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**REPORT OF PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON SOCIAL ISSUES**

**INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE**

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**At Sydney on Monday 15 September 2008**

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**The Committee met at 9.00 a.m.**

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**PRESENT**

The Hon. I. W. West (Chair)

The Hon. G. J. Donnelly

The Hon. M. A. Ficarra

Dr J. Kaye

The Hon. M. S. Veitch

**CHAIR:** On behalf of the Committee I would like to acknowledge that we are conducting our business today on the traditional country of the Gadigal people of the Eora nation. I pay our respects to elders past and present and thank them for their custodianship of the land.

Welcome to the eleventh hearing of the Standing Committee on Social Issues inquiry into overcoming indigenous disadvantage in New South Wales. To date the Committee has held 10 public hearings, and hosted two public forums, three informal committee discussions and three roundtable discussions. We have also undertaken six regional site visits.

As part of the consultation process, and to ensure a cross-section of views, the Committee has travelled throughout regional New South Wales to areas such as Kempsey, Dubbo, Nowra, Griffith, Broken Hill and Armidale, as well as Bidwill and Redfern in Sydney.

In June the Committee produced an interim report in which it identified 45 issues for further consideration. These issues can be grouped into five key themes: the measurement of outcomes, coordination of service delivery, the development of effective partnerships with Aboriginal communities, the inconsistency and uncertainty of funding, and the employment monitoring and training of Aboriginal people.

Today, and in the final report, we will be examining these key themes, as well as the other so far unaddressed terms of reference, including aspects of the Federal Government intervention into the Northern Territory, opportunities for strengthening cultural resilience within indigenous communities, the outcomes of the COAG trial in Murdi Paaki, and progress on the implementation of previous Social Issues Committee recommendations relevant to Aboriginal people.

Over the next three days the Committee will be hearing from a wide range of people, indigenous and non-indigenous, including representatives of government departments, academics specialising in indigenous issues, as well as experts in the field of social justice and indigenous affairs. As a result of this inquiry the Committee hopes to propose to the New South Wales Government clear, considered recommendations to help close the gap in life expectancy between indigenous and non-indigenous people in New South Wales.

Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table at the door. Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee Clerks. I would ask everyone to please turn off their mobile phones.

**BEVERLEY MANTON**, Chairperson, New South Wales Aboriginal Land Council, and

**GEOFFERY SCOTT**, Chief Executive Officer, New South Wales Aboriginal Land Council, on former oath:

**CHAIR:** Do you wish to make an opening statement before we proceed to questions?

**Ms MANTON:** We welcome the invitation to make a short opening statement. The New South Wales Aboriginal Land Council [NSWALC] has prepared a detailed submission in response to the publication of the Committee's interim report. I would like to commend the Committee on the thought and work that has clearly gone into preparing this interim report. It certainly sets out the key issues for all the stakeholders committed to working together to improve the health and wellbeing of our people. We look forward to your final report later this year.

The NSWALC has prepared a detailed submission in response to your interim report. With the Committee's indulgence we would like to table that submission this morning. It goes to most of the major issues raised in your interim report, and in effect provides answers to the indicative questions we have received from the Committee. The document has been prepared to provide the Committee with a detailed submission from the NSWALC, the State's peak representative Aboriginal body, to consider in preparing your final report.

We would also like to assist in stimulating as much wider appreciation amongst the Committee members as possible on what land rights is about and what it is designed to achieve and, just as importantly, what it is not. It is also designed to provide the Committee members a much better understanding of the demonstrated will of the NSWALC to work with all tiers of government to close the gap, mindful of the political, statutory and financial constraints placed upon us. We recognise that we have placed Committee members at a disadvantage in today's proceedings in seeking to table a submission at this time, given that you have not had the opportunity to consider its contents. However, we would be happy to answer any questions you have today, and obviously we would appreciate an opportunity to reappear to answer any specific questions arising from your study of the document.

We are, of course, happy to answer any of your questions today, and would be happy to draw your attention to particular sections of the submission, which we believe covers most of the questions the Committee has indicated might be addressed today. Perhaps I can bring to your attention the specific areas in the submission in answer to your questions. It is a fairly detailed submission.

**Mr SCOTT:** I would like to place on record what the Aboriginal Land Council is, why it was created, and where we are today. The Land Rights Act was put in place in 1983, and it was very much focused on land development and land management, and on cultural and heritage aspects. There have been a series of amendments to the Act over time. Those amendments have placed the Aboriginal Land Council system today in a process of being a regulatory authority and an administrative authority, which takes away resources from what the intended use was. Indicative of that is that very little land has been purchased since 1990, since the system was changed. What may also be indicative of that is seeing where the resources of the land council go to.

At the moment there are immense pressures on the land council to respond to where Government withdraws its services. We are trying to respond to that, but at the same time recognise that once you go down that road it is very much a slippery slope. The uncertainty in today's political environment does not assist in that at all. We had hoped that having Labor at both Commonwealth and State level would assist in that, but it seems to have made it worse. Our situation is still uncertain. We will probably get to those points when we go through the questions. Housing is one of the areas where we would like an opportunity to comment on those issues today.

If we are going to close the gap, ignoring two-thirds of the population will not do that. That seems to be the way we are going. Housing infrastructure money from the Commonwealth seems to be going to the north and not to the urban and regional areas at all. They seem to be ignoring us, choosing to desert two-thirds of the population.

**CHAIR:** Do you want to go to questions now or do you have anything further you wish to say?

**Mr SCOTT:** We will go to questions now.

**The Hon. GREG DONNELLY:** Thank you for coming along again to the inquiry. The first question is of a general nature. As we have travelled around the State and spoken to a number of witnesses and communities, there is clearly a challenge that I am sure you are familiar with, that is, local communities seeking autonomy and the ability to make decisions at a local level versus the approach of government that seeks to try to address some of the major issues in communities like health, housing, education that drives the more top-down approach to generally address these issues. There is this inherent tension between local versus a macro-approach. How do you think we address this approach of trying to drive change more broadly across the State and communities versus a local council and individual communities finding the autonomy and decision-making powers to resolve issues like health, housing and education?

**Mr SCOTT:** This is the dilemma we are facing across the board. The real issue is that most of the resourcing going to Aboriginal affairs, like most issues around social justice, is focused on infrastructure, which I refer to as cold money. It is easy to get enough money to build a house and put a sewerage system in and to run the service but there is no money to actually help people. Unless you develop people's capacity to actually take control of their own agenda and make demands on government services that they should be able to, we will not get very far in terms of the skills base across the communities themselves and the capacity to actually take up that challenge.

It is safe to say that doors are opening at the moment and the one thing about uncertainty is that it actually creates opportunity, and there are certainly a few around at the moment. One of the issues that is indicative of the Northern Territory intervention approach is that doors may be open but people are not in a position to walk through them. Taking that as a focus point, most of the Government's focus and the way that government does business with communities in total, not just in Aboriginal affairs, is virtually a project mantra type approach. I say this from having a career as a bureaucrat for quite a few years. A bureaucrat's job is to categorise and control and in doing that the project mantra approach is the best fit that suits the Government, the financiers and the policymakers.

But there is lack of trust between communities and government at the moment and we are seeing that in the way that governments are addressing their funding priorities. It is very much into not funding community groups anymore but having brokerages to see who will provide the service. I know that is indicative of something that is an indictment on us all; that is a lack of progress, given the amount of resources that seem to be going to the area. Unless we focus on developing the capacity of people to engage and take up those opportunities, we are not going to make much difference. That is how we have been for the last two decades at least. In saying that, the project mantra undermines the capacity of communities and individuals to contribute and lay claim to processes. I can explain that more, if you wish, and the state of policymaking.

**CHAIR:** Yes.

**Mr SCOTT:** If you are going to engage in this, a level playing field is a mirage; it is not there at the moment. I think that is indicative of the approach of previous governments in terms of the shared responsibility agreements and the regional partnership agreements. I can see nothing in them that is going to give us any focus unless you start preparing people's capacity to actually engage in it and that they be sustainable. I can talk about that in terms of the Two Ways Together Program and the Commonwealth's approach at the moment as well.

In saying that, we all engage in the process of ensuring that funds must be accounted for; we must account for outcomes. The land council is trying to pour a certain amount of resources into trying to get the capacity of people up to a point where they can engage in those. I have not got much time today, but going through the changes to the Aboriginal Land Rights Act in the last 12 months, it is very much focused on rewriting the Government's structures in the land council system. We now have a much more traditional approach to governance. We now have all that in place in those land councils and codified chief executive officers. The rules and procedures around those are prescriptive to the extent where we think they are counterproductive but we are working with government to try to find a middle road for that.

In short, how we try to make the programs fit and hit the ground to have results, it is about preparing people on the ground to take account and take advantage of what they are being offered. The housing area is one case in point. New South Wales is an anomaly in terms of the social housing sector in the country. We are the only sector that is predominantly community-based. The other States do not have that at all. The Commonwealth is focused and have actually said that is where they are putting their resources. Just about every other State has an agreement with the Commonwealth on the future of funding. New South Wales has not. We have been in limbo now for two years. It started with the previous Howard Government and it has not changed

with the current Rudd Government. We are focused on trying to close the gaps and housing is a major area we have to focus our attention on. At the moment we are in limbo and we still do not know what is happening.

We may get some results when we have the new Commonwealth-State Housing Agreement or the national affordable housing or whatever it is called these days—I am not sure because it changes from day to day. We do not know where things are going there. The whole sector is in limbo and we will not know until the end of this calendar year where we are going. If we are to focus on closing the gaps and providing safe, affordable housing for people we need to have certainty. The land council needs to be involved in that, given that land councils manage two-thirds of the social housing sector at the moment. Legislation provides a very prescriptive process to assess those providers in terms of their capacity to provide housing in the future and it is going to be problematic whether any land council will be able to provide housing at all because of the significant shift in the whole landscape.

**Ms MANTON:** There is uncertainty in the government-funded Aboriginal Housing Office. Our desire was that they would get a guernsey from the Government and they would be able to come in and provide a social housing management plan that our land councils could work to but at this point in time there is no certainty that they are going to be funded, so the land councils are in a bit of a dilemma about where their future lies as far as property management goes. Land councils manage two-thirds of social housing for Aboriginal people. In the 2006-07 financial year they budgeted for \$9 million in rent to come in. They collected \$8 million of that. That was 86 per cent of rent collection.

Aboriginal communities get a pretty bad name in the media about rent and housing but I think if anyone can collect 86 per cent of their rent, which is a pretty good effort. But that has been absolutely ignored with these new amendments to the Act. Now, to remain as a manager of the property within the land council system, you have to be accredited and the accreditation is quite difficult for anyone to manage. The deadline for achieving that accreditation to be able to manage a property was December of this year, so they had 12 months to get all that in place. This is a whole new world of written information for a community that have managed, maybe not perfectly but suitably.

We wrote to the Minister and had that time extended for a little longer to allow land councils to remain property managers. Some may not do as well as others but when you look at the statistics, if an organisation has collected 86 per cent of their rent, I cannot see that that can be counted as a failure. But that is all ignored with this new rule that has come into play. The land councils are thinking now that to be the social housing provider, they have to meet all these criteria and if they cannot, they give their property over to someone else to manage and control and to gain any financial benefit from, it does not come back to the land council. They are pretty well stuck between a rock and a hard place.

If the Government does not fund the Aboriginal Housing Office—and their core business would be social housing and managing property—if they do not get a guernsey and that is not funded, that comes back to the New South Wales Aboriginal Land Council and becomes one of the many things that we have to do. There is a whole gamut of responsibility that this organisation has and if we have to take on social housing as well, it will be quite difficult. That is where we are.

**Mr SCOTT:** The new rules under the Aboriginal Land Rights Act are that a provider must be able to demonstrate that its income covers all costs, including long-term maintenance and replacement housing. That is a task that the Department of Housing cannot meet as well, so, in short, it is looking at changing the whole landscape in moving social housing back to the government factor.

**CHAIR:** Or to a private manager?

**Mr SCOTT:** Provided they as well get support in terms of providing that support costing to maintain housing itself. We are talking about the most problematic sector of housing. The community housing sector only focuses on 5 per cent of the Aboriginal population. Resources go to meet that and they are problematic tenants who cannot get housing anywhere else; tenants who are largely on benefits and facing all the other social problems, and not much appreciated in return.

**CHAIR:** And in that area you have 86 per cent rental return?

**Mr SCOTT:** Yes. Many land councils have significant sinking funds to try to meet those goals and responsibilities and they have accumulated those over a number of years, but in the next 18 months we have to

assess each of the 120 land councils in terms of their capacity to manage in the future and that alone will be a substantial effort.

**The Hon. GREG DONNELLY:** Could you elaborate on that? How does the New South Wales Aboriginal Land Council support local Aboriginal land councils in meeting these accountability requirements? What does that task involve?

**Mr SCOTT:** From the point of view of the administration and councillors, we adopt a case management approach for each local land council, that is, on an ongoing basis we adopt, to a more or lesser extent, a forensic audit of a land council's operations, both in terms of finances and their capacity to manage, and provide assistance on an ongoing basis to resolve these issues. Where we can, we work with the land councils. Again, we are operating at a low-skill base here. We have to admit we have an issue. I come back to the point about sustainable capacity in organisations.

In addition to that, we are rolling out a number of training proposals at the moment, and that is going on to a number of later questions. We have new governance regimes. Training has been provided to probably 85 per cent of all board members at the moment. We have a statutory responsibility to make sure that every board member—all 1,086 of them—receive governance training in the first six months of them taking office. We are hitting the mark with about 85 per cent of those at the moment, but given the turnover in board members, that is an ongoing process.

The other amendment in this process is the requirement now to have community land business plans. Just about all local land councils now receive training, instructions and support in those plans and also recruitment staff issues.

**The Hon. GREG DONNELLY:** Do you have a percentage of the turnover that you referred to?

**Mr SCOTT:** I could not give you a figure, but it is significant.

**The Hon. GREG DONNELLY:** Greater than 50 per cent?

**Mr SCOTT:** It is probably about 25 per cent.

**Dr JOHN KAYE:** Twenty-five per cent a year?

**Mr SCOTT:** Well, this is the first year we have had the board rise. It is clarified what the role of board members are, and it is significant. Given land councils' assets, they have a significant responsibility in managing those assets and also pressure from the community to achieve that.

**Ms MANTON:** I would also mention one of the major reasons that there is a bit of the turnover in the board. One of the roles of a member of the land council is managing culture and heritage. With development the way it is going across the State, you need to have culture and heritage officers who go out and do studies to assess the land. If you are a board member, you cannot do that because you cannot receive any remuneration while you are on the board. There are a limited number of resourceful people within communities, so to make a commitment to be on the board, make decisions for your community, you cannot do any culture and heritage work; you cannot be part of protecting your culture.

So then some people have to make a decision about whether they want to be on the board or whether they want to look after our culture and heritage. We are trying to divide these people up but we have limited skills and numbers of people within the smaller communities. They might have put up their hands and become a board member initially but then they find they cannot do that because they have to live with the decisions they make every day. If they are going to ignore culture and heritage and let somebody else who may be not as competent make their decisions on culture and heritage, they have to live with that. Some people find that very difficult so they resign from their position on the board in order to protect the culture. Then we are back filling positions on the board. That is why we have a bit of a turnover there. I think this year should sort quite a bit of that out. It might take another six months or maybe 18 months from the time people are elected to get that all sorted out. But it is happening and that is one of the reasons why there is a turnover. It would be the major reason why.

**Mr SCOTT:** You cannot hold more than one position in the land council structure. If you are on the board you cannot be employed. I think that if you have got to make a choice between getting a job and putting food on the table or being on the board, you will take the former. That is being worked through at the moment but, as Madam Chair pointed to, there is a limited skills base and capacity in communities to fill all those positions. Given the pressure from various agencies to provide that advice and fill those positions, it is problematic. I will leave a paper with you, which is very much in draft form, about what the project mentions about what we are talking about in terms of providing the skills to get people to take advantage of the opportunities that come up.

**Document tabled.**

That very much goes to other issues as well, which we will speak to a bit later. In terms of the accountability issues, we have a responsibility to make sure that the system is trained and focused on it. We have a lot of pressure from local land councils at the moment to provide additional training not just in the broader government procedures and requirements, which they are all meeting at the moment. If you go to the Aboriginal Land Rights Act you will see that the requirements are stringent and very prescriptive. Negotiating your way through that for anyone is difficult, let alone people who may turn up on Thursday night and get elected to the board. There has to be a balance, at the same time recognising that the board has significant responsibility for significant assets. It is about finding the right balance.

**Ms MANTON:** We are finding that if people are employed elsewhere they put their hands up and do weekend training to meet the requirements of the Act. In the Central Coast region they had a full two-day workshop on the weekend to meet the requirements of the Act.

**CHAIR:** Did I hear you say that who you are talking to within government is a movable feast?

**Mr SCOTT:** Government is always a movable feast. We can get onto the rep body a bit later but I will foreshadow it now. Every government agency and every section of the government has its own advisory committee. They have their own focus on where they get advice, and the demands on people are enormous. I understand that: they are trying to get the best advice they can. But it provides to the Aboriginal community a myriad advisory committees and consultative process. You might hear that we are sick of being consulted. I think the real issue is that there is a myriad of those and there is no single process to do it and no structured or coordinated way to go about it. We will go on later about whether we have spoken to Tom Calma or not. But I will leave that until we get onto that point.

**The Hon. MICHAEL VEITCH:** In your responses you have spoken several times about the Northern Territory intervention and possible lessons from that. Can you talk us through the lessons that you think New South Wales should take heed of?

**Mr SCOTT:** The intervention is indicative of government frustration with things not happening on the ground. There are obvious problems there and intervention was required. No-one can deny that. But we have an issue with the way it was done and what measures were taken to take that. Reducing people to being beggars on their own land to bring about behavioural change is hardly a defensible public policy. That is what we have in this country today. People who were doing the wrong thing should have been dealt with promptly and in a timely fashion. We still have not seen that. If you have got an intervention that suspends the Racial Discrimination Act and suspends the Trade Practices Act as a process of cleaning issues out, we have a real problem in this country.

I was going to get onto the rights basis later. There are only three times in our history when the Racial Discrimination Act has been suspended, and each time it has been for Aboriginal people: the intervention, the Hindmarsh Island case, and Mabo 2. I will talk a bit later about the need for a rights basis approach. It is about looking at each individual community's rights against the government, not between each other. There have been numerous reports within government but there seems to be intransigence on the part of government even to address the question.

I can understand that given that politicians never like to be held to account and a rights approach would do that. But I think if you look at what has happened in other States—the Australian Capital Territory, Victoria and some others are indicative of that at the moment—there has not been an imposition on people. They have not taken rights away from one and not the other. But they have held governments to account, especially middle-level bureaucrats. These days they have to account for their actions and take into account what the

impacts are on people. Some of the measures in the Australian Capital Territory human rights bill are indicative of that.

**The Hon. MICHAEL VEITCH:** I would like to hear a bit more about your rights approach. There is an opportunity to talk a bit about that now.

**Mr SCOTT:** It is one thing that the board is still developing at the moment. There is a right time to do that, and I do not want to pre-empt the board's decisions. In terms of rights issues, there is a right to social services and a right to health, housing and education. They are basic rights that everyone has; they are not indicative of Aboriginal people. But having a rights-based approach will have a disproportionately positive impact on Aboriginal people. Going back to the issue in the Territory, for decades communities there have been requesting adequate health services, adequate education facilities and adequate policing. It has not come. If the police go on strike here for 48 hours there could be anarchy. Those communities have been surviving like that for 30 years with minimal corrective action.

In terms of the rights-based approach, one is the right to social services and the right to a sustainable livelihood. We are looking at these areas to try to find, if you like, niche areas to focus on those. Natural resource management is one area we are focusing on. There is the right to identity. That is the right for people to be distinct but still be part of the Australian community. It is a shame that in the past decade it has been so vitriolic. There has been venom in the debates going around. It has been seen as something different and painted negatively. We were hoping that with the exit of the Howard administration we might have some capacity to have that debate, but the signs are still not good.

There is also the right to equity in terms of program issues. We could get into a debate here about formal equality. If you go back a few years there were always calls for everyone to be treated equally. That either presupposes that everyone is equal or your objective is inequality—one or the other. I think that has to be brought to account. Substantive equality is about designing programs and looking at access and equity in terms of people having the outcomes appropriate to their circumstances. We will give you a paper on basically where our thinking is going on the rights agenda. It is one thing that we have to pursue in this country. It is not just for Aboriginal people; it is across the board.

**The Hon. MICHAEL VEITCH:** Councillor Manton, what are your views on this issue?

**Ms MANTON:** I agree with what Geoff has said. It is ready to come before our council now. We are developing some stuff in draft but we have not finalised the documents at this stage. But I think human rights are very close to everyone's hearts. People have to remember, too, that one glove does not fit all. I think that is specifically what has happened in the Northern Territory. It comes home to roost about how a particular percentage of the society could be treated in one way while the rest are not answerable to the same rules and regulations. I think it is a blur in the character of Australia. It needs to be managed better and fixed up. Human rights need to be restored to the Territory people.

**The Hon. MICHAEL VEITCH:** I have one last question completely removed from that process. Are you aware of any overseas programs or initiatives for indigenous people that you think would be pertinent to New South Wales?

**Mr SCOTT:** There are some fairly instructive papers and research around that we could copy to you. There is some information on the difference between Australia, New Zealand, Canada and the United States. There is only one difference in the policy approaches. We talk about self-determination and what it means. It has never been tried in this country so I do not think you can call it a failure. I can get you a paper that goes through that—it is a bit dated now. But the only difference in the policy approaches in all four jurisdictions is the focus on self-determination and actually providing, if you like. It is not about decision making at the local level in different areas; that is always problematic.

Self-determination is a question of perspective. It is about making sure people are involved in what goes on, they know what is going on and there is not a totally top-down approach. We were talking about closing the gaps. In all those areas those statistics and procedures have moved. There is only one difference in policy, and that is self-determination. I know that is a bit of a trite concept these days. I think it has been abused and misunderstood. I will not be a cynic and say it was deliberate. But that is the way the political landscape is here. I can get you the paper that identifies what those policies were and the only difference. It is a paper done by the Australian National University, and I will get it for you.



**CHAIR:** We might do that via a question on notice.

**Mr SCOTT:** The other thing we have got to raise on this point is that we have this almost sycophantic approach to the Harvard model. Every time I talk to someone the Harvard model is mentioned. I think people have to take into account what the Harvard model is and what jurisdictions we are dealing with. We always focus on government being the prerequisite for business and economic development. But we are talking about communities in those territories that have total jurisdiction for their actions. There are no laws and there are no codes except for the ones that the Aboriginal people make in the area. That is what is important, and they have done a very good job. I think what we take from the Harvard model are the principles and the lessons learnt from it, not the process and procedure. I can go through that in a bit more detail if you would like.

It is one thing that gets us a bit at the moment. Everyone refers to it but no-one has unpicked it to see what we are talking about. They have a far more focused area. The resources are far greater and we are dealing with a far greater percentage of the population. For example, what underwrites most of the provisions is that they have to set up their own laws and their own business codes throughout the area to attract investment. They have the resources to attract the investment themselves. The problematic area in terms of land mass does not give you much focus on doing that here; nor does what Aboriginal people have access to. The Aboriginal Land Rights Act gives us access to land on lands that we acquire but we still cannot access the minerals in those areas, which are the basis of how they get things done overseas. What supports most of the Harvard approach in the United States is the gaming revenue.

No-one knows what that is because of the way it is structured. I think if they knew what it was they would not have it. But I think there is a realisation in those communities—we have contact with them and we are talking to them. They are looking at what we are doing here and how we sustain development issues. One thing they are looking to at the moment is the investment fund we have in the land council, how we have done that and how they could replicate it over there. There are 500 separate Indian tribes in the United States and only 180 have gaming revenue. Two hundred of those communities do not have written constitutions. There are good lessons to be learnt but I think you have got to take off the rose-coloured glasses and see what really works.

**Dr JOHN KAYE:** I will pick up on that point because it is an interesting set of comments. Are you saying that we should not slavishly replicate the Harvard model but you are not rejecting the findings of the Harvard study? Is that correct?

**Mr SCOTT:** That is correct.

**Dr JOHN KAYE:** As I understand it, the overwhelming finding of the Harvard study was that autonomy in governance and decision making around delivery of services for communities was very important.

**Mr SCOTT:** Yes, it is. I think we take those principles but we have to realise what the jurisdictional differences are. People in those jurisdictions are in control of their services. They can determine what their services are, who comes on their land and what the laws are. In doing that, I am not taking away from the communities here that have done a very good job in putting those in place. But the principles of the Harvard model I think are what we should be focused on. We should not try to replicate the Harvard model issues here. I think Stephen Cornell is in the country again—he seems to live here now. You could talk to him; he would be quite instructive about it.

**CHAIR:** There is no point having autonomy if you do not have the resources to do anything with it.

**Mr SCOTT:** What does "autonomy" mean in terms of Aboriginal Australia? We could get into a whole debate about sovereignty. In this country "sovereignty" is a dirty word. It is a misused and often abused concept. It was not about separate States and separate nations, as some would have it.

**CHAIR:** In the Murdi Paaki COAG trial, in those 16 communities there was talk of one success being air conditioning and they were going to put air conditioning into 16 communities. I think they have achieved it in five out of the 16. Where would the SRA, the shared responsibilities agreement, to put air conditioning into 16 schools or 16 areas of schools, sit in terms of the rights-based approach?

**Mr SCOTT:** I think it is difficult, we have a spurious link on that one. I was involved when Murdi Paaki was put in place and the RPAs and the SRAs. Most of the houses in the Murdi Paaki regions are in areas where the conditions are oppressive.

**Ms MANTON:** Dust bowls.

**Mr SCOTT:** The issue there was that a lot of the other houses, even the DH houses, were air-conditioned but according to the policies of the Commonwealth for the Murdi Paaki housing and community sector the answer was no. You could not have them because it was not deemed to be appropriate for housing. They negotiated getting air conditioning into those houses and they received an indication of a \$2 million grant to do it. It is not just the schools, it is all the community housing in the area. The last time I saw it, it took them two years to negotiate the agreement, which also involved six or seven subagreements under that. That is what an RPA is, an agreement to have more agreements, in my cynical view.

I think they have only achieved that in a few communities at the moment. Again, if you go back to the point about having safe, affordable housing that is appropriate to people's needs, which was seen as a need in that area. And given the environment people exist in out there I do not think it is an unreasonable request. If you are going to have housing that people can live in that is sustainable for children doing homework, and if houses are oppressively hot you do not live in them, or cold.

**Ms MANTON:** Also, they get full of dust because they are very dusty areas. A lot of the children are asthmatics. They cannot have carpets on the floor because of asthma. There are real health issues and that is why they ended up with the air conditioning. I lived in Lightning Ridge for a short while and you would come home from work and you could not lie on the bed because the bed would be too hot. You would think your bed would stay cool but it is too hot and you could not lie on your bed even. It is really oppressive heat. There are health reasons why it is necessary for the air conditioning to be out there. It was killing people, and still does.

