

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

At Kempsey on Tuesday 11 March 2008

The Committee met at 8.45 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

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CHAIR: Thank you for the opportunity of being here. I will ask Ruth to say a welcome to country.

Ms MARUCA: Thank you, Chair. I am Ruth Maruca, chairperson of the Dunghutti Elders Council in Kempsey. I have been chairperson for the last four years. I welcome you all to our country. I ask you to stand in silence for one minute in respect for those who have gone before us.

Members, officers and witnesses stood in their places.

Ms MARUCA: Before I welcome members I need to apologise as Colleen Campbell, a Dunghutti lady, was supposed to come with me and welcome the Committee in English so that you would understand it. Welcome to the Dunghutti nation.

CHAIR: Thank you very much, Ruth Maruca, for your welcome. On behalf of Committee members I acknowledge that we are meeting today on the traditional land of the Dunghutti people and we pay our respects to elders, past and present. I officially declare open the inquiry. The Committee is pleased to be here in Kempsey for its fourth hearing into overcoming indigenous disadvantage. Today the Committee will be hearing from community representatives, members of Aboriginal land councils, and elders about the issues affecting indigenous people in Kempsey. This afternoon the Committee will be visiting the Many Rivers Family Violence Prevention Legal Service and Bennelong's Haven to hear about the important work of those centres.

I again formally acknowledge that we are conducting today's business on the traditional country of the Dunghutti people of the Dunghutti nation, and we pay our respects to elders past and present. I remind any members of the media who are present today that only members of the Committee and witnesses should be filmed or recorded. People in the audience should not be filmed, photographed or recorded in any way. In reporting the proceedings of this Committee members of the media must take responsibility for what they publish or for what interpretation is placed on anything that is said before the Committee.

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THOMAS BRIGGS, Deputy Chair and Northern Region Representative, New South Wales Aboriginal Land Council, PO Box 699, Armidale, New South Wales,

PATRICIA LAURIE, North Coast Region Representative, New South Wales Aboriginal Land Council, and

LEWIS WILLIAM KELLY, Board Member, Kempsey Local Aboriginal Land Council, affirmed,

ROBERT ALLAN MUMBLER, Board Member, Kempsey Local Aboriginal Land Council, and

ANDREW JOHN RILEY, Director, Northern Zone Office, New South Wales Aboriginal Land Council, PO Box 1912, Coffs Harbour, sworn and examined:

CHAIR: We are in your hands as to how you wish to proceed. Do you wish to start with some opening comments, and then we can go to questions?

Mr BRIGGS: Thank you, Chair. I acknowledge the traditional custodians, pay homage to those custodians of country, to the chairperson of the Dunghutti elders, and to Bob Mumbler, board member of the Kempsey Aboriginal Land Council, which is in this jurisdiction. I add that as members of the New South Wales Aboriginal Land Council we look forward to participating in this inquiry and to putting forward our views in relation to the priority concerns and issues that affect Aboriginal people within our communities and throughout New South Wales.

We look forward to the outcome of this inquiry and we hope that the Government will take on board the concerns and issues that have been raised and look at ensuring that it is part of a process of future policy development within our communities. It is important that we are listened to, that this report does not sit on a shelf and gather dust or cobwebs somewhere down the track, and that it is the voice of our people within our communities. We look forward to participating and giving our views in relation to how we can best progress those issues. Thank you for allowing us to be here.

Ms LAURIE: I acknowledge the traditional owners of this land and, in particular, our colleagues, the Kempsey Local Aboriginal Land Council, the chairperson, the Dunghutti elders, community members and other speakers. I thank you for the opportunity to be here today. Thank you very much for this invitation, which presents Aboriginal people with an opportunity to be consulted in regard to this Committee and its inquiry. We know that there will be a lot of debatable issues to ensure that Aboriginal people throughout New South Wales, in particular, the Aboriginal land council network and our members, are up to date with the Committee's reports.

Reference will be made to a number of debatable issues. We are pleased to be part of that process and to voice our opinions on these challenging and debatable issues. Thank you, once again, for allowing us to sit here, especially the Dunghutti people, the chairperson and Committee members. We will be able to be constructive and supportive to ensure that the voices of Aboriginal people are heard throughout this consultation process.

CHAIR: Does anyone else wish to make an opening statement before we ask questions?

Mr MUMBLER: I take this opportunity to thank you for having me here today to look at some of the social issues where I work at the grass roots level. It is important for some of the gaps in the funding area to be filled. As I said, I work at the grass roots level where men have drinking and drug problems. As they are just coming out of gaol we have to look at the next stage, which is employment. When I am given an opportunity to address the Committee I will refer to that issue.

Mr RILEY: I acknowledge the country of the Dunghutti people. It is particularly poignant that this Committee is meeting in the year of the twenty-fifth anniversary of land rights in New South Wales. That piece of legislation, which provides a wonderful framework for the representation of Aboriginal people across the State, has led to some empowerment of communities by their ability to claim Crown land and to use that land to ensure that their culture is protected for the economic benefit of Aboriginal people in New South Wales.

I think it is particularly important that we consider the needs of Aboriginal people in New South Wales. We hear a lot about the needs of people in more remote areas—there is little doubt that Aboriginal people in remote areas have needs—but I think we must also recognise that the east coast of Australia and inland, the New England area, are two of the most populated areas for Aboriginal people in New South Wales. Quite often the needs of those people go unrecognised, so this is a great opportunity to bring some of those issues to the attention of this Committee.

CHAIR: What is the role between the New South Wales Aboriginal Land Council and the local land councils? How does it interact with those councils? What are your thoughts on the positive and negative relationships? I know that that is a pretty big question, but would someone like to tackle it?

Mr MUMBLER: As I said, there is a couple of issues. As you know, we are coming to the stage where we will be looking at business plans for the next 12 months. I see it as very important that we get the business plan. We need to look at a few issues, one of which is employment. There needs to be short, medium and long-term investment. The State land councils must look at those investments. I was asked to raise with Tom Briggs whether the State Land Council has scholarships.

Mr BRIGGS: They have.

Mr MUMBLER: What is the address? We need to know more about it. The other issue ties in with that. We need to look at libraries throughout the State. Here in Kempsey we have a really good setup. The negative part is that a lot of our people do not have transport. It is about getting them from their communities into the libraries and having access to them. Those are the short, medium and long-term issues. I have had exposure to some of my nieces at the centre I ran at Greenhills at the Aboriginal community place on Armidale Road West. Quite a few people came to access the services there. Some of the mums wanted to bring in their little guys to start reading books. That is a pathway to the future for our kids. That is just one issue—education

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and libraries.

Mr BRIGGS: The Committee might want to look at the New South Wales Aboriginal Land Council. Members probably have a pretty good indicator of its roles and responsibilities from previous consultations with our chair and other officeholders at the Bidwell meeting.

Since the 2006 amendments there has been a clear separation of power between the elected arm and the staff of the New South Wales Aboriginal Land Council. The councillors are elected from local land council membership to represent collective views and aspirations over the four-year term. New South Wales zone directors, such as Andrew Riley—who is the zone director for the Northern Region—administer the New South Wales Aboriginal Land Council's four regional offices, which provide support, advice on compliance and monitoring for local land councils across New South Wales. They report to the chief executive officer through the chief of operations at the State land council level.

Councillors, zone directors and staff are in constant liaison with each other and with administrative staff at the New South Wales Aboriginal Land Council's head office at Parramatta. Councillors are supported by council officers in day-to-day activities. That in a nutshell is who we are at the State land council level. As members know, there are 120 land councils and nine regions as a result of the 2006 amendments. Prior to the amendments there were 13 regions. We have four zone officers and they look after the administrative arm of the council. As councillors, we undertake the representative, advocacy and political role on behalf of our constituents.

CHAIR: Can you explain how the four directors are appointed? How does that occur and what is the relationship between councillors and directors?

Mr BRIGGS: With the clear separation of powers, appointments or selections on merit are done by the administrative arm. The four zone directors at the executive level go through an open process using the local newspaper or whatever it may be. People are appointed on merit based on their application against the criteria on the duty statement.

CHAIR: Who appoints them?

Mr BRIGGS: They are appointed by the chief executive officer. With the separation of powers, it is now the chief executive officer's responsibility to appoint staff. There is clear delineation of responsibilities between the governing board and the administration of the New South Wales Aboriginal Land Council. That is one of the new amendments to the Act. I think it is a good amendment. It does not allow councillors to interfere with the day-to-day operations of the administration arm.

CHAIR: How is your relationship with the local land councils? Like all relationships, I imagine there are all sorts of variations.

Mr RILEY: We like to think that the relationship that we have between the New South Wales Aboriginal Land Council and our local land councils is good and collaborative. However, it is not without its tensions. We have an unusual role in that we are there to assist. Through the council we provide direct funding support to the 38 land

councils in the northern zone. We are there to provide assistance with their operations and undertaking their functions under the Act. New South Wales Aboriginal Land Council also has a regulatory role under the Aboriginal Land Rights Act. We believe that Act could be further amended because it is quite prescriptive. It is stated in the Act that if a land council does not provide a particular report by a particular date, we must cease providing direct funds. That is a very restrictive and onerous burden.

We spend a lot of our time regulating and carrying out these compliance functions to ensure that we fulfil our obligations and do not get adverse comments from the Auditor-General. We have limited resources as the New South Wales Aboriginal Land Council—both councillors and administrative staff. We believe we spend far too much time on our regulatory functions. With more discretion, we could spend a lot more time working in a more positive manner with local Aboriginal land councils in assisting them to achieve their goals and to provide services to their members and addressing their aspirations. We have a somewhat schizophrenic relationship: One day we are there to assist and the next we are there with our regulatory hat on. That is very difficult in terms of ongoing relationships.

Mr BRIGGS: Notwithstanding the tension, I think we all have a common goal. There is the State land council and the local land councils and the administrative arm. It is not an us-and-them situation within the network. We see it as part of the whole network—as one. Our collective strength is with each other. That is the strength we are trying to build in each local land council. We all have something to offer to the common goal. It is in our best interests that we develop and foster that relationship between the local councils, the State council and the administration arm. We are working very hard to do that.

I feel confident that with new amendments and the rollout of the new community business plan that Councillor Laurie is going to talk about and the recruitment of 121 chief executive officers across the network, there will be a new structure and regime. There is also the governance training. We are looking at long-term and short-term plans. There is a lot of positive energy there and we need to be able to capture what is coming out in relation to economic, social and cultural development.

Ms LAURIE: I refer first to the shared responsibility agreement. The New South Wales Aboriginal Land Council and our network has never been a part of that throughout the past four years because there was no council to be a part of it. In response to Bob's comment about the community land and business plan, we see that as more or less a third thing we have to do to protect our land councils, members and elected boards. We are almost in the process of doing our governance training throughout the State. There are various times and dates. The locals will be notified soon if they have not already been. Many of the board members must be trained. We did an assessment in some regions of the State of levels of knowledge. Some elected boards had no knowledge of the land rights Act but were very interested in being part of it. Some had minimal knowledge and some had a lot. We are still putting together that board training. The paper has already been written. But the issue is how we deliver on those three or four different levels of knowledge.

The community land and business plan is a major thing. It has been one of the strong things I have been dealing with as a community land and business plan planner and also as an accredited planner. Employment is a must with a community land and

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business plan. But it is only a part of the plan. There is a whole heap of things that need to go in before the employment strategy can be a part of it. The employment strategy involves land dealings, economic development and so on. That will be included in the plan. The employment side of it will be added. We are open that part of the employment strategy could be to employ non-Aboriginal people to do a lot of our buildings, developments and so on. That is a big thing and I will not go into that too much. Employment is a must.

Mention was made of libraries, transport and access. We have also been preparing libraries throughout the State. Many local land councils will be part of collating, compiling and putting it together. There will be full access. A lot of our campaign was done on youth leadership and getting our kids knowledgeable about legislative changes, the requirements of Aboriginal people and what we should be doing. We now live in the Westminster system, but we should not forget our culture, traditional laws and customs, which will be the main objective of our libraries.

We did a \$30-million scholarship launch at an annual base of \$1.3 million. We have asked the Department of Education and Training to meet us dollar for dollar. So far that has not happened. Unfortunately, we still do not have full guidelines on how to distribute the scholarship funds, but we have started paying them out.

A lot of regions or locals should have been made aware that the scholarships closed on 28 February. We wanted to extend that, but we had to start some kind of access to the scholarships because it starts in February almost every year. It must not be forgotten that that scholarship is made available at certain times and will be accessed. It is not about anyone just going in to put in for a scholarship either.

They have got to be prepared to do the study and self-determine, I suppose, which way their lives are going. We have got a lot of pathways to the future and it is going to be a very positive pathway. Yes, we will have our obstacles, our pitfalls, our trials, our tribulations, our heated debates with our locals and so on.

At the moment what we are doing is ensuring all of our land councils are fully ready and operational, that the governance is delivered to our locals, the board training is delivered, what requirements are expected of the board, what requirements are expected from our local land councils. We also are monitors but we are there also on a very, very strong supportive role to ensure these local land councils are up and running. We are also in the process of giving intensive support units. Andrew or Tom might have said earlier, the western Kooris—Aboriginals—seem to be getting everything. The coastal people really are being missed out on a lot of things. There have been trials of the intensive support units. It has been positive so far, but we feel that we need more if we are to pick up all our land councils. It has got to be right across the board regardless if we are west, coast, east, tablelands. It does not matter. It should be a holistic approach and it should be happening soon. Not should be; it will be happening soon.

Mr BRIGGS: Just a point of clarity. We have just earmarked \$30 million within our statutory investment fund. We did not allocate \$30 million to the scholarships themselves. It is just the interest that comes out of the \$30 million that has been isolated for scholarships.

CHAIR: It is the interest, not the \$30 million?

Mr BRIGGS: No, it is not the \$30 million.

The Hon. TREVOR KHAN: My question is to Andrew, but perhaps you might all care to comment. We have now heard on two separate occasions concern about the regulatory function being undertaken and the difficulties that creates potentially with individual land councils. What is the alternate model you would suggest, apart from you being responsible for the regulatory function?

Mr RILEY: I think that NSWALC can still carry a regulatory role, but funding that on a policy basis, not a prescriptive legislative basis. If we are responsible for the oversight, the operation and function of land councils, I think that is a role that can be carried out effectively by NSWALC. I think the intent of the legislation, which was obviously to improve accountability issues, at times works against us because of its prescriptive nature. I have never actually worked with an Act of Parliament that has key dates embedded in it and are sanctioned. If a land council does not actually comply with the requirements of the Act, NSWALC has no discretion: It says, "You must stop providing funds."

I think we have evolved a lot as an organisation. I think with the policy the council has in place at the moment with the use of funding agreements and being able to place conditional approval of grants, we can deal with these issues very efficiently from a policy standpoint as opposed to having some of the prescriptive issues embedded into the Act. That is within the current framework. I suppose there is always an option of having an external regulatory body, but I think the current framework and the way the Act runs in the two-tiered system, with less description in the actual legislation and NSWALC having those functions but carrying them out from a policy standpoint, would give us the same outcome but would build in a lot more discretion for NSWALC to work a lot more proactively and cooperatively with land councils rather than the very hard-line regulatory role.

The Hon. TREVOR KHAN: What is the demographic area of the northern zone?

Mr RILEY: The northern zone incorporates three council regions. We have Councillor Laurie's region, the North Coast region, which runs from Tweed Heads down to Grafton and incorporates 13 land councils. It then moves into the Central Coast region, which is chairman Councillor Manton's region, which goes from Coffs Harbour down to Karuah, picks up a further 11 local Aboriginal land councils. Then we move to the northern region, which runs from Muswellbrook, Singleton, Wananurah down in the south, up to Tenterfield in the north and also picks up country at Koruna out to Coonabarabran, Gunnedah and Tamworth, and right up through the northern tablelands. Councillor Briggs' region formerly was two separate regions, but the northern tablelands and northern regions were merged under the 2006 amendments. The northern zone has the largest number of land councils of any of the four zones, although obviously not the largest geographical region, and I would suggest the highest levels of population outside the eastern zone.

The Hon. TREVOR KHAN: Going back to the compliance issue, you have said that you must cut off funding if certain parameters or key indicators are not met. At any one time how many of the 38 are non-compliant?

Mr RILEY: That varies greatly but it is possibly 20 per cent to 30 per cent. But the compliance date is date driven. So, out of that 30, we might have 15 land councils that are non-compliant as of the compliance date, but two days later we get the piece of paper.

The Hon. TREVOR KHAN: Once they become compliant again in those circumstances is their funding is restored?

Mr RILEY: That is correct, but there is a raft of administrative and bureaucratic processes that have to grind along in the background. When someone does not comply we have what we call a fairly onerous breach regime. We have a database that must be maintained. We have a lot of staff resource time that is chewed up with ensuring we are keeping our records right so that NSWALC does not breach the Act. We are very mindful of ensuring that does not happen. From our perspective we do not think that the compliance regime necessarily is any reflection on a land council's capacity or its operational ability. It is more about them getting bits of paper to us at times. It is not always a reflection—in fact, most of the time it is not a reflection—of the way they are operating and the services they are delivering to their members. We have a number of land councils that are very sophisticated service deliverers getting a lot of funds from a lot of different agencies because a lot of agencies like to piggyback on the fact they are a recurrent-fundable organisation.

