

Standing Committee on Social Issues

# **Overcoming Indigenous disadvantage in New South Wales**

## Interim Report

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## Terms of Reference

1. That the Standing Committee on Social Issues inquire into and report on:
  - (a) policies and programs being implemented both within Australia (States/Territories/Federal) and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people (currently estimated at 17 years), with the assessment of policies and programs including but not limited to: New Zealand, Canada, North America, South America, and also considering available reports and information from key NGOs and community organizations,
  - (b) the impact of the following factors on the current lifetime expectancy gap:
    - (i) environmental health (water, sewerage, waste, other)
    - (ii) health and wellbeing
    - (iii) education
    - (iv) employment
    - (v) housing
    - (vi) incarceration and the criminal justice system
    - (vii) other infrastructure,
  - (c) previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations,
  - (d) the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales,
  - (e) opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination, and
  - (f) the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned.
2. That the Committee provide an interim report to the House by Monday 30 June 2008.
3. That the Committee provide a final report to the House by Friday 28 November 2008.

These terms of reference were referred to the Committee by the Hon Paul Lynch MP, Minister for Aboriginal Affairs on 25 September 2007.

## Committee Membership

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<b>Hon Ian West MLC</b>	Australian Labor Party	<i>Chair</i>
<b>Hon Trevor Khan MLC</b>	The Nationals	<i>Deputy Chair</i>
<b>Hon Greg Donnelly MLC</b>	Australian Labor Party	
<b>Hon Marie Ficarra MLC</b>	Liberal Party	
<b>Dr John Kaye MLC</b>	The Greens	
<b>Hon Mick Veitch MLC</b>	Australian Labor Party	

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## Chair's Foreword

I am pleased to present this Interim Report of the Inquiry into overcoming Indigenous disadvantage. The Committee will continue its inquiries throughout the second half of this year and produce a Final Report, due to be tabled by 30 November 2008.

During the first half of this Inquiry, the Committee received 74 submissions; heard from 119 witnesses and conducted 8 days of hearings, including a public forum at Bidwill and site visits to Kempsey, Dubbo, Nowra and Redfern. I would like to thank all participants to this Inquiry for their valuable contributions. I particularly thank the Indigenous elders, representatives, service providers and organisations that gave of their time and expertise to contribute to our Inquiry.

Evidence gathered throughout this first half of the Inquiry will also be used in the Final Report.

This Report has focussed on defining the key issues affecting Aboriginal people in New South Wales reflecting the evidence and issues raised by Inquiry participants. The Committee has articulated these themes raised in evidence in the final chapter, issues for consideration. The issues relate to the fundamental nature of service provision; the need to accurately measure outcomes; sufficient program funding; the employment of, and support for Aboriginal people.

The Committee also highlights the many good policies and programs developed and the genuine commitment by many organisations, to addressing Indigenous disadvantage. Despite this, the life expectancy of Aboriginal people is still dramatically lower than that of non-Aboriginal people.

The Committee is concerned that, unless an effective relationship is built with the Indigenous community, current programs and services will continue to fail to address the substantial level of disadvantage experience by Aboriginal people. Providing services in partnership with Aboriginal people, from design to implementation, has been a key concern for participants to this Inquiry.

In addition, I am particularly concerned about the funding relationship between the Commonwealth and State governments, which underlies many of the State strategies targeting areas of need for Indigenous people. As noted many times throughout this Report, more Aboriginal people live in the urban areas of NSW than anywhere else in Australia. It makes sense that funding should reflect this.

Finally, I wish to thank my fellow Committee members, who have worked with enthusiasm and dedication, to produce this unanimous Report. We all recognise the level of need within the Indigenous community and look forward to developing recommendations that address the way forward in our Final Report.

On behalf of the Committee I wish to thank Rachel Simpson, Victoria Pymm, Glenda Baker, Elizabeth Galton and Teresa Robinson for their hard work and commitment to the conduct of this Inquiry and the production of this Report.

I commend this Interim Report to the Government.



**The Hon Ian West MLC**  
**Chair**

## Executive Summary

In this Interim Report, the Committee has identified issues for further consideration in its Final Report. The Final Report will contain the Committee's recommendations. While there are some stand alone issues, many issues for consideration come together into themes that are relevant to all of the identified factors affecting the lifetime expectancy of Aboriginal Australians. These broad themes are: measuring outcomes, coordinating service delivery, partnership in service delivery, funding, employment, mentoring and training of Aboriginal people.

The report examines Indigenous statistics and service delivery, followed by issues raised in evidence on each of the six factors impacting on life expectancy in our terms of reference.

### Chapter 1 – Conduct of the inquiry

The Committee has received 74 submissions, conducted ten public hearings and one public forum. In order to hear from a variety of people, the Committee visited Bidwill in Sydney's west, Redfern in the inner city, and the regional areas of Kempsey, Dubbo and Nowra. Evidence received to date, together with additional new evidence, will also be used in preparation of the Committee's Final Report.

### Chapter 2 – Statistical overview

Aboriginal and Torres Strait Islander people living in New South Wales make up 2.2 percent of the total population with 40 percent of the Indigenous population under 15 years of age.

Evidence received by the Committee raised issues relating to the impact of self-identification and the accuracy of Indigenous data. Nonetheless, statistics relating to Indigenous circumstances clearly illustrate the level of disadvantage experienced by Indigenous people across a spectrum of areas. Multiple facets of disadvantage are apparent in Indigenous statistics. Different aspects of disadvantage seem to occur together, for example poor education appears to be linked with poor employment outcomes and both are linked to low levels of income.

