

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

**INQUIRY INTO OVERCOMING
INDIGENOUS DISADVANTAGE
IN NEW SOUTH WALES**

At Sydney on Thursday 14 February 2008

The Committee met at 9.00 a.m.

PRESENT

The Hon. I. W. West (Chair)

The Hon. G. J. Donnelly

The Hon. M. A. Ficarra

Dr J. Kaye

The Hon. T. J. Khan

The Hon. M. S. Veitch

CHAIR: On behalf of the Committee, I acknowledge that we are conducting our business today on the traditional country of the Gadigal people of the Eora nation, and we pay our respects to Elders, past and present.

DONALD JAMES WEATHERBURN, Director, New South Wales Bureau of Crime Statistics and Research, sworn and examined:

CHAIR: I invite you to make some opening comments before we go to questions.

Dr WEATHERBURN: I do not have too much to say in the way of opening comments. Something went wrong in the transmission of questions to me, so I was not quite sure what you were going to ask me and did not prepare any introductory remarks. Perhaps I could just say that we have an active program of research into Aboriginal and more generally indigenous contact with the justice system. We are involved also in evaluating programs designed to reduce that contact. As a consequence of the work we are doing we have been looking also at some of the factors that underpin indigenous disadvantage. So, I am happy to take questions on any of those things, and looking at the questions you have here there is something to say about all of them.

CHAIR: Perhaps if I start with the first question of evaluations. Why are more indigenous programs not evaluated?

Dr WEATHERBURN: There are a couple of reasons, I think. Firstly, it is only in recent years that State and Territory governments have started to make a serious attempt to evaluate any program to reduce reoffending up to this point. I suppose in the 1970s much of the focus was on keeping people out of jail and much of the focus was on things like periodic detention, community service orders and various other alternatives designed to reduce demand on the prison system. I suppose when people started to realise the very big contribution that, what I would call, frequent flyers make to contact the justice system, the focus started shifting to reducing reoffending. It is since that point that I think people started to get interested in research.

Even so, it is probably fair to say that a goodly proportion of the programs that are introduced by State and Territory governments to reduce reoffending are not based on research and have not been rigorously evaluated. That is changing rapidly as a consequence of the State Plan, which requires an evaluation and, at least at this stage, seems to be based on the best available evidence. That is one part of it. I think a philosophic tendency in short to assume we already know what reduces reoffending, there is therefore no need to evaluate the success of our programs. I think you saw that in the beginning with circle sentencing where there was a feeling that it was such a logical thing to do that it was going to work and there was not really any need in the beginning to evaluate it.

The second big problem though—and perhaps a larger problem—is that many of the programs introduced particularly for indigenous people have such small numbers that it is difficult to get a rigorous evaluation up and running. You really need of the order of 200 to 300 people in a program and a comparable number in a control group to make a reasonable fist of evaluating a program. Anything smaller than that and it is very difficult to pick up significant differences. The reason, incidentally, is that even for high-

frequency offenders—or frequent flyers as I call them—the rate of return is not fast enough to pick up small differences in rates of reoffending. You need 200 to 300 people to see it. So, they would be the two main reasons, I think.

CHAIR: In the State Plan have you been consulted and is there an opportunity for you to give your views as to how evaluation should take place, the methodology et cetera?

Dr WEATHERBURN: Absolutely. Yes, it is very refreshing. We have been very closely involved in developing measures under the State Plan to assess the effectiveness of programs to reduce reoffending. We have done considerable work on that front. We are also now involved in and, in fact, have just completed an evaluation of circle sentencing. So, I am very happy with the level of involvement of the bureau under the State Plan in evaluation at this stage.

The Hon. TREVOR KHAN: We have heard from Corrective Services. In fact, we have heard from a lot of public servants. Frankly, I hear what you say with regards to plans for programs designed to prevent reoffending. I could quite honestly say I must have been asleep at the time because I do not think we heard anything from Corrective Services that indicated any substantive plans to prevent reoffending. So, if they are there, what are they?

Dr WEATHERBURN: Well, I must say I am not in a position to comment on what Corrective Services plans are—the detailed side of that—but as I understand it they include things like cognitive behavioural therapy for people that have problems with violent behaviour. I think they also have a sex offenders program. These are things that just spring off the top of my head. You could, in a sense, describe all the work that they do in relation to supervised court orders as a program in the sense that it involves, firstly, risk assessment and, secondly, an attempt to understand or connect offenders with the services that might address the problems that get them involved in crime.

For example, Probation and Parole will take someone who has a drug and alcohol problem and attempt to find drug and alcohol treatment for them. If they have problems with accommodation or housing, they will attempt to do that. How well that is done, how successfully those people who need drug and alcohol treatment get it or those people who have a mental health problem get support for that, I could not say at this stage. But in terms of programs, I think that is the sort of thing they would certainly see as a program. What remains to be seen is how effective it is and if it is not effective, why it is not.

The Hon. TREVOR KHAN: Could I suggest to you that some of the evidence that has been given was to the effect that Probation and Parole has, for all intents and purposes, been gutted with the officers who remain in Probation and Parole really reduced to performing clerical roles as opposed to what was traditionally the role of the probation and parole officer. Have you any comment to make in regard to that?

Dr WEATHERBURN: That may well be true. I do not know, I am not close enough to the Department of Corrective Services to know what has happened to Probation and Parole. The only thing I can say on that score is that we have a survey we have recently completed, which will be coming out soon, that certainly highlights some severe difficulties getting services for offenders to reduce the risk of reoffending. Some

of those problems relate to just the simple absence of services. Some of them relate to problems in interagency cooperation. The health department, for example, which supplies services for drug and alcohol affected people, is probably stretched to its elastic limit in providing for people who are not offenders. How well they are able to provide or meet the needs of Corrective Services in dealing with offenders who have a drug and alcohol problem I do not know, but I am sure there are problems there. But as to what has been going on in Corrective Services I really could not comment. I am not party to those sorts of discussions and initiatives.

The Hon. TREVOR KHAN: So you are providing advice with regards to a statistical framework, in a sense, for them to progress on, but you do not actually know what they do with that advice?

Dr WEATHERBURN: No, I do not sit down with them and design programs to reduce reoffending. I give them advice, acquaint them with literature. For example, I have been drawing people's attention to the recent research by the Washington State Institute for Public Policy on the sorts of programs that do work, but I do not sit down with them and design those programs or work with them in implementing those programs. My role is to acquaint them with literature on what works and after that, whether they pick it up, how they pick it up and the extent to which they pick it up is up to them.

Dr JOHN KAYE: Do you have a role in evaluating those programs after they have been implemented?

Dr WEATHERBURN: With Corrective Services no, not so far, although I suspect that is going to change; with Attorney General's to a much greater extent.

Dr JOHN KAYE: With respect to Corrective Services, is the reason you do not because you are not invited, because you do not have adequate resources or because there is some other barrier to being involved in evaluation?

Dr WEATHERBURN: I do not know the reason, to be honest with you. There has been a lot more interaction since the advent of the State Plan between my bureau and the Department of Corrective Services than there was before, but you would have to ask them why we have not been brought in to evaluate the in-house programs. They do have a research unit, and that may be why we are not invited. Perhaps that unit is doing the evaluative work they want done. I do not know.

The Hon. MARIE FICARRA: Just as a follow-up to that, if you are not involved in the evaluation, is there a way to actually know with the methodology they are using—if in fact an evaluation is occurring—the standard of that evaluation? One would have thought you are the experts in obtaining stats and the analysis of them, which is a very complex, high-level system to make it relevant in terms of policy input. Do you actually know how they are evaluating? Is there any feedback to you?

Dr WEATHERBURN: No. I am not sent copies of their evaluations for comment, so, I do not know what standard they have in terms of that. The standard approach to ensuring quality is to send your reviews out to people in the field outside of government so they can comment critically about your work. I do not know if they do

that. I do not know if they publish them. I have not seen publications of the program evaluations.

The Hon. MARIE FICARRA: So, your bureau has never been asked to provide guidelines on the collection of statistics and the analysis of statistics that would help individual departments to better evaluate their programs? You have never been asked to provide guidelines?

Dr WEATHERBURN: We have been asked, as a result of the State Plan—and Corrective Services was the agency that asked us to do this—to develop a means by which to evaluate programs and to monitor the State Government's performance in reducing reoffending. That was an initiative of Corrective Services but it was not in the context of evaluating a particular program, it was in the context of developing a measure that would assess them in the future in monitoring their general progress in reducing the rate of return to the criminal justice system—if you can see the distinction between the two.

So that is as far as the cooperation has gone to this point but I am hopeful that as a result of the State Plan and the increased focus on reoffending that we might be drawn more closely into evaluating not just their programs but also the programs put out by the Department of Juvenile Justice. It is fair to say, as I said earlier, we have been much more heavily involved in evaluating programs that the Department of Attorney General, our host department, has put forward. We have been involved for many years in doing those evaluations. We have had less contact in the past with Juvenile Justice and Corrective Services.

The Hon. MARIE FICARRA: And no contact with, say, Health and Education and Training?

Dr WEATHERBURN: We have some contact with Health. We have a program being jointly evaluated—the Court Liaison Service, the service that provides mental health services to people turning up in the courts, we are presently jointly evaluating that. We were jointly involved with the Health Department and, I should say—I forgot this—with Corrective Services in an indirect sense in the Drug Court evaluation. I neglected to mention that, and I should have. So, we have had a long-term relationship with Health in evaluating programs of mutual interest; less so with Corrective Services and Juvenile Justice. I am not wanting to make apologies on their behalf, but I think it is important to draw a distinction between what happened before the State Plan and what is starting to happen now.

The Hon. MARIE FICARRA: The quality of the statistical analysis is only as good as the input?

Dr WEATHERBURN: Yes.

The Hon. MARIE FICARRA: How do you ensure that the input you are getting from the various departments you are dealing with is the standard of maximum utilisation?

Dr WEATHERBURN: First let me say that the key measure of success, the rate at which people get re-convicted by the courts, is under our control. We get details

of every criminal court appearance from the juvenile courts right up to the Supreme Court. It is fully audited data. We take random samples and go back to the court files. I am more than satisfied with the quality of information we have on reconviction and reappearance in court. So far as the quality of the information we have about programs and program implementation is concerned, that is less satisfactory.

As you can imagine, there are two ways a program might fail. One is that it is a good idea but it is poorly implemented; the other one is it is not a good idea, it is well implemented but it does not have the effect that was intended for it. It is sometimes difficult for us to tell whether a program or initiative to reduce crime or to reduce reoffending failed because it was badly implemented or failed because it was doomed to fail anyway. There you have a problem with the quality of information. It is sometimes difficult for us to guarantee what I would call program fidelity—guarantee that what was intended to happen actually did happen. That has been something of a problem. I think generally departments sometimes do not measure as closely as they should how well a program or a policy is being implemented.