Very few agencies fund corporations to exist. So, a lot of agencies like to work with land councils because they have an administrative support allocation, which is provided by the council. There is a lot of pressure on land councils to provide a range of services to their members because, I suppose, of the lessening of other funded organisations in their community. So the pressure is mounting on land councils. They are trying to provide a lot of services to their members, but that brings a lot of reporting burden on those land councils. Reporting to the variety of agencies that are using land councils to deliver services and not always providing the extra administrative dollars for the land councils to carry out those functions. So, a land council, within any monthly period, might have eight or nine sets of reports to different funding bodies. So, it is an onerous burden.

The Hon. TREVOR KHAN: In an earlier hearing we heard a suggestion that in the Kempsey area there are eight organisations providing community housing for the Aboriginal community. Do you know what those eight would be?

Mr MUMBLER: I know there are quite a few and I know one come into difficulties with not paying rates, and that is a concern to me as a board member. No, I do not. Just that I know where I am sitting as the lands council. There are a few, yes. How many numbers, I could not give you, but one has come into difficulty.

The Hon. MICHAEL VEITCH: You have not had a lot of experience dealing with shared responsibility agreements [SRA] here. What are your views of the shared responsibility agreements?

Mr MUMBLER: Who do you want to talk to, grassroots or the others?

Mr BRIGGS: Just as a point of interest, I am from grassroots. I represent my community. I come from a local Aboriginal community. I consider myself grassroots irrespective that I am the representative for my region.

Mr MUMBLER: Where I am sitting here in the centre no support, nothing. That is what I said in the early part. We need to fill those gaps. I have got workers coming there from the CDEP and work for the dole. We have got no tools. We have got nothing and because of the difficulty we had in the past with this land council, Andrew, we are just about on track now, are we not?

Mr RILEY: Yes, absolutely.

Mr MUMBLER: Tell the truth.

Mr RILEY: Yes.

Mr MUMBLER: In my role as one of the directors I do not back from anyone, or difficult decisions. I have spoken to Andrew. If those decisions we have got to address, we must address. But one of the things I am finding and I will speak for the other communities, we lack resources to get tools. As was mentioned, we piggyback on another organisation to get tools. That is with the shared responsibility that is coming out. Is the incubator at Coffs Harbour?

Mr RILEY: Yes.

Mr MUMBLER: Nothing. They are useless.

Mr BRIGGS: Our brief response is that I do not think NSWALC has formally engaged the Commonwealth in relation to any shared responsibility agreements. I think the Howard Government had a strict policy of not involving any Aboriginal representative bodies in dealing with local communities. NSWALC and land councils are duly elected Aboriginal representative organisations. We note that the Liberal Party, The Nationals and minor parties of New South Wales have always supported Aboriginal representative bodies through the Local Aboriginal Land Council—our Koori state—as demonstrated in the most recent significant amendments to the Aboriginal Land Rights Act. We are not sure how things are going to evolve with the new Federal Government. We feel very positive about some of the support that is emanating from the new Government and particularly from the Prime Minister. I think he is prepared to listen, so we hear. We hear the words "fair dinkum" and "mate" a lot and I think—I hope—they are in tune with the way we say "mate" and "fair dinkum" in Aboriginal communities. We just hope they are not hollow words in relation to how he sees Aboriginal influences. I am sure it is not. We feel positive about that.

I have not had a lot to do with the shared responsibility agreements in my region. I know there has been a couple already signed. I think one might have eventuated at Inverell. I am not quite sure how many others. I think there are different elements of the shared responsibility, whether it be just single thrust like where they might have gone into a certain community in my regional area—we just looked at a youth issue—or the other ones where they looked at a shared responsibility for the whole of community. I have a personal view of shared responsibility. It has not yet been

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evaluated properly, I suppose, but I think that I am big on this whole-of-community process and whole of government.

When you talk about whole of government, it is about programs and services that governments deliver up and down in the public sector. When we talk about Aboriginal community sector, it is a different mindset altogether. I think that is where the difference is. Government cannot match the two. They do not know how to interrelate between government and the community. It is a massive gap. They really need to look at whole-of-community aspect. You need to do whole-of-community plans before you bring us SRA and provide a stimulus for community ideas, thoughts and aspirations.

They may work but I think that they probably need to be evaluated in my region. They could have the ability to be divisive and selective and force one group, such as an organisation, against another. I think they have the ability to be divisive in certain communities, but I think it should be a whole-of-community process. It should be part of an osmosis process in which communities should determine what the process should be through their organisations, clans, families and upwards, and then this whole-of-government approach would massage their programs to suit community aspirations and needs in relation to program and service delivery. That is just not happening.

The Hon. MICHAEL VEITCH: Councillor Laurie, would you like to comment?

Ms LAURIE: Yes. First and foremost I am a grassroots person. As a matter of fact, I am still a little mission girl. I will be a grassroots person until the day that I die. I feel very proud to be sitting at the top level, which was hard earned, supported by my grassroots mob to lead the political arena in New South Wales. I am proud to be closing the gap and addressing a lot of social issues relating to our grassroots mob to ensure that we, as Aboriginal people, take that step forward and provide for our mob. We must ensure that our mob has a wide range of opportunities and that it is able to be constructive enough to move on.

We need to closely monitor our local land councils. We are picking up a lot of pieces, but not on a negative note, on a positive note. We know what it is like to be fighting these hard battles. We are still Kooris, black fellas, from our areas. Regardless of where we are from, we all have the same line to fire and we must all be there to pick up one another when times get hard. As a matter of fact, I have a lot of connections with our mob in Kempsey, on the North Coast and in the Northern Tablelands, wherever they may be. But we have never had a part in the shared responsibility agreement. Council lapsed for four years and a lot of the shared responsibilities were rotated around community development programs [CDPs], Koori organisations and so on. I really cannot comment on this issue because I do not know what the shared responsibility agreement was all about.

Mr BRIGGS: I guess it is just unfortunate that this was a political vacuum with the Aboriginal and Torres Strait Islander Commission [ATSIC], our elected representative voice, not being at the forefront to fight those Federal issues for us and also at the State land council level during its period of administration over those three or four years. It was a really critical time. We have a lot of catching up to do to progress issues at the State and Federal level. It is critical that we, as a State land council, get our act together collectively.

It is a powerful entity with elected representatives right across New South Wales in 120 land councils. We have a new regime of chief executive officers and planning and development, so it is just a matter of time. I firmly believe that we will be moving forward expeditiously, but in our own way. When we move forward slowly it will be at our pace and in our time, not in the time that the Government dictates. I think that will happen and it will happen pretty quickly; I feel confident about that.

The Hon. MARIE FICARRA: I wish to ask Ms Laurie a question, but others might wish to comment. Ms Laurie, you made reference to a discrepancy between services, the needs of coastal indigenous people, such as you, and inland indigenous people. Could you expand on what you believe to be the deficiencies? What do you need? Obviously, populations are much larger in coastal regions. If we are doing anything wrong could you tell us? What could we be doing better?

Ms LAURIE: I am only too happy to answer your question. For many years and over many generations when government agencies and non-government agencies consulted us the first port of call was always our brothers and sisters west of the range, in western New South Wales. We as coastal people have always felt that we were second-class when we were involved in consultation or when we were dealing with Aboriginal affairs or any other affairs. It has been a great insult that they think that the Aboriginal people of the western areas are true black fellas, so to speak. We are true black fellas on the eastern seaboard.

As a matter of fact, a number of the obstacles that we face in the current running of society and so on are a lot harder than those faced by the western mob. They seem to be able to access funding, finances and so on. They are always the first ones to get funding, which is very insulting to us. When we go into economic development a lot of the obstacles that coastal people face are a lot harder. We have to define many more things and we have to do many more things to get from A to B. Funding is not always readily available for housing, employment, youth and so on, but it always seems to be available for the western mob.

Financial support for housing, repairs and maintenance seems to be more accessible to the western mob than it is for the coastal mob. I could list a whole lot of things, but we do feel segregated when it come to defining support for housing, youth, employment and the disabled. When we submit development applications for a whole heap of things we seem to have to go through more obstacles than do our colleagues or brothers and sisters out west.

Mr BRIGGS: On the reverse side of that, with due respect, you need to visit those communities. You need to live in communities that are isolated and remote. We all live in pretty bad conditions right across the State, but when you head right out west, it really breaks your heart to see some of the appalling conditions in which people are living. I have no problems with the amount of money that has been injected into the western area as such. I think the major bone of contention was the Council of Australian Governments [COAG] trial out west and all the Aboriginal money that was consumed, if you like.

A number of people in other parts of the State were jumping up and down about the level of funding that went to the three tiers of government as a result of the COAG trial at Murdi Paaki. Given all the money that has been put in place over the

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four-year trial, they are the ones, through their working parties and their assemblies, who should be setting benchmarks or models for the rest of the State. All the money and resources went into the COAG trial. What are the outcomes, what are the shortfalls, and what processes and policies were developed as part of that from which people in the rest of the State can learn?

I think in a sense that was the bone of contention every time we talked about seeking funding. I know that we did that in the Northern Tablelands in relation to some stuff that we tried to do up there. That model is in parallel with other governance and regional autonomy structures throughout New South Wales, but unfortunately the money always went somewhere else. Having said that, on the other side some land councils on the eastern seaboard are sitting on more valuable land than are our brothers and sisters out west, so we need to look at that argument as well.

There are more opportunities for us to look at social and economic development for our people. There are about 9,000 outstanding land claims. If the Government is fair dinkum about it, it must accelerate that process to ensure that land councils that do not have an economic base develop that land and put it to the best possible use, thus gaining equity and justice for our mob and our communities through employment creation and stimulation, job growth, housing and all those other elements or social indicators that tell us we are falling behind. It is appalling that there is such a disparity and it needs to be addressed.

It is good to see the bipartisan support around the table today. I hope we will have an ongoing commitment from the Government in New South Wales, that it fills some of the gaps, and that it ensures there is equity in social justice issues for communities across New South Wales.

CHAIR: Mr Kelly, who is now present, might like to join us.

Mr KELLY: I will make a statement later.

Mr RILEY: I wish to refer to some of the differences in the allocation of funding. A lot of this stuff is done at the Commonwealth-State level. Over the past 10 years the Commonwealth seemed to focus on remote areas. Because of the way in which "remote" is defined in bureaucratic terms, nowhere in New South Wales is really considered remote, so a lot of the funds have gone to the Northern Territory, to Western Australia and to Queensland. However, I do not deny that there is need in those communities.

I think that New South Wales has suffered as a result because fewer funds have been available for New South Wales, where we believe the need is as great. That is where the largest populated centres are located, both Aboriginal and non-Aboriginal. Competition for low-cost housing is extremely high and rents are extremely high. More units are available for public housing, but five or six times the number of people are trying to access those units. I think that is where a lot of the difficulties have arisen in New South Wales. There is a focus on "remote" at the expense of urban and regional communities, which has been a real problem for us. We hope that things will change.

Interestingly, recently I was looking at a press release from the Federal Minister entitled "Closing the Gap", which spoke about housing and the fact that that will be put

on the agenda, which is wonderful. The press release referred to the fact that the Government will be putting a significant amount of additional dollars into remote areas, but when we get to New South Wales it talks about having discussions with the Aboriginal Housing Office [AHO] and NSWALC, instead of additional dollars and trying to right that balance on a per capita basis.

The Hon. GREG DONNELLY: At earlier hearings we heard witnesses talking in some detail about difficulties in the areas of unemployment, housing, health and education. Obviously that is a common theme with which we are all familiar. On those key issues is it your view that we have to try to tackle all of them simultaneously? Must we push forward and try to tackle all of them, or are there particular issues on which we should be endeavouring to put a greater focus?

Mr MUMBLER: When Andrew Refshauge was Minister we had about seven teachers. That is one issue and another issue is employment. Those people are not employed. In my family there are two teachers.

The Hon. GREG DONNELLY: Employment, housing, health and education have been identified as very important issues that the Committee needs to address. Is the best way forward to tackle all those issues concurrently or should we emphasise particular issues?

Mr BRIGGS: I got a clipping from last weekend's *The Australian* or the *Sydney Morning Herald* of Mr Rudd saying that the Federal Government will look at it on a community-by-community basis and that it is not a one-size-fits all scenario. We need to identify priorities within those communities. How do we identify those needs? We cannot just chuck a blanket over a community. We need to go back a couple of steps. The communities must determine priorities and how they want to address them. It may well be that in one community housing is a priority and employment might be another issue. However, in another community it might be health, employment and education. We need to be asked. You cannot simply throw a blanket over it and say, "This is best for the community." In New South Wales they are identifying 40 priority communities. Who is identifying them? They are being identified by government instrumentalities or agencies. What makes Wyungle different from Bellbrook, Tingha, Toomelah or Walhallow?

We should be determining those priorities, not government agencies or other people. It comes to us at a community level. We should be given the wherewithal to develop the capacity and plans about agreed directions within communities. In some communities they have come together as organisations and signed statements of cooperation to work together and look at how they can best progress issues. There are different ways of achieving those outcomes, but we have to be asked and be given the wherewithal to allow our communities to drive the agenda and determine the priorities. Then, how do we massage government agencies' programs to fit our hopes, aspirations and programs? They just do not match. It is like having two magnets repelling each other. That is how I see it with government agencies and communities. Sometimes they meet, but very rarely. On other occasions they repel each other because they do not know how to connect. That is a fundamental issue: How do you connect with communities? Once the Committee finds that solution, it has to listen to what we are saying. We will let the Committee know how that evolves.

CHAIR: Do you have that solution?

Mr BRIGGS: We have, but people have to be prepared to listen and to act on what we say. They really need to act. That is just like this report. With due respect, the issues we are raising around the table are concerns about communities. We need to be listened to. We hope the Committee will act on some of these recommendations. It might not be able to act on all of them, but at least it is a really positive start to move forward on the bigger picture with the local and broader issues.

Mr MUMBLER: I talked about the teachers. They could not get employment here. The Australian Bureau of Statistics says that 9.1 per cent of the Kempsey population is Aboriginal, but they have no prospect of getting jobs. The group I have at the centre is just about ready to do their certificate IV. They have done the chemical, the small mechanics and the chainsaw courses. Now they are doing the mapping. They are just about job ready. This is where the gap is. How do we fill that gap to get them into full employment? I have to go there very shortly; I am overbooked today.

I also have the women with TAFE doing sewing. They are going into their third or fourth year. They are just about ready to be flushed out into alterations. They cannot compete against what is coming in from China or other overseas places. But I am sure they can get into alterations and set up their own business. I am trying to encourage them to get from point A to point B. When they were at point A, they were reclusive in their rooms and would not come out. We have had interaction and got them out and they are just about ready to go on their own.

Mr BRIGGS: Bob raised an issue about having 10 or 12 Aboriginal community-based organisations in town. That is not unique to Kempsey; it happens across the State. I would like to ask government agencies how they feel about that. What message is that sending to them? It clearly states two things. First, one organisation probably cannot do everything. Secondly, most of those organisations in other communities are set up by families and they are trying to address family needs and to progress family issues. Plans and family plans are issues that we need to look at. Perhaps that is part of the process that we talked about earlier. Maybe a priority issue is supporting families and clans, strengthening families and building capacity to look at an individual family's housing, health, education and employment needs. There are also extended families. What are their needs? In that way we could take it a step further. What are the community's needs? Through that process the Committee would get a better feeling for the real needs of the communities and could use that as a basis from which to move forward to try to engage.

CHAIR: Unfortunately, we have run out of time. We needed a lot more time than we have. We need to talk again and listen more and to get that connection. So, with your approval, the secretariat will contact you. We must present an interim report in June and the final report is due at the end of the year. We are extremely committed to ensuring that we come up with recommendations that do not gather dust.

Mr BRIGGS: On behalf of our New South Wales Aboriginal Land Council, I thank the Committee for allowing us to be here today. It allows us to express our concerns as far as the Aboriginal network is concerned. The council has existed for 25 years and it has been a cornerstone. It stretches across New South Wales and covers every nook and cranny. It is a very powerful entity. A lot of community developments

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have used land councils as the springboard of support. Many community-based organisations have come and gone, but the land council is still standing firm. That sends a clear message about why we are still here and will always be here. We are the foundation stone or the cornerstone of our community. Land is fundamental to everything that we do; it gives us our world view. That is where it all emanates from. I am very proud to be part of this network and I will continue to fight as long as I am here, not only in relation to getting equity and justice for our people across the State. Thank you for allowing me to be here to represent my constituents' views as part of the New South Wales Aboriginal Land Council.

Ms LAURIE: I totally agree with everything Tom has said. I am also pleased to hear the words of the Committee that this document will not sit in the corner and gather dust. We will be only too happy to be part of the second phase if there is to be an ongoing process. We would like to look at the draft report and be allowed to comment on or add to it. We will be only too happy to keep participating until there is something constructive that we can all be a part of and included in the long term with this inquiry.