**CHAIR:** On face value I see it virtually in the light of food, clothing and shelter. I would see it as a basic human right, rather than something special

**Mr SCOTT:** The reason they were so difficult to negotiate was that if you provided air conditioning to the houses in Murdi Paaki, the natural progression from that was to provide it for everyone else. The cost was prohibitive. That was why it was resisted in a big way. If you want to get back to what the issue was, that was it.

**The Hon. MARIE FICARRA:** What is the view of the Aboriginal Housing Office about achieving credibility? If things settle down and it gets funded and achieves accreditation for the social housing, what is your opinion about it? Is it able to take it on and manage it?

**Mr SCOTT:** I will try not to talk on its behalf, I am sure it is coming before you. The reform in the sector is a massive one. It is not just accreditation and registration. Currently, to receive funds from the AHO and therefore from the Commonwealth, which all funds are directed through, you must be registered with the Aboriginal Housing Office and you must be accredited in terms of its performance and its systems are in place. That will be a long-term task. I think it will take three years for a provider to get there. We have not started yet. So, we have a bit of a hiatus before people are up and running on that. The reform agenda of the AHO is significant in what it is trying to do but in the end the reform agenda is about rationalising the number of housing providers in the State. We have over 200 at the moment. The view from the Commonwealth is that, one, it is undesirable and, two, it is unsustainable.

I think that is why the Commonwealth is having difficulty reaching agreements with New South Wales. Those assets belong to each of those housing providers. I think the Government said in the past it is prepared to let them swing in limbo if they do not become part of the system. So, I think there is a train wreck about to hit us. The things on the track are not being removed. For the rationalisation of the sector to work properly we have to have an AHO and it has to be resourced properly and has to be working properly. We are trying to work with the organisation now to get that in place. It is fundamental for the land councils themselves to have a financially sustainable and properly managed and resourced sector. If we do not have housing, closing the gap will be a problem.

**The Hon. MARIE FICARRA:** Can you see benefits in the rationalisation of the management at the moment of all your social housing? Would there be a benefit, say, of the AHO or some central component dealing with it all so you could get a better idea of what you have, your stocks, and be able to manage it better

and get better funding, better representation, to have one chief spokesperson that the Aboriginal land councils respected, such as the AHO? Do you see a benefit in that rather than the current system?

**Ms MANTON:** Absolutely. I think we have a pretty good head up on that and the status of housing at the moment, the number of houses out there and the requirements that are needed. We have a very large young population: 50 per cent of the Aboriginal population are 20 years and under. So we have some major issues coming so far as social housing is concerned.

**The Hon. MARIE FICARRA:** How has New South Wales developed into such a different system from the other States in the social housing sector New South Wales has? Why this disparity between the States?

**Mr SCOTT:** I do not want to give a history lesson in five minutes but in the past the Western Australian and Queensland governments were always against community ownership. We can see how the communities developed and how Western Australia developed. In Western Australia, all housing was controlled by the State. In Queensland all housing was controlled through DOGIT [Deed of gift in trust] or individual communities. They are being rationalised at the moment. DOGIT communities have been reviewed and they have restructured their governance and their financing. In New South Wales there was very much a focus from the early days on trying to put into place the principle of self-management, which is decision-making and ownership of assets at the local level. That always presupposed—and if you go back to the early days when they was set up, in the early 1970s—if you wanted resourcing from the Government you had to set up your own company, your own corporate entity, as a prerequisite of getting any assets from the Government. So a whole mood of community set up these organisations.

In 1983 the Aboriginal Land Rights Act came along and we had another series of organisations. We have a lot of them in place. That is how it develops. It was not by design, it was just by circumstance that it happened that way. It is focused, it is a strong sector, and community groups do not trust the Government to manage their housing. And that comes from the point of view of dealing with what they see as a fairly tough, if you like, or difficult landlord. And that lack of trust is what is underpinning all of this at the moment. We agree with the rationalisation of housing but if I go out to the community they will have their own opinion.

**The Hon. MARIE FICARRA:** By a body that is culturally and socially responsible?

**Mr SCOTT:** The AHO's response to this at the moment is to set up at least six regional housing bodies, which would have boards of Aboriginal people that would provide that overriding management process. That is one we are looking to at the moment.

**The Hon. MARIE FICARRA:** Your report in response our interim report, you have the various chapters addressing various issues. In each one do you have recommendations? Do you have things that we can say this is what you see to be the deficiency and where we need to move forward? I did not see any bold recommendations. I saw a generic conclusion.

**Mr SCOTT:** If you would like those reports we can come back to you on those. But at the moment the board is considering those issues. You have to take into account here that our board is nine individuals who represent different areas of the State and their perspectives and priorities are different in every area. We can come back to you with what those recommendations are.

**The Hon. MARIE FICARRA:** I would find it of value. I do not know what the other Committee members and the Chair think. Just to have some clear direction on where you think we should be headed when we make our recommendations.

**Ms MANTON:** We can do that.

**The Hon. MICHAEL VEITCH:** What time frame would you need to do that? You are very diverse geographically as well as your representative base. How long would it take you to do that?

**Ms MANTON:** Perhaps over two weeks.

**Mr SCOTT:** Monday week?

**CHAIR:** Three weeks, 10 October?

**Ms MANTON:** That would be brilliant, yes.

**Mr SCOTT:** We are lucky that the board is meeting next week. There are a lot of other questions here you want to get to?

**CHAIR:** Maybe you should summarise them.

**Mr SCOTT:** The Two Ways Together partnership engagement strategy is working. The best you can say is it is problematic. The Two Ways Together strategy itself does not take into account the changes in the Aboriginal Land Rights Act itself. It is establishing other bodies outside it. All the State Government's resourcing and government support is going through communities and not to the land council system. I find it difficult to comprehend why you put in place a land rights system itself and have community organisations that support it—and there are problems in governance and how they are received in the community, we admit that. Some are going well, some not so well. You have to focus on one or the other. You cannot keep setting up different administrative regimes every time you do not think it works. It is splitting communities. In areas where we have working parties sometimes the land council working parties are at odds with each other.

We are continuing to do this. In an area where I thought we were trying to get some certainty in the system, it does not help. I will leave you to try to discuss that. There have been reviews of that recently. I am sure the department will be tabling those and you will see what the perspectives are. It is not all total support for the land council system. We have our problems, like everyone else has. But we have an ongoing basis. I am talking about sustainable groups or bodies in each community that will be there beyond the two years of the Two Ways Together program and then we have to focus on sustainability and not on a two-year intervention with no capacity for sustainable development beyond that.

**CHAIR:** So, it is not just the local and regional issue, it is across the board?

**Mr SCOTT:** We are looking at this in the long term. The national representative body, it is safe to say that NSWALC's submissions to the national representative body will be that NSWALC is the representative body in New South Wales. If you have a different opinion do not bother talking to us. Again, we have had enough of these dithering innuendos. We are supposed to have this representative body debate going on at the national level at the moment. There have been a few meetings around the country. We already have a national education body set up by the Commonwealth. We have a national health representative body set up by the Commonwealth and on Friday we announced a national justice body set up by the Commonwealth. One might wonder are they serious? You cannot keep setting up all these different representative bodies and then try to set up another one. It comes back to the point there is only so much advice you can get, and if you want to forum shop, do it with someone else.

At the same time, we will be engaging in that process to try to get the best outcome we can. That will put more pressure on the land council system to make sure we have regular regional forums and we take into account those expert bodies around the State. There are people doing good jobs in their areas, in the health area, and housing area and the justice area. Our point on that is not to split that advice any further.

Do you want a response on intervention itself? We will be making a submission to the intervention inquiry and we can probably table that and send it to you as well. Again, it picks up the points we have made previously on how we think it is going. I see in the intervention in the Territory we have a big problem coming up soon. Those government managers have been placed in each community and they are only there for the next 18 months. I hate to think what will happen when they depart.

Issues about sustainability itself, intervention is required in certain stages but you need a development focus behind it. The intervention itself has no development focus about intervention. It is born of frustration that nothing is happening. You need to do something and do it quick but you do not destroy a people to do it. When the Government leaves soon—and it will soon because it cannot sustain that level of effort—it has a problem coming.

**CHAIR:** The Department of Aboriginal Affairs in New South Wales has looked at the important issue of regionalisation and local structures. Has there been any discussion with you about how it is rolling that out? I think it has a couple of regional offices now and it is talking about rolling that out further. Has it had any discussions with you about coordination of that and how it proposes to do it?

**Mr SCOTT:** We could give you a short answer to that—no. We have our concerns with those. In the Aboriginal Land Council at the moment we have set up regional advisory committees, which are made up of the chairs and the CEOs of each of the land councils within each region to provide that ongoing formal expertise to try and negotiate those. But the Department of Aboriginal Affairs operates outside of that. We operate separately and totally Aboriginal. We try and do that in terms of the coordinating committees, but the two ways together have been running now for three or four years. I think they had some good initiatives under it. Their employment compacts I think are a very good idea, and some of their initiatives in terms of the safe houses out west. There are a number of good components on it. I am not saying dump the whole thing totally, but in terms of coordination, no. But I think it is symptomatic of the whole-of-government efforts. It is the frustration that given the amount of resources going into Aboriginal affairs the progress is not evident—it is not demonstrated.

**CHAIR:** Would I be wrong in assuming that if you were wanting to roll out that sort of a structure that there would be discussions with yourselves?

**Mr SCOTT:** We would hope so.

**Ms MANTON:** Absolutely.

**Mr SCOTT:** Being pragmatic about it, we have got to make sure our structures are up to speed as well and able to cope with it, and given the change in the land rights system in the last 12 to 18 months, the regional land councils were abolished at the last series of amendments, so we do not have formal structure at the regional level now. But we have complemented that by setting up these advisory committees to the board.

**CHAIR:** Can you just say that again for my benefit? I did not hear that exactly.

**Mr SCOTT:** The 2007 or the 2006 amendments to the Land Rights Act abolished the regional land councils structure. There is now no regional structure.

**Ms MANTON:** They made it two-tier instead of the three tier.

**Mr SCOTT:** To fill that void what the NSWALC have done is actually establish regional advisory committees where we bring the chairs and the CEOs of each land council together on a regular basis to go through and try and get some support and activity going. I suppose I am seeing two worlds operating: one is over here and one is where we are. We pick up on the edges of what is happening but in short, no, there is no coordination.

**Dr JOHN KAYE:** There are further changes to the Act in train, as we understand it. Are you being consulted over those?

**Mr SCOTT:** I think from the experience of the previous amendments that we have still got to revisit, the next series of amendments coming up will be a draft land dealings exposure bill. We have been involved in those in a very detailed way. I think that has been a much better process for doing that. That has been, if you like, structured and overseen by the Registrar for Land Rights—that is Steve Wright. He has been very good in putting it together to minimise issues. We will still have some differences when that bill comes out but I think at least we will know what we are dealing with. And that is a very needed one, if you like. The Land Rights Act in terms of its land dealings provisions has not been amended much in any real way since 1983. But the real property legislation and complementary ones have been and we are trying to bring it into line to provide much more certainty, I think, for people in land dealings.

**CHAIR:** I think we have run out of time. Are there any final comments you would like to make? Every time we speak incrementally we get more and more educated and we appreciate your coming in.

**Ms MANTON:** We will get something back to you.

**Mr SCOTT:** I think some of the points you asked was about some details about the boards' structures and their turnover, what training we have rolled out and what the skill capacity is. You have asked us about some details around the rights framework and that we are acting quite quickly, and comments on the intervention itself. I do not know if you are speaking to Health Habitat at all. Have you heard of them? Health Habitat is an organisation that has a single focus on providing functioning housing in communities. They were

used earlier on in the Aboriginal Communities Development Program. They were focused on getting a program in place, which would ensure houses were functioning and were meeting people's requirements.

**Dr JOHN KAYE:** Is that an Aboriginal organisation?

**Mr SCOTT:** No, it is not.

**Dr JOHN KAYE:** It is an organisation focused on Aboriginal people?

**Mr SCOTT:** It is focused on Aboriginal affairs issues. They do a lot of work with the Centre for Appropriate Technology. They do a bit of work in New South Wales. Some of the principles in them are actually used by the Murdi Paaki housing organisations, which is trying to get functioning housing up. It is a series of ongoing assessments, if you like, about what makes a functioning house and how you maintain that house.

**The Hon. MARIE FICARRA:** Did that evolve from the Canadian Habitat system?

**Mr SCOTT:** I could not tell you, I am sorry.

**The Hon. MARIE FICARRA:** Because Habitat is very successful in Canada.

**Mr SCOTT:** The process here is very good. There are a number of reports, which I am sure they have in their files, where they assessed half a dozen communities in New South Wales to actually have a program in place where the houses were assessed on a regular basis so you made sure they actually house people and that all the systems work. It is a health-focused program. There were a few studies done here in half a dozen communities and it is underpinned by a major program in the Murdi Paaki region itself. You would probably benefit from reading those reports. It is focused on items such as if you are going to put air-conditioning in which systems you put in; if you are going to put heating systems in and to heat the water which systems you put in. If you are going to design a house how do you design it so that the ongoing maintenance costs or the ongoing running costs of the house are minimal and at the same time are meeting people's requirements? It was not seen as sexy by the Howard Government so it was dropped.

**CHAIR:** Thank you very much for coming in this morning. As I say, each time we incrementally get more and more educated—some say confused—but it is greatly appreciated.

**Mr SCOTT:** I think NSWALC is trying to say here we stand ready to actually work with people on addressing these issues any time at all. One issue is we announced a \$30 million scholarship program last year, and not one query from any government agency; not one way of working with us. We will continue to roll it out, but given that our resources rely totally on the stock market and its fluctuations, some of those have been put on hold for the next 12 months.

**Ms MANTON:** One issue I would like to raise before we finish is the water and sewerage agreement that we have with the Government. The New South Wales Government is in a bit of a quandary at the moment and we would hope that that agreement stays in place and that they do find the money to continue with that agreement, as we have to. It would be a terrible shame if what has already begun with water and sewage across the State is stopped, because people's communities have just come on board with the support of it.

**Dr JOHN KAYE:** Is that agreement with the Department of Water and Energy?

**Ms MANTON:** Yes.

**Mr SCOTT:** Well, that is what the Government is saying.

**Dr JOHN KAYE:** It is with the Government somewhere but you do not know exactly where with the Government?

**Ms MANTON:** But it is the Department of Water and Energy, yes. They are part of the stakeholder group.

CORRECTED

**Mr SCOTT:** The Department of Water and Energy is the government agency that is rolling the program out. We work closely with them in terms of the limitation, and they have, on the whole, been very good. We have found them of great assistance in rolling it out. Their officers there are to be commended for what they have done. They are one of the better agencies we deal with.

**Ms MANTON:** And local shires as well. They are a stakeholder.

**CHAIR:** Thank you very much.

**Ms MANTON:** Thank you for your time and we wish you well with the report. We are available at any time to speak further with you if there are any other questions you might have.

**(The witnesses withdrew)**

CORRECTED

**TOM CALMA**, Aboriginal and Torres Strait Islander Social Justice Commissioner and National Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission, Level 8, 133 Castlereagh Street, Sydney, and

**CHRISTOPHER HOLLAND**, Senior Policy Officer, Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission, Level 8, 133 Castlereagh Street, Sydney, and

**DARREN DICK**, Director, Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission, Level 8, 133 Castlereagh Street, Sydney, affirmed and examined:

**CHAIR:** Thank you very much for being with us today. I understand that Tom has to leave around 11 o'clock but I think Chris and Darren can stay. The Committee is fortunate to have you with us today and it is very much appreciated you coming in and meeting with us here on Gadigal land.

**Mr HOLLAND:** Could I just clarify, to say I am the Close the Gap campaign manager is not quite accurate. I coordinate the secretariat activities from the Human Rights Commission, but there is no such position as campaign manager.

**CHAIR:** I invite Tom to give us some opening comments.

**Mr CALMA:** I pay my respects and those of the commission to the traditional owners of the land on which we are meeting today, the Gadigal people of the Eora nation. Thank you for the opportunity to appear before the Committee today. You have a very difficult task, and the extensive nature of your interim report reflects the complexities and the sheer weight of issues that need to be addressed if indigenous peoples in this State are to be able to enjoy equal life chances to all other citizens.

I would like to highlight two sets of issues in my opening remarks. I would also like to mention that due to time I have restricted my opening remarks but I do have a more substantial statement that I am happy to table. First, I would refer you to the extensive range of materials produced by my office over recent years to address the issues raised in your interim report. As you would be aware, as Social Justice Commissioner I am charged with the responsibility of producing two reports that are tabled in the Federal Parliament each year; they are the social justice report and the native title report. These reports touch on nearly every issue that you have raised in your interim report.

In particular these reports focus on the challenges of government service delivery, particularly in terms of achieving whole-of-government coordination and improved access to mainstream services; the importance of engagement with and participation of indigenous peoples in service delivery arrangements; how to achieve appropriate levels of accountability for the performance of governments through the establishment of targets and benchmarks and monitoring frameworks; the human rights-based approach to addressing family violence and child abuse as well as to achieving reconciliation and to close the gap, and that is the health inequality gap, with indigenous peoples; and the specific needs of indigenous prisoners to ensure reintegration into society and to address recidivism rates.

There will be much in these reports as well as my other activities that you may wish to explore with me and my staff today. I would urge you to also look at these reports in formulating your next steps. Another issue that I have spent some time considering of late is the importance of establishing a national indigenous representative body. I released an issues paper on this in July this year. How it relates to the challenges outlined in your interim report is another key issue. Second, I would like to speak explicitly about the Close the Gap campaign for indigenous health equality that my office commenced in 2006. This campaign emerged from my social justice report in 2005, and a copy of that report was provided to all members of the Committee at the commencement of your inquiry.

In particular I recommended the following targets be adopted by Australian governments. 25 years to achieve equality of life expectancy, and 10 years to achieve equality of opportunity in relation to access to primary health care and the infrastructure that supports health, such as housing, food supplies, water et cetera. My recommendations encapsulate a human rights-based approach to ending the indigenous health crisis; one that utilises targets and benchmarks to not only provide an insight but also to ensure accountability for achieving the goals of healthy equality.



The first stage of that campaign culminated in a national indigenous health summit held in Canberra on 18 March and 20 March 2008. The summit resulted in finalisation of a series of health targets to achieve health equality within the generation in the signing of the Close the Gap Statement of Intent by the Prime Minister, the Minister for Health, the Minister for Indigenous Affairs, the Leader of the Opposition, and every major indigenous and non-indigenous peak body nationally. We can talk further about the health target shortly but upfront I would like to highlight the importance of the Close the Gap Statement of Intent. I see this statement as a template for action by all Australian governments on indigenous issues. It has also clearly been something that has driven a lot of the commitments by the Council of Australian Governments [COAG] that are unfolding as we speak.

The Close the Gap Statement of Intent provides a bipartisanship commitment to addressing indigenous disadvantage and this is critical given the intergenerational nature of our challenge. It commits the Australian Government, amongst other things, to develop a comprehensive long-term plan of action that is targeted to need, evidence-based and capable of addressing the existing inequalities in health services in order to achieve equality of health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-indigenous peoples by the year 2030; to ensure the full participation of Aboriginal and Strait Islander peoples and their representative bodies in all aspects of addressing their health needs; to working collectively to systematically address the social determinants that impact on achieving health equality for Aboriginal and Torres Strait Islander peoples; to supporting and developing Aboriginal and Torres Strait Islander community-controlled health services in urban, rural and remote areas in order to achieve lasting improvements in Aboriginal and Torres Strait Islander health and well-being; to achieving improved access to and outcomes from mainstream services—I reiterate from mainstream services—for Aboriginal and Torres Strait Islander peoples; to respect and promote the rights of Aboriginal and Torres Strait Island peoples; and to measure, monitor and report on our joint efforts in accordance with the benchmarks and targets and ensure that we are progressively realising our shared ambitions.

The Queensland Parliament has now committed to the Close the Gap Statement of Intent and last month all sides of politics in Victoria committed it to. Other States will follow soon and we hope New South Wales will be one of them. The report of the Committee should take these basic commitments as a starting point and I urge the Committee to use this as a framework to guide its work. I would also like to briefly outline a series of challenges for all governments if they are to play their part in achieving health equality and to overcoming the disadvantage experienced by indigenous peoples. I will read the headings of the key issues but I will not go into the detail at this stage due to the time factor.

First, there is a need to ensure the full participation of indigenous peoples in policy-making processes. Second, the importance of taking an approach that sets ambitious targets and timeframes. Third, and related to the second point, is the need for realistic planning. We can no longer accept the making of commitments to address Aboriginal and Torres Strait Islander health and equality without putting in place processes and programs to match the stated commitments. Conversely, we can also not accept the failure of governments to resource programs properly. A plan that is not adequately funded to meet its outcomes cannot be considered an effective plan.

The indigenous health equality gap can be closed and closed in our lifetimes. The foundations are in place but none of us can afford to rest on our laurels. It is imperative that we hold Australian governments to their commitments so that by 2030 any indigenous child born in this country has the same chances as his or her non-indigenous brothers and sisters to lead a long, healthy and happy life. We would be pleased to address any of these questions and elaborate further. I can table the fuller report if the Committee wishes me to do so.

**The Hon. MICHAEL VEITCH:** Throughout our inquiries one of the things that has been raised is that a number of the problems affecting indigenous people in New South Wales are not so much race or culture based but in fact are as a result of poverty. Do you have a view about that? Do you think that is an accurate statement?

**Mr CALMA:** I think in many regards it is an accurate statement. Poverty in particular—I map this out in my social justice reports and, to an extent, in the native title reports—is poverty in real terms and also poverty in relation to our non-indigenous counterparts. First, in part that is because indigenous people only received recognition in the Constitution in 1967 as peoples of the country and not regarded as flora and fauna. Second, from that time—and maybe a little bit before then—indigenous people started to get access to the rights that all other Australians enjoyed. When we look at the economic status of indigenous people we now see that there is a gap. Homeownership is one that is often reported; indigenous people have far less ownership than non-

indigenous people. There is not the intergenerational transfer of funds between families, the inheritance factor, because it only started in 1967 in real terms. It is only my generation that is going to be able to leave anything substantial for our children. Prior to that people of my generation were few and far between that inherited anything from our parents or grandparents.

We see across Australia that close to 60,000 indigenous people now own their own homes. That is a fairly substantial number—it is more than 10 percent of the population. When we consider that there are many people sharing, in some parts of Australia 10 to 20 people per house, it is a fairly sizeable number. When we consider that only 30 per cent of that number actually got funding support through government sources, it shows that there is improvement if that is one of the measures that we are looking at. But across the board when we are looking at access to education if we compare with the Maori from New Zealand, the first graduates in medicine were in 1899 whereas in Australia it was 1984, there is a big gap looking at other indigenous peoples. Our first graduates from territory education started to come out in numbers from the late 1960s to the 1970s. If you are not getting people into employment you are still in a situation of poverty.

If you look at the mid-1970s when the last of the nomadic Aboriginal groups came out of the desert—that was 30 years or three decades ago, so it is not very long ago—there is a fairly significant catch up. A lot of it relates to poverty in one sense or another. We are culturally rich but economically maybe not so rich. We have to try and get a balance going and recognise that it was a slow start, there is still a fair way to go, and we have to look at what sort of measures we can put in place to ensure that we can improve that status.

**Mr DICK:** If I could add briefly to that? One of the features of the human rights-based approach that we think provides a path through this is that there is a range of criteria for you to use to assess the adequacy of programs and responses, and they will often relate to how accessible services are and their cultural appropriateness and adaptability and those sort of things. Even if you do define the issue as one of poverty there are genuine barriers that exist for Aboriginal people that relate to cultural issues. Tom highlighted particularly the lack of accessibility of mainstream services and some of the statistics. I am sure the Committee members are aware of indigenous people accessing Medicare at about 30 per cent of the rate of non-indigenous people. There is quite a large disparity also in pharmaceutical benefits. You are basically locked out of the majority of the services available through the health system and those sorts of issues. Regardless of how you define the issue, there are still going to be cultural barriers that need to be overcome to ensure you can respond to them.

**Mr HOLLAND:** Can I also add something? Broadly speaking around the world it is clearly established that there are links particularly in relation to poorer health and poverty. I am sure the members of the Committee have come across this from previous witnesses but I was going to recommend this report to the Committee. This is a broad background thing. If you are looking at the links between poverty and things like poorer health this is an excellent starting point. This was produced by the World Health Organisation and is called: Closing the Gap in a Generation Health Equality through Acting on Social Determinants of Health.

**Mr CALMA:** It was very recently reported. In fact on this morning's health report on Radio National this very topic was discussed.

**Mr HOLLAND:** It does make some references to the Close the Gap campaign I believe as well but the links are clearly established between poverty and health.

**The Hon. MICHAEL VEITCH:** Tom you have made some well-documented comments around the Federal intervention in the Northern Territory. Are there any lessons for the New South Wales Government from that intervention?

**Mr CALMA:** Two things. The first point is that the review team will be reporting by the end of this month—that is your Marcia Ella Duncan, Peter Yu and Bill Gray. That report will give us some very clear pointers as to what happens. The fundamental issue is in any action we should not reduce basic protections that people have. I refer particularly to the suspension of the Racial Discrimination Act and the Northern Territory Anti-Discrimination Act and also the abridged version of merits protection that operates in the 73 communities in the Territory. On the technical side of it they need to be in place and shared, as all Australians are able to enjoy and access those same rights.

The second point is that no action should take place—I referred to this in the report—without engaging with Aboriginal people, and this includes Torres Strait Islanders in Queensland or wherever they exist around Australia. The top-down position will not achieve any long-term sustainable outcomes. That is why I advocate

the human rights-based approach, which is all about treating the people most affected as the key actors. We have to engage with them. They have to be part of the solution and not seen as the problem. Then you go on to other issues such as adequate resources and so forth. In my social justice report of 2007, the last one, I highlight 19 case studies around Australia of good practices and from there we draw out a lot of lessons. I am not sure if we have brought the case studies with us but we can send that up because it is very succinct. It is taken out of that chapter but I have put it into an eight-page document for sharing within the community and for bureaucrats and so forth to get a very clear look at what can be achieved if you follow some of the clear principles.

**Mr DICK:** We can also provide you with a speech that Tom gave in February called "Essentials for Social Justice Reform". It looks at a national reform agenda and identifies a range of other considerations arising out of the intervention. One that is really worth noting and applies nationally is that the status quo prior to the intervention was really a fallacy. If we continue to act in the way we have until now, eventually we will deal with the issues.

At the end of the day, the current programs, pretty much across all governments, are not sufficiently targeted to meet the needs they claim or set out to achieve. The intervention shows, with the massive level of investments that have been put in, that there was simply an unreality to that situation. I suspect that is the same with the States. For example, New South Wales has some very good and very worthy policy documents that set out achievable and ambitious guidelines, but clearly they are not going to be achieved because they are neither targeted nor funded.

**CHAIR:** Do you wish to table that very good document?

**Mr CALMA:** Yes. I have one copy here. We will table that speech and also the opening statement.

**Documents tabled.**

**The Hon. MARIE FICARRA:** I want to get your opinion and be a bit parochial on New South Wales. One of the issues contributing to social justice and poverty is housing. There has been a lot of criticism about funding for housing in New South Wales. Two-thirds of the indigenous population in need live in coastal areas, yet there is all this emphasis on country, rural and remote. What is your opinion about the housing needs in New South Wales and how it should be better addressed by governments?