The Hon. TREVOR KHAN: You have spoken, in a sense, constantly about reoffending.

Dr WEATHERBURN: Yes.

The Hon. TREVOR KHAN: I am right in saying, am I not, that the prospects of a bad criminal outcome or a bad criminal history are dependent upon a number of factors but one of those factors is that if you go to jail once the likelihood is that about half or thereabouts are going to go back again?

Dr WEATHERBURN: It is 60 per cent.

The Hon. TREVOR KHAN: And what we have in the Aboriginal community are rising rates of people going into jail for the first time. The number of instances or the percentage of members of the Aboriginal community who are going to jail is increasing faster than the general population, is that not right?

Dr WEATHERBURN: I am not sure about the first timers but there is no question that the rate of Aboriginal imprisonment is rising, as is the rate of non-Aboriginal imprisonment. They have both risen substantially over the past 10 years.

The Hon. TREVOR KHAN: But for the Aboriginal community it is rising faster than in the general population?

Dr WEATHERBURN: I would think so, yes. I would guess so. I have not checked in recent days but that would be my guess. It is easily checked.

The Hon. TREVOR KHAN: That is your research, is it not?

Dr WEATHERBURN: To analyse trends in prison population?

The Hon. TREVOR KHAN: No. I thought your research indicated that there was a greater rate?

Dr WEATHERBURN: The increase in the rate of imprisonment is information that comes out of the Australian Bureau of Statistics. I do not monitor prison populations on my own. I use the same publication as everybody else. Those figures are compiled by the Australian Bureau of Statistics. And that publication on Australian prisoners does not distinguish between first time prisoners, people arriving for the first time, and people arriving for the second, third and fourth time. All I know at the moment is—I will try to check it out, if you like—that the rate of imprisonment is growing; is growing for Aboriginal and non-Aboriginal people and, like you, I suspect it is growing faster for Aboriginal people.

The Hon. TREVOR KHAN: I invite you to check it out.

Dr WEATHERBURN: Okay. If I can.

The Hon. MARIE FICARRA: Based on your research, is therapeutic jurisprudence a suitable model for dealing with the indigenous population? Do you think we are getting successes there?

Dr WEATHERBURN: So little has been done and properly evaluated in the area of Aboriginal reoffending we cannot be sure but there is no doubt that therapeutic jurisprudence has a good track record. For example, there is no doubt that drug courts are an effective way, if properly implemented, of reducing the rate at which people return to the justice system. Prima facie, I think that would be good for Aboriginal people as well. But no-one has done a specific study of the effectiveness of drug courts or the effectiveness of MERIT or the effectiveness of these programs on Aboriginal offending. The first such program you will see—and that should happen within the next couple of months—is our valuation of the circle sentencing program.

The Hon. MARIE FICARRA: That is looking positive?

Dr WEATHERBURN: I do not want to comment on that. I have not told the Attorney General yet what the results of our work are, so perhaps I should speak to him first.

The Hon. MARIE FICARRA: Given the low participation in community sentences by Aboriginal offenders, how can community-based sentences and court diversionary programs be better tailored, in your opinion, to Aboriginal offenders, particularly those in rural and regional areas of New South Wales?

Dr WEATHERBURN: It is not rocket science. The crucial thing, whether you are dealing with an Aboriginal offender or a non-Aboriginal offender, is to address the factors that are causing them to offend. No. 1 is alcohol, especially for violent crime. If you do not get control of that problem you have Buckley's of bringing down the rate of reoffending. Of course there are aspects of disadvantage that contribute to it, but not so much in a direct sense. There is no doubt that being poor or being financially stressed or being unemployed all increase the likelihood of involvement in crime and the likelihood of reoffending but if you are asking which factor does it today, it is alcohol and drug abuse that are No. 1 issues. They are the two issues.

Second behind them I would suggest mental health problems need to be addressed, and then behind them you have the things that drive people into crime

whether they are Aboriginal or non-Aboriginal—long-term unemployment, nothing to do, and financial stress. In the paper I think I sent across to you, *Predictors of Indigenous Arrest*—I think you received that paper? I emailed it. There must have been a terrible breakdown. I did not get your questions and you did not get my reports. I will send this across. It is a paper called *Predictors of Indigenous Arrest*. I will not go through it all now, you can go through it at your leisure.

CHAIR: You might table it.

Dr WEATHERBURN: Sure. It goes through all the factors and ranks them in importance as far as their influence on the likelihood of being arrested is concerned for an Aboriginal person. Alcohol is top of the pops.

The Hon. TREVOR KHAN: Any other predictors?

Dr WEATHERBURN: Yes. I will just go through them for you, if you like. Some are obvious. For example, No. 1 was alcohol abuse. No. 2 was being male—cannot do much about that. No. 2 amongst those, you can alter, is drug abuse. So drug abuse was No. 2. Then you have being unemployed.

Dr JOHN KAYE: Sorry, did you separate alcohol and drug abuse?

Dr WEATHERBURN: Yes. Alcohol was more important than drug abuse.

Dr JOHN KAYE: When you say drug abuse, did you break that down by categories of drugs?

Dr WEATHERBURN: I could not do that, I am afraid. This data is based on the national Aboriginal and Torres Strait Islander survey. There is just not enough data to break it down by substance type. But cannabis and heroin would be right up there. I cannot be sure which is more important. All I know is that drug abuse exerts an effect that is separate and apart from that of alcohol and slightly behind it in importance. Underneath that you have factors like unemployment, living in an urban area, living in a community with neighbourhood problems—in a crime-prone community—being dependent on welfare, financial stress, failing to complete year 12. These are just the markers, if you like. There is a story to be told behind the statistics but time and again whichever way you look at it the immediate precursor to violent behaviour tends to be alcohol abuse.

CHAIR: Where do you have housing in there?

Dr WEATHERBURN: Housing did not come out as an issue, from memory. That is not to say it is not important. Sometimes what happens in these—and this is the limits of statistical analysis—housing will have an effect on risk of arrest or imprisonment via some other factors. So, people who do not have adequate housing, for example, might resort to alcohol abuse and it is the alcohol abuse that shines in the statistical analysis, not the housing, even though it is the housing that lies behind it. The same might be said of unemployment. So, working out the causal direction of all these things, it is important to bear in mind the limits of statistical analysis.

CHAIR: Therefore would housing not be a criterion that is fairly important to have as an indicator? It seems to be the issue that is coming forth from the indigenous community as a fundamental issue and a fundamental problem, the obstacles to getting housing in areas like the private market and the attitudes to tenants from landlords, et cetera?

Dr WEATHERBURN: I do not doubt there are real problems there but all I can say is our research does not seem to suggest they are closely related to who gets arrested and who does not, who ends up in prison and who does not. Other factors seem to be more important. But that is not to say housing is not an issue for Aboriginal people.

Dr JOHN KAYE: We are talking about the risk factors, if you like, but they are not necessarily the causes. Is it possible to unpack from all of this is what is driving the increasing rate of contact with the criminal justice system and incarceration? For example, how much of it is driven by changes in government policy? How much of it is driven by changes in government policy with respect to bail and laws? How much of it is driven simply by the fact that we have built more prison places? Is there a statistical way of approaching that question?

Dr WEATHERBURN: It would not be easy but I think you are absolutely right. There is no question, for example, that the proportion of convicted offenders going to jail is much higher now than it was 15 years ago. Notwithstanding what talkback radio would like to believe, the truth is the likelihood of going to jail if you are convicted of an offence is much higher now than it was 10 or 15 years ago. The same is true, although more recently, of the likelihood of being refused bail. The changes to the Bail Act, which were designed to deal with the problem of absconding—the real problem of absconding—and offending on bail solved that problem in the sense that they suppressed the rate of absconding quite substantially but have put more people in jail. There is no free lunch in crime control, you might say. So I do not doubt that much of the growth in imprisonment not just in New South Wales but around Australia is policy driven. It is not the consequence of higher crime rates; it is the consequence of governments, and perhaps courts as well, just getting tougher—being more likely to jail someone and more likely to refuse bail to someone.

Dr JOHN KAYE: Can you say that the underlying rate of offence has not changed in 15 years?

Dr WEATHERBURN: What has happened to crime over the last 15 years depends on whether you are looking at property crime or violent crime. I will try to give you a figurative picture because it is easier to see it that way. In the mid 1990s crime rates, both property and violent crime, started rising. They had come down a bit, or they were fairly stable, in the early 1990s but they both started climbing up rapidly through to the year 2000. After the year 2000 violent crime—mostly I mean assault and sexual assault—levelled off. It did not go down—as Andrew Tink used to say, it "plateaued at a high level".

A quite different thing happened to property crime, by which I mean burglary, motor vehicle theft, stealing and all that. That plummeted largely in response to the heroin shortage and then the economy and perhaps tougher law and order policies. Most major categories of property crime are now lower than they were in the mid

1990s. So you have got two quite different patterns so far as crime is concerned: one for violent crime, by which I do not mean armed robbery but certainly assault, sexual assault and those sorts of offences, which went up and levelled off; the other one went up and came down.

Dr JOHN KAYE: In respect of each of those categories of crime what has happened to incarceration rates and so on? I want to rerun my question and separate the two categories of crime.

Dr WEATHERBURN: That is a really good question. I must confess that I have not stopped to analyse prison population trends to see whether there has been a faster growth in people incarcerated for violent offences than for property offences. We have concentrated on trying to find out whether or not there has been a growth in the number of people refused bail and a growth in the likelihood of going to jail if you are convicted. And the answer to both of those questions is yes.

Dr JOHN KAYE: In both categories?

Dr WEATHERBURN: I do not know how it breaks up for property versus violent crime. It is a good question.

Dr JOHN KAYE: The raw data exists to undertake those statistical analyses.

Dr WEATHERBURN: I think so. I am hesitating because what you get from the ABS is the offence composition of people who are in jail and not the offence composition of people who are arriving. There are statistical complications associated with what we call flow versus stop. But the short answer is I think we could do that.

The Hon. MICHAEL VEITCH: I have asked a similar question to a number of people in the last couple of days and we have had some differing responses. What is your view on the level of research that has been conducted on indigenous peoples? Do you think we are getting to the point where they have been over researched?

Dr WEATHERBURN: Certainly as far as they are concerned that is true. It would be a brave person who went out with a clipboard and a survey questionnaire to Bourke to talk to Aboriginal people. I think they have had it; they are exhausted with that sort of research. Fortunately, for much of what I want to do I do not need to talk to anyone. I just need to monitor rates of return to court. At this stage I think the priority is not basic research into the number of times Aboriginal people come into contact with the justice system or how much overrepresented they are. It is time to do something to deal with the problem and evaluate whether it works. To me, that is the primary focus now.