Mr MUMBLER: Will the Committee be going to more community-based areas instead of the RSL in town?

CHAIR: New South Wales is a large place and there are only so many places we can visit. I take on board what you say; it is correct. There are many places that we will not be able to get to, and we apologise for that. There is nothing we can do about it.

Mr BRIGGS: I formally invite the Committee to Armidale—the number one region in New South Wales. We have facilities that the Committee can use.

CHAIR: Thank you for coming.

Ms LAURIE: I do respect the area here. I was happy to be here today. The Committee has done consultation out in the Far West and now here. There are other places in the State that really need to be consulted. On the far North Coast a lot of the issues will be very similar. As Tom said, there is also the Northern Tablelands and the South Coast. Rather than Wagga Wagga, the Committee needs to go to the coastal areas and different areas. You will find that a lot are the same, but they also need to be consulted. I represent the North Coast and I am happy to be here, but there is a mob further up that must be consulted.

CHAIR: Thank you very much for coming along today.

Mr KELLY: I agree with what my brothers and sisters have said. There are three main issues in the community across the State: Health, housing and employment. We have to address them in local communities and help one another in those areas. I have been around tables like this before. I hope it goes further this time. Our main issue is employment. What we do in our community is a big factor in most places across the State. You can walk into any big place like Woolworths and you never see an Aboriginal person working. We support a place like this RSL and other businesses in the town and I am sure they do it elsewhere—at Armidale and up the coast. A big factor for communities is fellas getting employment in local towns after we achieve the grades and so on. We need to get our local act in order, and with the help of you guys, maybe this is

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a positive thing for us. I hope so. I am happy to be here today. I am sorry I was late. But I am glad about what I have heard and hope we continue on that path.

(The witnesses withdrew)

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CLARRIE DRIES, General Manager, Wellington Correctional Centre,

DONALD ERIC WADE, Community Service Supervisor, Probation and Parole Service, and

MARK RUTHERFORD, Aboriginal Client Service Officer, Probation and Parole Service, sworn and examined, and

MOIRA MAGRATH, Director, Community Offender Services, Probation and Parole Service, affirmed and examined:

Mr RUTHERFORD: I firstly acknowledge the traditional owners of this land, the people of the Dunghutti nation.

Mr WADE: I too like to acknowledge the traditional owners of the area.

Ms MAGRATH: Thank you for the opportunity to be here. I also acknowledge the traditional owners of this area. I am the Director, Community Offender Services mid North Coast region with responsibility for the areas of Coffs Harbour, Kempsey, Port Macquarie and Taree.

Mr DRIES: Again I would like to acknowledge the traditional owners, the Dunghutti people. I am the General Manager from the Department of Corrective Services. I am here representing the commissioner, Mr Wood.

CHAIR: Would you care to make some opening comments?

Ms MAGRATH: I would like to make a brief opening comment given that much of the discussion today is about community and local communities. The Department of Corrective Services recently has undergone a major restructure. Much of the focus of the commissioner at the current time is on community offender services as well as on greater integration of service delivery between custody and community. The focus on Community Offender Services is reflected, among other things, in the establishment of positions such as my own with the directors' positions created. We have all taken up duty fairly recently in our new locations. The idea of the director's position is much more about taking Community Offender Services out into the community to get away somewhat from waiting for offenders to come to us, as it were. It is also working collaboratively with other government agencies and with local community agencies, non-government agencies, in reducing reoffending in accordance with our objectives in the State Plan.

The commissioner has created also a community compliance group, which, whilst it started in the metropolitan area, of course is also about to launch out in regional areas, to better support probation and parole officers in monitoring compliance with orders so that we can nip things in the bud, so to speak. If things are starting to go pear-shaped for offenders out in their homes, we can start to deal with it in the community rather than by way of revocation by the State parole authority filling up the gaols with people for breaching their orders. Alongside that is a greater focus on programs. Some of the earlier witnesses were talking about the major issues of health, housing and employment. Certainly we are building that into our program focus with

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such things as Pathways to Employment, an education and training program that we run; and also looking very much at the local area, the profile of the offender population we have in the local area, tailoring programs to meet the needs of that population to reduce reoffending.

The other initiative the commissioner is rolling out at the moment is the establishment of community offender support program centres, one of which we will have here in the Kempsey area. They will have a different flavour, if you like, depending on their location and the needs of the area. I am hoping personally that we will be able to use those centres to better transition people from custody to community where accommodation is an issue, but also for those offenders who are on a knife's edge of breach and returning to custody that we will be able to use that facility to again nip things in the bud. We will be running programs that are relevant to those offenders in that area and, hopefully, be able to prevent their return to full-time custody.

The Hon. MICHAEL VEITCH: I have asked this question before and it was not answered very well. When someone is leaving a correctional facility to re-enter the community what do they walk out the door with? What do they actually have on them when they go out the gate?

Mr DRIES: We are doing a lot more work now with people when they get out through care process where we try to make sure that people have access to housing. There are a lot of agreements now being signed around the correctional centres with housing associations to make sure people have their housing, they have their welfare cheque. We are working towards doing traineeships in the centres and other external agencies trading so we can have traineeships with the centre, but because of the wording of the Acts at the time, at the moment we are being hindered in what we can do. Under the relevant Acts inmates are not deemed to be eligible for traineeships or any reimbursement. So, we are trying to do a lot more work where custodial staff are working with COS staff in making sure their housing is right. If they need bank accounts, we try to open bank accounts for them. We get their birth certificates for them so it means they have a bit of identification.

In some of the programs I am involved with we are looking at providing adequate support and supervision outside of probation and parole that we can go to. In one program I am involved with if an inmate goes home or an offender goes home and he thinks he is in trouble, he can ring us up and we will go and pick him up and look after him or provide support for him. A lot of the stuff we get hindered with is where we go and what we do and what other government agencies are doing. It makes it very restrictive in what we can do.

Ms MAGRATH: If I could just add to that. Probably two or three years ago the Department of Corrective Services established a protocol with Centrelink so that in many centres we now have Centrelink coming into the centre so that we can address some of the issues with people getting their money and set that up before they leave custody. For those offenders who will be leaving custody with a supervised period of parole, we have probation and parole officers working within the institutions doing the prerelease planning as well as writing their prerelease reports to the State authority. They link with the district office where the offender proposes to live to establish that there is suitable accommodation in the context of community risk and also in the context of the individually tailored case plan.

A further recent development has been that in writing the prerelease report the officer working in the gaol with the person and who knows the person will identify what needs to be addressed when the person is released from custody, such as anger management programs or whatever the issue might be that led to the offending behaviour, and contact the district office to see what can be provided in the local area, whether it be by the Probation and Parole Service locally or by other agencies or a partnership of the two. That is written into the prerelease report. It has to be signed off by the district manager at the receiving office. In addition, there is a greater partnership with Justice Health—I can remember only the acronym, for which I apologise. Justice Health is working out in the community with those offenders who are at greater risk, particularly with mental health issues as well as drug issues, and assisting them to stabilise. They work with the offender in custody and after custody they work with the Probation and Parole Service as to the offender's needs and ensuring that those are met.

The Hon. MICHAEL VEITCH: Do you think we are doing enough?

Ms MAGRATH: I do not think we can ever do enough. It is a very complex issue for people coming out of custody for the community. Very often it is the not-in-my-backyard approach. If communities as a whole could recognise that offenders, as with the sick, as with the elderly, as with the young, are all part of the community and not some sort of satellite affair stuck on the end, then that would be a huge leap forward. As communities—and I am a citizen as well as a public servant—we need to recognise and acknowledge our offenders as part of our community and work together as a community to assist them to address their offending behaviour.

The Hon. MICHAEL VEITCH: Could I go back to something Mr Dries said with regard to the traineeship and conducting vocational training within the facilities. What is the legislative barrier to that? If we were to make a recommendation about fixing that, what would it be?

Mr DRIES: Part of the barrier is that to do traineeships today you have get to get a Job Network agency involved or a recognised training agency and they are very reluctant because you cannot sign up to a traineeship in custody because they cannot get any benefits. They cannot get the monetary benefits that are available to everybody outside. So we came up with three different models. One is that you could do a full traineeship inside a gaol where you work through the system. The other one is you can start one and finish it on works release. And there is another one where you can start in gaol like Yetta Dhinnakkal and other places and finish it in a group training company or a Job Network agency would pick you up and monitor you through that behaviour, guarantee you a job when you got out and carry it through. But because of the monetary value there are no incentives to employers or to Job Network agencies. They will not do it, they will not carry it through. Another hindrance is that when people are in custody, for whatever reason, and they get released, an employment embargo is put in front of them because they have a criminal history.

The Hon. MICHAEL VEITCH: My last question touches in general on mental illness and on people with disabilities as a proportion of the Aboriginal prison population coming back out into the community. Can you talk us through that? How many are there? Is it a high number? What special difficulties would you encounter with that part of the population?

Ms MAGRATH: Unfortunately, I do not have any statistics on that, but if you are interested we can go back to another area of the department and try to provide those statistics for you.

CHAIR: Don might have an anecdotal understanding of that as he is in the field. He might have some idea about the people he is dealing with.

The Hon. MICHAEL VEITCH: Do you have any anecdotal evidence about prisoners as they come out? I would be quite happy with that.

Mr RUTHERFORD: The number is quite high. I was a mental health worker in hospitals before I came over to this position. The majority of the clientele are the same people. Unfortunately, it appears that these days our jails are becoming hospitals for those people because of a lack of beds. Unfortunately, those people have to commit a crime before police can intervene. Often we used to try to get them up to accident and emergency and get them access, but most of those people were known as involuntary clients. The police could not intervene until a chargeable offence was committed. By the time that happens it is too late; they are in the system. They do not go into hospitals; they go into institutions and it is very hard. It is hard to put a line where you can stop it. I think a lot more early intervention and prevention by health would be good but, again, that comes back to funding. A lot of our clients have mental health issues.

CHAIR: Following on from that, do you have any difficulties with interaction between you and other agencies?

Ms MAGRATH: No. There are two main things that I would like to talk about. Firstly, three-and-a-half or four years ago the department established the Biyani program, a very small diversionary program for female offenders suffering from substance abuse issues combined with mental health issues. Whilst it accommodates only eight women, basically the intention of the program is to stabilise the women—often they are living chaotic lifestyles—in their accommodation and medication and to start to pathway them through to more appropriate supported accommodation options in the community. I am also aware that the commissioner is keen to expand that program.

The other aspect is the interface or, probably more correctly, collaborative approach with the Department of Ageing, Disability and Home Care and the newly created Criminal Justice Program. Whilst that again seems to be focused mainly at this stage in the metropolitan area we have had some recent dealings with that Criminal Justice Program. They are keen to work together with community offender services because, as Mark said, we share the same client population, in compliance with their court order or parole order and the support that they need to stop offending and to live a more productive lifestyle in the community.

CHAIR: Can I take that a step further? I refer to the interaction with other agencies. Where does your defined role begin and end? Do you have a view?

Mr RUTHERFORD: Yes. Last year in Coffs Harbour and the last six months in Kempsey we have had what we call our indigenous programs. The basis of that is that we invite a lot of our Aboriginal service providers and different services in these areas to

come along. Instead of having a reporting day at our office we go to one of their agencies or out to community areas like a neighbourhood centre somewhere, invite these agencies along and talk about what services they provide. They get to know the workers from those agencies and we link these people, rather than them coming into our office and us saying to them, "You need to go and see the drug and alcohol worker at Dhurri for instance." They do not know who they are; they might not have met them before. We get rid of those barriers.

Those workers are coming out to meet them in our office with other groups and different agencies at the same time. It has been working very well and it is introducing all the workers in different agencies to one another as well as to clients. We are finding out all the different services that are available through that. There is a closer linking and a breaking down of those barriers that have been in place. They seem to be going along pretty well. As the lads from the lands council were saying earlier, we need to work better with our community agencies. We all need to work a lot better together, but that has to come from the top as well as from grassroots workers. We all cross over with each other on our workloads. I am sure that, if we worked closer together and we had more support from within those agencies, we would be able to cut back the job and be a lot better at it.

CHAIR: Is that seen as part of your job within Corrective Services?

Mr RUTHERFORD: Yes, it is. It is part of our community programs. I work in Forster-Taree and up the other side of Coffs Harbour and Woolgoolga, so I do the whole mid North Coast. I link with all those different agencies through that area to try to get these sorts of things on track and to get them going.

Mr DRIES: If you look at it right across on a statewide basis, Mark and his team and Moira are doing an excellent job. But right across the State there are barriers. Those barriers are that people have confidentiality within each department; they do not want to talk about each other. Because I have a statewide responsibility I am finding that offenders, their families and other people are shopping between government agencies. They go to Centrelink for something and then to Probation and Parole for something.

There does not appear to be any holistic case management approach to this whole thing. If we really want to start making a difference we will have to go that way. It is not up to Corrective Services, Probation and Parole, or Community Offender Services [COS] to carry the ball all the time. There has to be a holistic approach. Since the State Plan has come in some of those barriers are coming down, but they need to come down a lot quicker. There must be far more talking at a grassroots level across agencies than there is at the moment.

The Hon. TREVOR KHAN: I want get a little historical by going back, say, to 1996-97. Leaving aside remand prisoners, roughly how many people were in custody in jails in New South Wales.

Mr DRIES: I think it was between 5,500 and 6,000 people.

The Hon. TREVOR KHAN: Let us go to the present. Leaving aside remand prisoners, how many people are in jails in New South Wales?

Mr DRIES: The total of the prison and remand population?

The Hon. TREVOR KHAN: No, leave aside remand prisoners.

Mr DRIES: I cannot give you an answer. The whole population was 5,500 to 6,000, and that included the remand population.

The Hon. TREVOR KHAN: Including the remand population?

Mr DRIES: I think it was 9,400 the last time I looked. I have not looked at the figures for the last few days.

The Hon. TREVOR KHAN: So we have had an increase? It could not be said that it has doubled, but would it be fair to say that it is starting to nudge that figure?

Mr DRIES: I suppose that it is getting close.

The Hon. TREVOR KHAN: Ten years ago, or thereabouts, was the reoffending rate any different from the reoffending rate now?

Mr DRIES: I would not be able to comment on that. I do not know what the reoffending rate is at the moment.

The Hon. TREVOR KHAN: Moira might be able to comment.

Ms MAGRATH: When talking about reoffending rates one of the difficulties is changing the goal posts. It is not something for which the department has had a responsibility for measuring. We can measure who comes in and who goes out, but I think the Bureau of Crime Statistics and Research probably could better answer that question. Referring to the increase in the inmate population, there are a number of factors around enhanced policing strategies and so forth that will always impact. Referring to compliance, statistics that are available from annual reports and so forth suggest that, over time, Community Offender Services had a high compliance rate, usually ranging around 83 per cent to 86 per cent of successful completion of orders. It does not talk about recidivism, but in successfully getting through the penalties imposed I think it is a pretty good result.

The Hon. TREVOR KHAN: That is not where I was going. I accept that a huge number of factors are out of your control. You had almost a doubling of the prison population. One assumes that means that almost twice as many people are going out of the system as there were 10 years ago, or thereabouts. Ten years ago how many probation and parole officers were there to supervise those persons post-release compared to now? Has there been a doubling of the number of probation and parole officers over that time?

Ms MAGRATH: There has certainly been a massive increase in the number of probation and parole officers. I do not know, or I cannot recall, how many we had in about 1996, but there has been a massive injection in the last 18 months—the commissioner could probably quote you much better figures—of about 150 positions for Community Offender Services, which would be another third.

The Hon. TREVOR KHAN: Clarrie, would you be able to get us the figures on the number of probation and parole officers over the period 1996 to date?

Mr DRIES: I will take that question on notice and get that for you.

The Hon. TREVOR KHAN: I did not expect you to have those figures now. I wish to make one observation before I conclude. One of the things that we heard from various witnesses from government departments who have given evidence has generally been that they now have programs in place that will make a significant difference. It seems that there has been some sort of conversion on the road to Damascus by all these government departments. Suddenly they have answers that they have failed to have for decades. Can you tell us why we should be confident that what you are telling us here today will make any more difference to what was being done 10 years ago?

Ms MAGRATH: The role of Community Offender Services has changed a lot. If we are on the road to Damascus I think we are only at the beginning of the road. In the commissioner's focus on Community Offender Services that I spoke about earlier there has been a lot more licence to identify what is needed in local communities. I would like to hand over to Don Wade to talk about what we are doing with a relatively small but significant program here locally—community service orders [CSOs].

Mr WADE: My role in Probation and Parole is setting up and supervising a work team. We have set this up so that blokes can complete their CSO orders. We see it as a work team. We have been running it for about five months. The first day we got going the boys were calling it the chain gang, so that terminology went straight out the door. It is a work gang. It is all skills enhanced and all work is carried out to an industry standard. We have several locations in Kempsey. We also have a location in the Nambucca Heads-Macksville-Bowraville area where we work on a Saturday.

