

CORRECTED

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

**INQUIRY INTO REPARATIONS FOR THE STOLEN GENERATIONS
IN NEW SOUTH WALES**

At Sydney on Thursday 5 November 2015

The Committee met at 9.30 a.m.

PRESENT

The Hon. J. Barham (Chair)
The Hon. S. Farlow
The Hon. B. Franklin
The Hon. C. Houssos
The Hon. S. Mitchell
The Hon. S. Moselmane

CHAIR: Welcome to the first hearing of the General Standing Committee No. 3, inquiry into Reparation for the Stolen Generations in New South Wales. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respect to Elders past and present of the Eora nation and extend that respect to other Aboriginal people. The inquiry is examining a number of important issues for the members of the stolen generations, including implementation of the New South Wales Government's response to the "Bringing them home" report and potential policies and legislation to help reparations to members of the stolen generation and their descendants. Today is the first of a number of hearings we plan to hold for this inquiry. Tomorrow the committee will be travelling to Cootamundra and Wagga Wagga where a half day hearing will be held at the Wagga Wagga RSL. We also have plans to do additional hearings next year in Sydney and various regional areas.

Given the importance of this inquiry we would like to encourage people to come forward to share their story. While the closing date for submissions was 18 October the Committee will be accepting submissions through until early next year. Today we will be hearing from a number of witnesses including: the Hon. Leslie Williams, Minister for Aboriginal Affairs; representatives from various government agencies; Bob Carr, former Premier of New South Wales; Link-Up NSW; and the Hon. Linda Burney, shadow Minister for Aboriginal Affairs. Before we commence I would like to make some brief comments about the inquiry and the procedures. In accordance with broadcasting guidelines while members of the media may film or record Committee members and witnesses people in the public gallery should not be the primary focus of any filming or photography. I would remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments you may make to the media or to others after you complete your evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation.

The guidelines for the broadcast of proceedings are available from the secretariat. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Witnesses are advised that any messages should be delivered to the Committee members through the Committee staff. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. I would like to welcome our first witnesses; the Hon. Leslie Williams, Minister for Aboriginal Affairs, Mr Jason Ardler and Mr Michael Waterhouse. I would like to say thank you for the Government's support for this inquiry. It shows great respect for Aboriginal people. It will be an important inquiry that we hope will deliver outcomes that secure the future of Aboriginal people in this State. Minister, you do not need to be sworn as you have sworn your oath to the office as a member of Parliament.

MICHAEL WATERHOUSE, General Counsel, Department of Education, and

JASON ARDLER, Head of Aboriginal Affairs NSW, affirmed and examined:

CHAIR: Minister, do you wish to make an opening statement?

Mrs LESLIE WILLIAMS: I will make some opening comments. I join the Chair in acknowledging that we are meeting on the land of the Gadigal people and pay my respects to Elders past and present and to all Aboriginal people in this State. "Bringing them home" marked a turning point in Australia's history by allowing Government responses to past policies that forced removal of aboriginal children from their families and communities to be informed by the experiences of Aboriginal people. The Government's response involved a formal apology in Parliament, the establishment of the Aboriginal Trust Fund Repayment Scheme and, more recently, the recognition of Aboriginal people in the New South Wales constitution.

In terms of the Aboriginal Affairs portfolio "Bringing them home" highlighted the right of every person who experienced forced removal from their family to have access to all information relating to them, including information which is necessary to establish the identity of their family members. In 2002 the Family Records Unit was created in Aboriginal Affairs to provide access to personal and family information contained in the Aboriginal Welfare Board records to stolen generation members and their descendants. During 2014 and 2015 the Family Records Unit processed 407 applications for personal family history research. In April 2013 the Government introduced OCHRE: opportunity, choice, healing, responsibility, empowerment. The New South Wales Government's plan for Aboriginal Affairs is in response to a Ministerial task force which undertook

extensive consultation with aboriginal people across New South Wales. This approach was in line with the New South Wales Government's commitment in the response to "Bringing them home", page eight, to:

... making reparations to individuals, families and communities by involving Aboriginal organisations and communities in the development and delivery of programs and services for Aboriginal people.

Through OCHRE the New South Wales Government is the first Government in Australia to incorporate healing into our Aboriginal Affairs policy. This commitment recognises the continuing trauma and harm caused by the forced removal of Aboriginal people from their families and their communities under past Government policies. The statewide healing forum, Healing Our Way, jointly convened by Aboriginal Affairs and the Healing Foundation in July 2014, was the first of its kind to be convened by Government in Australia and included more than 200 delegates representing 68 organisations. Healing Our Way highlighted that reparations is unfinished business, but also that it is critically important that Aboriginal people are at the centre of discussions about redress.

Aboriginal Affairs and the Healing Foundation will work in partnership with Aboriginal communities, to develop six regional healing forums in New South Wales during 2016 and 2017. "Bringing them home" highlighted the impact that stolen generations policies had on Aboriginal culture and communities and through OCHRE Aboriginal language and culture nests have been established in New South Wales to enable Aboriginal people and communities to reclaim, to revitalise and to maintain their traditional Aboriginal languages. Languages and culture nests are a vital component in the healing process for Aboriginal people. "Bringing them home" also highlighted that Aboriginal people need to have a greater say in service delivery in their communities. Through OCHRE the local decision-making [LDM] initiative seeks to increase the direct involvement of Aboriginal people in the design and delivery of services to their communities. LDM is being implemented across six sites in New South Wales and it is underpinned by formerly negotiated accords identifying how community and Government will work together to address community priorities.

In 2014 the Crown Solicitor's office was served with an unfiled statement of claim in representative proceedings, a class action, by Carroll & O'Dea Lawyers seeking damages from the State of New South Wales. Carroll & O'Dea advised that they were instructed to act on behalf of a number of members of the stolen generation. The group members allege personal injuries as a consequence of forced removal from their families, false imprisonment and as a result of treatment received, including physical and sexual abuse. A number of claims have been settled but a number are still to be resolved. The approach being taken is the first of its kind in New South Wales. It allows former residents of Aboriginal children's homes that were under the control off the Aboriginal Welfare Board, namely Kinchela Boys' Home and Cootamundra Girls' Home, to tell their story, to receive a personal apology and monetary compensation.

However, as it is ongoing it is not appropriate to go into detail. Michael Waterhouse, the general counsel, Department of Education, is best placed to provide you with an overview of this settlement process. However, it is not appropriate to go into the detail to ensure that the ongoing settlement negotiations are not prejudiced. In closing, can I thank the Committee for the opportunity to discuss these issues today and in your deliberations I urge you not to come out with a list of prescriptive recommendations and a list of service providers. Instead, please listen to what individuals and communities are telling you. You will find that there is no one-size-fits-all approach to policy making in this space and that is why we have moved to a localised decision making approach. Thank you, madam chair.

CHAIR: Are there any other opening statements?

Mr WATERHOUSE: Do you wish me to say something about the settlement process at this point?

CHAIR: We will start with questions.

The Hon. COURTNEY HOUSSOS: We will come to the settlement process in a little while. I thank the Minister for her time this morning. My first question is in response to the letter we received from your office outlining a specific set of inquiries arising from the Government's response to the initial "Bringing them home" report. In the letter quite a number, in fact the large majority, of the items are referred to other departments as opposed to your own department. Do you think it is appropriate for the Aboriginal Affairs Minister to have greater oversight over the broader Government response to the stolen generations and to the "Bringing them home" report?

Mrs LESLIE WILLIAMS: I understand that you are meeting with a number of department representatives. I think it is important to understand that Aboriginal Affairs is not a service delivery. What we are here to do is to implement the New South Wales Government's policy on Aboriginal Affairs, OCHRE. That may cross over into a number of different departments and we are working very closely with other departments including health, education and planning. Our focus is delivering the policy, OCHRE.

The Hon. SHAOQUETT MOSELMANE: I think the question is about the oversight: Your role is to oversight all these departments that now have the task of undertaking these jobs.

Mrs LESLIE WILLIAMS: Rather than oversight, I would say that what I am here to do, and what the department is here to do, is to not only make sure that we can work alongside those other departments but also, importantly, to work with Aboriginal communities. That is why we have initiated the local decision-making model and that is why part of OCHRE is solution brokerage; so that the department of Aboriginal affairs ensures that Aboriginal people and Aboriginal communities are very much at the centre of decision-making, particularly around what the priorities are for their local communities. That is the essence of local decision-making.

The Hon. COURTNEY HOUSSOS: I guess my question is in terms of going forward, because obviously that is the situation at the moment. In terms of going forward, do you think that it is appropriate for the Aboriginal affairs Minister to have a broader oversight to be able to implement these?

Mrs LESLIE WILLIAMS: I think the position we are in at the moment in terms of the implementation of OCHRE provides us with a good understanding of what is happening in other departments. As I said, I am very satisfied, particularly with the way that the local decision-making has progressed and the way that solution brokerage has progressed; and the work that we are doing in the schools space with Connected Communities. I think the key is that they take responsibility for particular issues, whether it is housing, justice, planning or health. I focus on making sure, through OCHRE, that Aboriginal people and Aboriginal communities are very much part of the decision-making process. I am certainly confident that that is working well.

Certainly in Murdi Paaki where the first accord has already been signed we know that they are very happy with the progress that has happened. I can get Mr Ardler to talk a bit more about the solution brokerage. The Aboriginal communities are telling us that that is what they want—that is what came out of the taskforce and that is what is embedded in our OCHRE policy. They must be part of the decision-making by Government, and I am focussed on progressing that and making sure it continues.

The Hon. COURTNEY HOUSSOS: I have just one final question before I hand over to my colleague the Hon. Shaoquett Moselmane. Minister, can you explain how you work with the other departments to implement OCHRE at a ministerial level?

Mrs LESLIE WILLIAMS: As I said, OCHRE has a number of platforms—for example, Connected Communities is obviously about education. Being in the education cluster I am able to work very closely with Minister Piccoli on that. I have also visited a number of the Connected Communities to look at what is happening on the ground. So my focus is on making sure, as I said, that OCHRE is being implemented with Aboriginal people as the focus in partnership with them. I also sit on the social policy committee of the Cabinet, and a number of those portfolios that have a focus on Aboriginal issues also sit on that committee, such as the Minister for housing, the Minister for justice and the Minister for Education. So there are a number of avenues whereby we have, and will continue to have, dialogue with all of those different ministers on those policies.

The Hon. SHAOQUETT MOSELMANE: Minister, Link-Up New South Wales in its submission makes at least seven recommendations. The first of which is:

... to establish a body made up of Aboriginal and Torres Strait Islander people, to undertake meaningful consultation with those, both directly and indirectly, affected ...

What is your response to that?

Mrs LESLIE WILLIAMS: Could you put that into context? I have read the submission but I am just wondering what the context around that is?

The Hon. SHAOQUETT MOSELMANE: Recommendation No 1 says a body must be established to "undertake meaningful consultation". So obviously there must have been some kind of, if I may use the word,

"failure" or some problems in terms of the consultation process. Link-Up New South Wales are recommending that there be established a "body made up of Aboriginal and Torres Strait Islander people to undertake meaningful consultation". That is recommendation No. 1 in their submission. They make seven recommendations but I guess that is the most important one they make. What is your response to that?

The Hon. BEN FRANKLIN: The Minister could potentially take that question on notice if she would prefer. I am just trying to help out here. This is obviously a significant submission. Perhaps the Minister would like to take it on notice to offer a more thoughtful and considered response.

The Hon. SHAOQUETT MOSELMANE: I am sure the Minister would have read the submission.

The Hon. BEN FRANKLIN: I am sure that she would have. But if the Hon. Shaoquett Moselmane is looking for a significant policy response then perhaps it is more appropriate to take it on notice.

The Hon. SHAOQUETT MOSELMANE: I am just wondering whether the Minister has had the opportunity to read it and understand it and what her response is to that recommendation.

Mrs LESLIE WILLIAMS: I have absolutely had an opportunity to read it. I will not make a specific response in terms of that recommendation except to say that we are working very closely with a number of the Stolen Generations groups, specifically those from the Kinchela Boys' Home and the Cootamundra Aboriginal Girls' Training Home, whom I have met with. I met with quite a number of the Kinchela boys here in Parliament House and I listened to their stories. I have also been out to the former Kinchela Boys' Home with two of those boys to get a better understanding of the context in which they were telling their stories to me. We provided monetary support to both of those groups in order to achieve their goals.

Certainly what I think is really important to understand is that both of those groups, and even individuals within those groups, have different needs with regard to reparation. We need to make sure that we recognise that, and I would go back to the comment I made in my opening statement that there will not be a one-size-fits-all solution. When you get the opportunity, and I certainly hope that you do, to talk to representatives of the Kinchela Boys' Home, some want to tell their stories and others will not. We need to respect that and to understand that reparation means different things to different individuals and different groups. We are certainly working very closely with both of those groups to offer what support we can, even going so far as to provide financial support for them to actually come to Committee hearings.

The Hon. SHAOQUETT MOSELMANE: In talking about reparation, one of the aspects of reparation, as mentioned in the submission from Link-Up New South Wales, is monetary compensation. Has the New South Wales Government considered monetary compensation for Indigenous Australians who have suffered as a result?

Mrs LESLIE WILLIAMS: I will ask Mr Michael Waterhouse to speak to you further about the class action and the process that is currently underway in terms of monetary compensation.

The Hon. SHAOQUETT MOSELMANE: So there is some consideration for it?

Mrs LESLIE WILLIAMS: Mr Waterhouse can explain to you the process currently underway, but I do advise that we will not go into specific details because we do not want to prejudice those claims that are still to be processed

Mr WATERHOUSE: As the Minister said earlier, there has been a group of claims received from Carroll and O'Dea lawyers on behalf of individual Stolen Generations members. There is a large number of claims. We have a process underway which is intended to offer both reconciliation and healing to the individuals as well as providing compensation in a legal manner. The process is carried out in a respectful way. It is quick, cost-effective and consistent across all claimants. It is what we would characterise as a low-documentation process in the sense that the State will accept any form of evidence that is able to be provided—we do not insist on extensive medical examination and we will seek to avoid any court claims or cross-examination court processes. We are endeavouring to make sure it is free of any further trauma insofar as possible for the claimants, and we are facilitating access by the claimants to their records that are held by the State.

Each claimant, with the assistance of their solicitor, provides a written statement to us and then they are given the opportunity, with their lawyers and with support people, to tell their story in a confidential conciliation conference with us first hand. We listen carefully to their story—they are not subject to cross-examination. They bring support people—such as family members, et cetera—with them and each claimant receives a personal apology on behalf of the State. These acknowledge the previous apologies given by the then Premier and the Prime Minister and then there is a monetary settlement for the individual claims, with their legal representatives agreeing and negotiating those monetary settlement amounts.

The Hon. SHAOQUETT MOSELMANE: Is that a departure from the recommendations under the New South Wales Government's response on page 2 where it says, "monetary compensation is a matter for the Commonwealth Government"?

Mr WATERHOUSE: I do not believe it is a departure. The basis of monetary compensation is a legal claim, and we are dealing with it as a legal claim by way of mediation with the lawyer of the other side. So it is not a matter of a policy decision; it is a matter of us being in receipt of a legal claim and dealing with the legal claim.

The Hon. BEN FRANKLIN: A number of the recommendations in the "Bringing them home" report refer to self-determination. So I was wondering if the Minister could highlight what changes might have been made in New South Wales regarding self-determination, and any other comments, because that is obviously a significant issue of concern to Aboriginal people.

Mrs LESLIE WILLIAMS: I agree, and I note that a number of submissions did highlight that. It comes back to one of the pillars underpinning our OCHRE initiative—as I have said, that is our New South Wales policy for Aboriginal affairs. I did briefly mention in my opening comments local decision-making, and that is about self-determination. It is about local Aboriginal communities having control over what government delivers into their communities, and the community backing community identified priorities, including economic development.

As I mentioned, Murdi Paaki is the first group of communities to sign a formal accord with the Government. They have identified their priorities and where they want to see the Government really focus on making sure that we address them. Interestingly, their number one priority is early childhood education. So, as I think everyone on the committee will understand, that community understands that we need to start very early to make sure that we can provide those young children, as they move transition into school and then into employment, with every opportunity possible to have a successful life.

For example, Murdi Paaki runs from Tibooburra to Wentworth. It covers most of the communities in western New South Wales, including Cobar. I have been to Cobar to meet with this group. As I said, certainly what we are hearing from them on the ground is that they are very encouraged by the process and the change in the direction of government policy. Essentially what they are really happy about is that they are now at the centre of decision-making and service delivery. I want to put on the record a quote from Sam Jefferies, who is the Chair of the Murdi Paaki Regional Assembly, where he is talking about his views broadly about local decision-making in OCHRE. He says:

Local decision-making is the most exciting initiative to enter the government services and program areas that impact on Aboriginal people. The level of openness and transparency is unprecedented, setting the high water mark in government accountability to Aboriginal people.

So I am very confident that we will continue to see strong accords being signed by the other five local decision-making groups. I think a really important part of that is the solution brokerage. With the permission of Madam Chair, I will ask Mr Ardler to touch on solution brokerage because it is quite unique to our government in New South Wales and, again, has been very well received by Aboriginal communities.

CHAIR: It might be useful to have on the record a further explanation about the local decision-making process and how it operates from go to woe.

Mrs LESLIE WILLIAMS: I will pass over to Jason, but I encourage the Committee to focus on the way that is working on the ground. Those in western New South Wales continually tell me how they see, if nothing else, the change in attitude of Government departments in Aboriginal Affairs.

The Hon. BEN FRANKLIN: I am interested in the solution brokerage, so I am interested to hear the response, but picking up on the Chair's comments, would you be able to provide on notice the practical details of how self-determination works on the ground, what physically happens?

Mrs LESLIE WILLIAMS: I can take that on notice, but the Committee should be conscious that this is quite a new initiative for this Government. OCHRE is two years old. I recently presented that report, but for Murdi Paaki, for example, as well as early childhood services, they have identified affordable and appropriate housing, economic development, and we are in the process of developing an economic framework, governance capacity, and support and education. There was a long process before getting to the point of having an accord. Jason can talk about the steps that have been gone through with respect to Murdi Paaki being the first accord to be signed with the Government.

The self-determination is that this Government has not gone to those communities and said, "This is where we believe you need to spend the money. This is what we see as your priorities." The core of local decision-making is that those groups have come up with their own priorities and what Murdi Paaki has decided is their priority may be very different from the Three Rivers group, and so on. That is real self-determination and then this Government will respond with respect to where it will direct funding. Jason, do you want to add to the process?

Mr ARDLER: It is useful for the Committee to understand that local decision-making came out of the issues that were raised by Aboriginal communities through the consultations undertaken by the then ministerial task force. The messages that we got from the task force consultations was that people wanted a greater say in the services that were being delivered to their communities and how the services were delivered and by whom. They wanted a more genuine partnership with Government, a stronger relationship with Government, a more even playing field around a lot of decisions that were being made and the impact on their communities. They asked for investment in the strength of communities, the capacity of communities to come to the table and negotiate on equal terms. People talked about that as being more important—at least as important as investment in services.

There was a sense that, yes, we need to invest in services but by continuing to invest in services as the priority, it assumes that people will stay in the service system. We want to focus on those things that will keep people out of the service system, those things that will have them not enter in the first place. They also talked about wanting to be part of the decision-making process about what were the measures of success. There was a concern that we have a history of short-term programs, that when we get to the end of the three-year funding cycle, we measure success in Government terms, which is usually about counting widgets that have not necessarily been delivered. From the community's perspective, these things take time to get traction in the community and just when we are starting to see results that is when we decide that they are not working. So the issue of what does success look like to the community and the time it will take to get there was important.

The other aspect of local decision-making that does not get talked about a lot is the accountability aspect. It was also about the community saying we want greater accountability and greater transparency—greater transparency of the spend and greater transparency of the results that we get for that spend. Out of the conversations, we formed a view that rather than Aboriginal Affairs trying to keep agencies accountable, what we should be doing under the principle of self-determination is creating the capacity for Aboriginal communities to hold Government to account themselves. The self-determination aspect of local decision-making started from the beginning. We did not decide where local decision-making would occur.

We ran an expression of interest process and let communities opt in genuinely. We did not stipulate what a region was. In fact, when we spoke to communities to brief them about this program before the expression of interest process started, they were incredulous about that. They said, "What is a region?" We said, "That is up to you. From our perspective it is more than one community. Other than that, it is up to you." The response was, "Really? We have never been able to make those decisions for ourselves." We do not stipulate structure, so they all look and feel very different; some are organisational-based, some are community-based. We do not stipulate how they represent themselves. All that we ask is that they invest themselves in good governance and we provide some best practice guides around that, but it is entirely up to them.

We are providing transparency in the investment, certainly in the Murdi Paaki example. They have had a presentation from Treasury—which is a first—of the Aboriginal spend that goes into the Murdi Paaki region on an annual basis by the State. As the Minister said, we are negotiating priorities based on the things that are important to them, the game changers for them. So far as the Murdi Paaki region, they have taken economic

development as being the important game changer for them. They recognise that you have to start very young, give kids the best start in life—be early childhood focused—get them to school, keep them at school, transition them into employment, good housing, et cetera. So there was real rhyme and reason for the priorities that they chose and we have met them in the middle.

The Hon. BEN FRANKLIN: I saw the Premier's recent memorandum about the solution brokerage. I would be interested if you could give us more detail about that.

Mr ARDLER: Sure. The solution brokerage scheme, for want of a better word, comes out of comments arising from the Auditor-General's performance review of Two Ways Together, the previous Aboriginal Affairs plan, about a perceived lack of authority in Aboriginal Affairs to drive change on the ground and to properly coordinate and align. This function and the Premier's memo is really about providing authority in my role as Head of Aboriginal Affairs to identify complex problems, problems that perhaps fall through the cracks of individual agency responsibilities. They are often problems that have been outstanding and unresolved for some time, and to identify the people that I think need to be at the table—sometimes the unusual suspects—to come up with a more innovative way forward.

