland, Senior Researcher, Jumbunna Indigenous House of Learning

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jeanette Barker, Director, Brewarrina Business Centre
- Mr Bill Palmer, Acting Business Manager, Brewarrina Business Centre

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Associate Professor Eileen Baldry, Associate Dean (Education), University of New South Wales
- Associate Professor Sue Green, Director, Nura Gili Indigenous Programs Centre, University of New South Wales

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Professor Jon Altman, Centre of Aboriginal Economic and Policy Research (CAEPR)
- Ms Janet Hunt, Fellow, Centre of Aboriginal Economic and Policy Research (CAEPR)

Professor Altman tendered the following documents:

- Building Indigenous Community Governance in Australia: Preliminary research findings, J Hunt and D.E. Smith CAEPR working paper No. 31/2006
- Indigenous Community Governance Project: Year Two Research findings, J Hunt and D.E. Smith CAEPR working paper No. 36/2007
- CAEPR 2007 Annual Report
- The Environmental significance of the Indigenous estate: Natural resource management as economic development in remote Australia, J Altman, G Buchanan, L Larsen, CAEPR discussion paper No: 286/2007
- Education, Training and Indigenous Futures CAEPR Policy Research: 1990-2007, A Fordham and RG (Jerry) Schwab
- Assessing the evidence on Indigenous socioeconomic outcomes: A focus on the 2002 NATSISS, B.H. Hunter (ed)
- The Social Effects of Native Title: Recognition, Translation, Coexistence, B. Smith and F Morphy (eds)

Ms Janet Hunt tendered the following document:

- Transcript of lecture by Professor Stephen Cornell, co-founder of the Harvard Project on American Indian Economic Development, 11 September 2008

The evidence concluded and the witnesses withdrew.

9. Deliberative

Resolved, on the motion of Mr Donnelly: That under section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 224, the Committee authorises the Clerk of the Committee to publish the following documents tabled during the hearing:

- NSWALC submission to the Inquiry (Submission 87), tendered by Clr Bev Manton, Chairperson, NSWALC
- Speaking notes of Mr Geoff Scott, CEO, NSWALC, tendered by Mr Scott
- Opening statement of Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, tendered by Mr Calma
- February 2008 speech by Mr Tom Calma titled 'Essentials for Social Justice: Reform', tendered by Mr Calma.

10. Adjournment

The Committee adjourned at 4.33 pm until Wednesday 17 September, 9.00am in Room 814/815, Parliament House

Glenda Baker
Committee Clerk

Minutes No. 23

Wednesday 17 September 2008

Room 814/815, Parliament House at 9.00am

1. Members present

Mr Ian West (Chair)
Mr Greg Donnelly
Dr John Kaye
Mr Mick Veitch
Ms Marie Ficarra

2. Apologies

Mr Trevor Khan

3. Public hearing – Inquiry into overcoming Indigenous disadvantage

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witness was examined under her previous oath:

- Ms Jody Broun, Director General, Department of Aboriginal Affairs

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Robyn Kruk, Director General, Department of Premier and Cabinet
- Ms Vicki D'Adam, Assistant Director General, Policy Development, Department of Premier and Cabinet

Ms Kruk tendered the following document:

- The Department of Ageing, Disability and Home Care response to the NSW Legislative Council Standing Committee on Social Issues' Inquiry into overcoming Indigenous disadvantage term of reference (e) relating to previous Committee recommendations.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Stephen McIntyre, Executive Director Policy Strategy and Finance, NSW Department of Housing
- Ms Deborah Brill, A/Manager Housing Policy Assistance Policy, NSW Department of Housing

- Mr Russell Taylor, Chief Executive Officer, Aboriginal Housing Office

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Michael Coutts-Trotter, Director General, NSW Department of Education and Training
- Ms Deonne Smith, General Manager, Access and Equity, NSW Department of Education and Training
- Ms Michele Hall, Aboriginal Education and Training, NSW Department of Education and Training
- Ms Elizabeth McGregor, Director, North Coast Institute of TAFE, NSW Department of Education and Training

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Sandra Bailey, Chief Executive Officer, Aboriginal Health and Medical Research Council of NSW
- Mr Rodger Williams, Chief Operations Officer, Aboriginal Health and Medical Research Council of NSW

Ms Bailey tendered the following document:

- AHMRC supplementary submission to the Inquiry

The evidence concluded and the witnesses withdrew.

