

GENERAL PURPOSE STANDING COMMITTEE No. 2

Monday 13 October 2008

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)

Mr I. Cohen
Reverend the Hon. Dr G. K. M. Moyes
The Hon. M. J. Pavey

The Hon. C. M. Robertson
The Hon. H. Tsang
The Hon. M. Veitch

PRESENT

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

Department of Aboriginal Affairs

Ms K. Pearse, *Executive Director, Policy and Regulation*

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**

KERRY PEARSE, Executive Director, Policy and Regulation, Department of Aboriginal Affairs, and

STEPHEN WRIGHT, Registrar, Aboriginal Land Rights Act 1983, affirmed and examined:

CHAIR: I open the hearing into budget estimates 2008-09 for Aboriginal Affairs. I welcome Minister Lynch and the accompanying departmental people. We will look at the portfolio of Aboriginal Affairs. I do not think we have members of the media filming currently, but I have made earlier statements about broadcasting and I think everybody knows the drill in terms of who is to be the subject of filming. The broadcasting protocols are on a table at the back of the room.

We have substitutions for some of our Committee members today. Mr Ian Cohen is substituting for Ms Lee Rhiannon; the Hon. Melinda Pavey is substituting for the Hon. Marie Ficarra; Mr Tsang is substituting for The Hon. Greg Donnelly; and the Hon. Michael Veitch is substituting for the Hon. Tony Catanzariti.

We have the same requirements as with other hearings, 21 days for return of items taken on notice and responses to questions on notice. Questions on notice will be provided within two days. The transcript of today's hearing will be available tomorrow morning. We have allocated times, so we will follow the same procedure as we followed earlier today.

Minister, in terms of the Aboriginal Communities Development Program [ACDP], could you explain why the 10-year \$240 million for the Aboriginal Communities Development Program, which commenced in 1998, was not completed by 30 June 2008?

Mr PAUL LYNCH: We extended it to allow the work to be done.

CHAIR: We thought that there was a winding down, and a winding down of the budget because of the program being in the final year of operation?

Mr PAUL LYNCH: No, it is due for completion in June 2010.

CHAIR: It was a 10-year program that started in 1998 and it was due to be completed in 2008, was it not?

Mr PAUL LYNCH: And we extended it to keep doing it.

The Hon. MELINDA PAVEY: Did the work not get done in the required time?

Mr PAUL LYNCH: Perhaps the Executive Director might comment.

Ms PEARSE: The work took longer to undertake than we originally anticipated. In some of the more remote locations it was very difficult to gear up the projects, so there has been a delay in terms of time, but the work that was originally planned to be undertaken will be done and that is why the extension to 2010 was undertaken.

CHAIR: What I would like is clarification of two comments listed in the budget papers. Budget Paper No. 3 on page 16-1 in the overview said, "The reduction in total expenses between 2006-07 and 2007-08 is mainly due to the winding down of the Aboriginal Communities Development Program, which is in the final years of operation". In the 2008-09 budget an allocation of \$29.6 million was made to the program, which is not winding down considering that the 2007-08 allocation to the program was \$23.9 million, which is nearly \$6 million less than this year's budget. How do you explain that?

Mr PAUL LYNCH: I will make a few comments and the Executive Director might as well. It is winding down because it is going to be completed in 2010. The nature of capital projects is that they go up and down, depending on what you are doing in each particular year, depending on what you completed the previous year. If it were a continual line of equal amount each year, it would be the only capital program in the history of the world that looked like that.

CHAIR: Can you also explain something that seems to me like a discrepancy? The 2007 Auditor-General's report on the Department of Aboriginal Affairs said that at 30 June 2007, \$198 million of the ACDP

funds had been expended, and the Director-General of Aboriginal Affairs said at the Standing Committee inquiry into Overcoming Indigenous Disadvantage in New South Wales that only \$184 million had been expended on the program to the end of November 2007.

Mr PAUL LYNCH: The Director General is not here because of a family commitment in Perth. We might take that on notice. A \$6 million discrepancy, is that it?

CHAIR: Yes. You may or may not be able to answer how much of that \$240 million remains unexpended on the program as of today.

Mr PAUL LYNCH: My advice is the total program expenditure to June 2008 is \$210 million, so that would leave another \$30 million.

CHAIR: Another \$30 million to spend?

Mr PAUL LYNCH: Yes, subsequent to June 2008.

CHAIR: I understand that under the ACDP program your department apparently purchased a property in the Brewarrina area in June 2005 for \$985,000. Can you explain what that purchase was?

Mr PAUL LYNCH: I think we would have to take that on notice.

CHAIR: It was some time ago, 2005.

Mr PAUL LYNCH: That is one of the reasons we might want to take it on notice.

CHAIR: \$980,000 is quite a lot. A house at Brewarrina certainly would not cost much or anywhere near that sort of amount. A brand new house would probably be only \$300,000, so it would be a substantial building, would it not?

Mr PAUL LYNCH: The cost of new houses in areas like that is in fact quite high because you have to import a whole lot of stuff from Sydney. I will take it on notice.

CHAIR: Could you make sure when you take it on notice that you give us an indication of what sort of property that is? It must be extensive. What was the purpose of the property? Is it part of a business venture? Does it fall within the parameters of the ACDP?

Mr PAUL LYNCH: I would have thought a business venture probably was not within the parameters of the ACDP, although it is well before I became Minister. We will take it on notice and see what it says.