We have three of those operating at the moment. The example I would give you is the work that we are doing in the Eden Land Council. The Eden Land Council has had concerns since the late nineties that arose out of the regional forest agreements that occurred between various Government agencies at the time. It believed there were some things that were committed to them that were not delivered and this has been raised routinely over the subsequent 15 or so years. We saw this as a great opportunity to bring together relevant agencies and to sit down with the Eden Land Council to understand what it wants. Through that process, they agreed to put aside their concerns about forest agreement per se and articulate the things that they are interested in now, such as land and economic development issues.

Through my solution brokerage function, I was able to bring together local government, crown lands, State forest, Local Land Services, national parks, so all the relevant land management agencies. We were able to talk through a coordinated response to ask of the land council. We then sat down with the land council and negotiated a way forward. The advice that I have had is that everybody is very happy with the way the process ran, that the relationships between the land council and individual agencies has improved as a result, so better conversation is going on between individual agencies and the land council, and we are working through the priority issues that the land council has raised.

CHAIR: Where do you see the role for the Department of Aboriginal Affairs in respect of coordinating across those Government agencies? The response from the Government had a chief executive officer [CEO] group. Do we know how that operated, if there were good outcomes from that in respect of the coordination that you are doing now to which you referred? Would it be better facilitated through a standardised ongoing process across the whole of government?

Mr ARDLER: I cannot speak about the CEO's group; it predates my time.

CHAIR: There is nothing like that operating currently?

Mr ARDLER: What we have operating at the moment is what we call a senior executive committee on Aboriginal reform. I chair that. It is a forum of my peers that meets regularly. In fact, we are meeting this afternoon. It is generally at the executive director or deputy secretary level and every cluster is represented. That is the point of coordination. Yes, that group has a role in coordination and oversight of OCHRE and it reports up to the secretaries' board, but it also takes a broader remit, if you like, around making sure that all sorts of reforms that could impact on Aboriginal communities are not colliding or cutting across one another. We will have conversations about the OCHRE initiatives, but also we will have conversations about crown land reforms or heritage reforms or local government reforms to the extent that they might intersect with local decision-making and that sort of thing. That is the senior officer level point of coordination.

CHAIR: How much reflection or oversight is there in relation to stolen generations and what is now nearly a 20-year time span that has passed since it was identified that Government must have a real focus and recognition of the harm that has been done and the need to have measures in place to acknowledge and recognise how you move forward? I think the OCHRE program is great, but within that, is there an identification of the issues around the loss of opportunity and is there a direct relevance to that within your operations?

Mr ARDLER: We do not talk about bringing them home per se, but we certainly talk about a lot of the issues that arise out of bringing them home. We talk about economic development and the need to create opportunities there. We certainly talk about the healing work and the approach to healing that we are taking and why. Certainly conversations about language and culture are happening routinely. There are a lot of very good and interesting conversations not just about local decision-making but the role of Aboriginal communities in decision-making and service delivery more broadly.

CHAIR: I acknowledge and respect the way the OCHRE program has gone; it is ground-breaking. I am interested in why we are constantly receiving concerns about the way Government departments relate to Aboriginal people and the negative consequences. We are hearing through our submissions that there is a lack of cultural awareness and a lack of appropriate regard and respect for the circumstances that people find themselves in when they end up in out-of-home care, the removal of children that is happening today, the problems associated with gaining access to housing and jobs. Those issues are current and relevant and can be traced back to stolen generations. How much focus is there to identify that and to ensure that cultural awareness is happening across the whole of Government so that those interactions do not further disadvantage people? We know that once treated disrespectfully, often people will not engage again. How can that be done?

Mrs LESLIE WILLIAMS: As has been acknowledged, a key part of that is in healing. That was heard loudly and clearly by the task force. As you are aware, Madam Chair, OCHRE is the first time that healing has been recognised in an Aboriginal policy. I also note that that was at the crux of a number of the submissions received, particularly the one from Reconciliation Australia. One of the things Reconciliation Australia asked of the Committee was:

... to build a coordinated and comprehensive response which also encompasses meaningful reparations for members of the Stolen Generations through community-based Aboriginal directed healing initiatives.

As a Government—and in Aboriginal Affairs—we are putting a substantial amount of effort into the healing aspect of OCHRE, because we recognise the importance that it has, not only for the Stolen Generations but for their children and their children's children. Kinchela boys acknowledge that that has been recognised by the Government. That healing comes in a number of forms—firstly, working closely with the Kinchela boys and the Cootamundra girls to address their direct need. The Kinchela boys, as I said, talked about a healing centre at South West Rocks.

We held a healing forum in New South Wales in 2014, which I mentioned in my opening statement. We also made a commitment—including a financial commitment of \$240,000—to hold six regional healing forums next year. We are working through a process of identifying, from the expressions of interest from local Aboriginal communities, where they should be and what the healing forums should look like. The other important aspect is in the work that we are doing on the Aboriginal Language and Culture Nests. They form a really important part of OCHRE.

It is an initiative that is working effectively on the ground. The response from the communities and the children involved in learning language at schools has been good. The elders see that making sure their language is revitalised and protected—so that will be there for the next 40,000 years—is a really important step for the future. Along with economic development, the Aboriginal Language and Culture Nests, in terms of making sure that the culture and language remains in place, is an initiative that people continually ask me about. They want more of those language and culture nests rolled out in the future.

Aboriginal language and culture is now a very important part of the curriculum. Next year, in 2016, it will be a subject option for year 12 students. I think that is a really important step forward. It is not only important for Aboriginal children to learn their language—and, in doing so, to learn more about their culture—but it is extremely important for non-Aboriginal children and the wider community. That goes just part of the way to educating the community about our past and, specifically, about the Stolen Generations.

CHAIR: I totally agree, and I commend the Government for its actions in that space. What we have seen, 20 years on, is the healing forum initiative. That is a great initiative, and you are having more regional forums. What about actions to address the need that we know is there? We have known about that for 20 years. Ongoing research tells us we need the training of Aboriginal people to enable them to engage, build that trust and deal with the trauma. We need to recognise that empowerment is about the training and opportunities that exist for Aboriginal people to do that, themselves. There is \$240,000 for the forums. How much is going towards the outcomes for training and development of programs that will assist people?

Mr ARDLER: The money that has been allocated is to organise the forums. There will be some cost in getting people to those forums. We will wait to see what the outcomes are before we talk about next steps. This issue of capacity building is exactly what local decision-making is about. We are investing in local communities. We are not telling them what capacity they need to build. We recognise that they have a good sense of that and we provide them with support to build capacity to ensure that services are more accountable and more appropriate.

Certainly part of the ongoing issue is around the cultural competence of these services. Cultural awareness and cultural understanding is an issue across the broader community. You only have to look at the Adam Goodes saga to appreciate that. The Government has a commitment to increasing the number of Aboriginal employees within the sector. There is a target of 1.8 per cent across all bands. The Premier has committed to doubling the number in the Senior Executive Service. It is lonely, from my perspective, to be one of a small handful in the sector. All of those things will drive a more culturally competent bureaucracy.

The other thing is that when we were talking to communities about local decision-making—they were reticent because of the change that it would mean for them—we knew, all along, that it would mean greater change for Governments. It is about power-sharing effectively. That means officers having to unlearn a lot of past behaviours. That will be a cultural shift, and will take some time. We are in the very early days in terms of the implementation of local decision-making, but that is what is at the core.

CHAIR: Thank you. Unfortunately we are out of time. No doubt there will some questions on notice for you. Thank you very much for coming along. Congratulations on the work that you are doing; it is to be commended.

(The witnesses withdrew)

(Short adjournment)

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KEVIN HARRIS, Director, Operational Standards and Compliance, Juvenile Justice, Department of Justice, and

ADAM SCHREIBER, Manager, Aboriginal Strategy and Policy, Corrective Services NSW, Department of Justice, sworn and examined:

MICHAEL WOODHOUSE, Executive Director, Strategic Policy, Department of Family and Community Services,

SIMONE CZECH, Director, Safe Home for Life (Child Safety and Permanency), Department of Family and Community Services, and

KERRY CHANT, Deputy Secretary, Population and Public Health, and Chief Health Officer, NSW Health, affirmed and examined:

CHAIR: Welcome. As there are no opening statements, we will commence with Opposition questions.

The Hon. COURTNEY HOUSSOS: I am unsure whether you heard the Minister's opening statement and the Committee's questioning of her. One of the questions was about a coordinated Government response to the issue of the Stolen Generations. Have you all seen the letter that the Minister's office sent to the Committee?

Mr WOODHOUSE: I have not.

Dr CHANT: No.

The Hon. COURTNEY HOUSSOS: It is about the coordination of a Government response. I am interested in hearing from each of the departments about how the current coordination of the response is going.

Mr HARRIS: Juvenile Justice does not represent the Department of Justice. I think the issue concerns the larger Justice cluster. I am unaware of who represents Justice on those committees.

The Hon. COURTNEY HOUSSOS: I will be more specific. All the submissions the Committee has received have shown the complexity of the issues that the Committee is dealing with. They cover a number of government departments. An issue may fall within the responsibility of Family and Community Services but there is a need for an overarching Government response. I am interested in the ways that you interact with other departments and how you feel that interaction is going. Do you interact with other departments to achieve a holistic approach?

Mr HARRIS: On this issue?

The Hon. COURTNEY HOUSSOS: Yes.

Mr HARRIS: Not on this issue, no.

Dr CHANT: I can provide the NSW Health perspective, which will highlight the complexities. Clearly there are significant disparities in health outcomes for Aboriginal and non-Aboriginal people. Part of the explanation for that lies in the significant level of intergenerational trauma arising from past practices. Health's role is to understand how that, along with other things, contributes to the fact that Aboriginal people do not access health services commensurate with their underlying health needs, and why Aboriginal people have higher rates of some of the risk factors for disease. We need to make sure that our programs fundamentally address those issues. That is part of the good performance of our health system.

Aboriginal health needs to be everyone's business in Health. When one is running a mental health program one needs to ask: Are Aboriginal people accessing that program commensurate with their underlying level of health need and are they getting the same outcomes? The onus is on us to ensure that. In some instances we may need to increase the intensity of the intervention. For Aboriginal people we might need to provide more visits. We might need to add additional cultural appropriateness training for staff. We might need to link more closely with an Aboriginal-controlled health service in designing a program or include an integrated element within that mental health program to get the same outcomes.

I am very committed to Aboriginal health. Part of my role is to ensure that it is embedded in everything we do. For instance, in our performance monitoring of the health system we look at issues like discharge against medical advice, which is a key quality and safety indicator. There is a disparity between Aboriginal and non-Aboriginal people. Local health districts are doing a lot of work to understand the reasons for that and to address them, with a focus on quality. That is a change that has been reflected in the new Aboriginal Health Plan, which was developed in partnership with the Aboriginal Health and Medical Research Council. That has strengthened engagement across the ministry.

We understand that Aboriginal issues need a whole-of-government approach. We need to work with our colleagues in other government agencies. That often requires the co-design of practices. The child protection system is a classic example. Health has to focus on early intervention programs, such supporting parenting and supporting mum and bub in the first years of life. We implemented an Aboriginal maternal and infant strategy because we knew that women were not engaging in antenatal care early enough. They were not sustaining that. That Aboriginal maternal and infant strategy has been useful in decreasing infant mortality and has seen a higher number of Aboriginal women engaging care. That was a partnership program with the Aboriginal-controlled sector. It had a strong focus on training Aboriginal midwives. It also made sure that workers in the program were informed of the way in which intergenerational trauma might influence women's willingness to engage with health services or seek help.

We look at the intersection of Child Wellbeing Units and with Family and Community Services and we bring in drug and alcohol officers, our colleagues from the Department of Justice, to decide on the appropriate response in supporting a family. Connected Communities is another example where agencies are working well together. It came from the OCHRE initiative. Education is the lead agency for that program, but there is recognition that the other agencies need to work cooperatively and it needs to be led by the community. From a Health perspective, we are working very well.

We in Health have a responsibility to reflect on all our programs. We are in the process of finalising our Aboriginal health impact statement. It has an all-policy approach, showing how to embed Aboriginal health in every policy and program, to consider the differential outcomes and look at what to do to get the same level of outcome. We also encourage the analysis of need. For example, if Aboriginal people are equally represented but have much higher rates of underlying health risk then they should be over-represented in the data. It is about embedding that thinking in all our program areas. We are about to release that health impact statement. Health needs to have responsibility for that, but we also must recognise that we need to work cooperatively to get good outcomes. We are doing that more in early intervention for children and families. Our focus is on the areas where there is good evidence that we need to intervene early.

CHAIR: Do you collect and analyse specific data to identify whether the intergenerational trauma of the Stolen Generations is a factor? My understanding is that it was identified 20 years ago. That should be a determinant of the services that are provided in early intervention. Is that a practice that is now undertaken?

Mr WOODHOUSE: Yes and no. I am sorry; that sounds unhelpful. I will elaborate and add to Dr Chant's response to the original question. There is a lot of cross-government conversation on early intervention and prevention. It is a conversation I am involved in frequently. Agencies are discussing what is the same and what is different for Aboriginal children and communities, and what that means for the responses that we need to provide. The "yes" part of the answer is that there is clear recognition that the intergenerational trauma and intergenerational experience for Aboriginal families, including the current generation of Aboriginal children, is one of the critical factors that we need to respond to and address in designing and shaping our services. That is an active conversation about how we understand and respond to what we know is a significant intergenerational trauma.

CHAIR: Are you saying "no" to that part of the question; that is, that it is not addressed despite it being 20 years since recognition?

Mr WOODHOUSE: I am saying that, yes, that is a very active conversation, and, yes, we have particularly qualitative data about understanding the impact and how that is continuing to manifest in, for instance, our current child protection practice. The "no" bit of the answer relates to whether I can provide clear statistics about exactly measuring the relationship between some of the historical experiences in a quantifiable way. I do not have that information with me, nor am I aware whether that research is being done. Recognition of

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the intergenerational impact is a common part of our practice. Simone Czech may have some views about how that manifests in child protection practice.

Dr CHANT: I believe the question related to whether it is useful to have that as a risk stratification in assessments.

CHAIR: Not whether it is useful but whether it is done. Its usefulness has been known for a long time. I am asking whether it is done and, if not, why not when it is a known model for working to identify risk and where there is a need for intervention and support.

The Hon. SHAOQUETT MOSELMANE: Page 4 of the Link-Up NSW Aboriginal Corporation [Link-Up] report contains seven or eight references to trauma as a significant area of concern. It has haunted the community for many years, but it has not been addressed.

Dr CHANT: We have been talking about early intervention and we have Aboriginal Mums, Dads and Bubs programs. We have screening programs in our antenatal clinics that assess the broader psychosocial impacts. We do pick up some of those issues. Clearly they rely on people feeling comfortable enough to articulate that information in that context. However, we do have screening for psychosocial issues that informs the nature of the interventions we need to do. We also have a specialist training organisation called the Health Education and Training Institute [HETI], which runs a number of online mandatory training units. It also provides more specialised educational training. The institute has an educational training group that supports the mums and bubs program I referred to earlier. One of the elements within that program is clearly understanding trauma and how it needs to be understood in the context of service delivery around mothers and babies.

We also have the Education Centre Against Violence [ECAV], which is a specialist training unit. It trains Aboriginal health workers. That training is also offered to non-government organisations and other service providers. The ECAV conducts a range of courses that support health workers. One of the complexities is obviously that some of the health workers themselves have experienced torture and trauma. In doing this training we must also provide support for those health workers as they work through the issues while they also support families to unpack some of those intergenerational traumas.

There is a recognition in our mums and bubs program that intergenerational trauma manifests broadly and must be taken into account in the way we deliver services. That was why we believed that women were not engaging early with our antenatal services. It was one of the factors and we must remedy it. However, it is not necessarily a question of their having been impacted directly by the Stolen Generation. We have also had advice that the connectedness of communities might colour the stories they are told and that environment. So, even if a person or even their family has not been directly impacted, they are still shaped and coloured by some of those experiences in their interactions within their Aboriginal communities.

CHAIR: Is that recorded or identified in any way? That has been known for 20 years. As I said, "Bringing them home" clearly identified that much broader impact. There is an impact. Is the data collected?

Dr CHANT: We do psychosocial assessments in our antenatal screening vehicles. When mums and bubs come into the program we note the psychosocial elements, and that picks up their current experience of anxiety or stress. I can provide the Committee with the questionnaire and the tool used for that screening. I am sure it does not specifically refer to them being impacted by Stolen Generation issues. However, we would hope that that tool would them pick up and segue into that discussion or identify issues at that time. Obviously it requires the mother to feel comfortable with our services receiving that information and acting on it in a culturally appropriate way.

The Hon. COURTNEY HOUSSOS: I want to draw the conversation back to the original question. On the question of coordination, do you have a structured way of engaging other agencies? You have talked about conversations, collaboration and co-design of policies. Do you have a central reporting mechanism and who is the coordination point for that?

Dr CHANT: The Connected Communities initiative is run through the Department of Education, which has regular senior officer group meetings that look at how schools are going. If general themes are emerging from schools and they need more coordination from across government agencies, they ask for it. I am not familiar with the names of those committees, but there are certainly senior officer groups working in the early intervention space. From NSW Health's perspective, as we work through the mental health plan across

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agencies we recognise that there will be co-dependencies with Housing NSW and the way in which we engage with the non-government organisation sector.

The Hon. COURTNEY HOUSSOS: Can I characterise it by saying that it is done on a program-by-program basis or when an issue emerges?

Mr WOODHOUSE: There are two ways in which cross-government coordination happens in this area. It is not explicitly about the Stolen Generation. It is about the Government's current response to Aboriginal disadvantage and historical dispossession, which I am sure is the focus of the question.

The Hon. COURTNEY HOUSSOS: That is right.

Mr WOODHOUSE: There are two broad ways in which that happens. I am sure members are familiar with Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE], which is the Government's cross-government platform in Aboriginal Affairs NSW. There is formal cross-government governance around that, particularly on the senior executive committee, of which I am a member, and all agencies are represented. I am the only member of that committee at this table, but all of our agencies are represented. The committee meets regularly. That is how we monitor the individual elements of the OCHRE plan and how we have the conversations about how they link and how that builds as a policy agenda. Dr Chant has provided a couple of examples, which are often ways in which we can formally work together either in the development and administration of individual programs and new policy or on reforms in relation to those programs.

My experience is that the impact on Aboriginal clients is an active agenda item for all of the committees on which I currently sit. Obviously there are large numbers because they are responding to different parts of the service system. Dr Chant has mentioned some and we could add more. They are formal mechanisms for cross-government coordination. Obviously the second category would be a little more specific in respect of individual programs and areas of activity as opposed to how it all fits together. That is perhaps the role of the OCHRE group and the governance that sits around it, which includes secretaries and Ministers. I am sure the Committee has already heard evidence about how the governance of that measure works.

The Hon. COURTNEY HOUSSOS: The lead agencies for this will depend on the issue. If it is Connected Communities, would it be the Department of Education? Is Aboriginal Affairs NSW always included?

Mr WOODHOUSE: It would depend on the issue to some extent. I am conscious that Aboriginal Affairs NSW is not the largest of agencies. We would usually extend the invitation and there would be times when it was a priority in terms of the use of its resources and sometimes times it would not be. Yes, Aboriginal Affairs NSW would be included in the conversation. The question is how actively and whether it has the resources to commit. That is a decision about prioritisation within the government's policy framework.

The Hon. COURTNEY HOUSSOS: It is not taking the lead. The crux of my question is that it is participating in the conversation but it is not leading it.

Mr WOODHOUSE: That is right.

The Hon. COURTNEY HOUSSOS: It is the other larger agencies or departments.

Mr WOODHOUSE: With the exception of some obviously critical initiatives that are for Aboriginal Affairs NSW to lead. I am sure the agency has already briefed the Committee on them.

The Hon. SARAH MITCHELL: Breaking it down to the local level, I know there are regional leadership groups and other groups that are coordinated by the Department of Premier and Cabinet. Issues might arise specific to the Far West or the North West, and there are discussions on an even more localised level as issues arise. That is my understanding.

Dr CHANT: Yes, that is correct. There is a number of regional groups. Coming down from the state level has been the alignment of NSW Health boundaries with Department of Family and Community Services boundaries. That has been a key in facilitating many more local conversations between the Department of Family and Community Services and NSW Health. That is extremely important because there are so many co-dependencies between those areas. That is an example of where there will be many more conversations. That

is appropriate because Aboriginal issues should be front and centre. The meetings may not be tasked with that specifically, but Aboriginal issues would be a major component.

Ms CZECH: I support that from a Department of Family and Community Services perspective in terms of local district lead projects that are tailored to a particular district. One district that comes to mind is western New South Wales. Our district is working closely with other government agencies and non-government organisations both in the child protection space and in the out-of-home care space. That has a focus on Aboriginal children and young people in communities, particularly as I said in western New South Wales.

The Hon. SCOTT FARLOW: When you say that it is a focus, what is that focus? What do you do to ensure that there is that focus?

Ms CZECH: Dr Chant mentioned the emphasis on co-designing any initiatives to meet a particular need. What that means in terms of co-design is bringing together key members of government agencies and also the communities; that is, Aboriginal elders. It is about bringing together organisations that operate in a particular area and developing a plan of action or initiatives to meet whatever need they have identified.

CHAIR: I refer to the mental health aspects. The need to provide specific support to Stolen Generation people was identified, and there was specific funding for that within the mental health program. Is that need still identified and is there a program available if people are acknowledged as being impacted upon by the Stolen Generation and forced removals? Does that trigger an opportunity for specific support? If not, why not given that it has been identified? Aboriginal people have asked me why they have to keep telling the same stories and why they have to wait for those outcomes when the issues have been recognised so many times and research has identified the problem over and over again. Once it is recognised, that healing support should be provided.