This report has drawn from statistics relating to Indigenous circumstances collected by the Australian Bureau of Statistics (ABS), the report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007* and its Overview, as well as the New South Wales Department of Aboriginal Affairs *Two Ways Together Report on Indicators 2007*.

### Chapter 3 – Service delivery

The way services are provided to Indigenous people has a significant impact on the ability of those services to address Indigenous disadvantage. This chapter examines the method and adequacy of service delivery to Aboriginal people. Services are delivered by the Commonwealth and State governments as well as many non government organisations. Although a large proportion of Aboriginal Australians reside in urban parts of New South Wales, the level of Federal funding does not reflect this. The ability of service providers to provide adequate, high-quality long-term services is therefore restricted.

Indigenous people from a broad spectrum of geographic and social circumstances told the Committee of the need for effective consultation and emphasised the need for Indigenous communities to have a greater input in deciding what services are required and the most effective method of delivery. It is clear

that the needs of individual communities vary greatly and service delivery needs to take this into account. However, there is a lack of clarity in leadership and responsibility for service delivery for Indigenous people. Since the demise of ATSIC there is no national independent representative body to represent Indigenous people.

The Committee has raised the issues of Aboriginal leadership and representation; funding provision; and the Aboriginal Land Council system as issues for consideration in the Final Report.

#### **Chapter 4 – Environmental health**

Environments that promote good public health, including adequacy and quality of drinking water, sewage and waste management and safe, healthy housing are essential elements of modern society. Unlike other communities in Australia, Aboriginal communities are often required to manage their own water and sewage systems, with limited resources.

This chapter focuses on the impact of poor environmental health on the life expectancy of Indigenous Australians and the measures being taken to address these problems. The Committee identified the importance of ongoing funding and a co-ordinated approach to fundamental service delivery as issues for further consideration.

#### **Chapter 5 – Health and wellbeing**

The nature of Indigenous culture requires that health and wellbeing be examined in the context of family and community. It is apparent that health for Indigenous people is more than the absence of disease. There is a need to look at the whole person, their social, emotional and cultural wellbeing and that of the community as a whole. In this chapter, the Committee has identified methods of delivering health services as well as the importance of community engagement and consultation as issues for further consideration. The Committee raises issues associated with child sexual abuse and sees the need for further, more detailed examination of the issues.

Evidence indicates that the employing Indigenous health workers, educating and engaging in partnerships with Indigenous people to ensure culturally appropriate health services and strengthened communities are key factors in moving forward and closing the gap between Indigenous and non-Indigenous lifetime expectancy. Therefore, in the Final Report, the Committee will examine reporting and accountability processes for community organisations; the role of men's and women's groups; the relationship of government and non government services; and the adequacy of training and scholarships.

#### **Chapter 6 – Education**

The Committee heard that engaging Indigenous people in education provides necessary knowledge, skills and experiences to fully participate in society.

Evidence shows that education is closely linked to employment opportunities and income levels, which in turn impacts on housing and living standards. Initiatives such as mentoring and VET in school programs have had an impact in some schools and communities but the number of students meeting the national standards in literacy and numeracy remain below that of non-Indigenous students. There has also been an increase in the number of Indigenous people gaining post-school qualifications but the gap between Indigenous and non-Indigenous education levels remains unacceptably large. The



Committee identified the need for long-term funding and culturally appropriate delivery of education to all students as issues for further examination.

### **Chapter 7 – Employment**

Employment can lead to improved financial positions for families and communities, better health, improved educational outcomes and raised self-esteem. In this time of economic prosperity there has been some increase in Aboriginal employment levels but this does not approach the same level of non-Indigenous employment.

This chapter considers barriers to Indigenous employment, including low education levels, the need for vocational training, transport to the workplace, long-term unemployment, high incarceration rates and the availability of employment within or near the community. The Committee identified the importance of providing mentoring programs, skill provision and community engagement as catalysts to overcoming these barriers and increasing retention rates.

The Committee will consider in more detail appropriate employment service delivery models; funding for programs; the CDEP scheme; mentoring and the role of elders in service delivery.

### **Chapter 8 – Housing**

The quality of housing is seen as a major determinant of health and wellbeing. One third of the Aboriginal population lives in public housing, one third in the private rental sector and one third own their own home. The Committee identified issues relating to the appropriateness and affordability of housing for Indigenous people. Overcrowding and homelessness is a fundamental problem within the Indigenous community often as the result of lack of affordability and/or appropriateness of the housing provided.

This chapter focuses on the housing options available for Indigenous people with particular reference to Federal funding provision, and the need for community engagement by housing providers to ensure appropriate, affordable and well maintained housing. The Committee highlights the equitable distribution of housing between urban, regional and rural areas; regulatory requirements for housing providers; overcrowding and housing affordability as issues for further consideration.

### **Chapter 9 – Incarceration and the criminal justice system**

High levels of incarceration and contact with the criminal justice system impact on the physical health as well as the social and economic wellbeing of offenders and their families. Indigenous Australians are over-represented within the prison system.

The Committee identified a lack of appropriate and ongoing support mechanisms for Indigenous people who come in contact with the criminal justice system. The Committee will consider the lack of specific Aboriginal criminal justice priorities in the State Plan, as well as the provision of support services aimed at reducing recidivism and alternatives to incarceration, such as circle sentencing and diversionary procedures, will be issues for consideration in the Final Report.

### **Chapter 10 – Issues for consideration**

The final chapter of this Report contains a summary of the issues for further consideration identified in the preceding chapters. The forty-five issues earmarked for further consideration can be grouped into six broad categories.