CHAIR: My understanding of the ACDP is that it is about providing new housing, repair and renovation to existing housing stock, and upgrading outdated housing and maybe water and sewerage. I would not have thought it was for \$980,000 properties. Perhaps you can explain that. Could you also tell us if that is the only property purchased under the ACDP?

Mr PAUL LYNCH: In Brewarrina you mean?

CHAIR: Perhaps you might give us more detail generally.

The Hon. MELINDA PAVEY: If it is \$980,000, even with the high cost of building in rural and remote communities that amount would suggest it was not just for one home. The question is whether any other properties or business-style investments have been made through the ACDP.

Mr PAUL LYNCH: Are you looking for other instances where \$900,000 was spent on a particular property?

CHAIR: My understanding is that the ACDP is for smaller properties than that—smaller houses—as we discussed before, but you could let us know? That is obviously a significant property. I would have thought that the local Aboriginal land council or the New South Wales Aboriginal Land Council would more usually

purchase acquisitions of that nature. Can you give us a year-by-year financial statement for the ACDP since it commenced and up to June 2008?

Mr PAUL LYNCH: Do you mean year-by-year expenditure?

CHAIR: Yes.

Mr PAUL LYNCH: We will take it on notice.

CHAIR: That is fine.

The Hon. MELINDA PAVEY: Could you also tell us what that expenditure bought and at which locations?

CHAIR: Could you tell us who has oversight of that program? Does your chief of staff have oversight of that program? Who has oversight of, or is responsible for, the ACDP?

Mr PAUL LYNCH: My chief of staff has many great capacities, but overlooking the ACDP is not one of them. The ACDP is a program that the department runs and that is overlooked in the same way as any other aspect of the department is overlooked.

CHAIR: I thought that the ACDP program was to cover infrastructure and to upgrade outdated water and sewerage systems, for example, in indigenous communities. We heard recently about communities such as Toomelah and Bellbrook that are so badly affected by water supply malfunctions that Bellbrook was trucking in water for a year and Toomelah had a severe outbreak of gastroenteritis due to pump failures. Why was that not covered under the ACDP?

Mr PAUL LYNCH: A substantial of money was spent in Toomelah under the ACDP program. I am not sure about Bellbrook.

Ms PEARSE: The ACDP program has covered both Toomelah and Bellbrook. There have been entrenched difficulties with the water supply in Toomelah, but we are continuing to work with the local Aboriginal land council.

CHAIR: Is that an ongoing expense of the ACDP to fix that water supply?

Mr PAUL LYNCH: I think that Toomelah will be resolved by another approach, which is the water and sewerage ongoing maintenance announcement that we made in conjunction with the budget this year. A significant amount of ACDP money has already been spent in Toomelah. That made it better than it was but it is still not perfect. The ongoing maintenance component that we are making will address that issue in the future. My understanding is that in relation to the new money announcement that was made in the middle of year there has been a meeting with Moree Plains Shire Council, with the local community and with other service providers to try to do work that needs to be done to achieve a long-term solution to the maintenance problems at Toomelah.

CHAIR: We have heard about child sexual assault in Aboriginal communities and we have heard that the Government has an interagency plan to tackle child sexual assault in Aboriginal communities. Has your department received increased funding to deal with that interagency plan?

Mr PAUL LYNCH: The interagency plan is now costed at \$52.9 million, and \$26.9 million of that was new money allocated in the budget last year. The Department of Aboriginal Affairs [DAA] does not carry out the vast bulk of service deliveries. The Department of Community Services does child protection work, the NSW Police Force does police work, and NSW Health does health work. So you would not expect money in the DAA budget for child protection, for police activities, or for health. There has been a specific increase in the DAA budget for interagency plan issues. Some money has gone towards employing staff to provide evaluation of the performance of the plan. In addition, in the last budget five extra Department of Aboriginal Affairs workers were funded for the Orana Far West area, which is part of the \$52.9 million that was allocated in the middle of the year.

CHAIR: Are you saying that you, as the Minister, are not responsible for oversighting the interagency plan?

Mr PAUL LYNCH: I am not responsible for delivering child protection services, health services or police services. Essentially, I have a role in monitoring the performance of other departments.

CHAIR: Are you able to provide a list of government expenditure across those departments? The Government claimed that it is spending the \$30 million. Are you able to tell us how that money is being spent across those departments?

Mr PAUL LYNCH: I cannot give dollar figures but I can indicate actions and activities that have occurred. Six months ago the Government resolved to do public reporting on the interagency plan and the draft of that is currently awaiting processing by Cabinet. Five or six weeks ago public reporting commenced. That public reporting will itemise each of the 88 actions set out under the interagency plan and it will detail how progress is proceeding. My Ministerial Advisory Panel has indicated that steady progress is being made after a slow start. That is the process by which we will be publicly reporting on the interagency plan.

Mr IAN COHEN: Does that include specific service managers?

Mr PAUL LYNCH: It does not. In some cases it will refer to particular locations and in other places programs will be rolled out in that process.

The Hon. MELINDA PAVEY: Are you happy with progress?

Mr PAUL LYNCH: It is always the case that you would like things to happen more quickly. The Ministerial Advisory Panel said that steady progress was being made, and I think that is right.

CHAIR: When Justice Wood visited some of those communities he made the observation that nobody seemed to know anything about the interagency plan. He made the comment that it looked good on paper but it was not being rolled out on the ground. He said:

On paper it looks like an excellent strategy but if it doesn't work it doesn't work.

What do you think about those comments?

Mr PAUL LYNCH: I have not had the benefit of a discussion with Justice Wood about his inquiry. I look forward to getting the report of the inquiry when it comes in.

