

UNCORRECTED PROOF

## **GENERAL PURPOSE STANDING COMMITTEE No. 2**

**Monday 14 September 2009**

**Examination of proposed expenditure for the portfolio area**

### **ABORIGINAL AFFAIRS**

**The Committee met at 4.45 p.m.**

#### **MEMBERS**

The Hon. R. M. Parker (Chair)

The Hon. A. Catanzariti  
Mr I. Cohen  
The Hon. G. J. Donnelly

Reverend the Hon. G. K. M. Moyes  
The Hon. M. J. Pavay  
The Hon. C. M. Robertson

---

#### **PRESENT**

**The Hon. P. G. Lynch**, *Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs*

**Department of Aboriginal Affairs**

**Ms J. Broun**, *Director General*

**Mr S. Wright**, *Registrar, Aboriginal Land Rights Act 1983*

---

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

**JODY BROUN**, Director General, Department of Aboriginal Affairs, and

**STEPHEN WRIGHT**, Registrar, Aboriginal Land Rights Act, affirmed and examined:

**CHAIR:** I declare open the budget estimates hearing for Aboriginal Affairs. I welcome the Minister and the accompanying officials to the hearing today. We are examining the proposed expenditure for the portfolio of Aboriginal Affairs. I made statements earlier about the media and the procedure for broadcasting proceedings. Most members of the media are aware of the rules, but they are available on the table beside the door. There is no provision for opening statements by the Minister so we will commence directly with questions.

**The Hon. MELINDA PAVEY:** Minister, how are the Department of Aboriginal Affairs and you proceeding to meet the target for the State Plan in relation to education, say, families and economic development?

**Mr PAUL LYNCH:** I am not sure all those are necessarily within the Department of Aboriginal Affairs purview. I think the education ones are dealt with by an agency other than the Department of Aboriginal Affairs. If you want statistical breakdowns we can give those to you.

**The Hon. MELINDA PAVEY:** I am just asking you as the Minister for Aboriginal Affairs in New South Wales whether you are happy with the general trend towards reaching the State Plan goals?

**Mr PAUL LYNCH:** That is a somewhat different question. I do not think anyone is content or relaxed about the level of Aboriginal disadvantage in this State or this country. I think there are some good things we are doing; there is still a long way to go.

**The Hon. MELINDA PAVEY:** Aboriginal education is not within your purview but we are still way behind in terms of education in New South Wales. I think the Department of Education and Training report says there is a 10 per cent difference between indigenous and non-indigenous school students in New South Wales for reading and numeracy across all years measured at or above the national minimum standard. Our retention rates in New South Wales are still very low compared with the rates in the other States, but there is nothing you can do as Minister about that?

**Mr PAUL LYNCH:** They are primarily matters for the Minister for Education and Training.

**The Hon. MELINDA PAVEY:** Are you aware of the Job Compact program?

**Mr PAUL LYNCH:** Yes.

**The Hon. MELINDA PAVEY:** Can you explain to me what it is?

**Mr PAUL LYNCH:** Job Compact is an attempt to line up together people who do not work but who want to work and job opportunities. That is the simplest explanation.

**The Hon. MELINDA PAVEY:** How does the Job Compact compare with the Aboriginal Employment Strategy? Does it have similar goals?

**Mr PAUL LYNCH:** Both the Aboriginal Employment Strategy and Job Compact want to get more Aboriginal people in work so in that sense they are similar. They are a little different. The Aboriginal Employment Strategy, which does good work and I have a degree of regard for, is not a government organisation and does not perhaps have quite the entree with potential employers that the Government might, and in other places it might work the other way around. So the Aboriginal Employment Service is not quite the same as the government.

**The Hon. MELINDA PAVEY:** But is not Job Compact particularly giving money to local chambers of commerce? It is not government either, is it?

**Mr PAUL LYNCH:** It is government funded, government sourced, government auspiced, if you will, in a way that the Aboriginal Employment Strategy is not.

**The Hon. MELINDA PAVEY:** How much has the Department of Aboriginal Affairs given to Job Compact?

**Ms BROUN:** We have given a range of grants under Job Compact. During 2006-07 there was \$258,000 in Job Compact grants to engage organisations to work with Aboriginal Affairs to develop the Job Compact. Since then there has been a number of grants to help establish them, a lot of which has been for Aboriginal mentor training and cultural awareness training. So there was \$10,666 to the Tamworth Regional Development Corporation for Aboriginal mentor training; \$10,000 to the Dubbo Chamber of Commerce for cultural awareness training and events; \$5,000 of the New South Wales Reconciliation Council for a forum to promote improved employment opportunities; \$5,000 to La Prouse Local Aboriginal Land Council for a careers expo; \$5,666 for Koompahtoo Local Aboriginal Land Council cultural awareness training project; \$5,000 again for Koompahtoo Local Aboriginal Land Council for Aboriginal employer networking breakfast project; \$10,000 for Thurawal Local Aboriginal Land Council business and aboriginal community networking events; \$5,000 for the Tweed Shire Council Aboriginal community and local employer networking breakfast.

**The Hon. MELINDA PAVEY:** Is this like a breakfast club?

**Mr WRIGHT:** Yes.

**Ms BROUN:** These are more breakfasts to get private sector employers around the table. Then there was \$5,666 for the World Indigenous Cultural Exchange and Economic Development Organisation. That was for cultural awareness training to the local chamber of commerce and executive board members and \$10,666 for RSM Bird Cameron for cultural awareness training and \$15,000 for the Chain Reaction Foundation to support young Aboriginal people obtain and keep driving licences. A range of grants, as you can imagine, actually support the job compact outcomes. It is about getting employment in the private sector, so some of that means building up those networks, but what has been established as a strong need within the private sector has been mentoring and actual cultural awareness training for the private sector employers.

**The Hon. MELINDA PAVEY:** So all that funding you have read out has added up to, I think you said, \$253,000, was it?

**Ms BROUN:** No—actually, that probably is the right total. I would have to check my totals on that.

**The Hon. MELINDA PAVEY:** But it is around that figure for the 2007-08 financial year?

**Ms BROUN:** Yes.

**The Hon. MELINDA PAVEY:** Do you know how much is going for the 2008-09 financial year into job compact? Is it similar?

**Ms BROUN:** No. I would have to check. Actually, this was a lot of funds to set things up and get them started. We actually have diminished those since then, so it is not actually necessary to continue the funding. It is more now implementing those things and getting the jobs on the ground.

**The Hon. MELINDA PAVEY:** How many jobs have you got on the ground through this program over the past two years?

**Ms BROUN:** I have not got those figures with me. I will have to take that on notice across all of those job compacts in 11 places. I will take that on notice.

**CHAIR:** Minister, I have heard you say already that you are involved in monitoring other departments. I noted at last year's budget estimates that was an issue in terms of your negotiations with other departments. At last year's budget estimates there were a number of questions where that was your response. I want to draw your attention to the Magistrates Early Referral into Treatment [MERIT] Program, which is acknowledged as being highly successful, but note that the Auditor-General found that that program, highly successful as it is for defendants, only reached 273 Aboriginal defendants in 2007-08 out of around 19,000. The program has the potential to impact greatly on a large number of Aboriginal defendants. The Auditor-General has recommended that be rolled out. What role have you had in ensuring that the program is rolled out and what role have you had in terms of supervising and negotiating with departments in relation to MERIT?