4. **Deliberative**

Resolved, on the motion of Mr Donnelly: That under section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 224, the Committee authorises the Clerk of the Committee to publish the following documents tabled during the hearing:

- DADHC response to the NSW Legislative Council Social Issues Inquiry into Overcoming Indigenous Disadvantage, tendered by Ms Robyn Kruk, Director General, NSW Health
- AHMRC supplementary submission to the Inquiry (Submission 38a), tendered by Ms Sandra Bailey, CEO, AHMRC

5. **Adjournment**

The Committee adjourned at 4.39 pm until Thursday 18 September, 8.45am in Room 814/815, Parliament House.

Glenda Baker
Committee Clerk

Minutes No. 24

Thursday 18 September 2008

Room 814/815, Parliament House at 9.00am

1. **Members present**

Mr Ian West (Chair)
Mr Greg Donnelly
Dr John Kaye
Mr Mick Veitch
Ms Marie Ficarra

2. **Apologies**

Mr Trevor Khan

3. **Deliberative Meeting – Correspondence**

The Committee noted the following items of correspondence:

Sent

- From Chair to Ms Dawn Fardell MP, in response to her letter of 22 July 2008 regarding evidence given during the inquiry into overcoming Indigenous disadvantage (16 September 2008)

-
- From Chair to the Hon Paul Lynch MP, Minister for Disability Services, forwarding a letter from Ms Jill Ahoy received 7 August 2008 for attention and action as appropriate (16 September 2008)
 - From Chair to Ms Jill Ahoy, informing her that her letter of 7 August has been forwarded to the Minister for Disability Services (16 September 2008)

4. Submission

Resolved, on the motion of Ms Ficarra: That according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the Committee authorise the publication of submission 88.

5. Consideration of draft final report outline

The Committee discussed the draft final report outline.

6. Public hearing – Inquiry into overcoming Indigenous disadvantage

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witnesses were examined under their previous oaths:

- Dr Richard Matthews, Deputy Director General Strategic Development, NSW Health
- Ms Kim Stewart, Acting Director, Aboriginal Health Branch, NSW Health

The evidence concluded and the witnesses withdrew.

The following witness was examined under his previous oath:

- Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, Attorney General's Department.

The evidence concluded and the witness withdrew.

The following witnesses were examined under their previous oath:

- Ms Cindy Berwick, President, New South Wales Aboriginal Education Consultative Group
- Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Group

The following witness was sworn and examined:

- Mr Ron Jackson, Vice-President, New South Wales Aboriginal Education Consultative Group

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Professor Emeritus, Department of Anthropology, University of Sydney
- Dr Gaynor Macdonald, Senior Lecturer, Department of Anthropology, University of Sydney

Dr Macdonald tendered the following documents:

- Document titled: 'Two Steps Forward Three Steps Back, a Wiradjuri land rights journey', by Dr Gaynor Macdonald
- A course proposal for a Diploma/Bachelor of Aboriginal cultural heritage management (Draft in confidence)
- 'Indigenous wellbeing, a framework for Governments' Aboriginal Cultural Heritage Activities', prepared by Ms Vicki Grieves.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Professor Judy Atkinson, Professor of Indigenous Australian Studies, Southern Cross University

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Bob Boughton, Senior Lecturer Adult and Workplace Education, University of New England
- Mr Jack Beetson, Chief Executive Officer, Beetson and Associates

The evidence concluded and the witnesses withdrew.

7. Deliberative

Resolved, on the motion of Mr Donnelly: That under section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 224, the Committee authorises the Clerk of the Committee to publish the following documents tabled during the hearing:

- DADHC response to the NSW Legislative Council Social Issues Inquiry into Overcoming Indigenous Disadvantage, tendered by Ms Robyn Kruk, Director General, NSW Health
- AHMRC supplementary submission to the Inquiry (Submission 38a), tendered by Ms Sandra Bailey, CEO, AHMRC

8. Adjournment

The Committee adjourned at 4.15 pm, until Monday 24 November, 12.00 pm, Parliament House.