The Hon. MICHAEL VEITCH: On Tuesday I asked a question of Dr Denise Robinson, who is responsible for population health within the Department of Health, that followed on from one of the questions that Marie was asking about the minimum common data sets. We are being asked to read through a plethora of statistical evidence and put faith in the fact that it is a rigid process and that we are comparing apples with apples. Her response to me was that, no, she could not be sure that the information collected by various departments was consistent across those

departments, and therefore the analysis of the information was put at risk. Do you have a view about that?

Dr WEATHERBURN: As I said earlier, I do not myself feel frustrated by a lack of comparability, except perhaps to say that it would be nice if other States and Territories had a uniform procedure for monitoring reoffending. Then we could perhaps compare policy approaches in different States. But most do not even have a measure of reoffending let alone one that is different from mine. Because my data comes to me from the courts and because I am part of a department that runs the courts and have no problems auditing data, I am very satisfied with it. If there is a weakness it is one common to every evaluation of reoffending, and that is it is a blunt instrument. You can get a big drop in offending that did not show up in the convictions. That is my problem but there is no easy way around it. If you go up to the punters and say, "Have you stopped committing crime?", they will always say yes. It is one case where surveys are not much help.

The Hon. MICHAEL VEITCH: I have a couple of other questions. The Committee was previously advised that there has been an increase in participation by Aboriginal females in the juvenile justice system, but that was rebuffed on Tuesday.

Dr WEATHERBURN: I have not looked. I do not know. We could have a look.

The Hon. MICHAEL VEITCH: Is it possible to find out whether that is a fact?

Dr WEATHERBURN: If they let me into their data I can have a look. I have juvenile court records but I do not have routine information from Juvenile Justice on the number of kids in custody and the composition of the custody population.

The Hon. MICHAEL VEITCH: If you can do that it would be really good because we have received contradictory evidence about that.

Dr WEATHERBURN: Were they talking about the same time period? That is often a cause of apparent difference.

The Hon. MICHAEL VEITCH: I cannot recall whether they were.

Dr WEATHERBURN: I will have a look at it.

The Hon. MICHAEL VEITCH: Thank you. This is the last thing I would like to talk about. As to the percentage of people with disabilities within the prison population in general, what is the number there?

Dr WEATHERBURN: I do not know offhand but there has been a census survey done by Justice Health that would answer your question. I do not have the report on hand but it would be in the hands of Justice Health. Devon Indig would be able to lay her hands immediately on that report.

The Hon. MICHAEL VEITCH: That relates to my next question, which is: What is the percentage of Aboriginal people with disabilities in the prison population?

Dr WEATHERBURN: I think it would be substantial. But, again, I do not collect, or routinely have access to, information on the characteristics of people in custody.

CHAIR: Is that physical or intellectual?

The Hon. MICHAEL VEITCH: All disabilities. It is actually a startling figure.

Dr WEATHERBURN: It is a startling figure. One of the things that has been thrown up in some work we have done is the difficulty—the tension—between trying to maintain a job when you come out of jail and trying to get treatment, whether for intellectual disability or drug and alcohol problems. Sometimes you have to choose between the job and the treatment, which is a very unhappy state of affairs.

The Hon. GREG DONNELLY: This is the third day the Committee has met this week and I am a bit surprised that the issue of broken and disrupted families has not been even mentioned once by any witness to this point let alone identified as having any significance or otherwise for a number of the challenges facing indigenous people in Australia. Whether we are talking about health, education, employment or criminal justice issues or others, there has been no mention of the breakdown of the family unit—in other words, a child having a mother and father and being raised in a stable home environment. It seems to be not even considered. In terms of the work you have done I guess broadly in the New South Wales population but perhaps specifically in looking at matters in the indigenous community, do you have any comments about that?

Dr WEATHERBURN: Absolutely. You are absolutely right. I did not mention it and I should have. But it is there when you get the report. Being from a one-parent family substantially increases the risk of arrest and being a member of the stolen generation has a comparable effect. Of course, that is just as true of the non-indigenous community: being a member of a sole-parent family, particularly if that sole-parent family is under financial stress or there are problems with drug and alcohol, greatly increases the risk of arrest. That is as true of Aboriginal people as it is of non-Aboriginal people.

The Hon. GREG DONNELLY: Is the instance of sole-parent families in the indigenous community in New South Wales the same—lower or higher?

Dr WEATHERBURN: It would be higher. I will see if I have something on that.

The Hon. GREG DONNELLY: I wonder how high it might be.

Dr WEATHERBURN: I do not have that information on hand, I am afraid.

CHAIR: Possibly the first thing we would need to do is get a definition of "family" in the indigenous community as opposed to in other communities.

Dr WEATHERBURN: For example, in the national Aboriginal and Torres Strait Islander survey 20 per cent, or one in five, of those surveyed were in a one-parent

family. It is a little difficult to compare Aboriginal families with other families because the family structures are more fluid. But family dissolution is certainly an issue.

The Hon. MARIE FICARRA: On the issue of families, in the indigenous community families would of course mean a mother and father but they also put a lot of emphasis, do they not, on grandmothers, grandfathers, aunties, sisters and the female components of their families? I do not know whether anyone has ever looked at that.

Dr WEATHERBURN: No. But the Australian Bureau of Statistics definition probably deals with that to some extent. What you say is perfectly true: It is probably more likely in an Aboriginal community that a relative will step in and fulfil parenting functions than in a non-Aboriginal community. But in saying that I am speculating; I do not have any evidence bearing on that.

The Hon. MARIE FICARRA: I would imagine that if they had a breakdown of that extended family it would be even more traumatic. We would look at it as not having a mother and father but if they did not have one of those elements plus an extended family I imagine it would be even more traumatic.

Dr WEATHERBURN: It is not just the trauma. As anyone who has had children knows, the process of learning social skills and socially responsible behaviour is not inherent. You learn that as a result of the way your caregivers behave towards bad behaviour. If they are not there to do that you see adults behaving like children.

The Hon. MICHAEL VEITCH: Is that the nature versus nurture debate?

Dr WEATHERBURN: I did not want to open that can of worms.

CHAIR: Has the bureau undertaken any research on factors contributing to indigenous wellbeing?

Dr WEATHERBURN: That is a good question too. Not to my knowledge, although there is a sense in which, so far as wellbeing means keeping out of crime, then the opposite of all the things that get you into crime is constitutive of Aboriginal wellbeing. But that is outside my remit. I am not sure whether anyone has done that work.

CHAIR: I was thinking of wellbeing as being defined a little bit more broadly than staying out of prison. I was thinking more about the issue of cultural sensitivities, the feelings of dignity and respect, the feeling of confidence and being accepted as part of society—those wellbeing issues.

Dr WEATHERBURN: That is a really good question. I have a feeling that the only vehicle for looking at it would be the national Aboriginal and Torres Strait Islander survey, and I do not think there is a question in that survey asking that issue.

CHAIR: Is that something that you could take on board and look at with regard to your deliberations under the State Plan?

Dr WEATHERBURN: Not really. As much as I would like to roam widely, my brief is crime and crime control. I am not sure what they would say if I produced a

report on indigenous wellbeing. I guess, like everything else, it would depend on what I say. But it is a little outside my brief.

CHAIR: Would you like to make a final comment in the minutes remaining?

Dr WEATHERBURN: Yes. If you have not received them, I will table the reports so that you have access to that information. There was one question you wanted me to pursue, I think: whether there had been a change in the characteristics of Aboriginal people in jail, viz a viz violent versus property crime. I will come back to you on that.

CHAIR: We will send that question to you, along with the transcript.

Dr WEATHERBURN: Thank you.

(The witness withdrew)

PETER DAMCEVSKI, Director, Statistical Coordination, Australian Bureau of Statistics, and

CHARMAINE SMITH, Indigenous Engagement Manager, Australian Bureau of Statistics, sworn and examined:

CHAIR: Your attendance here today is greatly appreciated. Would you like to make some opening comments before we commence questions?

Mr DAMCEVSKI: Yes. Before doing so, I would like to acknowledge the Gadigal people of the Eora tribe, the traditional custodians of the land. The Australian Bureau of Statistics has prepared a statement which it will provide to you, and I will briefly introduce that. I would also say that the depth and breadth of the statistics we produce would make it very hard for us to give a very precise answer on some of the detailed information. We are happy to take those questions on notice and get back to you.

The information I present to you and will table for you will include some miniature publications that have some general overview information. Always feel free to come back to the Australian Bureau of Statistics for more information. The submission covers the various statistical collections that we conduct. We are the nation's statistical agency, and as such would be invariably the most common source to run these sorts of surveys.

We are very familiar with the census of population in housing; the National Aboriginal and Torres Strait Islander health survey, which I think is run every six years; the National Aboriginal and Torres Strait Islander social survey, the last of which was run in 2002 and another is due shortly; the community housing and infrastructure needs survey, which coincided around the time of the census, again 2006; a publication we would jointly produce with the Australian Institute of Health and Welfare called "The Health and Welfare of Australia, its Aboriginal and Torres Strait Islander People", which comes out every two years, another being due very shortly; the estimated recent population counts, which is the official measure of population of States and territories, which comes out every year; and births and deaths registration collections, which are based on the records kept by the individual jurisdictional Registrar of Births, Deaths and Marriages but the ABS has a role in formulating and compiling them.

Additionally, we provide some information on the size and age structure of the indigenous population of Australia and for New South Wales. We have also provided, in the same documents, issues to do with the reporting of indigenous status in birth and death collections, and some information on life expectancy and how it is to be interpreted. I propose we leave copies of that with you, together with the papers. Also, there is an invitation, which we will forward as part of that kit, for information on how your staff could be trained by the ABS on searching our complex but comprehensive database.

Documents tendered.

CHAIR: Thank you. I assume that in those documents we will receive answers to our first two basic questions, with regard to the role of the bureau and what statistics

you gather in terms of indigenous people. Perhaps if I could open with the third basic question: What difficulties do you face in collecting and producing meaningful data in relation to the indigenous community?

Mr DAMCEVSKI: There are quite a lot of issues, and I might start off with the first one. In many cases we ask questions on objective grounds, but the question of indigenous status is purely how that person perceives themselves to be, so it is self-identification. That person needs to say that they are indigenous. There are high levels of "not stated" in various surveys, so we do not know whether they are indigenous or not, and there are also degrees of willingness to report status based on the nature of the questions being asked. An example I can give you is that the census has a fairly benign and well-known reputation, so we think we get a reasonably high self-identification rate. But if you look at other surveys, there is a question of how high that is. It varies. We cannot really compare our information with others as directly as we would like.

If you have a look at the census data over various censuses, there is a significant increase in the number of people who self-identify. It is far beyond that which one would normally assume would be from natural increase. I am thinking that there are social factors behind that, and they are far too complex for us to understand, but it does make a full understanding of the picture a bit more complicated because you just do not understand that.