**Mr PAUL LYNCH:** MERIT is undoubtedly a good program but it is not within my portfolio jurisdiction.

**CHAIR:** What discussions have you had with your other colleagues about it? It is acknowledged widely. It relates to your portfolio immensely, particularly in terms of what you have said over and over again, that your role is to work with other departments in a monitoring role?

**Mr PAUL LYNCH:** I have not actually said that over and over again. I think that was in relation to one very specific part of my portfolio responsibilities. I do not have a role in monitoring other departments. Certainly, I spend a vast amount of time writing letters to other departments telling them what I think or do not think. I would have to take on notice whether I have said anything about MERIT. I suspect I probably have because it is one of the roles that I have in terms of commenting on Cabinet proposals and the like.

**CHAIR:** Given the high number of Aboriginal—

**The Hon. CHRISTINE ROBERTSON:** Point of order, Madam Chair: This is definitely in the portfolio of the Attorney General, not the portfolio of the Minister for Aboriginal Affairs.

**CHAIR:** I take that point of order on board and note that the Minister has spoken about his role in relation to other departments. I am simply trying to clarify whether the Minister has had any discussions with other departments about the MERIT Program and its applications.

**Mr PAUL LYNCH:** I have discussions with lots of departments lots of times—

**CHAIR:** Perhaps if you could take the question on notice and get some information?

**Mr PAUL LYNCH:** I will take it on notice.

**CHAIR:** I turn to water and sewerage issues, which were raised last year at estimates committee hearings. Particularly in relation to Toomelah, you said that the ongoing maintenance component "will address that issue in future". Ms Pierce from the Department of Aboriginal Affairs said that "there have been entrenched difficulties with the water supply in Toomelah, but we are continuing to work with the local Aboriginal land council". Could you provide an update as to the current status of water and sewage facilities at Toomelah, and perhaps also at Walgett and other indigenous communities with similar problems across the State?

**Mr PAUL LYNCH:** I think the specific issues at Toomelah are probably specific to Toomelah. That is not to deny that there are not a whole lot of problems in other places, but I think there has been a particular history with water at Toomelah. Over \$600,000 of Aboriginal Communities Development Program funds were spent in 2006-07 to upgrade the Toomelah water supply. A number of isolated incidents had disrupted the water supply. A partnership has been developed with Moree Plains Shire Council to improve monitoring of the water supply. The shire council is working with the local land council, which has engaged a local Aboriginal person to receive formal training to provide day-to-day monitoring of the system. Toomelah will be one of the first New South Wales communities to benefit from the water and sewerage operation and maintenance program announced in the budget, with an initial meeting of stakeholders and communities held on 20 August this year.

**The Hon. MELINDA PAVEY:** Minister, in relation to Aboriginal tourism projects across New South Wales, have you had any concerns that some projects have ceased or have never gotten off the ground due to funding capacity? Do you have representations on any particular issues?

**Mr PAUL LYNCH:** I cannot recall off the top of my head having received representations. I would not say that I never have. I am likely to have referred them to an appropriate Minister. I guess the one that does spring to mind is perhaps involving Noeline Briggs-Smith at Moree. Although, that is more about other things, but it might have a tourism component to it. I certainly remember doing the presentations on her behalf to then Minister Sartor, who had the Arts. We thought that might have been an appropriate place to get some money.

**The Hon. MELINDA PAVEY:** Where was that?

**Mr PAUL LYNCH:** Moree. That was Noeline Briggs-Smith, who has an extraordinary collection of documents going back with Aboriginal history—which is terribly important for a lot of things, but there is an argument that there is a tourism component as well.

**The Hon. MELINDA PAVEY:** Other than that, you are not aware of any tourism initiatives that Aboriginal communities would like to get up and going in New South Wales?

**Mr PAUL LYNCH:** I have a recollection of having received representations of various sorts for tourism projects. They would not normally be directly part of my portfolio, so I would have made representations to other Ministers having got them. I suspect I have had some. I have a recollection I have had some, but I cannot remember specifically.

**The Hon. MELINDA PAVEY:** Could you provide details of them?

**Mr PAUL LYNCH:** I am happy to take the question on notice and see what I can find.

**The Hon. MELINDA PAVEY:** Minister, could you tell us what is the proportion of Aboriginal people across New South Wales moving into home ownership?

**Mr PAUL LYNCH:** I would have to take the question on notice. But I have a recollection that the New South Wales Aboriginal Land Council has these figures. Having said that, they are not technically mine, so the Department of Aboriginal Affairs does not have them. But I remember having seen figures from the Aboriginal Land Council that suggest something like 30 per cent of the Aboriginal population in New South Wales either own their own home or are in the process of buying it.

**The Hon. MELINDA PAVEY:** If there is an updated figure within the department on that that seems fairly strong.

**Mr PAUL LYNCH:** It actually flies in the face of all the stereotypes, I have to say. I have shared that figure with a number of people, who have been appropriately astonished. Part of it, I think, is that we keep getting the perception of Aboriginal people not being in urban areas, when in fact 90 per cent of Aboriginal people in New South Wales are in urban areas of one sort or another and, like everyone else, are buying their houses.

**The Hon. MELINDA PAVEY:** I refer to recently released figures from the Australian Bureau of Statistics projecting that Australia's indigenous population will grow to more than 700,000 in 12 years time and that it is growing by 2.2 per cent each year, and that it is predicted to do that until 2021. In fact, the figures show that Queensland will overtake New South Wales as having the largest indigenous population. What plans or policies do you have in place to deal with the increasing ageing of the Aboriginal population, as well as the growth in Aboriginal populations generally across New South Wales, given that a lot of communities, particularly in western New South Wales, have schools with limited places? Is there a plan?

**Mr PAUL LYNCH:** I am certainly aware of the figures. Indeed, when they first came out from the Australian Bureau of Statistics, the department did a breakdown of how that impacts upon the various regions. Some areas will have a much more substantial increase than others. As I recall, the Central Coast is probably the area that will have the greatest proportionate increase. As I said, we break that down right across New South Wales. Our role in that is, having done those calculations, that we then forward them to the appropriate agencies who have been responsible for delivering those services.

**The Hon. MELINDA PAVEY:** What initiatives, if any, are you putting in place to capture Aboriginal Australians in incidents that are going unreported—in other words, falling through the cracks? I refer to, for example, victims of domestic violence not reported to police, abused children not reported to the Department of Community Services, and children not attending school but not enrolled remaining unreported. As a monitoring organisation, what is your approach to keeping a handle on those statistics and those issues?

**Mr PAUL LYNCH:** The truancy is very much a Department of Education and Training and Minister for Education and Training issue. I am certainly aware of their interest in that. I think some legislative changes have been talked about or proposed to try to deal with the truancy issues. As to unreported domestic violence and sexual assault, that is one of the great challenges in this area. Until reports are made there is very little chance of things significantly changing. There is a fairly complex scheme called the Interagency Plan, which responded to "Breaking the Silence", which is a whole series of actions designed to deal with or reduce child sexual assault. One of the key elements of that is community engagement about trying to get reports made, trying to increase the number of reports. Whilst some of that had to be done out of currently existing resources,

a significant amount of new money has been put into that as well. So there is a suite of measures that have been done—some of them done by the Department of Aboriginal Affairs, but most of them done by other agencies. But I have a monitoring role in looking at what other agencies are doing and trying to make sure they comply with the steps set out under the Interagency Plan.