**Mr CALMA:** I purposely have not commented too much on housing because the Federal Government has that grouped together. They are going to be looking at housing.

**Mr DICK:** There is the National Policy Commission.

**Mr CALMA:** There is the National Policy Commission on Housing. But, I agree; the Northern Territory has benefited from housing funding at the expense of New South Wales when, for example, federal money was diverted for New South Wales to the Northern Territory. That is not acceptable. If the Federal Government has initiatives, they should fund them and not relocate from other States where demand is equally high. Yes, you are quite right; 30 per cent of indigenous people live in remote or very remote communities, and the other 70 per cent live in urban and regional communities. The emphasis in the past few years has been directed to towards remote communities at the expense of others.

There are needs everywhere. It probably could be argued that there are greater needs in remote areas, but it should not be catered for at the expense of other States. You have a very strong structure in the New South Wales Aboriginal Housing Board. I see the board members occasionally and they seem to be very much across the issues. But a lot of it, from what I understand from them, comes down to funding. Also the State and Federal governments should be working more closely on resolving some of these issues.

I am not one to argue that private home ownership is the panacea of the housing problems because it is not. That is something I have been reporting on since 2005 but I was calling it the mortgage-led recession from the United States, which is now the subprime crisis. The indicators have been there for as long as that, yet we have had a very strong push for home ownership, which I do not think will resolve the problem. People who can afford to own houses will buy them; those who cannot or who are marginal should not be duped into getting home loans. It is a matter of looking at all the issues.

**The Hon. MARIE FICARRA:** I guess you have a copy of the draft questions that we have in front of us. There is just one area that I was very interested in, and that is No. 6, service delivery and outcome measurement. How do you believe that the service delivery model and achieving participation by indigenous people should occur or happen? What changes do you feel are needed to make this better happen?

**Mr CALMA:** I have reported on this over time. When ATSIC was abolished, the Federal Government brought into place what it called new arrangements in indigenous affairs. Some of the broad principles behind those new arrangements were very sound, except that they were never ever implemented, as such. The key to it—and Prime Minister Rudd has picked up on it as well as has the Government and the Opposition that have now signed on to the Statement of Intent to which I have referred—it is participation, partnership and working together. It is also about keeping people informed about what the processes are.

If you were to look at any of my social justice reports, you will see I have a chronology of events at the back. Most people when they read that are horrified at the number of changes that impact on any indigenous person throughout Australia. You get Federal Government departments that are implementing policy changes across the board without even the departments themselves knowing what their counter departments are doing. Then you have the State and local governments that are all impacting on an indigenous person. Some will just withdraw from the system and say that when it is all sorted out, they will change. But a lot of this has to go around. It goes back to the case studies I reported on. Each year I look at successful programs. We can look at the work that Reconciliation Australia does in looking at governance issues.

There are a lot of very successful programs around that we should be able to take leverage from and learn the lessons from those instead of continuing trying to develop something new. It is a criticism that I level at politicians who are trying to do things within an electoral cycle. I am critical of the current Government as well in the sense that it is always about headlines or trying to get an initiative off the ground instead of having some very clear strategic planning, working with people, and getting the foundations right. If that happens, then we would see some results. That is the experience internationally. In implementation, it is down to active engagement and treating people with respect, as true and real partners, and then strategic planning is the follow-on with targets, benchmarks, time framing and adequate funding, which means funding beyond a year,

**CHAIR:** Question No. 5 asks what strategies are needed to ensure that the trust and goodwill built up between individuals and government and the communities that they engage with remains when individuals move on and when particular programs finish. Most of us, especially those involved in the government and in committees like this, are susceptible to the magic bullet.

**Mr CALMA:** Yes. I was looking for the counter community guide on family violence, which is the basic guideline. It also talks about lessons learnt in engagement with indigenous people. There is a whole range of principles outlined in that that would give some guidance in response to that question. In some areas around the country and even within the State, there are some good relationships being built and have been built over time; with others, people are still floundering in trying to develop a relationship

I commented in my 2006 social justice report about Murdi Paaki as a strategy and on the approach they have taken to pull together a whole range of communities that are working together. They seemed to have the essential elements for success, but that has had a fairly rocky road as to whose responsibility it is. Even at the federal level, there are tensions between the State, Federal and local governments when something is being developed. The previous Federal Government under new arrangements talked about regional partnership agreements. The essence of those is sound, but it was just never followed through. That is the nature of it.

**CHAIR:** You do not have a magic bullet for us?

**Mr CALMA:** Not as such, but I think there is a lot we can learn, although it is very early days, from the Close the Gap campaign.

**Mr HOLLAND:** We have copies here that we can table, if you like.

**Mr CALMA:** We will also table the posters that go with it. It is a fairly substantial poster. It is a Statement of Intent that was signed off by the parties I originally mentioned. It is referencing health, but the same principles are applicable across the board in indigenous affairs. If we start to look at them, it is all about the planning, partnerships and addressing or putting in place good monitoring and evaluation processes, which I did not mention before, so we can learn whatever lessons there are. There is a lot of good material around. It

will be a challenge because I do not think States can do it on their own. You have to have federal support and, equally, local government support.

**Documents tabled.**

**CHAIR:** The stumbling block is that the whole issue of implementation, follow-through, driving consistency of individuals, and finding people who are able to follow-through and implement. For example, the Job Compact is a fantastic policy. I do not want this to sound too negative and would prefer to continue to try to be constructive and positive, but after the original launch with the cup of tea and biscuits, there did not appear to have been any follow-up or follow-through in the implementation stage. I am not saying that to be critical of anyone involved in that, but we are having difficulty, with that level of implementation, follow-through, regionalisation and local issues, coming to grips with where we can perhaps make some solid recommendations in that area. That may help in following up great intentions and great statements of goodwill that have been made and with which everyone agrees, but the next stage seems just not to be there.

**Mr CALMA:** No. It is that commitment to planning and resourcing it that will be the critical elements. If we go back to the time of ATSIC and its regional plans, they were plans that were developed within the community. There was a significant amount of ownership of those plans by the community, but they were never ever followed through. We abolished ATSIC and we were starting afresh after investing so much money in developing these plans, but they were just thrown out the window. After that, someone else came in and said, "Tell us what you want." To be honest, Aboriginal people are a bit sick of people running around the country saying, "Tell us what you want", and then having to go through a whole lot of emotional and time commitment that does not go anywhere. Recently I spoke to Jody Broun, who I believe is the executive director for indigenous affairs here.

**CHAIR:** She is the Director General of the Department of Aboriginal Affairs.

**Mr CALMA:** She was saying that that the Government is putting out 20 part-time positions in communities as solution brokers to develop what the community needs. Those people will then feed back information into the system. That seems like a reasonable start, if they are able to follow through. Obviously I think that they should have made them full-time positions. They should have done a deal with the Federal Government to fund the other half and to make sure that you have somebody who can work within the community to develop plans with the community, or at least canvass a whole range of issues. There are some structural tensions out there between the role of the Indigenous Coordination Centres [ICCs] and how the State is engaged in that role. We need to get both the Federal Government and the State to get together and have a good heart to heart on this and work out their roles.

An illustration of the sort of pressures that are involved is that it is not only between the State and Federal governments but within the Federal Government as well. In my 2006 social justice report I recommended to the Federal Government that it should engage the Federal Public Service Commissioner to undertake a national survey of ICC managers because they were feeding through information that they did not believe was being picked up at the national office. They were not agreeing with some of the directions taken by the national office, and so we were getting those tensions there.

They need an independent review. We have to start to have a bit of confidence in our people on the ground, and make sure that they can work through these processes. If they are too politically driven—and particularly at the Federal level, they have been ideologically driven in the past couple of years—that is not going to see the sort of long-term sustainable outcomes that we should be expecting.

**Mr DICK:** One of the issues that comes with that, and something we have highlighted a lot in these reports, is how you get the drive for change coming across the Government as well. That seems to be one issue in New South Wales, where the responsibility around Aboriginal people sits more with the Department of Aboriginal Affairs [DAA] than it sits at a broader level. If you look through the State Plan, for example, a very simple thing that could be done is that you could disaggregate a number of the goals according to indigenous status.

With regard to the goals in terms of healthy communities and access to quality health care, there is a clear disparity for indigenous people. If you had the Premier or the Government saying access for indigenous people across all these goals is a key priority for the Government, rather than that it is DAA's responsibility, I think you would get a lot further. That has been the challenge; that is what they have been trying to do at the

Federal level through their whole-of-government system. It does raise these tensions of who is responsible and that sort of thing.

Increasingly with COAG, in December they will come out with a coordinated, whole-of-government, Closing the Gap strategy that will apply across all areas and across all governments. Continuing to silo it in the way that the Government operates is not going to meet the objectives that have been taken on board. So there are serious challenges about what is the role of the Premier's Department and others in driving this through so that the Health Department sees indigenous health as its responsibility. It is not DAA's responsibility; it is theirs.

**CHAIR:** I think you will find that the Government has made that clear in its supplementary report, as to who is the lead agency and so on. But that still raises the important issue of who really is doing the follow-up and follow-through and the driving, and whether you can be an advocate and a government department. I am not saying you cannot, but the important issue is how you act as an advocate and a government department.

**Mr CALMA:** Yes. We have done this with health, through the Close the Gap Campaign, and said that although there is the primary responsibility for the Department of Health to solve the health inequality, it is not just a health problem. When you look at all the social determinants of health, they are across the board in all agencies and they all have to get together. At the moment there are meetings with Finance and Treasury, Indigenous Affairs at the Federal level, and Health, looking at the way forward. That cross-portfolio approach needs to happen a bit more.

**The Hon. GREG DONNELLY:** Commissioner, earlier you spoke of the success of programs. During this inquiry various witnesses have spoken about success. We have always had difficulty discerning how to measure the success of programs. It seems to me that we have the constant challenge of short-term funding arrangements for only 12 months, and then they come to a conclusion. There seems to be a real difficulty in establishing the successes in a range of programs that have been initiated over time. Can you give us some insight into your view about measuring the success of programs? Is there any way of creating a benchmark of how you use success across a broad examination of programs, as opposed to simply looking at individual programs and coming up with a value judgement?

**Mr CALMA:** I think you are quite right about the funding. It is not only funding; it is the reporting against it. We are not going to see successes in one year for a lot of these programs. I highlighted earlier the catch-up that is required in a lot of areas. But we can see quite clearly a number of different measures for success. If you get the opportunity to have a look at some of the reports from Reconciliation Australia on the governance side of it, which will show you how successful a program is.

Recently I had a discussion about successes with Indigenous Business Australia. When they start to look at their bottom line and whether they are earning 6 per cent or 8 per cent on their investments, and if that is their measure of success—which, for an economist, it probably is—what they need to look at is what is being generated within the community. They also need to look at whether there has been any movement in the socioeconomic status, or any movement away from the incidence of, say, family violence in communities, or abuse and neglect. Success is probably one of the difficult areas.

Just on health alone, we are proposing on 28 and 29 October to put together a fairly significant workshop in the Productivity Commission to explore how we determine and measure the success of the Close the Gap Campaign. The Productivity Commission, through its overcoming indigenous advantage report, will report back on COAG goals, and it will have a range of measures to determine how successful they are. But how do we look at health, which is a new paradigm that they have to start to report on? So we are bringing together about 16 different major agencies, which are all looking at the same issue of reporting and how you measure successes. That is an ongoing challenge for all of us.

Overcoming indigenous disadvantage needs some direction, but it is multifaceted. It could be anything from getting greater access to the Medicare Benefits Scheme, reducing the number of people in houses, or a reduction in the maintenance of housing costs. It could be the number of kids that are going to school fed—the number of kids that are not only going to school but participating and progressing through the system. So there is no single answer.

We are also looking at the social and cultural determinants of health, which pick up all those other issues that are not health specific and which are highlighted in our report just tabled. In that report you will see

that the section on social determinants is fairly basic. That is unfinished business; we are still working on that. We had to get that up and running to be able to feed into this year's COAG system, to consider.

Success is a very important issue but one that I think is still under development from our point of view, to make sure that we have something that is meaningful—not only meaningful to bureaucrats and politicians but meaningful to the community, so that they understand what is being measured and how it is being measured, and how they are contributing and how they can contribute to that overall advancement.

**Mr DICK:** Could I add to that? From that rights-based approach, often we would see that there is not only an outcomes focus but also a focus on process as well, and particularly a focus on participation. You might be able to at times measure participation of communities. It may be that your initial success measure is that the community is actively engaged in a program or a process, or that they themselves are defining the goals, expectations or outcomes that they would like to see come out of it, and there is an awareness among the community. These might be some of the issues or goals.

A good example is in the social justice report. In the community guide that has been tabled, one of the case studies is the Strong Young Mums Program in Bourke. You might be able to define that as a program that is dealing with care and protection issues, you might define it as a family violence program, or you might define it as an education program. Basically it is a safe space for young mothers to get together and learn about parenting when they are young. It has had quite a lot of success, in that it has dealt with family violence issues and a whole lot of issues. A bureaucrat might look at a program and try to narrowly define its outcome as A or B, but in fact it addresses a whole lot of other issues.

Sometimes the outcomes are not linear, or as linear as we like them. Sometimes it is just having that process-based outcome where you can look at the participation of communities. Alongside that, of course, there are good governance issues, where there are funds allocated in an appropriate way and spent on the right sorts of things. There are also issues around how you are going to monitor and evaluate things, and whether you are able to collect the data, which is a big issue in New South Wales.

**CHAIR:** You also have the great dilemma, as the old adage goes, that success in history has a thousand fathers.

**Mr DICK:** That is right.

**Mr HOLLAND:** In the Close the Gap targets publication we have tabled there are some partnership targets, to show how process is such an important part of the Close the Gap approach. One of the clear, new things about the Close the Gap Campaign is that it is a time-bound campaign. In terms of measuring success, there is a time limit placed on the achievement of health equality, which was signed up to by the Federal Government, which is 2030, with the primary health care and health infrastructure aspects being addressed by 2018. So that introduction of time limits is an important new thing that Close the Gap brings to the policy table, and that has not happened that often before within the indigenous framework.

**The Hon. GREG DONNELLY:** Commissioner, do you think we still face a fundamental clash of ideas through operating in the health area, with respect to indigenous health, where on the one hand there is a school of thought of the local community autonomist way of dealing with health issues versus the other school of thought about the more mainstream approach of the centralisation of key targets and, through a top-down approach, trying to resolve issues more broadly?

**Mr CALMA:** Yes.

**The Hon. GREG DONNELLY:** As we have gone around I have been struck by that clash. There have been examples of Aboriginal health services around New South Wales that seem to be under serious stress. I was very pleased to see a model operating in Broken Hill, where it seemed that they had bitten the bullet and taken the mainstream health service. There are unique situations out there. For example, there was an involvement of the Royal Flying Doctor Service and other things that were driving them, because of their isolation, to closely work with the mainstream service.

Do you have a view about that, that we need to somehow come to terms with the fact that the mainstream way of dealing with health in Australia is so large and overwhelming that we need to work out how

we fit indigenous health into that, as opposed to having it as a niche way of dealing with Aboriginal health issues?

**Mr CALMA:** I think the simple answer is that you need both. If you listened to the health report this morning, Fran Baum talks about that internationally, and the experiences between local community-controlled health services and the benefits of them. The successes of those programs, where they are adequately supported and funded, far outweigh the successes in mainstream services. But equally—and we talk about this in our report—it has to be both mainstream and community-controlled health services. In some of the States and Territories there is a combination of delivery between community-controlled health services and mainstream services. The Broken Hill situation is a very good example, and that is being looked at as one of the leading lights around Australia.

**The Hon. GREG DONNELLY:** And that has community involvement, does it not?

**Mr CALMA:** Very much so. It is the relationship it has with the mainstream. Port Lincoln, Port Augusta and the Inala Health Service just outside of Brisbane are some of the leading lights. There are a number of them in the Territory. You have to develop that relationship with the Aboriginal community controlled health services and the mainstream government. Sometimes they work very well, other times they have not and all parties are part to blame in this.

There needs to be from the Director of Health an opportunity to give a direction to their staff to work more closely together. They seem to work much better in some of the regional areas than they do in the bigger cities, but if we look at the current national Health and Hospital Reform Commission that is currently doing a review they, we understand, will be virtually promoting the Close the Gap campaign as their response to indigenous health and from meetings that we have had with them, they see that as a sound approach. That is what they will be encouraging.

We have already seen the Northern Territory Government starting to look at it. A couple of weeks ago I met with Baroness Ashton, who is the Leader of the House of Lords in the United Kingdom in London and she was saying that they are now looking at the Close the Gap campaign, the human rights-based approach to health for their whole health system in the United Kingdom and others seemed to think that there is some substance to it—we have to buy on to it—and that buy-on is starting in Australia but we need to look at it. The special repertoire on health of the United Nations has written to the Prime Minister and others saying that the World Health Organisation is fully supportive and saying this is the standard for health provision, not only for indigenous people internationally but for all health services. The principles behind it are what counts and we need to look at partnership, planning, benchmarks, monitoring, evaluation and funding, and always the key challenge is funding.

**Dr JOHN KAYE:** I wanted to talk a bit about cultural resilience. What do you regard as the characteristics of a culturally resilient community and what do we do to cause that to happen?

**Mr HOLLAND:** As the word "resilience" would suggest—and a lot of work has been done overseas on cultural resilience, particularly among Native American societies—it is the capacity to maintain and develop our own identity and to perpetuate itself at the end of the day and hold itself together against outward attacks, whether they be natural disasters, political attacks or whatever. It is almost like transposing personal resilience to a cultural scale. That would be my understanding of it. Most of the work has been done among Native Americans.

**Dr JOHN KAYE:** My question was poorly posed. I was really asking what contributes to making a community culturally resilient? What are the key characteristics in the community? What should we be looking for to improve cultural resilience?

**Mr CALMA:** I think it depends on what community but, by and large, the basic principle is to have respect for the community, to recognise the community, to allow people within the community to feel that what they practise is something that is respected and allowed to flourish. I have done numerous presentations around this, recently to the Victorian State Principals Association and about the use of language in their schools; a recognition at the school level about the local indigenous community. I did it just after coming back from New Zealand where they were celebrating Diversity Week. Just prior to that they had Maori Language Week, and with language comes culture and everything. That is a national program that is supported across New Zealand, when all the politicians in New Zealand can do their welcome in Maori. It is well recognised. We cannot do it;



we have too many languages and they are not all recorded, but at least they have it over there and it is seen as a big move.

We have seen some very positive outcomes already and it is all anecdotal as yet but since the national apology, people are feeling better within themselves and a feeling that they can now practise a bit more of their culture because it is being recognised. They are not being ridiculed by members of the public. We still have a long way to go but we have seen a bit of a turning or at least deviation; I do not know about a U-turn, but a deviation on the road to recognition, and there is still a bit to go.

You would probably be aware of the declaration and the rights of indigenous peoples and that Australia was one of four countries that opposed that, but I think the current Federal Government will at some stage this year, we expect, make an announcement to the United Nations that they are willing to support the declaration. It does not matter if they do or they do not because it is now a United Nations treaty document so we will have to report against it at some stage at our universal periodic review, which is not for a couple of years. That document in itself talks about a whole range of rights, but they are rights that are shared by every body, but they are put into one single document for indigenous peoples. That talks a lot about culture, about language support, cultural maintenance and as that starts to unfold in the coming years we will see a lot more support at the local level.

The reconciliation movements have been fantastic seeking better relations but how do you get the resilience of community? We have to get back down to some of the fundamentals. This week we have a national healing forum in Canberra. The Federal Government has pulled together a whole lot of people to talk about a national healing program and that will unfold over the coming year and will start to get some fundamental practices put in place to address healing. It is more than just the people of the stolen generation; a lot of indigenous people have suffered, particularly men and the denigration of men by people in relation to family violence and so forth and child abuse where we have done the major stereotyping that all Aboriginal men are abusers, et cetera. We had to turn all of that around. I think that will lead to strong cultural practices.

We ran a trial program last year funded by the Attorney General's Department and we expect that will get funding into the future. It is called the community legal education program—we do not have any material on that here, but we can provide that—and it was trialled in 13 communities around Australia with the family violence legal preventative services. It is all about showing how customary law, Australian law and human rights can all work together. It is a train the trainer approach. We have developed it up as a national curriculum and it is an accredited certificate IV program that leads into an advanced diploma that we have. That came out of the Royal Commission into Aboriginal Deaths in Custody and we franchise out that diploma from Tranby College in New South Wales.

That program has had an overwhelming success so far from all reports we have received and as that gets around, it shows the relationship, although it is not always complimentary, between customary law, the Australian legal system and human rights. If we recognise that and we work together, we can get some very positive results. That also leads to resilience within the community to come back. There is so much work that needs to be done to address some of the issues of the past.

**CHAIR:** I am mindful of the time. I know the commissioner has to go but we are in his hands.

**Mr CALMA:** I had better go because it is a very important group and I think that Paul Lynch is meeting with them this afternoon. It is the National Minorities Supply Development Council from the United States, the group that orchestrates arrangements between indigenous or Native American businesses as well as Afro-Americans in selling their products and services. It leads back to the question of how one gets out of poverty, and that is one of the areas, so I had better head off to that. Thank you for the opportunity to be here. I am sure that Darren and Chris will lead the way. If there is anything we cannot respond to, we will be happy to take that on notice. You have a challenging task but there is a mood around Australia and a mood here in this State that shows that with a joint effort we can see some advancements, but they will not be instant. It will require a fair bit of effort to see it over a period of time.

**CHAIR:** We appreciate your being here and we are mindful of the good work that you have been doing in your area as Social Justice Commissioner.

**(The witness withdrew)**

**Mr HOLLAND:** Adding to what was said about cultural resilience, a study was undertaken in the Utopia community and the report was released in the *Medical Journal of Australia* last year or earlier this year, which identified a number of factors. Although we did not use the term "cultural resilience", which has a technical meaning as well as an ordinary use term, they connected some of the better health outcomes and other general better outcomes among that community to connect culture to meaning language and religion, family and land and also opportunities for self-determination. I think that is one of the key issues that relate to cultural resilience. It is almost like they are linked; this idea that a community that can govern or to some degree control its own existence will have cultural resilience almost inherently.

There are other studies I could highlight. There was the Harvard project, which was undertaken in North America, which no doubt you are aware of, which again makes the same kind of link between self-governance, self-determination in the broader context and then outcomes across a range of social and economic indicators. From my perspective anyway it seems that cultural resilience is very much linked with this idea of self-governance when you look into the literature in North America.

**The Hon. MARIE FICARRA:** Did you say the Utopia community? Is this fictitious or does it exist?

**Mr HOLLAND:** No, it exists.

**Mr DICK:** It is in Central Australia.

**Mr HOLLAND:** To be more specific, it is a grouping of about 10 or 16 outstations. They are very remote. They are spread over about 10,000 square kilometres. It is an extremely remote community.

**The Hon. MICHAEL VEITCH:** One last question about cultural resilience. In the United States you are probably aware that the tribes get together every now and then and they have three or four days of dance, song and storytelling. They have now formalised that process in the United States and have their get-togethers every few years and have a week of the whole process and they use that time to get together to discuss policy issues as well. Do you think something like that would work in Australia as part of redeveloping and enhancing cultural resilience?

**Mr HOLLAND:** There are some excellent examples of that kind of thing happening in South Australia. There is a women's group—I forget its name—that meets once a year or maybe once every two years, I cannot remember exactly. They meet for three days in Adelaide. The men have started to do that. They had their first meeting, I think, in November last year.

**The Hon. MICHAEL VEITCH:** It is like a national corroboree.

**Mr HOLLAND:** Yes. They use that as a vehicle. They invite Ministers along and they feed back into the Government through that process. The women's group, in particular, is attended by the Minister for Women, or whatever the role is over there, and also the Aboriginal affairs Minister. They take direct feedback from that sort of situation.

**Mr DICK:** As you know, Tom put out an issues paper around options for developing a national indigenous representative body. That puts up a number of issues about everything from how you connect local, regional and State levels up to the national level, and so on. It puts up a range of options. It does not come down and say which option should be adopted; it is out there for discussion. But it does raise issues around whether the national body has a model that is like a National Congress model, which is what you have in the United States where you have all the different groups coming together once a year or once every two years and they have discussions, set the policy and those sorts of things. There is a range of different ways that it could be done. Clearly there are capacity issues about who is going to do it, how they are going to do it and those sorts of things. Hopefully we will get some guidance with this debate around a national indigenous representative body as it comes into existence.

Something that has been quite clear in social justice reports over the past couple of years is if you map what has happened at a Federal level since ATSIIC was abolished there is a continual slide of indigenous people becoming separated from policy decisions that are being made. You end up with very little involvement for one thing but also in some instances it means not a lot of commitment because it is policy being performed on you rather than policy you have some stake in. There are a whole lot of big issues that still need to come out of that, and they will come out in different ways.

**The Hon. MICHAEL VEITCH:** Our previous witnesses were from the New South Wales Aboriginal Land Council. They talked about the fact that if some model is put in place they have their model that is quite effective in New South Wales. They do not want to have too many representative bodies for Aboriginal people in Australia and in New South Wales. Do you have a view about that?

**Mr DICK:** We have discussed that. One of the big issues that comes up is the fact that there are a number of bodies that are peak bodies and a number of bodies that are elected as well. In the health sector, land councils and others you often have elected representative models that exist at the moment. Often they represent a sector or a particular interest. When you are looking at a national body you are looking at the whole range of interests being able to come together in some way. We have certainly flagged that there is a big issue in terms of if you have a national representative body how it will relate to peak bodies that exist in other elected and other forms of representative bodies that exist at the moment—whether they have some sort of membership role in the body, whether the body nationally is comprised of those representative bodies as well or whatever. There are a whole lot of issues that need to be addressed.

Another dimension of this is that you now have in the Australian Capital Territory a fully elected representative body. You have a Commissioner for Aboriginal Engagement in South Australia and I think Queensland is setting up another model, and Victoria. In any event, three or four States are creating these mechanisms at a State level. How do they relate to one at the Federal level? Is it an integrated structure or are there differences between different States and Territories? It is going to be quite a challenging task to do that. Our concern has been at this point we think there are a lot of fundamentals that need to be decided by indigenous people primarily.

You need to get some agreement on some of those fundamentals, such as does a national representative body deliver services and if it does not deliver services does it monitor how government delivers them? Then there are fundamentals that, once you work them out, affect how you might go about the task. We think it is too preliminary for us to be definitive about what we think. Tom will come out later in the year with his preferred model. But at this point he has put information out there to lead the debate.

**CHAIR:** The great debate about service delivery versus advocate, or an amalgam of both, is going on all the time within government departments.

**Mr DICK:** Yes. The Federal Government made it clear that their preference is for one that does not deliver services. The feedback we have had from consultations on the representative body is that that has brought acceptance among indigenous people. I cannot vouch for that; that is what we have been told by the department. Tom raises the issue of whether a national representative body is a body that represents everybody or a body that represents the national interest for indigenous people. Does it have a particular structure and processes by which it engages with all the different sectors so that they can come to a position that is reflective of the whole community or do you instead try to build a structure that has all of that? They are fundamentals at the end of the day that must be decided.

**The Hon. MICHAEL VEITCH:** That leads to a question about Murdi Paaki and the appropriateness of that as a representative model. Is it a representative model?