We have very good strategies, I think, to deal with the more discrete communities because they are very visibly identifiable and they are fairly well known and managed. However, in the more urban areas occasionally it becomes quite difficult to identify who is Aboriginal or Torres Strait Islander. So that makes identifying and questioning a far more complex issue. We still do our best to do that, and in general surveys we can pick that up. But if we are targeting the indigenous population it becomes a lot harder in the urban areas, firstly to find them and secondly to engage them.

The Hon. MICHAEL VEITCH: In relation to common minimum data sets across jurisdictions, is it consistent? Do you have concerns about different definitions?

Mr DAMCEVSKI: Certainly for the ABS ones they are consistent and they have been developed with the key stakeholders, so that the data sets are invariably produced as part of a national collection with a State dimension to them so they are quite consistent. People like Don Weatherburn, and so on, where they use that information, would most likely use our definitions that go with it. I would assume that most of the State organisations do that. Meetings with the Registrar of Births, Deaths and Marriages have made sure that consistent treatment of the registration of deaths and births happens across the country, and that is coordinated in part through us as well. I am not aware of official collections that do not use our standards, but that does not mean they do not exist.

The Hon. MICHAEL VEITCH: With regard to the percentage of people with disabilities in the Aboriginal population, do you have much difficulty collecting that information via the census process? I know that identification is the first issue.

Mr DAMCEVSKI: This was the first census in which we asked about disabilities, and there is selected wording as to what "disabilities" means. For those who

identified as indigenous and who answered those questions, we have that information. Some of the strategies we use to conduct counts in the more remote communities may not have asked the full census details because they may not have had access to all the inhabitants of those locations. Where we did ask it, it will appear as a result from the census, along the definitions that we used for the census. Our term "disability" may not match up with DADHC's term for "disability".

The Hon. MICHAEL VEITCH: There seems to be a lot of research conducted and statistical collections on the indigenous population. Do you think they are over-researched?

Mr DAMCEVSKI: We would argue that we would respond to the needs of government and the community. We do not really want to impose any extra burden on people to fill in forms, let alone the indigenous community. Some of the initial research was requested as a result of government committees and inquiries. The cases that have been built up from that invariably come from pressures from State and Federal governments to try to serve those communities better. In terms of the overall statistics we do, I think it is a fairly balanced program. However, we know there are a lot of other people involved in inquiries and research within these communities. I would say that we would try to achieve a balance between the need to know and the obligation to ask, but we are not sure of the total load across these communities by everybody; we can really only just manage our involvement.

The Hon. MICHAEL VEITCH: Over the last few days we have heard a lot about very successful programs, and we are finding it difficult to hear about programs that do not work. Are you aware of any statistical evidence of programs that do not work?

Mr DAMCEVSKI: I would like to refrain from analysing the data. We will present it for you. Our purpose is to present it. We have not used the criteria to work out whether the program do or do not work. It is really what is the picture and what criteria you would like to use to analyse that. So, unfortunately, I will decline if I may.

The Hon. GREG DONNELLY: With regard to the numbers of Aboriginals in New South Wales, witnesses who have appeared before us over the last couple of days have said that the figure is around 138,000 or 140,000. There has also been the comment that there is a floating Aboriginal population of between 8,000 and 10,000. This floating population issue—which I gather involves migration from the cities to the regional areas, and back and forth—is that something you would like to comment on? Do we have knowledge about whether the 8,000 to 10,000 is an accurate figure? To the extent that there is this migration, is it the same people moving back and forth, or is it different sets of people moving around?

Mr DAMCEVSKI: I would like to take that on notice. I do not have the information to hand, but I can make this observation. The trend over time has been that people move from remote to rural, to outer urban to urban, and the numbers in those remote and rural communities are reducing and the numbers in the urban communities are increasing.

The Hon. GREG DONNELLY: That is for the general population?

Mr DAMCEVSKI: For the indigenous people. They follow the non-indigenous population by several years. So the patterns established by the non-indigenous communities seem to be followed by the indigenous communities after a period of time. As to the next question about how many and who are they, I am not sure we could ever tell you whether it is the same people. The questions we would ask in the census might show where they lived a year ago, what their usual residence is and where they lived five years ago. That information is starting to become available on the website. It could be analysed by you or us. If you would like us to look at it I am happy to take that on notice. I do not think we will ever know because we will not be matching individuals per se. We are talking about patterns as communities. So I cannot answer that.

The Hon. GREG DONNELLY: Would you able to comment on the definition of "family" in the indigenous community compared to the broader population in relation to the work of the Australian Bureau of Statistics?

Mr DAMCEVSKI: I might confer with my colleague for a second. Can I take that question and direct that to our National Centre for Aboriginals and Torres Strait Islanders? It is the subtleties. In general terms it is very clear. The subtleties of what it might mean may have an importance for you. So we will take that on notice.

The Hon. GREG DONNELLY: To find out that definition would be useful.

Mr DAMCEVSKI: We can tell you the definition that we use.

The Hon. GREG DONNELLY: Your definition for the indigenous population or for the general population?

Mr DAMCEVSKI: Both. We may ask that question but it is how people read and answer that question. That is a bias we cannot qualify. We will certainly provide a very clear definition on "family" from those surveys that were conducted for the census in the indigenous population.

The Hon. GREG DONNELLY: That would be useful.

The Hon. TREVOR KHAN: We have been told by a couple of witnesses and it is stated at page 149 of the New South Wales Government's general submission:

The Aboriginal population of New South Wales is 138,506, which is 2.1 per cent of the New South Wales population and 30 per cent of Australia's Aboriginal population.

The reference given is the Australian Bureau of Statistics 2006 census data. Page 5 of your document gives a figure of 148,178. I think that is also based on the 2006 census data.

Mr DAMCEVSKI: Would you like me to respond?

The Hon. TREVOR KHAN: Yes, please.

Mr DAMCEVSKI: The census is a count of all people in Australia on the census date of early August. As a result, despite our best efforts, we know that we miss some people. There are some people who should be here who are not here and there are some people who are here who should not be here, in terms of their usual residency

status. The figure that you first quoted was a count of people who stated that they were Aboriginal or Torres Strait Islander in the census. The latter figure of 148,178 is the estimated resident population as at 30 June and allows for some of the underenumeration and also for allocating people back and forth into those categories. We think in terms of population that is the right figure. However, in terms of detailed characteristics by individuals, the census provides that wealth and richness of data. So whilst it is a lower number, it is the information that we collected from the people. There is a degree of underenumeration, despite our best efforts. We just could not find and account for everyone. So there is a difference.

The Hon. TREVOR KHAN: The actual figure is 148,000, not 138,000?

Mr DAMCEVSKI: Correct.

Ms SMITH: That is the more reliable figure. The census count is just those people who have completed the census form and posted it back to the Australian Bureau of Statistics. There are a lot of issues associated with that in the indigenous community with lower literacy levels and so on. We would generally rely more on the estimated resident population as being more accurate.

The Hon. TREVOR KHAN: As to the estimated resident population of 148,178, how frequently do you update that figure—annually, biennially, every five years?

Mr DAMCEVSKI: The actual estimated resident population is updated annually. There are legal requirements, including Parliament, that require that for electorate redistributions, et cetera. The indigenous number, I am pretty sure, is updated annually. I could check that as well. It takes into account births, deaths, et cetera. Even that figure I quoted would take into account the births and deaths from 30 June to the census figure. It gets it back to a consistent measure each year, as distinct from a period we have chosen for relative low mobility of the population in August to conduct a national census. Any activity between June and August is taken back out of that equation to get back to that full number.

The Hon. TREVOR KHAN: As to the years 10 and 12 attainment figures—which are also on page 5 of the document—are those statistics obtained annually or every five years?

Mr DAMCEVSKI: I think they are based on administrative data presented by each of the jurisdictions. I think it is annual. It is really the education departments from each State that tell us that.

The Hon. TREVOR KHAN: If that is the case, are you able to provide us with data for, say, the last decade with regards to educational attainment levels?

Mr DAMCEVSKI: I will take that on notice. Charmaine is suggesting to me that it might be the census data that has provided that year 10 figure. I will take that on notice. There are problems in the identification of indigenous status in the education records as well. So whichever source you go to there is a complication. I will take that on notice and we will chase up the data for as far back as 10 years. So it will be three census figures or whatever data we can provide.

Ms SMITH: It is specifically years 10 and 12 figures you would like us to provide?

The Hon. TREVOR KHAN: What sort of other data with regards to educational attainment would be available?

Mr DAMCEVSKI: If it is not census data we are back to some of the issues that we discussed about the difficulties in identifying people as indigenous and then the record keeping and the consistency across jurisdictions. Most of that education data come from jurisdictional-based education systems.

The Hon. TREVOR KHAN: From my perspective, and I think from that of the other Committee members, we are interested in identifying those indicators of social disadvantage that are relevant to determining why governments have been so unsuccessful in dealing with the issues. There are stressors in indigenous households, issues of economic disadvantage. From talking to the public servants that we have spoken to, one would think they should not exist because we have all these wonderful programs indicating that everything is hunky-dory or that everything will be all right in five minutes' time. We do know, however, that a lot of money has been spent over a long period of time and these problems are still there. I am interested in seeing what data is available, such as educational attainment levels and disposable income in the household, that indicate whether we have or have not progressed over a period of time.

Mr DAMCEVSKI: I have two comments. From the census and I think in the kit that we have provided there is some information on the basic census about income, rents, household family income, et cetera, based on the census. In addition, the Australian Bureau of Statistics, amongst others, contributes to overcoming indigenous disadvantage through the Productivity Commission. The commission holds State-by-State information on the various indicators for indigenous disadvantage. That is primarily the source for doing it. In so doing, the role of the Australian Bureau of Statistics is to help standardise and have consistent definitions and classifications, so that it is more meaningful data. I have not got the information at my fingertips, but there is stuff on educational attainment in there. Nonetheless, we will get back to you on data of that calibre.

CHAIR: The New South Wales Government submission and the State Plan, I think, says that we are looking for innovative ways to collect data. Have you been approached about innovative ideas for the collection of data?

Mr DAMCEVSKI: We are a member of the New South Wales Government's Two Ways Together working group, which covers a variety of departments. We also have an Australian Bureau of Statistics officer outposted at the Department of Aboriginal Affairs who, under a user-pays basis, virtually works on their Two Ways Together program to help collate and compile that data. In terms of your specific question have I been approached to discuss innovative ways, the answer is no. I have some observations though. But we have not specifically been approached because I think they are too busy trying to get the underlying data and they are having a lot of issues just getting to that stage.