**The Hon. MELINDA PAVEY:** According to the 2007-08 Department of Aboriginal Affairs annual report, section 4.8 Workplace Safety and Security states: "Workplace assessments were conducted for seven individuals by an accredited therapist and the recommendations were accepted and implemented", compared with none reported for the previous financial year in the Department of Aboriginal Affairs annual report. Given that you have a total staff of 73, according to the annual report, this equates to 9.6 per cent of your work force, which appears significantly higher. Could you elaborate as to the nature of the seven workplace assessments, without revealing personal details of the individuals? In line with these statistics, would you agree that staff morale is a growing concern for the Department of Aboriginal Affairs?

**Mr PAUL LYNCH:** I might ask the chief executive to respond to the detail of that.

**Ms BROUN:** I think I would probably rather take the question on notice, in terms of the detail.

**The Hon. MELINDA PAVEY:** What detail?

**Ms BROUN:** You have asked for some detail about those incidents.

**The Hon. MELINDA PAVEY:** I will ask the question more generally. Are you concerned that in one year you have had almost 10 per cent of your work force going through mediation concerns, seeing therapists? Is there an issue within your department at the moment?

**Ms BROUN:** No, I do not think so. I do not think there is a general issue or general trend. You will have peaks and troughs with these sorts of issues. I think it is hard to say on the balance of numbers what might be occurring.

**The Hon. MELINDA PAVEY:** So there is no systemic problem?

**Ms BROUN:** Not that I am aware of, no.

**CHAIR:** While you are taking that on notice, would you also provide the Committee with the current staff retention rate and what it has been each year since 2005?

**Ms BROUN:** Yes.

**Reverend the Hon. Dr GORDON MOYES:** I am anxious to see what follow-up is happening with a program at La Perouse that I was involved in funding called the Home Interaction for Parents and Youngsters [HIPPY] program. We raised a couple of hundred thousand dollars for that program. Is your department helping roll out that program to help preschool children and parents in other areas, such as at Mount Druitt, Walgett, Bourke or elsewhere?

**Ms BROUN:** I do not have details around the HIPPY program specifically or what we are doing at La Perouse, but La Perouse is one of our partnership communities. We have 40 partnership communities around New South Wales that we are working with. We have partnership community project officers who have commenced in those locations that are working to identify issues and would be working with communities on the issues and priorities of those communities.

**Reverend the Hon. Dr GORDON MOYES:** Can I ask you to look at the La Perouse Public School HIPPY program; it is a preschool program for parents and children. We put a couple of hundred thousand dollars into that.

**Mr PAUL LYNCH:** Can I interrupt and say I was at La Perouse Public School maybe 18 months ago and, for what it is worth, it seems like they are doing incredibly good stuff. I was really impressed.

**Reverend the Hon. Dr GORDON MOYES:** It is excellent. I am absolutely thrilled. I have heard that it was going to be implemented in other partnership groups and I want to know the progress of that.

**Ms BROUN:** Yes, I will see if I can get some details on it.

**Reverend the Hon. Dr GORDON MOYES:** Minister, I want to ask about the interagency plan that was set up to tackle sexual assault among children. What have you found from all of that?

**Mr PAUL LYNCH:** There is no simple solution to a complex problem like this but the way to deal with it is to break it down into the sections of the interagency plan, the 88 actions, and then try to drive departments to make sure they are complying with the actions. We have done better than you might have thought in some areas. The most detailed answer I can give you is to say we have released a public report on the interagency plan—

**Reverend the Hon. Dr GORDON MOYES:** Where is that information to be found?

**Mr PAUL LYNCH:** I can read it through for you but it would take way too long. It is on the Department of Aboriginal Affairs website—it was posted there on 21 August.

**Reverend the Hon. Dr GORDON MOYES:** I have not seen it. I will look for it.

**Mr PAUL LYNCH:** May I just say it is one of the frustrations of this world in which we live—I would have thought it was an issue of some interest. The Government issued it and contacted both the *Australian* and the *Sydney Morning Herald* and said, "You have been slightly critical of some of things we have done over the years; you might want to have a look at this." No-one bothered to write a story about it. Now that I have said that on the *Hansard* hopefully people will know we have actually released this report.

**Reverend the Hon. Dr GORDON MOYES:** I guarantee I will read it. I want to ask you about your policy. You would be aware of some things in the press on indigenous languages and on the television last night—or is it tonight?

**Mr PAUL LYNCH:** We have a very different situation in New South Wales from the Northern Territory or the places where those debates are going on. I am a passionate supporter of the need to revitalise Aboriginal languages. It goes to the core of cultural identity, which in turn goes to the core of resilience, self-confidence and self-esteem. The difficulty that is claimed to exist in other parts of Australia is that indigenous communities speak only their indigenous language and not English. I am not the Minister for up there so I am not buying into that particular fight. The problem we have here is that we do not have enough people speaking indigenous language because the language has been lost.

**Reverend the Hon. Dr GORDON MOYES:** During the winter break I visited communities around Arnhem Land so I realise the problem. But in order to communicate in this generation in this century they do need to have English as well.

**Mr PAUL LYNCH:** Our problem in New South Wales is exactly the opposite: the Aboriginal community speaks English.

**Reverend the Hon. Dr GORDON MOYES:** Do you have written policies on this?

**Mr PAUL LYNCH:** Yes. Without stealing the thunder of what may well be a Government question in a couple of minutes, we were the first State to have an indigenous language policy. We spend money on trying to revitalise and restore languages. There were about 70-odd languages in what was then New South Wales when the white fella arrived, and there are remnants of about 20 left now. Where I do have a slight intersection with the issue of truancies supporting Aboriginal languages, it is really quite interesting that in places like Dunheved High and Wilcannia Central School truancy rates start declining when you start teaching indigenous languages there. Chris Sara, who is the great educationalist on this stuff from Queensland, would say that if you really want to get educational engagement you need to have cultural respect for education and there is nothing better in that sense. In a sense that is all pretty obvious but, yes, we do have very strong policies about it. I am personally quite passionate about it—as you may gather. Some of the nicest thing that you can get to do in this job is to try to revitalise languages.

**Mr IAN COHEN:** I note that revitalisation of Aboriginal languages is a result indicator of State Plan Priority F1, given what you have said I think it is certainly an interesting program. In 2006-07, 15 programs



supporting Aboriginal community language assistance were undertaken and 12 were undertaken in 2008-09. Can you clarify why only community language programs are forecast for 2009-10?

**Mr PAUL LYNCH:** Subject to what my chief executive tells me, I think the amount of money is the same; it is just that the amount going to different programs is a bit different. Is that not right?

**Ms BROUN:** Sorry?

**Mr PAUL LYNCH:** The differences in the number of programs being funded.

**Mr IAN COHEN:** Is it 15 from 2006-07 until now, with 10 in 2009-10?

**Ms BROUN:** It is really submission driven. We allocate an amount for the year and then we see how many people apply. Some of the projects are more than others; one project might be \$25,000 and another might be \$10,000. It is subject to the submissions we receive from the communities.