Dr CHANT: The issue of healing support goes hand in hand with the OCHRE initiatives. I know that Aboriginal Affairs NSW is leading community conversations in a number of areas about what sort of assistance the community might need in healing. Sometimes it is an individual issue that the community itself needs to heal. In terms of—

CHAIR: I am asking specifically about mental health support for the trauma. It was recognised that 20 years ago it was identified as a specific action and outcome to be dealt with. As I understand there is no longer an isolated budget program within Health to deal with—

Dr CHANT: I mentioned the fact that we have embedded quite a lot of expenditure on understanding the way trauma has affected people and supporting Aboriginal women and their families in our Aboriginal family worker program. We spend quite a significant proportion of money on equipping our Aboriginal family health workers to work with families. Many of those workers are located in Aboriginal community-controlled areas and a lot of their work is supporting the trauma-informed care models and working through some issues of intergenerational trauma. That is where I mentioned the Education Centre Against Violence [ECAV] program linking to support this program. In terms of our mental health services, I would see some of the drug and alcohol programs and other issues.

Our mental health services, in terms of acute services Health provides, tend to be more focused on the needs of the very severe end but I expect that these people are presenting in other programs. Again, it is around supporting clinicians and workers in those programs to understand how past experiences will factor into the expression, maybe through the use of alcohol or other drugs, and therefore that healing processes need to be put in place to work with them around their drug and alcohol issues. We very much support our workers with a lot of education and training about understanding how the Stolen Generations impact on the way in which to deliver care.

I can give an example in the Health Education & Training Institute [HETI] module—and I am happy to table this for the Committee. This is an online training module and that means we can more effectively get over 100,000 health workers trained. There are also deeper and richer modules that are supported by the Aboriginal unit in ECAV which goes to a higher level of training. This highlights the experience of a 54-year-old male elder who identifies as a member of the Stolen Generations and how the impact of that needs to be taken into account in designing the care plan for that individual. We are trying to support our services to recognise the way trauma impacts on how care is provided by giving workers in those areas the capacity to recognise trauma and provide counselling and support relevant to that. Whilst there might not be a bucket of

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money for Stolen Generations support, we are trying to empower our service providers in those domains to understand how the experience impacts on the care needs of clients.

CHAIR: But you do not keep records that specifically identify those people who present having been traumatised by those experiences of the past?

Dr CHANT: They would be documented in clinical records which would not be reported at a State level. I would have to look at whether we capture data at a State level according to ICD-9 codes and check if anything reflects that, but not to my knowledge. Clearly, there is an understanding that it does impact on care and we want to equip our workers to understand how it might impact on willingness to engage in care and then modify the care plan taking into account strategies that might need to be put in place based on concerns about past experiences.

CHAIR: How many workers are trained in Indigenous trauma support?

Dr CHANT: I can give you the number of those who have undertaken the online Respecting the Difference training package from 2013 to 2015. It is pleasing to note a large number of staff have undergone this package as it contains a number of case studies, some of them going to the impact of the Stolen Generations. We will be able to give you further information about staff who have attended workshops on more specialised training programs, if I can locate it in my records.

The Hon. SHAOQUETT MOSELMANE: We have not really nailed the answer to the Hon. Courtney Houssos' question about the structure of coordination between the various departments doing a lot of work in Indigenous affairs, including the Department of Justice and Health. It seems no single body is compiling all the work being done. Would it be an idea for the Department of Aboriginal Affairs, for example, to be empowered to have the role of coordinator over all those resources to improve services for the Aboriginal community? It seems a lot of work is being done by different departments but there is no umbrella organisation with the role of communicating with Aboriginal communities and the public.

Mr WOODHOUSE: I think some structures under OCHRE deliver some of what you suggest. That is focused on the areas that the Government has highlighted as priority areas of reform in the Aboriginal affairs space and tightly governing those in the formal structures that exist under OCHRE. An initiative such as local decision-making is fundamental for all departments.

The Hon. SHAOQUETT MOSELMANE: OCHRE is a program.

Mr WOODHOUSE: I would describe OCHRE as more than a program.

The Hon. BEN FRANKLIN: An overarching strategy, surely?

Mr WOODHOUSE: It is an overarching strategy.

The Hon. SHAOQUETT MOSELMANE: I am talking about a department coordinating all the departments' projects.

Mr WOODHOUSE: The current arrangement is that governance under OCHRE is the strategy we are taking in relation to Aboriginal affairs. That strategy is set up in ways that have significant impacts on all portfolios—for instance, local decision-making and the work it is doing around impacting on the governance within local communities. This is creating governance structures that all of us will work with at a local level. If the point of the initiative is resetting the relationship between Aboriginal communities and government then that is a critical enabler that impacts on any one of the individual programs or service streams in other areas of government. In answering your question about the current structures, that is the current structure in place and it is focused on priority areas which have significant impact right across government departments.

The Hon. BEN FRANKLIN: Clearly the most important issue with the Stolen Generations is the fact that we effectively failed to protect the children. Could you talk about some of the procedures and protocols with the highest levels of child protection?

Ms CZECH: Aboriginal children can touch our system in a variety of ways. More often than not they are reported to the child protection helpline and they can then go to the Brighter Futures program, an early

intervention program. For example, in 2013-14 we had over 2,300 children participate in this early intervention program that tries to get in early and minimise risk issues to avoid having those children coming into care.

The Hon. BEN FRANKLIN: Is the fundamental aim to try to keep them out of care and with their parents?

Ms CZECH: Absolutely, that is enshrined in our legislation, the Children and Young Persons (Care and Protection) Act. Everything we do is aimed at safely preserving children in their families. Obviously there will be times when that cannot be maintained and if that is the case more often than not there will be a child protection response in the first instance, a report of significant harm. In some cases, if we are unable to work with a family to minimise those risks and ensure the safety of those children, they can come into out-of-home care where there have been significant change since 2012. You may have heard of the "out-of-home care" transition which is moving kids from government care to non-government-organisation care. We have over 7,000 in the NGO sector at the moment in out-of-home care. One key principle in the out-of-home care transition has been moving Aboriginal children who are in care to Aboriginal-controlled NGOs. That was about maintaining their cultural connections and having Aboriginal people look after Aboriginal children. In New South Wales we have 12 providers and we are continuing to build the number of Aboriginal out-of-home care providers.

The other key factor in all programs is understanding family history and whether families were part of the Stolen Generations. If so, what that means and how it manifests itself in terms of parenting capacity and how likely parents are able to continue caring for their child or children or have them returned to their care, which is the other focus. When kids are in care we look at whether restoration is a realistic possibility and, if it is, what supports and plan need to be put in place to get the kids home to mum and dad. Another critical component is cultural care planning. For any child in a program it is critical to have a cultural care plan embedded in their case plan. Again, it is about maintaining connection with community and significant people—relatives, kin and so on. One requirement if we do place children in out-of-home care is when we go before the New South Wales Children's Court. The legislation mandates that we produce a cultural care plan to be approved by the magistrate. That plan is then updated every 12 months for the duration of that child being in out-of-home care.

The Hon. SARAH MITCHELL: How long has the cultural care plan process been in place?

Ms CZECH: A number of years now. I would have to get back to you on the date.

The Hon. SARAH MITCHELL: That is fine.

The Hon. BEN FRANKLIN: But it is now well established and understood?

Ms CZECH: Yes, it is well established. We have just done a revision of the cultural care plan in consultation with ATSIC and the Children's Court, in particular the President of the Children's Court. That will be released early next year. The new plan has a renewed focus on culture and the significance of culture for children and families.

The Hon. SCOTT FARLOW: What impact have you seen from the cultural care plans? Are you saying they are delivering results?

Ms CZECH: We are. As far as I understand there has not been an evaluation but they are devised on a case-by-case basis. Every cultural plan for each individual child is different. Each plan helps the child maintain connections with their families while they are in out-of-home care, in particular birth parents and other relatives or kin. The plan should list a range of cultural connection activities—how they link into NAIDOC Week and how they learn about their culture. It also has an element of how the carer who is looking after that child is actually going to maintain the child's culture while they are in care and in that placement, so it has the element of needing to help carers undertake that function as much as some of the activities that children will participate in.

The Hon. SHAOQUETT MOSELMANE: What are the statistics of the number of children moved out of home?

Mr WOODHOUSE: As at 30 June 2015, so the statistics are quite current statistics, there were a total of 17,585 children and young people in out-of-home-care of which 6,472 were Aboriginal, so that is just under 37 per cent of the out-of-home-care population.

The Hon. SHAOQUETT MOSELMANE: Is that an increase on previous years?

Mr WOODHOUSE: It is a slight increase.

Ms CZECH: Yes, there has been a slight increase. If you go back to 2006 we were having 20 per cent year-on-year increases in the overall out-of-home-care population of which Aboriginal children and young people made up between 30 and 40 per cent of the population. That reduced in the years between 2009 and 2011. What we have seen in the last two years is a slight increase of between 1 and 2 per cent. We are predicting for this year that we will have about a 5 per cent increase in children coming into out-of-home-care or the population.

The Hon. SHAOQUETT MOSELMANE: Why are you predicting that?

Ms CZECH: We actually have some work underway at the moment to try to better understand the drivers that mean children spend time in out-of-home-care or come into out-of-home-care but there are a range of economic and societal factors that will not be new to anyone in this room, particularly around drug and alcohol misuse, neglect and disadvantaged communities. They are the common themes.

The Hon. BEN FRANKLIN: Why do you think there has been that slight increase in recent years?

Ms CZECH: There are a range of factors. One factor is that there has actually been an increase in the number of children aged 0 to 17 years so the population itself has actually got bigger. The other factor is around methamphetamine use and how that then manifests itself into the ability of parents to parent. There is also the impact of the royal commission and a heightened awareness of the risk of harm issues generally which has made people more likely to ring the child protection helpline and report their concerns about a child. Like I said, we are trying to better understand the drivers but they would be the key ones unless Mr Woodhouse would like to add anything to that?

Mr WOODHOUSE: No.

CHAIR: I would like to follow up on the cultural care plans. We have a submission from AbSec, which states that it is unaware of the proportion of Aboriginal children in out-of-home-care who have a quality cultural care plan. Do you know the numbers and can you provide the information about whether it is more than just attending a Sorry Day or doing some of those things? Is it proper embedded cultural awareness and opportunity to engage and stay connected with that cultural community they are a part of?

Ms CZECH: Like I said, it is a requirement of every child who goes before the Children's Court to have a cultural care plan and in fact you cannot get a final order from the Children's Court unless you have a cultural care plan.

CHAIR: But how substantive is it?

Ms CZECH: As far as I am aware, we have not done any evaluation about quality in terms of cultural care plans in themselves. One of the things that Family and Community Services [FACS] is undertaking—and it is still in its planning stages although we are about to go to a trial—is looking at what we call a quality assurance framework. It has a number of key indicators of how children in out-of-home-care are actually faring, how they are doing. One of those indicators will be looking at the quality of cultural care plans, amongst other things. But it is fair to say at the moment the quality we could not comment on as a whole.

CHAIR: But is it fair to say that the bar is not that high and we have a quote here from the Victorian commissioner, who states:

...the system—is failing in practice to acknowledge that cultural identity and connectedness is vital to the best interests of Aboriginal children.

...a cultural support plan is not just about taking a child to a NAIDOC march, or sticking up an Aboriginal flag. Cultural meaning comes from connections, relationships and socialisations ...

Are you saying that the cultural assurance framework will establish a quality cultural care plan and can you confirm whether or not, in the current circumstances, the bar might not be that high and that to go to court there is basically a template document that says that they will attend certain cultural events? I mean, it is not a very high bar to maintain cultural connectedness, is it?

Ms CZECH: To answer your first question, the quality of those plans currently I think is variable, so you would get very good plans through to plans that would be very basic.

CHAIR: You operate with a template, do you not?

Ms CZECH: We do.

CHAIR: Are you able to make that available?

Ms CZECH: We can.

Mr WOODHOUSE: Yes.

Ms CZECH: The quality of the plan is dependent on the ability of the person to obviously engage with the child or young person and their significant others and other people who might be involved in the child's life. The quality assurance framework, which is in development and will be piloted next year, will look at quality and I think that will be the first time that FACS has had information not just on cultural care planning but a whole range of indicators to tell us what the quality of our intervention is like—or non-government organisations [NGOs] for that matter; it is not just about FACS—with children in out-of-home-care and has a particular focus on children who are Aboriginal.

Mr WOODHOUSE: Chair, I think that takes you to the tenor of many of the questions you have asked around a more structured and systemic way of being able to assess the quality of the work that is being done and frankly the quality of the outcomes that it is achieving. The quality assurance framework is a pretty critical building block for the out-of-home-care system generally and does include, as this Committee will be interested in, a quite specific analysis of what is happening for Aboriginal children within the out-of-home-care system. It allows us—it will allow us, sorry; I do not want to oversell it before it is delivered, it will allow us to be much more systemic in our analysis about what is going on for children in out-of-home-care rather than perhaps driven by anecdotal or very good work or anecdotal work that we wish we could improve.

CHAIR: I have previously asked questions on notice and quite frankly was dismissed in terms of the questions I had asked about the performance of the Aboriginal placement principle. I note again that New South Wales does not provide the transparency that, say, Queensland does in adherence to Aboriginal placement principles. I wonder why that is the case and whether that will be revised. Queensland has a much higher standard. We do not actually know the exact numbers being dealt with under the care Act and the placement principles in the same way that other State governments are doing.

Mr WOODHOUSE: Chair, I would have to take on notice a comparison against other States and Territories.

CHAIR: It is in a number of the submissions. They have highlighted as a key point that we do not know how well New South Wales is doing because the information is not readily available. As I said, I have tried to get the information and been told that it is on the website. It is not.

Mr WOODHOUSE: We do have data available on the kinds of placements in which Aboriginal children are living. The data I have at the moment is to the end of 30 June 2015, which is some 76 per cent of Aboriginal and Torres Strait Islander children and young people are living either with relatives or kin or with Aboriginal foster carers. I can slightly further break that down if you wish. Certainly within the relative and kin numbers there will be Aboriginal children who are living with non-Aboriginal family members as well as Aboriginal children who are living with Aboriginal family members.

Obviously a number of Aboriginal children will have both non-Aboriginal and Aboriginal parents so relative and kin placements maybe on either side of the family but we are at 76 per cent of Aboriginal children who are living either in relative or kin placements or with Aboriginal foster carers and certainly the number that

I think is also perhaps of interest is that the majority of those are living with relatives and kin rather than children living in foster care. That is both becoming a more common arrangement right across the system but is an even more common arrangement when we are talking about out-of-home-care placements for Aboriginal children.

The Hon. COURTNEY HOUSSOS: What extent is the kin? How do you classify that? What level of relation is there?

Ms CZECH: When children first come into care we always, as a first point of reference, look for family, being relative or kin, talking about Aboriginal children in particular. One of the key things we do very early is what we call an Aboriginal consultation. More often than not that is a consultation with one of our Aboriginal staff members but it could also be a consultation with a community member, a staff member who is Aboriginal from a local community-based organisation or NGO. The purpose of that consultation where children need to be placed in out-of-home-care is to have a conversation about who is in the family and who might be suitable as a placement option. By doing that, that often throws up a whole variety of people who are willing to care for a child. In the first instance we do go to usually grandma, grandpa, the blood relatives, so to speak, but we will extend that, based on that consultation, to a kin group. It might be a member of the community but not related by blood. I probably have not answered the question but we do broaden it out to be not just a blood relative.

The Hon. COURTNEY HOUSSOS: So they are not necessarily living with their grandparents, their aunts or their cousins but someone in a closely associated community?

Ms CZECH: Absolutely, and we would only do that through consultation with the family and also Aboriginal community members. We are very careful about how we do that, trying to do it in a considerate way. Obviously removing a child is an incredibly emotional time for everyone involved but it is important to talk to people who know the family and can put you in touch with either a relative or a community member who might be able to look after that child, that being the much preferred option, as Mr Woodhouse said, over a child having to be placed in foster care.

Ms CZECH: Having said that, if we looked at the numbers, my guess would be that many of the relative and kin carers will be grandparents; many will be that but of course we should be taking the breadth of approach that Ms Czech has outlined to respect the full range of authority structures, family structures and kinship arrangements that may exist for individual children.

CHAIR: When you do that first assessment, do you do a check of the risk factors in relation to whether or not the family has a history with forced removal?

Ms CZECH: There are certainly a range of assessment processes when a person is identified as a potential carer for a child. The first thing we do, apart from having a conversation with them about their interest because it would be silly to proceed past that point if they were not interested, is we do need to do some probity checks so things like criminal checks, checks against our own database.

CHAIR: I am specifically interested in whether or not you collect the information and you seek to understand the circumstances and the historical significance of what might be a risk situation at this point in time.

Ms CZECH: Sure.

CHAIR: For this inquiry it is of interest whether or not that is done and then what sort of intervention happens to support not just the child but the family to do restoration?

Ms CZECH: Absolutely. Thank you for that clarification. We do. When I say, "we do", we conduct an assessment with that person who has nominated themselves as a potential caregiver and part of that conversation and assessment process is asking them about their own experiences, so their own experiences of parenting, their own experiences of their childhood and having a conversation with them about how that might impact on their ability to care for another child. It does not necessarily rule them out if they were to say that they had an experience as a child that was poor. It is about how do we assess that risk for that particular child and then how do we support them in order for that child to go there.

CHAIR: I may not have been clear. My point was about the assessment of the child and whether or not the child comes from a family or a community that has the experience. It is the idea that we have the opportunity to engage, to understand this historical wrongdoing and then to know what we need to do to stop what is an increase. We now have as many Aboriginal children in out-of-home-care who were forcibly removed over a period of 50 years so we are at the point where something is not working and trying to understand why we are not collecting the data and doing the interventions that research tells us could and should be done to break the cycle of this repetition.

Mr WOODHOUSE: I am conscious that the principle you are referring to, Chair, around how is it that—may I reframe it slightly—how do we bring intergenerational trauma into our service models and daily practice around child protection? As we are developing our service models, particularly in the Aboriginal space, but not only, the need to do better work with families to restore children is often about trying to respond to some of the examples that you are providing. We try to put a greater emphasis on—we have models, and Ms Czech may be able to give more information about it—how it is we try to work with birth parents to understand their experience of parenting, to then translate that into concrete action, which is about trying to remedy what may be issues of negative parenting experiences from those parents. That is critical to then being able to safely restore people back to their birth families.

CHAIR: Maybe I am not being blunt enough: Do you collect that information at that first point of interaction or do you do any assessment to know where the risks might be? That is what was requested in the recommendations from "Bringing them home". That is the information that has been available for a long time and I am still hearing that you are thinking about doing it or there is some undertaking of some process that might lead us to delivering that. I am asking: is it being done? If not, why not? It is known that is a risk factor and it is cross-generational and across communities. There needs to be work done to avoid repetition, which is one of the reparations that was sought from the recognition of "Bringing them home". You know the risk factors. You know who is identified. So, is that documented? Is it done? Does that inform the services of the support that is needed? Is that clear? I am asking: does it happen?

Mr WOODHOUSE: I think our answer is similar to the answer that Dr Chant was providing earlier. The place where that would be documented would be within the clinical files of our child protection caseworkers and the way in which we would respond is within the quality of the child protection case work that we would do with individual families as those questions are asked.

CHAIR: I am looking for a yes or no. Do you ask that question when you engage with children who are identified as being at risk: Are they a child that is from a family or community where the impacts of forced removal, as identified in "Bringing them home", are perhaps influencing the contemporary situation? Is it, as it was meant to be, identified as a risk factor so that you then understand that longitudinal impact and how you respond to it as a government?

Dr CHANT: From a health dimension it is a premise of a key factor that would underpin the training and support we provide for our Aboriginal family caseworkers and our workers in the AMIHS program, Aboriginal midwives and non-Aboriginal staff, to make sure that factor is explicit in their consideration and interaction with a patient. That is one really important factor. I was reflecting on the previous question. It is mandatory training to do the Respecting the Difference, Health Education and Training Institute NSW [HETI] course. It was completed by 40,000 staff in 2013 and 2014. I would find out where we are up to in 2015. The way the Respecting the Difference course is quite useful to staff is that it actually picks up where the Stolen Generation might be a factor, but where other factors might also be playing. For instance, in the case study of Vince. The Respecting the Difference course shows you a vignette and says: what do you think Vince is thinking? What are you thinking?

CHAIR: We are particularly interested in knowing the Stolen Generation aspect and how it relates more to FACS and child protection issues as an early indicator or a factor that affects the way you provide services. And, with Juvenile Justice, whether or not that information is collected. I understand there is a conference that is looking at the level of incarceration. A report published yesterday identified a level of incarceration and the fact that a lot of that is due to the nonrecognition of mental health issues.

The Hon. BEN FRANKLIN: Can I assist. You talk about the caseworker's files. Would it be automatic that there would be history on that caseworker's file for any history of the Stolen Generation impact within the family or the community and the potential impact that would have on that child? Therefore, it is taken into consideration?

Ms CZECH: Absolutely.

CHAIR: And the services delivered as identified?

Ms CZECH: The answer to that question is, yes, absolutely. On every individual child's file there is documentation and casework around the child's history and parents' history. The question of whether there is a case work question directed at birth parents, children—if they are old enough—or family members, specifically—"Are you a member of the Stolen Generation?"—is not something, in my experience, that we do in a consistent way because we are asking a question generally about that family's experiences and taking that into consideration and developing a case plan for that individual child and family and documenting and putting the supports in place that that family might need based on the experiences they have had and have told us about.

The Hon. SHAOQUETT MOSELMANE: I have a question concerning deaths in custody. There has been a national project, the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project [ATSISPEP], that has found that the suicide crisis among Aboriginal and Torres Strait Islander people is increasing and it has become a real humanitarian crisis. What is your response to that and how is Corrective Services NSW addressing the increase in deaths in custody?