Ms SMITH: It might be worthwhile mentioning the Australia Bureau of Statistics Indigenous Community Engagement Strategy, which is a fairly innovative initiative in the past five years. To put it in an historical context, you would be aware that Aboriginal and Torres Strait Islander people were not included in the official population counts until the 1971 census and there were not any strategies in place to correctly go out and identify Aboriginal people and enumerate the Aboriginal and Torres Strait Islander population. Since 1971 there have been some fairly significant improvements in the way that the Australian Bureau of Statistics enumerates the population.

We established the National Centre for Aboriginals and Torres Strait Islanders statistics in the 1980s and we have a team of people that are specifically dedicated to getting the most accurate counts. In 2004 the Australian Bureau of Statistics established the Indigenous Community Engagement Strategy. There is an indigenous engagement manager in each State and Territory. I am the indigenous engagement manager in New South Wales and the Australian Capital Territory. We have a fairly important role. We have to build and maintain networks with Aboriginal communities and organisations. That is very important at census time and we have the support of communities to encourage community members to fill in the census.

The National Centre for Aboriginal and Torres Strait Islander Statistics [NCATSIS] is responsible for conducting the surveys in those booklets there. They go out and very extensively pilot test the questions and they run focus groups and try to research the most appropriate way to word the questions to get the answers that are going to be useful, not only for government organisations but also for communities to plan. The Aboriginal land councils are very interested in getting accurate population counts. So we have the full support of their members. It is fair to say that since 1971 there have been significant improvements and gains in the way we enumerate. In a roundabout way, that is a fairly innovative strategy that has been happening over a long period.

CHAIR: Are you able to provide more detail about what you have just mentioned and your role?

Ms SMITH: Absolutely.

CHAIR: That is vital, and also your interaction with the land councils?

Ms SMITH: Certainly.

CHAIR: Can you clarify the issue of rural versus urban indigenous populations? We are getting conflicting information as to the percentages. The key indicators in the 2007 New South Wales Government report into overcoming indigenous disadvantage tell us that 50 per cent are rural, remote and very remote and 50 per cent are regional and urban. Yet the people who have been talking with us over the last couple of days have been giving us an indication that 85 per cent roughly of the population are urban and only 15 per cent are remote and regional. Would you be able to give us some information about that, perhaps on notice?

Ms SMITH: Yes. If you like I could provide you with a map of New South Wales that gives an indication of what our data tells us how the population is distributed across the State.

The Hon. TREVOR KHAN: Can that be done over a time frame?

Ms SMITH: A time series?

The Hon. TREVOR KHAN: Yes.

Ms SMITH: We could probably do that.

Mr DAMCEVSKI: Fundamentally the Australian Bureau of Statistics approach has been on trust and value propositions to the communities, rather than the imposition of a requirement on communities. In the vast majority of cases our indigenous engagement officers are indigenous. That is the case here. They have a very close working relationship not just with the communities but with the support mechanisms that go with them. In our role we have spoken to various New South Wales government agencies about some of the issues that would help sensitise them to the issues facing indigenous people, as shown by official statistics. As to some of the more innovative ways, I think there is one issue that we need to consider and then I can talk a bit more about that—that is, the best way to find out if someone is indigenous is to ask them. So it is back to getting their predisposition to identify.

There are a lot of issues associated with why they might or might not. In our case because it is one based on trust and they feel there is a value in opening and declaring that. In other cases that value may not be seen as high. That just depends on the questions, the issues, the reputations, et cetera. The Australia Bureau of Statistics is not seen as an agency to be feared. It is independent and national and it is seen as a body that has responded very quickly to government inquiries and provides information. The benefit might be that if we were to provide good data set, then could we actually link that statistically to other administrative data? But it requires the quality of the data to be there in the first place. There is some potential to do that with census data over time, but it would require virtually a proposition to come forward from the people that would like to do that.

CHAIR: This may be being done at the moment, but I understand from 1971 when the first statistics were taken that there has been a number of variations through consultation with the indigenous community about the methodology and the issues you have just talked about. Is there any report as to the changes in the data collection annually since 1971 or every five years since 1971?

Mr DAMCEVSKI: Certainly for this census there will be a statistician's report that outlines the methodology. Invariably, we have explained differences for treatment and collections in every census. I will just have to find out what is available for the indigenous. Just a correction, whilst data was never published on the indigenous population before 1971, quite often that which could be got was collected and is available for use. So, the actual requirements were that it could not be produced and disseminated, but it has been collected. It is way back in the past, but there is some information available.

CHAIR: It would probably not be appropriate to make too many valued judgments on that material.

Mr DAMCEVSKI: Well, it came back to legislation and also the perception of people to identify.

The Hon. MARIE FICARRA: What role if any, does the Australian Bureau of Statistics [ABS] contribute in the formation of government policy? Do you think that policymakers are making the most out of the available data that you provide to inform the decision-making process? What do you think could be done to increase the level of evidence-based policy making via the utilisation of your data?

Mr DAMCEVSKI: ABS's role as the national statistical agency is to assist and encourage. We have several ways of doing that. You would not be surprised to know that we deal very closely with State, local and Federal agencies to try to better understand the issues that are prevailing. There are a large number of committees and organisations involved in this space invariably who are part of the steering committees that ABS has on the development of the surveys that are there. So, in effect, the policy drivers should be reflected through these organisations and influence us in the very questions and wording that we want. A constraint on that, of course, is that policies change probably more frequently than our surveys are conducted. So, we are looking at the longer term ones rather than necessarily all of them.

The intent there is that the best way to actually measure is to have that as part of the strategy in your proposal. So we do try to get in as early as possible. It is not always possible. Some of the questions and some of the measurements are not always as practical as we would like. So, it would be those that can be robustly tested and actually withstand the processes. We cannot force anybody to use our data, but gee we make a lot of efforts to encourage people to access it and inform themselves. There is a lot of data out there and certainly we will try to encourage the right decision makers to use it. That is probably as far as we can go.

The Hon. MARIE FICARRA: Do they ever ask for your services in, say, evaluating their own programs?

Mr DAMCEVSKI: I would suggest that your Two Ways Together in your State report is trying to do that. We have a role in supporting that. We think that that is a useful use of information and we would be happy to be involved and support that where it is appropriate.

The Hon. MARIE FICARRA: There is a lot of information about what is happening in indigenous communities that is wrong. Have you any available information on actually what is going right, any good positive moves?

Ms SMITH: There are questions in the national Aboriginal and Torres Strait Islander social survey that relate to community participation, culture and language. There are some positive stories that come out of the statistics that are not necessarily highlighted by the media, unfortunately. We have presented you with summary booklets, but certainly if you look at the publications in full, there are lots of positive stories that come out of the data.

The Hon. MARIE FICARRA: Is there any area from which you can use an example of improvements?

Ms SMITH: Not off the top of my head, but if you would like some stats that show some positive improvement?

The Hon. MARIE FICARRA: It would be nice if that can be provided because we are getting all the negatives. It would be nice to have a few positives in them.

Ms SMITH: Sure.

The Hon. MARIE FICARRA: And the sort of indicators of indigenous wellbeing, is that what you are relating to? What really would be indicators of wellbeing? Do you actually look at any of those?

Mr DAMCEVSKI: There are quite a few. I can briefly outline them. I cannot specifically relate them to an individual collection, but they are covered by the range of what we do. Sources of support: resilience—how people are coping at the individual and community level; community leadership; governance; capacities; participation in social capital—the framework that we conduct cover these and where possible try to measure these; functional family relationships; access to land, language, culture and recreation; mental and spiritual health, as well as physical health; access to adequate and appropriate housing, living standards and environmental health; financial wellbeing; and social and emotional wellbeing.

There might be more but they are the ones we are specifically covering within our framework. So you can see it is fairly broad. In some cases we will match that as an example with other agency data to provide what we think is quite a landmark document in terms of health and welfare. The general topic of wellbeing, by the way, is being discussed by academics around the world and is still evolving. So, I suggest, watch this space.

CHAIR: You mentioned, if I heard correctly, "participation in social capital". Is there a definition of that?

Mr DAMCEVSKI: Sorry, it is not "participation in", it is "participation and social capital". So, it is another dimension.

CHAIR: Is there any definition of "social capital"?

Mr DAMCEVSKI: We can give you the definitions we have got in the framework. I do not have that with me, but we will chase that up.

CHAIR: You will take that notice?

Mr DAMCEVSKI: Yes.

The Hon. MARIE FICARRA: Are the indigenous communities getting sick of surveys and collection of stats?

Mr DAMCEVSKI: Well, Charmaine is out there speaking to them regularly, so she will have a good idea.

Ms SMITH: We are really sensitive to that issue and we try really hard to coordinate our survey activities so that we are not conducting the survey in the same town. Like with the social survey, we would cover different communities in 2008 than we covered in the 2002 survey. We also are conscious of other government agencies and organisations that are conducting their own surveys and we try to coordinate as much as possible with those agencies to not overburden communities. I think that certainly there is frustration with the amount of surveys that take place, but there is also a real increase in awareness about the value of the stats, especially from the Aboriginal medical services, who really rely on those population counts to get the funding.

The Hon. MARIE FICARRA: Have they been the service provider most willing to want to know what you are doing, what you are collecting and how better to utilise it? Is there some sort of outstanding service reliance?

Ms SMITH: We certainly get overwhelming support from the Aboriginal medical services. When I present my training almost inevitably I have all the staff attending just because they are so interested. They are certainly the first people to say if they think we are getting it wrong and we try to work with them as much as possible to get the best strategies in place.

Mr DAMCEVSKI: A further comment is that the degree of co-operation is highly related to the direct value they see of it. Whilst that sounds simple, we try to make sure as much as possible that we balance the value with the publication, however we are only one of many people asking the communities.

CHAIR: How long has the Indigenous Education Manager been in place?

Ms SMITH: I think it has been in 2004 or 2005.

Mr DAMCEVSKI: Certainly around that time. At the time of the census their focus then becomes on indigenous enumeration for the census and then converts back to its more traditional role. By way of highlighting how important we thought it was, we kept the indigenous education position occupied and active whilst we also worked on the indigenous strategies for the census. So, we sort of doubled our efforts in that year rather than reduce them.

Ms SMITH: At the last census we had a lot of support from Aboriginal celebrities and ambassadors like Ernie Dingo and Chock Mundine. I think we are really getting there with our population counts and there has been a lot of support, which is great.

The Hon. GREG DONNELLY: I refer to page 5—my question goes to definition—under "individual income" and "household income" where you have aggregate figures, the way in which the figures are collected, are you able to break that down to establish how that income is derived? In other words, income that is derived from welfare or social welfare payments versus income that is derived through employment and wage or wage and salary?

Mr DAMCEVSKI: It would depend on the exact wording of the census question. I cannot recall it, but we can provide that. Certainly we talked about wages and salary earners; it includes all. We can give you the wording for it so you can make your own deductions. If there is a separate category for it within the question, it is highly likely that you can ask for a breakdown by source of income. If we facilitate the exact wording to you, then your people can request us to look at that.