Glenda Baker
Committee Clerk

Draft Minutes No. 25

Monday 24 November 2008

Room 1102, Parliament House at 12.05pm

1. Members present

Mr Ian West *Chair*
Mr Greg Donnelly
Mr Trevor Khan
Dr John Kaye
Mr Mick Veitch
Ms Marie Ficarra

2. Confirmation of previous minutes

Resolved on the motion of Mr Veitch: That draft Minutes Nos. 22, 23 and 24 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence received:

- 22 September 2008 – email from Ms Uarnie More, Department of Corrections, New Zealand, to Committee Secretariat regarding policies and programmes being undertaken by the Department that have an effect on, or aim to reduce, the life expectancy gap between Indigenous and non-Indigenous populations in New Zealand with particular emphasis on incarceration and the criminal justice system.
- 2 October 2008 – From Mrs Hazel Green, Secretary, Armidale Aboriginal Elders Congress, to Committee Secretariat regarding the inquiry into overcoming Indigenous disadvantage and the Committee's visit to Armidale on 7 August 2008.
- 7 October 2008 – email from Mr John Meek, Ministry of Justice, New Zealand, to Committee Secretariat advising that the Ministry of Justice does not have any programmes or policies that impact on the life expectancy gap between Indigenous and non-Indigenous populations.
- 16 October 2008 – email from Ms Monique Dawson, Department of Labour, New Zealand, to Committee Secretariat regarding policies and programmes being undertaken by the Department of Labour that have as an effect or aim the reduction of the life expectancy gap between Indigenous and non-Indigenous populations in New Zealand.

Resolved, on the motion of Mr Kaye: That the Chair write to Mrs Hazel Green addressing the issues raised in her correspondence received 2 October 2008.

Resolved, on the motion of Ms Ficarra: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of answers to questions taken on notice during evidence received to date from the following witnesses/organisations:

- Housing NSW
- NSW Department of Education and Training
- Dr Bob Boughton, University of New England

- Prof. Jon Altman, Centre for Aboriginal Economic Policy Research, Australian National University
- Dr Gaynor Macdonald
- NSW Department of Aboriginal Affairs
- NSW Department of Premier and Cabinet
- NSW Health
- Human Rights and Equal Opportunity Commission
- NSW Aboriginal Justice Advisory Council
- Aboriginal Health and Medical Research Council
- Jumbunna Indigenous House of Learning.

4. **Submission**

Resolved, on the motion of Mr Donnelly: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of Submission No. 89.

5. **Consideration of Chair's draft report**

The Chair tabled his draft report entitled *Overcoming Indigenous disadvantage in New South Wales*, which, having been previously circulated, was taken as being read.

Chapter 1 read.

Resolved, on the motion of Dr Kaye: That paragraph 1.18 be amended by inserting the words 'and identify themselves as Indigenous. The Committee acknowledges the difficulty of defining these terms and notes that the terms were used differently in different communities.' following the word 'English'.

Resolved, on the motion of Mr Veitch: That Chapter 1, as amended, be adopted.

Chapter 2 read.

Resolved, on the motion of Dr Kaye: That Recommendation 2 be amended by inserting the words 'in real terms' at the end of the last sentence.

Resolved, on the motion of Mr Khan: That Recommendation 2 be amended by inserting 'and quarantined from efficiency dividends' after the words 'in real terms'.

Resolved, on the motion of Dr Kaye: That the heading 'Interagency Plan to tackle child sexual assault in Aboriginal communities 2006-2011', paragraphs 2.22 to 2.30 and Recommendation 2 be moved to Chapter 4, after 'Recommendation 13' and before 'Applying for funding'.

Resolved, on the motion of Ms Ficcaro: That paragraph 2.54 be amended by inserting the words 'as expressed through existing representative structures,' after the word 'views'.

Resolved, on the motion of Ms Ficcaro: That Recommendation 4 be amended by inserting the words 'as expressed through existing representative structures,' after the word 'views'.

Resolved, on the motion of Dr Kaye: That paragraph 2.59 be amended by deleting the name of the individual and inserting instead the words 'a 17 year old Aboriginal man'.

Resolved, on the motion of Mr Donnelly: That paragraph 2.65 be amended by inserting after the last sentence: 'The Committee noted that there was evidence provided during hearings from several witnesses that indicated the protocol was not observed in some instances.'

Resolved, on the motion of Mr Donnelly: That paragraph 2.66 be amended by inserting the word 'Committee's' before the word 'inquiry' and inserting the words 'into issues relating to Redfern Waterloo' following the word 'inquiry', and that the relevant recommendation be footnoted.

Resolved, on the motion of Dr Kaye: That Chapter 2, as amended, be adopted.

Chapter 3 read.