CHAIR: Do you feel confident that those claims will not be justified?

Mr PAUL LYNCH: I have not seen the comments and I have not spoken to him. I am happy to await the report.

The Hon. MELINDA PAVEY: You were not aware of those comments?

Mr PAUL LYNCH: I have not seen them, no.

The Hon. MELINDA PAVEY: They were made in April.

CHAIR: They were made some time ago. There was only one Minister in that portfolio. I thought you would have been tracking what had been said.

Mr PAUL LYNCH: He did not send me a letter setting that out and I have not had a conversation with him. I am happy to await his report.

CHAIR: In the past you commented on shortcomings relating to reporting requirements. On 19 June you said:

The information related to grants last year and other aspects of the plan were on track for the interagency plan to tackle child sexual assault in Aboriginal communities.

That statement is in complete contradiction to what Justice Wood is saying, is it not?

Mr PAUL LYNCH: As I keep saying, I have not had a conversation with Justice Wood. I am happy to await his report.

CHAIR: Who in your department is supervising the interagency plan if it is not you?

Mr PAUL LYNCH: No-one is supervising the interagency plan. People are supervising the monitoring of the interagency plan.

CHAIR: Who is it?

Mr PAUL LYNCH: There are a number of different levels of that. The Ministerial Advisory Panel that I have established plays a part in the supervisory role. It gives me advice about how it thinks the plan is being implemented. In addition to that, ultimate responsibility is with the director general. Specific staff within the department have a role in monitoring how the various agencies are complying with provisions of the plan.

CHAIR: No-one in your department picked up the phone and said, "Justice Wood is doing his inquiry. He is in Toomelah at the moment." No-one picked up the phone and told you that he had made these comments about the interagency plan?

Mr PAUL LYNCH: I recall being told that he was there. If someone told me about his comments I probably would have said, "I have not had a conversation with him. I will await his report."

The Hon. MELINDA PAVEY: Just to be clear, the Director General of Aboriginal Affairs is responsible for coordinating the interagency plan?

Mr PAUL LYNCH: No, that is not what I said.

The Hon. MELINDA PAVEY: I am trying to understand what you said. I am trying to establish who is responsible.

Mr PAUL LYNCH: The director general has a role in overseeing the way in which agencies implement the plan. That is done purely in relation to the targets of the interagency plan. I also receive advice from the Ministerial Advisory Panel about performance levels. I am happy for the executive director to reinforce what I just said.

Ms PEARSE: I am the executive director who has responsibility for overseeing the performance of the interagency plan and seeking information from the responsible agencies. We conduct that in the way in which the Minister outlined.

Mr PAUL LYNCH: I should also say that the other thing that happens is that I have regular meetings with the chief executive officers [CEOs] of the human services and justice agencies, which is another mechanism to allow me to find out whether they are on track and, if they are not, what the reason is. Those meetings occur every two months or so.

The Hon. MELINDA PAVEY: You mentioned that you have five Department of Aboriginal Affairs staff working in the Orana west area?

Mr PAUL LYNCH: Yes. They are five new funded positions this year.

The Hon. MELINDA PAVEY: What are their jobs specifically?

Mr PAUL LYNCH: They are community engagement officers.

The Hon. MELINDA PAVEY: Where are they located?

Mr PAUL LYNCH: Well, the positions have been funded and they have not started as yet. They are similar to many workers we have in other focused communities. The position is community engagement. It is

about helping local communities develop their own child sexual assault strategies. It is about trying to get a sense of coordination of the various government departments.

The Hon. MELINDA PAVEY: How many years is it now since the "Breaking the Silence" report was handed down? Two years and you still have not got staff on the ground?

Mr PAUL LYNCH: That is in fact not what we have said.

The Hon. MELINDA PAVEY: You just said that you have not filled the five positions.

Mr PAUL LYNCH: You are invariably misrepresenting the position. The vast majority of the staff that are dealing with child sexual assault in other departments—DOCS, Health, Police—all have services and staff on the ground. In addition to that, some particular work is being done in particular places in what we call focused communities by the Department of Aboriginal Affairs [DAA].

The Hon. MELINDA PAVEY: What are the focus communities?

Mr PAUL LYNCH: I am not going to name them publicly.

The Hon. MELINDA PAVEY: But you are still to finalise the appointment of five people that you have targeted—

Mr PAUL LYNCH: That were funded in the middle of the year. One of those five has commenced already.

CHAIR: Do you not feel a sense of urgency about those positions?

Mr PAUL LYNCH: Absolutely.

The Hon. MELINDA PAVEY: Ms Pearse, you were going to say something?

Ms PEARSE: The budget initiative the Minister outlined, which was announced in the middle of the year, is an incremental rollout as quickly as we can in those five communities. We are at the point now of recruiting and work will be underway in that first community by the end of the year. Our role is around community engagement and working with the community and helping to link the community up with the other agencies that are also funded through that budget initiative.

The Hon. MELINDA PAVEY: When will you hope to have the other four community positions filled?

Ms PEARSE: That is incrementally over the next year and beyond into the next two financial years.