**Mr IAN COHEN:** So no language is missing out there. I would have thought once they were set up they would be ongoing.

**Ms BROUN:** Not necessarily.

**Mr PAUL LYNCH:** I think it is a bit more complicated than that. Bearing in mind the history of colonisation there are lots of languages where the only remnants are what the white fellas recorded—a bit of that is the Dharug. So there will forever be attempts to revitalise the different community groups. Unlike some other places, this is all community-driven stuff. This is not about paying linguists to go off and dream things up. This is about community-based things. Some of it is about engagement with community. There is an almost limitless number of things you can do. Even if you do one project for one language there will be another thing you can do that will be just as useful. Some of it might be compiling a dictionary—there is a great one I saw up at Tamworth that they are doing a DVD for kids at preschool to teach them what the languages are. They sang *I Am/We Are Australian* in native indigenous language, which was a pretty amazing exercise—there was hardly a dry eye in the house by the time they had finished. There is a whole range of different things you need to do.

**Mr IAN COHEN:** Returning to the Aboriginal Water and Sewerage Program, do you have the budget for that program?

**Mr PAUL LYNCH:** In terms of the specific yearly budget, we will take that on notice. It is a \$200 million project over 25 years between the New South Wales Aboriginal Land Council and us—we are putting in half and the New South Wales Aboriginal Land Council is putting in the other half.

**Mr IAN COHEN:** It is stated that this program is connecting communities to town water supplies and sewerage systems for the first time. I note that 48 communities have been targeted for program rollout. Can you explain how this program is being rolled out and the criteria used to select communities for participation in the program itself?

**Mr PAUL LYNCH:** The simplest explanation of the criteria is that if you have bad water and sewerage, we want to fix it. Exactly what will happen in each community is a bit different. One of the things that essentially sparked us into doing this is that what happened historically is that you have got the old missions that were handed over in 1983—which they should have been and that is absolutely right—but not a lot of thought was given to what you would do to maintain the services after that. Because when the missions were handed over they were on one certificate of title, they are one single block of land, so formal government responsibility for water and sewerage tends to be up to the boundary of the property. So it is up to the boundary of these estates of the 20, 30, 40 or 50 houses, or whatever.

That is the structural problem. What happened after that was that lots of people tried to do the right thing. There was lots of bits of money put here and lots of capital investment put in. So you have a complete mishmash right across the State in all the different communities. This scheme is doing the capital work needed but it is primarily about getting a proper, ongoing maintenance program, which has never been done before. Everyone has done a bit here and a bit there—well-hearted, well-intentioned people thinking they were doing the right thing, without understanding that you need to do the long-term maintenance to get it right. Because of that, how exactly it happens from place to place will vary depending on what is there. In each case it involves

engagement with the local community. In the answer I gave about Toomelah earlier I talked about the public meeting they had there. That will happen in pretty much all these locations. It is land council-owned land. You have to have engagement with the land council because they are the landowners. At a central level the engagement is being driven by the State land council, which, of course, is putting the money in. It involves usually the local council being engaged and, quite often, the water authority—whoever that might be in a particular area. Is that enough detail?

**Mr IAN COHEN:** Yes. Are health outcomes linked with this program? Are health outcomes for communities being monitored?

**Mr PAUL LYNCH:** They must inevitably be linked. If you have bad water and sewerage the kids will get sick. If the kids get sick they will not go to school. If they do not go to school they will not learn and they will fall behind and it will be an awful result. It is fundamentally about getting the health right. Any measuring of that will be done by the local health authorities. They have been involved as part of this process all the way through. They were part of putting up the original proposal.

**Mr IAN COHEN:** Can you provide a breakdown of the \$10 million funding for the Aboriginal Community Development Program between the three component areas?

**Mr PAUL LYNCH:** Yes. We will take that question on notice.

**Mr IAN COHEN:** Would you outline what programs of work have been undertaken with the \$847,000 provided to the Registrar's Office for the Aboriginal Land Rights Act?

**Mr PAUL LYNCH:** I might ask the Registrar to answer that, seeing he is sitting here at the table.

**Mr WRIGHT:** Mr Cohen, you would like to know what we spend our money on.

**Mr IAN COHEN:** That would be wonderful.

**Mr WRIGHT:** Luckily I do not have much choice about what I spend my money on because the functions are statutory functions, which are set out in section 165 of the Land Rights Act. Primarily they can be summarised as the registration of land claims, of which I can advise at today's date lodged with the Registrar are 19,936 claims. We register all those claims. We determine them within the boundary of the local land council and pass them on to the Minister administering the Crown Lands Act.

**The Hon. MELINDA PAVEY:** And then they stop.

**Mr WRIGHT:** I might return to my question about my department, Ms Pavey. The next function is the Register of Aboriginal Owners, who are people who wish to be involved in the joint management process under part 4A of the National Parks and Wildlife Act. We are involved in maintaining the register. That is a reasonably large task in that we normally engage in fairly extensive research and produce reports for each of those areas, which are available on our website, to determine people's cultural association with the land. We maintain that register. There are, as we speak, 559 people in New South Wales who are registered as being Aboriginal owners. That is specific to the areas where there has been joint management hand back occurring.

We have a dispute resolution function. We have a function in relation to mediation, conciliation and arbitration in relation to disputes involving land councils. We have a function in relation to the boundaries of land councils and the names of land councils. It is very much like a local government regulatory role. We can also issue compliance directions and, in fact, investigate matters involving allegations of breaches of the Land Rights Act. In terms of the volume of work, it is somewhat demand driven by the 121 land councils that are out there plus the New South Wales Aboriginal Land Council. The staffing of the unit is me, two senior project officers at grade 9/10, one project officer at grade 7/8, a position at grade 3/4, which is vacant at the moment, and I have a part-time contractor, a temporary employee who comes from the Aboriginal Employment Strategy down the road in Glebe. As you know, I am a statutory officer, so my remuneration is dealt with under the Statutory and Other Officers Remuneration Act.

**Mr IAN COHEN:** On stolen wages, how many direct and descendant claims are currently lodged with the Aboriginal Trust Fund Repayment Scheme?

**Mr PAUL LYNCH:** They are not stolen wages; they are trust funds. At the risk of being a pedantic lawyer, it is a slightly different category.

**Mr IAN COHEN:** I will not argue with that.

**Mr PAUL LYNCH:** As you may know, the closing date for the scheme was 31 May 2009. As at 27 August 2009, 8,651 people had registered a claim.

**Mr IAN COHEN:** That is direct and descendant claims?

**Mr PAUL LYNCH:** Yes, that would be direct and descendant. Is that the only figure you asked about?

**Mr IAN COHEN:** Yes. I do have other questions.

**Mr PAUL LYNCH:** I can give you some other statistics. A possible 5,359 trust funds have been identified by claimants, a further 567 claims of possible trust funds have been clarified, 561 claims have been assessed, 269 claims have been finalised, 109 people have had repayments approved and \$1.51 million has been approved for ex gratia payments so far.