At the moment it is an all male crew but those blokes that are working in permanent jobs are able to carry out CSOs on a weekend. So we go over that way on a Saturday, we take a couple from Kempsey with us, and we carry out work over there. We have linked up with a training provider locally and we carry out work at that location. But we link these blokes up to pathways in education and training.

The college regularly meets with the crew. It could be a luncheon or morning tea and they talk to the crew as it changes. The crews see what is available. Some of these blokes have never had a job in their life; some of them do not know what it is like to be in a team. We are very strict. If we say it is a 7.30 a.m. pick-up, it is a 7.30 a.m. pick-up. There is no excuse for being late. At the moment, we have compliance by all participants.

They are only short courses and they go in their own time, not in Community Offender Service time. They enrol to participate. It is things like having their licence and their resume fixed up. Some of those blokes have never had work to have a resume. This mob slowly put it together. That is my role. After they finish the service—their orders—these blokes can hopefully go on to bigger and better things.

Ms MAGRATH: One of the things we are looking at doing with these work teams, given Don's particular skills, is teaching them maintenance of motorised garden

equipment so they can articulate into a TAFE qualification. Some of these guys probably left school before they hit high school and have never had any qualification or piece of paper or anything to say they are able to do anything. Hopefully some of them will come out with a certificate in the maintenance of motorised garden equipment and can perhaps even build their own business or work for someone else. They will know what it is like to get up and go to work and so on. That is one small project for these guys to be able to go back to where they have built a wall or fixed a fence.

Often they are projects in community recreational grounds. They can take their family there and say, "I did that. I achieved that. That is something that I have done in the world." It is small, but the focus is on community programs and integrating the sort of work with the indigenous programs that Mark Rutherford spoke about and collaboration with other agencies. I believe I have that licence now to push further out into the community to make those links with other government and non-government agencies, and to work together on those programs addressing the particular issues that we know contribute to a reduction in reoffending. That is a licence that in all the years I have been a manager in Community Offender Services I have not had to this extent before.

The Hon. MARIE FICARRA: We are all concerned about recidivism rates and ensuring we reduce crime rates. With inmates and offenders, one can usually trace everything back to three major problems—health, housing and employment. We would like to be reassured that you think the money that has been injected and the programs are worthwhile. I know it is early times with some of the programs and we are hearing great things about lifestyle and employment skills. When they get out they will not be in a desperate situation and fall back in. Do you think what you are doing is making inroads? Is there anything we could be doing more or better to reduce recidivism? The other thing that concerns me is female offenders in the system. Are we seeing an increase?

Mr DRIES: Yes, we are seeing an increase in female offenders. There is more to it than employment, education and health. I have been in this job for 33 years. In 1996 we had the Brothers football team of Aboriginal men. We put the team together to play in the big knockout in October. We were down at Swansea and a little kid of five or six years old came to me and said, "I'm going to play for the Brothers." There is only way he could play for the Brothers—that is to come to jail. We need to break that cycle. The only way to do that is by getting more agencies involved in what is happening in the communities. There are a lot of corrective services.

Mr Khan talked about government agencies doing stuff. But how much of that is being duplicated? How much is Corrective Services running not only here in Kempsey and the mid North Coast but also out west and further up and down the coast? How much is different? Are they the same programs as the Department of Juvenile Justice, Justice Health and so on are doing? Is there a massive duplication? I think there is. That question needs to be answered. That is where I go back to the holistic approach. Until we have that from all government agencies with case management, we will never make a difference.

CHAIR: Are you saying that in Don's and Mark's work there are blockages between agencies?

Mr DRIES: There could be. They are slowly breaking the barriers down. An example of what am talking about is the Yetta Dhinnakkal program and the Balund-A program. I have been the driving force behind both those programs. They are about trying to stop people coming into jail. Yetta Dhinnakkal is about getting first-time offenders who have never been in custody before and taking them to a 26,000-acre property where we try to do what we are all talking about. We work collaboratively and try to get other agencies involved. Balund-A is going the next step. If Community Offender Services or Probation and Parole have someone who is not conforming or who is thinking about breaching, they will be able to direct them to this program before they are breached. It is the same with the magistrates. If they think the last point is to send someone to jail, they will have the option of remanding them to this program for anything up to 12 months so they can be fully assessed with community agency involvement.

With the Balund-A program we have asked external agencies to deliver programs. One of the big gaps—what is not happening—is that when a person comes to jail, whether they are male or female, no-one helps the family. If the Committee wants to talk about gaps, it should talk about that gap. We are bringing in external agencies and part of their brief will be to deliver programs to the families on the outside. If it involves domestic violence, eventually they will get people back together through counselling and the work that Mark, Don and other people do.

The Hon. MARIE FICARRA: Is this a model program started in this area or is it based on another successful program? It sounds very worthwhile.

Mr DRIES: It started with Yetta Dhinnakkal as the base line. A couple of staff members and I spent a good 15 to 18 months in the Lismore, North Coast area talking to offenders and ex-offenders, their families and government and non-government agencies. We came up with a new greenfield site and with the commissioner pushed for community relations and changing things in the community. This is the best way we can see to stop recidivism. At lot of people are being breached or revoked for minor offences.

CHAIR: I have an understanding of how government operates. I can visualise people in Corrective Services saying that that is not their role. Are you getting complete cooperation in this role?

Ms MAGRATH: The lines are not as clear as they used to be, nor should they be. I have been around nearly as long as Clarrie, but not quite. Many years ago, when we were trying to introduce a couples program to look at relationships—they were the things going wrong—we were told that we had no mandate to deal with anyone other than the offender. Those lines have blurred and there is a recognition that we cannot deal with the offender in isolation from their family or their community.

As I said, much of what we are trying to do is based in the communities. When we are looking to give the community some respite from the offender's activity, it is not about returning them to custody but to somewhere like the Balund-A program or the Community Offender Support program at Kempsey. Five years ago we did not have an Aboriginal client service officer supporting the work of the Probation and Parole Service. That is a very effective role. We certainly did not have a community service field

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supervisor who could go out with the work teams—not gangs—and teach them these sorts of skills.

What do we need? This is an opportunity always for a department to say we need more resources. Of course, I could do with another 10 Marks and another 10 Dons, but I recognise that that will not occur. The developments in terms of proposed legislation for community corrections orders is very exciting in looking at keeping people out of custody. We know that going into custody does not do anyone any favours; it does not stop reoffending as and of itself. It is what we do with the offenders, preferably while they are in the community or their own environment. That is where we can make the greatest difference. That is the sort of legislation and orders we need, where we can electronically monitor people in the community and can impose curfews and we have that all-embracing order that we can insist people do programs, instead of saying they are on a community service order to do work so we cannot put them into a domestic violence program even though they need it.

There are other developments in recent years looking across to other jurisdictions. For instance, there is the cross-border initiative in the Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands of South Australia, Western Australia and the Northern Territory. They are doing work in the communities around family violence. That is certainly a big issue in the Kempsey area as far as I have seen in the short time I have been here. We need to look at programs like that. Rather than reinvent, we should see what we can implement locally and then move people on a pathway to a local agency where those sorts of gains can be sustainable over time.

CHAIR: Within the constraints of your department, can you do a supply and demand analysis given the resources you have to cater for that demand?

Ms MAGRATH: We have just done very much that exercise for Community Offender Services in this and other areas in terms of looking at the profile of the offenders we are supervising, the risks they present to the community and what programs we feel that we need to deliver to address those needs. Going back to what Clarrie was saying, where there is an overlap we can hold hands with another agency. For example, there is nothing to prevent us holding hands with the Department of Juvenile Justice. That would be a great idea. We could present a program together that addresses offending behaviour at both the adult and juvenile level and start to target younger people.

CHAIR: Is holding hands with other agencies happening on the ground?

Ms MAGRATH: Yes, it is certainly beginning. Mark spoke earlier about the indigenous program where we have those other agencies interacting with us. We are establishing reporting centres in the local community at places like Bowraville. We have recently established a reporting centre at Macksville, which is within the neighbourhood centre where the local neighbourhood services are provided.

CHAIR: It is very much in its infancy.

Ms MAGRATH: Yes.

CHAIR: And you do not appear to be getting blockages at this point.

Mr RUTHERFORD: The agencies are quite happy to be involved. It is seen as a chance for them to work with other agencies as well. That is the way we need to go. Since I started in this position, we have started doing outreach to many communities. Transport is a major issue. Many people have been breached for not turning up and reporting. We now have these community agencies that we go to. We have a little clinic at Bowraville once a month and see people there on their own turf so they do not have to travel to Nambucca, Macksville or somewhere else to try to report.

That is part of the position I have. We are still actually developing that. We look at what are the impediments to these people with getting through their orders. The main thing I see my position being is to help people get through their orders successfully without going back to gaol.

What Mr Khan said before about all these great programs, yes, we are trying to do what we can with that but, unfortunately, a lot of these people when they are released are going back into the same situations that put them in gaol in the first place. Housing is a major issue for these people and the lack of employment in our communities. If those people have not got a light at the end of the tunnel, what do you expect them to do? We can do so much, but we cannot do the lot. There are a lot of other social issues that need to be addressed as well as just what we are doing. We can only take it so far and then you cross your fingers and hope they keep out of trouble. But when you are put back into an environment where the right thing was not always done, then there is not much hope. All the training in the world is not going to help with that.

Ms MAGRATH: If I could just add to your question earlier as to whether Department of Corrective Services has said, "No, that's not my business," the establishment of these Community Offender Services programs is providing accommodation for offenders which, historically, is not any of our business, but recognising a need, working together with Housing and trying to establish those links so that people can have sustainable housing in the community and can learn how to look after it.

The Hon. GREG DONNELLY: Are there programs inside gaols for Aboriginals, and are those programs appearing to be successful in what they are doing inside gaols?

Mr DRIES: There are programs being specific and they are being reviewed at the moment. Up until three or four years ago, or five years ago, it did not matter what programs you run, if the inmate did not want to do it, they do not have to do it. But we are slowly changing that around and saying, "If you don't do this program, you're not gonna get this, you're not gonna get your parole, you're not gonna get a lower classification." So, we are putting them in a position now where they have to do it. I think it is still in its early stages, but in the years to come with Yetta Dhinnakkal and the now joint relationships between COS and the correctional centres, you will find there will be a lot more emphasis.

The commissioner in the last two years I think, Moira, has pushed that Probation and Parole centres have to work more closely together, which we are doing now. I know at Wellington now I have four parole officers who actually work in the

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centre full time and work alongside my staff. They develop programs and if someone is coming back this way, they will contact Moira's staff here or Don or Wayne and get information. As I said, up until about five years ago they did not have to do it, but now we are making them do it and putting them in a position where they have to do it. So, it is becoming more positive. What we are doing now with the programs with them being reviewed, we are getting them so they can start doing a program in the centre and they actually finish it whilst on a parole order or community service order or whatever. So, they are being developed so they can start them in the centre and do them outside whereas before we never had that.

The Hon. GREG DONNELLY: In answer to an earlier question from Hon. Marie Ficarra you spoke about the increase over time of female Aboriginals participating in the criminal justice system. Is that trend continuing or one that has just increased and appears to be levelling out? Is there any trend that can be identified?

Mr DRIES: I think there are trends where it goes up and then it stabilises for a while and then it goes up again. But we are finding a lot more younger girls are coming in now from 18 and up. Before it used to be the average age 25 or 26 or something but we are getting girls in now, ladies 18, 19 and 20.

The Hon. GREG DONNELLY: Is there any work being done to try to identify the reasons behind this increasing participation?

Mr DRIES: It is all to do with the way things react in their communities. I know what Probation and Parole and COS are doing and that is why the commissioner is going down the track of this community offender support services, the Bulind-A program and setting up the assessment support and even down to the fact now where he is putting psychologists into community offender services offices. So, we can do a lot more work with those people before they actually come into custody. That is what we are trying to do.

We find most people get bail or a bond or suspended sentence and what has been happening is they have been failing to carry them out whereas now with Mark's, Don's position and the other positions and the increase in staffing in Community Offender Services and the establishment of the Bulind-A program, we are trying to stop those breaches. We are trying to intervene before they come. We could all tell you stories about things where people have been nearly breached or had their parole revoked, but when you go back and look at the background of it, there is a need not to do it. There are other alternatives that could come in. That is the tack we are taking at the moment. We are looking at the background of it.

The Hon. GREG DONNELLY: Did you say the Bulind-A program?

Mr DRIES: Yes.

The Hon. GREG DONNELLY: Could you give us a bit of an insight into what that program is?

Mr DRIES: The Bulind-A program is up between Tabulam and Baryulgil on a 1,387 acre property. It started off it was going to be a full-time custody position the same as Yetta Dhinnakkal, but the commissioner had the foresight and we made it a

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greenfield site. We went up and consulted with community agencies, elders, offenders and ex-offenders and with the magistrate. We found a need where there needs to be another alternative before people go to gaol where they can be directed to go and do a program—intensive programs—and be properly evaluated. That is how we turned it out.

It will be for male and female inmates between 18 and 35 years of age. There will be no sex offenders. There will be no-one on methadone. They are fully programmed. The programs will be delivered by community agencies and the community agencies will be working with the communities as well. The first staff started their training there yesterday. It is an 11-week training program. We have had a meeting at Bulind-A with the Chief Magistrate and Deputy Chief Magistrate, and by us intervening and putting in another level and stopping with cross-circle, Probation and Parole being able to direct people to go to Bulind-A instead of being breached, we believe and the magistrates believe we will reduce the recidivism rate and teach them other skills with traineeships and all the rest of it.

The Hon. MARIE FICARRA: What is the relationship between the police in the area and these good programs? Do you get warning? Have you got a good relationship where they can tell you, "Look, we fear that these certain people are heading down the road, can you intervene?" Is that happening?

Mr DRIES: We do not have that type of relationship, but usually with the work relationship between the staff and the community, the way we react with the community—specially Yetta Dhinnakkal and Bulind-A and here on the mid North Coast—there is a lot of involvement from the Aboriginal elders and the Aboriginal community. They ring us up and warn us about what is going on. Even the families ring us up. So, we are pretty well prepared. We are even down to the stage now where we are having families involved in the case management side of it. So, we can bring a person in and have a family or telephone hook-up.

Ms MAGRATH: At a local level we certainly have a very close relationship with the police and meet with the local area commander and the intelligence officer. If the police have concerns that somebody looks like slipping off the rails, the deal is that we would rather get that information before they slip. If we can get that information from the police—I am sure the local area commander supports that—then we can move in to intervene before things turn pear-shaped.

CHAIR: Thank you. We are short on time. We could continue for a few more hours, but we have not got that time available this morning. Thank you very much for attending today. We hope with your assistance to be able to talk with you again as the questions keep coming in. We have our interim report due in June and a final report later in the year.

(The witnesses withdrew)

(Short adjournment)

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MARGARET RUTH CAMPBELL MARUCA, Chairperson, Dunghutti Elders Council, PO Box 179 Kempsey, and

COLLEEN TERESA CAMPBELL, Member and Dunghutti Language Teacher, Dunghutti Elders Council, 75 Rudder Street, East Kempsey, sworn and examined:

CHAIR: I thank the Dunghutti elders, Ruth and Colleen, for being with us here this morning. On behalf of the Committee we acknowledge that we are meeting on Dunghutti land and we pay our respects to elders, past and present. Do you wish to make a brief opening statement, and we will then go to questions?

Mrs MARUCA: The Dunghutti Elders Council was set up in 1996 to claim land under the Native Title (New South Wales) Act that was first handled by the State land council in Parramatta in 1996. We had to prove our continuing genealogy and our unbroken association with Dunghutti land as far west to Walcha, then the Wilton River in the south, which is near Port Macquarie, north to Warrill Creek which is our border line between Dunghutti and Gumbaynggirr, and east to Crescent Head where we won back native title in 1996—the first in mainland Australia after Mabo.

We were granted compensation for our land and for a number of years the New South Wales Aboriginal Land Council held it in trust on our behalf. In 2002 we opened an office in Kempsey and we then withdrew the moneys held in trust by the New South Wales Aboriginal Land Council in Sydney and put it in the bank in Kempsey for future use, mainly on scholarships. Other roles we play include hosting language courses in Dunghutti. We have a grandmothers grief and counselling group. We make referrals to other people. People who are coming out of gaol look for confirmation of their aboriginality because they have to prove to organisations that they are of Aboriginal descent.

We do all those things or people just come for a cup of tea and a yarn. All this work we do is on a voluntary basis, although we have money in the bank collecting interest for us. We use interest money to run our offices, which is not much. My relationship with other organisations in Kempsey includes being a board member for the Dhurri Aboriginal Medical Centre. I am secretary of the Ngaku Cooperative Limited and also a member of the Dunghutti Community Justice Group. I am a member of the Kempsey Local Aboriginal Land Council and I am a member of the Kempsey to Eungai Focus Group for the Roads and Traffic Authority bypass and chairperson of the Dunghutti Elders Aboriginal Corporation.