Ms SMITH: I might mention also that household income refers to a household that has at least one indigenous person. So, there would also be non-indigenous people in the household, possibly.

Dr JOHN KAYE: Could I take you both to your bar chart on page 4 of your submission to us. I want to drill down into this a bit to get a better understanding of two things: firstly, the geographic distribution and, secondly, the causes of death and rates of death of Aboriginal individuals broken down by age. It is actually always hard from these curves to tell because you need to know what the birth rate was throughout each of the years that led to that particular cohort going through. We can tell that there has been a decline in the birth rate for both males and females over the last five years, which is interesting because we can see that is the only way that curve could have occurred. In fact, given the rate of mortality of young Aboriginal people, there has probably been quite a substantial decline in the birth rate, but that is about all we can really tell. Do you have data on the rates of death? Where are Aboriginal people dying? At what age? In what locations and from what causes?

Mr DAMCEVSKI: We produce an annual publication of deaths—a morbid topic—that highlights by State the breakdown of information, but may not go to the exact cause of death by region.

Dr JOHN KAYE: Can you provide this Committee with that? In general terms, where is it happening? At what age cohort does it begin to show up or is it uniform across all age cohorts?

Mr DAMCEVSKI: There is a real qualifier to that and that is that we believe the number of deaths actually identified as indigenous are grossly understated. That would be because until recently the way that you identified indigenous death was when the undertaker asked your family. There is a reluctance to occasionally ask that question or to answer that question and we think it is quite a significant number here in New South Wales—very high number. So, it is understating the number of actual events that we can relate back to indigenous population.

Dr JOHN KAYE: You would be able to statistically correct that, would you not, because you have the data series that makes up the bar chart on page 4 going back for every census? So, you would be able to make some statistical corrections?

Mr DAMCEVSKI: I have a couple of comments. I refer to an earlier statement: There is an unexplained increase in the number of people identified as indigenous from census to census; and the degree of under enumeration of deaths, whilst there are some prospects in the future to improve, is around 40 per cent. So, it is a fairly large number. You cannot assume normal distribution. So, it is not just a simple case of imputing on what you know because invariably the population of the people you do not know is not always the same as the population of people you do know. I can give you the deaths

publication quite easily, that is not a problem. The actual cause of death information, if we do not have it, the local New South Wales Registrar has the source data for that. It is sourced from their death certificates and death records.

Dr JOHN KAYE: The key question is what we can do to address the difference in life expectancy. How would you advise the Committee to go about collecting the data that shows at what age it is happening and how it is happening? Would it not inform our deliberations to know the causes of death and at what age they occur?

Mr DAMCEVSKI: Yes. We will work out ways to pursue the cause of death information for you. The other comment I come back to is, given some of the qualifications we have talked about such as the need to self identify, which is certainly not adequately happening traditionally as to the time of death, the data at best is experimental. So you cannot always draw out the information you need about death because it is just not populated to the right degree. There are steps in place by legislation and practice to improve that but at the moment the historic data that we have is not great for that.

We will look into what we can get from our own collections and what might possibly be available from the New South Wales Registry of Births Deaths and Marriages. In addition to Charmaine's position we actually employ someone to look at ways to improve the quality of births and deaths registrations for New South Wales, to work with undertakers, doctors, health and education to get a better handle on that as well. Despite years of effort in this regard we have not made huge breakthroughs. It is a very difficult issue.

Dr JOHN KAYE: Is there an overview statement you can make?

Mr DAMCEVSKI: At the end of this year we will be producing revised life expectancy tables for the population, with the caveats I have mentioned, based on a lot of information from 2006 census data. Most of the life expectancy data you are looking at is based on the 2001 census. So it will be refreshed, using the best available information, in November of this year. In the meantime, anything other than that we would not put our badge on or publish as official information. People might choose to do that but we, as the national statistical agency, feel there are a lot of qualifications in doing that.

CHAIR: Thank you both for being with us this morning; your attendance is greatly appreciated. The Australian Bureau of Statistics plays a vital part in the tools of our investigation. No doubt we will be in touch with you in the near future to obtain more information as our interim report is due in June and the final report in the second half of the year. I probably should apologise from the start for harassing Charmaine for a host of information in her important role whilst obviously not diminishing any other role.

Mr DAMCEVSKI: Could I just highlight some problems on collecting the data? To us they are bread and butter but they may not be to you. I did mention some specific ones that related to this but if I can go briefly through them? Collecting data from a small area is extremely expensive and imposes the burden that we talked about. So apart from the census and one or two other surveys, it is very hard to get detailed information about every community. Whilst you may think the issue of language barriers

is not large, the number of communities with potentially different languages does pose an issue for the non-indigenous population.

Response rates are still facing issues, although we have tried to develop skills and strategies to address that. The engagement strategies we have, and the return of information to help them address their own areas of disadvantage, are strategies we are using to improve that. The overall quality of the statistics is also getting better. I have briefly touched on the enumeration of the urban population but it has its own unique challenges in identification. As to the remote populations, we not only have logistical challenges but the challenge of getting the right interviewers at the right time to perform that. So over and above the normal population enumeration issues there are some more that relate to the indigenous people.

(The witnesses withdrew)

DAVID LEE, Board and Ministerial Liaison Officer, New South Wales Aboriginal Housing Office, based at Parramatta, on former oath:

REVEREND THOMAS SLOCKEE, Chairman, New South Wales Aboriginal Housing Office, sworn and examined:

CHAIR: Thank you for your attendance before the Committee this morning. I acknowledge that we are meeting on the land of the Gadigal people and pay our respects to the Elders past and present. Reverend Slockee, would you like to make an opening remark before we proceed to questions and discussion?

Reverend SLOCKEE: I understand that the Russell Taylor, the Chief Executive Officer of the New South Wales Aboriginal Housing Office, has already given evidence to the Committee. He has probably given you a lot of facts and figures, so I do not wish to duplicate that. I am presently the Chair of the New South Wales Aboriginal Housing Office. I was the inaugural chairperson of the New South Wales Aboriginal Housing Office when it was formed back in 1998. I returned home basically to do more at the community level. In recent days people have asked me to become involved again, so I put my application in and I have been reappointed as Chair. The Aboriginal Housing Office was created from a report provided to the Government by the Aboriginal Housing Development Committee.

That committee was originally formed by Robert Webster and then taken up by Craig Knowles. The report basically said that Aboriginal housing in New South Wales needed reform and more targeted responses that could be achieved through an independent statutory body. The report was presented to the New South Wales Government, legislation was then passed and the Aboriginal Housing Office was created. Our vision has always been to improve the provision of Aboriginal housing at the community level and to provide accessible and culturally appropriate, affordable and quality housing for Aboriginal people in New South Wales. Housing in itself does provide solutions to a lot of our peoples' issues but providing reliable housing at a proper standard is very important to the health of our people.

Housing is about equity and it is a social justice issue. I was going to talk about the Aboriginal population of New South Wales but I believe you have already been given a lot of statistics on that. Just to highlight, 31 per cent of Aboriginal people live in Sydney and 84 per cent of our people in New South Wales live in urban and regional areas. I make that point early because I want to talk a bit more about the needs of urban and regional areas in comparison to what has now become known as remote areas. A lot of our people live in social housing. Whilst this is not the big experience for the non-Aboriginal population, probably more than 30 per cent of our people live in what we call social housing. Social housing comprises public housing, Aboriginal housing and community housing.

I do not know if you have these figures but I will state them again: 9,800 Aboriginal households live in public housing, which is Housing New South Wales. About 930 live in mainstream community housing and about 4,300 live in Aboriginal Housing Office properties that are managed by Housing New South Wales, and 4,600 properties with Aboriginal people housed in the these are owned by Aboriginal

community providers. They are independent organisations and I will talk a little bit more about that sector in a moment.

My personal experience is, and I see it over and over again, a lot of our people have real difficulty breaking into the private market. There are issues about attitudes, perception and racism that exclude our people from a lot of private rental. A lot of the private rental is not appropriate, it is unaffordable, and I see cases over and over again where our people are living in private rental and paying huge rents and living almost in poverty. I can give you examples. I do not know if you want to hear stories, but I am quite willing to share some stories with you. Overcrowding is an issue for Aboriginal people, basically because Aboriginal people cannot get private rental, they cannot access community housing or public housing and they end up living with relatives. It is an issue we try to address by providing more houses, but it is one that we are constantly challenged with.

Of course, the big issue for today is housing affordability. Aboriginal people probably have a double whammy with housing affordability. First of all, trying to break into the private rental market where the rent is going up all the time and our homelessness rate seems to be growing year after year. The other issue I suppose you have heard about is that our population is a lot younger. Demographics point to the fact that we need to provide more housing in the future because as these young people grow they will have families and there will be nowhere for them to live and they will continue to live with relatives. One of the solutions is more funding. That is one of the solutions. Better programs and management of those programs is one, but funding is critical for us.

Over the years we have got money from the Commonwealth-State Housing Agreement and within that Commonwealth-State Housing Agreement there is also a tied program called the Aboriginal Rental Housing Program. Until recent times there was also funding from the Commonwealth called CHIP, the Community Housing Infrastructure Program. In 2007-08 that funding was \$13.25 million. The untied CSHA funds in 2007-08 were \$12.208 million. The Aboriginal Rental Housing Program, ARHP, was \$18.65 million in 2007-08. These two agreements expire this year and we are uncertain what sort of agreements will be struck but we will be in there advocating and negotiating very strongly about continued funding for New South Wales programs.

There was an announcement before the elections last year about the abolition of CHIP and then the commencement of the ARIA—the Australian Remote Indigenous Accommodation program. It does not really assist New South Wales communities very much at all and it really undermines the self-determination of Aboriginal people. So, we are not really in favour of the ARIA program although there are some principles in it that we probably agree with. To restate, New South Wales is a highly urbanised population and we believe that any new funding agreements need to provide an opportunity for urban and regional communities as well as remote.

The AHO has achieved a fair bit in 10 years. It is 10 years this July that we have been in existence and it is great that I am back here for that 10 years celebration and we are really ready to kick on after yesterday. We have added over 1,000 homes to the community property portfolio. There are things the AHO has put into place but there are a lot more we have to do. Things like the Aboriginal housing information service, which provides information to Aboriginal people who are ringing about home purchase,

homelessness, emergency accommodation and how to deal with real estate, et cetera. We have had an Aboriginal employment strategy and that mainly targets Aboriginal contractors and other tradespeople. They have been engaged through a select tender process to do some of the construction of Aboriginal housing. Around that there have been apprenticeships built and a lot of our people have gone through to be their own builders and tradespeople

We have done training throughout the sector. We developed a course called HOME—housing our mob everywhere. That eventually developed into a memorandum of understanding with TAFE to deliver that training package and now it is called certificate 4 in community services social housing. We have poured a lot of our funds into making sure our houses are the correct standard. When we recommended the houses transfer ownership from the State housing authority into the Aboriginal Housing Office we negotiated a package of funds for upgrading. So, those 4,300 houses have basically all been upgraded to a standard that we set some years back. We have invested a lot of money into making sure our houses are brought up to a standard and maintained at a standard. There have been 3,500 homes completed in seven years, and the focus has been on health and safety and it has benefited over 15,000 occupants. We have completed a comprehensive property condition assessment survey. That is informing our future maintenance program.