**Mr IAN COHEN:** What are the total funds paid to claimants?

**Mr PAUL LYNCH:** To date, it is \$1.51 million.

**Mr IAN COHEN:** In that process, how much funding has been provided to the Link-Up (NSW) Aboriginal Corporation in 2009-10? What percentage of claimants used the Link-Up counselling and practical assistance program?

**Mr PAUL LYNCH:** I do not know the answer to the second question. I am not sure we would because that probably would be Link-Up information. As to the amount of money, I am sure we have an answer for that here. Link-Up is a particularly good and impressive organisation. I am delighted we are able to fund it. We think \$100,000 goes to Link Up. I will take it on notice and get you a proper answer.

**Mr IAN COHEN:** Given that historically two-thirds of the cases will result in no repayment as no records can be found, how have the reforms announced earlier this year changed this situation? Specifically, what is the current success rate of claimants?

**Mr PAUL LYNCH:** The changes that we have announced will dramatically change that. That is the reason we changed it. The estimate was about \$15 million that we would be paying out and we ended up paying about \$1 million. That is largely because the records were not there. We have taken the trust fund money, we have stolen the trust fund and now we have lost the records that they need to be able to get the money back from us. That is essentially where we are at. That is why the scheme had to be changed. People now will be able to bring claims successfully without necessarily having the formal record. A very good example is Kinchela Boys Home, which, as you know, is generally regarded as a hellhole, and certainly the people I have spoken to who survived it would regard it that way. There are not any records left of trust funds there.

So no-one from Kinchela, until we made these changes, would be able to get any repayment. But because the Government would recognise that it was a government policy to have trust funds held there, that government policy is one of the things that they will now be able to take into account in determining claims that are lodged by people who were at Kinchela. As to success rates, they have to work their way through and make assessments. Certainly the allocation of a single lump sum of \$11,000 means that there were some people who had been paid less than that. We have already paid the top-up payments for most of those. We are getting through that and doing the process as quickly as we can. It will take a bit longer yet.

**Mr IAN COHEN:** When is the expected completion date of the Aboriginal Trust Fund Repayment Scheme? When is it expected that all claims will be exhausted?

**Mr PAUL LYNCH:** Now that we have a closing date on all the claims that have been lodged, from memory, I think it is in another 12 months. I am reliably informed June 2010 is likely to be the time. I said 12 months; I was fairly close. By June next year you would expect it to be over.

**Mr IAN COHEN:** Minister, would you advise whether the New South Wales Government signed the Close the Gap statement of intent?

**Mr PAUL LYNCH:** I am sure we have. I think I launched the Close the Gap campaign. I am sure we signed it.

**Mr IAN COHEN:** According to the report "The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, 2008", in 2005-06 indigenous people were hospitalised at 14 times the rate of non-indigenous people for care involving dialysis and three times the rate for endocrine, nutritional and metabolic diseases. Is this a potential policy area where the department could work with Aboriginal land councils and the Department of Health on capacity-building projects that enhance the availability of fruit, vegetables et cetera in regional and remote communities?

**Mr PAUL LYNCH:** It is a real issue, and getting good food out there is an important part of that. Whether it is particularly the Department of Aboriginal Affairs or Health, I am not so sure. But, clearly, that and a whole range of other things are going to have to be considered if we are going to attempt to close the gap. All governments have now signed up under the COAG process to address Aboriginal disadvantage, and Close the Gap is in those specified areas.

**The Hon. GREG DONNELLY:** Minister, could you elucidate the comments you made earlier about the work being done by the New South Wales Government to revitalise indigenous languages in New South Wales?

**Mr PAUL LYNCH:** I am delighted you asked that question. The New South Wales Government has this year again invested \$200,000 to support Aboriginal language revitalisation in this State. We are supporting 12 successful programs that are being run by Aboriginal people for Aboriginal languages. I will talk a little bit about indigenous languages generally. It is a problem that is not just restricted to New South Wales. According to the United Nations cultural agency, UNESCO, more than 100 languages in Australia are in danger of extinction. The latest edition of UNESCO's *Atlas of World Languages in Danger*, which was launched recently in Paris, shows that almost half of the 6,700 languages spoken worldwide could disappear.

Linguists suggest that there were at least 70 Aboriginal languages in what is now called New South Wales before 1788. In 2002 the National Aboriginal and Torres Strait Islander Social Survey, conducted by the Australian Bureau of Statistics, found that there were 2,682 indigenous people who identified as speaking an Aboriginal language in New South Wales. However, in 2006 the census found there were only 804 Aboriginal people in New South Wales who identified as speaking an indigenous language. The New South Wales Government has supported language recording and revitalisation since 2003. Since then, the Government has spent more than \$1 million on community language projects through the Department of Aboriginal Affairs Community Language Assistance Program. This investment is important because Aboriginal language revitalisation projects help to reduce the social and cultural dislocation caused by the loss of language.

New South Wales was the first government in Australia to adopt a formal Aboriginal language policy, launching the groundbreaking New South Wales Aboriginal Languages Policy in 2004. Language is an important expression of culture. Australia's Aboriginal people have the longest living culture in the world. The New South Wales Government is working in partnership with Aboriginal communities to protect and strengthen languages in areas right across the State to ensure that we all have an opportunity to celebrate the wealth and diversity of Aboriginal languages in this State.

Following our commitment to improve access to Aboriginal languages in the State's schools, the department, in conjunction with the New South Wales Board of Studies, produced the CD-ROM, *Aboriginal Languages of New South Wales: An Introduction for Schools and Communities*, with representatives of Aboriginal communities, and other linguists. I think the first official thing I did as Minister for Aboriginal Affairs was go to Bourke High School and launch that CD-ROM. The CD-ROM portrays the geographical and cultural features of 20 Aboriginal languages and introduces key features of New South Wales Aboriginal languages, including sounds, spellings, grammar patterns, and the pronunciation and meanings for almost 100 words per language. It also includes links to other helpful language-related resources.

The CD-ROM is supported by many other projects, including dictionaries, course handbooks, workshops, flashcards, storybooks, posters, videos, training manuals, and other teaching materials, such as projects on "How to design a community language project". Every school in New South Wales now has access

to materials to assist the teaching of New South Wales Aboriginal languages, delivering on the Premier's commitment in this area. This CD-ROM of Aboriginal languages is increasing the number of students learning Aboriginal languages in schools across New South Wales. According to the Department of Education and Training, there are 50 schools currently teaching 11 languages, including Bundjalung, Wiradjuri, Dharawal, Gamilaraay and Gumbaynggirr, and the CD is a useful resource for teachers of other key learning areas, especially teachers of all subjects teaching Aboriginal perspectives. This CD-ROM will be updated to keep up with the pace of uptake and change. Since the release of the CD-ROM, there have been new dictionaries, word lists and publications developed—mostly with funding from our program—that allow the centre to update the wordlists and information, and to link its content to these new materials.

The language classes have shown the great potential that comes from helping Aboriginal people to reconnect with their culture and from all Australians understanding and appreciating Aboriginal languages. Aboriginal language education in schools has been a catalyst for increased attendance rates amongst Aboriginal students and has also increased the students' performance, particularly their levels of literacy. Learning a second language improves literacy among students. This is a key area of focus of the New South Wales State Plan, which seeks to improve educational outcomes for Aboriginal people and young people.