**Mr DICK:** It has certainly been seen as one of the leading models. Out of all the Council of Australian Governments [COAG] trials it was certainly one of the more successful. The representative structures that they have put in place have certainly been leading as opposed to developments in other regions and States. As Tom said, we know there have been some difficulties with that. It has been a process that has evolved as well. Again, it is also a very structured approach. It is probably at the more intensive end of what representation looks like, which may be positive or may not be. But certainly I know we have been impressed by their work. I think they have really laid the groundwork for things to happen, and the things still have to happen at the end of the day.

**CHAIR:** Without making a moral judgement as to whether it is good or bad, how did you measure the success of the model? You indicated that the Murdi Paaki COAG trial has been the most successful. How did you measure that outcome and come to that conclusion?

**Mr DICK:** It is probably being a bit blasé to say this, but some of the others have clearly been very unsuccessful. There is a comparative element. If you look at all the trial sites that existed, it is the one that is still most active—apart from anything else. There is still a level of engagement with government at a whole-of-

government level that you do not have in other trial sites. Some of them have fallen away. Where the Federal Government had a lead agency in different trial sites—for example, Shepparton was another that had very good employment outcomes—the question is whether that was a whole-of-government trial or a trial with the Department of Employment and Workplace Relations. There is a level of engagement there that has been sustained that has not been sustained in other trials. So there is that element of process and participation.

In terms of outcomes, I think it has largely been process focused. You have had a number of shared responsibility agreements about summer and housing and air-conditioning units and those sorts of things. But you have only seen in the last year or two that development by the Murdi Paaki authority of its regional plan and those sorts of things. So I guess it is at a level now of what engagement there is with both governments—New South Wales and Federal—as to whether that plan is implemented. That is where the tough issue lies.

**The Hon. MICHAEL VEITCH:** The Murdi Paaki trial ended in December 2007. I guess there is almost an hiatus as to what is going to happen. Some of the departmental personnel have changed so consistency in personnel is an issue.

**Mr DICK:** That is right.

**The Hon. MICHAEL VEITCH:** Do you have a view about what should happen post the Murdi Paaki trial?

**Mr DICK:** Tom has very strongly urged the Federal Government to continue with the Murdi Paaki arrangement. It was under a regional partnership agreement. They have been working out where they are going on these sorts of frameworks—RPAs, SRAs and so on. It has created an abeyance there. I know that Murdi Paaki has been very strong in telling the Government that they are concerned that it is resulting in a diffusion of their efforts. All of a sudden they are back to working with a whole lot of different departments rather than it being done in an integrated way. So there was a lot of capacity for a lot of those relationships and the good work that has been done to step back into the old ways of doing things and so on. But there is a good momentum there as well. It is a really big challenge, I think. But I guess what you have in place in that region now is a reasonably ordered and structured process by which indigenous communities are able to engage with government. So you are a lot further than where you were five years earlier, for example. So hopefully that will not be allowed to dissipate too much.

**Dr JOHN KAYE:** To pick up on that, apart from the diffusion of service delivery and so on, is there not another aspect of the stop-start that we have seen in Aboriginal self-governance for Aboriginal representation in that we are losing goodwill amongst Aboriginal people? We saw ATSIIC and it disappeared. We saw the Murdi Paaki trial and it has dissipated. Does it not in the end leave it open to an Aboriginal person to say, "This is all just nonsense; I'm not going to engage with this because it's going to be gone in three years time"? Is that a correct observation? If it is, does it send a strong message that whatever is done needs to be done with a commitment to make it consistent and ongoing?

**The Hon. MICHAEL VEITCH:** Justifiable cynicism.

**Dr JOHN KAYE:** Exactly.

**Mr DICK:** I think you are right. What is happening with the debates around the national representative body is that it is playing out in those debates. There is a lot of debate about whether it should be a government body or a non-government body that is supported by government and more in Aboriginal control. It is coming out in that. A lot of what people are articulating is that there is a lot of change that happens continually that they are facing. People are being consulted, consulted and consulted and they are not seeing the outcomes that flow with it. It is a serious issue. Theoretically—which is different from reality—you have a State Plan that sets out a 10-year framework and a Two Ways Together program that is based on consultation and engagement.

So theoretically you have consistency that ought to provide people with confidence that their investment is going to be worthwhile in that process. It is whether what comes out of that then matches up to those initial promises. In his opening remarks Tom made the comment that a plan that is not resourced is not an effective plan at the end of the day. Some of what needs to be done may well be less dramatic than it seems—it might actually be people doing what they say they are going to do rather than thinking they have said it.

**Dr JOHN KAYE:** That is quite dramatic.

**Mr DICK:** Yes. It is at one level but it is not reinventing the world. That is one thing with the indigenous health issues—evidence shows that it is entirely possible to close the gap for indigenous health. There are small examples of that and there are larger examples of how that can happen. There is also evidence—the plans exist. What needs to be done is known. It is not that we do not know what to do; we are just not doing it.

**Dr JOHN KAYE:** You said that there are examples of where the gap has been closed. We are short on time, but is it possible to supply the Committee with evidence of where the gap has been closed and how it was done?

**Mr DICK:** Yes, sure. It is in the social justice report in 2005. There are a number of programs in Australia where there have been trials that relate to particular illnesses, diseases and those sorts of things that have taken place over a particular period of time—usually two or three years. You see these dramatic improvements in a very short period of time and when the program ends those gains are lost. I am thinking particularly about the work of Wendy Hoy in the Tiwi Islands, and so forth. There are examples, and we can provide them to you.

**Dr JOHN KAYE:** Thank you.

**CHAIR:** At the risk of falling into the trap of trying to find the magic bullet or of getting involved in silos, where do you think we should be concentrating our efforts in terms of recommendations in our final report?

**Mr DICK:** Tom said very strongly that the statement of intent provides a lot of the framework. I think a lot of it is the process side that goes with it in terms of the commitment to engagement with communities, developing action plans and then the analysis of how you match any planning to needs-based allocations and so forth as well so that any planning that is done is realistic. It has been the case for a long time that we have just pretended that these huge gaps and these huge problems exist and if we just keep doing what we are doing we will slowly get there. It is just not going to happen.

I remember having discussions with a senior adviser or chief of staff to one of the Ministers in the Federal Government. He came along to a reconciliation forum and was quite committed to indigenous issues but had never worked there, and he had been exposed to a day or two of thinking around these issues and he said, "Why is this area immune to good policy processes?" At the end of the day that is what it is. In relation to pensioners or other sectors of the community we would not make the sort of promises and commitments we make towards indigenous people, because we know we cannot deliver on them in the current way we do things. It costs five times the amount of money we are putting in or whatever.

Indigenous affairs is just a litany of promises. I do not know whether people intend to keep them or not—maybe they do not intend to in the first place—but it is full of rhetoric and not enough matching in action. What Close the Gap Campaign people try to do is be frank and upfront about it. It says it will take a generation to do this. It has 10-year sub targets to get to that. There are other processes along the way to do that. We know there are particular chronic illnesses and diseases that are quite severe and can be addressed quite quickly, or a particular focus in this area will result in results over here. We know all the staff, so I think it is supplying a good policy lens through indigenous affairs, which is something we really have not done.

**CHAIR:** When you look at it from a market-driven point of view and you are asked about supply and demand and the issues of resources, it does get a bit fuzzy.

**Mr DICK:** And from the human rights perspective that sort of focus on participation and culture and other things is quite important as well. Because when you do apply that lens it can lead you to solutions that then may not be culturally appropriate or which may simply not work in the community. It is how you match it into a community's framework and its own strengths, which do exist.

(The witnesses withdrew)

**LARISSA YASMIN BEHRENDT**, Director of Research and Professor of Law, Jumbunna Indigenous House of Learning, University of Technology, Sydney, and

**RUTH McCAUSLAND**, Senior Researcher, Jumbunna Indigenous House of Learning, University of Technology, Sydney, affirmed and examined:

**CHAIR:** Would you like to make some opening comments?

**Professor BEHRENDT:** Just a few short comments to start with. First of all, thank you for giving us the opportunity both to make the written submissions we have made and to speak with you today. We understand in the area we work in how important it is for State governments to do the kind of reflection you are doing in this inquiry. We would like to point out that the sort of research we do at Jumbunna focuses primarily on analysis of government policy. We have done that mostly at the national level, and we do quite a bit of work on looking at governance structures, both aspirations for governance by Aboriginal people—when they say we want to be self-determined, and looking at what that might mean in practice—and also looking at governance practices, for example, analysing where there has been, say, best case practice in relation to corporate governance.

We do a lot of work around that as well. We obviously do not engage in service delivery and feel that we are not best able to help you with some of the work you are looking at there but we hope the areas we have looked at around Federal Government policy and particularly around the intervention might be of some interest as well as some of the work around capacity building.

**CHAIR:** That is a most vital area of our inquiry. We are mindful of the important and impressive work you have done in this area. We look forward to your assistance.

**The Hon. MARIE FICARRA:** Can we just talk about the Northern Territory intervention and your policy analysis? Do you feel that is a success or otherwise, the delivery of it, the consultation, things that we have learned from it that we can improve upon in the future?

**Professor BEHRENDT:** Sure. I guess a lot of our concerns were with the approach. Obviously there was a lot of feedback about the way the intervention was implemented, about how we did not work with Aboriginal communities in terms of some of the mechanisms that it was seeking to implement. Obviously some of the research we provided for you in the materials, and in the Northern Territory intervention review that we also included, highlights the fact that there is strong evidence to suggest that the collaboration with Aboriginal communities before implementing some of these types of programs is vital—not because even the nicety of talking to people before going in but the practical needs to establish relationships with Aboriginal communities.

In many ways, some of the things the research shows are commonsense things. It is things like if you have the group you are targeting involved with identifying what the main problems are you will be better able to find solutions to engage them. You use their expertise, you build their capacity in finding the answers. You use their networks, the other community organisations that they know, their informal networks and their support or feeling of ownership of the programs—other sorts of things that will bring other people through the door. That is what the heart of the evidence says when it says you need to work with Aboriginal communities.

So, there were two aspects of the approach to the intervention that went against that. The first was the way communities were not involved. The second was the way in which the many programs that had been started by community members around the Northern Territory were ignored in terms of informing what the approaches should be. In the second appendix of our Northern Territory intervention review is a document that was developed by the Coalition of Aboriginal Organisations, and it is a really good kind of snapshot of all the programs that people in those communities had been doing on areas like dealing with substance abuse, dealing with domestic violence, dealing with child abuse and working with local medical services. It was a very good account of the ways in which many communities had sought to find answers to some of these complex problems, had founded programs that were working quite okay but they had that usual difficulty where they were funded as pilots and not funded beyond that or not moved into other areas.

What is interesting about them is that it shows there are a whole lot of blueprints for working on some of these issues where they have been quite successful and they are run by communities led by people who have decided they want to find an answer to a problem, often without much government support from the Territory or

the Federal level, and often without much resources. So, a lot of our simple but good responses to things like dry-out areas and safe shelters are often community-led initiatives that form that sort of thing. So, the approach of the intervention did not tap into any of that knowledge. In fact, it completely ignored it. More generally some of our other concerns were that although the claim of the intervention was that it tackled child sexual abuse there were a range of factors around that that made it very hard to see how they had any connection to that and particularly the connections to the repeal of the permit system where even the Northern Territory Police Association said that that would actually make it harder to police communities rather than easier to police them.

My final point would be the other concern that we had was that a lot of the approaches that were imposed from a sort of top-down level were done with a sort of embrace of what we describe as an ideological agenda rather than looking at what the research shows works, and I think an area that Ruth and I have worked on quite a lot that highlights this is the claim of linking welfare reform to school attendance is particularly problematic in how it was rolled out in the Northern Territory and we did include it because we are very aware of the attractiveness of that as a policy here in New South Wales. Some of our concerns about that are that it is a policy approach that is very much driven by an embrace of the ideology of mutual obligation or shared responsibility, which was one of the emerging ideologies around that came to the forefront during perhaps the middle of the Howard era, and we saw it manifest itself in things like shared responsibility agreements as well as some of these welfare reform agendas.

Our concerns with it are that there is very little evidence that suggests that punitive approaches by using welfare in this way will achieve the end result, and our concerns are further deepened by the fact that again if you look at all the evidence of what works to improve school attendance they are things like breakfast and lunch programs that bring kids into the school; there are things like the elders programs or other programs where a member of the Aboriginal community has a formal role within the school; it is things like curriculum that actually engages Aboriginal kids with their learning; or those very successful programs that are developed by people like Chris Sara where they have a stream of education that focuses on building self-esteem and confidence through learning about culture or engaging in sport but marrying that with a stream that focuses on academic excellence on learning the basics, and that has been the models.

The approach to welfare reform in that way does two things: it ignores all of that evidence that we have of what works, and if I can just add this to that, you will see that a lot of those examples that I have used of what works are examples where it is about building the relationship between the school and the community, which is a very important part of why it works, and the linking of welfare reforms to school attendance does nothing to develop the relationship between the schools. In fact, what it can do is place teachers in a situation where they are actually policing or identifying problems, and that can actually antagonise their relationship.

We were particularly concerned about it in relation to some of the Northern Territory communities because there is such good evidence they are available that shows that in many of those areas there were not enough teachers and there was not enough infrastructure for schools, so there were not enough classrooms, there were not enough desks. So there is the real issue that although the idea of linking welfare reform to school attendance can sound very attractive in terms of changing behaviours, there is no evidence that it will change behaviour, but it directs attention away from that underspending on the basics. Ruth might talk a little bit about the Halls Creek trial and some of the evidence that was brought out there, because it is really the best evaluation of that program.

**Ms McCAUSLAND:** It is really the only evaluation that currently exists of a program that seeks to make welfare conditional and to link it to things like better school attendance for the children of parents who receive welfare payments. An independent evaluation conducted for the Department of Employment and Workplace Relations a couple of years ago looked at this trial that was introduced in Halls Creek—

**Dr JOHN KAYE:** In the Northern Territory?

**Ms McCAUSLAND:** This is in Western Australia. It was a scheme that was introduced between the Commonwealth Government and the State Government in the Halls Creek area. It was a voluntary trial. They sought to make it compulsory from the outset and then there were concerns raised about the legality of that arrangement, because until the Northern Territory emergency response and accompanying legislation it was not lawful for it to be a compulsory program. That is now able to be done because of changes that happened to the Social Security Act as part of the Northern Territory. At that time that was not possible but there was an arrangement whereby parents could volunteer to participate in a program that assisted them for work readiness and at the same time supported their children to attend school more often. So in fact the results of this should be

skewed in a positive sense because it was parents who were willing to engage who were those participating in the program.

What the results of that trial found was that there was no significant increase from linking our parents' welfare payments to school attendance and in fact there were a number of reasons for that, the main one being that low school attendance is not just about a concept of parental responsibility; all of the parents involved in the trial wanted their kids to go to school more. In some cases they could not enforce that, particularly when their children were over 12, but the evaluation actually found that in fact there were a lot of problems with the school culture that needed to be addressed if school attendance was going to be improved. Within one family, for example, there were children who had a beyond 80 per cent to 90 per cent attendance rate and something like 14 per cent. So within the same family there were very different rates of attendance and that could be linked more to issues such as bullying in the school environment and the quality of the teachers, in fact. There were some teachers in that school who were very involving of the Aboriginal community and of the parents of the Aboriginal children in their classes, others less so.

There was an issue around the leadership in terms of dealing with racism and bullying in the school that the evaluation found to be significant. Other issues were also raised about, for example, the state of housing and the capacity for kids to be in a position to learn well when they were living in overcrowded housing, not necessarily having enough to eat—those sorts of issues. The evaluation found that something as simple as trying to link welfare payments to school attendance might sound seductive in its simplicity but in fact the issues around truancy are much more complicated and in order to address those the response needs to be more complex as well, and certainly one of resourcing and of school culture being an important part of that.

**Professor BEHRENDT:** If I could just make one final point about that, because it goes to the capacity-building aspect of those types of policies. The Australian Indigenous Doctors Association did a very reflective submission to the Northern Territory intervention and it is available on their website. One of the things they highlighted in it was that one of the consequences of intervention was in the way that it was done, with people feeling very powerless with the changes and with them not understanding it and the way they were portrayed as both being communities that protected paedophiles and condoned violence and ignored all of the work that they have done to actually deal with some of these issues. The Indigenous Doctors Association's submission highlighted their evidence to show that that had had a very demoralising effect on the community and that there were actually health outcomes related to that. You can see there that the top-down approach does not allow for that engagement and the capacity building in the way that the research shows you need to do it.

But the other aspect of it is, there has been some criticism of the quarantining of welfare programs done in this mandatory way in that by simply quarantining people's welfare they are not actually learning any better how to budget, whereas there had actually been quite good programs developed by departments and by independent people to sit down with people who were on welfare and help them plan. So the mandatory nature of it skips or overlooks the potential to actually work with people to build up their skills on managing money. So the capacity-building aspect of it is missing in these approaches as well.

**Ms McCAUSLAND:** And if you look at the stated aims of that sort of approach it is to decrease child abuse and to increase responsibility, when in fact the measures introduced do the opposite, in fact they undermine individuals taking responsibility; they take control away from them in terms of managing their own money. In the Northern Territory the blanket approach also targeted those who may have been spending their money responsibly or may not even have responsibility for children at all. So there was a blanket approach that works to the contrary to the stated aims of the approach.

**CHAIR:** Even restricted where they could shop.

**Ms McCAUSLAND:** Absolutely. It also seemed that in fact it was about protection of children. Just removing the family's access to its main form of income could make lives for those kids much harder and would not actually address the issues that it was setting up to address. It seems that the language of the emergency around the intervention is also one to pay mind to in that Aboriginal people in those communities had been raising the issues raised in the Little Children Are Sacred report and by others since who have been raising those for decades in some cases and they had not been adequately responded to. When the Northern Territory emergency response was announced you would find no-one who would deny that there was a significant need and a crisis in a lot of communities, but in fact the kind of language of emergency and sending in the army and those sorts of strategies, that sense of urgency, in fact undermined a lot of good work, as Larissa mentioned, that



had been going on at a community level for many years. It did not pay attention to what was known about what did work. It undermined existing programs.

In fact, all of the international evidence of that from the United Nations and elsewhere about when you are dealing with a crisis or an emergency, in fact working in partnership with local communities about what does work is the first response. Even the international evidence about how to approach an emergency situation was not taken into account in designing emergency response, and it seems now that given the severity of the situation it is very unfortunate that a little bit of extra time was not taken at the outset to consult adequately with communities to build on what was known that was working. To commit the significant resources that have been committed by the Federal Government in constructive ways may, unfortunately, lead to an exacerbation of problems rather than addressing the significant problems that the intervention sought to respond to.

**Professor BEHRENDT:** If I could just finish on two points. The first is that it is fair to say that there are some aspects of the intervention that people in the Northern Territory say have been good. The first is that where communities had no policing and police have come in as part of the intervention that has made a big difference. As Ruth said, that is one of the areas where people had been asking for additional resources for a long time. The other is some people have said that the quarantining works for them because it means people are not harassing them for their money, but we would argue that programs like the financial management programs that are available could be used on a case-by-case basis to achieve the same aim rather than a policy that has so many other negative aspects to it.

The other aspect of the intervention that we have been very critical of is that a lot of the funding for it was not new money but came out of existing programs from Aboriginal communities around the country, and we are certainly seeing the impact of that in other communities, and that the attention as though all the problems exist in the Northern Territory and that they need to be solved first has led to a perception that that is the only place where communities are in trouble. We are particularly concerned by a view that is emerging that Aboriginal communities who live in urban and large regional areas are integrated enough to not need special attention. There have been some of the ideological flow-ons from this assumption that the Northern Territory was the only place where these things were a problem, and it is the diverging of resources that I think will be a long-term problem for other Aboriginal communities.

**The Hon. MARIE FICARRA:** That was an excellent summary. Do you think all that valuable research that you have quickly skimmed over, and other organisations similar to yours that are doing that valuable research, is being listened to in how communities in the Northern Territory and other places are being approached?

**Professor BEHRENDT:** I do not. I think the evidence is there, and it is available, but my sense is that there is as strong an embrace of the idea of the mutual obligation with the current Federal Government as there was with the previous one. I say that because the Northern Territory intervention is currently being reviewed but the Federal Government has continued to roll out the same programs without waiting to see whether or not they are working there or not. As people who espouse a research-based policy approach we find that incredibly frustrating. Obviously in some ways as academics we are more easily dismissed in our work but our research coincides with the Indigenous Doctors Association and coincides with other medical practitioners working in the Territory. We work very closely with people around Alice Springs and Mutitjulu. We do other work that allows us to be engaged in the Northern Territory in different ways, through legal work from my work as chair of national indigenous television, which is based in Alice Springs, and we have a lot of contact with people there to know what we are talking about.

**Dr JOHN KAYE:** Did I hear you say that you saw some role for managing or withholding welfare payments? If so, could you expand on where you see that role?

**Professor BEHRENDT:** There are programs available for people who receive a welfare payment to sign up to learn how to do a budget and how to manage their budget. It is an income management program.

**Dr JOHN KAYE:** It is in the context of somebody saying, "I am having difficulty."

**Professor BEHRENDT:** That is right.

**Dr JOHN KAYE:** Then people work with them to show them how to budget and manage their money. It is not a withholding of benefits?

**Professor BEHRENDT:** No, it is not.

**Dr JOHN KAYE:** You are not advocating that?

**Professor BEHRENDT:** No, not at all. We are saying that these programs are available and they are a much better approach because you can case manage somebody. The mechanisms are there to allow for their payments to go straight to their rent or straight to other bills that they might have, so if they are in a situation where they feel people are leaning on them for their money these are programs that work for them. But they also work with somebody to learn about planning and obviously that capacity building is really important.

**Dr JOHN KAYE:** What happens to somebody, a family or a household who has had their welfare payments withheld and then that program comes to an end—as it seems all programs relating to Aboriginal people come to an end at some stage—and then the welfare is turned back on again?

**Professor BEHRENDT:** We would have great concerns about the impact of this policy because—which is one of the things that Ruth already alluded to—the feeling of the people in the Northern Territory who are subject to this is that the quarantining of welfare almost infantilises them in terms of how they manage their money. Probably the best example of where we have seen this demoralising of people and the decreasing of their capacity is where you would have an Aboriginal man who was employed on a CDEP program and he finds the CDEP program abolished as part of the intervention. So he goes from working in an orchard or working in the fishing industry as part of his CDEP program and making a contribution to his local community. He not only then comes off an arrangement where he is working on making a contribution but he is on a welfare payment that is quarantined and is not even able to decide how to spend the money.

It has affected people's ability to make some decisions. We have heard people who have said it has impeded their ability to buy Christmas presents, it has impeded their ability to travel to funerals or cultural things such as ceremonies and things like that. Some of the feedback we are getting about the impact is that it is affecting their cultural arrangements in that way. You can see the impact of the abolition of CDEP from being in the position as the head of the household where you are working for your family to where you are having your welfare quarantined. We have got some very deep concerns about the psychological impact of that process let alone what happens when quarantining ends.

**The Hon. MICHAEL VEITCH:** I move now to another area that has been raised with us that relates to the theory that a lot of the issues affecting Aboriginal Australians relate more to poverty than they do to racial culture. I am keen to hear your views as to whether or not you support that statement?

**Professor BEHRENDT:** I had better let Ruth answer that first because she has done the most work on poverty in our unit.

**Ms McCAUSLAND:** I think there is a very sound argument to say that a lot of the issues facing indigenous communities significantly relate to issues of poverty. However, I think the background to those issues of poverty is an important one because it does influence the way that policy and programs should respond to issues of poverty in indigenous communities. Indigenous people, and communities generally, are impoverished because of past policies that were racist and race based. Significantly the dispossession of people from traditional lands and ways of life, systemic exclusion from public services, access to education, to adequate employment and to significant housing, all of those things have had an impoverishing affect. It is not quite right to say issues of poverty trump issues of race or otherwise; they are intimately and inherently connected. Therefore the responses to dealing with issues of poverty in indigenous communities need to be culturally specific and culturally appropriate to understand those historical factors and to see the current manifestation of those past policies.

**Professor BEHRENDT:** I would only add this to what Ruth said. Often when we do research where we are asking Aboriginal people about their experiences or their priorities—say we are doing a project about treaties and what it is they would want in a treaty—it is striking to us how often the first thing people will answer is not wanting to experience racism but wanting to have the same services as other people and wanting their children to have the same opportunities. It seems in the sort of research that we do that there is at least a perception that there is not the same ability to access services or when people are accessing them they still feel they are encountering a level of racism or misunderstanding when they are approaching it. In terms of how you

deal with the underlying issues of poverty, I think there are some sort of culturally or race-based challenges in terms of how we deal with it.

**The Hon. MICHAEL VEITCH:** Commissioner Calma actually spoke earlier about inheritance and the fact there is cultural inheritance within the Aboriginal communities but they are yet to actually encounter economic inheritance by the transfer of wealth to children or family. I guess some of us take for granted that mum and dad are going to leave us a little windfall. It is actually a very interesting thing because they have not really had the capacity to develop wealth that can then transferred to their children to provide the impetus for their children to do so. Do you think that is a fair statement?

**Professor BEHRENDT:** I think it is and I think the statement about the lack of mechanisms for the creation of intergenerational wealth has seen people try and grapple with the way that you create that. We have done a lot of work around the idea of promoting home ownership as going to be a sort of panacea to that problem. We have got some reservations about that in areas outside of the Sydney metropolitan area, especially since many middle-class Australians are struggling with mortgages. We have that sort of concern about this as being a one-size-fits-all approach to solving that problem. There is no doubt that I think one of the strengths in the New South Wales system is that it has the most generous land rights system, in terms of having the potential to return land to Aboriginal people. It has been our observation that it is a far more effective way of generating wealth to communities than native title has been in New South Wales because of the nature of the legislation and the strengths of the legislation.

I think some good work has been done over the last few years to try and find a better balance between the accumulation of assets and the giving of benefits from that fund. I think the balance is probably not right yet because there is still much concern about misappropriation et cetera and the loss of assets out of the system but at the same time it seems to me that there is a huge potential within that land base to find a better balance between accumulating assets for the community and finding a way to give benefits to people on an individual level. The scholarship fund which was set up and the infrastructure program that was a joint program with government would have to be two good examples of the potential to provide tangible outcomes to families in New South Wales, not just to have an asset base that sits there with nobody getting any benefit from it.

**Ms McCausland:** In terms of inheritance there is perhaps another aspect to reflect on as well, which is the inheritance of intergenerational trauma. There is other research that we have done about the ongoing mental health problems and significant needs in relation to appropriate responses in indigenous communities that stem from the Stolen Generation and other past policies that have had a significant impact. I do not need to tell the Committee that mental health issues significantly impede the ability for someone to hold down a job and to receive extra education that will enhance their opportunities and the opportunities of their family members. Lots of communities that we have spoken to and worked with have talked about ideas of trauma, grief and loss as being ongoing and inherited in terms of their impact on future generations.