Mr SCHREIBER: That is something that is new to me. I thought that it is on the decline, it is on the decrease in custody. If you look at the Aboriginal deaths in custody there were five in the last year. It is my understanding, without evidence, that in the past it has been much higher than that. We put a number of things in place to address the issues coming out of the deaths in custody as far as resources for Aboriginal offenders to address the recommendations from the royal commission. As I say, my understanding is that it is on the decrease.

The Hon. SHAOQUETT MOSELMANE: Gerry Georgatos is a West Australian suicide prevention worker. He states that suicide is the leading cause of death for Aboriginal and Torres Strait Islanders aged 15 to 35 years and one in three deaths in this age group is by suicide? What is your response to that?

Mr SCHREIBER: Is that in Western Australia or Corrective Services NSW?

The Hon. SHAOQUETT MOSELMANE: That is a general figure.

The Hon. SARAH MITCHELL: That is not corrective services specifically, that is generally?

The Hon. SHAOQUETT MOSELMANE: I don't know.

The Hon. BEN FRANKLIN: Unless it is in custody.

The Hon. SHAOQUETT MOSELMANE: It is certainly implying there is an increase.

Mr SCHREIBER: I cannot say within the community or from West Australia but within Corrective Services NSW it is on the decrease.

The Hon. COURTNEY HOUSSOS: I have one final question for FACS. The chair has done quite a lot of work on looking at the original Government response to the "Bringing them home" report. At the time New South Wales identified some key things that they should be addressing across a range of agencies. In terms of FACS the two things I want to ask about are: Parenting skills and family well-being; and, it was identified that five Aboriginal district officer positions should be established to assist Aboriginal foster carers. I would be interested to hear what specifically you are doing at the moment? I am happy for you to take it on notice.

Mr WOODHOUSE: We will need to take the specifics on notice. As you know these are responses from many years ago and tracing the bureaucratic history of what has happened to individual things is quite challenging. In terms of what we are doing at the moment, perhaps to take the second point around foster carers first: I am conscious that one of the big things that would have moved substantially since the time of the "Bringing them home" report has been the establishment and growth of the Aboriginal non-government organisation [NGO] sector in out-of-home care. My understanding of the most recent figures is that we provide approximately \$60 million a year to Aboriginal NGOs that are directly supporting care placements in out-of-home care. That is, supporting foster carers, kin care and the children who are in care.

That is quite a substantial change in the system over that period. The other big change, I would not have the historical figures, but I am conscious that we do now have a large workforce within our own agency who are Aboriginal people. A lot of work has been done. Ms Czech may have more personal experience in this area. A lot of work has been done in recent years to build up our own Aboriginal workforce. I am happy to get the specific figures. Somewhere around 15 per cent of our frontline caseworker workforce is now Aboriginal. That is a significant change in the cultural mix and our capacity to work with families by having Aboriginal people who can work with families and often with families from communities they know very well.

That impacts on the service models, how we can use that mix of skills and adapt the way in which we do our work directly with families in order to do effective practice and support the whole family. In terms of parenting skills, I am aware that we continue to provide substantial funding through what we call our targeted early intervention area—early intervention prevention programming, if you like—for a whole range of services which includes work that focuses on parenting skills. That would include the well-evidenced PPP that has been operating for many years. There would be reasonable numbers of Aboriginal families accessing many of those programs across the State. They are spread out to get to local communities in many ways.

The Hon. SARAH MITCHELL: What does PPP stand for?

Mr WOODHOUSE: Positive parenting program. It is an evidence-based program around building parenting skills.

The Hon. COURTNEY HOUSSOS: I am happy not to take up too much of the Committee's time. Could you take those on notice and inform the Committee what is provided on the ground?

Mr WOODHOUSE: We can provide a description of what is on the ground, which is much easier than just tracking the historical data.

Dr CHANT: Could I clarify, health supports Building Strong Foundations as well. We could complement our response with FACS around the early intervention space.

The Hon. SARAH MITCHELL: Returning to justice. The Government submission mentioned "circle sentencing." I wanted more general information about how it works, where it is operating and what some of the outcomes have been since it was introduced as an option?

Mr HARRIS: We do not use circle sentencing in Juvenile Justice.

Mr SCHREIBER: I am not that familiar with circle sentencing. We have it in three or four locations. I can get that information.

The Hon. SARAH MITCHELL: If you can take it on notice. I think it operates in Armidale or somewhere in the north-west. I would like to know how it is working on the ground?

Mr SCHREIBER: Yes.

Mr HARRIS: We are piloting the Koori court in the Children's Court at Parramatta and at Bidura. It is a new approach to the legal system in terms of case management. It is a fairly informal court. It is a court that includes Aboriginal Elders and representatives from the community and they work with young people during the remand period and depending on that case management approach and progress then those considerations are taken into account in the young person's sentence. It is a pilot program. The Children's Court is looking to extend it out to Dubbo as well.

CHAIR: What about any post-support programs? One of the things identified in the Government response in 1998 was that the Department Of Justice should fund community organisations to provide voluntary post-release support in the first three months.

Mr HARRIS: We do, across New South Wales we use a number of non-government organisations [NGOs]. I do not know the specific amount of funding. They specifically provide casework support, employment and those types of supports. We also have funding for bail accommodation and diversion of young people prior to coming into custody or when they first come into contact with the justice system. There is a trial

of the Youth on Track scheme at the moment. It specifically targets young people aged 12 to 14 years old who are having their first contact with the police. We are told who they are and then provide services to their families. Since 2013, 400 young people have gone through that program, and approximately 50 per cent of them were from Aboriginal families.

We also have the Bail Assistance Line, which again assists police, particularly after-hours, if the only reason a young person would come into custody is that they cannot find a family member or a significant adult, they need transport or they need other support services. We have an after-hours line that they can contact. We can go to the police station and assist in certain areas of the State, or we can provide information. We also use the Family and Community Services [FaCS] after-hours line to provide assistance to police so that young people are not taken into custody.

CHAIR: Similarly to FaCS, when you have those engagements with young people do you collect information about whether or not their family or community has been affected by forced removal?

Mr HARRIS: I do not specifically know the answer to that question, but I can get that information to you. Every young person who comes into custody or is on one of our community orders is screened by us. They also receive a screen through our Justice Health and Forensic Mental Health Network partners. All of our detention centres have psychological services, as do our community offices. They have those services so that if those screens and those assessments show that there is trauma or abuse then those issues would be documented in a case plan and looked at.

We have also partnered with New South Wales victims services and we are doing a trial in two of our detention centres—Reiby Juvenile Justice Centre at Campbelltown and Juniperina Juvenile Justice Centre, which is our young women's centre, at Lidcombe. They are specifically doing trauma-based counselling. There is a recognition, from the literature, that there is a relationship between childhood trauma and offending. That is a very early-stage pilot. In the last financial year 130 young people received that counselling. I have some further statistics that I can go through if the Committee would like me to.

CHAIR: If you have statistics, it would be invaluable if you could table those.

Mr HARRIS: Yes.

CHAIR: Are there programs that go into the schools or where you work in collaboration with schools to try to identify or undertake early intervention to support young people who may be at risk?

Mr HARRIS: Do you mean when they come into custody?

CHAIR: No, I am wondering if juvenile justice has any programs where it works with the Department of Education to try to avoid that intersection—by going into schools early and running some of those early intervention programs to hopefully avoid the engagement with the criminal justice system.

Mr HARRIS: We do not have a partnership, as far as I am aware, whereby we go into schools.

CHAIR: Or maybe support programs in schools that do that.

Mr HARRIS: The Youth on Track scheme, which again is a pilot program, would be the closest that I know of in terms of targeted early intervention. Certainly we have the Young Offenders Act and the work the police do in terms of diverting young people from custody, and the use of conferences—and we are in the process of recruiting Aboriginal convenors and ensuring that those conferences and those community processes are culturally specific and appropriate. But we do not have any programs that directly relate to education.

The Hon. COURTNEY HOUSSOS: My question is to both juvenile justice and corrective services. Do you have any current ways of monitoring the recommendations from the Royal Commission into Aboriginal Deaths in Custody? Do you have a current reporting and monitoring program around that?

Mr SCHREIBER: As far as reporting goes from my level, it is done through our Corrective Services NSW [CSNSW] Aboriginal Advisory Council, which was implemented 12 months ago to provide advice on some of our strategies that we put in place to meet the recommendations. The advisory council is made up of community members and people from other jurisdictions. At that level it can make decisions and make sure that

we are all aiming in the same direction. So through the council we would report on our programs, our interventions and what we have put in place—what the results are and where we are going with it. So that has been in place for the last 12 months. Prior to that, I would have to seek advice.

The Hon. COURTNEY HOUSSOS: Is that information publicly available?

Mr SCHREIBER: Yes, it is.

Mr HARRIS: Similarly, we have an Aboriginal strategic coordination unit which reports through the justice Aboriginal unit. We regularly report on the recommendations from that Royal commission report.

The Hon. COURTNEY HOUSSOS: I have a broader question. What do you have in place to allow Aboriginal people who are in detention to maintain cultural connection with land?

Mr SCHREIBER: We have developed an Aboriginal program pathway, which starts with Kariong Correction Centre, which we have just taken over from juvenile justice. That is looking at young offenders from 18 to 25 years of age with short sentences. It is a short-term intervention based on cultural intervention and criminogenic needs. They are farmed out to Aboriginal specific programs that we have across the State. We are trying to minimise what we actually have and to consolidate our efforts into certain areas. That is going to now feed into the Eden Local Aboriginal Land Council, which I think was mentioned earlier, and the Bundian Way project. Our offenders are actually going to be involved in that project, from those in minimum security right through to those in maximum security. It is 10-year project.

I am not sure if members are aware of the Bundian Way project. It is a historical trading route that goes from Eden right up to Mount Kosciusko. Our offenders will be restoring that track and providing, through some of our programs, so the gundy program with St Hilliers building and construction program, information centres and signage, and, through some of our other programs, the artwork, and that set of thing. This is going to be tourist attraction once it is completed. So that is where we are trying to navigate our pathway through for Aboriginal offenders. On that pathway it does not matter if they come in as a young offender or as a minimum security offender, they can jump on that pathway from maximum security as they work their way down the classification chain. So that is just about to be finalised.

The Hon. COURTNEY HOUSSOS: Is it just for that part of the State?

Mr SCHREIBER: No, it is for the whole State, which will feed down through to the Bundian way and connect with that. So we will have offenders coming from the Brewarrina correctional centre, which is the Yetta Dhinnakkal program. They will be sent down to Cooma and will spend time on the bungee way track learning about culture and the Bundian Way. Elders from the local community will come and teach our offenders about the Bundian Way and the area. So we are trying to connect them back with culture and to get them to work for Aboriginal communities and get that feeling of worth—that they are doing something for the Aboriginal community.

Mr HARRIS: In terms of juvenile justice in custody we have two Aboriginal-specific programs that have been written and developed by our Aboriginal staff. The first one is called My Journey, My Life. This program focuses on violence within the family, and particularly intergenerational violence. We also have a program called Dthina Yuwali, which is a drug and alcohol program specifically for young Aboriginal people. It uses things like learning circles, and Aboriginal elders and significant members of the community come into the centres and help to present those programs.

In terms of our agency, we have Aboriginal program development officers in all of our regions. They work closely with the community in developing relationships with the community and looking at opportunities for them to assist in terms of either presenting their own programs or assisting with ours—and, as I said, we have specific Aboriginal programs. Our case management principle culture is always part of that. So we are looking at how young people can be connected back to their committees and their culture. The case plan would look at those sorts of issues if that is an issue for them.

In terms of our staff, just over 9 per cent of our staff are Aboriginal across the agency, which I think is significant in terms of the target public sector wide, which is 2 per cent. We have Aboriginal cultural respect training, which has been piloted over the last two years. It looks at education for both Aboriginal and non-Aboriginal staff in terms of culture and history. Not all our Aboriginal staff know about their history. I have

done the training and it is quite an eye-opening experience. There were lots of things I did not know about what has happened in the past. So that is being offered to our staff.

We also have an Aboriginal mentoring program where senior staff are paired with Aboriginal staff and will assist them through a 12-month program in terms of developing their skills, their networks and that general sort of development that comes with mentoring. We also have an Aboriginal employment and retention strategy. We are looking at attracting more staff to work face-to-face with our young people and at retaining our staff. Our staff turnover is fairly low, which is good. We have things like practice guides, which our Aboriginal unit has developed, for direct-care staff who are dealing with Aboriginal young people and their families. It is about how to do that in a culturally appropriate way.

The Hon. SHAOQUETT MOSELMANE: I know there has been significant work done in educating the public and in particular educating school students about the history of the stolen generation but there still seems to be a significant general public ignorance about the history of Aboriginal sufferings. Is there more that can be done? I refer to that because Link-Up NSW also speaks of the general public ignorance about the history. Is there a response?

Dr CHANT: It is hard for us to answer that. As an individual, it is interesting to engage with our children as they journey through the school curriculum because that also is as good as the projects or discussions, and it does prompt discussions in the home. Awareness of the history and its impact is an important element for us all to understand. The challenge is how do we do it in a way so that people are going to receive it? The education system is an important portal because it promotes the two-way conversation with parents, but I do not know what would be the most appropriate way of engaging more broadly. It is not an area that I have thought about, but it is a valid point.

Mr WOODHOUSE: Similarly I feel somewhat constrained and perhaps speaking more individually than as a representative of the agency, if I take the underlying premise is it important to be having further and much more detailed and nuanced conversations about this issue, it feels like an important part of the broader spectrum of work in the areas of Aboriginal disadvantage. What I would reflect on, certainly in my career, and I see this reflected somewhat in the agency, that the tone of what we do within Aboriginal cultural inclusion or awareness or cultural competency training, as we would now talk about those things being different, has changed quite a bit over the years

This has some way to go in respect of understanding—I guess being more focused in much more applied experiences and hearing concrete stories so that we are creating the knowledge base and the experience base, which go to some of the questions that you have in fact been asking, Chair, such as how do we understand the generational impact of many of the elements of the history of Aboriginal people in this country and what that means so far as manifesting in the lives of Aboriginal people today and, therefore, what are we responding to. Certainly as I watch our cultural awareness training—I am being slightly more eloquent as this comes through—it has moved into greater areas of trying to focus on cultural competency. It is about trying to have a much deeper and more detailed understanding about some of those issues that manifested into generational trauma and how that is able to be translated into practice.

Dr CHANT: The training of our staff in cultural competency such as Respecting the Difference training and the training reflected in all of our agencies is really important because, in the end, that is one of the key challenges of the stolen generation in respect of the legacy issues about their fears of engaging with our service. We also have to acknowledge it is one component of fears. There are other things that influence Aboriginal peoples' reluctance to engage in our service. It may be their literacy and being talked down to. There are other components and I think our agencies are hopefully gaining more capacity to have that more complex discussion with our workforce because we have to do a lot better at reducing the disparity and health outcomes for Aboriginal and non-Aboriginal people.

The Hon. BEN FRANKLIN: As the number of Aboriginal employees increases—and that is a focus of a number of your organisations—that will also help to get the message out.

CHAIR: That is very important but so is training all staff across the board because one never knows when you will engage with an Aboriginal person and that has been identified as some of the concerns that people have. I wondered if you could outline how extensive the cultural awareness or competency training is and what percentage of people undertake the training?

Dr CHANT: In NSW Health the Respecting the Difference course is mandatory. I indicated that a year ago there were 40,000. I am hopeful to get a report and I am sure it will be much more. That is a module. The way it has been constructed, it is engaging for health workers because it puts it into meaning and context. It is a scenario-based learning module and it provides perspective. Apart from the stolen generation it also touches on things such as literacy, financial issues, being prepared for seeing non-Aboriginal staff and what they may be thinking, so it breaks down a whole set of reasons why Aboriginal people might feel quite fearful in engaging with health services. That is an important approach. There are more specialist courses.

I would be happy to give some data on attendance of those. It is important that we offer a higher level of training and support to our Health workers in early childhood or in drug and alcohol, where we particularly know we are going to see a large number of Aboriginal women whose experience may be influenced. We could provide data on our Aboriginal family health workers, and our drug and alcohol and mental health services in terms of the more specialised attendance at a more detailed course. The NSW Health Education Centre Against Violence provides a range of training and I can also provide this to the Committee, which provides a capacity for our Health workers to progress to a graduate pathway. It runs through a number of certificate level courses, which then allows our Aboriginal Health workers to go to a graduate level. It is employment as well as supporting capacity building amongst our Health workers.

CHAIR: And the Department of Family and Community Services [FACS]?

Ms CZECH: From a FACS perspective, all of our front-line case workers are required to complete a caseworker development program, which is a program with a variety of modules in it that typically stretches over six months. One of those modules is working with Aboriginal children and their families. I am happy to provide the Committee with a copy of that module or the caseworker development program, if that would be helpful. There is also a range of other specialised training around culture and cultural competency that our staff undertake. We could also provide information about those courses and the attendance rates of those programs.

Mr WOODHOUSE: I am conscious that in addition to training some of the best work is about critical practice. Training is perhaps necessary but not sufficient. When I think of cases where we have done good work, we have been doing a lot of work to build our child protection workforce to listen strongly and honestly to the stories of the families with which we work, really trying to have a respectful relationship with the families with which we work. It is that which allows the rich detail of the history of people's families to come out and for our best work to be done. Training is absolutely important for people to understand what they are working on. I am conscious there is a big program of activity around our child protection workforce trying to provide, if you like, the best client service possible in that environment. That is also critical, and critical to cultural competence.

CHAIR: You have all referred to early intervention. Are you able to identify why we are not seeing an increase in early intervention? We are seeing a huge increase in the funding for out-of-home carers that escalates but not the overarching support for early intervention when all the evidence says that is what works. Why is that not marrying up? You have all referred to it, saying that is the way to go.

Dr CHANT: We would be happy to provide some detail; I do not have it in front of me. We have expanded some of our Building Strong Foundations or I call it sustained home visiting, which is evidence along the line of sustained home visiting. I can provide some details about how our AMIHS program has grown over the years and also the reach of our Building Strong Foundations. It complements the other component. The Commonwealth runs programs in this area as well and the Commonwealth's program—correct me if I am wrong—is Brighter Futures—

CHAIR: Brighter Families?

Ms CZECH: No. It is "Better" something.

CHAIR: It is similar.

Dr CHANT: Yes. In the end, we would like to see Aboriginal families being engaged and supported all the way through from birth to early childhood. It is a mix of making sure we work cooperatively with the Commonwealth, which is also running programs in this area.

CHAIR: At a State level, each year we have seen either a stagnant CPI or CPI increase in early intervention. Some people have said that Cabinet does not get the importance of it. Is it a lack of broader understanding that investment is the way to realise real change long term?

Mr WOODHOUSE: The Government makes a fairly substantial ongoing investment in early intervention. As Dr Chant said, I am aware of individual elements of the system that have been advanced in recent budget cycles, particularly in the health space—sorry to be answering for you, Dr Chant.

CHAIR: I have particularly been asking around Family and Community Services.

Mr WOODHOUSE: Sure. I am aware that FACS is currently in an extensive consultation process that our funding goes to what we call targeted early intervention—the language here can be difficult and I am happy to discuss that later—but how the allocation of those funds is being used and ensuring that those funds are being used for interventions that deliver the best results, particularly for children and families across New South Wales. Their Minister has released a discussion paper and we are in consultation with the sector and any other member of the community and how it is that that system is shaped and what are the ways in which that money is best spent to achieve outcomes for vulnerable kids and families.

The Hon. SHAOQUETT MOSELMANE: Speaking of the allocation of funds, are you sufficiently resourced? I know it is a big area. Is there a need for more funds? Can you identify particular areas in various departments that might need further resources? I see a big smile. Here is your opportunity to put it out there.

Mr WOODHOUSE: It is a difficult question to answer. Obviously these are areas in which there are considerable and pressing human needs in the community. Are there, therefore, other things that people may think of that money can be spent on? Of course that is the case when you are in this space. The Government has made substantial investments into the child protection out-of-home care system over the last couple of budget cycles. As well as what has been quite important about engaging in substantial reform about how it is that the system is operating, particularly in our own department, and Ms Czech may have further to say about it, but the Safe Home For Life initiative, which is about trying to reorient fundamental parts of the child protection system to get better results for children and families, has come with Government investment but, importantly, that is investment in reform of the system so that we can do better for kids and families across the board. We have had substantial focus on that area.

Ms CZECH: I will add to Mr Woodhouse's comments, particularly about the Safe Home For Life reform package that was released last year. That not only included a budget enhancement of \$500 million, but it included a range of changes to our legislation. One of the main purposes of amending the legislation was to have a renewed focus on preservation and restoration. We have introduced initiatives such as family group conferencing. We are piloting that at the moment in a number of locations around the State, and that has an emphasis, again, as I said earlier, on getting the family around a table, or around something, as a group, and talking about how we might minimise some of the risk issues for children and either maintain them in the home or, if they have been into care, get them back. There have been a number of initiatives for orders we could use as a means to keep kids out of out-of-home care, so parental capacity orders, parental responsibility contracts. They are some of the things we have been trying over the past few months that started towards the end of October last year. We are continuing to look at how we might reshape the system and reconfigure the system to provide a more targeted service to those in greatest need.

CHAIR: The Aboriginal family group conferencing is happening in those four locations. Are you able to identify those locations and identify for how long you will be trialling them, or, if you have some early responses, if the indications are good does that mean you will be expanding on those programs?

Mr WOODHOUSE: I can tell you the sites now, if you like. The sites for their operation are on the Central Coast and the Illawarra-Shoalhaven. I will have to take on notice the exact location in the Northern district. I think it is Lismore.

CHAIR: Yes. "Northern" is often referred to as one area, when really the areas are North and Far North.

Mr WOODHOUSE: I had written "our FACS districts". So it would be the FACS Northern district, not merely north of Newcastle.