Since 1988, all New South Wales school students have studied some elements of Aboriginal history and culture. In 2007 the New South Wales Government introduced a requirement for all students to learn some form of Aboriginal language as part of their curriculum. This year the Government is spending \$300,000 on Aboriginal language teaching in 37 State schools. The Dharug Custodian Aboriginal Corporation and western Sydney based Chifley College Dunheved Campus have collaborated in a program that is revitalising the Dharug language of Sydney. Chifley College's Dunheved Campus was given a grant of \$18,000 from the department in 2007-08 to develop a Dharug Language Centre and continue teaching Dharug, the Aboriginal language of western Sydney, to school students. I have been to that school and I have seen the program—it is very impressive. This program has been acclaimed worldwide for its success in keeping Aboriginal students in school. This is clear evidence of wider benefits of our partnership with Aboriginal communities. Aunty Edna Watson from the Dharug Custodian Aboriginal Corporation said:

I am very excited as a Dharug Elder. When I was growing up I was not allowed to speak my language so it is very, very special that it has been brought back to the schools.

One in five students at the school is of Aboriginal descent. Aboriginal language education is part of the school's commitment to reconciliation and builds on the philosophy that a school-based education should improve the body, heart, mind and spirit. Principal Timothy Jones said:

As a part of our strategic plan at Chifley Dunheved we believe that a quality education acknowledges sporting, academic, social and cultural achievement. Aboriginal education is very much a cultural, indeed spiritual, journey. Respect for the Aboriginal language of the land here is integral to everything we do at the school - our journey with the Dharug people teaches us we must listen to the land as it speaks to us of the Dharug ways of knowing, learning and teaching.

The program has also built on work within the school community where Dharug language custodian and language tutor Richard Green, with strong support from non-Aboriginal teacher and linguist Amanda Oppliger, has prepared a Dharug language program that is taught to all year 7 and year 8 students. This program is based on the New South Wales Board of Studies Aboriginal Languages K-10 Syllabus and approximately 200 students from both Aboriginal and non-Aboriginal backgrounds have been taught to speak and appreciate Dharug.

Much of the work being done results from a whole-of-government approach through the Aboriginal Language Policy Strategic Plan 2006-10, which ensures that government-supported Aboriginal language work in New South Wales links community language work with language education work in schools, jails and the community, and encourages a wider appreciation of Aboriginal languages. The Aboriginal Language Policy Strategic Plan 2006-10 focuses on four key areas: languages in Aboriginal communities, Aboriginal languages in the educational sector, language programs in jails and detention centres, and language appreciation in the broader community. Implementation of the strategic plan is being coordinated by the Aboriginal Languages Research and Resource Centre in conjunction with the New South Wales Board of Studies, the New South Wales Department of Education and Training, the Department of Corrective Services, the Department of Lands (Geographical Names Board) and the Department of Environment and Climate Change.

Another project funded by the Government's Community Language Assistance Program is focused on language revival in Eden by the Aboriginal Culture Centre Monaroo Bobberrer Gudu. The centre is establishing a record of the local language spoken and remembered by local people in the South Coast region from Nowra to

the border, as people living in Eden have connections all along the South Coast. Sue Norman, a volunteer archivist at the centre said:

We're using our second language grant from the New South Wales Government to complete the recordings and we will also be creating material from that to help teach the language.

This Grant has given us a lot of encouragement to do the work, as we already know how important the work is. Most of us work on this Program in a volunteer capacity and have done so for years.

We're developing a cultural centre in Eden, which will provide a safe place to store all this material. It is a great building with lots of potential and this is only going to help.

The displays and educational material from this project will also be useful for people pursuing family history.

Another project funded through the New South Wales Government's Community Language Assistance Program and also supported by the Department of Education and Training is the indigenous language revival program in Lightning Ridge. With the passionate involvement of local elders and New South Wales Government support there is a new landscape being created in Lightning Ridge—that of children's voices speaking Aboriginal languages. Aboriginal and non-Aboriginal students at Lightning Ridge Central School are learning the Gamilaraay and Yuwaalaraay languages. Ten years ago the only fluent speakers around Lightning Ridge were elderly people; now young children are learning their language.

In the 2008-09 financial year the New South Wales Government again provided \$200,000 for programs aimed at preserving and revitalising New South Wales Aboriginal languages through the Aboriginal Languages Research and Resource Centre. Some of the projects included \$10,000 to progress revitalisation of the Yuin language by the Narooma-based Wagonga Local Aboriginal Land Council. The land council now has an extensive collection of Aboriginal language resources including word lists, music, songs, pronunciation guides and cultural information in many South Coast languages, in addition to Yuin. The projects also include \$11,000 provided for the Wagga Wagga-based Wiradjuri Christian Development Ministries Incorporation Limited for the "Creating Wiradjuri Learning Pathways". We recently saw 18 Aboriginal people graduate from this program and these graduates now have formal TAFE qualifications in the Wiradjuri language that can be used to teach in schools and Aboriginal communities.

Training in the Wiradjuri language is ongoing at Narrandera TAFE, Wagga Wagga and other Aboriginal communities. In addition, \$20,000 has been provided for Sydney-based Bilbi Indigenous Language Institute to support the Wellington Wiradjuri Grammar Research and Writing Project. Ongoing funding has been provided to support the eastern Sydney-based Gujaga Aboriginal Corporation in its work to revitalise the Dhawaral Language Program. The corporation has used the funding to produce two songs in the Dhawaral Language: "The Mosquito Song and Dance", and "Head, Shoulders Knee's and Toes", which I saw performed at a preschool at La Perouse. A Dharawal language poster has been produced to be used for teaching purposes in the Gujaga Childcare Centre with stick-on materials and illustrations to express Dharawal words. In addition, they have produced flash cards in the Dharawal Language as a teaching resource. Gujaga, with the help of linguist Yuta Basalt, is also in the final stages of producing three short story books illustrated by a local elder. The production drafts that I saw were very promising.

Other grant recipients include: the Nambucca Heads-based Muurbay Aboriginal Language and Culture Corporation, which received funding for Teaching and Resource Development in Gumbayngirr; a video recording of Bundjalung language and culture; and ongoing work for the New South Wales Aboriginal Languages Summer School in Advanced Gumbayngirr, Gamilaraay and Wiradjuri. This summer school was the first ever in these languages. The Illawarra-based Northern Illawarra Reconciliation and Treaty Group also received \$5,000 to support its Dhawaral Language Nest Pilot Project. Tingha-based Wilmali Bulaarr Tingha received \$20,000 for the Gamilaraay Region Community Sound File Development. To support this sound file, they have held workshops attended by people from Tingha, Narrabri and Tamworth communities. Wiimali Maal held its workshops to develop grammar of languages; to provide instruction on how to speak—get the rhythm and flow; to learn to make sound recordings, and to provide instruction on word development. The workshops were again attended by people from the Tingha, Narrabri, and Tamworth communities.