Reverend the Hon. Dr GORDON MOYES: I am happy for any of you to answer this question. You remember the dreadful riots in Redfern sometime ago. I chaired an inquiry of this particular committee not long after. It was a period of time when there were no garbage collections in the Block area. Sydney City Council hygiene department did not collect garbage. I requested Minister Milton Orkopoulos and Frank Sartor, Redfern Waterloo redevelopment Minister to join with me and other politicians in actually shovelling the garbage in the streets of Redfern, which we did the following week: we had people like Sylvia Hale from the Greens, Patricia Forsythe from the Liberals and so on and we went down and cleaned up the streets. The Ministers did not attend because they had not consulted their diaries, of course. However, the director general of your department indicated that your department would "ensure total a hygienic cleanup of the Block twice each year". My question is: How often has that happened since that commitment? My second question is: When will we see some work commencing on the 48 promised new houses planned for the Block area in Redfern?

Mr PAUL LYNCH: The second of those questions I suspect is well outside my jurisdiction. So, I am not in a position to help with that. But the first part of it we are a little bit flummoxed by because none of us knows anything about that alleged commitment. However, we will take it on notice and see what we can find out.

Reverend the Hon. Dr GORDON MOYES: Thank you. I certainly know about it.

Mr PAUL LYNCH: I gathered that.

Reverend the Hon. Dr GORDON MOYES: And so do the other members I mentioned.

Mr IAN COHEN: Returning to the actions of the New South Wales interagency plan to tackle child sexual assault in Aboriginal communities, which interagency plan actions cannot be funded from the current budget allocation? Do you have any list of those that you just do not cover?

Mr PAUL LYNCH: I am told by the various departments that there are none that cannot be funded from current budgets. That is on the basis that there are clearly some programs that do not work and they should not be funded, but ones that do work should then be funded. In the multiplicity of meetings I have had now with CEOs from other departments, none of them has said to me, "We can't do this because we don't have the money."

Mr IAN COHEN: So every aspect is covered?

Mr PAUL LYNCH: But they said that they are able to fund their obligations within current budgets. That obligation was imposed on them by a decision of the Cabinet that adopted the interagency plan.

Mr IAN COHEN: What resources are allocated by the Department of Aboriginal Affairs to traditional owners' groups outside the language programs to engage on issues such as cultural, water, natural resource management processes and such like?

Mr PAUL LYNCH: I think they are probably likely to be funded by the Department of Environmental and Climate Change [DECT]. We tend not to fund that, but that is funded by DECT.

Mr IAN COHEN: For traditional owners?

Mr PAUL LYNCH: For those sorts of purposes.

Mr IAN COHEN: What funding or facilitative role does the department play to ensure there is adequate indigenous representation on bodies such as the catchment management authorities [CMAs]?

Mr PAUL LYNCH: That is decided by DECT rather than by us. So, it is a decision by DECT. Having said that, in practical terms I think there is a fairly cooperative relationship between CMAs and DECT and people involved in my department, although my department is quite small compared to the size of DECT.

Mr PAUL LYNCH: How is your department reporting the New South Wales Government engagement with indigenous communities? How does it ensure that other government departments meet specified requirements for indigenous consultation and engagement?

Mr PAUL LYNCH: Ongoing monitoring I guess is the answer to that.

Mr IAN COHEN: Is there anything recorded on that matter?

Mr PAUL LYNCH: No, I do not think so. From time to time in my experience as Minister I have seen instances where it has been reported things have not been done as well as they should have been and DAA has then suggested to other departments that they will change something. So, it happens on that ad hoc ongoing basis sort of thing.

Mr IAN COHEN: One thing I appreciate particularly with indigenous communities is that things very much are on verbal priority, but certainly one of the things for which the department really does have a responsibility is to keep that record of processes. I know promises might be interpreted as being made when they may not be and then the Government or department is accused of not fulfilling those promises to indigenous communities. Would you agree that that is an ongoing friction?

Mr PAUL LYNCH: There is an ongoing issue about how well a whole range of government agencies engage with Aboriginal communities—all parties and all levels of government. That has been ongoing for quite

a long period of time. So, yes, it is an ongoing issue. Whether it has improved by having a reporting system of complaints, I am not so sure.

Mr IAN COHEN: Perhaps this is a case in point. It was reported to me and I put it to you as an open question that you refused to meet with the Murray Lower Darling River indigenous nations traditional owners earlier this year about their aspirations for River Red Gum State forests in the south-west of New South Wales. Is that the case? If so, why?

Mr PAUL LYNCH: It does not ring a bell with me. It sounds like it was a DECT matter rather than mine.

Mr IAN COHEN: The concern was that you as Minister for Aboriginal Affairs were requested. That is the concern that is passed to me and I am passing it on. Perhaps you can take that on notice?

Mr PAUL LYNCH: I try to get to as many people as I can, but I do not meet with everyone who asks to see me because there are only 24 hours a day.

Mr IAN COHEN: These are the traditional owners of that area.

Mr PAUL LYNCH: I am sure they are. I get a plethora of requests from a whole range of people. When I can accommodate them I will. They are prioritised on a rational basis. If they are directly related to my portfolio responsibilities they are far more likely to meet with me than if it is not about my main portfolio priorities.

Mr IAN COHEN: In that case, in fairness, I will suggest they try again. Would that be effective?

Mr PAUL LYNCH: There is no guarantee. I must say that I do not have a 100 per cent recall of every invitation I have received or said no to, but that one does not ring a bell.

Mr IAN COHEN: Perhaps I will ask them to try again. Minister, I have to admit there are a couple of local issues that apply to indigenous people in my area whom I know personally. It is interesting that a group of people involved actively with the Bundjalung community in the Far North of New South Wales have a very modest funding arrangement to organise Aboriginal funerals. One of their desired projects is to be able to transport deceased Bundjalung people back to their homeland. They call the service the Deadbeats, and it was very popular in the community; but of course they need some funding.

