

INQUIRY INTO ISSUES RELATING TO REDFERN/WATERLOO

Organisation: Redfern Legal Centre
Name: Ms Helen Campbell
Position: Director
Telephone: 02 9698 7277
Date Received: 03/05/2004

Theme:

Summary

Certain sections of this submission have not been publicly released to protect the privacy of the individuals involved. These sections are denoted by a grey box.

While these sections have not been made public, the Committee members have access to this information.

REDFERN LEGAL CENTRE

Ms Jan Burnswoods, MLC
Chair, Standing Committee on Social Issues
Legislative Council of NSW
Parliament House
Macquarie St
Sydney NSW 2000

30 April 2004

Dear Ms Burnswoods,

INQUIRY INTO ISSUES RELATING TO REDFERN/WATERLOO

Thank you for offering Redfern Legal Centre an opportunity to contribute to the Inquiry. We have a long standing and close engagement with the communities affected by the 'redevelopment' of the Redfern/Waterloo area as well as extensive networks with other government and community service providers in the area, including police.

This submission addresses reference terms (a) – (d). We offer no comment on *(e) proposals for the future of the area known as "The Block"* because we believe it is appropriate that the indigenous community be supported to determine their own future on that land.

It should be noted that our comments concerning term (a) have also been addressed to the NSW Ombudsman. Parts of this submission are also based on our participation in the South Sydney Interagency consultation process.

About Redfern Legal Centre

Redfern Legal Centre (RLC) is an independent non-profit community-based organisation with a prominent profile in the Redfern area of over 25 years' standing. We have strong relationships with the ATSI community. In many ways we perform a role that is complementary to and not a duplication of the role played by the Aboriginal Legal Service. Redfern Legal Centre does not represent people in court who have been charged with criminal matters. However, we do provide a Women's Domestic Violence Court Assistance Scheme, a credit and debt service and a tenants advice service all of which are well known and often used by Aboriginal families.

73 Pitt St	Phone (02) 9698 7277	General enquiries	Interviews by
Redfern	Fax (02) 9310 3586	Monday to Thursday	appointment
NSW	email info@rlc.org.au	9 am-9 pm	Monday to Thursday
2016	http://www.rlc.org.au	Friday 9 am-6 pm	6:30pm-8:00pm

We also assist with civil liberties and discrimination matters, including complaints to the NSW Ombudsman about police behaviour. In addition, RLC assists ATSI and other community groups as required.

(a) policing strategies and resources in the Redfern/Waterloo areas:

There is an overwhelmingly widespread perception in the Aboriginal community that the death of Thomas "TJ" Hickey in February was not accidental.

Many people feel that there is a generally hostile relationship between the police and the community, especially among young people. This perception persists despite acknowledged attempts by police at some levels to improve the relationships. It was noted that for many young Aboriginal people, a police car is something to run away from. There was a sense of unnecessarily intrusive and oppressive surveillance of Aboriginal people congregating lawfully in public places, that police often made provocative or unfriendly comments and could act capriciously in terms of who might be picked out for unwelcome attention.

At the same time, others, particularly older women, spoke of frustration that despite this intense surveillance, drug dealing seems to take place in public without impediment. In other respects, women seeking support in dealing with family violence found the police response unsatisfactory. This contrasting experience lead some of those who spoke to us to suspect a level of collusion between police and certain perpetrators of unlawful activities.

A number of people who spoke to us described witnessing inappropriate and provocative police behaviour towards a group of friends and relatives who had gathered in the "Block" area the following day to grieve for Thomas Hickey. It has been reported to us that police drove by several times, unnecessarily, and made 'taunting' and disrespectful comments to the grieving people about the death.

Several people emphasised their dissatisfaction with the lack of approach by police to relatives. We have been told that no explanation was offered, no condolences expressed, little information was provided and that there was no participation by Police-Aboriginal liaison staff.

However, we were favourably impressed by the restraint shown by police responding to the unrest in that they appeared to avoid making immediate

arrests. Redfern Legal Centre has always enjoyed a very constructive and mutually respectful relationship with Redfern police. It may be that there are different approaches at different levels within the police hierarchy and that the positive attributes of the command at senior levels are not necessarily reflected in the actual street policing practices.

As mentioned above, the whole Block community experiences intense surveillance. There is a continuous police presence at Redfern Station end of Eveleigh Street and frequent police vehicle movements through the area.

There is a higher than average rate of bag snatches at Redfern Station, a frequency ascribed to the drug dealing activity undertaken nearby. In other respects, according to the local area police command, crime rates for this area are dropping, and are no worse than other suburbs.