I will talk a little more in question time about the sector strengthening strategy and will describe a bit more about the Aboriginal housing community sector, and the AHO is trying to work with that sector to improve the management of community housing out in our communities. I do not know if you heard about the ACDP—the Aboriginal Community Development Program—which was basically a DAA program but we became involved in it because of some of our policies. We said it is no use just putting another program out there without involving us. At the end of the day the AHO, with the community, will be responsible for the ongoing sustainability of those properties. There has been a lot of interaction between DAA and the Aboriginal Housing office on how to role the program out and how to make sure the management is there afterwards when the houses are completed.

We have been involved with Housing for Health, which is a program funded through the Commonwealth and the State, but it is mainly delivered through the Department of Health. We have some interaction in the needs and assessment with the Department of Health. That is mainly to look at the safety and the health needs of that property and the community; also to skill people in the community so they can carry out their own maintenance. That was the aim of the program. There are a lot of houses where electrical safety has been improved, and fire safety. There is evidence that the health of those people living in those properties has improved. We have been doing some work with Indigenous Business Australia. It was a former ATSIC program but it goes way back.

I have been involved with housing since I left the army in 1983 and there has been a progression of home ownership programs that have been rolled out by different agencies. The one that started off at the Aboriginal Development Commission, ATSIC and Indigenous Business Australia is still offering home ownership to our people out there but a lot of people find it hard to take it up—probably these days because of affordability. It needs to be seriously revalued and looked at and rolled out in a different way. I have some ideas about that. At the moment AHO is working with Indigenous

Business Australia trying to improve home ownership for Aboriginal people in this State. Since March 2004 we have worked with IBA and have done 18 home loans—it does not seem a lot, but it is a start—valued at around \$3.6 million in New South Wales.

The AHO sector strengthening strategy is to strengthen the capacity of the Aboriginal community housing providers. I have been personally involved in the development of one of these organisations on the South Coast, and I will talk a little more about that later in question time.

CHAIR: How long do you think that will be? Should we be going into questions?

Reverend SLOCKEE: I am on the last page. Thank you for the opportunity. I will take some questions now.

The Hon. TREVOR KHAN: I have to say, firstly, I was very impressed with the presentation that Russell and David gave yesterday. It was first-rate, and what you have done today has been first-rate and very helpful to us. I want to go back to the whole of government submission and where that dealt with the DAA and more particularly with the ACDP. Essentially, my question was, why is the DAA in charge of a program of building and refurbishing houses when that seems to be your core business?

Reverend SLOCKEE: The Aboriginal Community Development Program was developed through the leadership of Dr Andrew Refshauge when he was the Minister for Aboriginal Affairs and then became Minister for Housing after that. It was identified that there was a real infrastructure need in some of our outlying communities or remote communities. That is where the focus and target was. I have no opinion about why that happened in those days. We at the AHO believe that it should have been managed through the AHO. The ACDP is now at the end of its term. Some discussion is going on at the moment about whether it can be packaged in another way, is there extra funding for it, and we are advocating strongly—and I think there is agreement now—that it should go through the AHO.

One of the things I want to get to at the end of questions but I will speak about it now is that the AHO was originally set up to channel all the funds from the Commonwealth and the State into the one bucket, if I can call it a bucket. That was the principle. That was one of the main reasons we set up the AHO. There were all these different funding packages operating, and the community was confused about where to access money. Some were doing well, others were missing out, so the whole principle was to set up the AHO and all the money would be funnelled and channelled into the AHO. Unfortunately, that did not happen. The ACDP is one example of that not happening, and we were disappointed it did not.

But at the same time we were trying to do housing programs and take our community with us, the Commonwealth was doing another program called the National Aboriginal Health Strategy, which was under CHIP. A lot of that health strategy was targeted towards giving more housing, growing the housing sector, and fixing up housing. They run separately to us altogether. Of course, you had Housing for Health coming along, which was managed by the Department of Health. In later days we had shared responsibility agreements, where the Commonwealth Government through the

Indigenous Coordination Centres would be allowed to negotiate with a community and say, "Okay, if you do this, this and this we will give you this, this and this". Some of it was housing, and we were left out of the circle altogether. One of the recommendations that this Committee could make would be that to be an effective organisation now and into the future the Aboriginal Housing Office should be seen as the main provider of Aboriginal housing services. I do not know whether I answered your question about the ACDP.

The Hon. TREVOR KHAN: You certainly did. Your final point is precisely what I was inviting, in a sense. It seems to me to be ludicrous—I do not know what the other Committee members think about this issue. In terms of where you see the future, you referred to your strategic strategy that deals with community housing—I cannot remember its full name. I suspect we all know that in some communities the community housing has been a disaster in terms of its management and control.

CHAIR: We are here to ask questions.

The Hon. TREVOR KHAN: I know that. We heard yesterday from Russell that there is an intent to try to set up regional organisations. Where do you see it heading in the long term in terms of your strategic strategy?

Reverend SLOCKEE: Am I at liberty to make some commentary before I answer?

CHAIR: Absolutely. We are after your commentary.

Reverend SLOCKEE: It is true. There are some community organisations that are not functioning as well as they should. Some of these are within the discrete reserve communities, or ex-missions as they used to be called. It has got a history behind it about self-determination and the expectation of government versus what the community could provide and the skills base that was there to provide those sorts of services. I talked originally about some stuff about training. Governments, both State and Commonwealth, have not interacted well with some communities in skilling them up to do the job they need to do at a community level under self-determination. That is a lot of general hoo-ha, I know. But there is quite a number of organisations out there. Aboriginal leaders have taken up the mantle of leadership in the community and run very effective organisations. I could name quite a few for you. But we seem to focus on the negative all the time, and that gets reported. There is a lot of work we have to do at AHO to work with these organisations. That is a bit of commentary.

The solution for us is what we refer to as the sector strengthening strategy. We identified that there are too many Aboriginal housing organisations out there. There are 110 land councils, for example—I think there might be more now—and they all have a housing function. I will not talk too much about the reforms to the Land Rights Act because other people will probably talk about that. But it is interesting. Those 110 land councils were created in 1983. They never had a housing function before. Former communities that had land managed for them were now thrust into managing their own properties, and they have continued not to do it very well for a long time now. Then you have got about another 150 or more Aboriginal organisations that are incorporated under Acts. There was growth of all this because both ATSIC and other agencies promoted self-determination at the grassroots level. So people could easily form an

organisation with five members and apply for funding and receive it for housing. The result was in one community you might have 15 organisations and one might have two houses and another might have 15 houses, et cetera. You might know some of these communities.

Dr JOHN KAYE: So within one identified community you would get more than one organisation operating.

Reverend SLOCKEE: Yes, and because the system was geared towards letting groups form organisations and apply for funding it was becoming a really competitive environment. It was a very political environment too, I might add. You would know all about that. It did not engender very good community development or planning for the future. That is what we have inherited. That was why the AHO was formed to work with these communities to say, "There are too many organisations and you are not sustainable". There was a sustainability report released some years ago that said Aboriginal community housing will never be sustainable in a business sense. There will always need to be some sort of funding—some gap—between sustainability and effectiveness. Our role as the AHO was to set up a system where community organisations could join together in one management-type arrangement. They could still own their own properties and they could grow their community asset but they need to manage it better now and for the future. We have tried in several places to do this in the last couple of years, and I will give you some successes and some failures.

Recently the Land Rights Act said to these land councils, "If you're not managing your houses under these criteria and these policies you will be"—this is one area that the Committee might want to get into because the amendments to the Land Rights Act are still a bit shady or grey and not properly defined about what is the responsibility when a local Aboriginal land council that might own between five and 50 houses is not managing them properly—

There is no mechanism to say, "You're compelled to move your management over to another organisation". At the moment there is nothing in the Act that says that is what they have to do. You can only do it through coercion and encouragement. The end scenario for land councils is that the State land council might actually dissolve a local land council. But that does not take away the fact that at the end of the day people in the housing need to be cared for and the housing has to be managed. That is a big issue that we are working with the State land council about how to address. I think Geoff Scott, the chief executive officer of the land council, will talk about that when he appears before the Committee—if he has not already. I know this is a long answer to your question.

The Hon. TREVOR KHAN: I do not think anyone would object.

Reverend SLOCKEE: I have deviated a little from the formal questions. Our strategy is the sector strengthening strategy, which is developing services that we call RAHMS—Russell might have talked about this. They are regional Aboriginal housing management services.

CHAIR: I do not remember that acronym.

Reverend SLOCKEE: That is our new strategy. It is not the home loans. I want to talk about the Murdi Paaki model. Murdi Paaki, with communities like Brewarrina, Bourke, Dareton and Ivanhoe scattered through the north-west, had real problems with their housing. Actually their housing was at risk because they were not paying rates and the councils were selling properties. I do not know whether they were getting enough money to pay the rates but that is what they were doing and Aboriginal people were losing properties. The Murdi Paaki Regional Council under ATSIC did a study and said, "The way forward for us is to create a regional housing body". Hence after some time they created the Murdi Paaki Regional Housing Corporation—I think that is what it is called now—which is under the ATSIC Act. The whole intent was to rescue the housing and to manage the housing for the future.

They have some challenges in getting people to sign up with them. When they had the ATSIC hat on their carrot-and-stick approach was to say, "Well, if you don't sign up with us we're not going to give you any more money for housing". So they signed up with them. But in a lot of cases they took ownership of those properties as the Murdi Paaki Regional Housing Corporation so they could manage them. I think they now own about 180 from some of those organisations that were not land councils but had a real risk of losing their housing. Over the years that is the model that has developed—the Murdi Paaki. They have had some agreements with land councils that then outsource their properties to Murdi Paaki to manage. Some of the land councils have recently withdrawn because there is no secure way of keeping them tied to an agreement. We will be working with Murdi Paaki and with the State land council on how to do that. But the principle of the model in the Murdi Paaki area is one housing management service, which has a couple of branch offices managing the properties in that region.