Those are only a few of the hats that I wear, so I am somewhat informed about a lot of things. I mentioned earlier that I was a member of the Ngaku Cooperative Limited, a sister group that has a childcare centre. I am very interested in education for our people, specifically after the Prime Minister gave the apology, which I attended. I was very impressed by what he said, specifically in relation to housing and education. I ran a childcare centre in Kempsey, which went for 20 years. Then all of a sudden, about four years ago, funding from both the State and Federal governments was pulled out from under our feet. I know that there were accreditations that the committee had to live up to, but by pulling the mat out from under the childcare centre a lot of our little children have missed out on early education.

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We have an Aboriginal preschool here but it is too small. There is not enough room, or not enough spaces. We should have kept the other one but the funding was pulled out from under us. The other thing I want to focus on with childcare is the nought to five-year-old age group. You start at that age and you then build up. If you pull a branch off a tree it will grow crooked. I believe that this is part of that process. We have Aboriginal teachers here in Kempsey and both have degrees in early childhood. We also have primary school and high school teachers that can do the job but they are considered Aboriginal education assistants [AEAs]. They have not been given the proper title of teacher, as occurs in schools for white children.

Colleen, my niece, is a qualified teacher and she is still considered as an Aboriginal educational officer, yet she has the same degree as a non-Aboriginal person who teaches today. As a member of an Aboriginal land council I agree with what the panel said this morning in regard to land. There is a lot of land on the eastern seaboard, especially here in Kempsey, and it could be made useful to our people for housing, employment, education, health and all the rest of it. I will hand over to Colleen who will tell you some of the things that I have already touched on.

Miss CAMPBELL: I have to stand for this, face my elders and say:

Dhangude, dhangude, dhangude.

Ngaya dupi danggu Dunghutti mulung barri, nyiyangang darayiga dhiting bariya.

Ngaya dupi danggu Dunghutti mulung Dreamtime, barrabarrayn, baluwa, Elders dhiting barrabarrayn.

Ngaya darayiga barrabarrayn guya danggu Dunghutti mulung wirinj. Ngaya Dhangude nyinda dhiting barrabarrayn danggutu Dunghutti mulung barri.

Dhangude nyinamyimbu Gurulgurul mulung. Dhangude nyinamimbu Gubba mulung dhiting barrabarrayn.

Bula nyayaling nyinda.

I will translate what I have said into Australian Standard English:

Welcome, welcome, welcome. I acknowledge my traditional owners' land, we all come here gathering on today.

I acknowledge my Traditional Custodians past and present, old people, Elders here today.

I come here speaking in my Traditional people's language. I welcome you here today to my Traditional Custodians' land.

Welcome to our Aboriginal people, welcome to our non-Aboriginal people here today.

See you all later!

First and foremost, I am an Aboriginal woman from the Dunghutti/Ngaku clans. I am before you all here today a very proud Aboriginal woman from the Macleay Valley and its surrounding areas. I live in Gimbisi—the name of this town in the traditional language of the Dunghutti people. I am proud of my cultural beliefs, my Aboriginal identity and where I come from. I am strong and proud of whom I am—a member of the first peoples of this land, belonging to the Dunghutti nation.

We are a people of deep spiritual connection—spirit, strength and wisdom—to the land. We have a cultural belief system which has been passed from my apical ancestors long ago and which has been instilled within me through my Aboriginal family members—my elders—where I come from. My father's paintings inspire an act of reconciliation that rates as unique and unforgettable. Strong family support has played a big part to instil Aboriginal identity, cultural values, aspirations, cultural family

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connectedness and, most importantly, unconditional love of never giving up on yourself. Saying sorry is only the start of the people's movement towards reconciliation. I am a firm believer in breaking down barriers and educating the wider community in Aboriginal awareness and understanding of the continuing struggle we face as Aboriginal people in today's society.

Dadirri—listen to one another. Talk the talk and walk the walk as a people together. We all need to take this journey together. We need a holistic approach in our nation. We as human beings need to reconcile our differences and start from within ourselves here in our hearts and here in our minds. We can begin this journey today in our communities and our nation.

The role of the Dunghutti Elders Council is significant to the Dunghutti in playing their role in dealing with, and mainly to do with, land claims. Ours was the first successful native title claim on the mainland of Australia. It was proven by the Dunghutti people and the Government of the day in 1996 in the High Court of Australia. There is a traditional connection to the lands through the apical descendants of the Dunghutti people—the Button family—and its surrounding valley of the town of Kempsey. This claim was set in concrete for the Dunghutti people as a figure of speech through the signing of an agreement and with the Government of the day setting a precedent to the Dunghutti nation.

There is also an open-door policy to the public: research/genealogies; research/language classes and programs; monthly meetings held for core business; official welcome to country on special occasions or engagements—for example, participation in Croc festivals and Kempsey Shire council; support to community members and also Aboriginal or non-Aboriginal persons; cultural camps and workshops; women's groups/workshops; identifications—that is, IDs for Aboriginal members of the community; successful partnerships with the National Parks and Wildlife Service and the Roads and Traffic Authority; and partnerships with neighbouring nations, which have been put in place with buffer zones in traditional boundaries.

The Dunghutti Elders Council members on the committee are individual members from the Dunghutti nation of Kempsey with proven genealogy documentation that they are descendants of their apical ancestors. Their individual role as Aboriginal community members and committee members/councillors is to work in partnerships to propose, develop and implement shared responsibility agreements between themselves and government and non-government organisations and also other areas of cultural interest with other neighbouring nations or persons. In my view, they are well-respected, highly professional individuals and very successful members who are there for the Aboriginal community to protect our Aboriginal heritage and culture, showing the way in partnerships—Two Ways Together. Thank you very much.

Dr JOHN KAYE: Thank you very much for that introduction. It was very moving and important. I refer to shared responsibility agreements. How do you think they are working? Do you think there is something that we should recommend be abandoned or reformed?

Miss CAMPBELL: In relation to shared responsibilities, I believe that we all have a part to play—each and every one, including government at the highest level.

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Shared responsibilities are a way to ensure accountability and credibility. This is not about pointing fingers but working together in a holistic way. It is a responsibility of everyone from government right down to the grassroots, or from the bottom up or vice versa.

Dr JOHN KAYE: That is the theory, but what happens in practice?

Miss CAMPBELL: In practice with the Dunghutti elders there is a shared responsibility with the National Parks and Wildlife Service. They have a shared responsibility agreement with the neighbouring nation, which is the Gumbangirr nation, and also with the Biripi nation. The boundaries are not traditional. There is a buffer zone between both nations in a shared responsibility agreement. Does that answer the question?

Dr JOHN KAYE: Yes.

The Hon. MICHAEL VEITCH: I am fascinated with language. Can you talk us through how important language is to the Dunghutti people?

Miss CAMPBELL: I have written stuff down from some elders I was teaching Dunghutti. They said that starting the Dunghutti language program was a new and wonderful experience for them. There have been many different people involved in so many ways. The first challenge was visiting the class at Kempsey TAFE to talk about the program and how they would assist us and become involved in the program once we received funding.

The next visit was to the Kempsey South Public School homework centre. They spoke to the staff and children there to let them know how they would become part of the program. Once the funding was granted, they were so pleased and excited because once again they would be able to start learning their own Dunghutti language. They begin their lessons at the Dunghutti Elders Council office every Tuesday night commencing at 6.00 p.m. and finishing at 8.00 p.m. One elder said, "I cannot express how the feeling of joy and excitement was felt in the atmosphere on the first night, and it got stronger as the weeks went by."

I am quoting elders in the class. They said, "Our Aboriginal teacher is Colleen Campbell, who teaches at the TAFE language class and is a staff member of the Kempsey South Public School homework centre. Colleen's regard and respect for the elders is of the highest level. Her deep passion for the Dunghutti language can be felt whenever she speaks about the elders, the program and the community. Kate Chamberlain, our linguist, is very sensitive and dedicated to the program, and she enjoys teaching the elders. Her respect and genuine feeling for the elders in our class cannot be spoken more highly of. Both Colleen and Kate spoke about how teaching the elders' class is different to the TAFE class because we tend to be less structured and more flexible. The class just seems to flow even though we may change direction two or three times during the lesson."

Being able to speak my grandfather's language has given me not only that pride in myself as an Aboriginal person but also as a member of the Dunghutti nation. It gives me my own identity. I believe that Aboriginal languages are the way for our people to gain some dignity and pride and their special identity and a sense of belonging.

The Hon. MICHAEL VEITCH: Has any of the Dunghutti language been lost?

Miss CAMPBELL: It was lost. That is why the elders councillors and I went to Canberra to do the research and get that language back to the community.

It is overwhelming when you come across your own language. I think the special need of my work is that I have got a gift and the gift is being able to speak that language. I have a copy to pass on to the standing committee.

The Hon. GREG DONNELLY: Could you provide us with some information about Dunghutti Youth and how it operates, what it does and its involvement in the community?

Ms CAMPBELL: To be honest, there are lots of youth programs going on in Kempsey. But I have to be honest within myself and say that I do not really know what services they are providing to our youth in the community.

Ms MARUCA: What is happening, as I mentioned earlier, we have an amount of dollars sitting in the bank collecting interest. Besides using that money to run our office we have now got our lawyers working out a plan to develop scholarships for those students that are really up there. I believe there is about maybe 20 young people now in high schools that have left the district and have gone to other schools within the State and are boarding in those schools. That is what we were hoping that our lawyers would come up with, some sort of scholarship plan for those children. As I said, this is all without any help from the Government—no assistance whatsoever. That is what our plan is for now, that we can deal with the youth with encouraging them to apply for scholarships et cetera.

The Hon. GREG DONNELLY: Is it quite common to have elders councils around the State—what you have here is quite unique?

Ms MARUCA: I think the one that we have here is quite unique. As was explained earlier, we are the first native titleholders in the whole of Australia after Mabo. We believe that we are unique. I think there are a couple of others that are going on around the State. Colleen mentioned earlier, like the Gumbangirr mob over on the other side of Warrell Creek. We have an association with them of a 10-kilometre buffer zone between each river. And the same with the Biripi mob, we have a 10-kilometre buffer zone with them. We work with each other. There are no arguments or things like that. It is quite unique when we work with people like that.

The Hon. GREG DONNELLY: I know the non-indigenous understanding of family is different from the indigenous notion of family. In both cases we find evidence these days that breakdowns and dysfunctionality with family leads to enough issues, difficulties and problems. Does the elders council see an importance in trying to provide some influence in the community to try to rebuild notions of family and its importance, particularly of males to play a role and have responsibility inside the family?

Ms MARUCA: Unfortunately, we do not deal with males at this point of time. We are dealing with women, ladies—not only elderly people but younger females. We

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have those programs every Friday and we have counselling for grandmothers and the younger people. This is grief for grief, family violence and all the rest of it. I know when you lose a loved one people are in a deep loss and these are things they can come to our councillors and sit down and talk in private.

The Hon. GREG DONNELLY: Is there an equivalent group of older men operating in the Aboriginal community in playing these roles as mentor and showing leadership?

Ms MARUCA: I actually thought there was one going. It was going for a while, but I am not too sure now. I am just concentrating on the women.

The Hon. MARIE FICARRA: What recommendation would you like to see from this inquiry? Are there any particular needs or anything you want to bring to our attention as to what we should be doing or recommending for government programs?

Ms MARUCA: There is a whole lot. As I told you, I wear quite a few hats and I am involved with health and housing. Education for me is very important. I actually went back to uni in Wollongong when I was 59. That was just to encourage the younger people to go to school and become something. I studied indigenous health. So, I got a three-year degree on indigenous health. I felt that getting that little bit of education was important for me as well. As I said earlier, I would like to see from you guys an all Aboriginal school built here in Kempsey, not only for Aboriginal people—non-Aboriginal people can come to this school as well.

We tried this a while ago back in 1983 with the childcare centre. Under the terms of the agreement we had to have 10 places for non-Aboriginal people and that worked pretty well with us. I do not know whether you realise that Kempsey is a very racist town and in the past we had the highest no vote for the referendum in 1967. And then Pauline Hanson got the most votes from this community here. The rednecks are still there. I have to mention it. We have a small school in Green Hill which has 100 per cent Aboriginal children. We have another school at south Kempsey where Colleen works I would possibly say with 80 per cent Aboriginal children. Then you have Melville High School there with, I do not know, maybe 50 per cent Aboriginal. When you look from the grassroots, like I mentioned, children starting from nil to high school to university, that is what I would like to see. That is what I would like you to recommend on behalf of the Dunghutti council.

CHAIR: When you meet with your fellow elders, if you were to put in writing any recommendations and forward that list to us, we would be more than grateful to receive it.

The Hon. TREVOR KHAN: Colleen, you are employed as an AEA [Aboriginal Education Assistant], is that right?

Ms CAMPBELL: Yes.

The Hon. TREVOR KHAN: You are employed as an AEA at south Kempsey?

Ms CAMPBELL: Kempsey South Public School.

The Hon. TREVOR KHAN: Is that a full-time position?

Ms CAMPBELL: Yes, a full-time position, permanent. I have been there now for 14 years in that same position.

The Hon. TREVOR KHAN: In respect to south Kempsey I believe the figure was that 80 per cent of students are Aboriginal?

Ms CAMPBELL: Yes.

The Hon. TREVOR KHAN: How many kids attend the school?

Ms CAMPBELL: There is 179 students, give or take one or two.

The Hon. TREVOR KHAN: How many AEAs are employed at south Kempsey?

Ms CAMPBELL: We have two full permanent AEAs—myself and another AEA.

The Hon. TREVOR KHAN: Green Hills Public School has about 100 per cent Aboriginal kids?

Ms CAMPBELL: Yes.

The Hon. TREVOR KHAN: Do you know roughly how many kids go to that school?

Ms CAMPBELL: No.

Ms MARUCA: I think 100 per cent Aboriginal kids go there, maybe one non-Aboriginal I think that I know of, but it is a small school from kindergarten to third class I think.

The Hon. TREVOR KHAN: Where do those kids then stream to after third class?

Ms MARUCA: Well, they go into non-Aboriginal schools after third class.

Ms CAMPBELL: West Kempsey.

The Hon. TREVOR KHAN: Do you know if there are any AEAs at Greenhill and/or west Kempsey?

Ms CAMPBELL: Yes. There is one Aboriginal lady AEA at Green Hill and also there are two at west Kempsey Public School. Just on that note too, we are all trained teachers, each and every one of us.

The Hon. TREVOR KHAN: I was getting to that.

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Ms CAMPBELL: Sorry for jumping the gun.

The Hon. TREVOR KHAN: That little grenade has been lobbed in a couple of times. How many AEAs are employed at Melville High School?

Ms CAMPBELL: There is only one AEA.

The Hon. TREVOR KHAN: Has it ever been explained why there is one AEA?

Ms CAMPBELL: No, because the community actually is trying to push for a male AEA so then we have a balance of the genders of male and female for the two high schools. There is another AEA at Kempsey High School. That has got no-one up there actually. They are just CDEP workers actually filling in the position until the recruiting process happens.

Ms MARUCA: If it ever does.

Ms CAMPBELL: If it happens.

The Hon. TREVOR KHAN: For how long has that been going on?

Ms CAMPBELL: Nearly two to three years so far now. That is a disadvantage to those students up there. We are trying to fight through the ACG to get that appointment there in the school itself.

The Hon. TREVOR KHAN: So a number of the AEAs, and I include yourself in that, are trained teachers?

Ms CAMPBELL: Yes we are.

The Hon. TREVOR KHAN: Where did you do your training?

Ms CAMPBELL: I did my training through the Australian Catholic University in Strathfield. Most of us have done it through the Australian Catholic University at Strathfield. Some are doing theirs through the Koori Centre with the University of New South Wales.

The Hon. TREVOR KHAN: Would it be fair to say that you did your training in the hope and expectation of working as a teacher?

Ms CAMPBELL: That is a little extra story there because I was asked when I got my teacher's numbers to actually go out west to do my teaching, which I challenged the university members on the board down there and said I did not believe I should go out west because I have gone and done my teacher's training to actually come and teach in my own community where I know all the children and the community members all know me. That was my own belief that I felt I was let down and disadvantaged by.

Ms MARUCA: Just to carry on with what Colleen said, we have a person here who is now probably 50 years of age, but done his teacher's degree—

The Hon. TREVOR KHAN: Very old at 50!

Ms MARUCA: No, sorry. He did it earlier. Maybe he was 30 I suppose, I do not know. I can remember his comments were that he wanted to teach Aboriginal children and because most of the Aboriginal children were out at south Kempsey—this is before Colleen did it—he wanted to teach the Koori kids out there. But they put him in a school where there were no Koori kids. So he up and left and he is still not teaching.

The Hon. TREVOR KHAN: How many trained teacher AEA's are there in the town?

Ms CAMPBELL: The total numbers I think we have got about 9 or 10 trained teachers who are in AEA positions.

The Hon. TREVOR KHAN: How many Aboriginal teachers as opposed to AEA's are there in the town?

Ms CAMPBELL: Zero. We have not got no Aboriginal teachers.

Ms MARUCA: Who are employed.

The Hon. TREVOR KHAN: I understand what you are saying.

Dr JOHN KAYE: Just to clarify that, there are 9 qualified?