First, are those issues that relate to the measurement of outcomes. The need for monitoring and evaluation of services to determine success or otherwise is seen as a necessary element of effective services delivery.

Second, are issues relating to the coordination of service delivery. To prevent overlap and gaps in the provision of long-term services it is necessary to coordinate services delivered by various agencies for a variety of purposes. Indigenous people are often beset by multiple disadvantages and require coordinated services to ensure their multiple needs are addressed.

Third, the Committee heard repeatedly of the need for Indigenous people to feel ownership of both their problems and the resolution of these problems. Communities working in partnership with service providers is seen as a way forward and a way to promote long-term independence and ensure effective delivery of culturally appropriate services.

Fourth, funding of long-term services was an issue that was relevant to all of the factors examined. The Committee heard of the need for long-term funding rather than short-term pilot programs. Time and resources are constantly expended in the pursuit of short-term funding for programs.

Fifth, employment of Indigenous people in service delivery areas and as mentors for their communities was identified as means of providing culturally appropriate services and improving Indigenous circumstances. Included in this is the issue of training Indigenous people, providing them with the skills to take into their communities and become role models.

Finally, there are many specific strategies that could be strengthened. These are listed in Chapter 10 and will be examined further in the Final Report.

### **Final Report**

The Final Report will examine the issues for further consideration identified in the Interim Report. Through this examination the Committee will make recommendations for a way forward.

The Final Report will also address the remaining terms of reference. The Committee intends to conduct further hearings and site visits, engaging with Indigenous communities and will also use evidence already gathered to further inform its recommendations.

## Summary of issues for consideration

### **Issue for consideration 1 – Delivery: Federal funding**

Page 43

Although the majority of Aboriginal people in Australia reside in New South Wales, this is not reflected the level of Federal funding received by New South Wales. This impacts on the State's ability to implement priorities under the Federal-State Overarching Agreement on Aboriginal Affairs 2005 – 2010, the New South Wales State Plan and the Two Ways Together Plan.

### **Issue for consideration 2 – Delivery: responsibility**

Page 52

The need for greater clarity in who has the overall leadership and responsibility for defining the performance indicators and delivering priorities under the New South Wales State Plan and Two Ways Together Plan, and how this leadership is translated into meaningful, measurable outcomes that are accepted by the Indigenous community, will be further considered in the Final Report.

### **Issue for consideration 3 – Delivery: short term funding**

Page 57

The Committee will look at the effectiveness and assessment of funding programs that are temporary and intermittent in nature.

### **Issue for consideration 4 – Delivery: funding to communities**

Page 65

The Committee will examine the issue of the provision of funding to community-controlled services and services which are delivered in partnership with the Indigenous community.

### **Issue for consideration 5 – Delivery: representation**

Page 70

The Committee will investigate further the issue of independent body for Indigenous representation.

### **Issue for consideration 6 – Delivery: *Aboriginal Land Rights Act 1983***

Page 78

The Committee will follow with interest the second round of amendments to the *Aboriginal Land Rights Act 1983* (NSW), due to be introduced into Parliament in late 2008. The Committee will examine the need for an appropriate ongoing review mechanism, including the issue of the separation of regulatory and assistance functions of the New South Wales Aboriginal Land Council.

### **Issue for consideration 7 – Environment and infrastructure: funding**

Page 85

The Committee will examine the need for ongoing funding for environmental health programs after funding for the Aboriginal Community Development Program ends in 2009.

### **Issue for consideration 8 – Environment and infrastructure: essential services**

Page 90

The effective provision of essential services including water, sewerage and waste collection in Aboriginal communities that are not serviced by local government will be considered.

### **Issue for consideration 9 – Environment and infrastructure: Internet**

Page 91

The provision of accessible Internet to Aboriginal communities will be considered.

### **Issue for consideration 10 – Environment and infrastructure: drivers licenses**

Page 97

The Committee will consider the appropriateness of driver training programs aimed at assisting members of the Aboriginal community to obtain drivers' licenses.

### **Issue for consideration 11 – Environment and infrastructure: transport**

Page 97

The Committee will consider the need for a coordinated approach to identify communities' transport requirements and tailor additional services to meet those needs.

**Issue for consideration 12 – Environment and infrastructure: reporting and accountability***Page 98*

The Committee will examine mechanisms for improving the reporting and accountability processes for community organisations.

**Issue for consideration 13 – Health and wellbeing: family***Page 103*

To help support and strengthen families in Aboriginal communities, the Committee will consider opportunities to bolster existing men's and women's groups, and appropriate programs to assist parents, in particular young parents.

**Issue for consideration 14 – Health and wellbeing: child sexual abuse services***Page 106*

The Committee will seek evidence of the appropriate levels of funding and services to reduce the incidence of and ameliorate the effects of child sexual abuse, including the implementation of the interagency plan in response to the *Breaking the Silence* report.

**Issue for consideration 15 – Health and wellbeing: child sexual abuse data***Page 106*

The Committee will review the methodology used to record the incidence of child sexual abuse in Aboriginal communities. The review will consider the existing arrangements used with respect to data collection and examine how it can be refined and improved.

**Issue for consideration 16 – Health and wellbeing: services***Page 116*

The effective provision of health services is a key issue in addressing the lifetime expectancy gap. The Committee will examine possible improvements to service delivery and opportunities to work in partnership with Aboriginal communities.

**Issue for consideration 17 – Health and wellbeing: measurement***Page 117*

The Committee believes that the measurement of health priorities and the associated programs should be a key element of the New South Wales Government's health strategy for Indigenous communities. The Committee will examine the need for more comprehensive measurement of health outcomes for Indigenous people.