When I left the AHO I went back to my own community and talked to different providers from communities down there and we agreed that we would set up our own regional housing service. We called it the South East Aboriginal Regional Management Service. We—I will say "we" because I was the chairperson until I resigned recently to join the AHO—got agreement from Ulladulla, for example, two community providers in Batemans Bay, the land council in Mogo, the land council in Cobowra and two organisations in Bodalla. They all agreed that SEARMS could manage the properties on their behalf. That is the way forward for Aboriginal housing in New South Wales. We cannot have all these small providers trying to be sustainable. We have got to try to get them into one management system. We can do it through a carrot-and-stick approach too. But, from a personal point of view, it has been too slow coming. To tell you the truth of it all, we did try in Kempsey. I think there were about eight housing providers in Kempsey alone, plus the outskirts and surrounding areas of Kempsey.

CHAIR: We have heard that there are difficulties with the one-size-fits-all approach in a whole range of areas. In terms of housing and the issues you have raised about management, did you see that there is one management system that is the way forward or do we have a proliferation of different ways of doing things in terms of management?

Reverend SLOCKEE: I think we can agree the principle is that we need to have regional management services. The New South Wales Aboriginal Land Council agreed with us on that. We want some consistency in the system but there might be some flexibility to meet different regional variations. For example, Murdi Paaki will be

different from one on the North Coast, which might look similar to one on the South Coast. It is not one-fits-all, but the principles of where we are trying to head for the future need to be agreed to.

CHAIR: The basic skeleton is there and each region would, in cooperation with land councils and the AHO, put the flesh on the bones?

Reverend SLOCKEE: Yes.

CHAIR: Can you explain what culturally appropriate housing is, as opposed to community housing? I have heard the terminology used.

Reverend SLOCKEE: Yes. Aboriginal people and families come and go at times. It is not that they are overcrowding. For a funeral, for example, you might need extra space outside, you might need bigger verandas, or you might need an outdoor fireplace. It is a bit about location and a bit about design. Sometimes you would not notice the difference from the outside, but some of the designs inside are a way where families can all sit around together.

CHAIR: So it is not a fourth category of community housing?

Reverend SLOCKEE: No. I will give you an example. I just completed two housing units on the South Coast. We as Aboriginal people said we want a design like our old people used to live. They used to live in rock shelters. Outside a rock shelter was a fireplace and a kitchen. There was running water on one side, and they would be down near the lake fishing. So I designed these properties with indoor facilities, just like any other modern facility, but outside there was an outdoor fireplace where people could sit outside, have their relatives around and cook on the outdoor fireplace. At the end of them was a two-bedroom garage, which you cannot legally use as a residence. We put a shower and toilet in there, so if you have a bit of visitation people can use it for that. That is a bit of an example of culturally appropriate housing, so that there is some flexibility around the use of some parts of the properties.

CHAIR: In terms of the crude economic rationalist philosophy of supply and demand, is there an assessment of the shortfall?

Reverend SLOCKEE: Yes. We gather our information from Aboriginal housing providers who apply for housing. When they apply for housing they tell us how many are on the waiting list. Interestingly, most people are opting out of listing with Housing New South Wales and listing with the land councils and other housing providers. Their list can go from 20, 30, 40 or 50, and sometimes hundreds. A lot of people do not listen because they know there has not been a lot of growth in housing. So there is a lot of unidentified need out there because people are just moving around. They say, "What is the use of trying to put my name down? I would have to wait 15 years for a house."

The challenge for us is to grow as a sector. We have been challenged over the last 10 years because there has been a withdrawal from Commonwealth-State housing agreement funding; there has been a lessening of the dollars available to us in New South Wales to grow that housing. So there is a demand and, as identified through people on the waiting list, for us to supply that demand is a real challenge. In some

places, with the cost of land and housing going up in New South Wales, it means even a bigger challenge for us.

CHAIR: I would like to ask you about the challenges in the private sector. We would also appreciate your final comments on what you think should come out of our investigations. What are the difficulties for Aborigines and Torres Strait Islanders approaching the private sector for rental accommodation? Can you give us some thoughts on not only the obvious affordability issues but also the difficulties they encounter?

Reverend SLOCKEE: The difficulty they encounter is probably because they do not have the confidence; they cannot articulate their story. They have had previous experiences, they have had doors shut on them or they have had racism confront them. These are the people who need a lot of help and support. Some of the tenant support agencies help them—not that they are always successful.

My personal experience when I move around communities is that people like myself and others in the community will hold their hand and help them through the process. We negotiate with real estate agents on their behalf—not that it is always successful. But they are so knocked around and so demoralised that they need someone to help them through the process. The supply and demand is so crucial out there at the moment that there is no supply, and people are basically drifting around or overcrowding.

Mr LEE: May I add that there is not always private sector housing available to Aboriginal people, especially in western New South Wales, where there is just an Aboriginal community housing provider. So people do not have that option of accessing the private rental market in some areas of New South Wales.

The Hon. MARIE FICARRA: You would not want to go to the private rental market if you had another option. But, obviously, other circumstances would necessitate them going to the private rental market.

Reverend SLOCKEE: Basically because there is no community housing at all. For example, in our properties in Batemans Bay my organisation owns 45 properties. We have had a vacancy in one of those properties for 10 years. All we can rely on is the AHO putting up a submission. We got one house last year. That is probably multiplied right across the State.

An Aboriginal person will walk into a Housing New South Wales office and put in an application. Their process is that you almost have to be homeless or bashed around. You have to be in a really critical situation. A lot of people are not in that critical situation but they are getting there, but they are not looked at. They say, "We will put you on the list, but you haven't got a chance of getting a house because you haven't got extenuating circumstances." They cannot get onto the land council or another housing provider because there are just no properties, so in desperation they are looking around in the private market.

The Hon. MARIE FICARRA: Yesterday was a fantastic, momentous day. However, some of the comments that were made about housing and the new housing initiative to be directed to rural and remote areas accentuate the problems you were

seeing with ARIA. It might be a complete misunderstanding, but one cannot imagine how they would not know that your biggest need, proportionately, is in rural areas, rather than urban and remote areas. What are you going to do to get the message across, to say, "Thanks guys, but that is not what we need"?

Reverend SLOCKEE: One of the announcements that was made yesterday by the Prime Minister was the idea about some sort of a commission—or one of the strategies was a five-year housing strategy. Unfortunately, we have had a 10-year housing strategy from the Commonwealth and it has been ad hoc funding. Everyone agreed to the principle that we need a 10-year funding plan. They said we will have a 10-year strategy, but they never put a funding plan behind it.

This morning I have just had a conversation about setting up a group of high-profile Aboriginal people and non-Aboriginal people who can give some proposals to the Commonwealth about the situation in urban and rural areas. It is not just New South Wales; it is all over Australia. It needs to be advocated strongly, and I think there are people doing that, but I believe we need to set up a special group to advocate for us.

The Hon. MARIE FICARRA: It was an exciting announcement but you want to hit the target?

Reverend SLOCKEE: Yes.

CHAIR: With five minutes remaining for our formal deliberations this morning, if you could give us your thoughts on how we should formulate our recommendations.

Reverend SLOCKEE: I will go to the last of the formal questions. I hope I can address some of the issues.

CHAIR: We will follow up, and hopefully with your indulgence we will have much more contact.

Reverend SLOCKEE: What are the key challenges for improving life expectancy for Aboriginal people? You will hear from all the different sectors. Housing is definitely one of them. We will keep advocating that housing can improve the life expectancy of Aboriginal people. It brings better health, education and employment prospects, and provides motivation for people to move on.

I wrote this about a week ago. Health and life expectancy will only get better when Aboriginal and Torres Strait Islander people of this land are esteemed, valued and respected as a first people, the first born of this land. Their history is told and retold honestly and openly, without guilt and without blame, so that non-Aboriginal people can get a better understanding that we are different in the way we think, the way we relate to one another, the way we communicate, the way we plan, the way we organise, the way we care and share, the way we celebrate, and in what we believe about others, about how we adopt, embrace, nurture and care for people of other skin, groups and nationalities.

I think we could provide money and structures, but really it is the heart of our people that we need to get to. There is a real feeling that we are put down all the time. There are perceptions out there that are just wrong. Some of our young people are so

angry that we seem to be picked on, put down and looked down upon no matter where we go. There is racism and various forms of harassment and discrimination. It is still the way our people are dealt with. We are treated with force.

I suppose I am talking about some of the issues with law and order. There is an attitude that we are a bad, criminal type of people. That is so far from the truth. As I said to a bloke this morning, Aboriginal people are forgiving people. We are easygoing, good-natured, kind-hearted and hospitable. We are the hardest-working people when there is a job to be done, but unfortunately the labour market has changed so much that a lot of our people find it very difficult to find work these days. Some are doing well, but a lot are finding it hard because the menial-type work is not there any more; it is all done by machines and computers, and unfortunately a lot of our people are not into that stuff.

The attitude of non-Aboriginal people has to change. Yesterday was a great day, and I believe it was an attitude-changing day for all of us. Governments everywhere need to encourage and promote that change of attitude by non-Aboriginal people. Saying sorry is the right thing, but putting things right by acknowledging and honouring Aboriginal people through an awareness and education program, I believe, should be an ongoing thing.

For the future, my recommendations to this inquiry are that the support of the Aboriginal office and the principle of what we are there for is agreed to, that we are adequately funded and that the funding is pooled and channelled into the Aboriginal Housing Office from all sources; that there will be an understanding that Aboriginal and Torres Strait Islander people living in urban settings face difficult circumstances in accessing affordable housing; that there is funding available for growth, real growth, in Aboriginal housing in New South Wales. There will be a lot of money that is drawn aside because of the R and M [repairs and maintenance] issues, but we need to grow and add to the housing in communities in New South Wales. The sector strengthening and the RAM strategy are very important for us. For us as a board that is the way forward for Aboriginal housing. We need to make sure that the funding is there in the early stages to get this operational, functional and sustainable. It is going to take time, maybe five years, but at the end of the day you will be saving money.

I would like to see this inquiry really talk about how Aboriginal agencies, especially Housing, can work in partnership with others, how our people can access Housing New South Wales properties, how our people can access community housing. For too long we have sat too separate from the mainstream. I am not against the mainstream. I think we ought to be working with the mainstream providers, in health, housing, education and all of that. I hope in the future that the Aboriginal Housing Office will have strong partnerships with people like Aboriginal hostels in providing short-term and medium-term accommodation. I also believe that the supported accommodation program [SAP] money could be channelled into the Aboriginal Housing Office where we can have better partnerships with some of the other community organisations out there. That is about it, Mr Chairman.

CHAIR: Thank you very much, Tom. David, do you wish to make a statement?

Mr LEE: I am fine, thanks, Mr Chairman.

CHAIR: Thank you very much for coming here this morning. This inquiry has a long way to go. Our interim report is due in June and our final report later in the year. We will seek your assistance to compile our recommendations. This morning, for the brief time we had available, we thank you very much for your valuable contribution and look forward to your ongoing assistance.

(The witnesses withdrew)

(The Committee adjourned at 11.35 a.m.)