The launch at Nambucca last year of the Handbook of Aboriginal Languages of New South Wales and ACT and the Barriyala: Lets Work Gumbayngirr Language Student Workbooks, is another example of the New South Wales Government's commitment to revitalising Aboriginal languages. That handbook is a wonderful thick document and a gorgeous bit of work. These two publications were produced with funding from the Department of Aboriginal Affairs New South Wales's Community Language Assistance Program in

partnership with the Many Rivers Aboriginal Language Centre and Muurrbay Aboriginal Language and Culture Cooperative. The Many Rivers Aboriginal Language Centre was established in mid-2004 to support the seven languages of the Central Coast and the North Coast of New South Wales. Since then they have supported Aboriginal communities of coastal New South Wales to record, research and revive their languages.

The Muurrbay Aboriginal Language and Culture Co-operative publishes dictionaries, grammars and language learning materials on the languages of north-eastern New South Wales and is the first Aboriginal publishing house in New South Wales. All proceeds from sales contribute to Muurrbay's publishing activities and the cooperative's language revitalisation programs. The use of the Aboriginal language is also being promoted in the wider community. The Department's Aboriginal Language Centre has worked with the Geographical Names Board to continue naming geographical features in New South Wales with Aboriginal place names. Since the launch of the board's Dual Naming Policy in 2001, 25 places have a dual Aboriginal placename. As well as place names, members of the public can appreciate Aboriginal languages through tourism products, interpretative signage and cultural expression. Aboriginal languages are part of the New South Wales cultural and physical landscapes and should be able to be appreciated by everyone in New South Wales.

**The Hon. TONY CATANZARITI:** What is the Government doing about building cultural and community resilience in Aboriginal communities?

**Mr PAUL LYNCH:** The New South Wales Government, through its Two Ways Together 10-year plan to improve the wellbeing of Aboriginal people and communities, has made a long-term commitment to Aboriginal people and communities in this State. The Two Ways Together Partnership Community Program is the next phase of that long-term commitment. This innovative program aims to build on meaningful partnerships between the Government and Aboriginal partnership communities to ensure that we improve service delivery on the ground in communities.

The Department of Aboriginal Affairs has already established strong links with Aboriginal communities through its network of six regional offices. These provide an interface for the Government to enable us to more effectively operate in locations where Aboriginal people are located, and where there is the greatest need. There are regional offices operating in Sydney, the south east, the west, the north east, the north west and the Riverina. To further strengthen the Government's partnership with Aboriginal communities, 2009 will see the extension of these regional offices to the Central Coast and Central West region. The regional staff of the Department of Aboriginal Affairs make an important contribution by coordinating and leading a range of government policy and program initiatives, and by providing leadership for regional engagement groups that involve Aboriginal people in the planning and delivery of government services.

The success of the State Plan and Two Ways Together is founded on meaningful partnerships between the New South Wales Government and Aboriginal communities. These partnerships are supported through the network of departmental regional offices and are supported by annual funding of approximately \$2.027 million. In addition to the resourcing of the regional offices, a further significant provision was made in the 2008-09 State budget for \$1.9 million to be invested to employ partnership community project officers to work with 40 Two Ways Together partnership communities distributed geographically across the State. These new officers will build on the good work that has been started by the regional staff of the Department of Aboriginal Affairs.

A key plank of Two Ways Together, and the rationale behind employment of the partnership community project officers, is that Aboriginal people should have a strong voice in planning and deciding how their needs and aspirations are met. The partnership community project officers will help Aboriginal communities to generate better social and economic outcomes because they are directly involved in decision-making. The 40 partnership communities are in locations where Aboriginal and government agencies have been working closely together and will continue to do so to identify local needs and to develop action plans to respond to those needs and to improve service targeting and delivery. It is critical that the local Aboriginal communities lead the planning and decision making for this work to succeed.

To date partnership community program officers have been appointed to service Bourke, Cobar, Ivanhoe, Broken Hill, Menindee, Brewarrina, Weilmoringle, Albury, Balranald, Bathurst, Orange, Dubbo, Wellington, Moree, Tamworth, La Pouse, Redfern, Campbelltown, Macarthur, Coffs Harbour, Bowraville and Lake Macquarie. Over the course of 2009, additional staff will be employed to ensure a partnership community project officer is working in each of the 40 Two Ways Together partnership communities. The officers will significantly augment the existing regional presence of the Department of Aboriginal Affairs and result in a

greater level of communication and coordination between government agencies and Aboriginal communities across New South Wales, and that will facilitate positive change and strengthen community resilience.

The appointment of these new officers is part of the New South Wales Government's State Plan Priority F1 and is a reflection of the Government's ongoing investment in strengthening Aboriginal communities and our commitment to making sure the needs of Aboriginal communities are being met. The aim of the partnership community project officers is to help improve service delivery and outcomes on the ground for Aboriginal people as well as to strengthen outcomes for Aboriginal communities. Each officer will support the community by working directly with their local community governance bodies and will facilitate joint planning with government agencies. In partnership with communities, these project officers will develop a local action plan to guide government service delivery so that it meets local needs. Their presence within the communities will allow the Government to more effectively target programs and resources where they are needed because they will help facilitate contact between the community, government and non-government agencies. Successful implementation of the partnership community program will increase resilience, strengthen community identity and improve service delivery.

**The Hon. CHRISTINE ROBERTSON:** I will put my questions on notice.

**CHAIR:** It has been suggested that given the length of the administration of the Koopahtoo Aboriginal Land Council that it be dissolved. What is your view?

**Mr PAUL LYNCH:** I am yet to receive a formal, argued recommendation to that effect. When I do, I will give it very serious consideration. I will inevitably have to consult with the New South Wales Aboriginal Land Council. There is no doubt that there has been a serious issue for some time. It is equally beyond doubt that dissolving a land council is an extremely serious step. It has not been done before, so I will be giving it very careful attention.

**CHAIR:** Mr Wright, what is your view?

**Mr WRIGHT:** The New South Wales Aboriginal Land Rights Act was amended, as we know, in 2006 and a regime was put in place, which is effectively sections 87 through to 92, that established a way of dealing with effectively changes to local Aboriginal land council boundaries—that is one way to look at it. That can be by way of things like voluntary amalgamations, and also there is a power vested in the Minister administering the Act to dissolve local land councils. The matters for which the Minister can consider dissolution or any of the changes that those sections provide, if it is an involuntary matter, are set out in section 91 of the Aboriginal Land Rights Act. A number of those provisions, effectively paragraphs (a) through to (f), deal with matters like a land council falling below 50 members or if a land council has not submitted audits. There are a range of matters. For any of those listed in that particular list the registrar can make a report, if requested.

They are not the matters that concern Koopahtoo directly, because Koopahtoo has been subject to administration for six years. There are two other matters in section 91 the Minister must consider if he receives information. One is that a land council can be dissolved if it has been subject to administration for any three of the last five years or, if on receiving a report from an investigator or administrator of a local land council that administrator or investigator concludes that the land council has ceased to function. They are the range of tests.

My role in the Koopahtoo matter is not direct because I am not able to make a report as I do not have the authority because there has been an administrator there. So, it is a conversation between the Minister and the administrator of the Koopahtoo Local Land Council. Very importantly, as the Minister said, in the amendments that were made in 2006, section 92 provides quite a high level of procedural fairness in that the Minister is required to notify the New South Wales Aboriginal Land Council and the members of an affected land council of any decision that he or she may wish to make. So, the Minister has to consider the matters in section 91. It is a matter for the administrator of the land council to have his views heard. When his views are put the Minister has obligations to talk to other parties.