There have been reports to Redfern Legal Centre consistently over the past five years that suggest that at times police display inappropriate behaviour towards Aboriginal people, young men in particular. Several people spoke to us about threatening use of guns, excessive use of physical force, and 'drive arounds' where a young person is placed in the rear of a police vehicle for a period of time before being released in an unfamiliar area perhaps some distance from home, without being charged with any offence or having any way of identifying the officers involved.

We have also dealt with complaints involving the unnecessarily intrusive use of sniffer dogs, strip searches and video surveillance.

Women we have contact with through the Women's Domestic Violence Court Assistance Scheme generally express low levels of confidence in police responsiveness to those in need of protection who are applying for or who have obtained Apprehended Domestic Violence orders. This may contribute to under-reporting of family violence and a reluctance to seek help when it is needed.

Aboriginal women inform us that generally they want the presence of the Police (to some extent), as it too offers them security and protection. Statistically, Aboriginal women are more likely to be victims of violent crimes and that is not just crimes perpetrated by Aboriginal males.

Redfern Legal Centre has experienced no lack of dedication from the police domestic violence liaison officer (DVLO), but lack of relevant cultural experience and resource support may contribute to this less than ideal relationship.

Our Aboriginal clients generally report that they like the DVLO, whilst the Aboriginal workers recognise that he is 'trying very hard'. Following our advice to the DVLO, the DVLO is now working closely with Mudgin-Gal (the Aboriginal Women's Service for the Redfern area) and makes assisted referrals for all Aboriginal women to Mudgin-Gal.

The Domestic Violence Liaison Officer does not have responsibility for all domestic violence reports. The problem is more widespread and lies not so much with the Domestic Violence Liaison Officer but with general duties police.

The many innocent individuals who live in that part of Redfern and are of Aboriginal background appeared to be presumed by policy-makers and law enforcement authorities to all be collectively guilty for the events and the actions of a few individuals and that the whole community should be punished for these events.

This negative response persisted despite sincere and sustained efforts by some Aboriginal community leaders to maintain order in unsupported circumstances. The situation is further complicated by a lack of sensitivity to the very real question of who can and does speak for whom within the Aboriginal community of Redfern.

Overall the general context suggests that the civil liberties of ATSI people residing in the Redfern area are undervalued by law and order and government welfare agencies.

(b) other existing government programs in the Redfern/Waterloo areas

The Department of Community Services (DoCS) and to some extent also those agencies that are obliged to provide compulsory reporting to DoCS tend to be mistrusted by young Aboriginal people. The community perception appears to be that of a history of experience with the removal of children from their families. As a result of this perception, Aboriginal families and young people may not approach such agencies for assistance even when their need is great and their entitlements have been funded.

In recent months Redfern Legal Centre has noticed a sudden increase in the number of ATSI clients approaching us for assistance in dealing with the

Department of Community Services in matters concerning the removal of children and/or denial of access to extended family. This has been described to us as 'a fourth stolen generation'. It suggests that there may be widespread distrust of government provided welfare assistance, with consequent lack of effectiveness in delivering community support.

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Legal Aid is now refusing to grant aid for mothers in care applications before Children's Court on the merits test; based on an assessment that there are no reasonable prospects of the children being returned. Legal Aid relies on DoCS affidavits as to whether there are merits. This approach based only on the case against the parent appears to be placing a reversed onus of proof on the parent.

(c) non-government services and service provision in the Redfern/Waterloo areas

Many young Aboriginal people do not have successful relationships with either formal education or paid work. Mainstream youth and family services do not appear to be able to meet the needs of this highly disadvantaged and marginalised group, while ATSI identified services struggle for a range of reasons including inadequate funds to undertake the activities expected of them by funders and client groups.

There seems to be a perception in government that the major problem facing clients and potential clients is that they face a lack of information about services, or that there is no system whereby clients are referred from one service to another. It does not seem to occur to government that its own reform processes are debilitating the services, or that its funding of services is inadequate for the growth of a vigorous community sector to meet expanding local needs. In many cases, local organisations do not have sufficient paid staff time to do any more than service current clients and keep up with government's ever changing accountability requirements.

Though there may be a lack of formal arrangements between services, there are strong informal links between them that make referrals easy, casual and fast. It is simply a matter of picking up the phone and checking with the service provider to see if there is the capacity to meet the needs of the potential client in the service required. There is no need for formal 'Memoranda of Understanding' between services, and nor is there a need for web-based referral systems. The informal systems work well, provided that there is capacity in the organisation receiving the referral to provide a service.