CORRECTED

CHAIR: Terrific. Could you tell us the time frame for assessment and whether the process allows for roll-out of more, if the success is proven?

Mr WOODHOUSE: We will give you the detail on notice. Certainly, one of the important things about the reform that is happening in the child protection system here is that we are testing ideas that have not necessarily been tested before, with a view to rolling them out across the system. We are doing that, rather than seeing some of the difficulties that have happened within programs in other places, where they stay very specific pilots that are never learnt from more broadly. We are on a pathway to working out how to apply lessons from these initiatives in the entire system. That may not mean that we need to have a separate program with that name; it is about how to make it normal business.

CHAIR: I have a question about bail houses. I think you referred previously to bail opportunities. In the earlier Government response to "Bringing them home" that was a matter that was identified. Often the individuals who were eligible for bail were not able to get bail because there was nowhere for them to go—they were either away from home or they had no fixed address. How much work is done for young people in terms of providing places for them so that they avoid the institutions?

Mr HARRIS: We have bail staff at every court. They advocate for young people at that time. As I said before, the Juvenile Justice Bail Assistance Line is there to assist if the police are thinking of refusing a young person bail because of those factors—as you said, the factors include not being able to get them home, being unable to find a significant person for them or their need for accommodation. That bail assistance line operates specifically to assist the police. We fund NGOs. There was a bail hostel for juveniles. It did not work as well as the programs that we have today. It was a hostel where all young people went to. There was no consideration of their level of need, their level of risk or their service needs. They were just in the one location. Now we specifically assess young people in terms of their level of risk and their level of need. We fund agencies such as Mission Australia and Barnardos Australia to run accommodation specifically for young people, depending on their needs. It is a more tailored service.

CHAIR: Do you have information you could provide about the success of that program in terms of your call line—how many calls you get and how many people are placed and therefore avoid—

Mr HARRIS: Yes. There have been changes to the bail laws, as well. If a young person has bail granted but is in custody a report has to be done every two days. We work closely with FACS to get those young people out of custody.

CHAIR: I will put some questions on notice. I am sure others might reflect and provide some, as well. Thank you very much for coming along. I appreciate the work that has been done.

The Hon. BEN FRANKLIN: It was a very long session; we really appreciate it.

(The witnesses withdrew)

(Short adjournment)

ROBERT JOHN CARR, Former Premier of New South Wales, sworn and examined:

CHAIR: Welcome, Mr Carr. Thank you so much for coming along. I take this opportunity to acknowledge that you were the first Premier who undertook to make an apology after the "Bringing them home" report. That is a very important thing for New South Wales.

The Hon. BEN FRANKLIN: Hear, hear.

CHAIR: Would you like to make a submission?

Mr CARR: No.

CHAIR: We will go to questions.

The Hon. COURTNEY HOUSSOS: Welcome. Thank you very much for your time. It is fantastic to have you here. Leading on from the opening comments of the chair I would like to ask you about the process that brought you to be the first Premier and the first State Government to apologise to the Stolen Generations. You really were the pioneer. Obviously we made an apology at a national level in 2008 but you were the pioneer, being the first Premier to apologise. I am interested in what brought you to make the apology and some of the practical things that you did after you had taken that important symbolic step.

Mr CARR: The factors in producing the apology by New South Wales were the national inquiry and the process of building a New South Wales submission to that inquiry, and what appeared to be a rejection from the Federal Government—the Prime Minister and his Aboriginal Affairs Minister, Dr Herron—of the notion of a stolen generation. There was no such resistance in the New South Wales Parliament that I can recall. Those were the considerations that made me want to take the lead off the back of the work being done in the Public Service involving Link-Up—the reuniting of Aboriginal families—and the stories that emerged from that that left me and others in no doubt that there had been a forced separation—a forced separation on the basis of race alone.

The Hon. COURTNEY HOUSSOS: Thanks very much. We have received a lot of submissions that talk about the need for healing and the importance of symbolism. But there are obviously a lot of practical things that flow on from that. For example, I know that you did a range of practical things across juvenile justice and justice more generally. There was also the handing-back of land and the renaming of areas. Who oversaw this very broad Government strategic approach?

Mr CARR: That was the Minister for Aboriginal Affairs, but with a keen interest from my office and from the Premier's Department.

The Hon. COURTNEY HOUSSOS: The one thing that strikes us, as we look at the submissions that we have received so far, is that there was an incredible amount of energy and purpose across the Government. That seems to have dropped off somewhat and perhaps fallen back to individual agencies to do what they can.

Mr CARR: I am out of touch. I have not had time to familiarise myself with the material. That would have taken a very long time. I am going to step back from passing judgement on current policies.

The Hon. BEN FRANKLIN: We would appreciate that.

CHAIR: I think it is more about the understanding at the time you made that response. You saw it as important—I think, vital—to have that whole-of-government approach. On reflection, do you see that as the right decision?

Mr CARR: Yes, because reversing the high rate of imprisonment of young Aboriginal men was clearly going to be part of any attempt by us to reverse Aboriginal disadvantage. These problems are very stubborn. If they were not difficult they would have been fixed by Governments of good will a long time ago. Therefore, emphasising the involvement of the central part of the Government meant that I was able to impress ministers and bureaucracies which had part responsibility for the problem of Aboriginal disadvantage with the urgency of moving forward. Clearly, across portfolios the role of the Minister for Aboriginal Affairs was, as I see it, with the full backing of the Premier and his or her administration, to see that Ministers who had part of

the problem in their portfolios—youth, welfare, justice, education, health and police for example—were brought forward as well.

The Hon. SHAOQUETT MOSELMANE: I put on record the fact that Mr Carr made the first apology on behalf of a State Government. Despite the advice of conservative, cautious bureaucrats, he went ahead and made the apology. He set up the historic first Aboriginal circle sentencing model, based on the Arctic Canadian model, which included Aboriginal elders. Offenders were forced to confront their crimes and victims in a community context. They were non-sexual offences, such as assault or alcohol-related offences. Mr Carr did the first work on the Aboriginal Trust Fund Repayment Scheme. He oversaw the historic hand-back of lands in western New South Wales and the North Coast. He also implemented the dual naming system. They were great initiatives, Mr Carr. How have things improved since you were involved and what more can be done?

Mr CARR: I have not had time to do the research on this very complex area of Government policy. If I were undertaking the research I would focus on educational achievement as a high-priority area. Because of testing, we are able to measure the gap between Aboriginal and non-Aboriginal youngsters. I dug out a speech I gave in the Parliament on 30 May 2000 highlighting the narrowing of some of the gaps that existed. We thought the Reading Recovery program, which concentrated resources on youngsters who were falling behind others in the classroom, had played a role in that. We quoted year 3 basic skills tests and homed in on results in Bourke and Brewarrina. For example, in Brewarrina for the first time every kindergarten child, Aboriginal and non-Aboriginal, could read.

In Walgett Aboriginal children were learning the traditional language of the region. That was one of 18 schools around the State participating in the language program, to restore pride and a love of learning and to acknowledge their culture. In Forster the local primary school had won an award from the Director-General of the Department of Education for outstanding results in Aboriginal education. If I were exploring this, I would want to know whether the gap between Aboriginal and non-Aboriginal performance in basic literacy, measured by year 3, 5 and 7 tests, had continued to close. If I were Premier today, the other key indicators that I would want kept for me, and updated every month, would be the literacy outcomes, the imprisonment rates and the health indicators.

The Hon. SCOTT FARLOW: Mr Carr, did you track those figures while you were Premier?

Mr CARR: Yes, but I have not had time to research them. I do not have access to the files and I would need to refresh my memory. I would guess that there were areas of very hopeful progress but also areas where the disadvantage that Aborigines suffered remained stubborn. That is why we introduced circle sentencing. My understanding is that circle sentencing, a very positive initiative, has not achieved the turnaround results we might have hoped for.

The Hon. BEN FRANKLIN: I would like to talk about 1997. The "Bringing them home" report was a lightning rod for the broad range of Aboriginal issues. The apology was welcome and a proud day for people across the political spectrum. I acknowledge your leadership in that. I also acknowledge the range of your achievements that the Hon. Shaoquett Moselmane referred to. Have you any comments to make about the consultation process that you went through for the apology and the broader range of initiatives that you implemented? We are here to look at whether other things can be done that have not been done. I will get to that in a moment. You ran through the gamut of issues that you wanted to focus on. There is nothing more important than ensuring that Aboriginal people have ownership of what the Government is doing and feel that it is working in harmony with them. Do you have any comments?

Mr CARR: No. It was almost 20 years ago and my memory has faded.

The Hon. BEN FRANKLIN: I understand.

Mr CARR: I do not recall hearing a complaint that we were forcing anything on people. That was my impression before I stood up before the Parliament and enjoyed the honour of making the apology on behalf of the Parliament. My argument was that discrimination against Aborigines had been enacted in the Parliament—the forced separation had been made possible through adoption legislation as recently as 1965. The apology in the Parliament was entirely justified for that reason. I think the Aboriginal community was moving with us. Certainly they were ready to step into the Parliament on that most memorable and moving occasion and participate in it. They were ready to tell their stories.

CHAIR: When the "Bringing them home" report was released, powerful connections were made. People saw the long-term, intergenerational impacts and how broadly the removal of children had affected Aboriginal people across the country. You reported in a holistic way and defined a whole-of-government and Cabinet process in response. Are you able to inform the Committee of the Government's perspective when it received such information and began to comprehend what a task it would be to respond to that report?

Mr CARR: The stories drove the process. They were heartbreaking stories. I remember one story of a brother and sister being taken from their mother, being separated and the brother being subjected to sexual abuse in the home where he was placed. The stories were grotesque. People were not making them up. When the then Minister for Aboriginal affairs in the Federal Parliament made provocative statements about there not having been a stolen generation, we felt an extra obligation to act. The then Prime Minister, no doubt sincerely reflecting on these things, also wanted to maintain an argument that the separation was benign.

I believed that that was precisely the wrong approach to take, and so did the leaders of the Liberal Party and the National Party in the Parliament, to the best of my memory. That was confirmed when both of them joined us in 2000 on that symbolic march for reconciliation over the harbour. Large numbers of Australians participated—but not the Prime Minister. The New South Wales political parties were united in making a point. The apology having been made, we wanted to move on together. That was a great moment.

CHAIR: When you were Minister for Foreign Affairs, how did the rest of the world view Australia's history? We know there have been United Nations reports about the treatment of and disadvantage experienced by Aboriginal people. Did you ever encounter comments or questioning about that from other world leaders?

Mr CARR: Once that I can recall, and it was very positive. I was before the United Nations ambassadors of the 14 Caribbean nations. The organisation is called CARICOM. It was in New York. I was there to pitch the case for Australia to become a member of the Security Council. I am talking to professional politicians here. It was like appearing at a branch meeting, knowing that if you won them over you would walk out with 14 votes in your pocket. It was like one of those big families that have joined a branch, Shaoquett.

CHAIR: It doesn't happen on the other side of the House.

Mr CARR: I had the honour of pitching the case. They saw Australia as an ally on climate change, on protection of the marine environment—and I was able to proudly say that I had declared the first marine national park—and on support that they wanted for a little monument to the transatlantic slave trade, which had been instrumental to the formation of their nations. We were sponsors of the arms trade treaty to rein in the growth in small arms around the world. That was their check list. They saw Australia as their champion on climate change, the marine environment and the small arms trade treaty. They were very happy with that.

Kevin had announced our support for a monument to the transatlantic slave trade. Dessima Williams, the ambassador of Grenada said, "Mr Foreign Minister, the nations of the Caribbean have resolved, once again, that all our votes will go to Australia. You referred to the things that concern us. We welcome your support for the monument to the transatlantic slave trade, but we expected no less from a country which had delivered The Apology." It was capital T, capital A for The Apology, as if everyone in the room knew what that was.

The apology to Aboriginal Australians delivered by Prime Minister Kevin Rudd, again with the support of all in the Parliament, had resonated halfway around the world, to the Caribbean. It was wonderful. It was a great honour to hear that endorsement of one's country and its policies. It confirmed that that historic apology had resonance, especially for people of colour, around the world.

The Hon. COURTNEY HOUSSOS: It is interesting that you raise the topic of a monument. I know that when you were Premier you established a memorial to the Armenian genocide, here in Parliament House. Given that this was the first Parliament to apologise to the stolen generations, would it be appropriate to have a memorial here to that period in our history?

Mr CARR: You can examine that. The cautionary note I would add is that memorials are worth doing only if they are well done. Down the road there is a memorial to the Great Hunger, the Irish famine. That story is told in an arresting way. That was worth doing. We cannot memorialise everything in our history. We cannot memorialise everyone who deserves it. Think about it carefully and infinitely consult Aboriginal people.

CHAIR: What about public education? Do you think there is awareness throughout the population of the importance of that part of our history and its impact on our first people?

Mr CARR: I do. I remember being in Western Sydney once, when a local member had organised for me to meet the school captains of a primary school. I said, "Isn't it interesting that you can see the Blue Mountains on a day as clear as this, and you think about the explorers who crossed them: Blaxland, Lawson and Wentworth. Those names were drummed into me when I was at school. We now know that it is ridiculous to talk about them as the first humans to cross the Blue Mountains." I have never forgotten what the school captain said. He spoke as if he were conveying some wisdom to a rather thick Premier. He said, "No. They were simply the first to record that they crossed the Blue Mountains." I thought that if a primary school student has absorbed that truth about our history—that the white explorers were not the first to chart this country—then something must be working in our schools.

The Hon. SHAOQUETT MOSELMANE: This inquiry is dealing with reparation for the stolen generation in New South Wales. The Link-Up NSW Aboriginal Corporation [Link-Up] submission states that reparation should include acknowledgment, an apology, guarantees that there will be no repetition, restitution, rehabilitation, and monetary compensation. Are there any other measures you can think of that would be significant as part of reparation to the Aboriginal people who suffered?

The Hon. BEN FRANKLIN: That list is the definition of reparation in the "Bringing them home" report.

Mr CARR: I would like to give that more thought. It seems to be comprehensive.

The Hon. SHAOQUETT MOSELMANE: You can take that question on notice, and if you think of anything, please advise the Committee.

Mr CARR: Yes.

CHAIR: One of the points that emerged from the "Bringing them home" report and subsequent reports is the impact of that disconnection from country and culture. I know that you have a great understanding of that because you did some amazing work in restoring and reinvigorating cultural connection. Is that a bigger issue than perhaps we understand in terms of the longitudinal effects of that separation? Do you have a sense about that given the work you have done?

Mr CARR: I am only beginning to understand the scale of this. I have just finished reading a book by Australian historian Bill Gammage entitled *The Biggest Estate on Earth*. It is the first book I have read that examines the scale of the land management undertaken by Aboriginals. He records how every settler, explorer and artist noted the park-like nature of the Australian countryside. Not only did they use fire to achieve this outcome, but they also used it systematically and scientifically with a deep knowledge of the land and its plant life. According to the book, they did it not only on the coast but also from one coastline to the other. Even central Australia shows confirmation of this land management. This was a revelation to me and I tracked down the author and spoke to him about it.

I began to think about the care, the detail and the scientific nature of that land management. If you do that, it tilts your appreciation of the people who were here for 40,000 or 50,000 years before Australia was anchored to the European or western world—or what we see as the modern world given our linear view of history. I recently went on a tour of Aboriginal sites in the Royal National Park. If you could think of a road we all know running through the park on the ridgeline, Sir Bertram Stevens Drive, as a songline that connected some of these sites, all of a sudden your view of what they were managing is radically shifted. That is where I am now in my thinking. I was at a function out towards La Perouse this morning and the welcome to country, which was given by a local Aboriginal who described himself as a Dharawal elder, had much more meaning for me having devoured this book and seen some sites and reflected upon them. I recommend the book.

The Hon. BEN FRANKLIN: What is the book?

Mr CARR: It is *The Biggest Estate on Earth* by Bill Gammage.

CHAIR: Does that change our perception of what it would mean to be removed and to lose that connection that had been in existence for tens of thousands of years? Is that a stronger link than might have been

realised in the past and does it change our perception of the intergenerational impact that would have had and the cultural disconnection?

Mr CARR: Yes, it does. It opens your eyes to the perspective that the land was cultivated in infinitely more detail—it was nurtured in infinitely more detail—than our imaginations have ever grasped. According to schoolbook history, the whites arrived bringing civilisation and there were a few blacks sitting under trees next to huts with spears who confusedly uttered their disapproval. That was that. What if you reflected that every hectare of that land had significance for them and played a role in sustaining their life? It was part of their understanding that it would be brought to life at the appropriate time. The sandbar at Port Hacking was there and the orcas arrived driving in fish and the people waded out with their nets.

They believed that the orcas had done this favour for them because the males had conducted a ceremony on a rock which had depictions of orcas. I inspected that rock a few weeks ago. At that point you can understand what a rupture it would have been. It would be comparable to an arrival from outer space rupturing our culture. I am just beginning to get an understanding of this. Our Indigenous citizens have shown a great deal of forbearance and patience as we have tried to see what they stood for and what shaped them with our perspective of civilisation, a lineal concept of itself, antagonism towards the natural world, and a view that only one way or one culture is worthwhile.

CHAIR: That is interesting because there is now an issue around cultural fishing rights and Aboriginal people saying that non-indigenous people do not get that it is not only about resources and whether we have bag full and how many we have but also about how we live and how our way of life is connected. It is the narrowness of the way we view things rather than the broad expansive view of Aboriginals. We need to turn 180 degrees to understand a different way of looking at the world and our place in it. I am hearing from you that that awareness needs to change.

Mr CARR: To be self-critical, I was not thinking about these things when I was Premier. However, a bit of current reading and a few site inspections—

CHAIR: If you do not mind me saying it, I think you acted as though you did.

Mr CARR: I appreciate that.

CHAIR: You delivered such important outcomes.

Mr CARR: I appreciate that. However, I think I am moving to a deeper understanding. It was literally only two weeks ago that I was in the Royal National Park looking at these sites. They are not protected. I would hate to think that in 50 years Australians had the same view about the fading of this heritage that we have today when we think of the sandstone Royal Exchange Building in Bridge Street having been demolished five years before we had a Heritage Act. There were some beautiful buildings around Ryde which only the National Trust championed and which were demolished before we had proper heritage legislation. The sites I inspected were exposed. They should be under a Perspex cover. They are very vulnerable to vandalism as well as the elements. It would be terrible to think that because they were so diffuse we allowed them to disappear. I think we would deeply regret it as a people if that happened. Now, 50 years or 100 years later we reflect deeply about the unique people who held the land before we arrived.

The Hon. SHAOQUETT MOSELMANE: During the National Indigenous Human Rights Awards ceremony it was pointed out that we still do not fully comprehend how Indigenous Australians feel about the loss of their land. One of the speakers said that they have not and will not cede rights to their land. That is a fundamental view. How do you address that in the context of a relationship between Indigenous Australians white Australians?

Mr CARR: We can only see it in terms of the global view. From 1492 there was a huge surge of energy out of the western European peninsula. Something the DNA of Europeans had them surge out in a short space of time—let us say between 1492 and 1788. Let us count the areas they colonised: the continent of South America, all of Africa; Australasia; the subcontinent of India; and North America. In all of this, Indigenous people were cruelly displaced. The displacement of the Aboriginals is one of those stories. In some categories it was done with even greater cruelty. At least by 1788 the Europeans were beginning to think of the horrendous crime that chattel slavery represented. What we are doing must be seen in a global context. It is a process of reconciliation between the people who took the land in a burst of energy, creativity and cruelty, and the people

with an inconceivably long history with the land who were suddenly displaced. It is something we must continue to work at as a people.

The Hon. BEN FRANKLIN: This is not an inappropriately political question; it is a genuine question and I am genuinely interested in your response. You are the longest serving Premier of New South Wales, and obviously a very successful one. Do you have any regrets in this extremely important policy space, or do you think you could have done anything differently?

Mr CARR: Two things come to mind. One is that I wish I had responded to a little campaign that was going on about having a heritage order placed on the building where the 1938 protests emerged. The view I took was that something significant had happened in what I think was an Edwardian building in Elizabeth Street. However, I did not see that as justification for saving what might not have been by other considerations a heritage building. My current thinking is that I should not have been squeamish or reluctant. That little protest that the Aboriginals mounted in 1938 during the sesquicentenary celebrations was enormously brave and very prophetic.

For the first time in our history, Aboriginals were saying, "No, we are part of this narrative." They dressed up in their Sunday best and stood on a street corner while the great procession celebrating white achievement went by. I should have accepted their argument and slapped a heritage order on it and left it to someone else to mop up the details. The other thing that worries me is Aboriginal imprisonment. If we had repealed laws that allowed police to throw a net over Aboriginal males in country towns and take them into captivity would we have reduced that rate?

For example, were the laws on offensive speech—that is, on swearing—getting Aboriginal youngsters caught up in a situation where they were resisting discipline by the police or cautions by the police and getting hauled into the justice system? I do not know the answer to that, but that is one area that I would want to explore with a view to whether we might have done more. But certainly when you visited prisons it was very sobering to see visible before you the overrepresentation of Aboriginal youngsters. What would be worse than being stuck in jail? Maybe it would have required some bravery to have taken powers off the police especially in a situation where law and order issues were running more strongly than they are today, 20 years on.

CHAIR: We have heard from a lot of people in their submissions about the current situation with children in out-of-home care, the fact that it seems to be a continuing issue and why it is not being addressed in a better way to avoid 37 per cent of those children being in care—6,000 or equal to the number of children forcibly removed over 50 years are now in care. These are the same issues: What can we do now to make sure that in 20 years we will not be seeing increased numbers?

Mr CARR: The short answer to your question is I threw in the symbolism of the conservation order to make amends for not having acted on that. I should have acted, but the bigger policy question is: What might we have done with the criminal justice system to have staunched the flow of young Aboriginal males into its mores? On health and education and on recognition of land rights I think we were moving with all speed, but that one does worry me.