**Issue for consideration 18 – Government-organisation relationships***Page 118*

The Committee intends to examine the issue of improving the relationship between government and non-government services in more detail.

**Issue for consideration 19 – Health and wellbeing: training and scholarships***Page 121*

The Committee will review the adequacy of training and scholarships for Indigenous health workers in more detail.

**Issue for consideration 20 – Education: literacy and numeracy***Page 140*

The Committee notes that there has been some improvement in the literacy and numeracy levels of Aboriginal students in New South Wales, however we remain concerned that these levels require significant improvement in order for Indigenous students to meet the national benchmarks. The Committee will examine the efficacy of strategies to address literacy and numeracy rates of Indigenous children and the adequacy of funding.

**Issue for consideration 21 – Education: expanding success***Page 144*

There are many successful initiatives undertaken by government to improve educational outcomes for small numbers of Indigenous students. The Committee will examine how these programs can meet a larger number of students and improve the outcome for Indigenous people as a whole.

**Issue for consideration 22 – Education: long term services***Page 148*

The need to provide and fund long-term services with Indigenous specific focus and the necessary funding will be considered.

**Issue for consideration 23 – Education: mentoring***Page 156*

Establishing links with family and community and culturally appropriate mentoring programs in order to encourage students in their education and support students in their endeavours at all levels of attainment will be investigated further.

**Issue for consideration 24 – Education: role models***Page 165*

The importance of employing Indigenous staff as teachers and role models is apparent however there is a need to address the attainment levels of current and future students so that this can occur.

**Issue for consideration 25 – Employment: service delivery***Page 177*

The Committee will review appropriate service delivery models to effectively address obstacles to Indigenous employment.

**Issue for consideration 26 – Employment: funding***Page 184*

The Committee will examine the funding of employment programs to ensure skill development and retention rates.

**Issue for consideration 27 – Employment: job compacts***Page 187*

The Committee notes that the changes to the CDEP scheme, the strengthening of the STEP program and Job Compacts are all relatively new. The Committee will revisit these schemes, when the Job Compacts are finalised and there is data available on their initial impact and progress towards addressing Indigenous employment issues.

**Issue for consideration 28 – Employment: mentoring***Page 191*

Given the volume of evidence supporting mentoring programs and their effectiveness in gaining and retaining Indigenous employees, the Committee will consider how mentoring can be incorporated into a variety of programs aimed at addressing Indigenous disadvantage.

**Issue for consideration 29 – Employment: corporate role***Page 194*

The Committee heard examples of businesses overcoming their skills shortages through employment and training schemes targeted at Indigenous workers. The Committee will further consider the strengthening of the relationship between corporations and Indigenous communities.

**Issue for consideration 30 – Employment: elders role***Page 195*

Inquiry participants recognised the important role played by Indigenous elders and their communities in providing support for Indigenous employment and youth programs. The Committee regards the building of trust and respect between Indigenous communities, government, and prospective employers as critical to the provision of Indigenous employment opportunities in the long-term.

**Issue for consideration 31 – Employment: reassessment***Page 197*

It is evident from the statistics that current policies and/or initiatives have not been enough to make substantial inroads into Indigenous unemployment. The Committee will examine reasons for this, including the limited time frame, education levels and early disengagement of Indigenous students in the educational process.

**Issue for consideration 32 – Housing: funding***Page 207*

An issue for further consideration will be the equitable distribution of funds and coordination of programs for social housing in New South Wales between urban, regional and rural areas, to better address unmet housing needs of Indigenous people.

**Issue for consideration 33 – Housing: regulations***Page 214*

The Committee considers that the regulatory requirements for community housing providers should be reviewed, in order to facilitate the provision of community housing to the Aboriginal community.

**Issue for consideration 34 – Housing: participation***Page 218*

The Committee will examine the issue of community participation in the housing design and delivery process.

**Issue for consideration 35 – Housing: overcrowding***Page 220*

Overcrowding is a fundamental problem within the Aboriginal community. The Committee highlights the need for various providers and funding programs to work together strategically to provide affordable, appropriate housing for Indigenous people.

**Issue for consideration 36 – Housing: affordability***Page 224*

The Committee believes that housing affordability is a fundamental obstacle to addressing the housing needs of the Indigenous community. The Committee will examine mechanisms to increase the availability of affordable housing.

**Issue for consideration 37 – Housing: maintenance***Page 226*

The Committee is concerned that, given the demand for housing and consequent overcrowding and health issues, that funding for necessary maintenance of properties is provided.

**Issue for consideration 38 – Justice: priorities***Page 235*

The Committee believes that the lack of Aboriginal specific criminal justice priorities in the New South Wales State Plan needs to be addressed.

**Issue for consideration 39 – Justice: Aboriginal Justice Plan***Page 237*

The successful implementation of the Aboriginal Justice Plan is being hindered by the lack of clarity surrounding its current status and relevance to the New South Wales State Plan. The Committee will consider further the status of the Aboriginal Justice Plan and its proper implementation.

**Issue for consideration 40 – Justice: support for offenders***Page 248*

There is a significant lack of support services for Aboriginal offenders, whilst in custody, prior to release, after release and in relation to drug and alcohol services. The Committee is concerned about this lack of appropriate service provision for Aboriginal offenders and will examine relevant initiatives.

**Issue for consideration 41 – Justice: community-based sentencing***Page 252*

The Committee will consider the accessibility of community based sentencing options to Aboriginal offenders.

**Issue for consideration 42 – Justice: circle sentencing***Page 254*

The Committee is concerned that there are insufficient resources available for Circle Sentencing courts and highlights this issue for discussion.