I wonder if you are aware of that. It is a low-key initiative involving one vehicle and bringing those people back to their country by organising an indigenous burial service. That got some support from the local funeral industry, but I was wondering whether your department is aware of that. Have you considered supporting it by making modest funding arrangements, such as an Aboriginal-run funeral service? Would it be within the department's mandate to assist in establishing services to repatriate deceased people back to Bundjalung country?

Mr PAUL LYNCH: I must say that that particular proposal is not one that I have heard of before, although I understand the sensitivities around it and I am aware of those. Are you aware of that?

Ms PEARSE: No, Minister.

Mr PAUL LYNCH: It does not ring any bells with the executive director either. We might take that on notice.

Mr IAN COHEN: I suggest it was an initiative undertaken by indigenous people, and my understanding is that it requires only relatively low-level support. A sum of \$100,000 would kick it all off again.

Mr PAUL LYNCH: How much, I am sorry?

Mr IAN COHEN: It would be \$100,000, or something like that. Both previous Premiers, Mr Iemma and Mr Carr, gave commitments to providing some \$480,000 for housing at Ironbark Crescent, Byron Bay, for the local Arakwal-Bundjalung elders. Could you, Minister, or your department, explain why, after 12 months of work and negotiation, the Aboriginal Housing Office removed the funding? Four elders were involved. Two of

them have died since the negotiations were undertaken and the remaining two are very elderly and are feeling rather distressed that the promise of housing in their original area where they grew up, which is land at Ironbark Crescent in Byron Bay, has not come to fruition.

Ms PEARSE: It is news to me.

Mr PAUL LYNCH: The executive director does not know anything about it. AHO is in the portfolio of the Minister for Housing, so I must say it is not one that I have heard of, nor has anyone at the table heard of it, so I suspect it is probably Minister Borger.

Mr IAN COHEN: I will ask him later. Could you perhaps indicate what the budget implications for the early onset of Type 2 diabetes would be in the Aboriginal population? How is the department accounting for the future use of health services to take into account the disproportionate number of people in the Aboriginal population who have early onset of Type 2 diabetes?

Mr PAUL LYNCH: You are right to say there is a higher incidence in the Aboriginal community than in the non-Aboriginal community, and you are right to point to it as a significant issue. But it is not one that we can deal with because it is squarely one for the Minister for Health. We do not have a role in the provision of health services.

Mr IAN COHEN: No role at all in terms of the provision of Aboriginal health services?

Mr PAUL LYNCH: No.

Mr IAN COHEN: And similarly under Two Ways Together, a report indicates that approximately 18 per cent of Aboriginal people suffer from asthma and the incidence is approximately 1.9 times greater than non-Aboriginal people. Has the department put in place any budgetary allocations for a specific program targeted directly at Aboriginal people in non-rural areas to deal with the high level of Aboriginals who suffer from asthma? Are you pursuing this matter at the moment, or is there again no role?

Mr PAUL LYNCH: I think in terms of providing funding for disability and health services, it is clearly not a matter for the Department of Aboriginal Affairs. This is actually a very important issue because one of the key priorities for the Department of Health would be the health of Aboriginal people. One of the key priorities for the Department of Community Services would be child protection for Aboriginal children. One of the key priorities for any agency you want to name would be Aboriginal people within the provision of services that that agency provides. It is actually important for the responsibilities of these things not to be hived off and for the services to be delivered by the mainstream agency.

Mr IAN COHEN: But does your department not have an overview role, given the necessity to focus on some of these specific cultural needs and specific disadvantages suffered by Aboriginal people?

Mr PAUL LYNCH: There are two answers to that, or two parts to the answer. One is that, as a matter of technical structure and how government is designed, no, we do not. Secondly for all the reasons I outlined a moment ago, it should not be the Department of Aboriginal Affairs' responsibility. It ought to be a responsibility of the Department of Health because Health has responsibility to look after the health of Aboriginal people. They cannot get away with running away from that responsibility by hiving it off to somewhere else.

The Hon. CHRISTINE ROBERTSON: We have no questions at this time. We will put some questions on notice, if necessary, but at this time we have no questions.

CHAIR: Minister, to conclude questioning on child sexual abuse and inter-agency funding, in terms of sexual assault and reporting, are you aware of some of the issues arising from a lack of forensic services? Victims of sexual assault have to travel great distances. For example, Walgett people have to go to Dubbo. There was a statewide review of sexual assault and forensic medical services. A number of recommendations came out of that. Have you taken any action in terms of those recommendations?

Mr PAUL LYNCH: I am certainly aware of the issue. It is undoubtedly one of the key and central issues that has to be dealt with. The review was in fact conducted by the Department of Health—I am sorry, it was conducted by consultants on behalf of the Department of Health, as I understand it, so the question should really properly be directed to the Minister for Health rather than to me. What I can say, however, is that the

Department of Health have told me this: A review of medical and forensic services for sexual assaults and physical abuse was conducted by New South Wales Health in 2007. In response to the review, New South Wales Health will develop and implement a staged clinical model of sexual assault for implementing medical service provision by doctors and nurses to redress this service gap in rural and metropolitan areas. That will also include additional training.

CHAIR: Finally in relation to inter-agency planning, will you produce a separate annual report on the outcomes of the inter-agency plan in terms of tackling sexual abuse? If so, when can we expect that?