CHAIR: I have a final question on the response in this report about compensation and the later issue of stolen wages in the report from 1998, the New South Wales response. The statement is made that compensation is not a matter for the States; it should be a Federal matter. Did you have legal advice at the time regarding that? I am sorry to leave questions on money till last, but my second question is about stolen wages. The opportunity to make claims seemed to end abruptly and we have submissions saying so many people did not know that the opportunity was available so the trust moneys that were held were no longer available to either the recipients or their families. Would you like to reflect on those two issues?

Mr CARR: I am very proud of responding on the stolen wages, but you are implying that somehow that initiative petered out because the potential claimants were not aware of what they could do.

CHAIR: No, I am wondering why it did finish on a set date.

Mr CARR: I am sorry I cannot answer that, no. I thought of our initiative when I heard on radio only recently that Western Australia is just catching up. It is a shocking scandal. You might get advice out of the archives of the Premier's department on what the legal advice was on responsibility for potential compensation.

CORRECTED

CHAIR: Thank you so much for coming along.

Mr CARR: It is a great honour.

CHAIR: It is a great honour to have you appearing before us today. Obviously, you still have very strong views and support achieving these outcomes.

Mr CARR: I will be checking that you have read the Gammage book.

(The witness withdrew)

(Luncheon adjournment)

TERRY CHENERY, Chief Executive Officer, Link-Up NSW, affirmed and examined:

CHAIR: The committee has received your submission. Would you like to make an opening statement?

Mr CHENERY: I would like to acknowledge the Gadigal people of the Eora nation and acknowledge that I am a visitor to their country and the land on which we meet today. Thanks to the Committee for the opportunity to provide evidence and I give my apologies for my board members.

The Hon. SHAOQUETT MOSELMANE: With regard to your submission, page two, in the list of reparations—you have that in front of you?

Mr CHENERY: Yes.

The Hon. SHAOQUETT MOSELMANE: What else would you like to see as an appropriate form of reparation?

Mr CHENERY: Mostly the reparations that are required, in my view, are nonmonetary, in that sense. I think the word reparation should almost be "repairation". There are still too many families that struggle with the effects of that. It would be totally inappropriate for me to speak on behalf of other community members. Locally solutions have to be developed for local people and for any government department or organisation such as myself, I would not want to be specific. Healing is the main component of what is required and that needs to be broad scale.

The Hon. SHAOQUETT MOSELMANE: Is that a view shared by other indigenous community organisations that you may have discussed this with?

Mr CHENERY: I would think so. Anecdotally it is probably the most commonly discussed issue. There is certainly no consensus on how to do it.

The Hon. SHAOQUETT MOSELMANE: Any additional matters that you would like to see added? This is a list from the "Bringing them home" report but are there any other things that you would see as a potential form of reparation?

Mr CHENERY: It is an observation more than what I would suspect would be reparation, but the non-government sector find it very hard to compete with the public sector in the recruitment and retention of Aboriginal staff. Most people who have gone from the public service to the non-government sector feel quite fulfilled in their role because they are having a direct contribution to their community rather than through a bureaucracy. If the NGO sector was opened up then the ability for people to have meaningful work would fix a lot of families.

The Hon. COURTNEY HOUSSOS: Leading on from your initial response and from your submission where you say that monetary compensation might not be the best thing to heal the trauma caused, you conclude by focussing on the issues of psychological healing. What are the things we should be focusing on, not necessarily the expense of monetary reparations, and that should be prioritised by the Government?

Mr CHENERY: What I find is within the healing weekends that Link-Up runs often for first generation stolen generation members it is the ability for them to gather and chat and do so without fear, to do so with people who have experienced a similar traumatic event and, dare I say it, get away from their normal lives. Quite often these people are now grandparents and looking after their grandchildren. Their children may have substance abuse issues. To be able to wind down and relax is a major contributing factor to people's stress levels and it is no different to anyone around the table in that sense. Being able to do so with people of a similar cohort is very beneficial for them. I would suggest that is one of the main issues for the first generation stolen generation. Obviously subsequent generations have to be looked at in a different light.

The Hon. COURTNEY HOUSSOS: When touching on that you said, "What healing looks like needs to be decided by Aboriginal people themselves." Would you expand on that for us? The healing weekends and the ability for that cohort to come together are important, but do you have any other substantive things that we can encourage?

Mr CHENERY: My comments in the submission should be taken on the basis that we speak globally and generically. For example, any likely reparation, if we use healing weekends as an example, may be totally different between Lismore and Coraki to what it is for Wallaga Lake. There may be special places in the area they live that they no longer have access to through private landownership, national parks for ceremonies and so forth. Each and every community needs to be able to tell the Committee this is what is special to us. To provide you with a semi decent list would be the work of 10 people full-time for a year and they would probably only scratch the surface. Again, what is important to the first generation stolen generation may not be what is important to someone like me who has a totally different upbringing. If you were to go to Wallaga they may say a particular part of the river they no longer have access to, or they may not be able to fish traditionally or the way they want to because of commercial fishing, for example. That is what is meant by local issues. It is impossible for anyone, no matter who they are, to sit at this part of the table and try to give you any definitive explanation for that.

The Hon. COURTNEY HOUSSOS: I have one final question. Thank you for your submission, it is concise and comprehensive. It is an excellent submission. One of the issues you touched on was that of the increasing numbers of Aboriginal children in out-of-home care. We heard from the public servants this morning, FACS, saying that approximately 76 per cent of children in out-of-home care are placed with Aboriginal families or with kin. In your submission you outline that data is not actually available publicly in New South Wales.

Mr CHENERY: Correct.

The Hon. COURTNEY HOUSSOS: In light of that are there other issues? The two things that came out of the testimony was the 76 per cent figure but also the fact that there are now increasingly Aboriginal NGOs that are helping to place children. Is that ameliorating any of the problems you have highlighted in your submission or are there other things we need to consider?

Mr CHENERY: I do not think there would be any doubt that the involvement of Aboriginal non-government organisations [NGOs] is improving child placement principles. I have no evidence for that, apart from the fact that I have previously been the chief executive officer of an out-of-home-care agency. It is probably fair to say that even if it does not ameliorate or improve it as far as statistical data, those children who actually do exist in the world of out of home care with an Aboriginal agency and Aboriginal carers and Aboriginal workers certainly would have a more fulfilling component of their life made up through their culture. Statistically it may, and again I have no proof of that. Certainly the transition process from FaCS to NGOs has occurred. The percentage of children still in out-of-home care that are not in an Aboriginal agency is still overwhelmingly high. The lack of Aboriginal authorised carers contributes to that.

So, to be brutally honest, and as I have said on numerous occasions over the last couple of months, FaCS are one of the greatest friends of Link-Up New South Wales. I cannot complain. The secretary Michael Coumts-Trotter and his delegates are always happy to work with us and to see what can be done. From a relationship point of view, certainly for Link-Up New South Wales it is wonderful. The transition to out of home care to Aboriginal organisations though is not even close to keeping up with the number of children coming into the system. That is the real issue. As I have said on previous occasions, I try not to draw a correlation between the number of kids coming into care currently and the stolen generations. There is almost an identity from the actual stolen generations—they identify themselves as members of the stolen generations. I would hate to think that a baby or a child up to the age of 18 would currently identify with that, simply because the system now actually has their cultural identity built into it—how well that is done is a different matter.

CHAIR: Do you think anything about the increasing numbers of Aboriginal people in out of home care has anything to do with the history of forced removal and the impacts of that across the generations?

Mr CHENERY: I probably cannot state strongly enough how closely I think that there is a direct correlation between the two. I think it is directly caused by that.

CHAIR: Does that knowledge we have had since the “Bringing them home” report of that correlation, and the fact that there needed to be a lot of work done in identifying the people who may be at risk, which has not been done, mean therefore we are in the situation we are in now? Can we change that now?

Mr CHENERY: In answer to the first part of your question, absolutely—you are correct; it is a direct result. Despite the best attempts and the recommendations, I would not say that there has been a great

achievement. It is nothing that I would be proud of—no matter which part of the system I worked in. Can it be changed? Yes, it can. But it is a long-term structural view of both society, government and community. In my view, communities have a responsibility that they do not uphold. There is not a lot of responsibly taken by those concerned. Ultimately Government cannot change an individual. Society cannot change an individual. Change needs to come from within. But you have to have self worth to do that, and that is what is lacking in so many communities because they are still seen as second rate.

CHAIR: So when you say communities you are referring to Aboriginal communities?

Mr CHENERY: Yes.

CHAIR: And you are saying that they do not have the capacity or they are not exhibiting the capacity?

Mr CHENERY: The capacity exists but you cannot change everything yourself—you can change yourself but at the end of the day if you are living in a community where there is very little or no educational opportunity and very little or no employment outcomes then you are going to be the same person in the same place. Yes, you can have a very happy community without those things; but children with social media now see everything else that everyone has. You are not going to find that. I certainly will not be naming particular communities. But there is a big wide world out there. Effectively if you go to school and do well in your education then you are unlikely to stay in your home town. So there is a brain drain from that community, and therefore also goes the work.

If that child, or adult for that matter, comes back to that community, and I do not want to diminish the excellence that individuals and communities may achieve, then they may be seen as an upstart. They may be called coconuts or uptown blacks or whatever. So there is little incentive for people to go back to their own communities and to try to succeed in that community. It is a balancing act. Whilst ever we have communities where there is that lack of social opportunity, it does not matter how much we put in there because at the same time that community needs to grow or it will fail. Being static does not work; it has never worked.

The Hon. SHAOQUETT MOSELMANE: In your submission at recommendation No. 1 you talk about meaningful consultation and you say that there is a need for a body to be formed. What is the basis of this recommendation? There are many community organisations and bodies that exist already. Could they take on this task? What is the basis of that recommendation?

Mr CHENERY: A lot of it is historical in nature. Even though some of the consultative groups have not really been effective, that is all Aboriginal people had. I was not around in any kind of senior role when the former Commonwealth authority the Aboriginal and Torres Strait Islander Commission [ATSIC] was around, but people took to that and they thought, “That is ours. We own that”. For all its failures, it had some wins as well. It was one of the first times that Aboriginal people said, “We are, to some degree, in control of our own destiny.” Some funding was granted at the discretion of ATSIC. People believed that they had a voice for the first time. Rightly or wrongly, and I make no comment on it, ATSIC was abolished. This henceforth ended any view that Aboriginal people had that they were part of the process. Again we were an outsider in that sense.

In New South Wales the Aboriginal Justice Advisory Council [AJAC] was formed, and effectively that was an independent council to advise the Attorney General. I have the wonderful good fortune of being the former executive officer of that organisation. It was made up of independent councillors from the former ATSIC regions in New South Wales. They had the ability to provide independent advice to the Attorney General. So there was at least a semblance of involvement in the system. Again for all of its failures it had some very good wins. Some former executive officers have done some wonderful things and some wonderful work came out of that organisation. Again bureaucracy got in the way of its independence.

As most public servants will tell you, the days of frank and fearless advice to government are over—that does not exist anymore. When you are on a contact, you tell the Minister what they want to hear. As I have previously commented, if you provide a good news story and a Dorothy dixer then you will keep your contract and you will do well. If you provide advice that makes the chief of staff think about what they have to do then you can almost see yourself visiting court to get your payout.

The Hon. BEN FRANKLIN: You are talking about governments of all persuasions here I take it.

Mr CHENERY: Absolutely. I totally agree with that. I have worked for different governments in different roles and it is always the same. Again I am not making a negative comment about that—that is just the world we live in. At the end of the day, the system is the system—you try to get the best system that you can but there are only so many dollars to go around; that is the world we live in. So from a consultation point of view, and a true consultation point of view, whatever role we had has now gone. For example, AJAC turned into the Aboriginal community consultative groups in the Attorney Generals department. They were supported by public servants and they all tried to the best job they can.

But there is no way that you are going to get a public servant go up to their director, executive director, deputy director-general or assistant director-general, director general, ministerial executive services unit or adviser to the chief of staff to the Minister with an issue to be fixed. I am assuming just there that there are seven or eight hands that a brief has to go through. All the tough stuff is going to get washed away from that. The only way you will bring up the tough stuff is when you are drafting the hot topics for the Minister so that when they are sitting there at question time they can pull out from the folder that particular response.

The Hon. SHAOQUETT MOSELMANE: So how do you conceive that an all-Indigenous, all-Aboriginal, all-Torres Strait Islander committee would be able to bypass all these hurdles you have talked about?

Mr CHENERY: If it is truly independent and funded correctly, and I am certainly not trying to feather anyone's nest, then it is no different to the benefits that we enjoy today of having this inquiry—it is just that it can be done all the time. I imagine that Mr Jason Ardler, the General Manager of Aboriginal Affairs, indicated this morning that we used to have an Aboriginal CEOs group in New South Wales and there was a stolen generations member who would sit on that. It still was not great but we did have all the people who had all the power around the table at once. The stolen generations member could always sit there and go, "You don't know what it's like," or "That doesn't work". If you did have good Aboriginal representation in a committee that certainly was not executive in any function because I know that would not be able to occur, but there are certain things that only Aboriginal people can tell you.

What used to happen was that, while certainly we would not get the Cabinet minutes, potential changes of legislation and so forth would go through the AJAC. We would be able to comment. That does not occur anymore; it is all done by Aboriginal Affairs and the agencies, certainly for Cabinet minutes and that sort of stuff. If nothing else, it gives a semblance of involvement—and that is the key issue. Aboriginal people, like everyone around the world, want to feel that their voice is heard. If it is not done separately to government or the public service, we will never go, "I sit here and I believe that they are acting in our best interests." The difficulty you then have is who do you choose and what forms does it take—what authority, for want of a better term, do they possess?

The Hon. SHAOQUETT MOSELMANE: You speak in your submission about the ignorance of the general public about Aboriginal history and so forth. There has been a significant effort in terms of education and in terms of school curricula and various forms of educational programs to ensure the public is aware of Indigenous issues. What steps do you suggest to potentially overcome this public ignorance of Indigenous matters?

The Hon. BEN FRANKLIN: Before you answer, can I just jump in here. This is obviously about your recommendation No. 3. I would like to add to the question, because I was going to ask exactly the same question. Is recommendation No. 3 predominantly talking about people within the sector who are going to be influenced by or influences on these relevant issues or are you talking about the public more broadly? If so, I am also very interested to hear what you think can actually be done in terms of implementing that recommendation?

Mr CHENERY: To answer the latter part first, if I may, people working within that system and around that system are obviously members of the public. I like to use a term which I coined a few years back, which I hoped would gather some momentum but which never did, "cultural awareness by osmosis". I have some wonderful friends, people who I would probably never meet in my normal field of life. By chatting with them and observing them, I just learn so much more. Sometimes a lightning bolt hits you and you think, "I never knew that." I think it is the same in this case. What that means is that we still need to increase the participation of Aboriginal people in all facets of life. I can sit at a bus stop and see the same person every morning but never talk to them because I am in my own little world. In a social structure and a professional structure, eventually those walls break down over time. So it is both. In a professional sense we need to increase the knowledge, and certainly we want to enhance peoples' curiosity.

Back to your original question, we have some educational components to what we do, but if you look really hard, yes, we have an Aboriginal curriculum. I can pretty much tell you that every school you go to—credit where credit is due, a lot of private schools do well in this area. A lot of our public schools do well, but to use it as a whole, there is a component that you must do, and quite often what you do is have NAIDOC Day. There is your 7½ hours. You truly need a curriculum that places Aboriginal culture within the things you are studying. When you are learning math, maybe there is a component that could be placed in math. That is for Aboriginal people as well as non-Aboriginal people learning about Aboriginal culture.

The Hon. SHAOQUETT MOSELMANE: Or science or environmental studies.

Mr CHENERY: Absolutely. Science is a good one. Math is a reasonable one. Our kids love to play football and netball, like any other kid, but if you engage a child with what they want to do—the saying goes: Find an obsession, turn it into a profession and you will never work a day in your life. Hence our kids try to be rugby league stars and netball stars. They do not understand that when they kick a ball there is force, there is momentum, there is energy, there are opposing forces. If you use that sort of thing in your curriculum, that is the one side to engage Aboriginal kids. The other side of that is if we can work out how to put the throwing of a spear or the seasons into the curriculum that people have used for 60 or 70,000 years, then non-Aboriginal people get to learn some of our culture as well. If it sparks one child in one school, then the snowball begins.

As I attended here and as I leave here today, for one person not to say, "There goes an Aboriginal person", is great because I am just a person like everyone else. At the same time, most people—and hence this is the ability for people to understand Aboriginal culture—would not look at me and say, "Wow, there is a really successful black man", because I am just someone else in a suit in the city, and that is wonderful. Everything we hear on the television and in the media is negative. That reinforces what we do. We see and hear our stories on television and Facebook is a classic example. The only thing about the Melbourne Cup was the lady in the blue dress pushing over a police officer. I do not know how many people were there having a great time who behaved themselves and had no drama. We do not see that. We heard about the couple of horses that were injured. We heard about Michelle's wonderful triumph and how a lady won the Cup. That is wonderful stuff. I do not see that as extraordinary. It is a natural progression. A lady was always going to win it but it is a matter that they are unrepresented in that field. It is same with Aboriginal people.

The Hon. SHAOQUETT MOSELMANE: I can say that in respect of my Arabic background and being involved with multicultural communities, there is little exposure or interaction with the Aboriginal communities. Also, there is little knowledge. I have opportunities to speak and I start by acknowledging the elders of the land. There is interest. People ask "What he is saying? What is happening?" because we are not exposed to this. I do not know whose job it is to address this. There is not necessarily ignorance, but a lack of information that has been passed on to other communities.

Mr CHENERY: There is a difference between choosing to be ignorant and just being ignorant.

The Hon. SHAOQUETT MOSELMANE: Yes.

CHAIR: We are talking about the stolen generation and that everyone should be aware and understanding of the issues. "Bringing them home" was less than 20 years ago. The education programs that were put in place, anyone over—whatever age—did not get that education. I am shocked that there are people I know who are very aware on so many levels but do not know this history. They ask, "Why do I not know that?" There is an idea that there needs to be more public understanding about what happened and its impact. When reading these reports, the relationship between what was done and its impact is so clear and obvious, but people see stuff on television. If they questioned the rates of incarceration, the rates of violence or substance abuse or the number of kids in out-of-home care, they might be a little more understanding. Do you agree with that?

Mr CHENERY: I do, Madam Chair. I can only say again it is a media issue. The media is a capitalist enterprise. They do what they need to do to make money.

CHAIR: Do we have a responsibility to acknowledge that? Should we seek to have an education program not only for young people but for those people who missed out on gaining that knowledge previously? Should it be for the whole of society? Is it that much broader?

Mr CHENERY: To reinforce that, yes.

CHAIR: And for new people coming into the country, so they know.

Mr CHENERY: One side of me says, yes, there is no doubt about that. The rational pragmatic side of me says we are just teaching people something that they may go away and forget. An education, to me, is everything you remember after everything you learn at school has been forgotten. I have had, like many people, 12 to 16 years of education. To be honest, I remember a tenth of it, and it is the practical stuff. I learnt how to speak properly. I learnt how to construct a sentence. I learnt how to do math. The things that stood me well in life is that I am well-mannered and respectful. That is taught by parents and by the community around them. If it is not reciprocated, it is hard to keep that up. That is what I said before about community. It is very, very hard in a disadvantaged community to keep your chin up. When someone gets something, someone else wants it, but there may only be one opportunity in one community.

I do not think I can excise the role that a community plays in a stolen generation member's life, because that is all they have in many instances, and the community they had was sometimes those other kids in those missions. The shared experiences which is why it is so important for them to get back together. Some of the best times I ever have in my life is when I catch up with a mate that I have not been to school with for 15 years and we sit there and talk rubbish. It is just nice. I think that is what the experience of members of the stolen generation would be as well. It is just nice to sit there and be able to shed a tear, if that is what is required, with somebody else who knows what you have been through. I can give someone a cuddle. I can give them a hug and say, "I am sorry. What can I do for you?" Quite often, two members of the stolen generation will have a cuddle and a tear, and they will end up laughing. It is probably common for most people who are in a similar boat. You will have a tear and you will say, "Remember the time that matron did such-and-such", and it will go from that. I cannot give them that, only members of that couple can provide that.

The Hon. SARAH MITCHELL: In relation to that and the education and the support networks, your recommendation 5 suggests having a single centre for Indigenous research, with a hub and spoke model to other remote areas. I thought that was really interesting because there are certain iterations of that and you have mentioned a couple. In terms of sharing those stories and not only within Indigenous communities but also within the wider communities, that could be a powerful tool. Did you want to talk a little bit more about where that thought process was for that recommendation?

Mr CHENERY: That process came from my own board, I must say. We are a very fortunate organisation in that we have got a lot of history. The board have always wanted to open up a cultural space. As chief officers do, they often sit there and say, "No, you cannot afford it", and we cannot. They are still keen to make it happen, but you cannot make it profitable unless it has, one, the exposure; two, the money behind it to get started; three, people through its doors; and, four, location. To be brutally honest with you, we missed a great opportunity with Barangaroo. It may happen down the track, I do not know, but the gateway to Sydney would have been a perfect opportunity. I could provide one underneath my building. If I bought the bottom half of my building and provided a cultural centre, fantastic, but it is limited in what I could provide. I would not be able to get school groups through, for example. If you go in a school group, do you charge them \$10 a head? So you might get \$500 today, but the outlay and upkeep of these places is incredible. How do I then do that and acknowledge Wiradjuri as opposed to Anaiwan as opposed to Gadigal, as opposed to Tharawal, or Ku-ring-gai. They need to be—

CHAIR: Everywhere.

Mr CHENERY: —placed where communities say, "That is the right place."

The Hon. SARAH MITCHELL: Do you see it tying into research centres?

Mr CHENERY: That is my preference.