**Issue for consideration 43 – Justice: diversions***Page 261*

Evidence suggests that juvenile diversions are less likely to be granted to Aboriginal young offenders than to non-Aboriginal young offenders. The Committee will consider the availability and use of diversions for young Aboriginal offenders in the Final Report.

**Issue for consideration 44 – Justice: mental health***Page 264*

Evidence suggests that some Aboriginal offenders with a mental health disorder are being incarcerated due to a lack of adequate mental health services. The Committee is concerned about the wellbeing of these offenders.

**Issue for consideration 45 – Justice: underreporting***Page 270*

The ability to address family violence and child sexual abuse issues is impeded by the high level of underreporting of these incidents by Aboriginal communities. The Committee will examine reasons behind under-reporting of domestic violence and sexual abuse. Consideration will also be given to the level of government support for Aboriginal police officers and ACLOs. The Committee will examine the efficacy of early intervention programs targeted at male perpetrators.

The Committee will also examine the following terms of reference that have not been addressed in this first stage:

- policies and programs being implemented both within Australia and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people, and also considering available reports and information from key NGO and community organisations (term of reference 1(a))
- previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations (term of reference 1(c))
- the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales (term of reference 1(d))
- opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination
- the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned (term of reference 1(f)).

## Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>ACCHC</b>	Aboriginal Controlled Community Health Centres
<b>ACDP</b>	Aboriginal Community Development Program
<b>ACLO</b>	Aboriginal Community Liaison Officer (NSW Police Force)
<b>ACSO</b>	Aboriginal Client Service Officer (Department of corrective Services)
<b>ADN</b>	Aboriginal Disability Network
<b>AEAs</b>	Aboriginal Education Assistants
<b>AECG</b>	Aboriginal Education Consultative Group
<b>AES</b>	Aboriginal Employment Strategy
<b>AHC</b>	Aboriginal Housing Company
<b>AHMRC</b>	Aboriginal Health and Medical Research Council
<b>AHO</b>	Aboriginal Housing Office
<b>AMIHS</b>	Aboriginal Maternal and Infant Health Strategy
<b>AMS</b>	Aboriginal Medical Service
<b>ANIHI</b>	Agreement on National Indigenous Housing Information
<b>ANTaR</b>	Australians for Native Title & Reconciliation
<b>ATLAS</b>	Adult Training, Learning and Support Services
<b>ATSIC</b>	Aboriginal and Torres Strait Islander Commission
<b>ARIA</b>	Australian Remote Indigenous Accommodation program
<b>ARHP</b>	Aboriginal Rental Housing Program
<b>ASD</b>	Aboriginal Strategic Direction
<b>BOCSAR</b>	Bureau of Crime Statistics and Research
<b>CHINS</b>	Community Housing and Infrastructure Needs Survey
<b>CHIP</b>	Community Housing Infrastructure Program
<b>CDEP</b>	Community Development Employment Projects
<b>COAG</b>	Council of Australian Governments
<b>CSHA</b>	Commonwealth State Housing Agreement
<b>CWP</b>	Community Working Party
<b>DAA</b>	Department of Aboriginal Affairs (NSW)
<b>DADHC</b>	Department of Ageing, Disability and Home Care (NSW)
<b>DCS</b>	Department of Corrective Services (NSW)
<b>DJJ</b>	Department of Juvenile Justice (NSW)



<b>ERS</b>	Employment Related Services
<b>HACC</b>	Housing and Community Care
<b>HCAP</b>	Housing Communities Assistance Program
<b>HREOC</b>	Human Rights and Equal Opportunity Commission
<b>LALCs</b>	Local Aboriginal Land Councils
<b>MCATSIA</b>	Ministerial Council on Aboriginal and Torres Strait Islander Affairs
<b>MERIT</b>	Magistrates Early Referral into Treatment program
<b>MPREC</b>	Murdi Paaki Regional Enterprise Corporation
<b>MPRHC</b>	Murdi Paaki Regional Housing Corporation
<b>NACCHO</b>	National Aboriginal Community Controlled Health Organisation
<b>NAHS</b>	National Aboriginal Health Strategy
<b>NAGATSIHID</b>	National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data
<b>NATSISS</b>	National Aboriginal and Torres Strait Islander Social Survey
<b>NATSIHS</b>	National Aboriginal and Torres Strait Islander Health Survey
<b>NCOSS</b>	National Council of Social Services
<b>NSWALC</b>	New South Wales Aboriginal Land Council
<b>RCIADIC</b>	Royal Commission into Aboriginal Deaths in Custody
<b>RHA</b>	Rural Health Alliance
<b>RWA</b>	Redfern Waterloo Authority
<b>SSS</b>	Sector Strengthening Strategy
<b>SAP</b>	Supported Accommodation Program
<b>STEP</b>	Structured Training and Employment Program



# Chapter 1 Conduct of the Inquiry

## Establishment of the Inquiry

- 1.1 On 25 September 2007, the Standing Committee on Social Issues received a reference from the Minister for Aboriginal Affairs, the Hon Paul Lynch MP, for an inquiry into overcoming the 17-year life expectancy gap between Indigenous and non-Indigenous Australians.<sup>1</sup> The Committee is to provide an Interim Report to the House by 30 June 2008 (this Interim Report) and a Final Report by 28 November 2008.
- 1.2 The terms of reference for the Inquiry, as well as the membership of the Committee can be found on page iv of this report.