Mr PAUL LYNCH: As I said earlier, six months ago Cabinet endorsed that, in principle. We now have to get the precise report adopted by Cabinet. That has been delayed. It was scheduled six weeks ago, but five weeks ago things changed. I am hopeful, but it depends upon other things. You have probably noticed that there are a few other Cabinet things going on at the moment.

CHAIR: We are not privy to that.

Mr PAUL LYNCH: There was one on Friday, and that has got to get some publicity. But I am looking at trying to get it published. Originally I was trying to get it published in October, but because of events, that is unlikely.

The Hon. MELINDA PAVEY: That will have data in it?

CHAIR: In terms of successes and failures?

Mr PAUL LYNCH: It will have an assessment of the inter-agency actions and where they are up to. That will be informed by my independent ministerial advisory panel.

CHAIR: In terms of those other Cabinet meetings, and do you expect any of your programs within the Aboriginal Affairs portfolio to be affected by the mini-budget?

Mr PAUL LYNCH: As the Premier has said, everything is on the table, but I have had no indication of that so far.

CHAIR: But surely you would be making strong representations that the inter-agency plan is not affected at all? Could you have not obtained that commitment from the Premier?

Mr PAUL LYNCH: No. The Premier has said that with one exception everything is on the table. I will be pursuing enthusiastically the \$52.9 million inter-agency plan.

CHAIR: Surely this is an exception.

The Hon. CHRISTINE ROBERTSON: He just said that.

The Hon. MICHAEL VEITCH: He has just said that that is what is going to do.

The Hon. MELINDA PAVEY: A recent report from the Office of the Register of Indigenous Corporations showed that up to 208 New South Wales registered indigenous corporations have failed to lodge their 2006-07 financial returns as mandated in the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006. What is the New South Wales Department of Aboriginal Affairs doing to address this serious issue that can result in prosecutions and deregistration of these corporations?

Mr PAUL LYNCH: The agency you referred to is a Federal one. The legislation referred to is Federal. The obligations are all Federal. The DAA is not doing anything about that; nor should it. It is clearly a Federal responsibility.

The Hon. MELINDA PAVEY: A report from the Auditor-General released on 12 December 2007 stated that 31 local Aboriginal land councils failed to lodge satisfactory financial statements in 2006-07, despite new laws designed to improve the governance of councils. What has your department done to rectify these failures, and have any of these land councils been placed under administration?

Mr PAUL LYNCH: In fact, it is the obligation of the State Labor Council to police that, rather than the department. At the moment 11 land councils are currently under administration. There is a broad program to improve governance through the land council system. That involves changes that were introduced previously to the Aboriginal Land Rights Act, change in structure. If you give people a hopeless model they will not perform terribly well. If you give them a good model they perform a whole lot better. So there was a fault in the original legislation. Mandatory training is being conducted for all of the local board members throughout the State. That is being done by Newshawk. A series of other governance initiatives are being pursued. ICAC has run a number of education programs, as have a number of other agencies. Mr Wright might want to add something to that.

Mr WRIGHT: You will recall that Parliament gave us the last Aboriginal Land Rights Amendment Act in November 2006. We commenced that—

CHAIR: Minister Reba Meagher at the time, I think.

Mr WRIGHT: That is correct. We commenced those laws on 1 July 2007. Probably the most important change was the move from decision making at local land councils by general meeting to the board structure. People used to say a local land council meeting was a bit like a cross between going to a Lend Lease shareholders meeting and going to a dysfunctional primary school parents and citizens meeting.

CHAIR: You said that; we did not say that.

Mr WRIGHT: I said that. That had to be changed because the asset base that they had at their disposal, as we know, is great and the decision making needed improving. We have moved to a board structure. The board numbers are between five and ten, and 107 of the 121 land councils have elected boards. They are in their first year after now with their annual meetings. Of those that do not have elected boards, the Minister mentioned that 11 are under administration so you take those off the list. There are a couple that sit there as local land council areas but will never have members. They are historical relics which we are dealing with, much like you deal with local government boundaries.

Overall, those amendments have made some pretty dramatic changes, and it is that move to smaller groups of people making decisions by way of boards which has made a big difference. It is focussing a lot of attention. Financial reporting per se is improving but that is a fairly easy thing to improve if you think about in terms of it being an accounting process. What will be interesting and challenging and is focussing our attention at the moment is good board governance. There are legal requirements under those amendments to have the training and the resources that are going into that. That is principally a New South Wales Aboriginal Land Council responsibility, and it is into its second round of compulsory board governance training.

The Hon. MELINDA PAVEY: So you are happy with progress?

Mr WRIGHT: I am. I think that the number of land councils which are addressing their real issues—which is what land they own, what they wish to do with their assets to provide services to their community and how they will go about doing that—has come to the focus, and that is a very good thing. The New South Wales Aboriginal Land Council is, in my view, running well at the moment and is able to provide good leadership on the range of issues that they have to address.

The Hon. MELINDA PAVEY: What sort of timeframe are you hoping the 11 councils under administration will come out of that administration?

Mr WRIGHT: It varies. A couple of them have been there for a while. Koombahtoo Aboriginal Land Council comes to mind. Darkinjung is no longer under administration. It is successfully out of that fairly torturous process, which I remember we discussed a couple of years ago.

CHAIR: I recall that.

Mr WRIGHT: It has a board, it has a very energetic chair in the face of Dr Bob Morgan, and it is coming to terms with its capacity to assist its Central Coast community, which is a very high capacity. But again it is the issue of governance. Most local land councils have been having a good relationship with their local members in the past six months because they are getting better at knocking on their door and asking them for assistance. So that is a good thing. The boards are focussing that attention.