Government sometimes queries the fact that there exist a number of services with similar objectives and client groups in the area, and has sometimes hinted that it would like to see amalgamation for the sake of administrative simplicity. This ignores the fact that though in some ways there is a strong sense of community in the area, it is also highly 'tribal' – there are groupings of young people, for instance, who do not get on with other groups of young people. It would be a mistake to think that they could attend the same Centre and that the Centre would function well. They need to be able to attend a Centre at which they identify with other participants attending it. To a lesser extent, this also applies to the older people of the area. The diversity of organisations provides choice to potential consumers.

There are other great benefits to the existence of a number of community based services in the area. These are that there are strong links between those organisations and people living in the area. Those people have a sense of involvement with, and ownership of those organisations. Many of them are on Management Committees, meaning that initiatives arising in the population are taken up by the organisations, and that the organisations have a clear view of what is happening in the community.

It is very important that community services should be delivered by organisations that represent the particular community being served, e.g. Aboriginal organisations should deliver services to Aboriginal people, Women's services should be delivered by female-led organisations.

The small organisations operating in the area are hardworking and efficient – they are very lean organisations. The level of commitment of staff, volunteers and management is high because the organisations are good at harnessing social capital.

It has to be recognised that Redfern and Waterloo are particularly difficult areas in which to operate. The huge population of public tenants is quite different to what it was years ago. At one time, public tenants were simply people with low incomes, not necessarily people wracked with social problems. However, over the past two decades, the NSW Department of Housing has necessarily targeted its allocation of dwellings more tightly to people with high needs. This means that there is a concentration of people who, as well as living in poverty, have high levels of physical, intellectual and psychiatric disability. There are also remnants of the original Department of Housing population who are now becoming very old and frail, as well as people recently released from prison. There are dysfunctional families and high levels of permanent truancy, and disaffected youth who often 'look dangerous'.

All of these factors have greatly increased the task of the community organisations in the area, while simultaneously reducing the more general population from which community organisations might expect to receive support.

Funding to community organisations has certainly has not kept pace with the increased demand that the above factors have placed upon the organisations. Exacerbating the funding problem are huge increases in insurance costs, for both public liability and workers compensation, and the fact that government departments keep changing administrative arrangements without funding the costs of compliance with them. Many of our organisations have more than one government department as a funding source, each with their own funding agreements and accountability requirements. Our coordinators are spending more and more time on keeping up to date with those changed arrangements and complying with them at the expense of face to face time with clients. The fragmented nature of the funding to the organisations from the various departments also means that because of the restrictions that each department makes upon use of the funds, the services that can be offered are sometimes not the 'best fit' for the area.

Under tendering systems introduced by the NSW Department of Aging, Disability and Home Care (DADHC), services are forced to tender to serve areas well beyond the areas to which they are linked. This takes away the very things that make services delivered by a 'community based' organisation special and valuable. The organisations are also very concerned at the apparent reappearance of 'Unit Costing' on DADHC's agenda. While Unit Costing has a place for, for instance, manufacturers of

nuts and bolts, it is difficult to usefully apply the concept to the delivery of human services. It is likely that under any application of Unit Costing, quality of service delivery will be sacrificed for quantity. It is also likely to distort the operation of some services.

Across many departments, government is moving to replace annually recurrent funding with fixed three-year contracts. In doing so, government is claiming this will lead to greater certainty and enhanced ability to plan by the services because, in its view, services will have secure funding for three years instead of one. This is belied by the fact that the current annual funding is *recurrent*, i.e. the expectation is that it will be renewed annually, and has been renewed for many years on end as long as no major problem has arisen. Organisations have had this stable (though often insufficient) funding for between ten and 25 years. Recurrent annual funding has much more of the hallmarks of a 'partnership' with government than does competitive tendering each three years.

There is great concern that toward the end of a three year contract, staff will necessarily start to look at their options for continued employment, leading to instability in the organisations' workforce, and indeed their capacity to re-tender. There is also concern that clients will be faced with a loss of continuity of style of service through change in the auspice of services. A 'familiar face' delivering a service and representing an organisation is often very important to clients.

Repeated administrative reforms and the many necessary discussions that take place around them are taking the focus of community organisations away from local people and the community, and moving the focus to the machinations of government funding departments. Workers are spending more and more time in front of a computer screen, at the expense of client time.

These same reforms, unaccompanied by significantly increased funding, are also debilitating to community management. Management Committee members face a very different agenda at each meeting than was the case in the past. At one time, the business of a Committee meeting would have been largely about how to meet local needs. It was a creative process. Now, with little increase in funding to meet rising needs, the agendas are full of items from governments' reform agendas, largely to do with accountability and complex referral systems. Is it any wonder, especially when viewed in light of the changed local population, that it is becoming harder to attract and retain committee members? It becomes worse when

we add to this the fact that committee members may now face personal financial liability under new workers' compensation laws. Serving on a committee has come to be perceived as both boring and dangerous.