**The Hon. MICHAEL VEITCH:** One of the things I was talking about with our last lot of witnesses was that in the United States there was a loss of the annual type of get-together of a number of tribes for ceremonial, cultural art, music and storytelling exchanges. That was lost but it has now been put back where they have a national get-together and there are a number of ancillaries programs built around song and dance and cultural activities—it is almost like a national corroboree-type process. As part of the cultural resilience and the transfer from generation to generation of stories, do you think some sort of a process like that would work in Australia?

**Professor BEHRENDT:** We have been doing a little bit of work—it is only very preliminary at the moment—on looking at some of the factors around what leads to high and low crime rates in different communities. Ruth has been leading the program. One of the things that program looks at is the role that that kind of cultural resilience in a community plays. Certainly from the people we spoke to, who were keen for us to look at this, it has been their observation that in the communities where there are stronger relationships those issues are less. I think there is some good evidence to support the proposition that if you could rebuild some of that community fabric, some of that cultural fabric, that you might have better ways of controlling some of the more negative behaviour and aspects in communities because the research seems to show you have a different set of dynamics working that can produce a different environment for people, it has a different sense of leadership. I think there is some capacity to do that.

It is my experience working across the States that communities at least at the moment seem fairly separate and I guess there is no sense of commonality about being part of New South Wales but where we do

see a lot of action, in terms of people perceiving a political entity, is at the regional level. I think those sorts of programs at a regional level that bring people together might have a little more salience than trying to force people to do it state-wide—perhaps it works better. I think one of the reasons why people like the regional level of representation, or regional voice, is because its large enough to be effective but small enough to still make them feel like they have a voice and they can participate effectively in it. I think they lose a little bit of that when it gets to the statewide level and their influence is more limited too. The Committee would be as aware as we are of how in a regional area particular people can take on a very effective leadership role but it is not necessarily transferable to the State level.

**The Hon. GREG DONNELLY:** As we travelled around the State preparing the interim report, and as we now move towards the final report, we have been dogged by the problem at every turn of being presented with examples of those programs, but there has not been the ability to assess their success or otherwise. From my point of view, that has been a constant theme running through the whole inquiry. Indeed, it is very hard to find the strict concession that things have not been successful.

To be quite frank, things often are done, as you have alluded to already, on a 12-month trial basis, and funding falls away or basically collapses, but assessing something in terms of meeting its targets, outcomes or whatever the case may be, often does not seem to be done. People are left with a broad value judgement about how it will go. Time and time again this has come up. Is there any way forward of getting consensus with a degree of frankness in terms of this whole issue of assessing programs and whether they are successful in achieving the outcome or not? There is a concern that it is best to claim it as a success of some sort because that might lead to further funding to continue some initiative.

**The Hon. MICHAEL VEITCH:** Another pilot project.

**The Hon. GREG DONNELLY:** Another pilot project and, indeed, another 12 months. There seems to be a lack of frankness. I am not accusing any individual. It is almost like a protective mechanism to claim that there has been some success because they would rather not declare that it has not been successful. Would you care to comment on that?

**Professor BEHRENDT:** Only to say that you are right. The phenomenon is precisely because people see that, if what they are trying to do fails, they will be punished by withdrawal of funds. What we do not do well is recognise that even if we try and something fails, we can analyse what went wrong to build on that and do something better. We are not very good at analysing failures to learn from. In a research-based approach, if something fails when it is being put together, it is as interesting in terms of what you learn from it from what went wrong as it is from what went right.

The ability to be self-reflective is inhibited by people's panic that once the money stops, they will be out of a job. They have quite a lot invested in it. I think the only way around that in terms of getting better data is to start building capacity more deeply within organisations to better assess what some of their outcomes are. I will give you an example of how we are trying to experiment with a way of doing that. Recently in partnership with Eva Cox, who is also at UTS with us, we have been working with Mudgingal, the Aboriginal women's service in Redfern, to teach the staff how to do research projects so they are able to identify mechanisms by which they can assess results.

It is a capacity-building program that we are doing with them. It makes them think differently about how they think about what they are doing and how they analyse what they are doing. One of the things they are focusing on is not so much whether money coming in for different projects is working and analysing that, but they are looking at all of the work that they do, and they do a needs assessment. They try to match up with the community whether they are meeting that need. It is a way of highlighting for them what they do that is unacknowledged through funding. There is a lot that they are not funded to do that they do anyway. It has given them a way of focusing on some real positives so that they will want to tell the story, but in a broader context they are able to look at where they might not be doing as well.

The whole idea of the process is that, as people are working in a community organisation, they feel confident that they can undertake a research-based approach to what they are doing. They are beginning to understand that if they can do that process in a way that communicates what they need and what they have achieved, it will help them to have a better relationship with funders. It is a very embryonic and experimental thing, but it highlights our concern about that phenomenon you are talking about; that there is not an ability to be self-reflective when things are not working.

There is a real need to change the mindset and culture that has developed because, quite frankly, people are so nervous about their funding being cut off. They have often been in the situation of even good programs not receiving continuous funding, so they become very defensive about opening up about what they are doing. It takes a cultural change and some reskilling to get people to think differently. We would be happy to keep you informed of how the project works.

**CHAIR:** Good.

**Ms McCAUSLAND:** In terms of setting realistic and appropriate benchmarks as well, it seems that, if at the outset of, say, a government-funded program that is to be run by community organisation in a service delivery capacity in the community, members of the community who will be affected, members of the organisation and appropriate members of government sat down together and agreed to some appropriate benchmarks and processes for accountability, in that way you might address some of those issues, particularly the really onerous bureaucratic reporting requirements that come under the heading of accountability. But in fact, for small organisations doing service delivery roles for government, those requirements are so onerous that it means that the individuals in the organisation, heading up the organisation, or even those doing core service delivery work are diverted to meet accountability requirements, which seems to undermine the veracity of the whole project.

It seems that if there could be a process from the outset to set agreed benchmarks that are understood by the community and agreed upon by the community that will lead to community ownership for those programs and there would be more capacity for an honest conversation about whether or not the benchmarks have been met. As we have said in our written submissions, if there was also longer-term funding available to organisations, so that there is not a 12-monthly cycle whereby the only indicators of success are very narrow and are focused specifically on government requirements, and if there were broader processes in place, particularly those that enabling communities at a governance level to be able to have input into what the accountability should look like and what the measures of success should be, it seems to me that that would be a good place to start.

It does not seem to be in either the government's interest or in the interest of communities to not have clear benchmarks to measure the change has been happening or not, or whether there has been positive or negative, unintended or otherwise, consequences of those programs on policies.

**CHAIR:** Because that is a very important area, I must ask a follow-up question. With all due respect to Ruth, I do not think you are the first person who has ever said what you have just said. We have heard that a few times.

**Ms McCAUSLAND:** Sure.

**CHAIR:** I am interested in your comments about why that has not happened over the years.

**Ms McCAUSLAND:** That is a complex question. It seems to me that governments' ideas around accountability have been fairly narrow. Possibly there has not been adequate resourcing or focus on equipping community government structures to be able to engage with government sufficiently. Governments have a whole lot of policy advice, personnel and institutional experience that relates to delivering services and working with communities. Communities do not necessarily have corresponding resources to draw from in terms of experience in running organisations and experience in running policy programs.

It is time to spend on developing community plans and notions of community priorities that are really important to ensuring the success of programs. It seems that there has not been adequate resourcing and focus on those issues from the outset. There is a role for government in resourcing communities to do that, but there are also important community processes that need to take place for there to be adequate engagement that will be representative of community needs and interests. It just seems that there have been a lot of one-size-fits-all approaches. I understand the need for statewide priorities and focuses, but it seems that more targeted funding, which is reflective of the fact that communities are at different levels of capability in terms of engaging the government and delivering services, is an important point.

The idea of a capability audit gets variously raised and has been raised in international literature as a way of starting out, working effectively with communities, and understanding what capability there is to engage with government or deliver services. That seems like a good place to start, but to my knowledge that has not

been done comprehensively in New South Wales. It also seems that there is a lot of duplication of services, so there is not actually good communication on the part of Federal and State Government agencies, or even between State Government agencies, about their various programs and services as well.

**CHAIR:** If we made a recommendation along those lines, can you think of any stumbling blocks that would stop it being implemented, even if it was agreed to?

**Professor BEHRENDT:** One of the areas that is often neglected when we look at this is the need to build the human capital into those communities. That can sometimes be a bit of a stumbling block when you have really good programs or a new process. The expectation on the community may not only outweigh the resources but also outweigh the skills sets. Perhaps some thought about some very basic programs around governance or even accounting for non-accountants will give people a little bit of assistance. Those sorts of programs give people a fairly rudimentary but quite important fundamental skill in terms of being able to meet expectations.

If you thought about how to invest in skilling up some of the people you want to bring into the process, which could be a part of getting over what will otherwise be a barrier. You hear from people all the time that they have great ideas, but there are just not the people or the organisations available to make them work. That is the result of not investing in the development of human capital.

**The Hon. MICHAEL VEITCH:** I am interested in international programs that have been conducted overseas and that may have some transferability to Australia, such as successful programs that have not been run but may have some benefit, even to parts of Australia rather than the whole of Australia, or to some pockets of Australian Aboriginal people. Do you know any programs that you consider we should look at?

**Professor BEHRENDT:** Do you mean programs for delivering services, or just programs in building capacity, or maybe both?

**The Hon. MICHAEL VEITCH:** Both.

**Professor BEHRENDT:** Obviously there is a lot of talk about the work of the Harvard project of Indian governance, which is what it was called when it started out. It looks at key ways of building capacity and self-governance and self-sufficiency in aboriginal communities in North America. Its findings reiterate the proposition that if you have Aboriginal people involved in making the decisions, taking more control and building their own capacity, they are able to more effectively find solutions to what is going on. It has also been quite a leading field of research that highlights how to build up good governance structures for community organisations.

There are some things to be gained from looking at the work of the Harvard project, but I would say that you should look at it in relation to this caution: In both Canada and the United States, there is a capacity for aboriginal communities to have their own resources through their ability to own minerals and other natural resources on their land, or to have jurisdictional control, which not only means that they can have their own tribal courts and exercise jurisdiction in that way, but that they have had income from gambling and other businesses that they can run which give them a tax advantage.

When I was in the United States, programs providing a cultural rejuvenation like the one that you mentioned earlier were mostly funded by gambling money. It was a very interesting dilemma of the proceeds obviously being used very effectively to reinvigorate culture and to provide lots of benefits, but with its source of being gambling money through the casinos. Some of those lessons that you can look at from those projects work with the premises of having an income stream and a legal mechanism for self-governance that does not exist here, so it limits their transferability.

The other material that you might be interested in looking at is service delivery. Some quite good analysis has been done around the community health sector in Canada. It really shows how community involvement in service delivery and building relationships at that level can work to improve health outcomes. You would be aware that the life expectancy difference in Canada is much less than it is here. There is some good work being done on what you need to have in programs and what community-delivered health programs look at. That work seems to be quite influential here anyway because it does not need either the jurisdictional or economic background that the other work requires. They would be the key places where I think we could learn some lessons.

**Ms McCAUSLAND:** Also in Canada, there are some interesting programs in relation to the criminal justice system. On issues such as post-release housing, there are some really important programs that I think could be learned from in this State, particularly in relation to Aboriginal women in Canada. That is a significant issue, as you would be aware, in relation to the criminal justice system here, given the increasing overrepresentation of Aboriginal women in prison. There is some really interesting and applicable research around the importance of stable housing for Aboriginal women being released in prison, both in terms of reconnecting with their families, providing some stability and reducing recidivism, and having particular services that are targeted. Often Aboriginal women, for example, fall within programs that are specifically designed for women or specifically designed for Aboriginal men. In relation to the need for targeted services for groups such as that, there are some excellent case studies in Canada that would be worth looking at.

**The Hon. MICHAEL VEITCH:** Post-prison, they have transitional homes?

**Ms McCAUSLAND:** There are a number of models, specifically run in a case-management approach with an indigenous women caseworker. There is specific transitional housing as well as support for independent housing. There is some really good information about the benefits that can flow from that.

**CHAIR:** When you talk about regional responses to things, do you know of any work that has been done in New South Wales on the issue of defining the geography of regions? There seems to be a great variance as to the geography of regions. Various government departments have different geographies and local communities have various geographies. Has any work been done on that that you are aware of?

**Professor BEHRENDT:** Not that I am aware. It would seem to me that people would have a clear idea about where the regions might settle, but it is the boundaries of them, I think, where the tension arises. The only work we looked at in relation to that was when the State Land Council had its regional boundaries, the process for that was less than ideal with not much community consultation in terms of how that could be navigated. It was an analysis of how that could have been done better.

**CHAIR:** You would not see it as a stumbling block of any great moment?

**Professor BEHRENDT:** No. I think it is just a matter of negotiating around the edges really. From ATSI regional councils to regional land councils, there have been lots of different ways in which the regional bodies have been imposed upon the community. I do not think it is a level that does not work; I just think that there perhaps needs to be a more careful process about where you draw the lines, and that is just a matter of process really.

**CHAIR:** Do you have any thoughts on the question of whether or not the Department of Aboriginal Affairs can operate as an advocate and a service provider, or an amalgam of both?

**Professor BEHRENDT:** I have not done a lot of thinking about this. Perhaps I would look at it this way. We have done a lot of work on analysing what worked and did not work with ATSI. Instead of taking the approach that it was a failed experiment, we thought that there were good things about it. Again, it is the sort of thing that is right for looking at in terms of looking at its strengths, looking at what did not work, and then letting that inform you about how you would move on.

Certainly, one of the things we looked at in terms of what some of its weaknesses were was that it seemed that its focus on service delivery did not sit well with its focus on advocacy—for no other reason than that once it had the responsibility for the housing and infrastructure program and for CDEP, pretty much everything it did focused on doing those two projects. So it did not really then look at how it could better utilise its advocacy role. It did have a good advocacy role in some things, particularly its work around the United Nations—a lot of the work it did in relation to highlighting where governments were and were not going wrong. But in terms of being able to provide government with good advice on things like a coherent education policy or a coherent housing policy, or policies on capacity building and those sorts of things, it did not do any of that. So, in terms of being an effective advocate for Aboriginal people with the bureaucracy, it seemed to be unable to perform those dual roles.

I think that part of the problem, if you look at the ATSI model—and I suspect this would be the same for DAA—is that you had the mandate from the elected arm to represent Aboriginal people but you had the responsibilities to government through the CEO, who were responsible to the Minister. It did not work for ATSI, because it is hard to have two masters—two masters who are not going to have the same point of view

and on many occasions are going to have opposite points of view. In DAA, of course, there is not a representative arm, but I think that lessens its ability to be a strong advocate for Aboriginal people, in terms of it not being seen as a legitimate voice. Again, it is very focused on programs; it is much more likely to be in conflict with the aspirations of many Aboriginal people to be able to do that. I think the advocacy role on behalf of indigenous people and the service role to Aboriginal people do not sit well within the one organisation.

**CHAIR:** Given that the Department of Aboriginal Affairs is the lead agency for the State Plan and Two Ways Together, and given the comments you have just made about service delivery and advocacy, do you see difficulties for the department in being the lead agency in that area?

**Professor BEHRENDT:** Aboriginal affairs departments in any jurisdiction usually have to play a fairly strong coordinating role, because of the nature of the Aboriginal portfolio sitting across many portfolios. There is a strong role for an independent place in government to be monitoring the coordination and service delivery, to have the role of being able to make sure that people are not slipping through the cracks. Obviously some jurisdictions do that through a Department of Aboriginal Affairs; others do it through a department within Premier and Cabinet. I am not sure that there is any clear research that shows which of those models is more effective, and I am not sure it depends on the model so much as it depends on the ability of whoever is leading that department or that unit within Cabinet to show leadership on it, and in turn the priority that that portfolio is given by the responsible Minister, and in turn the role that the Premier sees Aboriginal affairs should take. I am not sure that that is very helpful, but I think—

**CHAIR:** It highlights the dilemma?

**Professor BEHRENDT:** Yes, it highlights the dilemma, and it shows that in some ways it is not so much the model as the will to make it an important thing. But there is no doubt, there needs to be somewhere that has the responsibility for coordinating across the rest of the Government how indigenous people are faring within different programs, and to run programs that are specifically focused on indigenous people.

**CHAIR:** The Department of Aboriginal Affairs, I understand, is rolling out a regional structure; I think it has four or five regional offices at the moment. Are you aware of any work being done in that area with regard to regional structures?

**Professor BEHRENDT:** No, we are not.

**The Hon. MICHAEL VEITCH:** I am fascinated by what you have said about the United States and Canada. What sort of departmental structure do with those countries have? Do they have a Department of Aboriginal Affairs that is similar to ours? Do they have a greater accountability and responsibility role? What sort of structure do they have?

**Professor BEHRENDT:** I am not sure about the United States at the moment, because I have not looked at it recently. But I would be happy to do so and get back to you on it. It certainly seemed that, obviously because of the jurisdictional nature, the communities there deal directly with the Federal Government and they do not have that cross-jurisdictional thing of having to coordinate between the States and the Federal Government. It has probably worked quite nicely for them, because it avoids all the cost shifting that happens otherwise. The communities that I have visited there have been ones that are fairly autonomous, so there does not seem to be a lot of close working with the Federal Government because they are doing a lot of things themselves in a sense.

In Canada there is a national Department of Aboriginal Affairs. They also have a fairly strong advocate body through the Assembly of First Nations, which is not like ATSIC because it is not really part of the government. It does not do service delivery; it has an advocacy role. I think they take on a monitoring role as well, looking at how governments perform. They probably do more monitoring of government than ATSIC ever did, even though it was in ATSIC's mandate. And I think they probably do more monitoring of how governments are performing than the Government might do. They work with a Federal Government that also has provincial departments, similar to the way it works here.

Pretty much across most of the parts of Canada there is a fairly distinct representative group; it has either been defined long ago by treaties or there is a very clear view about where the tribal boundaries are. So they are much more easily able to identify the community to build up the interface with Government, and that seems to be much more strongly developed in both of those countries. Where does Government go to talk to



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Aboriginal communities? That question seems to be much better answered in both of those two jurisdictions; it makes their life much easier when they know who the elected chief is they need to talk to, and they can be guaranteed that whoever they are talking to is representing the community they want to deal with. That is not a luxury that many people have in New South Wales, where we do not have chiefs.

**CHAIR:** Do you have any final comments you would like to make?

**Professor BEHRENDT:** No; other than to wish you all the best with your report. We certainly look forward to it from a research point of view. If there is anything we have mentioned today that you would be interested in us following up, we would be more than happy to get that material for you.

**CHAIR:** You have until 10 October to provide answers to any questions on notice.

**Professor BEHRENDT:** Thank you.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

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**WILLIAM (BILL) PALMER**, Acting Business Manager, Brewarrina Business Centre, PO Box 232, Brewarrina, and

**JEANETTE BARKER**, Director, Brewarrina Business Centre, PO Box 216, Brewarrina, sworn and examined:

**Mrs BARKER:** I also run the Northern Star Aboriginal Corporation, auspiced as a community development program.

**CHAIR:** Would you like to make any opening comments before we go to questions?

**Mr PALMER:** Certainly, just to set the tone for where the Brewarrina Business Centre arose. If anyone knows the history of Brewarrina, up until about four years ago there had been a substantial loss of assets from Brewarrina owing to mismanagement of property and mismanagement of funds. When we were analysing these through the governance structure for Aboriginal people in Brewarrina, which is the community working party—sorry, I have completely stepped over something, which is to acknowledge the country that we are on and to acknowledge the Gadigal people from the Eora nation. My apologies; my nervousness got to me. Where it came from was the community working party saying that with all the money—a total of millions over the years—that had been poured into Brewarrina, not a single dollar had ever been spent on training; not a single dollar had ever been spent on teaching Aboriginal people how to manage for success.

This became the number one priority of the community working party. Since that time it has developed its own community action plan and the establishment of this was its number one priority. Under the Council of Australian Governments trial process the Brewarrina Business Centre was established. It has just completed its second year. It is an organisation providing services to Aboriginal organisations. It currently has five Aboriginal organisations including the Murdi Paaki Regional Assembly as one of its clients. In the time that it has been in business in those two years it has saved three of those businesses from going to the wall, so its importance and relevance to the local community is significant.

The tricky bit of this is that we have not advertised the fact that it has saved them but, nonetheless, it has saved those organisations from possibly winding up; or most likely winding up and part of that is from not understanding the GST system, not understanding how negotiation can be made with the Taxation Office, not understanding where cuts need to be made when funding dollars start diminishing as well.

**Mrs BARKER:** I would like to pay my respects to the traditional owners, the Gadigal people of the Eora nation and all our elders past and present. I am in total support of the Brewarrina Business Centre. For 12 years I was struggling to try and run the Northern Star Aboriginal Corporation. I had to be the general manager, accountant, financial adviser and for the last five years I started to get weighed down because I did not have trained and skilled staff to do that.

Organisations are just given a chequebook and expected to run an organisation, not knowing any of those skills, not knowing the requirements by the taxation department. I could see the need for an organisation like the Brewarrina Business Centre to help these Aboriginal organisations that are given this huge task of trying to financially manage their organisation and run them as well. I think it has been a wonderful thing in the last two years for that centre to open and to save those organisations that have been struggling.

**Mr PALMER:** The final completion from me is that there are two pieces of what we do: One is providing governance support, that is, teaching organisations how to manage effectively. Part of that is that in most cases the people who are heading these organisations have skills in a particular area. For example, one of our clients is a local preschool. The woman who has run that has run it for the last 15 years and is qualified as an early childhood specialist but her job becomes more about financial management, which is not her passion and is not her skill. What the business centre is providing is allowing people whose passion and skills are in the direction that the organisation is working for to do that and take away some of the accounting services concerned.

The second piece of these is that there are two sides to our business. One is financial and fiscal accountability. The second piece is securing local assets, such as the local museum, which is in the hands of the board of the Brewarrina Business Centre and was one of the properties that were lost, just to ensure that that asset does not get lost from the community again and take four years to be recovered. This was four years of

revenue and tourism that has been left out of the town because it got wound up. If we can protect those assets from being wound up, it allows us to keep moving forward with the community.

The last piece of this is we also see the role for the business centre to be entrepreneurial. Already we have identified four different areas—unfortunately for reasons of commercial in confidence I will not put them on the record—that allow us to engage indigenous people in a significant manner. One that we can talk about because it is very common knowledge is that the business centre developed what was known as the Phoenix project on behalf of the Brewarrina community, which was funded and then retracted by the new Government. The funding was provided by the previous Government and it was retracted by the new Government as a review Department of Transport and Regional Services. That would have provided between 50 to 70 part-time jobs within the next three years and it would have brought in, in direct spend, \$2.7 million and the total benefit to the Brewarrina community was somewhere around \$11 million. That is absolutely significant for Brewarrina.

When the kangaroo works closed in 2005, it took \$1 million dollars out of the community and that was enough to almost destroy the retail economy in Brewarrina. We see our role is to provide that entrepreneurial aspect. The other part—and hopefully we can engage in during the next hour—is how can government support that, because we cannot do it alone. Yes, we are looking at government funding and also looking at the private sector and hopefully we will have an announcement shortly of the private sector engaging with us in this, but the bottom line for us is that when you participate in that form of economic development, then you start dealing with the social issues as well.

The health costs are halved. All the facts are there, well known. When people are employed, what it takes to deal with the social issues is about half of what it is when people are unemployed and when you are talking about 70 per cent to 80 per cent of the indigenous population in Brewarrina being unemployed, we have got some major stuff to deal with.

**Dr JOHN KAYE:** I do not have a gauge of the scale of your undertaking. Can you tell us how many people you train each year and roughly speaking what your turnover is in dollars?

**Mr PALMER:** Bearing in mind that this is only our second year, our first year in terms of training people, it was nil. Literally we were employing some local people. Our business controller or financial manager was an accountant from outside the district who later left but we had one indigenous employee and a non-indigenous employee with accounting experience or certainly with bookkeeping experience who were running the organisation. We have just recently employed two Aboriginal people ourselves and we are looking to employ another two trainees later on this year as the Structural Training and Employment Projects [STEP] traineeships become available.

It is not how many people we will be employing; it is the jobs that we can create. My role before I became acting manager was community facilitator under the old Rivertowns project and then the Murdi Paaki regional partnership project were housed in the same office, so there was some work that I was doing for both Rivertowns and for the business centre, but in that time we have created 12 traineeships inside council and I am looking now to have a further 18 traineeships this current year as well, and that was unheard of. I think the last time they ever had traineeships in council was about six or eight years ago. What we have become is almost a broker for that kind of participation to occur.

**The Hon. MICHAEL VEITCH:** What is the corporate structure of the Brewarrina Business Centre? Are you a corporated association or a company by guarantee?

**Mr PALMER:** No, we are a cooperative under the New South Wales Co-operatives Act. The board is wholly and solely indigenous and is constituted of member organisations, an elder and an external director. We currently have two external director positions open and one semi-open. There is a major bank, which is looking to become one of our directors as a partnership, and we are also looking at the private sector becoming one of our directors as well.

**The Hon. MICHAEL VEITCH:** Do people not elected to your board basically have a skill that you require on the board and they are recruited to the board based on these skills sets that they have?

**Mr PALMER:** How can I answer that? The key piece was that it is about governance and governance training as well. It is essential that the member organisations are part of this board because it is a new level of governance that they would not have had access to and then by bringing in the external directors, that is bringing

in some of that expertise and capacity that the local organisations would not have experienced and that will fluctuate on a needs basis. If human resources becomes the point, we will find somebody externally who can provide us with human resources experience.

**The Hon. MICHAEL VEITCH:** It is not dissimilar to having a corporate board doing it?

**Mr PALMER:** Yes.

**The Hon. MICHAEL VEITCH:** Is this a model that could be replicated in other towns across New South Wales?

**Mr PALMER:** Absolutely. But I would not say it is one size fits all. I would not say, "Okay, that's the best model so we'll just replicate that right across New South Wales". It is horses for courses; you need to look at what is going to work best for that community. This community was at the point where it was no longer willing to tolerate losing another asset from the community and wanted to do something about it. I think there is room for an organisation like this and government to work hand in hand. My evidence for that is in the last quarter we had 165 requests for support from the community. They varied from people trying to enter into a repayment scheme with the State Debt Recovery Office so that they could get their licence back to assisting them with Centrelink and New South Wales Housing taking too much money from their benefits—you name it. An extraordinary number of requests that we have to deal with are personal based rather than business based.

**The Hon. MICHAEL VEITCH:** Do you meet their needs? Do you service their needs?

**Mr PALMER:** Absolutely.

**The Hon. MICHAEL VEITCH:** Or do you refer them to a more appropriate agency?

**Mr PALMER:** A lot of the time it is just sitting there with them as they have a conversation with the Centrelink call centre. It is providing the confidence for those community people to start taking care of their own business. Jenny goes through the same thing, as the CDP provider.

**Mrs BARKER:** That is the structure we need. This is going to be the future and we have to go down this line. We have to move on from what happened in the past and do something like this so that we have a future.

**The Hon. MARIE FICARRA:** Bill, you are acting business manager but I gather you have a long connection with the local community through various projects.

**Mr PALMER:** I have. I have been there for four and a half years.

**The Hon. MARIE FICARRA:** So you are well trusted by the community. You have a good relationship with the community and people feel confident in coming to you.