Ms CAMPBELL: Yes, we are qualified with our teacher's degrees. To me I feel that is a disadvantage there. We could go on to, like the Hon. Greg Donnelly said, housing, health, education and all those issues which impact on us as Aboriginal people I suppose and do have us at a disadvantage.

Like I said in my previous statement, it is about working together and being together for each other, not looking at somebody because the colour of your skin is different. We have come a long way. The only other thing I wanted to mention is that we have an elders program—I had hoped that our previous speakers would have mentioned it—at the mid North Coast correctional centre. That program is working really well with Aboriginal inmates up there. So, hopefully, if we do get them at that end of the spectrum it might help at this end of the spectrum in dealing with our young families.

Like Auntie Ruth said, start the beginning from birth and go through and help them. Education is a big and important issue. You could say that we need culturally appropriate programs but they have to have implementation from our elders, our Aboriginal people and the community—people like me and others who are trained teachers to put those policies and programs in place.

The Hon. TREVOR KHAN: Colleen, you went through the Australian Catholic University. Did other Aboriginal students attend at the same time as you?

Miss CAMPBELL: Yes. The Australian Catholic University was the only university that came out to the community. We started out in the Aboriginal resource

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room at Kempsey South Public School. My father, a lot of the grandmothers and the grandfathers went to school in the Aboriginal resource room, which is located at Kempsey South Public School. That was the only university that came out of the university environment to the community and we did most of our training through that building. Then it came down to funding.

The Hon. TREVOR KHAN: It always does.

Miss CAMPBELL: So most of us relocated to Strathfield, Sydney.

The Hon. TREVOR KHAN: How successful were those other Aboriginal students who went through with you in getting employment as teachers?

Miss CAMPBELL: We all go our own way now; we do not keep in contact with each other. The students were from other communities all over New South Wales.

Dr JOHN KAYE: For the record, you are a member of, or you are qualified to be a member of, the Institute of Teachers?

Miss CAMPBELL: I am supposed to be.

Dr JOHN KAYE: And that is true of all the others. Would all the others take employment in the public sector to teach?

Miss CAMPBELL: If we were offered work in our local communities. That is the issue.

Dr JOHN KAYE: So you would accept employment anywhere in the Dunghutti area?

Miss CAMPBELL: Yes, I would. I would jump at it. I have to leave my workplace at Kempsey South Public School and take leave without pay to teach the Dunghutti cultural resource class at the TAFE college.

Dr JOHN KAYE: Turning to something more positive, you referred to an Aboriginal school. In a few seconds could you paint for us what you mean by an Aboriginal school? What would be your model of an Aboriginal school? How would it work? How would it differ from an ordinary school?

Mrs MARUCA: The difference would be that we would be teaching our language.

Dr JOHN KAYE: Teaching in your language, or teaching your language?

Mrs MARUCA: Teaching our language, along with Australian, or whatever you want to call it. That would start from zero up. By the end of high school, or whatever, you will hear a lot of Dunghutti people speaking Dunghutti in this town, which will make us very proud. It will also make history and we will be able to go out and tell other people that at long last we have a language.

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Dr JOHN KAYE: Would you expect the teaching of the Dunghutti language to improve high school completion rates?

Mrs MARUCA: I think so, yes. I am positive that it would.

Miss CAMPBELL: Thank you very much. I am very pleased to have been given an opportunity to address the Standing Committee on Social Issues and I thank each and every one of you for your time.

Mrs MARUCA: And I say the same.

CHAIR: We thank you for your welcome to country and we apologise for the lack of time. Thank you very much.

(The witnesses withdrew.)

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FAITH CHARLENE MARCH, Deputy Director of Training, Booroongen-Djugun College, and

GARY IAN MORRIS, Chairman, Booroongen-Djugun Aboriginal Corporation, sworn and examined:

CHAIR: We will start with a brief opening comment from you and we will then go to questions.

Mr MORRIS: We have a presentation. If you do not mind, I will read it to you. We are pleased to be here to present to you today. On behalf of Faith, our college and our community I welcome you to the Dunghutti nation. Booroongen-Djugun College is located in Kempsey on the New South Wales mid North Coast in the traditional country of the Dunghutti and Gumbaynggirr peoples. Kempsey has a population of approximately 10,000 people, of whom 14 per cent are indigenous. The region has a fast-growing population but it is economically depressed.

Unemployment amongst indigenous people is very high, at 30 per cent in 2002. Today that figure would be higher. Our colleges offer accredited qualifications, including vocational education and training [VET] programs. We started in 1994 and we have been doing that for 14 years. Our aim is to develop qualified indigenous graduates to staff our associated aged care facility, which opened in 1996. This facility now employs over 60 people. In 1997 we extended our VET program to include open access to non-Aboriginal students on a fee-for-service basis. In 1999 we introduced distance education programs, and in 2003 the college began to use e-learning.

The college currently delivers outreach programs, that is, at off-site locations throughout the region, for example, at Armidale and Lismore. Through this approach we are now able to provide services not only to Kempsey but also throughout New South Wales. When I say that we deliver to the community I mean that we deliver to organisations in halls, or whatever they have, and we have also done training underneath the trees out in the communities, if people are comfortable with that. As we want to be a part of these communities we deliver in a culturally appropriate way.

Our college is an independent Aboriginal community controlled provider of adult education. It operates as a registered training organisation [RTO] under the national VET system's Australian quality training framework, which is regulated by the Vocational Education and Training Accreditation Board. Booroongen-Djugun College, which is governed by an Aboriginal controlled board, works under the guidance of an elders' council. You heard from some of those people a while ago. The college has an Aboriginal deputy director, who is right here beside me, and the majority of our staff are Kooris or Aboriginal.

This governance and staff structure ensures that our college achieves to a high degree that number one goal of national and New South Wales indigenous education policy, namely, increasing Aboriginal involvement in decision-making. I will refer next to student participation and to outcomes. In 2007 Booroongen-Djugun College enrolled 331 Aboriginal students in its programs, with 36,763 student contact hours. Of these, 52 per cent were female, 48 per cent were male and the majority of students were from

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backgrounds that are extremely high risk. If you are a Koori person in this town or in any other town or community in Australia and you are Aboriginal you are at high risk in the education and employment area or when you are trying to get a job.

Some students are mature students who have previously been failed by mainstream education systems. They come to us for a second chance or to catch up. Those students have excelled; they have done extremely well. The other group are teenagers who are seen by the media as troublemakers or whatever. Through the college they have achieved extremely well and they have gone on to do greater things. These are the future leaders of our communities. The third group are adults and school leavers who come to upgrade their work skills to achieve para-professional and professional qualifications in certificate III and above to work for our community or in mainstream employment. The majority of our graduates are working in Aboriginal organisations, non-Aboriginal organisations, or State or Federal government departments.

Our achievements are possible because the college's decision-making, staffing, curriculum and delivery all reflect best practice in Aboriginal pedagogy. It is described in both government and educational research. The key features are the involvement of the elders' council in ensuring the local Aboriginal history, culture and tradition permeates the college both in its physical space and in the curriculum—even the building itself. If members have time they should come and look at it. You will never see anything else like it. I guarantee that.

Another key feature is the celebration of Aboriginal identity, spiritual beliefs and culture. There is also regular consultation with the community and its representatives and organisations and utilisation of Aboriginal community members as teachers, resource people and mentors. That does not apply just in the town but also in other communities where we deliver. We use the people in the communities to deliver our training to their own people so they do not have to leave home. It guarantees success not only for them but also their communities and they are role models for their families because it carries on.

We have appropriate teaching methodologies—for example, story telling, oral histories, the use of audio and visual cultural resources, artefacts, observation and hands-on learning. From my experience, you can put something on a board and write all day about it and I might get a hint, but show it to me and I can do it like that. I have never met an Aboriginal person who cannot do that.

We also practice circular learning. That cyclically links classroom-based theory learning with workplace and community practice and reflection. We go from the classroom to the work environment and they go around and around. They get the theory and experience at the same time. We found that to be unique in our organisation. We have a holistic approach to curriculum development and delivery. Our courses, particularly the curriculum, have been developed by ourselves specifically for Aboriginal people. It entails Aboriginal culture and language.

We provide a safe, secure, non-racist and valued learning space. We have open communication with our students. We also have comprehensive student support services, which include transport and child care. If a family or student needs something, we will bend over backwards for them. The college employs mainstream, best-practice

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models with flexible delivery. There is self-paced instruction and outreach support for distance education and onsite workplace learning.

We have a successful partnership with the Department of Aboriginal Affairs, the Aboriginal Housing Office, area health services, the National Parks and Wildlife Service, the Yarrahappini Wetlands Trust and other conservation groups. We are delivering natural resource management and an Australian National Training Authority project for the Government. We also work with Green Corps and the University of New South Wales. We have a scholarship for Koori people to get into natural resource management.

We also work with the North Coast TAFE, the Department of Community Services, health industry services, the New South Wales Nurses Association, the Department of Education and Training, the New South Wales Board of Studies and the district Vocational Education and Training Board and the Industry Education Advisory Committee. We have won numerous awards for how we deliver things. Our VET-in-Schools was the first in this community to lift Aboriginal people in year 9. The Commonwealth Government did some research some time ago. It commended us because we "stretch the boundaries of VET-in-Schools and ensure a close fit between course delivery, content, student aspirations and the realities of local employment opportunities". We have great outcomes and achievements for the people who do our courses.

This is one of the main parts that hopefully the Committee will take on board. The Booroongen Djugun College survives largely on a Commonwealth per capita subsidy, paid through the Department of Education, Employment and Work Relations under the Indigenous Education Strategic Initiatives Program. This subsidy is designed to provide supplementary funding only. Our only other source of funding is program or project based. That is funds provided for specific projects and programs, usually negotiated on an annual basis and we tender for that funding.

The college operates a best-practice training operation for Aboriginal students with total funding of just \$6.75 per annum per annual curriculum hour. That is less than half the amount spent on an average student enrolled in the public vocational education and training system. According to our data, that is \$12.50 per annum per annual curriculum hour, recurrent expenditure only. It is probably substantially more in 2008. The college tries to raise other funds through its fee-for-service programs. However, Aboriginal students are not charged course fees. It is extremely hard for management to maintain quality training and outcomes and to retain quality staff without adequate recurrent funding.

The inequity in this situation can be summarised in two clear statements: First, the college has no core or base funding; and, secondly, as a consequence it maintains its highly successful programs only through an effective subsidy from the community in the form of low salaries and poor conditions for staff, low per student expenditure on programs and a large amount of volunteer labour and unpaid overtime from our community. Given the extremely low socioeconomic status of the Aboriginal community in Kempsey and the surrounding regions, that is totally unsatisfactory on equity grounds alone.

However, there is another reason that the Government should move immediately to rectify the situation. In the medium to long term the achievements of Booroongen Djugun College are unlikely to be sustainable. For example, it will become increasingly hard to obtain qualified and experienced staff, especially as there is a high demand for qualified Aboriginal educators and health and aged care professionals for better and more securely funded government and private agencies.

It must be noted that Booroongen Djugun College is forced to pay teaching staff below the TAFE base salary level. This situation is unsatisfactory both to the employees and the employer, and to the community at large. The consequence for the Government if Booroongen Djugun is unable to maintain its programs and grow will be that its contribution to the New South Wales Aboriginal people achieving educational outcomes will decline dramatically. Perhaps that is what the Government wants. I am just saying it like it is.

To put this in positive terms, an adequate and equitable funding model will allow Booroongen Djugun College to maintain and grow its programs, thereby continuing its substantial contribution to national and New South Wales Aboriginal educational goals. In addition to recommending a resolution of this issue of core funding, the college also calls on the Committee to recommend that arrangements be put in place to ensure the continuation of its highly effective and nationally recognised VET-in-Schools initiatives. Our concern is that as funding in public education comes under pressure there is a tendency to lock out independent providers from partnerships with government schools to keep the funding in house.

Our proposal is that an equitable proportion of VET-in-Schools funding in this region be earmarked for allocation outside the system to independent Aboriginal community providers. In conclusion, the Booroongen Djugun College supports the current Aboriginal vocational education policy in New South Wales. However, a greater commitment is needed by the Government to the approach practised by us. For many adults in our community we are the preferred provider, and people do have a choice—they can go mainstream. But it is nice to have the option of coming to an Aboriginal provider. Government should take urgent action to provide funds for the maintenance and growth of our college to meet proven community demand and need. If you have any other questions, you can ask Faith.

The Hon. TREVOR KHAN: Can you explain a little more about what happens in your VET-in-Schools program? I am interested in the number of students who participate in the program and the actual programs or courses. Who decides who will participate—the students or the schools?

Ms MARCH: At the moment we have one guy from the vocational college who has completed a traineeship in aged care work. He has extra shifts and was getting extra shifts when he was still completing the course through VET-in-Schools. We have two girls today doing business traineeships, and a few more are starting next week. They are doing aged care traineeships at the moment. We have also run an Aboriginal health worker course as a VET-in-Schools program. VET-in-Schools is not only for Aboriginal kids. It is for kids who are at risk of leaving school. We have found and the schools have told us that when they come to us their attendance at school gets better. Part of them completing the course is that they have to stay at school. Their attendance at school has been better.

We have two guys at Melville High School at the moment. One wants to go into the Navy and the other one wants to become a nurse. They are doing aged care work. It is very rare that we have guys come up and do our nursing courses. At the moment all we have on offer is certificate III in aged care work and Business II. The kids decide whether they want to come here. Kempsey High School's introductory booklet says that in year 10 they can do a course through Booroongen. We talk to other schools on their career days and things like that.

The Hon. TREVOR KHAN: Do you have any plans to expand the program?

Ms MARCH: Yes. I am currently trying to put a few extra courses on the scope, such as beauty, because that is what the girls have said they want to do, and auto mechanics, because that is what the guys want to do. We are trying to expand. We are a community-driven college and the community comes to us and says it wants to do some course. We do what we can to get that course. We might purchase it and add it to our scope. We do whatever we have to do to get that course on our scope so that we can deliver it in the community.

The Hon. TREVOR KHAN: What do you think is required to encourage more Aboriginal people to further their education?

Ms MARCH: We used to be able to take students away. We do not have any base funding, and the criteria through Abstudy to justify taking a student somewhere, even on a short trip, is ridiculously hard. A lot of that has been cut now because people in the past have misused those funds. That was always a drawcard; if you were going to take them away from the class-based stuff, that was always a drawcard for them to come to the class. We have run projects at Bellbrook and Greenhills. We have built a boardwalk at Greenhills, which was quite successful. That got the community involved. Things like that are successful. But we had funding from the Department of Natural Resources to do that. The Regional Training Organisation and the college got the funding to run the project. That is how that came about.

The Hon. MARIE FICARRA: I heard the plea towards the end about funding and expanding of services and the needs and so forth. How do you measure your outcomes? If you are going to go to government and say, "Hey, we want another parcel of money, we are doing such great things", how are you measuring your outcomes because it sounds very much that you are responding to needs?

Ms MARCH: Yes, we are responding to needs. Our funding is based on how many students we put through our classes. That is how we get our money each year: how many students graduate from our courses. What is not included in that funding is that we have students who leave our schools and go into employment, but that has never been an outcome for us. That is a really good outcome.

The Hon. MARIE FICARRA: I would say that is a major outcome.

Ms MARCH: Yes, but it is not part of the funding that we get. It is not classed as an outcome. It is classed as they have left the course, so we do not get paid for those students.

The Hon. MARIE FICARRA: Have you got those figures? Is that something you could provide? I would say that is a powerful argument to explain.

Ms MARCH: Yes we have. We have argued this point for quite a few years with our funding bodies. The thing that we see is that they come to us to restart their education. They have had a bad experience during their schooling. They come to us, feel comfortable and start their education. It empowers them to do more than what they actually started to do. We have had heaps of people come in to do, say, aged care and have gone off and found jobs in Centrelink, childcare centres, whatever. It gives them that boost to be able to think, "Oh, okay, well I can do this" and it helps them move on to know what they really want to do.

The Hon. MARIE FICARRA: You say that you have measured these outcomes of placement and employment?

Ms MARCH: Yes.

The Hon. MARIE FICARRA: Are these things that you could pass to us?

Ms MARCH: Yes.

The Hon. MARIE FICARRA: We would be very interested in that.

Ms MARCH: Yes. We actually had a college in Newcastle at one stage and I used to have the directors of CARE call me and say, "How long until your course is finished? We need some workers."

Dr JOHN KAYE: How many of the 60 people employed at your college are full time and how many are part time?

Ms MARCH: There are not 60 employed at the college. In the corporation?

Dr JOHN KAYE: I am sorry. In the corporation?

Ms MARCH: That is part of the corporate profile. The college has nine.

Dr JOHN KAYE: What do the remaining 51 do?

Ms MARCH: We have other services in the corporation. We have a 60-bed aged care facility. We have community-based such as HACC, respite, CAPS, ACOPS.

Dr JOHN KAYE: So it is an integrated service?

Ms MARCH: Yes.

Dr JOHN KAYE: Are the nine employees all full time?

Ms MARCH: Yes.