## Conduct of the Inquiry

### Advertising

- 1.3 The Committee advertised for submissions through the *Daily Telegraph*, the *Sydney Morning Herald* and the *Koori Mail*. Letters inviting submissions were sent to over 300 stakeholder groups, including New South Wales Government departments, non-Government organisations, universities, community organisations and peak bodies.

### Submissions

- 1.4 To date, the Committee has received 74 submissions. These have been submitted by a broad range of individuals and organisations such as the New South Wales Government, legal agencies, reconciliation groups, Aboriginal elders, Land Council representatives, community groups and community organisations. The full list of submissions received at the time of printing is included as Appendix 1. Submissions that have been made public by the Committee can be accessed via the Committee's website at [www.parliament.nsw.gov.au/socialissues](http://www.parliament.nsw.gov.au/socialissues).

### Briefing

- 1.5 Prior to the formal public hearings, in December 2007 the Committee held an informal briefing with representatives from a number of Aboriginal organisations, to seek advice on how best to approach the inquiry's terms of reference and key areas of focus for the inquiry.

### Hearings

- 1.6 In this first half of the Inquiry, the Committee conducted ten public hearings and one public forum, with a total of 140 participants. Five public hearings were held at locations other than

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<sup>1</sup> *Minutes of the Proceedings*, Legislative Council, 25 September 2007, No 16, Item 24, pp 234-235

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Parliament House. The first of these was on 14 February 2008 at Bidwill Uniting Church in Western Sydney. In March 2008, the Committee travelled to Kempsey, Dubbo and Nowra, holding public hearings in all three regional centres.

- 1.7** The Committee held in Bidwill, to speak directly to members of the community about ways to overcome the life expectancy gap between Indigenous and non-Indigenous people in New South Wales. Ten people participated in the forum, giving a range of evidence about issues that concerned them. To advertise the forum, the Committee secretariat created flyers that were distributed in the Bidwill area by Mr Michael Maxwell from the Housing Communities Assistance Program at Mount Druitt.
- 1.8** Appendix 2 contains lists of witnesses from the Committee's hearings and public forum. Transcripts of all hearings and the public forum are available on the Committee's website at [www.parliament.nsw.gov.au/socialissues](http://www.parliament.nsw.gov.au/socialissues).

## Terminology

- 1.9** The Committee has used the terms 'Indigenous people' and 'Aboriginal people' interchangeably throughout this Report, to refer to descendants of the first Australians that lived in Australia prior to colonisation by the English.

## Structure of the Interim Report

- 1.10** The terms of reference require the Committee to complete an Interim Report by 30 June 2008 and a Final Report by 28 November 2008. As such, the Committee has divided the issues raised in the Inquiry. In the Final Report, the Committee will examine the issues raised in this report, together with:
- a comparison of policies and programs across Australia and internationally
  - previous Social Issues committee report recommendations
  - the Council of Australian Governments, Murdi Paaki trial
  - the Northern Territory interventions
  - opportunities for strengthening cultural resilience within Aboriginal communities
  - the elements of successful service delivery.
- 1.11** This Report is divided into ten chapters, covering the specific elements raised by terms of reference 1(b) (i)-(vii) as outlined below.
- 1.12** Chapter 2 gives a statistical overview of Indigenous circumstances in Australia, across the broad areas raised in terms of reference 1(b) (i)-(vii). This chapter also includes a brief discussion on data collection problems relating to Aboriginal and Torres Strait Islander communities.
- 1.13** Chapter 3 examines the issue of service delivery to Indigenous people in New South Wales, This chapter also looks at various State and Federal Government commitments to improving

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service delivery arrangements, the importance of community consultation in implementing successful programs and the Aboriginal Land Council system.

- 1.14** Chapter 4 considers the impact of poor standards of environmental health on the life expectancy of Indigenous people as well as the key Government policies and frameworks aimed at improving the quality of environmental health in Indigenous communities.
- 1.15** Chapter 5 looks at the area of health and provides a broad overview of the health status of Aboriginal people against a range of indicators. This chapter also examines the key policies that are in place to raise health outcomes, along with the provision of health services in the Indigenous community.
- 1.16** Chapter 6 examines the impact of education on the life expectancy of Aboriginal people and canvasses key policies and programs that are in place to address the gap in educational achievement between Indigenous and non-Indigenous people.
- 1.17** Chapter 7 looks at the impact of low levels of employment among Indigenous Australians, and current New South Wales Government policy aimed at closing the employment and opportunity gap between Indigenous and non-Indigenous people. This chapter also outlines some of the initiatives undertaken to reduce Indigenous unemployment and provide effective service delivery.
- 1.18** Chapter 8 looks at the issue of housing and provides an overview of the Indigenous housing situation. This chapter also examines the issues of housing affordability for Aboriginal people and property maintenance.
- 1.19** Chapter 9 examines the impact of incarceration and the criminal justice system on Aboriginal people in New South Wales. This chapter considers issues such as recidivism, the over-representation of Aboriginal people in the criminal justice system and the impact this has on their life expectancy rate. Key crime and family violence prevention initiatives are also discussed, as well as alternatives to incarceration including community-based sentencing and diversionary programs.
- 1.20** Chapter 10 summarises the themes arising from the issues the Committee has raised throughout the Interim Report.
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## Chapter 2 Statistics

The 17-year life expectancy gap between Indigenous and non-Indigenous Australians is a powerful statistic that clearly illustrates the disadvantage experienced by Indigenous Australians. The 17-year life expectancy gap is reflective of similarly wide gaps in outcomes in all areas – health, housing, education and employment to name a few, that the Committee are considering during its inquiry. Chapters 4 – 9 of this Report examine the impact of these various factors on Indigenous life expectancy.