**Mr PALMER:** Absolutely.

**The Hon. MARIE FICARRA:** That is not easy to replicate in other areas. Brewarrina is lucky that you were there, are still there and are still happy to be involved. For the success of the project, you would hope to emulate that in other areas where these things are set up.

**Mr PALMER:** There are some real opportunities here. Certainly the Murdi Paaki region has been very lucky in that the River Towns project started in 2001-02, which was an initiative of DPC at that time. That has rolled out under the COAG process into the Murdi Paaki partnership. So facilitators are in their third year under the Murdi Paaki regional partnership. All the 16 communities in the Murdi Paaki region have had access to facilitators who have been able to duplicate to some degree what I have been doing in Brewarrina. Under the latest initiative, Two Ways Together, where the partnership communities will also have access to project officers very similar to facilitators, this is where the two can play off against each other. I would not say, "Okay, let's put one in every second community and let's co-locate them all there", but they can work through a business centre. A facilitator does not always have the time to get down to the nitty-gritty. They can do the grant applications, or a project officer can do them, and then it needs someone to take it over from that point. That is

the role that a business centre could play. But the way that Two Ways Together has been set up, my understanding is that it is a bilateral process and it could work very, very effectively.

**The Hon. MARIE FICARRA:** Jeanette, perhaps you can answer this question. How difficult do you think it would be to have a similar success story in other indigenous areas? You have a special set of circumstances and history in Brewarrina. How difficult would it be to have a successful centre like yours in other areas?

**Mrs BARKER:** If they have not come to where we have come to at this point in time—where we are at with losing our assets and trying to run our organisation—I do not think they will go for something like this. Each community, especially the indigenous people, have their Bill Palmers. I do not see that as an issue for them. Whether it be the facilitator or whoever, I think you will find that every community has a special person who they have confidence in, who they trust and things like that.

**The Hon. MARIE FICARRA:** How do you stop yourself from being burnt out? You are sorting out financial and social problems, and sometimes personal problems. How do you cope with all of that—because the more successful you are the more problems you have to sort out?

**Mr PALMER:** It is not easy.

**The Hon. MARIE FICARRA:** But you are coping at the moment.

**Mr PALMER:** Yes. The bottom line for me is the partnership. The need is so high in indigenous communities. My experience of indigenous communities is not just limited to Brewarrina because we have been part of the regional assembly as well. Indigenous people are hungry for it to work. They are hungry to have economic opportunities and they are hungry for jobs. It makes it very easy to just keep focused. Brewarrina being Brewarrina, we have had a lot of distractions.

**The Hon. MARIE FICARRA:** It would be great to get to young people early to set them in the right direction.

**Mr PALMER:** We are.

**Mrs BARKER:** They are the ones we need to target to bring them in and put them through.

**The Hon. MARIE FICARRA:** So they start off on the right foot.

**Mrs BARKER:** Yes. They are not leaving the country towns so we need to put things in place for them that they can step into.

**The Hon. MARIE FICARRA:** What happened to the Phoenix project? Is it in limbo, is it being reviewed or has it been scrapped?

**Mr PALMER:** We are most likely going to be starting it off on a smaller scale utilising the private sector. Certainly with regard to the Federal aspects, the whole project has been retracted, which was a huge blow. It was only \$1.4 million and the total project was \$3 million. That is nothing in the scheme of things and it is nothing in the amount of dollars that are spent dealing with social issues further down the track. That you can have that amount of economic impact for that amount of money is ridiculous. My experience of out west is that Brewarrina is lucky because it has the fish traps and therefore cultural tourism is the appropriate industry. That would not be the case in every town but there is always something in every town that can have that kind of impact. The hard bit for us is that it took us two years to fight for that money. To lose it is devastating for us because it will take another two years to rebuild it.

**The Hon. MARIE FICARRA:** But you have been lucky enough to at least have some interest from private enterprise. Is it the banking sector, the financial sector or can you not say?

**Mr PALMER:** I cannot really say.

**The Hon. MARIE FICARRA:** That is very interesting. Thank you.

**CHAIR:** I was interested to hear you mention the regional structure. I would like some comments about that. Prior to Brewarrina you said that you were involved in regional structures. I would then be interested to hear Jeanette's story. How did you first make contact with Bill?

**Mr PALMER:** The Murdi Paaki region was one of the old ATSIC regions. Its centre was in Bourke. Sixteen communities made up that region—probably the 16 most disadvantaged communities. I will give you the four points. The most southern eastern town was Gulargambone. The most eastern northern towns were Goodooga and Collarenebri. Then it went right across to Broken Hill and then down as far as Dareton and Wentworth. So it covered a good third to two-thirds, or 50 per cent, of the State—whatever.

**CHAIR:** A big part.

**Mr PALMER:** When you have got to travel it, absolutely. I would not say that those 16 communities are predominantly indigenous. I think Brewarrina is the only one that has more than 50 per cent indigenous population. Brewarrina township is currently 70 per cent and the shire is 60 per cent indigenous. But certainly the issues are the same right across the region. When ATSIC folded because the community working party structures had been there for a considerable amount of time—I think since 1989, which is when the Aboriginal Communities Development Program started putting in housing infrastructure out west; that is when those community working parties started—they had already been feeding into the ATSIC structure. Even though they had ATSIC councillors when ATSIC was repealed it became natural to establish it as the Murdi Paaki Regional Assembly.

The regional assembly is made up of the 16 chairs of the 16 community working parties. It was the COAG trial site for New South Wales, and when COAG was evaluated the Murdi Paaki region was the only COAG trial site that was successful. The outcomes from that are fairly well documented. We have been working for a regional partnership agreement between the New South Wales Government and the Federal Government. That started two years ago and we still do not have that regional partnership agreement. The three key organisations out there—which were Maari Ma Health, Murdi Paaki Regional Enterprise Corporation, which is the predominant CDP provider out there, and Murdi Paaki Regional Housing, which is a housing management body which tends to manage the majority community housing there—have chipped in for the past financial year to make sure that the Murdi Paaki Regional Assembly survived.

We are hoping that the regional partnership agreement is signed by November, but we said that a year ago. It is perfect for us because having that regional structure what has become very evident, we have only recently had the Regional Assembly become one of our clients, but the demand from the Regional Assembly, like, "Can't the business centre do this for us or do that for us," it can see the benefit that the business centre is to its operations and that is some of the concerns the Regional Assembly has.

**Mrs BARKER:** With the rivertowns facilitators, Brewarrina was looking for a facilitator and Bill put in an application and did the interviews and Bill got the job. Ever since that Bill has been working very closely with us because we want to manage our own affairs at Brewarrina. The indigenous community wants to do its own. Bill was the person who guided us and taught us what we know today. When the job at the Brewarrina Business Centre for the business manager came up we asked Bill was he interested because we thought Bill was the one who could get us to where we wanted to go. He is the person we need. I do not know how long he plans to stay in Brewarrina by the likes of Bill are needed for communities like Brewarrina, to take us where we want to go and to manage our own affairs.

**CHAIR:** Is there ability to back up or do you not have the resources for more Bills?

**Mrs BARKER:** No, we need the Government to come in there to help us out. That is what we are looking for.

**CHAIR:** You can only afford one Bill?

**Mrs BARKER:** We can only afford one Bill at the moment.

**Mr PALMER:** We always said, though, we would always accept secondments from government departments out there with certain sets of skills that were appropriate to the community. We have not been taken up on that yet.

**Mrs BARKER:** We are hungry for all those things and we would like to see it happen so that in the long term we are able to manage and stand on our own two feet.

**The Hon. GREG DONNELLY:** The model that has been operating there, as you describe, the business centre, was that picked up from anywhere else or did it evolve organically out there at Brewarrina where you had your issues and problems and you have taken them on and set this up to deal with them? What experience did you bring into this, Bill? Did you have experience in working with indigenous communities or other communities, building their resources and their capacity, and that is what you are doing in Brewarrina?

**Mr PALMER:** My skill set before that, prior to working in Brewarrina I had worked in Windale, near Newcastle, in a fairly similar position. My role there was economic and business development for that community of Windale, which was predominantly non-indigenous but predominantly unemployed. Windale was a very significant Department of Housing estate. I had met people from Brewarrina in Windale and I always knew someday I would end up in Brewarrina—I just did not expect quite so soon. That is how it goes. It was interesting going from Windale to Brewarrina, people going, "It must be such a shock." I said no, the issues are the same—different faces but the issues are the same—and the issues are issues of disadvantage. Obviously there is more to it than just that. My experience of Brewarrina, it being predominantly indigenous, is that they are a lot more hungry for change. There is an enormous amount of frustration in the amount of time that change takes to occur.

**The Hon. GREG DONNELLY:** What is the interface with governments—State or Federal—at the moment, to the extent there is any at the moment—government or government departments?

**Mr PALMER:** The facilitator's role is that role of being interface between the community and government. We have noticed a significant change since the COAG trial completed. There is not the same degree of engagement and holistic engagement as there was under the COAG trial. That would be fair comment?

**Mrs BARKER:** Yes. It is at a standstill. Nothing is happening.

**Mr PALMER:** One of the difficulties is that a lot of the Federal departments are reviewing their policies and strategies for funding. While we are ready to move forward, they are not in a position to move forward. For example, they are rolling out a whole different community engagement strategy and community development strategy than the current one, but it will not be rolled out until next year which means that we are sitting around waiting for a year.

**The Hon. MICHAEL VEITCH:** How are you funded? What percentage is State, Federal or local government?

**The Hon. MARIE FICARRA:** That is a funny question?

**Mr PALMER:** It is. It is a pertinent question at this point of time. The initial funding that kicked it off was Federal funding, and it originally came out of OIPC. OIPC engaged consultants from their panel to assist in the establishment of a business centre. I am not saying it was the fault of the consultants, but it certainly was not the most appropriate way of doing it. The business centre was established on a very small amount of funds really. Like you said, it has been operating for the past two years and we are expected to be self-sufficient at this point. We are struggling with that, I have to say. We will survive but it is tight. It is almost like we have been set up to fail again. Our attention becomes more about survival than growth. Anyone in business knows that.

**Mrs BARKER:** We will not be able to achieve what we want to achieve, especially with the training of the indigenous people, and that is a real concern.

**The Hon. MICHAEL VEITCH:** The funding you received from the Federal Government was for two years?

**Mr PALMER:** Yes. There was a certain amount for the establishment, funding for the first year of operation and it has diminished in the second year.

**The Hon. MICHAEL VEITCH:** And performance indicators? You obviously have to report back to some accountability measures?

**Mr PALMER:** Yes.

**The Hon. MICHAEL VEITCH:** What are they?

**Mr PALMER:** It varies because at any one time we are operating eight projects, two programs, and none of our funding is direct. So, where our income is coming from is from our member clients, who would not be paying 10 per cent but they are probably paying 5 per cent of revenue for those accounting services, and for the auspiced funds we are taking between 10 per cent and 15 per cent depending on what the project is.

**The Hon. MICHAEL VEITCH:** Is that an administration fee?

**Mr PALMER:** That is the administration fee, and that is how we survive. The only other program we run is the Emerging Indigenous Enterprise Program, which is a Federal program under DEEWR, which is to grow indigenous business. That is how we survive.

**The Hon. MICHAEL VEITCH:** When you are involved in an organisation around financial and management resources, for government matters, do you provide ongoing training to increase the skill set or do you plan to come in and rectify the issue and then provide the training?

**Mr PALMER:** Rectify the issue first. When we first put it on the ground, we would start training from day one but there are critical issues that must be dealt with immediately and that is where the time gets focused, on dealing with that first. In this financial year we will be able to start that training. Even though we are not conducting any formal training, there is informal training just through how we work in with them and the way they need to change their accounting practices so they are in compliance. It starts to go through their whole organisations.

**The Hon. MICHAEL VEITCH:** You have a case management model you are using or developing?

**Mr PALMER:** Absolutely, yes.

**The Hon. MICHAEL VEITCH:** Which is more about intervention—intervene and then train?

**Mr PALMER:** Absolutely, yes.

**CHAIR:** But there are occasions, if I understand correctly, as you said previously, that skills that people have are best used elsewhere in terms of the structure of the organisation? So you are not really about training them up for skills they are not really good at anyway?

**Mr PALMER:** No. It is in that area of governance.

**CHAIR:** For example, say, for a social issues committee of Parliament, there are parliamentarians or politicians, I suppose, and you have a secretariat who—

**The Hon. MICHAEL VEITCH:** Makes us look good.

**CHAIR:** Makes us look good. I am trying to fathom how you can have the resources to deliver what you are talking about. Probably your answer is you have not?

**Mr PALMER:** The area of training we are seeing is more in that area of governance, which has become a lot more, particularly out there because we have been in that COAG trial process where the Government's training has been a natural part of that. Where organisations are coming unstuck, sure, they are coming unstuck in that fiscal management and if they do not have the staff and the capacity to do that we are better off by doing it for them. But when it comes to their boards, the boards need to know how to manage. Each of those organisations is an association, an Aboriginal corporation or some other structure that is always a board structure. That is where they have come unstuck in the past and that is where we need to fix it. It is not fully in place but we have been negotiating with New South Wales TAFE to make sure that that training is accredited. So, a number of options are beginning to occur. FaHCSIA is also becoming highly engaged in that governance and leadership training as well. So, a number of options are open to us at this point.



**Mrs BARKER:** It is about skilling up our young people in fiscal management, that is what it is all about, and governance. That is the idea of the Brewarrina Business Centre in a long-term type of thing. We knew the intervention would have come for the organisation for the first couple of years, but after that we were hoping it would be staffed enough to be able to do that and to do this training as well in all aspects for our young people. That is what I would like to see happen.

**The Hon. MICHAEL VEITCH:** When you talk about corporate governance training, I was the chair of a not-for-profit peak body in Australia for a while, and corporate governance was used a lot. When you sat down with people they espoused the phrase but did not know what it meant. Can you talk me through what sort of corporate governance training? Not so much the fiscal stuff, but you talking about basic minutes of a board meeting, agenda processes, like audit committees, are they the sorts of things you are talking about?

**Mr PALMER:** To some degree—not a huge degree. It is more about the Government's decision-making processes and what they need to take into consideration. If they were a cooperative the cooperative Act has certain impacts on how they govern, and they need to be aware of that; they need to know their roles and responsibilities and they need to know what their—

**Mrs BARKER:** They need to know how to read the financial paperwork that is put in front of them and that type of thing.

**Mr PALMER:** And they need to be aware of the risk.

**The Hon. MICHAEL VEITCH:** Know how to manage their conflicts.

**Mr PALMER:** Yes.

**The Hon. GREG DONNELLY:** Could I ask another question? It is a question I have raised and others have raised during the hearing on other occasions. The question of trying to define something as successful or not successful in terms of attracting government support or government encouragement has been dogged by situations as we have gone around where there seems to be what may be a lack of criteria that is actually used to evaluate programs. Programs are often short term in their nature and at the end of it there is a reluctance to say that it was not successful because there is a hope that there might be some extra money, which might go in and make it a longer-term program, which hopefully would then lead it to become successful. It is hard to get the hard assessments of successful versus not successful and I am just wondering do you have any views about how there can be some objective assessment of programs so there is a more clear-sighted assessment of whether they are working or not?

**Mr PALMER:** That is a tough one. I would look at it a little bit differently. In essence, everything that you are saying is accurate. You are not going to resolve years of disadvantage in three years; it is just not going to happen. So any program that is going to be under three years or under five years is not going to resolve any issue; it is just not. I have been out there for 4½ years and there is an awful lot that I would like to have done in that 4½ years, but it takes a change in culture and not just a change in culture of in fact it is indigenous people who are wanting the change. My hardest roles out there have been getting government to change to the needs of communities and my hardest role is getting the non-indigenous community to see that the indigenous community is trying to resolve issues for itself.

So you are right about the short term of programs. The second piece would be looking at it from another aspect. Every single one of those communities in the Murdi Paaki region has developed a community action plan. Some of those have more qualitative goals; most of them have qualitative goals in terms of education. There are four subgroups. What are the subgroups, Jen?

**Mrs BARKER:** Justice, education and training and employment, the culture.

**Mr PALMER:** Culture and heritage and the other one is, I think, social housing and infrastructure. Out of each one of those 16 plans they are then able to develop a regional plan that then focuses government attention on to what can be seen as joint initiatives. The ultimate measure is if that is what communities have identified and they use consultants to identify the needs and priorities in those communities, if they are not being delivered then no program has been successful. They have done the hard yards and they have done it at a local level and they can tell you what is going to work at a local level. What it needs is that government support to make those results occur.

**CHAIR:** If you were writing our final report what should our recommendations be in terms of your particular area, or generally?

**The Hon. MICHAEL VEITCH:** Give them more money.

**Mrs BARKER:** That's it.

**Mr PALMER:** We are quite proud of the fact that at the end of two years yes we are managing organisations, financial services and we are auspicing a fairly significant amount of money in terms of government programs. That we are pretty much self-sufficient is pretty extraordinary. I would not recommend that you set it up on that basis because that makes it pretty scary. In terms of addressing social issues by marrying economic development to government programs is going to be a way forward that makes a difference.

**Dr JOHN KAYE:** And how do you do that? The words are great, the outcomes desirable, but exactly how do you marry economic development to a government program? I am not trying to put you on a spot because I think that is the nub of the issue. Can you give us examples of things you have seen where that has happened successfully?

**Mr PALMER:** It is a great question, and it hits it in a nutshell. Let's go back to the Phoenix project. It is not about blowing a trumpet and going, "Look at us. Poor us", but what created the next project was 62 business people getting together and creating that Phoenix project, and it was indigenous and non-indigenous, and the whole community was aligned to that because it could see that that town was in danger of dying. We engaged the Federal Government, we engaged the State Government in that process, and that it came to nought when there was that amount of impact that could be made on that community is extraordinary.

How do you make that happen? I do not know. We gave it our best shot, but what needs to change is that listening to community and backing it where you can see that this amount of difference can be made. Fifty to 70 part-time jobs in that community would make an extraordinary amount of difference and that amount of money flowing through the local economy is extraordinary and it creates other jobs.

**Dr JOHN KAYE:** If there had been something like the Department of Aboriginal Affairs with an office in town would that have made a difference to Phoenix? If there had been bureaucrats on the ground who could listen to you, take what your needs are back, would that have made a difference to Phoenix?

**Mr PALMER:** That is a tricky question.

**Dr JOHN KAYE:** I guess what I am trying to go to with this is what can governments do to make their projects, their funding, their efforts respond better to communities?

**Mr PALMER:** I think the direction the Department of Aboriginal Affairs is heading in will be very useful for that because in those priority communities there will be those project officers. As facilitators I believe that we have done a great job, but at the end of the line we are not part of a government department—no-one has to listen to us. To actually have project officers who are employed by government will make a difference. At the time that the Phoenix project was created the regional office was only just being started, and to my mind to have one of those priority partnership regional offices co-located in the Brewarrina Business Centre would be very, very useful. That would make an extraordinary difference.

The hard aspect is the Phoenix project funding was primarily coming from the Federal Government, so that makes it a bit trickier. But given the nature of Aboriginal affairs I do not think it takes a lot of money to cause change and to make an extraordinary amount of difference, and where it comes from is that economic development aspect: you have got to create jobs. People are not going to move off their land and what we are finding is that the indigenous population is increasing because people are returning back to their land and maybe some of them have been away and got additional training, now they are coming back looking for the jobs to have them back on land, on country.

**Mrs BARKER:** Just employment is a major thing. With the CDP—I am talking about Brewarrina now—people are forced back on the dole against their will. What incentive is that for someone to want to go to work? Overcrowding in houses—we have just completed a program in Brewarrina over five years where we have built 40 homes. We need another 60 homes. How can you offer indigenous people a future when those things are happening and we are not doing anything to address those issues? We want to do things ourselves to

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try and address those issues. We need government to go into partnership with us and work with us, with the indigenous people, who know what is best for their communities, who know what is best for their people.

If we do, say, a strategy in Brewarrina where we need the extra 60 homes, we have got a housing company up there that we run. We do not get any government funds; it is run by rental income, but if we were to go and do the stats and get the people who are looking for homes we could mortgage the home. If the government builds a home, gives us money to build a home or two homes, there are three homes a year that you will be starting to address the needs of the people, and that is not happening. We have a building company; there would be employment for them. They are the types of things that we as a community need to start addressing, and we want to do it. How do we make that happen?

**Mr PALMER:** And I might add that you are not going to find a waiting list on Department of Housing lists because Department of Housing homes out west do not have air-conditioning and they do not have insulation.

**Mrs BARKER:** They just do not cater for indigenous people. You are not allowed to have people there, and we know that Aboriginal people have extended families; we know their lifestyle. The Housing Commission does not allow that so therefore they are not going onto the Department of Housing list. They want the indigenous people to look after them and that is what I see for the 15 years that I have been in indigenous affairs that those things have got to happen if we are going to make a difference and an impact on our communities.

**CHAIR:** So you are working on Phoenix rising again?

**Mrs BARKER:** We hope, yes.

**CHAIR:** Are you trying to get Federal, State and local government involvement?

**Mr PALMER:** At this point it will ultimately. We actually need to guarantee funding and it appears that where that funding is coming from is from the private sector. Once that is confirmed then we will be able to look at how other New South Wales State departments can assist.

**CHAIR:** We appreciate you being with us today. It has been very helpful for us and very informative. We wish you well.

(The witnesses withdrew)

**EILEEN BALDRY**, Associate Professor and Associate Dean (Education), Faculty of Arts and Sciences, University of New South Wales, and

**SUSAN MARGARET KIM GREEN**, Wiradjuri women from Central Western New South Wales, Associate Professor and Director of Nura Gili Indigenous Programs, University of New South Wales, affirmed and examined:

**CHAIR:** Would you like to make an opening statement?

**Associate Professor BALDRY:** We have received a good run down on the interim report of the Committee and quite a lot of possible questions on things we might like to speak to and we are very happy to respond to those as asked. I do not especially wish to make an opening statement.

**The Hon. MICHAEL VEITCH:** Associate Professor Baldry, the biography that you have provided talks about your work on post-release support of ex-prisoners and the importance of secure accommodation for post-release help and reimprisonment.

**Associate Professor BALDRY:** Yes.

**The Hon. MICHAEL VEITCH:** We heard some evidence earlier today as to the importance of that for indigenous women leaving the prison system. Can you tell us what your research is providing and your thoughts about that for the benefit of the Committee?

**Associate Professor BALDRY:** Certainly. In fact I finished a report on Aboriginal women with dependent children leaving prison in western Sydney earlier this year. I did it for the Western Sydney Partnership Against Homelessness but it was under the auspice of Homelessness NSW. In that report my team and I spoke with quite a number of Aboriginal women who were in prison. We asked them what their needs were and their experiences but we also did something which has not been done before; we looked at what services were available in the area in which the thought was that they would be seeking supported accommodation around Penrith. I then matched what the needs of the women were with what the services available were and made some recommendations about that. There are different needs for Aboriginal men and Aboriginal women. My earlier work on homelessness and people getting out of prison showed clearly that Aboriginal women were something like twice as likely to return to prison more quickly than Aboriginal men and other non-Aboriginal women.

I could attribute most of that to a number of things. First, the majority of the women have children and therefore they need to find somewhere that helps them to get the kids back. They are often in a catch 22 because their children have often either been removed or placed with family or friends and to get their kids back they need appropriate accommodation but to get appropriate accommodation they need their kids. It is a very difficult situation for those women. Another overwhelming issue for Aboriginal women was that they needed something they trusted. They needed support which was run by Aboriginal people or, at least, had been focused on Aboriginal and cultural needs. They desperately wanted to have somewhere where their culture was respected and understood but they also recognised, as did certainly the parole people that I spoke to and the Aboriginal workers who work with them, that they needed and wanted support to be able to move past where they had been.

For many of them the only option was returning to domestic violence or returning to a very poor area. From earlier work that I had done it was quite clear that the majority of Aboriginal people getting out of prison were returning to 4 or 5 places which I can name for you: Miller and other very clear places where Aboriginal people return and there is virtually no employment, almost no reasonable housing and areas, I have to say, of over policing and over attention by the parole officers. I am not necessarily blaming them—I mean it is policy—but it certainly makes it extremely difficult. They are often under orders that say that they are not supposed to meet with or fraternise with or ride in cars with certain people who are also known to the police. It is almost impossible for an Aboriginal person going back to their community not to do that. I certainly found that quite a number of Aboriginal people, both men and women, were reimprisoned on the basis of having mixed with people—

**The Hon. MICHAEL VEITCH:** By association?

**Associate Professor BALDRY:** Yes, by association. So there are those issues. What Aboriginal women particularly said was that they wanted to be able to deal with any drug and alcohol problems they had. There was no question that they wanted to be able to be good parents for their kids but for most of them when they had been out before—and all of them had been in before—where they ended up there was not the capacity to provide them with those sorts of rehabilitation processes. They needed support in rebuilding their own self-esteem. A very large number of them had either been removed in some form or other, or their families had been affected, by being stolen and they needed building up.

The solution to this particularly for women, but also for men, is Aboriginal designed and run supported accommodation. That does not mean that non-Aboriginal agencies are not involved. For example a suggestion, which was very warmly taken up by the Aboriginal community in Penrith, was that the Penrith women's refuge be the basis for such a trial. That is not indigenous specific but it has indigenous women who are employed there and it listens to indigenous people and has an indigenous resource and referral group. It is required for Aboriginal people not to return in such numbers to prison.

There is no question that a range of things is required. There are means by which they can move out of the poverty and disadvantage that they have ended up in. One answer is not going to do everything but a range of things. Certainly appropriate sorts of education but that will not meet it for everybody. Without question, mental health support—a huge issue for the women. A lot of that is post-traumatic stress from having been abused in various manners but also the men face that is well. All of that needs to happen in a safe place, it can happen and there is evidence that it works but the resources have not been put in anywhere in Australia that I know of for indigenous people for that kind of post-release support.

**The Hon. MICHAEL VEITCH:** Transitional arrangements?

**Associate Professor BALDRY:** Yes, transitional arrangements.

**The Hon. MICHAEL VEITCH:** When you talk about supported accommodation, are you talking about supported accommodation in the traditional understanding of it or a variation of that?

**Associate Professor BALDRY:** A variation. For indigenous people it is not necessarily the best to have a house with 10 rooms and each person has their own room and there are two staff people on all the time. CRC, which is a post-release organisation, has found that is a really successful model to use on non-indigenous people, particularly people who have been inside a long time and have serious institutionalisation issues. But for Aboriginal people what we have suggested is a continuum of arrangements. Let me give an example, there is a woman getting out in a month's time, she has not got her kids back and she has got four kids.

There is no point giving her a four-bedroom house or supporting her in a four-bedroom house immediately but she needs to work towards that eventually. So a unit with either other Aboriginal people in the community or in a small share situation would be what she would need. The support is not that there is someone living there necessarily all the time but the support is there as a case worker, someone who can work with her—an Aboriginal woman preferably—who can say, "All right, let's sit down and work out what support you need." It is going to be a bit different for everybody. It might be that they then work towards her going to a TAFE college and they might work towards her getting some budgeting skills or—

**The Hon. MICHAEL VEITCH:** Or a driver's licence?

**Associate Professor BALDRY:** Or anything like that. All those sorts of things have to be worked out, and how she can deal with violence in her life. There are a series of things that would need to happen. It then might mean that she is able to get her kids back and in six months time a transitional arrangement moving to a larger house with a case manager. One of the things that people said about this was that it sounds expensive but in fact it is not when you compare that to her being back in prison. In my research 60 per cent of the Aboriginal women were back in prison within three months—well, in nine months they were, but huge numbers went back in.