Dr JOHN KAYE: What level of qualification do they have? Do they have Certificate IV or graduate diploma?

Ms MARCH: Most have a Certificate IV. I have a few that are currently doing a diploma in frontline management. They will all soon be completing the Cert IV and TAA because all our staff are trained to teach as well. That is one way that we actually save money, our office staff can go in and teach as well. Part of their contracts is that they do continual training. So, every Wednesday they actually go into class for two hours and do a course, whether it be frontline management, aged care, Aboriginal primary health care, conservation land management, whatever they decide they want to do.

Dr JOHN KAYE: But in terms of educational qualifications they have a Certificate IV or a graduate diploma?

Ms MARCH: Certificate IV and higher, yes.

Dr JOHN KAYE: Are they paid below the TAFE award levels?

Ms MARCH: Yes.

Dr JOHN KAYE: They continue to work because they are committed to what they are doing?

Ms MARCH: Yes.

Mr MORRIS: Exactly.

Dr JOHN KAYE: What would be the cost difference to you, the total institute-wide cost difference to raise them to TAFE level salaries?

Mr MORRIS: We will work that out and give it to you, if you like.

Dr JOHN KAYE: Just roughly speaking, are you talking about an extra \$10,000 a year, an extra \$100,000 a year?

Mr MORRIS: Oh, more than that, overall.

Dr JOHN KAYE: So a substantial sum?

Mr MORRIS: Yes.

Dr JOHN KAYE: The only specific funding you get, because you are servicing an Aboriginal community, is through the DEWR program?

Ms MARCH: ISEP.

Mr MORRIS: Primary funding.

Dr JOHN KAYE: It is ISEP, is that correct?

Mr MORRIS: Yes, that is right.

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Dr JOHN KAYE: There is no other specific Aboriginal funding available to you?

Mr MORRIS: No.

Dr JOHN KAYE: You get what used to be called ANTAR funding; you just get the standard contestable funding that any other private provider would get?

Mr MORRIS: No.

Dr JOHN KAYE: You do not even get the standard?

Mr MORRIS: No.

Dr JOHN KAYE: The only funding you get is through ISEP?

Ms MARCH: Yes, which is supplementary funding.

Mr MORRIS: Supplementary funding. That is all we get.

Dr JOHN KAYE: So you do not charge any fees or charges to the students who come in?

Mr MORRIS: We charge fees.

Dr JOHN KAYE: You do charge fees?

Ms MARCH: To non-Aboriginal students.

Mr MORRIS: To non-Aboriginal students, yes.

Dr JOHN KAYE: Can you give us an indication of how much those fees are?

Mr MORRIS: They vary.

Ms MARCH: Yes. It depends on the certificate level that they do. We have from Certificate I right through to our diploma levels.

Dr JOHN KAYE: For example, for a typical Certificate I course in machinery maintenance—do you teach that?

Ms MARCH: No.

Dr JOHN KAYE: Would you give us an example of a Certificate I course?

Ms MARCH: Our Certificate III in aged care work is around about \$2,000.

Dr JOHN KAYE: Do you see that as a significant barrier to participation for Aboriginal people?

Ms MARCH: If they had to pay for it, yes, it would be.

Dr JOHN KAYE: Are there exemptions for people who cannot afford to pay for it?

Ms MARCH: Well, Aboriginal people do not pay for our courses. They do not pay at all. It is only our non-indigenous people that are fee for service. A lot of the time Job Networks may pick them up and pay for them as part of their stats.

The Hon. MICHAEL VEITCH: How many courses do you have on your scope?

Ms MARCH: We have 36.

The Hon. MICHAEL VEITCH: That is from Certificate I up to?

Ms MARCH: Diploma.

The Hon. MICHAEL VEITCH: Diploma or Cert V?

Ms MARCH: Yes.

The Hon. MICHAEL VEITCH: How many of our students have a disability?

Ms MARCH: A lot of our students do because a lot of our students are indigenous and have learning difficulties and that is why we have a tutor in place for our distance education. We actually have a tutor here in Kempsey as well as one in Armidale. We are running a course out at Armidale and we have two courses running in Moree at the moment. We have a tutor that they are able to give them a call and ask for any help if they need help.

The Hon. MICHAEL VEITCH: What other assistance can you provide for your students through disability centres to get through the courses?

Ms MARCH: Whatever we can. We ring around and find out what services are available out there to help our students.

Mr MORRIS: English numeracy and literature. That is the foundation of our courses. That is not mandatory.

The Hon. MICHAEL VEITCH: One of the things in your address I noted was that it was not just flexible delivery, but also a flexible learning environment where, if people want to sit outside under a tree to learn, they can?

Mr MORRIS: Yes, that is right. We also like to have what we call Aboriginal English, even the writing. If the writing is a little bit different, as long as you can understand it, that is fine.

The Hon. MICHAEL VEITCH: Do you pay your instructors/teachers under an award?

Ms MARCH: Yes it is. It is the—

The Hon. MICHAEL VEITCH: CETSS award?

Ms MARCH: No, I do not think it is.

Mr MORRIS: Whatever it is, it is a lot lower than TAFE.

Ms MARCH: I cannot think of what the actual award is called at the moment.

The Hon. MICHAEL VEITCH: The reason I ask is that in my former life I was actually involved in the RCA where they are paid under the CETSS award, which was significantly lower than TAFE.

Ms MARCH: I think it is the community services or something.

Dr JOHN KAYE: What does that stand for?

The Hon. MICHAEL VEITCH: Community Employed Training and Support Services.

Mr MORRIS: I think you are right; I think that is the award.

The Hon. GREG DONNELLY: On page three of your paper you talk about the different student groups that are at college, obviously from various backgrounds and ages. Does having such a broad a range of people with backgrounds and ages create some particular issues in education? Are they mixed up in classes?

Ms MARCH: Yes.

The Hon. GREG DONNELLY: How do you deal with such diverse ages and backgrounds in individual classes?

Mr MORRIS: The same as Sydney university or anybody else would. Treat them all as individuals and meet their individual needs. They are there to get an education and that is what we give them.

The Hon. GREG DONNELLY: So it is very much an individual approach?

Mr MORRIS: My oath it is.

Ms MARCH: Yes.

The Hon. GREG DONNELLY: How do you recruit students to the college? Do people become aware of the college and approach you or do you actually have a regular campaign to go out into the community?

Ms MARCH: When the Koori Mail has its education feature we always advertise in there. We have a mail-out that we do like to Job Networks, land councils, AMSs, that kind of thing.

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Mr MORRIS: There is a network among most Aboriginal organisations and there is the grapevine. With Aboriginal organisations I suppose the same principle applies to a lot of them. If you are doing something wrong, nobody wants to know you. But if you are doing something okay and it is really good and works, they are going to come along to you.

The Hon. GREG DONNELLY: Given the unique nature of what you are offering, do Aboriginal people come to the college from all over the State?

Mr MORRIS: Oh yes, or we deliver out there. To save you the cost of coming in, we will go out there and set it up with their trainers.

CHAIR: In the target group there is no particular age, gender or background?

Mr MORRIS: No.

CHAIR: Earlier we heard from Corrective Services, and Mark Rutherford in particular. Do you have a connection with Corrective Services?

Mr MORRIS: Yes we have.

Ms MARCH: Yes, I have done teaching in Cessnock gaol. I have been there and taught first aid, sexual health. We also have students in Grafton gaol that we go up and visit every couple of months. I find that our guys that are in gaol are our best students because we have their full attention because they do not really have much else to do other than our courses.

Mr MORRIS: They are a captive audience. They go well.

Ms MARCH: Yes. We have guys in Silverwater, Emu Plains—the girls in Emu Plains and Mulawa. When they change gaols they actually take the courses, contact us and we say, "Okay, send all our stuff down here now."

CHAIR: With the apparent broadening of the scope into that area of looking at recidivism and parole, and the amount of services you have, you say you have been talking with Mark Rutherford?

Mr MORRIS: Yes. We have been talking to him for years.

CHAIR: Is that starting to increase?

Mr MORRIS: Nothing has happened in four years, but it will start.

Ms MARCH: A lot of our students from the gaols, we actually have a lot of local people that are in the gaols from all the different ones and they already knew about us. What I found is that we cannot go into Corrective Services because they have programs that the guys have to complete beforehand, like with anger management, and drug and alcohol training and that kind of stuff that they have to complete as part of their incarceration.

CHAIR: But in that area of parole?

Ms MARCH: Yes.

Mr MORRIS: And also from a talk I had with TAFE, they are a preferred provider, and that is okay. That is fine, even though we are just down the road. That is just how it goes. Business is business.

CHAIR: Your aged care area is a big area for many different groups in the community, the indigenous community being one of them. What is the scope of opportunity in that area? What are you actually doing?

Ms MARCH: We run aged care courses. We actually wrote that ourselves, so it has Aboriginal content, it is culturally appropriate. And we have a 60-bed aged care facility.

CHAIR: Does that meet the demand?

Mr MORRIS: Definitely.

Ms MARCH: Yes.

Mr MORRIS: There are two other places and I mean huge places. One is a 200 bedder that will come online. Even though they are coming online with South West Rocks, providers still talk together and we network and try to work together with stuff like training and whatever and hopefully something like that will happen. But as for our place, we are hoping to do some expansions next year because with the retirees coming this way up the coast, aged care is a booming business.

CHAIR: In meeting that demand in aged care and in other areas in which you are involved, have you done a 10-year plan?

Mr MORRIS: We have done a five-year plan so far, but that has been revamped. We keep an eye on it, we keep track of it and we follow the trends.

Ms MARCH: We look at it both sides with Booroongen-Djugun College. We have our 60-bed aged care facility and we also have home and community care [HACC] and respite who try to keep people in the community. So we have the ones that come in and we have the ones that we try to keep out in the community and independent as long as we can. We also have independent housing down the back as well.

CHAIR: On the issue of connecting, listening and trying to get the Government to listen to what you are saying, are you able to give us some ideas for our recommendations?

Mr MORRIS: Give me an address and we will send you a submission. I will explain to you why. Some time back we went to visit Andrew Refshauge when he was Minister. Three or four years ago we also representations to a standing committee and nothing happened. Hopefully this time something will happen. Looking at you people and talking to you I think there is a chance that something will happen. I certainly hope so, not just for us but also for our community. Believe it or not I think you are fair dinkum.

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CHAIR: We are committed to trying to come up with a solution. Many have tried.

Mr MORRIS: At least you are listening.

CHAIR: Thank you very much for coming in; it is greatly appreciated.

(The witnesses withdrew.)

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MAVIS DAVIS, Kempsey Elder and Circle Sentencing Panel Member, 76 Middleton Street, Kempsey and

VICTOR DARCY, Coordinator, Circle Sentencing Project Officer, New South Wales Attorney General's Department, PO Box 6, West Kempsey, affirmed, and

WAYNE HENRY EVANS, Local Court Magistrate, PO Box 423, Port Macquarie, sworn and examined:

CHAIR: Do you wish to make some brief opening comments and we will then go to questions?

Mrs DAVIS: I am a Dunghutti-Gumbaynggirr woman. I am Dunghutti and my mother is Gumbaynggirr. One of the things I do is work with circle sentencing. They call me a Jill of all trades because I get involved in things. Since I was 12 years and one week old I have been fighting for social justice for my people in all areas. The type of work that I do serves me to a T.

Mr DARCY: I coordinate the circle sentencing program here in Kempsey and I work alongside the Local Court magistrate.

Mrs DAVIS: As I said earlier, I am involved in everything. When circle sentencing and the community social justice group came along I became a part of that. I was not a number one fan of circle sentencing because I did not like the idea. I thought it would be used and abused. If I had a beef against you and you were charged I could use my power to try to get at you. That was one of the things that I thought about. I suppose I am like the white community in disagreeing about it. I sat in the first circle. I know in my heart that I am one of the strong supporters of circle sentencing. I thank Victor for his job as coordinator and I also thank our magistrate who supports it wholly and fully. I think it is a good thing that happened to our community.

Mr DARCY: I am not originally from Kempsey; I am a Wiradjuri man from central west New South Wales. I have been living and working in the Kempsey community for about five years. I first came over as the Aboriginal client service specialist attached to the Local Court. I then took the role of circle sentencing project officer. It has been a great privilege for me to implement this program in Kempsey. I think it is a wonderful thing. So far as I am concerned, circle courts are the future courts.

Mr EVANS: I am from the city but I have spent most of my time in the country. I have been here since 1997. I was privileged to be involved in the implementation of the circle. I am satisfied that it works. We have some statistics that indicate we have had a couple of people back, but it is a difficult process. I will be speaking at the Australian magistrates' conference in relation to this aspect. There is a policy in New South Wales to move magistrates around. It is a matter for the Chief Magistrate and I respect that. But one of the problems is that, as a judicial officer, you are sitting there with people and you have to get their confidence because you have to make them understand that you are doing the right thing by locking up their family.

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They have to understand that the law that I impose on behalf of politicians and other members of Parliament in Macquarie Street applies to them equally in Port Macquarie, Cobar and various other parts of New South Wales. It is a pretty difficult task because they look at me, particularly in the initial stages, just as an extension of the Downing Centre or Macquarie Street. I am proud to be part of the circle court. I am working well with the indigenous community and hopefully it will impact on the disproportionate number of indigenous people who come before the courts.

CHAIR: Is it possible or appropriate for us to receive a copy of the paper that you are presenting to the magistrates conference?

Mr EVANS: I do not have it yet but I will certainly send it to you.

CHAIR: If you feel that it is appropriate we would be more than pleased to receive such a paper.

The Hon. GREG DONNELLY: Would you provide us with an overview of circle sentencing so that we are clear in our minds about its history and how it works?

Mr EVANS: I can talk about its history. It started off overseas in Canada. Recently I went to Canada on a conference just to make sure where we are going, and I believe that we are ahead. It was introduced in New South Wales, through Nowra, on a trial basis. It includes a magistrate, various other members of the community, elders and/or community representatives who sit down and deal with issues. You have an accused person who is supported by a solicitor and/or a support person, and generally a victim who can be supported. We choose to deal with the tougher cases, not the easy ones.

We have one of particular note that involved a death in the background and there had been a lot of disharmony between two families and we felt it was appropriate to deal with that. It seems to some extent to have resolved some of the angst in the background. We are not wasting time with it by doing easy ones; we believe that by tackling the more difficult ones we are getting something to assist the community. Basically, it involves sitting around in a circle, not in a courtroom and a result is achieved, predominantly by the indigenous representatives of that circle.

A police prosecutor who is present can raise his or her objections to the sentence and the accused person has a right of appeal at a later stage. It has to be given the seal of approval by a magistrate, but I have not changed one yet, and you then adjourn it back to the court and impose a penalty, which may be a bond, a suspended sentence or a jail sentence. I have had a number where I have imposed jail sentences at the recommendation of the circle and I have continued the bail, those people have turned up and they have gone into custody.

The Hon. GREG DONNELLY: In your assessment what is the essential aspect of circle sentencing that makes it so relevant and effective for the indigenous community?

Mrs DAVIS: I can talk from both sides. I sit in the circle. I was a support person for my daughter. About six years ago four women attacked my daughter and me. My daughter was seven months pregnant. These girls just got out. We went to the

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normal court and they got out on a bond, but it did not take away the terror or the continuing feuding within those families. It continued for five years. One day my daughter and these girls had a bit of a row and she assaulted a young girl and we went to court. It then came back into the circle. We were asked to go to the circle where we finally had our say.

I believe that in a normal court we would not have been able to have our say. That was not satisfactory to me or to my daughter because of what we went through. We wanted to have a chance to tell the judge, the people there and the people who made us victims how we felt about what had happened to us. That happened about eight months ago and everything has been quiet since. As I have said, I have sat on both sides and I have been through it. It gives things time to die a natural death and not to continue. I was not satisfied with the first hearing but I was completely satisfied with the second. Even though the families are still separated a truce came out of it.

Mr DARCY: Another good thing is that the indigenous people are dealing with indigenous people. It is not the white man's court any more; it is the indigenous people. They are responsible for what happens to people in the community.

CHAIR: How do you deal with that emotional drain? There are only so many elders. I was just thinking of supply and demand.

Mr DARCY: That has been a problem. When the program was introduced in 2005 it did not get off the ground until late 2006 because there were a lot of myths in the community about circle sentencing courts and they had to be dispelled. There was not a lot of support from both sides—the indigenous and the non-indigenous communities. Aunty Mavis just said that a lot of people were against it. The community as a whole, especially the non-indigenous community, just thought, "Another black fella program. That is a soft option." However, we have proved that it is not a soft option. People have come to these courts and they have been sentenced to full-time custody.

Mrs DAVIS: We have had some young men and women come through with a chip on their shoulder and very angry. I spoke to one angry young bloke—I knew his grandmother—and we had him there for about an hour. Two days later I was walking in the street and I heard someone call my name. He had not spoken to me since he was five years old and he is now 25 or 26. He said he was going well and doing the right thing. It is hard working in the circle and very stressful. You go home and your husband asks how it went, but you cannot say anything because you have to wait. It is stressful. But to see that young man or having one of them come back and say that they have not been back in is good. That takes away some of the stress.