This chapter presents a statistical overview of Indigenous circumstances in Australia. Also included is a brief discussion of data collection problems relating to Aboriginal and Torres Strait Islander people, the limitations this imposes on the use of data and the future direction being taken by the Australian Bureau of Statistics (ABS).

### Statistical overview

- 2.1 Statistics in this section have been drawn from the report of the Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators 2007 Report* and its Overview, the Australian Bureau of Statistics, and the Department of Aboriginal Affairs (DAA) *Two Ways Together Report on Indicators 2007*.
- 2.2 The *Two Ways Together Report on Indicators 2007* was released by DAA in April 2008 and has been invaluable to the Committee in understanding the nature and extent of Indigenous disadvantage in New South Wales. The document is particularly useful as it is specifically focussed on New South Wales.
- 2.3 The accuracy of the data collected on Australia's Indigenous population is largely dependent upon Indigenous people's willingness to self-identify themselves. This has caused some data to be less reliable than desired. The ABS and other agencies including the Bureau of Crime Statistics and Research, are working towards improved data collection methods. This issue is discussed later in this chapter, from paragraph 2.109.
- 2.4 Tables 2.1 and 2.2 provide an overview of Indigenous statistics and shows the key characteristics of the Indigenous population in Australia and New South Wales at a glance.

**Table 2.1 Key characteristics of the Indigenous population in Australia at a glance<sup>2</sup>**

	Indigenous	Non-Indigenous
Estimated resident population*	517,174	20,184,314
Life expectancy at birth – males**	60.0	76.4
Life expectancy at birth – females**	65.1	82.3
Median age	20	37
Population growth since 2001***	12.8%	6.5%
Year 10 educational attainment****	32.0%	25.2%
Year 12 educational attainment****	22.2%	47.4%
Home ownership*****	36.0%	70.7%
Individual income	\$278	\$466
Household income	\$791	\$1,027
Median rent (per week)	\$140	\$190
Median housing loan repayment (per month)	\$1,127	\$1,300
Household size	3.4	2.6

\* preliminary experimental estimated resident Australian Indigenous population at 30 June 2006, based on 2006 Census

\*\* estimates of life expectancy for Aboriginal people are experimental or 'synthetic due to the significant volatility in Aboriginal census counts and the quality of data on births, deaths and migration. The aggregation period for this data is from 1996 to 2001 for Aboriginal life expectancy, from 2000 to 2003 for life expectancy in the total population of the state.<sup>3</sup>

\*\*\* calculated using experimental estimated resident Australian Indigenous population at 30 June 2001, based on 2001 Census

\*\*\*\* this does not include those who did not state a level of attainment

\*\*\*\*\* this includes those who reported they fully owned or were purchasing their home.

<sup>2</sup> Submission 51, Australian Bureau of Statistics (ABS), p 5

<sup>3</sup> Data for this section of the table is taken from *Two Ways Together Report on Indicators 2007*, p 17



**Table 2.2 Key characteristics of the Indigenous population in New South Wales at a glance<sup>4</sup>**

	Indigenous	Non-Indigenous
Estimated resident population*	148,178	6,669,004
Population growth since 2001**	9.9%	3.6%
Year 10 educational attainment***	35.4%	28.7%
Year 12 educational attainment***	21.2%	47.7%
Home ownership****	37.8%	69.5%
Median age	20	37
Individual income	\$296	\$471
Household income	\$728	\$1,031
Median rent (per week)	\$150	\$220
Median housing loan repayment (per month)	\$1,257	\$1,517
Household size	3.2	2.6

\* preliminary experimental estimated resident Australian Indigenous population at 30 June 2006, based on 2006 Census

\*\* calculated using experimental estimated resident Australian Indigenous population at 30 June 2001, based on 2001 Census

\*\*\* this does not include those who did not state a level of attainment

\*\*\*\* this includes those who reported they fully owned or were purchasing their home

## Population

**2.5** Aboriginal and Torres Strait Islander people live in all parts of Australia, from the large cities to small country towns and very remote communities. They speak many languages and belong to hundreds of distinct descent groups.<sup>5</sup>

**2.6** The Indigenous population of New South Wales at the 2006 Census, as at 30 June 2006, was 148,178 or 2.2% of the population.<sup>6</sup> Nationally the Aboriginal population was 517,174 or 2.5% of the total Australian population.<sup>7</sup> These figures show that the Indigenous population has continued to grow for the past 20 years. This apparent growth in population may also be

<sup>4</sup> Submission 51, p 5

<sup>5</sup> Australian Bureau of Statistics, <www.abs.gov.au >

<sup>6</sup> *Two Ways Together Indicators Report 2007*, p 2

<sup>7</sup> ABS, 4713.0 - *Population Characteristics, Aboriginal and Torres Strait Islander Australians, 2006*. This figure is 14 % higher than the 2006 unadjusted Census count (455,026) and reflects adjustments for net undercount and unknown Indigenous status.

attributed to an increase in the number people who identify themselves as Indigenous Australians.<sup>8</sup>

**2.7** Of Australia's Indigenous people, 90% identify as being of Aboriginal origin, 6% of Torres Strait Islander origin and 4% as being of both Aboriginal and Torres Strait Islander origin.