To prevent that happening you are putting in less than half that amount of money in that kind of support system. We already have a lot of those things but they need to be rearranged and there needs to be Aboriginal people employed in working in it and helping run it but it is far cheaper than cycling that woman in and out and, of course, her children ending up in juvenile justice. I am sure you have seen the Juvenile Justice report on the

number of kids whose parents are in prison; 40 per cent of them have had a parent in prison. For Aboriginal children, that number is much higher. The cost everywhere is huge.

**The Hon. MICHAEL VEITCH:** That leads to one of the issues that has been raised with us a lot about funding organisations and the expected benchmarks or the outcome measurements. If the Government was to fund a not-for-profit organisation run and operated by Aboriginal people, what do you think would be a fair way of measuring its success? What should government be looking at as a fair way of determining and measuring the success of that program or the outcomes?

**Associate Professor BALDRY:** Are we thinking specifically of the post-release one?

**The Hon. MICHAEL VEITCH:** Yes.

**Associate Professor BALDRY:** The suggestions we made in the report were that those measures of success should be decided mutually between women and the organisation because the women know perfectly well what they want and what they need. They might say to the caseworker, "Look, my plan or what I want to achieve in six months or one year is these things: I want my kids to be with me and I want to be doing a TAFE course." If in a year she is achieving that that is fantastic.

It will be different for different women, but you can set up a model, which says, "This is the principle by which you measure." When measuring success, particularly post-release, I am sure that you know that recidivism or going to prison is a really shonky measure. We all use it because it is the only thing we have. But if you were able to be more refined about the way we think about it, we would see a lot of different things so that we were not imposing a measure that did not fit the context. I have absolutely no doubt in my mind that the recidivism rates would go down, but they do not go down because you are measuring recidivism. They go down because the outcomes are the other things that are used in keeping people out.

**CHAIR:** To assist us in making a recommendation on how we measure other than by using recidivism, are you able to offer some definition?

**Associate Professor GREEN:** Really, to measure success, you have to look at it program by program and at the individuals or the community you are dealing with. The one-size-fits-all model does not work. It is not just for indigenous people that it does not work; it does not work for anybody. How you measure success is that all the benchmarks have to be worked out as you are putting the program together. To give you an answer saying, "This is what the formula is", would be wrong. The answer is that that has to be worked out when the individual program is being worked out.

**Dr JOHN KAYE:** I have a supplementary question relating to what you have just said. Are there overriding principles that should be in place to guide the working of those measures?

**Associate Professor GREEN:** The overriding principle is that you deal with the community or the group of individuals who you are working with and actually look at what is going to work within the community. If you do not have consultation, and real consultation, at the point at which you are setting up a program, you will not have real success either. The principle is: How do we get the most for this group of people? What is the most? Is it not going back to prison? Is it accessing education? Is it being in a real job that pays a real wage? What are the longer-term outcomes you are looking for? You have the longer-term outcomes, but there are also short-term things that happen.

Working within education we are told that success with students of any kind is: first, the numbers you get in the door; second, the retention rates; and, third, the graduation rates. At the University of New South Wales we can quite proudly say that we have the highest retention and graduation rates for indigenous students of any university in this country. However, we actually do not look at that as our measure of success. We do not think when someone walks in the door and that the only measure of success is when that person walks out holding that degree in their hand. What we know from many indigenous people is that they will come in, then they will leave, and quite often they will come back.

Some indigenous people go all the way through, but for many it is a pattern of zigzagging in and out. Others come in and get whatever it is they needed and go onto something else. When that person walks out empowered enough to make real choices for themselves, for their family and community, which is success where we are concerned. The principle is the longer-term goal, but there are all of the things in between. As

Eileen was saying, having recidivism drop is the longer-term goal, but success is all those things that happen in between.

**The Hon. GREG DONNELLY:** I am pondering the conundrum about success. Because there is not a sense of outcomes being measured or that can be measured because the programs are so short, it seems to be a chicken and egg problem that we are seeing all the time. There is a lack of commitment to the long term because there is not a sense of measuring success and therefore it is kept short; no less than 12 months, but no more than 12 months. We see that time and time again.

**Associate Professor BALDRY:** I could not agree more. One of the things that Sue and I have done is work, as you probably saw, on Aboriginal people's experience in human services in Sydney. Certainly one of the things coming out of that was, "We just experience all these short-term pilot projects and then they disappear." That is of no use to anyone, is it, particularly in the kind of areas we are talking about. If we are looking towards increasing Aboriginal people's wellbeing and lifespan, that is not a short-term business. The Government has to take on board that it is not going to be achieved within that three-year or four-year period in which they are in power. I just think that the way in which governments accept what is happening is something that has to change.

**Dr JOHN KAYE:** I want to pick up something Eileen said about over policing in Western Sydney. Certainly a lot of people talk about that. Can you tell me for the record what are the consequences of over policing and what is the optimal number of police? Can you also make comment New South Wales wide, particularly rural, regional and western New South Wales, on whether it is also true that we suffer from over policing there?

**Associate Professor BALDRY:** Over policing is not necessarily about the number of police. What it is about is the range of policies that both police, and now parole unfortunately, have. Police have a policy of focusing on repeat offenders. Aboriginal people are massively overrepresented in prisons, as we know, so they are going to be focused upon by police. In my view over policing happens to all ex-offenders. It happens to everybody who walks out the prison door because police have a policy of focusing on those people. They follow them down the street or haul them out of their cars to check on them. There is a reason for that.

The evidence everywhere in the world is that it is a small number of people who do a lot of crime. I know where that policy came from, but the problem of that policy is that it is pretty indiscriminate. It tends to focus on those who are really easy to get, those who may have lower cognitive functioning or have a drug issue or a mild mental health problems or those who are homeless. They are the easy ones to chase around. It happens. Of course it happens because that is their policy. Therefore they will pick up more Aboriginal people because more Aboriginal people have been in prison. It is just a vicious cycle.

It happens everywhere. Very sadly, parole has moved towards this policy in the last few years of having what they call intensive flying squads of parole officers who head off to someone's place at 6.30 on a Saturday evening or at midnight on Saturday to try to catch them out—"Urine analysis please. Who's in the house?" If they followed me around long enough, I would be in trouble too. It is the means by which to appease, in my view, what government and the Department of Corrective Services people want. It is not necessarily what people want, if they really knew what was going on, but that is what my view of over policing is. Sue might want to add to that.

**Associate Professor GREEN:** Really, over policing is exactly what Eileen says, but for the indigenous community, you also need to look at that within historical factors. That has been the role of police with indigenous communities since police first arrived in the colony of New South Wales. They have been used as a method of dispossessing Aboriginal people, moving on Aboriginal people, and during the punitive expeditions against Aboriginal people when Aboriginal people were basically murdered for the most minor of situations.

For the Aboriginal community, there is already a very difficult relationship with police and people in positions of authority. If people are constantly being harassed by police and are being followed up by police that leads to a more antagonistic relationship between the two. Police also have a very negative perception of Aboriginal people. Of course, Aboriginal people are constantly under surveillance, are fighting against being under surveillance, and end up in the situation that when somebody is trying to get out of the criminal justice system, they have very little chance of making a successful break.

If you add the institutionalisation of people from very young ages, we also know that many of the people in our prisons system, both Aboriginal and non-Aboriginal people who, as children, were removed at

quite young ages, have all these factors that keep impacting. If we just look at how we look after a person when they walk out the door and make sure that they have a house, a welfare cheque and perhaps getting them into employment or education of some sort, we are not actually dealing with the whole problem. We also need to deal with the problems of their being removed as children and with the problematic relationship between Aboriginal and non-Aboriginal people, in particular the police.

**CHAIR:** On top of that, it becomes a badge of honour to go to prison and that becomes a situation where you are living out what people expect of you.

**Associate Professor BALDRY:** It becomes normalised.

**CHAIR:** It is normalised so that your behaviour becomes entrenched. That leads me to question No. 1 in the indicative questions. In your submission, you identify commonly agreed elements for an indigenous social framework. Can you explain exactly what you mean by that?

**Associate Professor BALDRY:** We feel that a number of things are required there. There needs to be a different way in which we think about our culture and interaction. That is a long-term thing. Sue and I have lots of ideas about how we can model those, but in short we need to do a lot of work on the way in which we think about indigenous people. That is really important, as is the way in which indigenous people think about themselves. I am not indigenous. Has anyone raised the issue of decolonisation with the Committee?

**CHAIR:** Possibly not in as in-depth a manner as it should have been.

**Associate Professor BALDRY:** We would like to talk about that. I will leave that for a minute, but I mention that as a key part of the framework of changing the way in which people interact. The framework that we think about is a continuum of the way in which indigenous people have their self-determination, from the time they are young with their families, to the time they die. Self-determination is a key factor in that. But also, there are factors, which are readily available to non-indigenous people.

I might take myself as a very brief example. My parents migrated; I was a baby when we came here after the Second World War. My parents were paid to come here. They found housing for us. My father had a job waiting for him. At precisely the same time as that was happening, Sue's father and his family were not even able to vote. They did not have well-paid jobs, if any; they did not have any hope of going to a reasonable educational level. I had my education paid for by the Government all the way through.

So it is recognising that indigenous people have exactly the same rights to all of those things that I, as an intruder, as a migrant, had and that they did not have—and in many cases still do not have. It is also ensuring that there are the educational, employment and health frameworks from the time that someone is young, but that it is in an indigenous framework so that it is determined by those indigenous people—whether they are rural and remote or whether they are in a suburb in Sydney.

**Associate Professor GREEN:** I will pick up and hopefully answer your question. Going back to the previous points you made about people living up to the expectations that happen with them, at the University of New South Wales we decided that if we wanted to ensure the success—whatever that success looked like—for indigenous people coming into the universities, we needed to take a step back and not just meet them when they walked in the door to come to university. We found that a lot of people had educational disadvantage and that we needed to do a lot of catch-up work. We were really working from the remedial model. What we needed to do was step back and start working with the kids while they were still at high school. We are now looking at stepping back to the end of primary school.

At the moment we have been working with year 10, 11 and 12 students from all around the country. We bring those kids to the university. This year we had 134 and next year we will have 150. This is from a community that, if we believe what we are told, does not value education. We have over 400 applications from around the country for kids to come to a winter school, which for most States is in the school holidays. We have parents ring us up begging us, crying, abusing us, and doing whatever they need to do for us to take their kids into that program.

We then spend a week with those kids. We do stuff around university education: What do you need to do to go into a certain degree area; what will happen once you are there; and that sort of stuff. But we do it much broader than that. The one thing we know is that a lot of these kids, by the time they are 14 or 15 years old, have



already very heavily got the message that they are worthless, that nobody likes them, and that they are not going to go anywhere. For a lot of those kids, the only place they will go is either into welfare or to prison. We are seeing these kids come in at 14 or 15, and that is the whole thing they have about what they are worth.

We spend a lot of time during that week building up their self-esteem, and we start with what it means to be Aboriginal. A lot of these kids will think, "I am not Aboriginal enough; my skin is not dark", or "My family was not on a mission or reserve", or "I do not live in the bush", or "I do live in the bush and I am not a city kid." They have all these concepts about why they are not worthy enough to be who they are.

The first thing we do, we take them through a series about what it is to be Aboriginal: "Who is Aboriginal? These are all the different realities of Aboriginal life. These are all the different experiences, and each one of them is as incredible as the next one. So nobody here is less or more Aboriginal than somebody else." We try to build up their self-esteem around their own identity. Then we start looking at what our ancestors and our elders have done. We look at what the situations have been in this country at different points throughout our history.

We also look at the struggles and fights of who those people were and what they achieved—whether we talk about Pemulwuy, or whether we talk about people like Uncle Chika Dixon—and show them what these people have achieved, both as an individual and as a member of the Aboriginal community. We say to the kids, "To be Aboriginal, to hang onto your identity, does not mean that you cannot achieve, because look at all these people before you that have." We also say to them, "The fact that all of these people have done these things that have opened up all these doorways so that you can now sit inside an institution such as this means that you have been given a very great gift. And when you get given a gift, you also have a responsibility. Your responsibility is, firstly, to take hold of this opportunity and use it, and secondly, open the doorways and pathways for those who come after you."

Then we start looking at what those doorways and pathways are. We also tell the kids that they have already made tremendous success—just by the fact that they were selected to come into the University of New South Wales. We get letters back from kids and their parents, and we get phone calls and letters from teachers saying that these kids go back to school more switched on, more committed, and more dedicated. We get letters from kids from every part of this country that say for the first time in their life they are really proud to be Aboriginal. They can also see that there is something different for them and that they can make a difference to their community. If we can do that from just one little program that started seven years ago with eight children and eight applications, to now with 400 applications and 134 kids, what can be done with a lot more sustained effort and a lot more intensive effort?

There is so much we can do. When you are seeing many of those kids in universities—and we have seen the first cohort now graduating from universities, kids that would never have thought they had a chance in hell of walking through those doors. We have done that with not a lot of resources, with no support, outside of the university, until last year when the corporate bank funded us. No government department has given us money to do this. In the early days we did it on the smell of an oily rag. If we can do that, how much more can be done, with real commitment, resources, and people making a commitment to a sustained effort?

**CHAIR:** Have you had any contact with the Department of Education and Training?

**Associate Professor GREEN:** Yes. At a State level, they cannot deal with it because it is not a New South Wales-specific thing; it is an all-Australia thing. With the Federal Government, it was too hard to put into a category because we took kids from all over the country.

**CHAIR:** In terms of primary schools and high schools in New South Wales, what you are talking about is not part of the curriculum?

**Associate Professor GREEN:** No.

**CHAIR:** Are you aware of any attempts at any stage to get that whole story—from colonisation to struggles, through to the ongoing survival and enormous contribution to the Australian community, against all the odds—told in primary schools and high schools?

**Associate Professor GREEN:** It is, in a very patchy way. It depends on individual teachers. I will go back a step. We have two fantastic education policies in this State. One was in 1988, which is the Aboriginal

education policy, which makes it mandatory for all school students to have Aboriginal history and culture as part of their curriculum; it is compulsory. The other one is a policy that came in last year, which is Aboriginal languages. It is also compulsory for all students, K-12, to learn some form of Aboriginal language. The problem is in the implementation, and it starts with the way we train our teachers.

I am not aware of any education faculty or school within this State where it is compulsory for teachers in training to have Aboriginal studies and training around the indigenous curriculum and the teaching of indigenous children. At best, it is offered as an elective. If it is offered as an elective, it is only open to a small number of people, and the only people who take it up are those who are pretty much already there and who would do it without those courses. The people who really need it then get to avoid it all the way through. So we can have these policies, but if we do not train our teachers to deliver them and we do not put the resources in, it does not happen.

**Associate Professor BALDRY:** May I comment on that? As I am sure you are aware, the Institute of Teachers has recently put in a whole lot of requirements for educational institutions that give a degree in education, and one of them is that indigenous studies is included. At our university, we only train high school teachers. Although there was a great willingness to put it in, the issue was: How are we going to teach it? Who is going to do it? It will end up going to Sue's unit, of course. It simply highlights the fact that there is so little in the way of people who can do this kind of teacher training.

**The Hon. MARIE FICARRA:** It sounds like a great success story on your part. You must be seen as a great mentor yourself?

**Associate Professor BALDRY:** I can answer that: She is.

**The Hon. MARIE FICARRA:** But there is only one of you to go around. In terms of other mentors going into indigenous communities and saying, "Look at us. We have done it. This is our story. You can do it too", is there time for that, and are there people willing to do that?

**Associate Professor GREEN:** I think there are people, and I think there are many more people who can do those things than any of us are aware of. If I look at the people who work within my unit, let alone the students, there are 22 of us. More than two-thirds of my staff are Aboriginal people. Each one of them has a fantastic story and is a role model within their own rights. That is just within my unit. We take students, both indigenous and non-indigenous, out to Wellington to do a community service program there. Part of what we do while we are out there is meet people from different Aboriginal organisations as well as from the community. The stories of individuals who are there are just tremendous. If you look at people overcoming adversity, the strength of Aboriginal people is incredible.

But there are two sides of it. One is convincing people that their story is worthy, that it is good enough, and dealing with the low self-esteem. Even though people make these great achievements, still the low level of self-esteem and shaming that goes on is just massive. The other thing is convincing people to listen to those stories. If people do not want to hear, they do not hear them. Ensuring that we can get people out there into schools, and getting kids where we can speak to them, is a really big thing. We do it at Nura Gili as much as we can, but we do not have the resources to spend sitting in schools, so we bring kids to us. This year we had 134 out of 400 who were willing to be there, that we could actually engage with.

**The Hon. MARIE FICARRA:** What happens to the rest of them?

**Associate Professor GREEN:** That is the thing that just breaks our heart.

**The Hon. MARIE FICARRA:** Are any other universities doing anything like what you are doing?

**Associate Professor GREEN:** Some of the other universities do smaller programs. We have approached a number of universities, because we cannot cope with the demand, to see if they would pick it up. To this point, with the exception of one, they are all very, very keen, but once they know there is no money they are not able to go ahead with it. It falls back on to the responsibility of the Aboriginal units. But there is one university, which is Wollongong University. We are talking to the faculty of education down there, which has an Aboriginal dean, and he is coming to see me very shortly about working out whether they can pick up some of the kids that we cannot accommodate.

**The Hon. MARIE FICARRA:** What about the mentoring? Once they leave their local communities and go into city areas without that family network around them, how do you keep an eye on them to sustain them?

**Associate Professor GREEN:** Out of my 22 staff, six of them are involved in indigenous support. They also have responsibilities for going out to schools, et cetera. We actually cannot manage to give intensive support to each and every one of the students. We give as much as we can. What we have done to address that issue is that we have worked really hard to build what we call the UNSW indigenous community and we say to every student who comes through our programs, "To get a place at this university through the Nura Gili entrance scheme, you must make a commitment and that commitment is to be an active part of this community, to take the support you are offered but also to give support back to the other students."

I think that is the key of why we have success with retention and graduation. The greatest indicator of whether a student is going to succeed at university or not is if they are part of a cohort and building that community around them has ensured that even if they are in a class by themselves, some point during that day they will come back into a group of other Aboriginal students and those students have really taken that on quite seriously and they look out for each other. If somebody disappears, staff at Nura Gili know about it really quickly. They then go and hunt them down, bring them back in and re-engage them.

**Dr JOHN KAYE:** I take you to Question 2 on the questions we sent you, which is about the Department of Aboriginal Affairs Two Ways Together partnership community process. I understand about 40 priority communities are identified on the basis of need and willingness to work to address that need. The way it works, as we understand it, is that there is an engagement strategy that is designed to establish or strengthen governance structures within the community. What is your feedback on that? Is that a positive program, are you aware of that program in operation, is it working and is it the sort of thing we should be recommending there should be more of?

**Associate Professor GREEN:** Yes, we are aware of it and that the Two Ways Working Together is actually much bigger than this particular program.

**Dr JOHN KAYE:** Sure, but I wanted to focus on that particular program.

**Associate Professor GREEN:** The success is patchy. In some communities it is working well and in other communities it is not working at all and then in many it is somewhere in between. The success of these programs is really dependent upon the people involved from both sides. You have people in the community and to ensure it works from the community side, you have to ensure you have every family from that community represented in that process and that does or does not happen, depending upon the community.

The other side of it is that you need the non-indigenous people or the people from the department who are going in to be able to build a relationship with that community. That is even more difficult than ensuring that every family within the community is represented because people come and go out of jobs so each new person then needs to rebuild that relationship so really that success is dependent upon the personalities involved rather than having something that is a systemic agent within those communities.

**Dr JOHN KAYE:** I have a question again about overpolicing. Do you have data to test the hypothesis that the damage being done by overpolicing is the fact that you are just capturing more wrongdoers or is it that the pressure placed on somebody who has come out of jail by the presence of police or parole officers is actually driving them to offend?

**Associate Professor BALDRY:** I think it is more the latter but driving them to offend is probably not the way to express it. I think it has more to do with the feeling of, "Well, I might as well give up here." I talk to hundreds and hundreds of people who go in and out of jail. One Aboriginal woman was supported by an agency. The kids got back, they found a house down near Albury somewhere, whichever is our side of the border, and she said, "I gave up because every second day the police or the parole people would knock on my door or I would be going down the street with my kids"—I am not saying whether she was doing anything or not; that I do not know, but my guess is she probably was not—"but they were just hassling and saying, 'Where are you off to, why have you got this, what are you doing with that'"; just the fact that she is under such surveillance. She said, "I might as well be back in. My kids are frightened because there is this constantly going on. What kind of message does that give them?" That happens to people. It is not necessarily so much that it drives them to offend.

**Dr JOHN KAYE:** It removes the incentive to not offend?

**Associate Professor BALDRY:** There is no incentive, exactly, to not offend, and also, as you well know 70 per cent of people in prison have a drug or alcohol issue and if you have an addiction issue, stress is the first thing that is going to push you back into that. It is just such a bad policy. There are other ways to do it. I am not saying that people just be let to run around.

**Dr JOHN KAYE:** Is it possible for you to submit to the inquiry another way of doing it, an alternative model for parole and policing in these circumstances?

**Associate Professor BALDRY:** Sure thing.

**CHAIR:** In the form of a recommendation?

**Associate Professor BALDRY:** Sure thing.

**The Hon. GREG DONNELLY:** Do you have the questions on notice that we gave you?

**Associate Professor BALDRY:** Yes.

**The Hon. GREG DONNELLY:** I take you to Question 6. In your submission you state that it is important to ensure genuine engagement with indigenous communities and so on, with community services. What do you think is the most effective message of ensuring this occurs?

**Associate Professor GREEN:** It is about working with that individual community, honestly talking with them, real consultation, and working with them to set the goals and the objectives of any program that is going to happen within that community. It is ensuring that they actually have full participation within the program rather than someone coming in from above and saying, "This is what needs to happen here" or "This is the problem as it needs to be addressed".

There have been quite a few examples around the country where there is an issue, people have gone in to fix the issue and then when they have sat down and talked to the community, their idea about how the issue was to be fixed was actually quite different to what the community saw as the issue. Sometimes the people who were fixing the problem had not even considered the factors that the community were saying they wanted fixed. But once they were able to engage with the community around the community's wants and needs, then they were actually able to address the bigger issue that they were there to fix in the first place. So it is about working with that community and allowing it to come from the community as to what the solutions are.

**The Hon. GREG DONNELLY:** I will play devil's advocate. Part of the problem I have observed when going around with the Committee is that response coming back to us many times; it has to be the community's consideration and the community's input that will lead to the hatching of the solution to the issue at hand. From the western mind of trying to tackle the systemic issues of health, housing and education, we always seek to roll out an overall strategic approach to deal with it in a regional, State or national way, whatever the case may be. That is an anathema to what you have put. It is a constant flashing of ideologies in dealing with the resolution of problems that have been perpetuated decade after decade, 12-month trial after 12-month trial.

Will there ever be a convergence? Interestingly this morning one of the witness spoke about the notion of a regional approach being the way to address issues because at least there can be a buy-in that does not involve an approach being imposed from above, but regional connection to the local issues: the first to have the local community autonomy to deal with issues versus the broader strategy of trying to deal with a problem that is systemic by rolling out a broad-based program.

**Associate Professor GREEN:** Aboriginal communities have attempted many times to come up to where the Western model wants to be. We do build these organisations, we do put in funding submissions and acquittals; we do all these sorts of things. At the same time, we know they are not actually working for our community, we think something is better than nothing so let us go with it. We do that, so stuff such as decolonisation comes along where we actually have a thing called a new way of doing business rather than trying to fit everybody into the old models and forcing the old models together.

It is about moving on from this mindset that we have all been carrying for the past 200-plus years about the way we do business with each other. Until we can start breaking that down and finding a new model—and I cannot tell you what that new model is; it is something that we have to come together on, and it is going to take quite a bit of talking to come to that—it is about decolonising and deconstructing our mindsets about how things work and what is the right and wrong way of doing it.

I will give you a successful model of where things are working even though it uses an organisational approach and that is, the Aboriginal Medical Centre out near Wellington. Wellington has a very diverse Aboriginal community. People who were on the old mission, who still live out on the reserve, people who are in town, people who have come from other areas are there now, and the original families. Over many years the Aboriginal Medical Service had a lot of problems because one family would be in charge and the others were not, and all of that stuff that we hear about Aboriginal communities all the time.

The director, Darren Ah-See went in and said, "If we want this to work, we have to do this the new way. We have to ensure that every family in this community, regardless of who they are or where they come from, has representation into what we are doing." No decision is made by Darren or the board that has not actually gone through the community and been spoken about and a consensus reached. When something happens, when a decision is made or a change happens within that service, everyone is consulted, everyone has their say and everybody, while not being particularly happy that their way of doing it was not done, they feel they have had input.

That is really important and that service is now one of the most successful in the State and has branched out into other areas such as Orange and the community development program, one of the few community development programs left in this country actually working very well out in Wellington because the same approach has been taken with that program. We cannot not deal with people on the ground; with the communities. We cannot keep saying, "How do we make the two converge?" The reality is that we have to deal with the people on the ground.

**The Hon. GREG DONNELLY:** The programs we have seen and which have received some publicity over the last six to 12 months of some of the more elite schools in Sydney bringing in indigenous students to give them an opportunity to pass their upper high school in boarding school or perhaps undertake programs of tertiary study or whatever. Would you care to comment on these programs?

**Associate Professor GREEN:** The intentions of these programs are extremely good but we do have experience here with extremely good intentions. My concern about these programs is in a couple of areas. One is that it sounds very similar to the residential programs in Canada and we know what the outcome of that has been. Whilst this is not the forceful removing of children into boarding schools, the idea that we can go into a community, cherry pick the best and the brightest and move them away from their communities and then expect the community still to function actually really alarms me. I believe that every child in this country regardless of who they are, where they were born or who their family is has the right to be educated and has a right to be educated in their community.

We also need to give our kids, regardless of whether we are talking about Aboriginal kids or kids from rural families, the options to remain in their communities. When I say "options" I do not mean, "I won't go to a boarding school and get a proper education because I want to stay here"; they need to have real options to stay in their communities and to provide the services back into their communities. By taking our kids out of communities and plonking them in boarding schools, I am sorry but that is not going to happen.

We have also seen some of these boarding schools actually set up cottages on the grounds to keep those Aboriginal kids there during the school holidays to keep them out of trouble and keep them within the school. That sounds very much like assimilation to me. It has created many of the very problems that we are now sitting here having this discussion about how to solve. We do not fix our problems by recreating the thing that created our problems in the first place, and boarding schools is one way of doing that. I do not have a problem with kids going to private schools or with boarding schools setting up scholarships so that Aboriginal kids, along with their families, can make that decision to go there.

But as the solution to our educational disadvantage I think this is entirely the wrong way to go. Our kids should have education in their communities as their human right. They should not have to leave families and communities to go outside. It is such a massive issue that it just horrifies me to think that we are again at a point in history where we are talking about these sorts of measures. This is no different to what Arthur Phillip

was suggesting in respect of taking Aboriginal children or Macquarie with his institute in Parramatta. We are really not having a different conversation here. I think as a country we should have matured enough to have moved on, and I am very ashamed as an Australian to be back here.