The Hon. SARAH MITCHELL: I think that would be an interesting component. Then it would have a dual purpose.

Mr CHENERY: I do not know if this was happening, but I am aware that Danny Gilbert, partner of Gilbert and Tobin, as part of the Reconciliation Action Plan—and I have talked that up a little bit because I was part of that as well—was going to fund the inaugural chair of indigenous studies at Sydney uni. As it works in a capitalist environment, business is not great, so it is not what you are going to throw money at because you need

to preserve your funds to continue to pay your partners and grow your business. Again, that is totally normal. They are the things that need to happen but we are reliant on the commercial world to do that for us. If the commercial world is not operating well, it is the first thing to go. I do not have a problem with that, by the way, because that is part of corporate and social responsibility that a lot of places have, but it should not fall on private enterprise to do that.

CHAIR: Is that the law firm that is supporting justice reinvestment now?

Mr CHENERY: It would not surprise me if they were. They have a wonderful corporate social responsibility program.

CHAIR: I think that is right. I will check. I wanted to ask you about the funding. If we look back 20 years, funding was allocated to Link-Up. I am interested to know what funding you get today.

The Hon. COURTNEY HOUSSOS: Before we move on, can I ask a follow-up question on the research? Are you aware of the Government's commitment for a Western Sydney Aboriginal Centre for Excellence?

Mr CHENERY: ACE, yes.

The Hon. COURTNEY HOUSSOS: Do you think that would be an appropriate place for the research centre to be located, a centralised hub for the spokes of the research centre?

The Hon. SHAOQUETT MOSELMANE: And is it like a think tank.

Mr CHENERY: I will go to consultations in the next week or two, so I will find out more. So far as location goes, the most dense and biggest population in the State is Western Sydney. To me, it makes logical sense. It would be perfect to co-locate with a research unit of some description. I am also conscious of the fact that Grafton will say, "Why not us?" Or Wellington will say, "Why not us?" I think it is perfectly positioned. I think the biggest bang for your buck is Western Sydney, full stop, for nearly everything, to be honest.

CHAIR: I wanted to get back to your organisation, the role that it performs, the funding, and whether there needs to be more or do you see that your role could expand to meet what might be a growing need, if you see it as that, or describe that relationship?

Mr CHENERY: I am a non-Government-owned organisation and I would always argue for more funding, without exception. It should come down to how well a business does its job. We run an incredibly efficient business nowadays. Our funding could always be improved because I could always provide more services. We have a backlog of matters in our Family Link Program and, if you want, I will go through the progress. The reunification program is funded by Prime Minister and Cabinet, and this financial year it provided around 36 reunions. If you do the figures, we are funded for first generation, second generation, third generation, fourth generation, and subsequent generations that is worthy in the funding.

Only Treasury and Finance can come up with that. In theory—there is no theory in this one. My mum was stolen generation—first generation. I am second generation. If third and fourth generation and subsequent generations—which means every Aboriginal person—are to get access to my services, third generation children have not been born yet. Given the possibility that a male can father a child upwards of 65 years of age, maybe 70, in theory, the third generation that I could produce is not here for another 20 or 30 years.

Funding needs to be very lengthy if we are going to capture first, second and third generations, at least. If you consider that we have 36 reunions in a financial year, we are not even scratching the surface of the number of people that we are missing. Whilst we have a reasonable amount of funding, I could double my staff and double the reunions. I could have a never-ending waiting list for healing weekends. I certainly will not complain. Like all non-government organisations I find the need to continually reapply for funding painful but I understand that recurrent funding comes with reporting obligations. Beyond forward estimates that is always difficult to organise.

CHAIR: Do you have a way of measuring the effectiveness or the outcomes of what you do so that the Government has an assessment of whether it is getting good bang for the buck when it provides you with funding to deliver the services that you provide? Is there more that could be done?

Mr CHENERY: The evaluation process, which we put in place only recently for the healing weekends—we have now put it in place for the reunions—is subjective in the sense that it is self-reported by the attendee. We ask very simple things. Was the accommodation up to standard? What were your meals like? We can prove that. There are only two questions we can really get something out of: How did you feel at the beginning of the weekend or the reunion; how did you feel at the end?

The Hon. BEN FRANKLIN: How do you do that? Do you ask them to assess, one to 10?

Mr CHENERY: We do. We give them a sliding scale. We also provide a space for a narrative. Without exception, people say, "Wow. I'm really happy. I've met my family." What comes after that is quite interesting. We have three months after a reunion to continue counselling and do referrals and so forth. That is a really tough business rule to put in place, because clients form an attachment to their counsellor. They do not want to be referred on. I cannot have them there with my counsellors forever, because we have new work to get to. The post-reunion thing is very important. I do not have the funding for that so we refer to other NGOs.

If we can, we try to structure it so that the clients go to a GP and get a mental health care plan, if possible. But a lot of Aboriginal people—particularly the stolen generation—do not want to see it as a one-on-one modern construct with a counsellor and a psychologist. They want to sit in a group, such as we have with the healing weekends. Several of my reunions recently have found the post-three-month period tough. They have finally met their family and then the family says, "Thanks. We've met; now we will go on with our lives." There is no continual contact so that familial relationship is effectively back to what it was before. Some people then feel lost again. They say, "I have met my family but they don't want to talk to me."

The Hon. BEN FRANKLIN: The potential is even worse because they do not have that connection.

Mr CHENERY: Hence our healing weekends, because at least you are with someone, and you see them. But they are not cheap. We run three of those a year. They cost around \$50,000, and that is only for 40 people.

CHAIR: Forty each time.

Mr CHENERY: And then there is the question of who you choose.

CHAIR: How do you choose?

Mr CHENERY: We have done it several ways to try to get as broad a mix as possible. We try to get the stolen generation then the first generation, then the most recently reunited. There are clients that we have not even reunited yet, but whom we know we still have to service. If we have not got them their family histories, the genealogy or contacted the others, we do not want them left in a limbo. We do not want them to be in a situation where they have finally contacted Link-Up, and three years later we say, "We have found someone for you." That is not part of the journey we want them to have with Link-Up. We want them to part of this. It also helps my counsellors to assess their suitability and stability to go on a reunion.

The Hon. SARAH MITCHELL: I would like to ask a more general question. In the time you have been with Link-Up how frequently—I am assuming it has happened—are there cases where you have not been able to link people back up for whatever reason? Is that a common occurrence?

Mr CHENERY: It is. To be clear, the people we cannot find anything for are generally found to be non-Aboriginal people. They have a hint or hear a story that they might be Aboriginal. They may have found that they are adopted and they might have grown up in Redfern or the inner city in the 1940s or 1950s, for example. We say, "We will accept that and we will do a stage 1." If we cannot find any Aboriginal history in the family that is where it ends for them, effectively. Those are the majority of the cases that we close without contact.

To some degree we use the balance of probabilities, as opposed to anything else. We look at it and say, "We cannot be 100 per cent certain about this but all the evidence leads us in this direction." Quite often, if that is the case, we end up with a graveside reunion, because we cannot find family or we do not want to say to other people, "Look, this is your brother or sister," and not be 100 per cent sure of that. We say to the client, "We cannot guarantee it. For privacy reasons we cannot introduce you to all these people, but if this is your family

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line, this is where your mum or dad or members of your family are buried." Quite often paupers' graves cannot be located. If that is the case we will take them back to country. We do it that way. But we are incredibly fortunate that we do get most people some form of reunion.

CHAIR: I am sorry, we have finished our time with you. I am sure you are going to get some questions on notice. Thank you very much for your submission and for taking the time to talk to us, and for the amazing work that you do.

Mr CHENERY: Again, thank you very much for your invitation.

(The witness withdrew)

LINDA BURNEY, Member of Parliament:

CHAIR: Ms Burney, welcome to this hearing. I acknowledge that as the only Aboriginal member of Parliament you have some insight none of us has and we look forward to you sharing it with us. This morning we had former Premier Bob Carr as a witness and we all acknowledged the importance of New South Wales having cross-party support for the first apology in this country after "Bringing them Home". This Committee has the opportunity to do some more for the future and no doubt your experiences will inform us enormously. Do you have an opening statement?

Ms LINDA BURNEY: I do and I will try to keep it brief so we have as much time as possible for questions. I begin by recognising country and thanking the Committee for the opportunity to present to you today. My opening statement is both from the personal perspective and has some of the key facts. I would not describe myself as a particularly religious person but I do often use, "But for the grace of God go I" and in many ways that applies very much to my story. I was born in 1957. My mother was a non-Aboriginal woman and my father Aboriginal. They were not married and therefore it was an extraordinary thing in a small country town of 200 people. If it had not been for my great-aunt and great-uncle—who were brother and sister born in the late 1890s, believe it or not, non-Aboriginal people on my mother's side—I could have been a member of the stolen generations.

But those two non-Aboriginal people very bravely took me as a new baby and, probably to their enormous detriment in terms of the way they were treated in a small country town, raised this illegitimate, black girl. I am sure that affected them for the rest of their lives but they gave me enormous grounding in terms of the person I am today. I want to say three or four other things. Firstly, it was in 1883 that the New South Wales Aboriginal Welfare Board was established. In 1915 that board was given legislative responsibility in New South Wales for the automatic custody of all Aboriginal children.

That happened right across this country. That, to me, underscores the absolutely deliberate nature of forced removals and the legal mechanisms in which it happened. The same thing happened in Victoria under the Board of Protection of Aborigines, in Queensland, in Western Australia, South Australia and the Northern Territory. I think it is important that we understand that. There are three dates that I want to mention to you. One of the most extraordinary days of my life, and one of the most extraordinary days in this city, was on 28 May 2000. I had the great fortune of being one of the key organisers of that bridge walk.

We must remind ourselves it was the height of Hanson era and the then Prime Minister refused steadfastly to provide an apology. Over 300,000 people crossed the bridge and I am sure some of you were part of that. We were supposed to open the bridge at midday but we had to keep the bridge closed to traffic until two o'clock because there were so many people. That was in the year 2000. Preceding that I was at the Melbourne convention centre great hall when Sir Ronald Wilson and Michael Dodson launched the "Bringing them home" report; which I think you have probably all seen. That provides a way forward that no government has properly implemented.

The final thing I wanted to say, in terms of my opening comments; the other extraordinary day, and an extraordinary day for our nation, was a day I describe as us being able to exhale. That was the apology on 13 February 2008 in the Parliament of Australia by the then new Prime Minister Kevin Rudd. I was there in the gallery that day as well. I just have this incredible overwhelming vision of that day because the parliamentarians sat where they sat and both the leader of the Government and the leader of the Opposition spoke. There were Aboriginal people sitting around the back of the Parliament, very old people. I saw the most extraordinary thing that I have ever seen in my life that day: when the apologies finished and the heads of Parliament walked around to those people an old woman stood up and gave the Prime Minister a coolamon. That is the vessel that we carried our babies in. I have never seen such generosity. It says to me that we are a nation now that can never say again we did not know. I will leave that as my opening statement.

The Hon. COURTNEY HOUSSOS: Thank you very much, Ms Burney. Your opening statement has been moving for me and, I am sure, for all of the Committee. It encapsulates many of the issues we will have to deal with throughout the inquiry. In submissions we have heard about intergenerational trauma. It is not just a question of first generation members but what are some of the issues that you see that we face with first generation but also second generation and how should the Committee respond to them?

Ms LINDA BURNEY: That is an important question on the lips of all Committee members and it is one of the key things that the inquiry has heard about and inherently understands. Just last week the NITV screened a show that Stan Grant heads up called *Awaken*. I was part of the panel when we did a whole hour on this particular issue. It seems to me that the key to understanding, in many ways, the situation that so many Aboriginal communities and families find themselves in now lies in your question. The stolen generations have to be seen in the context not only of history but from a cultural and a psychological point of view. Culturally there is nothing more important for an Aboriginal person in terms of who they are or their identity. Your whole being is to know what country you come from and who your nation is—in my case Wiradjuri—and to understand how you fit into the kinship structure. That is fundamental.

When that is taken away from a person, or a whole generation of people, as we had here in New South Wales, it throws that culture and that person as an individual into complete chaos. Then you load that up with the historical dispossession, alienation, throw in social justice issues of poverty, child protection and alcohol abuse, and you have the many factors that have been contributed to enormously through forced removal and dispossession. That is intergenerational. That passing on of trauma, which is not particular to Aboriginal people in this country, it is a human thing, but in the case of the stolen generation the devastation of that, because of the break in the cultural connections, cannot be emphasised enough. That intergenerational trauma, loaded up with poverty and dispossession, gives us a very clear understanding and basis for the social justice issues facing Aboriginal people today—be it alcohol, prison populations or housing.

You would understand all of those things. It is not hard to understand, and you see it in other dispossessed populations as well, that intergenerational passing on of trauma. The best way to explain it is that whilst my situation was a little different I did not meet my father until I was 28. On the day I met my father I found that I had 10 brothers and sisters. To find that you went to school with your cousins and you grew up literally 40 minutes apart from a family you never knew because of attitudes, racism and because of a whole range of things, does something to you. That is just my experience. Add that to being dragged away from your family when you are a baby, never knowing who your family is, being made to feel ashamed that you are Aboriginal and less than human and being told the best thing you could do if you are a half caste Aboriginal girl is marry a white guy because you were breeding out the black—that was in Government Hansard in West Australia.

Understanding that part of the social experiment of the stolen generations was about what they described in New South Wales as "smoothing the dying pillow of the Aboriginal race". There was a belief that we would die out. Part of that was absolutely the stolen generations. That is why kids were removed. That trauma does not go away. I talk to my old aunties and my cousins and right across the community and we see the terrible effect of the number of kids in care now and it can absolutely be traced back.

The Hon. SHAOQUETT MOSELMANE: Thank you, Ms Burney, for sharing your experience and the trauma of what you have gone through. I would like to know what you think, in terms of the reparations? The "Bringing them home" report defines reparation as consisting of acknowledgment, apology, guarantees against repetition, measures of restitution, measures of rehabilitation and monetary compensation. Do you see that as sufficient or can you think of other potential reparation?

Ms LINDA BURNEY: Thank you for the question. In many ways, my view about reparations has been a journey. Some of you were in Parliament when I was the Minister for Community Services. In September 2009 in the botanical gardens an apology was given to the forgotten Australians and child migrants. It was an extraordinary bipartisan event. At that point I was the Minister for Community Services. When it came to the notion of direct reparation to individuals, we took the view that instead of having that system, that we set up additional counselling and specific services to support the people who were victims is the only way to describe it of those misdirected views. I have watched the royal commission into child sexual assault that occurred in institutions and I heard on the radio that the New South Wales Government and the Victorian Government have agreed that reparations to victims of child sexual assault at the hands of government or other institutions should take place.

I am of the view that reparations should be an important consideration of this Committee. I am now of the view that reparations are appropriate in this instance. Other States have done it. New South Wales had, at one point, until 2011, what was called the Stolen Wages Fund. The people who were eligible for stolen wages were also stolen kids, but the "Bringing them home" report articulates reparations, not just in respect of monetary reparations, but also acts by governments, acts by various organisations, legislation, including putting a framework around self-determination, putting frameworks around what healing means, national standards for

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Indigenous children under State and Territory jurisdictions and a whole range of other things but, in my view, reparations are about services and legislation. In this case, I think it is seriously important that we consider financial reparations as well.

The Hon. BEN FRANKLIN: We have heard evidence this morning from the department about a class action.

Ms LINDA BURNEY: Yes.

The Hon. BEN FRANKLIN: I was wondering what your views are about that. I do not want to speak on behalf of the Committee, but a lot of members of the Committee are pleased with the fact that there is now an avenue for people to be able to seek redress, financially and otherwise. What are your views?

Ms LINDA BURNEY: I do not know a lot about the class action. I am aware of it, but I am not intimately across it.

The Hon. BEN FRANKLIN: They have not released many details, which we have been talking about today.

Ms LINDA BURNEY: If there is the capacity for class action, provided it gathers everybody that is a worthwhile avenue. I do not know whether it would cover instances where the actual person has passed away, and whether that means that person's family could be included in that class action. To me, an important part of reparations is that many of the children or babies who were stolen under those misdirected policies are not alive today, so we must consider the way in which their families or relatives would be dealt with. That is why I think that the original "Bringing them home" report is quite specific about how a person would qualify, in what circumstances, and who would be eligible. I remember when Queensland did it there was the argument about whether or not it was enough. I know a couple of older women who probably will not be with us for a lot longer—you probably know Marjorie and some others. For them the apology and all of those things were important, but financial reparations are important. I agree with that.

The Hon. BEN FRANKLIN: I really appreciate what you said about the bridge walk. I was also on the walk. It was one of the most extraordinary days of my life. It was an incredible atmosphere of unity and purpose.

Ms LINDA BURNEY: And a big "sorry" in the blue sky.

The Hon. BEN FRANKLIN: It was great. The former Premier was gracious in saying on a State level it was a bipartisan effort.

Ms LINDA BURNEY: Very much so.

The Hon. BEN FRANKLIN: He was walking with the leaders of the Liberal Party and The Nationals.

Ms LINDA BURNEY: That is correct.

The Hon. BEN FRANKLIN: This Committee has found that we are working in that way, which is awesome. What has come out in almost every single person's evidence is the importance of healing. Healing is not a word I had heard much about 10 years ago. I had heard reconciliation and a range of other words but not healing. Do you have comments about the importance of healing and how you feel about that terminology as an Aboriginal person?

Ms LINDA BURNEY: I think the notion of healing is really, really important. It is a two-way healing that has to happen. Believe it or not, I was reminded that I have my 40-year school reunion on 28 November. I am running madly and doing things.

The Hon. SARAH MITCHELL: Primary school, surely.

The Hon. SCOTT FARLOW: Kindergarten.

Ms LINDA BURNEY: I wish.

The Hon. SHAOQUETT MOSELMANE: That is why we are all good politicians.

Ms LINDA BURNEY: I have been part of the Aboriginal movement as an activist and as an educator, as you all know. I was involved in putting together the curriculum that children study in schools today. The notion of healing was not a word that was used in the eighties or nineties or even early 2000s, but one of the things that came out of the inquiry was the establishment of the national healing centre in Canberra, which Lowitja O'Donoghue had so much to do with. It seems to me there is an awful lot of healing that needs to happen in our nation principally around the stolen generations and particularly those who were so drastically affected by that. Without healing in a very significant way, we will not see a very big change in those social justice outcomes, because you can fund programs but unless there is a psychic that exists across the nation, particularly for Aboriginal people, then we are going to be having these discussions for a long time. Healing is a fundamental thing in nations such as South Africa or Timor that have gone through those sorts of traumas. Some places have done it well. I do not think Australia has. It is healing for Aboriginal people, but healing for the country, if I can say it that way. I think it is something that we should pursue.

CHAIR: I want to ask you about the process of Government recognition of stolen generations and how, across the whole-of-government that impacts on the success of other programs, be it education, training, economic opportunities. If someone's connection to the stolen generation is not recognised, do you think that then impacts on their ability to be regarded and have opportunity made available for them?

Ms LINDA BURNEY: Yes, I do. I cannot remember where I was having this discussion recently but it was about children leaving care. We know that 33 per cent of children in care in New South Wales are Aboriginal children, which is terrifying. If are you on a trajectory where you are from a traumatised family which goes back to the stolen generations, and that has never been addressed or dealt with, Aboriginal kids generally come into contact with the law much earlier than other young people and sometimes that contact with the law is making sure those kids are okay—often it is not—but it is still contact with the law, so Aboriginal children come into contact with the law earlier. Over one-third of Aboriginal children are in care and that contact with the law often leads to incarceration and juvenile justice, which leads to incarceration in the "big house", as the Aboriginal community describes it. That cycle of poverty and trauma continues, and it can be traced back to removal. That is not just me saying it. There is study after study after study that can provide that evidence.

One of the simplest things I can say is if you imagine a circle, which I describe as the cycle of poverty, at the top of that we have poor educational outcomes, which will generally mean that you have poor economic opportunity and capacity for employment, which leads to poor housing, which leads to poor health, and it goes around and around. That is very much the cycle of poverty for Aboriginal people, not just on an individual basis, but on a family-community basis. There are very few Aboriginal families—probably none—that have not in some real way been touched by removal, such as my great aunt, for example, and many other relatives. You can just see the pain and the bewilderment that this could have happened. It happened in our lifetime. It is not old history.

CHAIR: It is not that long ago. I have asked a number of questions today and other members have as well. After reading a lot of the history, it was important after "Bringing them home" to recognise the heads of damage and the broad impact that it would have in relation to pain and suffering, the loss of income, loss of economic opportunity, loss of education, the whole gamut of life experience, as well as the emotional, sexual and physical abuse. I understood from some of the readings that the response from government was meant to be that they identified stolen generation people so it could then respond with the care, support and counselling and the general healing processes that were needed. I have realised that government is not tracking incarceration or out-of-home care and whether those connections and correlations exist. Do you know whether during your time it was more pronounced that government understand there were those correlations and that the information was collected or collated?

Ms LINDA BURNEY: I think it was probably done a bit more than it is now. I became the Minister for Community Services just prior to Justice Wood delivering the Keep Them Safe report in September 2009. One of the things that I followed very closely, when children were removed from families, was the adherence to the Aboriginal placement principle. I also closely monitored—in my portfolio, anyhow—the number of Aboriginal children in care. The leaving-care plan was also very much on the agenda.

I am not in a great position to say whether or not that sort of monitoring is still in place. One of the things that I find disturbing—I think it has happened across Governments—is the number of Aboriginal children removed. In New South Wales the challenge is that at the moment 51 per cent of the Aboriginal child protection reports are substantiated compared to 6.2 per cent in the non-Indigenous community. The only State where the rate is higher than that is Victoria. That is really interesting because it was in Victoria and New South Wales that the Government had more control over Aboriginal communities back when Aboriginal reserves were established. Queensland had the Act but in New South Wales there were Aboriginal reserves established under the Aborigines Protection Act, I think, in 1909. That correlation is interesting. The number of children in care has increased in New South Wales.