Resolved, on the motion of Dr Kaye: that Recommendation 6 be amended by:

- deleting the words ‘from 40 part time (0.5 Full Time Equivalent) positions to 40 full time (1.0 Full Time Equivalent positions,’
- inserting the word ‘adequately’ before the word ‘support’,
- deleting the words ‘these positions’ and inserting instead ‘any additional positions. The Committee suggests that 40 Full Time Equivalent Partnership Community Officer positions may be an appropriate staffing level.’

and that corresponding changes are made to the preceding paragraph and the executive summary.

Resolved, on the motion of Dr Kaye: That paragraph 3.110 be amended by deleting the words ‘and notes that it was very expensive and required an extraordinary’, and inserting instead the words ‘that it required a’.

Resolved, on the motion of Dr Kaye: That Chapter 3, as amended, be adopted.

Chapter 4 read.

Resolved, on the motion of Dr Kaye: That paragraph 4.13 be amended by inserting the words ‘evidence to’ after the words ‘the Inquiry,’.

Resolved, on the motion of Ms Ficcaro: That Recommendation 11 be amended by inserting the words ‘through the representative structure supported by the Department of Aboriginal Affairs,’ after the words ‘That the NSW Government’.

Resolved, on the motion of Dr Kaye: That paragraph 4.63 be amended by inserting the words ‘and a loss of goodwill and morale’ after the word ‘inefficiency’.

Resolved, on the motion of Dr Kaye: That paragraph 4.63 be amended by deleting the words ‘three to’.

Resolved, on the motion of Dr Kaye: That Recommendation 13 be amended by deleting the words ‘three to’.

Resolved, on the motion of Dr Kaye: That Chapter 4, as amended, be adopted.

Chapter 5 read.

Resolved, on the motion of Mr Khan: That Recommendation 18 be amended by deleting the words ‘and in a way deemed appropriate by Indigenous leaders.’

Resolved, on the motion of Mr Khan: That Recommendation 19 be amended by deleting the words ‘with Aboriginal stories and traditions’ and inserting instead the words ‘and a recognition of prior occupation and a rejection of Terra Nullius.’

Resolved, on the motion of Dr Kaye: That paragraph 5.109 be amended by deleting the word ‘with’ inserting instead the words ‘between teachers and school leaders’.

Resolved, on the motion of Dr Kaye: That Recommendation 21 be amended by:

- deleting the word ‘new’
- inserting the words ‘principals and other school leaders’ following the word ‘teachers’
- inserting the words ‘positions in’ after the words ‘commencing in’

and that corresponding changes are made to the preceding paragraphs and the executive summary.

Resolved, on the motion of Mr Khan: That Chapter 5, as amended, be adopted.

Chapter 6 read.

Resolved, on the motion of Mr Khan: That Recommendation 22 be amended by inserting the words ‘the end of’ before the word ‘December’.

Resolved, on the motion of Ms Ficcaro: That Chapter 6, as amended, be adopted.

Chapter 7 read.

Resolved on the motion of Mr Veitch: That footnote 396 be amended by inserting relevant page numbers.

Resolved on the motion of Mr Khan: That paragraph 7.37 be amended by deleting the words ‘way in which’ and ‘was designed, developed and implemented was flawed, and’.

Resolved on the motion of Mr Veitch: That paragraph 7.37 be amended by inserting the words ‘in the design, development and implementation of programs’ at the end of the final sentence.

Resolved, on the motion of Mr Veitch: That Chapter 7, as amended, be adopted.

Chapter 8 read.

Resolved, on the motion of Mr Veitch: That Chapter 8 be adopted.

Chapter 9 read.

Resolved, on the motion of Dr Kaye: That the title of the chapter be amended from “The ‘silver bullet’” to ‘No quick fix’.

Resolved, on the motion of Dr Kaye: That Chapter 9, as amended, be adopted.

Executive summary read.

Resolved, on the motion of Mr Kaye: That the first sentence of the final paragraph under the heading ‘Chapter 3’ be amended by deleting the words ‘is also’ and inserting instead ‘can be’

Resolved, on the motion of Ms Ficcaro that the executive summary be adopted.

Resolved, on the motion of Mr Veitch: That the draft report (as amended) be the report of the Committee and presented to the House according to Standing Order 226(1), together with transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the inquiry, except for in camera evidence and documents kept confidential by resolution of the Committee.

6. **Adjournment**

The Committee adjourned at 2.20pm, *sine die*

Rachel Simpson
Committee Clerk