**Associate Professor BALDRY:** I want to add something to the prior question about the continuing divergence between western and non-western. It is not entirely the case because there are examples of where non-indigenous or government approaches are learning from indigenous approaches. I will give you one example of dealing with or supporting families. I also work with families with a child with a disability. There is an approach called solution focused. Solution focused is an approach that says, "Why don't we find out what the family's strengths are, do it together and work together on what we can do with that".

You do not start out in that approach by saying, "We know exactly where we are going; we know exactly what the outcomes are going to be in terms of 20 per cent of people will live longer and we will have fewer this or that". The result or the outcomes are going to be measured in terms of what that parent and what that family sees as working. That has been around in western counselling, so we are not without the capacity to do these things together and arrive at very good outcomes.

**CHAIR:** Unfortunately we have run out of time. I think we have been very ambitious in terms of our questions and not given ourselves enough time. So I ask whether you can take the balance of our indicative questions on notice and if possible provide a written response by 10 October. That would be greatly appreciated.

**Dr JOHN KAYE:** Because academics have nothing else to do between now and 10 October.

**CHAIR:** Your assistance will be greatly appreciated because I have learnt a lot from the information that you have given us, as I assume others have. Thank you very much.

**(The witnesses withdrew)**

**JON CHARLES ALTMAN**, Director, researcher and private citizen, Centre for Aboriginal Economic Policy Research, Building 21, Australian National University, Australian Capital Territory, and

**JANET EILEEN HUNT**, Fellow and researcher, Centre for Aboriginal Economic Policy Research, Building 21, Australian National University, Australian Capital Territory, affirmed and examined:

**CHAIR:** Thank you for appearing before the Committee today. I invite you to make some opening comments.

**Professor ALTMAN:** I will be very happy to do that. While Janet and I do not do all our indigenous affairs research in New South Wales, both of us have worked with groups in this State—most recently for me with the Murray Lower Darling Rivers Indigenous Nations and the Living Murray Initiative. In fact, just last Friday we had an interesting presentation in our seminar series "Effective Indigenous Involvement in The Living Murray Introducing Use and Occupancy Mapping" by Lee Joachim and Neil Ward from the Murray Darling Basin Commission and the Yorta Yorta nation. Earlier this year the Centre for Aboriginal Economic Policy Research (CAEPR) and the New South Wales Department of Environment and Climate Change signed an agreement for a three-year research project that will look at the wellbeing benefits that might be generated from Aboriginal involvement in managing national parks and indigenous protected areas in New South Wales.

I would like to make some comments from my broad research experience in relation to this inquiry's focus on closing the gap, presumably in New South Wales—an overarching strategy that is hard to argue with as an aspirational framework. However, some statistical work I have done with colleagues at CAEPR, which is available on our website, suggests that this goal is unrealistic—at least according to national statistics from the last 35 years and eight national censuses. Focusing on New South Wales, the indigenous population is estimated by the Australian Bureau of Statistics at nearly 153, 000, with the median age a very youthful 20.6 years. This is the largest indigenous population by State-Territory jurisdiction in Australia—just on 30 per cent of Australia's total of 517,000.

Just recently we have seen some influential Australians like Major-General Michael Jeffery on 31 August and emeritus Professor Helen Hughes from the Centre of Independent Studies on 3 September, almost triumphantly speculate about the satisfactory integration of indigenous Australians into mainstream society. Such views are given regular and widespread endorsement by the most powerful media instrument in the nation—News Ltd's the *Australian*, suggesting that the Aboriginal problem is largely limited to remote Australia and a process of successful integration—so much more acceptable as a term than assimilation—is under way in settled Australia, especially in urban and metropolitan Australia.

Neither official statistics nor indigenous reality supports this view that celebrates the currently dominant policy focus on mainstreaming. Official statistics on New South Wales carefully compiled in the Department of Aboriginal Affairs document Two Ways Together show that things are relatively bad for indigenous Australians according to almost all social indicators, as well as according to things that matter to Aboriginal people like language loss and land alienation. New South Wales is the State where indigenous people are the most populous but also is among three south-eastern jurisdictions where the least land has been returned to Aboriginal ownership—in New South Wales 4,000 square kilometres or 0.5 per cent of the State. I have brought a number of documents with us as exhibits, and the relative performance of New South Wales in relation to land rights and native title is documented in one of the exhibits I will leave for the Committee and the secretariat.

**CHAIR:** You may tender them as you wish or all as one.

**Professor ALTMAN:** Okay, you can have them all as one. They all relate to what I will be saying.

**CHAIR:** Are they publicly available?

**Professor ALTMAN:** All the ones I am leaving are publicly available, yes. So, to add insult to injury from an indigenous perspective, indigenous people in the State are acutely aware that environmental degradation has been wrought on their ancestral lands, especially in the Murray-Darling basin. Many hold a deep grievance against settler colonialism, not just for land loss but for environmental destruction. CAEPR, as you would be aware, has done an enormous amount of diagnostic research since 1990 on indigenous underdevelopment. I

cannot refer to it all here but would like to highlight a few key documents. First is the work by Boyd Hunter, which, again, is in an exhibit I will leave behind, that shows little or no income gradient in most measures of indigenous disadvantage. In other words, variables like long-term health condition, daily smoking, risky alcohol consumption, experiencing financial stress and being the victim of physical and threatened violence are evident for all income quintiles in a way that is quite different for the non-indigenous population where, clearly, as income goes up those sorts of variables decline quite markedly.

This sort of finding is reinforced by the work of economist Peter Saunders from the University of New South Wales, who reports that the extent and severity of deprivation and social inclusion is far greater for indigenous people than for non-indigenous people.

Second is some recent research by colleagues at CAEPR that looks at indigenous participation in regional labour markets between 2001 and 2006. This work has not been published yet so I will say a little about it.

This research, which will be available next month, divides New South Wales into seven regions varying from Sydney, where indigenous people count for less than 1 per cent of the total population, to the Bourke region, where they account for 15 per cent. In most regions things have improved between 2001 and 2006—this is in labour market terms—except for in Sydney, where almost all variables like the employment population ratio or full-time private sector employment or the index of occupational dissimilarity have all gone backwards. This is an issue for which I do not have answers but it is something this Committee might want to focus on.

In terms of COAG closing the employment gap target—50 per cent closing of the gap by 2016—this recent research estimates that about 26,000 new jobs will be needed in New South Wales by 2016 to meet this target, bearing in mind that according to the latest ABS labour force survey there are only 41,000 employed indigenous people in New South Wales at present. That is, employment will need to increase by 40 per cent in the next decade, whereas in the past six years, 2002 to 2007, it has increased by only 6 per cent.

I make only three very brief concluding observations, aware that you are addressing complex issues and there are many things to discuss. Firstly, there has been much talk in recent years about practical versus symbolic measures to address the need for indigenous improvement. In my view we need both and they are inseparable. Yet there continues to be too much focus on the practical. Second, too many interventions have been devised without due regard to the aspirations and agency of the people whose conduct is targeted for reform. Here the issue of self-determination, empowerment and governance looms large, an area where CAEPR has just completed phase one of a major indigenous community governance project. Again, I will leave exhibits of some of our early findings on that project.

Our research indicates that if governments are to work successfully in partnership with indigenous communications and organisations to improve outcomes, much attention is needed for both governments' and communities' capacity to work effectively together. We have published two major reports on this project and have a book about it to be published soon. Finally, the focus on the practical overlooks the issue of historical dispossession and land rights that looms large for indigenous people everywhere. Despite the efforts of the Department of Environment and Climate Change there are still only 10 co-managed national parks in New South Wales out of 750 parks and reserves, and there are pressures on some lands of iconic significance like La Perouse and Redfern. As already noted, New South Wales lags behind other States and Territories in indigenous land ownership. In my view, much more can be done to build community and cultural resilience in this area of vital significance to Aboriginal people in New South Wales.

**CHAIR:** Would you like to make some opening comments?

**Ms HUNT:** No, thank you.

**The Hon. MARIE FICARRA:** Reflecting back on all the efforts of all the programs, why do you think there is such a disparity between policy and rhetoric and the reality of where we are? We just have not listened, we have not had the right consultation, we do not have respect, we do not deliver? Sometimes one can get a bit depressed. Are we correct in getting so depressed? That is not a good thing either. We want to remain positive about what can be done in the future but there is such a disparity and often the way the media reports is unrealistic as well. What do you think has gone wrong in this direction?



**Professor ALTMAN:** I am sure we will both have something to say there, but clearly there is a raft of issues where things have gone wrong and, yes, well targeted resources is one issue and whether we have invested enough on an equitable needs basis is extraordinarily important. From my point of view we often get a bit confused between current and capital expenditures, and some of the capital backlogs are just massive. We do not seem to have very effective mechanisms to address capital backlogs, which frankly require in most States and Territories Commonwealth assistance. I think it is beyond the capacity of States to meet many of these backlogs, particularly in regional and remote areas.

In saying that I am aware that New South Wales has got some regional and remote areas, according to ABS classifications. Bits of New South Wales actually fit into the category of very remote Australia. But it is expensive out there. I guess, as you say, we have not been very good at listening; we have not been very good at getting a match between regional and community aspirations, the realism of what is possible and what sort of assistance and avenues communities might wish to take to address some of the disadvantage that they face. And I guess that is why I just emphasise, for instance, the issue of dispossession and opportunity that I see in relation to environmental management where I think you do see a match between broader community aspirations and indigenous ones and yet even there we have not done very well in terms of getting indigenous people involved in co-management of land and negotiated participation and land management in the way that we could have.

That is not saying that we have not got some very successful projects underway. I will let Janet say a bit about this, but certainly the dominant narrative of failure I do not think does anybody any good. There is a lot of success out there and we need to learn from it and we need to replicate it and we need to resource it realistically in a multi-year transparent manner. But you are right, the rhetoric of failure can become so deafening that you might as well become a policy nihilist and do nothing about it, just throw up your hands and say, "There is nothing to do here", but in reality we know that there is much success out there.

**Ms HUNT:** Just to pick up on the success thread first. Through our research and through the work that our partner Reconciliation Australia has done on the indigenous governance awards and from other research that has been undertaken through the Institute of Aboriginal and Torres Strait Islander studies and the Australian collaboration, there is quite a wealth of accounts of very successful community organisations delivering in areas of health, employment and training, cultural tourism—a whole range of sectors. So there are some very good stories out there that certainly do not see the light of day in our media, and I think that is very unfortunate. I have brought examples of all of those with me. If you are interested we can provide you with information about all of those.

I was at a MCATSIA meeting a few months ago in Perth when the head of Maori Development was speaking. He talked about the investment that had been made in New Zealand in terms of community capacity building and that of all the things that New Zealand had done in terms of their efforts to close the gap earlier that was the one thing that had made a significant difference and that if they had more money that is what he would have invested more in. I think we have got examples in New South Wales, and particularly around Murdi Paaki and particularly some of the organisations that we have been working with, including in Newcastle the Yarnteen Aboriginal and Torres Strait Islander Corporation, where real effort in governance capacity building has paid off, and there are two sides to that. One is to build the capacity of the communities, to get their governance in order, to actually work for them in terms of articulating their aspirations and being able to implement them when they get the resources to do it.

The other side of that coin is government's own capacity to respond. One of the things that the COAG trials showed us was that that is a challenge too and that quite frequently some of those conditions for a really good partnership between government and communities are very hard to achieve in terms of some sort of stability of personnel—that was mentioned by the previous witnesses I noticed; in terms of funding decisions up to a certain level anyway being able to be made at a regional level or a local level; just a lot of clarity among departments about who is going to do what when whole-of-government arrangements are put in place. So there is a whole range of conditions that are necessary on the government's side to really make that work, and that requires, I think, more effort in, I suppose, helping government officials working interdepartmentally and also working cross-culturally with Aboriginal communities.

**Professor ALTMAN:** If I could just add one additional point. At the heart of what you were raising is the issue of self-determination and last week in Canberra one of our colleagues from the United States, Steve Cornell, gave a lecture on this issue from an international perspective looking in on Australia. I think the international evidence from places like Canada, the United States and New Zealand is that certain levels of self-determination as distinct from self-administration or self-management are fundamental to ensure economic

betterment. We have had this term "self-determination" historically in terms of policy but on the ground it has been nothing like that and it has really hampered, I think, community empowerment.

**The Hon. MARIE FICARRA:** Do you believe that the community understands what self-determination is? There is a section of the community that turns off when that is used because of their perception in the past of efforts. But if that were the case that we could do it properly, is it your view we should allocate enough resources to it, train people well, prepare them well and support them well during the process?

**Professor ALTMAN:** Yes.

**The Hon. MARIE FICARRA:** At the end of this if you think there are recommendations that should be put to this Committee from the basis of your economic and policy research, would you be able to do that and give us those recommendations on what you believe we should as a Committee be proposing to the Government?

**Ms HUNT:** Absolutely, and we can table the lecture that Steven Cornell gave last week. There are four basic requirements that they have identified internationally: one is that issue of practical sovereignty or control; another is adequate resources, which you have mentioned; capable institutions, and that is where a lot of the training and support is required; and what they call cultural match we prefer to use the term cultural legitimacy, but essentially that the governance bodies that are set up have some legitimacy in the eyes of the people whom they are meant to serve, essentially.

**Dr JOHN KAYE:** From what your research tells us what are the lessons from the Northern Territory intervention? What should we take away from that in terms of New South Wales policy?

**Professor ALTMAN:** I will give that a go. The one thing I would say is that the Northern Territory intervention is currently being reviewed and I think before you actually report you will have access to the review report from the Commonwealth board of inquiry into the Northern Territory intervention. I think there are some pluses and minuses coming from the Northern Territory intervention. I think that the pluses are in relation to greater media scrutiny of what is happening in remote communities and greater media coverage of what has happened out there in terms of the marginality and disadvantage of community, just how neglected people have been compared to other Australians, and that is as Australian citizens.

I think that coming out of that as a nation we cannot say that we do not know any more in relation to remote indigenous communities. I think that we are also seeing under this notion of national emergency some more realistic funding commitments, in the case of the Northern Territory by the Commonwealth, and there are historical reasons for that. We forget that only 30 years ago the Northern Territory was administered by Canberra and, frankly, what was handed over to the self-governing Northern Territory had, again, enormous historical legacies in terms of housing, infrastructure, educational facilities—

**Dr JOHN KAYE:** Deficit legacies.

**Professor ALTMAN:** Enormous deficits. It is fashionable to blame the Northern Territory for everything that has happened in the last 30 years but I do not think that it was a level playing field in 1978. I think that some of the things that you would not, in my view, want to transport from the Northern Territory would include overriding the Racial Discrimination Act, having non-discretionary policies apply to all New South Wales indigenous citizens, irrespective of whether they are responsible parents, responsible spenders and so on. I certainly would not be suggesting that you think of income quarantining or income management in the top-down blanket way that it has been done in the Northern Territory and I certainly would not be recommending that you look to compulsorily acquire indigenous land in the way that has happened with all indigenous townships in the Northern Territory because, again, I think there is a lack of discretion there and there is a challenge of whether in fact that is even constitutional in terms of giving people just terms compensation.

But from my point of view, over the last 12 to 15 months now I have spent a lot of time focused on the Northern Territory and I think that you are carefully considering developing policies for indigenous people in New South Wales. I think we now know that the policies that were implemented in the Northern Territory were conceived very quickly; implemented as much for ideological as for beneficial reasons, and clearly they have had intended and unintended consequences. I think that one of the surprises of the Northern Territory is that some of the unintended consequences have in fact been positive. For example, the need to manage incomes has

resulted in many communities getting the sorts of community stores that they should have had for a very long time.

Suddenly we see a scrutiny of whether indigenous people can actually buy healthy food and fresh vegetables and fruit in a way that most Australians expect, and we are seeing some connections with people's poor health; we are seeing connections with the fact that people's meagre incomes have not been able to buy the sort of basket of goods that you would expect and so on. So some of the unintended consequences have certainly been quite positive in a way. Again, the one thing that I have been very critical of, and I certainly would not suggest that you do, is abolish CDEP. I think that CDEP has been a very positive program for many remote indigenous communities both in New South Wales and in the Northern Territory. I think that in terms of some of the things that we are talking about it has actually provided elements of community control and community empowerment, and well functioning CDEPs have created employment, have generated income and have assisted the development of community enterprise. Frankly, they are often the key drivers of economic and social development at the community level. So why one would want to get rid of this program rather than enhance it is something that I fail to understand.

**Ms HUNT:** I would just add that I think in relation to what we were just talking about genuine self-determination as the strategy which in the long term is going to give the benefits that we want to see, from my perspective the big negative of the intervention is that it actually withdrew control from people and took responsibility away from people. So it may have some short-term positive outcomes, but taking responsibility and decision-making control away from people is not going to give you the long-term capacity that is required, and it was done in a very rushed way, as Jon said. So I think I would much prefer to have seen a somewhat slower and more successful long-term approach.

The other point I would make is that yes there has been a lot of additional resources go into the territory, and that is a good thing, but I would question the cost effectiveness of some of that resource allocation. I am aware that there are a number of community initiatives responding to community need, which are still under funded. So there has been a lot of money go in but still those vital things where communities themselves identify what they need to do to resolve their problem remain unfunded. I think that is unfortunate because it is very disheartening to people. I think where there is leadership in the community that has got some good ideas, and can take things forward and take responsibility, the Government should get behind those as a high priority because they are likely to work.

**Professor ALTMAN:** The Northern Territory indigenous population is half the indigenous population of New South Wales and just on what Janet is referring to, the process issues of income quarantining and putting in place government business managers into communities, more than \$100 million per annum is being spent on that process. Now double that for your State and you get \$200 million, would you want to even think of making that sort of commitment to process and not to delivering anything on the ground? But one of the things—again we will wait to hear what the review says—that I certainly hear from communities that I visit is that 15 months on there are no new houses, there are no additional health facilities in the community and there are no new schools. The communities themselves are saying, "Look at what has been spent on process? If you had pumped that sort of money into our CDEP as capital we could have achieved a lot."

**CHAIR:** The amount of money that has been spent in the Northern Territory as opposed to other States and Territories has been highlighted to us.

**The Hon. GREG DONNELLY:** I want to take you to question on notice number four. That question relates to a longer-term funding approach as opposed to the shorter-term 12-month type programs. Obviously there seems to be a general propensity to fund programs that are quite short term, often 12 months, and they then fizzle out. It is unlikely that there will be a change in mindset, unless there is some fundamental alteration of thinking at the Government level, to go for the longer-term three to five year type funding arrangements. How do you see the transition from what we are doing at the moment to a longer-term funding, particularly for those programs that are more successful? Have you written about this or spoken about this in detail?

**Professor ALTMAN:** I think there is a fair bit of research on this. What I would say is how would your institution or the one I am in function on a 12 months project funding? I think that we know to build a capacity and to have a degree of institutional strength you need multi-year funding. That funding can be provided in a number of ways but personally I believe there is much room for experimenting with rolling triennial budgets, which would be contingent on proper strategic and business planning accountability and performance. I do not think that this is something that robust indigenous organisations or statutory authorities

are frightened about. I think that they would accept those sorts of conditions. Clearly you would need to also have some capacity to adaptively manage resources, particularly if they are resources that are targeted at addressing acute need because some of that need might be met and over time you may want to reallocate resources. I think for a whole range of reasons if you want to be effective you have to have multi-year funding.

Something that has not talked about very much is the need for that multi-year funding to attract and retain quality staff. That is again something that your institution and mine would probably struggle with if we only offer 12 months funding. Similarly, I think what we are seeing is a real cost burden in terms of the administration in relation to continued grant seeking, sort of grantsmanship, which really gets people looking for the next tranche of funding rather than actually focusing on what they are going to be doing with the money. We have got to address this issue and I think sometimes we focus too much on issues of accountability when there is little evidence that there are problems with accountability, in terms of many indigenous organisations. Again we tend to focus on those that perform poorly rather than learning from the ones that actually do very well.

**The Hon. MICHAEL VEITCH:** During this inquiry there has been a bit of a conundrum posed to us about the tension between trying to meet the closing the gap indicators and how that works against cultural resilience and culture. Do you have any suggestions on how that tension can be overcome?

**Professor ALTMAN:** Tensions between different groups in society cannot always be overcome but I think at the very least they can be ameliorated. While I was not very overt about it I suppose by saying something about the employment gap, which is something that COAG and the State and Commonwealth governments are very concerned about compared to what is happening with issues to do with land ownership, it demonstrates two gaps but one where the dominant society is suggesting that gaps need to be closed. So we feel quite comfortable talking about closing the employment gap but in your State where you have got 2 per cent to 3 per cent of the population as indigenous and only 0.5 per cent of the land is indigenous owned, we do not talk about closing the land ownership gap. So there are some gaps that we are comfortable with and ones that we are not.

One of the things that I would say is that the whole notion of closing the gaps or the gap—it is used interchangeably—really needs to be negotiated with indigenous communities to ensure that they, in all their diversity, share the aspirations of policymakers, of politicians and of the broader society. One of the ways that we can ameliorate some of those tensions is to recognise that there is a whole raft of gaps and that will be differently defined by different interest groups. I think it is a little bit inevitable that there may be some trade-offs with some of the gaps. The one I think we heard about in some of the earlier evidence the afternoon was in relation to, for instance, the impact of offering education equality by taking children away from home communities but then thinking of the impact that may have on the home communities in terms of its resilience and its need to retain the best in the community as well. We need it again to be very careful that when we close some gaps we are not opening other gaps that may in the longer term be more costly to repair.

**Ms HUNT:** I think there is a risk that if we do not listen to those other gaps and those other aspirations that in fact the goals that we might have might also not be met because there will not be a sense of valuing of the range of aspirations that people have. I think there is a risk that a great deal of policy and program attention will go to these goals, important as they are, but not enough attention to those other aspirations that people might have which are not so critical to us at least in the short term but which may in fact help in the long term to get to the goals we also want. I think there is a risk there that those things will not get funded because funds are all directed in the other direction.

**CHAIR:** We are listening but we are not hearing. We are dancing with strangers?

**Ms HUNT:** Yes. We are hearing the bits we want to hear in accord with our goals for indigenous people rather than indigenous goals.

**CHAIR:** In that light you indicated you had a number of success stories—whatever that word means, depending on who you are—is that a list that you have got? Is it something you can tender?

**Ms HUNT:** I have a whole lot of case studies and what I can do is provide them to your clerk. Some of them are in books that I only have one copy of so I will have to photocopy them and supply them, and others are in our own research and some of that is in the material that we have tabled.

**CHAIR:** Perhaps the secretariat can talk to you about that afterwards?

**Ms HUNT:** For sure. It's mostly case studies and I think the case studies really show the diversity of indigenous activity, aspiration and achievement but underlying all those successes there are some common principles where people have actually been able to take a bit of control and get the resources that they need in advance. I think if more communities could have those conditions then they would get further. That does require that capacity building facilitation support I think.

**CHAIR:** Do you think there is some value in a recommendation that goes to the issue of some sort of list of successful programs that can be drawn upon?

**Ms HUNT:** Absolutely.

**Professor ALTMAN:** One of the documents that we have left with you summarises research from 1990 to 2007 that looks at best practice in educational outcomes. That sort of research, which I think was underwritten by the Ministerial Council on Education, Training and Youth Affairs [MCETYA], could be undertaken with other areas.

**CHAIR:** Currently it is not there?

**Professor ALTMAN:** Currently it is not there, except for education. The other thing I would like to add in relation to closing the gaps is that other countries have used that language historically and have abandoned it, in part because it really has an emphasis on a deficit model of indigenous wellbeing—it measures indigenous wellbeing according to the dominant standards of the mainstream society. The indigenous peoples, particularly New Zealand, have not been willing to accept that deficit model of how they stand in society or that their aspiration is to live like non-indigenous people. I guess in some of the research that we have done, which I would recommend to you—and some of which is still to be published—we have been very concerned about the logical corollary of closing gaps because ultimately it does mean that people will need to shift where they live and they will need to shift the way they live if you are going to have a match with the standards of the mainstream society and that does not match indigenous aspirations in all their diversity.

That is not to say that some indigenous people do not share those aspirations but one of the things that we see in Australia is an enormous continental diversity—you will see it in a State like New South Wales—that is to do with the historical process of colonisation and the way that people have interacted with colonial institutions. I am very conscious that we will have more and more debate about this issue of closing gaps—initially it was a campaign launched by Oxfam Australia and subsequently picked up by the Federal Government and by COAG—as something that is going to drive the broad policy framework. I think that could be quite problematic.

**CHAIR:** So you are suggesting that even the goal that we are trying to achieve has not been connected between the indigenous and non-indigenous communities?

**Professor ALTMAN:** I certainly do not think it has been negotiated. Again, it depends on the spin that you put on this notion of closing the gaps. Some of these gaps are to be closed to the extent that they do not exist any more, for example, with a life expectancy and that suggests some fundamental changes in the way indigenous people everywhere have to live. If you use the term more in terms of reducing disparities, one could be much more comfortable with that.

**CHAIR:** Is that a view you believe is common in the Aboriginal community?

**Professor ALTMAN:** I think there is a diversity of views in the Aboriginal community as well. Some indigenous spokespeople see the notion of closing the gaps as providing people with fundamental citizenship entitlements, to which they are due, but others see the notion of closing the gaps as fundamentally challenging the way they live, and they are not comfortable with it. Often those people represent the subordinate rather than the dominant discourse, at least in the way we hear it through the popular media.

**CHAIR:** In the short time remaining, do you have any final comments or any recommendations you would like to put to us?

**Professor ALTMAN:** I would say one thing: It is very positive that you are focusing on this issue, obviously. It is incontestable that, as we are the State with the largest indigenous population where there are still

enormous economic and social disparities, you should be undertaking this exercise. I challenge you to make this report accessible in terms of its language to indigenous interest groups and to provide a set of recommendations that are doable and practical. But having said that, I would not recommend that it should just focus on practical measures. The practical and the symbolic are interlinked. They cannot be separated. It would be a mistake just to say, "We're going to recommend certain things, and not others."

**Ms HUNT:** I re-emphasise the issue of getting the governance right. I would say that 50 per cent of that has to be on the Government's side of the equation. I really hope you will find ways of doing more long-term funding that will give greater opportunities for capacity to build in the communities. On the last question about tensions and trade-offs, in the end Aboriginal people have to make decisions about trade-offs, but I think government policy has to enable them to do that and not force them in particular directions. It is an issue for negotiation, as Jon said, but at many levels. I will table these couple of documents from the Indigenous Governance Awards and a couple of papers from a journal to give you some more examples of successful programs.

**Documents tabled.**

**CHAIR:** Thank you. The secretariat will be in touch about the list of success stories. There are a number of questions that we did not get to. We will send them to you on notice and ask you to respond by 10 October, if that is possible.

**Professor ALTMAN:** If there are things that we have not covered that you would like to follow up, we would be very happy to respond. We will try to do that succinctly because I am sure you have no shortage of paper in front of you and submissions.

**CHAIR:** I assure you that is correct. I declare the hearing closed.

**(The witnesses withdrew)**

**The Committee adjourned at 4.33 pm.**