Accountability for Aboriginal organisations seems to be set at a higher level than even for other community based organisations. Whereas reporting is usually on an annual or six-monthly basis, Aboriginal organisations are expected to report each three months. Those organisations are also asked to report on more topics.

So far, it is difficult to see the value of the reporting that the organisations have had to undertake. It is hard to see where departments have used the reports in their planning or for any other purpose.

Each year, Home and Community Care (HACC) funded organisations are asked to come together and engage in a planning day. Each year, they come up with a list of priority items for funding, for instance they may see a need for more Community Transport services to cope with increased demand for transport to hospital. Each year the results of the planning day are given to the funding body, DADHC, and then, in time, DADHC makes its decisions on what to fund. It is often difficult to see any relationship between the outcome of the planning day and the decision eventually made by DADHC. This gives rise to cynicism among the organisations about the value of participation in the planning exercise, and is one more nail in the coffin of the supposed 'partnership' between government and non-government organisations.

But there is a further problem with planning in the non-government sector. Services are so busy dealing with day to day events and the reform process, and so under-resourced, that their ability to undertake their own research (upon which to base planning and with which to inform government) is being lost.

(d) Premier's Department's 'Redfern Waterloo Partnership Project'

There exists some puzzlement as to what the RWPP has been doing for these past few years. While it was at first very visible when it came into the area, with many promises of very extensive consultation, little feedback is received from it regarding information it has gathered and surveys it has conducted etc.

The RWPP said at the outset that it would be conducting a Review of local services as part of its work, but appears not to have done anything about it until it engaged the firm Morgan Disney and Associates a few months ago. Morgan Disney now has this complex task to complete with such a tight deadline that it is doubtful that it will be able to present a full and accurate summary of the services. Despite having now been in the area for years, the RWPP was still unable to supply Morgan Disney with even a list of services in the area. Unfortunately, despite the fact that there have been a number of Reviews and Reports made about Redfern and Waterloo, including about the services operating here, the funding departments also seem unable to supply such a list.

Despite making noises about valuing the local organisations, when it has come to awarding any contracts it has engaged organisations from outside of the area. It has not seemed to embark on constructive engagement with local services at all.

There is a perception in the area that many mooted changes, such as the RWPP's 'RED Strategy', are all about real estate sales and the money flowing to government and developers from them, rather than about a social objective such as seeking '*a better social mix*' as the Premier put it when launching the RWPP. This perception is not surprising when, looking at the information made available by the RWPP, it can indeed be seen that development opportunities on government owned land, including public housing estates, may be measured in the billions of dollars.

Under the RWPP's 'RED Strategy', it is plain that there *will* be large-scale development in the area that could increase the population by 50%. This being the case, it would be good to harness some of the money flow as a levy on development. This could be put toward the provision of a good proportion of affordable housing and to maintain and expand local community services to cope with the needs of new people moving into the area.

Recommendations

These recommendations are offered as suggestions informed by our experiences of the need to strengthen the resilience of the community and its capacity to address areas of concern in a way that includes becoming enabled to solve their own problems, take responsibility for the outcomes of their own decisions, and to be valued as participants in the decisionmaking processes that impact on them.

- ATSI elders and respected persons need support to assert authority in the area, in policing to reduce drug use, to address family violence, and to strengthen community resilience.
- An ATSI 'sentencing circle' model should be introduced for Redfern Local Court, as used in other NSW local courts.
- A refuge for Aboriginal women, located in metro area should be established.
- A 'Dry-out' house should be available for Aboriginal men.
- An Aboriginal Liaison Officer should be appointed at Redfern Local Court.
- Inexperienced police should not be posted to Redfern.
- Training for Redfern police on cultural & community issues specific to Redfern ATSI community should be mandatory.
- Police recruiting policies and practices should focus on recruiting non racist police.
- Expert, community based services are needed to address the needs of people who experience complex disadvantage, such as those who are homeless and have mental health as well as substance-abuse issues to deal with.
- Amalgamating and tendering for service provision does not produce appropriate service delivery. Community-based services should be supported to meet governance and reporting requirements while being enabled to operate independently to best meet the needs of the communities they serve.
- The community should be consulted in the development of policy about the use of surveillance techniques such as street policing, surveillance cameras and sniffer dogs.

We are available to provide oral evidence and to supply further written submissions if you so require. Thank you for your attention.

Yours sincerely,

Helen Campbell,
Director
REDFERN LEGAL CENTRE