The Hon. MELINDA PAVEY: Can you take it on notice just to answer which land councils are still in administration?

Mr WRIGHT: Yes, we will give you the list and the timeframes.

Mr PAUL LYNCH: I can do better. The land councils currently under administration are Baryulgil, Jerrinja, Koompahtoo, Metropolitan, Moree, Nungaroo, Quambone, Tamworth, Tharawal, Thungutti and Wellington.

CHAIR: And the second part to that question is: What is the timeframe anticipated in terms of taking them out of administration? Do you think that any of the land councils that have failed to put in their returns might then go under administration?

Mr PAUL LYNCH: There are two things: When you put an administrator in, it is for a time limited period which you can extend. So even if you give the technical date on which the administration will cease, it might still be extended. So it can be a little deceptive in that sense. That is a good way to do it because you have it under review and you can get them out of administration sooner rather than later. If you do that sort of review, it is quite different to municipal councils, for example.

CHAIR: That decision is not made on political grounds?

Mr PAUL LYNCH: No. I make the final decision but I can only make it on recommendations from the State land council. So I cannot sack a land council because I do not like what it is up to. That has to come from the State land council. The other issue in relation to whether some of the ones that have not done the things they should with their accounts might fall into being replaced by administrators is that the State land council has a graduated series of sanctions, effectively. They pay an amount of money to each land council, and if certain things are not done in relation to paperwork that money is reduced or not paid to them. So there is a graduated series of sanctions that can be used before the State land council will recommend that an administrator be put in, which is perfectly sensible. Then you might try to avoid putting in an administrator if you can. So some of those that might have had problems with getting in the papers that the Auditor-General referred to might be suffering other sanctions, and that might lead them to get their things in order and therefore avoid the administrator.

The Hon. MELINDA PAVEY: Will you be making any representations or recommendations on the Rudd Government's proposal to abolish the CDP program in coastal areas of New South Wales?

Mr PAUL LYNCH: There are two things about that. One is that it is not strictly relevant to this Committee's deliberations. Secondly, I have still to see more detail about that proposal. I have had a short briefing note. It is undoubtedly the case that some CDPs have operated quite effectively, even with very conservative people. There is an idealogy about CDPs, as you know, but leaving that to one side I am sure conservative people would say very good things about some of the CDPs that have been running in eastern parts of New South Wales. I saw one at Gunnedah and Gunya, which does spectacularly good work. The question I guess is whether what the Federal Government is doing will get those groups to continue doing what they are doing but call it something else. I need to see it roll out a bit more before I am quite sure what we can do about what the Federal Government is up to.

The Hon. MELINDA PAVEY: My remaining two questions relate to the Aboriginal Trust Fund Repayment Scheme. As of October 2008 what is the total amount paid out through the Aboriginal Trust Fund Repayment Scheme?

Mr PAUL LYNCH: I think that is for the Minister for Finance, Mr Tripodi.

The Hon. MELINDA PAVEY: Have you made official contact with the Minister for Lands on the issue of delays in processing Aboriginal land claims since the release of the Auditor-General's report in June 2007, which details that a total of 8,922 or 57 per cent of land claims remained unresolved, with 344 of these claims being unresolved for more than 10 years?

Mr PAUL LYNCH: I have had several discussions with Minister Kelly about those matters.

The Hon. MELINDA PAVEY: With any outcomes?

Mr PAUL LYNCH: I have made my views known to him.

Mr IAN COHEN: Does your department have any overview of Aboriginal student enrolment in management courses and such like at TAFE, or is that strictly a Department of Education issue?

Mr PAUL LYNCH: That would be a Department of Education and Training responsibility.

Mr IAN COHEN: Does your department have any responsibility to ensure employment placements for graduating Aboriginal students from TAFE management or governance courses?

Mr PAUL LYNCH: I do not follow.

Mr IAN COHEN: Do you have any involvement with Aboriginal graduates from these courses?

Mr PAUL LYNCH: We do a number of things about Aboriginal employment. I do not know that they directly address what you have raised. We do job compacts, there are employment guidelines for State Government construction projects and employment targets within the public sector have been set by the State Government. But they are slightly different things.

Mr IAN COHEN: What specific programs, if any, is the department developing to combat the low level of self-employed and enterprises involving Aboriginal people in New South Wales?

Mr PAUL LYNCH: I do not know that it is the department's responsibility to run programs to do that; that is not technically within our remit. However, we recently hosted a function for minority council suppliers from America. The event got a bit of the run in the *Australian*. Some the minority groups in America have banded together to raise their profile and to remind the rest of the community that there are minority businesses and to try to encourage large corporates to pay attention to them. The group was invited by other people, but we put on reception involving other government departments and players around town to get the concept out there. I am reminded that the Department of State and Regional Development does more specific work in that regard.

Mr IAN COHEN: Does your department need to account for or look at the low levels of self-employed Aboriginals and Aboriginal enterprises compared with the broader New South Wales population? Does your department have any role in assessing that? I appreciate the confidence involved. There are quite a few such enterprises and, if given the right incentive, opportunity and support, they could be pursued by indigenous communities in New South Wales.

Mr PAUL LYNCH: I think you are probably right about that, but I am not sure that the department has a role in providing funding to make that happen. Perhaps it is part of the broader issue of Aboriginal disadvantage generally; that is, with regard to employment rates, health, education and the number of indigenous businesses.

Mr IAN COHEN: Is the department dealing with increasing numbers of up to 43 per cent of Aboriginal children requiring out-of-home care in New South Wales?