The Hon. SCOTT FARLOW: That is all children; not just Aboriginal children.

Ms LINDA BURNEY: That is correct—all children. And children are staying longer in care, as well. That is an important point to consider. There are additional Aboriginal children in care. I understand that you are having the New South Wales Aboriginal Children's Services come to talk to you. There are about 1,100 Aboriginal children in care at the moment in New South Wales that are not placed with Aboriginal families. That is a great concern to me. There are lots of reasons for that but the Aboriginal placement principle is in three steps. First, an Aboriginal child should be placed with kin carers. If kin placements are not available they should be placed with the community. If that is not possible they should be placed with other Aboriginal people. As a last resort they should be placed with non-Aboriginal people. I think it is important that we unpack why there has been an increase in the number of Aboriginal children not in kinship care.

The Hon. BEN FRANKLIN: There was evidence about that this morning. I thought the department talked pretty well about it. To me it was apparent that they were very committed to that process and policy. I agree that when it is not happening we need to do everything we can to make it happen. If we are concerned about continuation of culture—which we must be so as not to go down this line again—then that has to be the aim.

Ms LINDA BURNEY: I think that the Committee might consider seriously examining the factors of why there are more and more Aboriginal children not being placed according to the Aboriginal child placement principle, which is legislated in New South Wales.

CHAIR: A number of the submissions have raised the issue of the current situation. In the answers to questions this morning and from other information we have had, there has been the idea of early intervention. We talk about removal and risk-of-harm reports but there is a lot of evidence that says that we should know where the potential risk lies and get in early and do the things that we know can be done. One of the issues is the connection or relationship with the stolen generation and the harm that was caused. We know that that is most likely to cause contemporary harm.

Ms LINDA BURNEY: It does—absolutely. I know my time is almost up but the one thing that I have not said is: Imagine what it has done to parenting capacity and capacity to love and trust. The self-worth of the children was what was attacked on a very individual level—the idea that somehow you were not worthy. The treatment in the institutions and in the foster families was another issue. I do not need to tell this Committee of the sorts of brutality at places like Kinchela. You find out about that if you talk to the men, who are now in their sixties and seventies. On a regular basis I get long, handwritten letters—I received one just the other day—from Aboriginal people who do not want anything; they just want someone to read their stories.

I had a letter the other day from a woman who said she did not have a computer. It was the most beautiful letter. She was not angry, just so hurt that she did not grow up like other kids and because she cannot put it back together again. That is the sad part. The final thing I would like to say is that one of the most extraordinary things about the Aboriginal community is that when children who have been removed—particularly under those policies—find their way back home as adults, they discover that a place has always been kept for them. People have known that they would come back—although so many did not.

CHAIR: Thank you. We will go through the inquiry and get to a point where we have developed some recommendations or whatever we do. We have an idea that we might consult with some people about those before we publish them—

Ms LINDA BURNEY: Fantastic.

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CHAIR: —so I think we will be calling on you again.

The Hon. BEN FRANKLIN: We are very keen, if we can, to come out with bipartisan recommendations.

Ms LINDA BURNEY: Fantastic.

The Hon. BEN FRANKLIN: We want to do this the right way.

Ms LINDA BURNEY: Excellent. Thank you all.

(The witness withdrew)

The Committee adjourned at 4.22 p.m.

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REPORT OF IN-CAMERA PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

**INQUIRY INTO REPARATIONS FOR THE STOLEN GENERATIONS
IN NEW SOUTH WALES**

At Sydney on Thursday 5 November 2015

The Committee met at 9.30 a.m.

PRESENT

The Hon. J. Barham (Chair)
The Hon. S. Farlow
The Hon. B. Franklin
The Hon. C. Houssos
The Hon. S. Mitchell
The Hon. S. Moselmane

JOHN DENNIS BRICE WILLIAMS, Public Officer, Stolen Generations (NSW/ACT) Inc., affirmed:

CHAIR: Mr Williams, thank you for coming in. At your request this session is in camera.

Mr WILLIAMS: Our chairperson, Matilda House, has sorry business today. That is unfortunately a perennial problem in Aboriginal communities. She is attending a family funeral in Queanbeyan and asked me to apologise for her and to take her place at this meeting.

CHAIR: Would you like to make an opening statement?

Mr WILLIAMS: Yes. I usually come by train when I come to meetings like this but I came by car today, which meant—

CHAIR: You did not do your reading on the way?

Mr WILLIAMS: Yes; that is right. I come from Bowral, which is a fair way away. I notice that you have sent out some very important information regarding this inquiry. You have cited the terms of reference of the royal commission and the "Bringing them home" report to the Senate. That was quite some time ago. I believe the report came out in 1997. Another nine years later there was an apology.

CHAIR: New South Wales made an apology early.

Mr WILLIAMS: I attended that. It was a non-partisan apology by three parties, and a representative from each party spoke. It was a wonderful day. It was the first apology in Australia from a parliamentary body. I notice that you list five clauses that were recommended for such a process as this: the acknowledgement and apology, guarantees against repetition, measures of restitution, measures of rehabilitation, and monetary compensation. On the eve of the public apology, certain conditions among those just cited were taken out in order to get a bipartisan report so that the apology could be agreed upon by all parties. That has caused insufferable grief in the meantime, because so many people have passed away.

On 11 August 2010, there was a public meeting of Aboriginal people at the Marque Hotel. It was organised by the late Lola Edwards, who was so instrumental and effective in the "Bringing them home" report. I accompanied her as a scribe throughout New South Wales in 1995, when she travelled to 30 communities in New South Wales. We recorded the first time people had had a chance to verbalise what otherwise had been hidden and kept quiet in Australian history. With one exception, the concern of the several thousand people in those 30 meetings was for the Australian public to be told that this happened and an apology from the Prime Minister. There was only one request for compensation. In that context, the Stolen Generation Council called a meeting on Wednesday 11th. We felt that Link-Up had a very important role, but the ongoing care for members of the stolen generation had to be much wider. Hence this organisation was formed.

It was a combination of the Kinchela Boys Home Aboriginal Corporation and the Stolen Generations Council, a joint meeting to consider legal action by Kinchela boys and Cootamundra girls for all members of the stolen generation from all the homes. Great effort was put into trying to resolve the matter. We seemed to be going around in circles. Every attempt to raise the matter with departmental bodies was put on the back burner. On 27 November 2013, our chairperson, Matilda House, met the then Premier, Barry O'Farrell. He gave a very positive interview. He stated that he had instructed his department to immediately investigate the matter.

From that point, matters have proceeded satisfactorily. I attended the PIAC [Public Interest Advocacy Centre] panel discussion at Parliament on 17 September 2015. It came to my notice and to my chairperson's notice that the Parliament has been oblivious of the work that the Council has been doing for the past five years, for whatever reason. Had my chairperson from the Stolen Generations Council been called, she could have informed it of the processes that were in place and tried to address the matter in a bipartisan way, as the apology was first given. I spoke at that panel discussion—I was asked to by my chairperson—to explain what has been happening.

When we visited Premier O'Farrell, we had about 175 applicants. He had been given strong indications, by departmental or other sources, that there were 6,000 applicants. The figure of 6,000 comes about because that number of Aboriginal children was known to have been taken under the two Acts, the Child Welfare Act and the Aborigines Protection Act, between 1909 and 1969. Of the surviving members of that cohort there were

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175 applicants. The number of applicants is now just over 200. Of that 200, the cases of more than 70 will be satisfactorily resolved by the end of this month.

It is unfortunate that that could not be communicated to the Parliament. We offer our sincere apologies. We have asked for an in-camera session. We had some clients who were compensated. It was a family, with a few siblings. A film company accompanied them to the lawyer's office, filmed them coming up the stairs and demanded to know the outcome of that meeting. We also managed to successfully pull several stories in the national press about what we are doing, on the basis that when the process is complete we will give candid reports of this whole process, for probity and transparency. We have done this because we are dealing with damaged people. Many are in their late sixties and seventies. Many have symptoms of dementia. To be harassed by press, in a sensationalist, melodramatic manner, would not be in the interest of those who are yet to have their cases heard.

To its credit, this Government, through the Crown Solicitor's Office, has been most cooperative. I am talking about the administrative arm of government. The Crown Solicitor's Office has been very proactive.

We apologise that we have not been frank with the Parliament. The secrecy has been in the interests of those who are yet to have their cases heard. We thank you for extending to us the privilege of an in-camera session.

We have some concerns. I heard some of the evidence of the previous witness, from Link-Up. The late Lola Edwards and her sister Coral, who were both in Cootamundra Aboriginal Girls Training Home, were founding members of Link-Up with Professor Peter Read. I recall Lola telling me that they tried to get records. Records outside the government homes are very sparse and hard to obtain. We know Aboriginal records were burnt while Rex Jackson was the Minister. Aside from that, records outside government-run homes are hard to obtain.

They are ongoing problems we have to face.

I know I am being verbose.

CHAIR: It is valuable information. The Committee appreciates it.

Mr WILLIAMS: Professor Read wrote a very important document. Professor Read coined the term—

CHAIR: Stolen generations.

Mr WILLIAMS: I am told his wife recommended it.

The Hon. SARAH MITCHELL: That sounds about right.

Mr WILLIAMS: It was many years ago, when I worked in Aboriginal Affairs. Professor Read wrote in *The Stolen Generations*:

In 1957 the Board placed advertisements in the major newspapers calling for foster parents to look after Aboriginal children. The principal reason was economic. Children were still being committed in large numbers, yet the Aboriginal institutions—

that would be the two main institutions, Kinchela and Cootamundra—

were overcrowded. There was an extraordinary response and in a few years more children were in foster care than in the two homes combined.

I do not want to go into the problems of fostering. We have kept our criteria for our collective action because the process we have put in place is profound. It was recommended by a barrister. It is not just for monetary interest; it is an opportunity for the people concerned to have their day "in court" and to express their angst, sorrow and utter frustration after all these years, at the end of their lives. The department, in this case the Department of Education, with the solicitors, the plaintiff and the counsel hears that personal apology, which is then put in writing and given to the person concerned.

. Our approach is very supportive.

Had there been a bipartisan approach from the department, I am sure it would have been taken on board and something comparable would have been put in place.

CHAIR: Mr Williams, could you clarify that you are referring to 200 clients who are first generation stolen people?

Mr WILLIAMS: Yes. We are only—

CHAIR: You are dealing only with them. You are not recognising the intergenerational effects?

Mr WILLIAMS: No. I was going to come to fostering. There are files and government records only until 1969. It is about the Government showing responsibility and due care for those wards of the state. It is much easier with Government homes because the records are fairly full. I did hear, though, that the caretaker and gardener from Cootamundra was instructed to burn all the records. He did not; he kept them in his house. When he passed away, we were unable to obtain those records. That was an anecdote told to a member of Link-Up and a member of our council. Professor Read wrote:

There are no systematic records of Aboriginal children sent into State or religious homes not specifically designed for Aborigines.

This is a problem. When families were confronted and their children taken, some were placed in government homes, some were placed in church homes and some were put into foster care, all under the provisions of the Act. So far we have dealt only with those who were placed in the two government homes, Cootamundra and Kinchela. Some went through Bomaderry first. Bomaderry was run by a Christian organisation, so there is a precedent for the Government to consider those who were in Bomaderry. Most of them moved to Cootamundra, both boys and girls.

Professor Read's report says that the following took place after the 1950s:

Welfare Officers were instructed to hand over Aboriginal children of 'lighter caste' to the Child Welfare Department if they were to be committed. In addition there was an unknown number of children committed unofficially, of whom no records appear now to exist. This includes children of whom the Board asked local church bodies or individuals to take charge. Often three or four families handled the children before a permanent home was found, and the records were lost on the way. Another category of removed children which is difficult to quantify are those who went away to white people for a 'holiday' and did not return.

I refer the Committee to page 11 of Professor Read's report, which has a summary of children taken, under which Act, whether the Aborigines Protection Act or the Child Welfare Act. About 1,600 were taken under the Child Welfare Act and the rest of the 6,000 were under the Aborigines Protection Act. I would like this Committee to take on board the concern of the Stolen Generations Council that it was not only the children placed in Government homes who were stolen; it was children who were placed in all the Homes. The Council has redefined its constitution to incorporate the section that I have just read to you. It should be resolved under the Aboriginal Protection Board Act and the Child Welfare Act that children were taken from their parents and sent to non-Aboriginal institutions.

The following homes where it is known that Aboriginal children were taken before 1969 either by court order or Department of Child Welfare direction should be included as designated institutions under section 1A of the Constitution of the Stolen Generation Council. They include homes like Parramatta Girls Home, the Bidura receiving home, the Roylestone Boy's Depot at Glebe, Castle Hill House, the home for secondary school aged children, Berry Training Farm and School for Husbandry, Mittagong Training School for Boys, the training ship *Sovereign*, and other non-specified religious institutions.

Our concern is that 80 per cent of those who have been assessed so far and those who will be assessed in the next few months have all come from government homes. It is much more difficult for the other 20 per cent of our applicants who were in homes to some extent and who were then sent to fostering or to other religious homes. We are dealing with another government department—whatever department is now responsible for child welfare. In many cases those records are not available—they were either burnt or destroyed. I told the panel discussion about the directive given to the caretaker at Cootamundra to destroy all the records. That is documented. We think legal counsel should be retained by the Committee to find ways in which we can ameliorate these people's plight so that they can be properly represented and their interests protected.

Another issue of great concern was raised with Premier O'Farrell. I was a fly on the wall and heard what happened. In November 2013, Premier O'Farrell was advised that seven of our registered applicants had

passed away. Since then, the number is probably 12. We said we had only one request of the Government; that is, where registered people had passed away without settlement that their matters be included for consideration by the Government. The Premier's response was positive; he said, "Yes, of course, of course." That was a political statement made by a former Premier. We must get that assurance from the current Premier and Government. We want them to honour that commitment.

We advertised our class action in the newspaper. It is not really a class action, and, fortunately, it is not litigation. It is a wonderful mediation resolution. We gave a cut-off date in April. However, we have had 20 or so slip in and the Crown Solicitor has kindly agreed to include them in the list. Another 10 or 12 have registered in the past few months. We think about 20 at the outside will still need to be included. We would like an assurance about that. We had to set a cut-off date to provide a quantification of the case to the Government. We would like that matter to be considered. I am happy to answer questions. I hope I have been clear.

CHAIR: I imagine that you are still in negotiations with the Crown Solicitor's Office. Has a request been made to that office with regard to the inclusion of those subsequent applicants? This Committee will not table its report for some months, after which the Government will consider its recommendations.

Mr WILLIAMS: That is an astute question. I raised this issue in the lawyer's office today. I expressed our grave concern about the fact that those who were in government homes have been processed but we have had people pass away who were outside those homes who were taken from their families and told their parents were dead. That is a terrible thing. We have asked that the Crown Solicitor's Office be approached. I think that might have happened and it might be looking into the issue. It means we are dealing with another government department. The lawyers today recommended that I arrange for my chairperson to meet with the Premier to see whether we can expedite the matter. I hope that answers the question.

CHAIR: Yes. Did you say that the legal firm was O'Dea?

Mr WILLIAMS: Yes. Unfortunately, as the saying goes best laid plans of mice and men, and women, can go astray. We approached a pro bono lawyer to proceed with this matter. Outside of our control, a lawyer was approached who proved to be incompetent and we wasted two years. The council made some inquiries of Carroll and O'Dea, who had worked for the Aboriginal Legal Service in Dubbo. That is why we selected them—because of their work with Aboriginal people. The lawyer concerned is now a professor of law at the Australian Catholic University. He is very positive about this whole process. He said he would be bringing up these matters with the Crown Solicitor, but that that could be matched by an overture from us to the Premier.

We have not made a judgment about people who were fostered. We read what Peter Read said about those who went straight into foster homes. Because of the complexity involved in dealing with these matters in litigation or some resolution with the Government accepting responsibility, we have kept it to those who were initially—even for a few days—placed in homes that have records. We are not commenting on the hundreds or thousands of children who went through by another means. We have no way of quantifying or qualifying that.

The Hon. SHAOQUETT MOSELMANE: When you say that most of the stolen generation people are not after monetary compensation, is that because of pride or is it cultural? Even though they have not asked for it, is there a case for some financial compensation to be provided not only to assist them but also their families?

Mr WILLIAMS: This must be considered in its historical context. The statement I made was made when Aboriginal people were afforded the first opportunity to talk about the Stolen Generations. The non-Aboriginal community did not know about it. The *Hansard* of this wonderful establishment records two very capable and outspoken politicians on 27 January 1915 and 4 May 1940 criticising the Act and the amendments. I think one was the Hon Mr Davidson and the other presumably the Hon McGarry. He said even that the birds of the air look after their offspring better than we do. We have that objective criticism of this whole process on the record of this institution.

To answer the question, that statement was made before the Stolen Generations situation was made public. They were extremely frustrated and they wanted people to acknowledge that they had been through this experience and had been in the homes. They wanted an apology. That was the most immediate issue. They did not say that they did not want compensation; I simply said that it was not raised. Naturally, since then it has been recommended by the Human Rights Commission to the Bringing Them Home Inquiry. I think most Aboriginal people would expect some monetary compensation.

CORRECTED

The Hon. SHAOQUETT MOSELMANE: Our inquiry is looking at reparation. Should there be a recommendation about monetary reparation?

Mr WILLIAMS: Yes, and it should be consistent with the recommendations of the Human Rights Commission.

The Hon. BEN FRANKLIN: The way that you encapsulated the issues around what you are doing, the Council's role, and the broader context was incredibly valuable and extremely appropriately put.

Mr WILLIAMS: Thank you very much. I hope we have been of some help.

CHAIR: You will be contacted by the staff about the recording—what is to be done with it and whether we can assist in any way. Perhaps we can maintain contact so that the Committee can receive updates and respond if we can help.

Mr WILLIAMS: We are only too pleased to keep the Committee informed.

CHAIR: The Minister referred to your situation this morning.

The Hon. BEN FRANKLIN: Deliberately and constructively.

Mr WILLIAMS: When you say "your situation", what do you mean?

CHAIR: Your situation has been recorded in a submission. I am not sure whether you have seen that. The Government's recognition of this has been made public. It is very positive that the Government has recognised what is happening. The Minister spoke in very positive terms about what is going on, but without revealing any confidential information.

The Hon. SHAOQUETT MOSELMANE: The information is extremely valuable. You might want to make some of it public.

Mr WILLIAMS: The Committee is astute enough to pick out the bones before making it public that a process is underway. However, as I gave instructions on behalf the Matilda to the lawyers today, under no circumstances was the television crew to enter the lawyers' premises or to ask for information about the outcome of the meeting. They will do that. The Council's position is that until the matter is finally resolved for all applicants, the matter must be kept confidential. Other than that, we are happy for all the information we have passed on today to be communicated.

CHAIR: We will have that thoroughly checked with you and make sure that we do everything we can to meet your wishes and the wishes of the council.

The Hon. COURTNEY HOUSSOS: I think it would be valuable for us—given that this is going to be quite a long-running inquiry or that we will still be undertaking this process for some time—it would be useful for you to come back and update the Committee on this.

Mr WILLIAMS: Yes, we are only too pleased to update you.

CHAIR: We are going to Cootamundra tomorrow. We are having a hearing in Wagga.

Mr WILLIAMS: Excellent. If there is any information that can come to help the Committee in its process, we would be only too happy. We do have some reservations, some concerns. Matilda asked me to make sure I conveyed those three main points—that the cut-off date not be arbitrary and that complication of primary or prima facie evidence for the lack of records due to extraneous measures by which they were either negated or dispensed with be brought into consideration when the matters are being brought forward. It is just as real to these people who may have been placed in a religious home—just because they were not placed in Kinchela, in many cases the abuse was just as bad, if not greater.

CORRECTED

Their separation from the Aboriginal community was just as severe and damage was done to them. May I say that the Council's role will not end with the end of these 200 cases. We hope people can move on, but we realistically realise we are dealing with damaged goods, and in many cases the Council's role for succour, for gregarious support of the collective—all the girls and boys together—will continue to be absolutely essential. Mere compensation or a letter on the wall is not going to solve their psychological problems. The other thing is that in the five points ongoing psychological support is mentioned.

Our council has been defunded because of the new rules. We could not quantify how we could get positive outcomes for people of the stolen generations within the box of improvement for substance abuse. We could not fit into that category. How can you measure what we are doing by that criterion? So our council is approaching the Commonwealth about being defunded. We have a serious problem with our pro bono staff who are now doing all the work; because we do not broadcast what we are doing we have not been a recipient of any funding whatsoever from the Commonwealth.

We applied for money from the Healing Foundation, the NSW Aboriginal Land Council and the Commonwealth Government for psychological assessment or forensic assessment for our applicants. Fortunately, the Government, to its credit—or should I say the Crown Solicitors to their credit—has waived that right. They have also waived their right to a Statute of Limitations, two very important issues that legally would have blown all these matters out on the first day in court. The Statute of Limitations has been waived and the requirement for a psychiatric forensic report has been waived in all of our dealings—only the first one that went through had it and that cost a fortune. So there are some positive things.

CHAIR: You made the point about being defunded. Are you aware that yesterday it was announced that a case against the Federal Minister for Indigenous Affairs was won by the Groote Eylandt Machado Joseph Disease Foundation?

Mr WILLIAMS: I do know they are assessing their criteria for funding; that was in yesterday's paper. Unfortunately, we were auspiced by another body, an Aboriginal body, and when they put in their application for funding they did not identify us in their application. We only belatedly found that out. We have spoken to the Office of the Prime Minister and Cabinet; we are trying to get funding. We have over 1,000 calls to our emergency telephone line and that has to be covered by pro bono staff. I am not here to beg.

CHAIR: Thank you very much.

(The witness withdrew)

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