I am very much aware of the history of Koopahtoo Local Land Council, having been involved in the Independent Commission Against Corruption proceedings. I was very happy to see the recent Supreme Court decision that returned a large parcel of land at Morisset from a trust company to the land council. I think that decision showed some resilience in the Land Rights Act to withstand conduct of that nature, and I know that a number of people involved in that and who were found to have acted corruptly in the Independent Commission Against Corruption report are now the subject of prosecutions in the Local Court. So, without wanting to go



around the side too much I do not have a direct role in having a view but I am very concerned and interested in the history of that land council.

**The Hon. MELINDA PAVEY:** I am wondering whether you are aware of the Kids Excel Program in Ballina and the termination of funding for the program, which has caused some community concern?

**Ms BROUN:** No.

**Mr PAUL LYNCH:** No, I am generally aware of Kids Excel. I do not recall seeing anything about Ballina.

**The Hon. MELINDA PAVEY:** You will take that on notice, will you?

**Mr PAUL LYNCH:** Yes.

**The Hon. MELINDA PAVEY:** In relation to the State Plan and your targets, the main goal in relation to which you can have an outcome is economic development, and that is why you have funding through the Job Compact. Are you concerned, Minister, that unemployment in the Aboriginal population is going up and that the employment of the Aboriginal population is falling as a statistic, as highlighted in the plan? I am sure you have seen this document and you have seen the way the graph is going. Are you happy that Job Compact is delivering what it is meant to when you see figures going in the wrong direction?

**Mr PAUL LYNCH:** I am obviously concerned at the level of jobs in the Aboriginal community and the level of employment. Is Job Compact the only thing you can possibly do? No, it is not. Is it something that is useful to do? Yes, it is. There is another thing I might have talked about in response to a government question if I had not spent so much time talking about languages, and that is there are some proposals to have economic development officers. In the next 12 months there will be nine economic development officers employed by Aboriginal Affairs and the Department of Regional and State Development to work with Aboriginal people and communities.

**The Hon. MELINDA PAVEY:** Will they be employed by the Department of State and Regional Development or by the Department of Aboriginal Affairs?

**Mr PAUL LYNCH:** I think it is four for the Department of Aboriginal Affairs—sorry, it is five and four, I think. Some are employed by the Department of Aboriginal Affairs; and some employed by the Department of State and Regional Development.

**The Hon. MELINDA PAVEY:** Are these new positions?

**Mr PAUL LYNCH:** These are new positions.

**The Hon. MELINDA PAVEY:** So an extra four people employed by the Department of Aboriginal Affairs?

**Ms BROUN:** Six in Aboriginal Affairs, and three are in the Department of State and Regional Development.

**Mr PAUL LYNCH:** Funded with Federal funding, largely. They will have a number of roles, but one of them will be to try to work in with Job Compact sites to try to achieve what we want in those areas.

**The Hon. MELINDA PAVEY:** Where will they be located, in Sydney or in the regions?

**Ms BROUN:** One is in Sydney. There is a range of economic development officers as well as senior economic development officers. So, one is in Sydney, and one each in Dubbo, Newcastle, Tamworth, Wagga Wagga, Illawarra, Parramatta, Lismore and Broken Hill. The first six are hosted through Aboriginal Affairs.

**Mr IAN COHEN:** In answer to questions on notice from last year's budget estimates the Government confirmed the New South Wales and Commonwealth governments were renegotiating the overarching agreement on Aboriginal affairs, also known as the bilateral agreement between New South Wales and the

Commonwealth. Can you advise the progress of these negotiations, have they been concluded or is the agreement still being negotiated?

**Mr PAUL LYNCH:** The bilateral agreement builds upon and complements existing arrangements in bilateral agreements. Most importantly it maintains the Government's Aboriginal Affairs plan Two Ways Together as the foundation upon which both governments work together. One of the benefits of the agreement is to bring the Australian Government into the strategic planning framework established under Two Ways Together in New South Wales at the State, regional and local levels. The Australian Government representation in State and regional planning discussions will assist in reducing Federal-State duplication and enable the governments to work together in identifying and addressing gaps in service delivery. My understanding is that it is still on foot. To some extent it has probably been overtaken by some of the Council of Australian Government things that are happening, is that right?

**Ms BROUN:** We have been reviewing it because of the work that has been undertaken with the Council of Australian Governments and the signing of a number of national partnership agreements with the Commonwealth. We want to embed those in the overarching bilateral agreement. I have a meeting this week with the secretary of the Department of Families, Housing, Community Services and Indigenous Affairs to proceed with this bilateral agreement negotiation.

**Mr IAN COHEN:** So, it is still ongoing?

**Ms BROUN:** Yes.

**Mr IAN COHEN:** Can you advise how the new agreement differs or will differ from the previous agreement in what it seeks to achieve for Aboriginal people under the current Council of Australian Governments agenda?

**Mr PAUL LYNCH:** We can probably answer that when it has been finalised. Until then we cannot tell you what is in the new one.

**Ms BROUN:** Except the main change will be that we are imbedding it and making it consistent with the Council of Australian Government part of it.

**Mr IAN COHEN:** What consultations, if any, have been held with Aboriginal people or their representative organisations on the content of the document?

**Ms BROUN:** Not a lot at this stage.

**Mr PAUL LYNCH:** It is a characteristic of working with the Federal Government on these matters.

**Mr IAN COHEN:** So it is not something that does involve Aboriginal people?

**Ms BROUN:** It is a fairly high-level, overarching bilateral agreement. It is trying to incorporate a lot of other work into it, which includes things like economic development, including the national partnership agreement on remote service delivery and makes that part of the overarching bilateral agreement.

**Mr IAN COHEN:** Is it still the New South Wales Government's view that there is no place in the agreement for Aboriginal peak bodies, for example, to be partners to such an agreement? Is that what you are saying?

**Mr PAUL LYNCH:** By definition it is a bilateral agreement between the State and the Federal Government. By definition no-one else gets to sign up. Having said that, I do not think even our most stern critics would say we do not have a very consultative relationship with the State Land Council as the senior peak Aboriginal body in New South Wales.

**Ms BROUN:** It is very much about how governments work together, and one of the beauties of it is to actually get the Commonwealth Government and agencies to work with us through the Two Ways Together framework, which is very consultative and based, as the Minister was saying, around the partnership communities approach.

**Mr IAN COHEN:** You did touch on this before but I was wondering whether you could outline how the Government will ensure the effectiveness of the interagency plan to tackle child sexual assault in Aboriginal communities as the Government has not committed to maintaining annual funding for 10 years, as recommended in the final report, as I understand it.

**Mr PAUL LYNCH:** The real answer to that is that the Ombudsman is now going to oversight the interagency plan and if we are not performing, we are going to be told all about it. That is the brutally short answer to it all.

**Mr IAN COHEN:** I have more questions but I will put them on notice.

**CHAIR:** I suggest that further questions be put on notice. I thank the Minister and members of the department for their attendance today. The Committee would appreciate your answers to the questions taken on notice within 21 days.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**