Mr PAUL LYNCH: That is a Department of Community Services matter.

Mr IAN COHEN: The Two Ways Together report indicates a shortage of Aboriginal carers, which has contributed to hindering the implementation of Aboriginal placement principles. What specific measures is the department taking to increase the number of Aboriginal carers in New South Wales?

Mr PAUL LYNCH: You are right to point to that as a problem. However, it is a matter for the Department of Community Services.

Mr IAN COHEN: According to the Two Ways Together report, the unemployment rate for both male and female 15 to 24-year-old Aboriginals was higher than the rate for all males and females—both Aboriginal and non-Aboriginal—in the Regional Coordination Management Group region. What programs or incentives is the department putting in place to combat the differences in unemployment rates between non-Aboriginals and Aboriginals in New South Wales?

Mr PAUL LYNCH: That involves Federal Government policies and strategies. However, we are doing a number of things that are relevant to the question. One is the job compacts that I mentioned earlier. We have 12 of them rolling out across the State in Dubbo, Tamworth, Eastern Sydney, Western Sydney, South-Western Sydney, Illawarra, Tweed Heads, Wagga Wagga, Cobar, Newcastle, the Hunter and Redfern. It is still fairly early days yet, so global results are not available. It has not been tried before by the State, but it is worth doing. As I mentioned earlier, there are construction participation guidelines and targets across the State public sector that are designed to increase Aboriginal employment.

Mr IAN COHEN: Concerns have been raised about stolen wages. Is your department in a position to comment about what has been achieved, or is that a Treasury responsibility?

Mr PAUL LYNCH: That is the Minister for Finance's responsibility. A review has been conducted into the scheme. I think it was found that the scheme was overly bureaucratic. Trying to track down whether people were claimants was almost consuming more resources than the amount being paid out. There were some practical issues about the way the scheme was operating. The three-member board is impressive. The members were also concerned about the way the scheme was operating. A review has been carried out and we will see where that goes. However, that is another Minister's responsibility rather than mine.

Mr IAN COHEN: Can the department provide evidence that the Safe and Strong Families calendar for 2007 has had an impact on the number of Aboriginal females, either with or without accompanying children, accessing the Supported Accommodation Assistance Program?

Mr PAUL LYNCH: That is a Department of Community Services responsibility.

Mr IAN COHEN: Would your department have allocated any money in the budget for the calendar?

Mr PAUL LYNCH: No.

Mr IAN COHEN: Will your department re-establish the increasing capacity of Aboriginal people in the environmental, heritage and natural resource management project that was undertaken in two Aboriginal communities and completed in November 2007 for use across New South Wales?

Mr PAUL LYNCH: That is not my responsibility. Again, I am advised that it is the Department of Environment and Conservation's responsibility, which is what it sounds like.

The Hon. MELINDA PAVEY: Is the Department of Aboriginal Affairs concerned about equality of access for young Aboriginal people to get their drivers licence? Having a licence impacts all young people, but young Aboriginal people, in particular, have difficulty accessing cars to achieve the required 120 hours of training to get a P-plate. Has the department investigated the impact of this on Aboriginal communities and, in particular, the flow-on effect of being able to achieve successful employment outcomes?

Mr PAUL LYNCH: Some work has been done, but I will take that question on notice. An even more fundamental problem is people who have unpaid fines and the impact of that. One of the first places I went to as a Minister was Bourke. I talked to people at the council, which has implemented a sensible scheme to link people with employment providers. Once they are employed, they can pay off their fines, which will then allow them to regain their licence. Sensible schemes like that have been implemented in many places.

The Western Sydney Job Compact provided \$10,836 in June 2008 to support the Keeping Aboriginal Youths Safe Project, which focused on young people gaining the knowledge and skills necessary to obtain a drivers licence. A number of logistics companies approached in the development of the Sydney-based Job Compacts highlighted the importance of having a drivers licence, so the project is very useful to the job compacts initiatives. That tends to be in the Mount DrUITT area. The Roads and Traffic Authority is also doing a number of things.

The Hon. CHRISTINE ROBERTSON: Please take the question on notice.

Mr PAUL LYNCH: We will see whether more information can be provided.

Mr IAN COHEN: Do you agree Minister that the Commonwealth's commitment of resources to the Northern Territory intervention, however laudable and whatever way it might be seen, is however continuing to

divert much-needed resources away from Aboriginal Affairs in New South Wales where the largest group of Aboriginal people live?

Mr PAUL LYNCH: There is a real danger in it, that is right. You cannot get the COAG targets. You cannot meet the COAG targets, which are very ambitious but rightly appropriate unless you make significant gains in New South Wales. So all those issues of employment, health, education and others you cannot get the COAG targets unless you get those gains in New South Wales.

The Hon. CHRISTINE ROBERTSON: Is that because New South Wales has the highest population?

Mr PAUL LYNCH: We have more Aboriginal people in New South Wales than any other State, the biggest population is in Mount Druitt. There needs to be engagement at the Federal level with those issues. Minister Macklin has told me face to face, she understands and agrees with everything I have just said but we need to make sure that through the process that we actually get services, money and resources on the ground. The obsession that there are Aboriginal people only in the Northern Territory and Cape York is not helpful for anyone in the State who cares about these things. That is probably as much as I should say.

CHAIR: We will conclude with those comments. If you provide those answers within 21 days it would be helpful. If there are supplementary questions they will be provided within the next two days. The transcript will be available tomorrow morning.

(The witnesses withdrew)

The Committee proceeded to deliberate.

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