As I said, I have been fighting for social justice. It is good to see some of these young men and women. Our elders have lost a lot through society and we are gaining something back through the circle. We are gaining respect. We give these children options to talk and they are listening. We might have two or three failures, but the success outweighs it all.

Mr DARCY: The magistrate and I do as much as we can with debriefing the elders. It is a big job. I will take up that issue with my head office because it is a big job and very draining.

The Hon. MICHAEL VEITCH: Mr Evans, you spoke about the Canadian model of circling sentencing. What problems are they encountering?

Mr EVANS: They are more into the social issues; they are more interested in looking at housing and getting people onto or off welfare or getting them a job. We look at the nitty gritty of the offence before the court that may have a social impact in the background. I found it was completely different from what we are doing. Through the circle we may guide people to drug and alcohol or anger management programs or the Many Rivers violence prevention unit and other programs that are working in the community. But we are trying to get down to the problem of bringing them to court, not where they will put their head down tonight.

Mrs DAVIS: That is like this young man who was institutionalised for 18 years. He was a victim of the stolen generation. He went from the Department of Juvenile Justice to the big house for next five or six years. That was all he knew. When we got him to the circle, he said he was an emotional football. He was not wanted by his mum and dad because they were divorced and they each had a new family. He was not wanted in his own society because he was fair and was brought up by white people. This poor fella was going around in a circle. He came in for assault and the prosecutors wanted to send him to jail. We sat down and talked. This fella has been in trouble only once in the past five years for a petty thing. When the prosecutor heard him he said that he did not believe jail was the answer. All he faced in his life was jail, jail, jail. He got the chance to sit down and talk. In the circle we give them directions about where to go. It could be the Dhurri medical service, which has drug and alcohol counselling, Many Rivers crime prevention and so on. We give them all the options. As elders and community members on the panel we offer our own assistance as well.

Mr DARCY: It is not just all legal jargon like in the local court. Anyone can go to court and sit behind their hired mouthpiece and give instructions and walk out of the court and not know what happened. It is about sensible people sitting down and talking to them on their own level. Sorry if there are any solicitors here.

Mr EVANS: There are no solicitors here.

Mr DARCY: The real problems do not come out in courts, but they do here.

The Hon. MARIE FICARRA: I refer to your distrust about circle sentencing in the beginning and how it is working now. Can you recruit more elders? I am talking about the workloads. I do not know the participation rate by community elders. I am interested in the perception among elders and the wider community, especially the non-indigenous community. Are they seeing the value? We are hearing about the value of these programs, but what are the perceptions?

Mr DARCY: We had a circle involving a local businessperson. The non-indigenous business community was against this. We had the manager of a department store who was a victim. When we finished, she said, "Wow! I never expected this." She wrote reports for her bosses and flogged it in the white business community. Unfortunately, it is big job for the elders. The numbers are reducing because it is a big workload. I have to do another recruitment round to get people on. This one will never stop.

Mrs DAVIS: It is a very hard job because of our mistrust and the things that have been done to us. It is our mistrust of the system. The first time I ever went to a courthouse I sat there all day. I took my brother-in-law the first time he got into trouble and I sat for six hours. When it was time to go in I could not walk. I have a fear. Thank God there is a nice man there now who I know and can relate to. I have a fear of police, but I have never been in trouble. It is because of our history. A lot of our Aboriginal people will not get up. Too often it is tokenism. We have been surveyed out and questioned out, but no-one has listened to us. People who are not the same colour think they know more. That is why it is very hard to get Aboriginal people to speak up. They say, "You speak up, you have been doing this all the time. Speak up for me." Many of us will say that we will speak up but we need them there.

Our community justice group has 30 members. It is a mix of young and old. Many work and find it hard to get away. I am going to help Victor run a forum because sometimes I will not be there. We need more elders to lighten the load. If you have more people on the panel, it will have longer arms to reach into our community and to make that connection. If a person feels someone is going off the rails again they can be identified. One young fella pulled me up in the street one day and told me he was going well. I made a suggestion and he said he was doing that. It is good when young men and women—and even older people—who have been in trouble come up to talk. We definitely need more people.

Mr DARCY: Members have probably heard this question many times. What is going to come out of this? As Auntie Mavis said, the indigenous people have been poked and prodded. There has been more research on them than a NASA project. Many people are still no better off. What is going to happen with this?

Mr EVANS: My concern is that I prime members of our indigenous community to come to these functions and they are exposing their heart and soul. I respect them for that. We had a judicial commission last weekend and people disclosed very sensitive issues. They can only do it for so many years. The indigenous community of Australia is more investigated than the ancient Egyptians. With respect, we are still talking to people who have their heart in the right place, but we hope and pray that something positive will happen. They can go on for only so long. Young people are starting to become disillusioned. We have more social services in this community than in many other parts of Australia, but at the end of the day we still have problems. We are prepared to work with everyone as a team. We want something to be done.

I have some handouts about a local education authority dealing with specific kids, particularly Aboriginal kids who have issues and who fall out of the mainstream. We support that. It may be of interest to the Committee. If there is anything you want, we will do what we can to help. At the end of the day, we must work as a team.

Mrs DAVIS: Education is fine; we need that. But at the moment my daughter and granddaughter are going through the courts with the police and the Department of Education and Training. I am questioning my place working with the police and legal services. Four white girls bashed my little granddaughter 12 months ago and got away with it and nothing was done. She just sprayed them and she is being charged with assault. They are some of the things that Aboriginal people face when working in the system. We go home and our kids say, "Mum, why are you doing that? Look at what is

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happening." We face that problem as well. The system is not working for us even though we know we have the right.

The Hon. MARIE FICARRA: We are hearing all the good things that are happening. What would you like us to recommend in relation to circle sentencing or any other challenge before the indigenous community?

Mrs DAVIS: Our judge is retiring and we definitely need a carbon copy of him for circle sentencing.

Mr EVANS: She is too lazy to train another one.

The Hon. MARIE FICARRA: We have just passed the cloning bill.

Mr EVANS: It has to be extended. I am not speaking on behalf of the chief magistrate, but circle sentencing has to be extended and accepted as a credible, alternative means of dealing with indigenous issues. I came from Summer Hill; I am not indigenous. I may support them, but I am not part of the team. I can work as part of the team, but I am not indigenous and I respect that difference. I need these people. The Dunghutti community extends up to Bowraville. I am not criticising anyone, but those people do not have circle sentencing. I also sit at Port Macquarie. I have Biripi people there and I do not have circle sentencing. There has to be circle sentencing and more time available.

There is also the issue of debriefing. I cannot sit down with Aunty Mavis and some of the others and say to them, "Listen, this is the way we do it." That is imposing non-circle interpretations. It also makes it look to the other members of the community that this is all part of a conspiracy. They are only passing off what the second-hand magistrate says to do. They have to be independent and I have to respect that. They have to have their own personalities and views. Otherwise it is ridiculous. It will result in indigenous people imposing non-indigenous law.

It has to be extended and there has to be support mechanisms that help the people who need it. That is not instead of. We must still respect that most of the victims are members of the indigenous community. To deny that means we are denying them the right to justice. It is not about being soft with some bloke who flogs his wife because she is then a victim at home and a victim of the system. We have to be particularly sensitive to those issues.

Mr DARCY: A circle sentencing program including Pacific Islanders has been rolled out at Campbelltown. I think it is going ahead. I have no fears about it stopping. At many conferences I have attended magistrates and judges are saying that these are the courts of the future and we need to support them. As far as circle sentencing goes, there is nothing that I want, only that it continues.

Mrs DAVIS: The community is probably split, but many people can see the benefits of it. I would like to see the circle continue with a bit more support. Victor is great and so is the registrar. We need a bit more support from the policemen, not the prosecutor. He is pretty good, but I am talking about police officers working with the Aboriginal people who are on the circle. Sometimes they cause conflict.

Mr EVANS: The Committee might consider in its deliberations that putting a square peg in a round hole does not work. I know that everyone in the Attorney General's Department has to be answerable, and I appreciate that. But one of the difficulties is having people like Vic Darcy and other coordinators in a regime that has nothing to do with indigenous people and making them amenable to this and answerable to that.

We have a man here who has worked for the Ombudsman and who is straight down the middle. We do not have to worry about credibility and integrity. But we have square holes, round holes and different types of pegs and it just does not work. There has to be more discretion with the officers, who can then be respected by their own communities. I do not have an issue working with him, but some of the other people have to see that he is not just an indigenous extension of the non-indigenous system.

Dr JOHN KAYE: Just to clarify that. Are you saying that you need to give more discretion in the functioning of Mr Darcy's office? Is that what you are saying?

Mr EVANS: Yes.

Dr JOHN KAYE: So he needs to be cut loose a bit from Attorney General's and be able to write his own brief more?

Mr EVANS: Well, answerable to but if you choose the right person and you are confident in the person you choose, yes, he has to have more discretion in relation to it. He knows his limits in relation to probity and one thing and another. The indigenous community cannot look at him as an extension of me; he has to be his own person.

Dr JOHN KAYE: He needs more independence?

Mr EVANS: Yes.

Dr JOHN KAYE: And functional independence as well as titular independence?

Mr EVANS: Indeed, and more opportunity. Instead of being under a strict regime, to be able to go out in the community and talk to people and deal with their issues as part of their community. They feel more comfortable with that.

The Hon. MICHAEL VEITCH: When we were at Bidwill the issue of reimbursement or some sort of recompense to the delegates was raised. We were surprised to hear that they do not even receive a rate equivalent to the jurors' rate.

Mr EVANS: Yes, they do not get paid. But I have concern in relation to remuneration as opposed to something else because I have seen at Bourke, Brewarrina and various other places I have been—I would hate to think it came here—that some of the indigenous community lose respect for a person if they feel that they are in it for the money. There may be another way. They have been shafted by so many people in their own community who get a white four-wheel drive vehicle and take good jobs and still it makes them a greater victim. If there is some way to compensate them without just dollars and cents, cars, whatever, I do not know. Mavis would be better equipped at that because they do spend a lot of time, but money is something that causes a problem in

their own community. Some of the little kids at Bourke used to laugh at me when I drove in a white four-wheel drive. They want to know whether I was working for a certain Federal Government organisation. These were little kids.

Mr DARCY: Can I just add something. If I have a circle member from Bellbrook or somewhere, I can help them out with fuel money and all that, and I do that, those little things like that but, yes, the actual sitting fees is beyond my control.

Mr EVANS: It is very sensitive.

CHAIR: It is important for us to know that.

Ms DAVIS: It is sensitive but, again, look at that side. I see people who think they should do it because they want to and when money comes involved, sometimes people—not just Aboriginal people, it is all people—do the job because the money is involved. Again, it is a lot of time you are giving, family time. I will say to Victor, if I am there five years, how about the Government send me to Hawaii for a week? It is a two-way thing. It is very hard to define. Again, Aboriginal people have been used and abused, and people make big bucks out of us. That is what I see and I suppose why I am not pushing it is that I see the benefits for my community.

Mr DARCY: You will get a different view from every community you go to about that issue.

The Hon. MARIE FICARRA: What about covering expenses? At the moment that is not covered. You have to do it somehow creatively from petty cash or whatever.

Mr EVANS: And I approve it.

The Hon. MARIE FICARRA: Should we not be covering their expenses to travel there?

Mr DARCY: Yes. Like I said, I do it through the petty cash system at the Local Court and they bill that back to my department in head office.

Mr EVANS: It is not dishonest, but we pay legitimate expenses and I will stand up and be counted for that.

The Hon. MARIE FICARRA: In some circle sentencing areas that is not done for whatever reason because they cannot do it. So it should be a policy that their travelling expenses are processed.

Mr EVANS: Yes, and not only that. Victor will make sure there is a lunch on for people to make sure they have something to eat before they start. I could turn up and could introduce indigestion to some of them, but they sit there and have a bite to eat and they talk together and we have people who are opposing one another. I think that is good. As Victor said, he picks them up whenever possible. I think that should be compulsory. I still think it might add to the prestige of it, being picked up in the car and driven around. I do not mean that in any stupid way, but as opposed to money.

CHAIR: Earlier today Patricia Laurie, Tom Briggs and others who spoke to us talked about the difficulties of that connection—the whole of government and whole of community—and that the magnets just do not seem to fit together. Correct me if I am wrong, but on page 123 of the Government's submission circle sentencing appears as a success story through the Attorney General's Department. I sense that there is a bit of a different frequency, a different level of understanding of the definition of success in its uniformity across the State, its ownership, its presentation and its marketing. I see a great success story that just seems to be very patchy and is not being sold?

Mr DARCY: Yes. There was a problem with uniformity and I think there still is. Each area was left to its own devices on how they go about setting it up. There was nothing solid from head office. They just appointed people and they were left to their own devices to get it up and running. Uniformity as in just standard letters for courts and referrals from the magistrate to the circle court and all that, none of that was uniform. We were left to our own devices with that.

Mr EVANS: It all depends on how well it works in an area. You get people in the various stratas in the Attorney General's Department and some people are happy to say, "Oh, yes, we got it going" and being patronising saying, "Yes, we've done that, dotted the i's and crossed the t's" and could not give a continental how effective it is, with respect. And you have other people who are so supportive of it. I know Ernie Schmatt from the Judicial Commission is genuine and supportive of it. That helps us judicial officers. I know that the former Attorney General, Mr Debus, was genuinely supportive of it and that helps the judiciary. We are converted and if we are fair dinkum and we work in the field, you cannot last there very long unless you are sincere. But you can get people in other stratas of government who have a differing opinion, and I will leave it at that. But down on the field it sorts you out pretty soon. If you are not fair dinkum, Auntie Mavis and others will work it out.

Mr DARCY: To this day I still get goose bumps talking about this program whenever I go out and flog it because it is so exciting.

Ms DAVIS: I suppose I am just a bit confused on what you just said there about up and down marketing. For me personally seeing it and being a part of it, I suppose that is the difference between government and things working on the grass level case. I see around me and what I see within the circle I see it working and if it is not marketed properly or whatever like what you are talking about, then you do not see it as a success. This is what I am getting from what you just said.

CHAIR: Auntie Mavis, you have misunderstood me. I have not been articulate. I am trying to say that it appears this fantastic story is not being connected properly across the board—whole of government and whole of community. The magnets that were being talked about this morning regarding the two complementing each other just do not seem to be the connection. I might be wrong. From what I can see, there is lack of uniformity and marketing of the story. The goose bumps Victor talks about need to be uniform across the whole State, not just because you have one great person, or two or three good people in Kempsey. We need good people to be promoted right around the whole State.

Ms DAVIS: Yes. When I say we are unique, we are unique here. Each committee, even though we are Aboriginal people throughout, we are all different. We

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should not be judged on how that works here or there. We should be just looked at where it is judged in our town because I know for a fact it is working properly.

Mr EVANS: It might be assisted if someone went around and worked with them. For example, Doug Dick down at Nowra is renown for training the magistrates who go out there and being very supportive. It may require someone to go round and look at each circle and comment discreetly to the people in the circle how they might improve it. It has not been running long enough to get all of the stats. That is what government people like—stats. How can you measure your success? If people come back they might have, as some might suggest, stuffed it up on one occasion, but that does not mean it is a monumental failure. The longer it goes, it will pick up momentum, and the wider it goes it gives greater chance for success stories to come forward. Ours may not be unusual. It depends on how you work as a team.

CHAIR: You have some stats we might ask you to tender?

Mr DARCY: This is how I do my stats. They want stats but we do not even have a database to do this. I should not be doing this on the computer. I am saving them every year. I should be able to just press a button after a court and there is all your information.

Mr EVANS: We have only had five people who have reoffended and three of those were for minor matters that did not cause any concern. Two committed offences of a similar type and they were both assaults on their partners. They went back for a long time.

Dr JOHN KAYE: Out of how many? What is your sample size?

Mr DARCY: In 2006 there were three out of nine courts: three offenders that reoffended. They were coming there for bashing their partners and all this, but they got picked up on an unlicensed driving or something. They thought their licence was still valid. They are lesser charges. In 2007 there was two out of 11 that reoffended and one of those who did the same thing on his same partner-victim got sentenced to full-time custody.

Mr EVANS: Mind you, the circle had sentenced him to 11 months in the first place with one month minimum and took into account it was over the Christmas-New Year period when he was on parole. He did the same thing. Alcohol was a factor and he did not do anything, so there was no option. He went in. That was a tragedy and I do not mean to be disrespectful about that person as a statistic, but that is the statistic you are after.

Mr DARCY: That just shows that this is not a soft option. Unfortunately, it had to happen and it has to get out there to show that it is not a soft option.

CHAIR: Your evidence has been extremely important and enlightening. Do you have any final comments?

Ms DAVIS: Earlier you spoke to Colleen Campbell about the qualified teachers within our area. We had a lady who worked as an AEA for about five years. She became

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a qualified teacher for 25 years. In that 25 years as a qualified teacher she never taught in a classroom. She is retired now.

(The witnesses withdrew)

(The Committee adjourned at 1.15 p.m.)