**2.8** New South Wales (148,200) and Queensland (146,400) had the largest Indigenous populations, followed by Western Australia (77,900) and the Northern Territory (66,600).<sup>9</sup> Table 2.3 shows the estimated population of each state and compares the proportions of Indigenous to non-Indigenous inhabitants across each state and Australia as a whole.<sup>10</sup>

**Table 2.3 Preliminary estimated resident population by Indigenous status 2006<sup>11</sup>**

State/Territory	Indigenous 2006	Non-Indigenous 2006	Total 2006	Indigenous as proportion of total Australian Indigenous population (%)	Indigenous as proportion of state/territory population (%)
NSW	148,200	6,669,000	6,817,200	28.7	2.2
Vic	30,800	5,097,500	5,128,300	6.0	0.6
Qld	146,600	3,945,100	4,091,500	28.3	3.6
SA	26,000	1,542,200	1,568,200	5.0	1.7
WA	77,900	1,981,100	2,059,000	15.1	3.8
Tas	16,900	473,000	489,900	3.3	3.4
NT	66,600	144,100	210,700	12.9	31.6
ACT	4,000	330,200	334,200	0.8	1.2
Australia*	517,200	20,184,300	20,701,500	100.00	2.5

\* Includes other territories

**2.9** In New South Wales, 77% of the Aboriginal population live in urban and regional areas, with 41,800 residing in Sydney in 2006.<sup>12</sup> However, in the most remote regions of New South Wales, the Aboriginal people comprise the largest proportion of the population.<sup>13</sup>

<sup>8</sup> *Two Ways Together Report on Indicators 2007*, p13

<sup>9</sup> ABS 4705.0, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006*

<sup>10</sup> ABS 4705.0, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006*

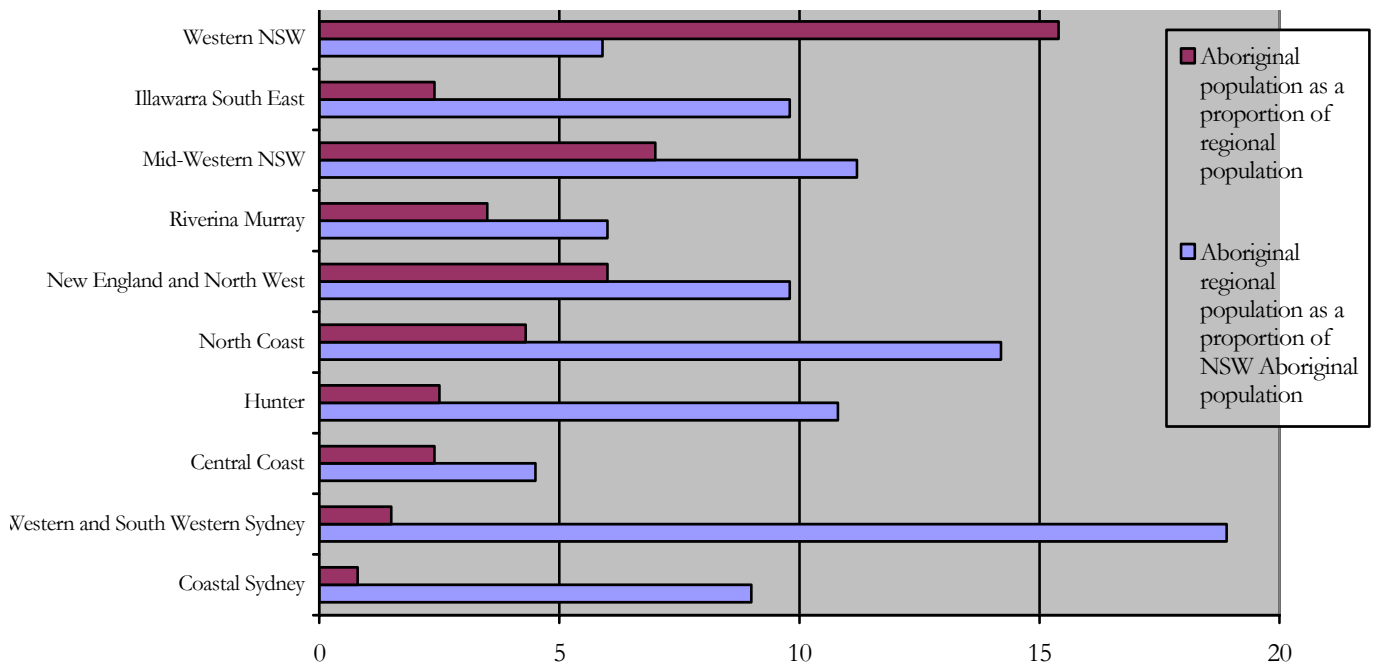
<sup>11</sup> ABS 4705.0, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006*. Estimates are subject to revision once 2006 population estimates have been finalised and after analysis of the components of growth in the Indigenous population (demographic and non-demographic factors) between 2001 and 2006

<sup>12</sup> *Two Ways Together Report on Indicators 2007*, p 14

<sup>13</sup> *Two Ways Together Report on Indicators 2007*, p 12

2.10 Figure 2.4 illustrates the distribution of the Aboriginal population in New South Wales, using the New South Wales Government's ten Regional Coordination Management Group (RCMG) regions.<sup>14</sup>

**Figure 2.4 Aboriginal RCMG regions in New South Wales population 2006<sup>15</sup>**



### *Age range*

2.11 The Indigenous population is relatively young: 40% of Indigenous people are under 15 years of age compared with 20% of the non-Indigenous population. The Indigenous population is also growing at twice the annual rate projected for the rest of the population.<sup>16</sup> This is illustrated in Figure 2.5.

2.12 The median age is 20.5 years compared to 36.1 years for the non-Indigenous population. 61% of the total Indigenous population is estimated to be 15 years or over, as at 30 June 2001, compared to 80% for the non-Indigenous population in this age range.

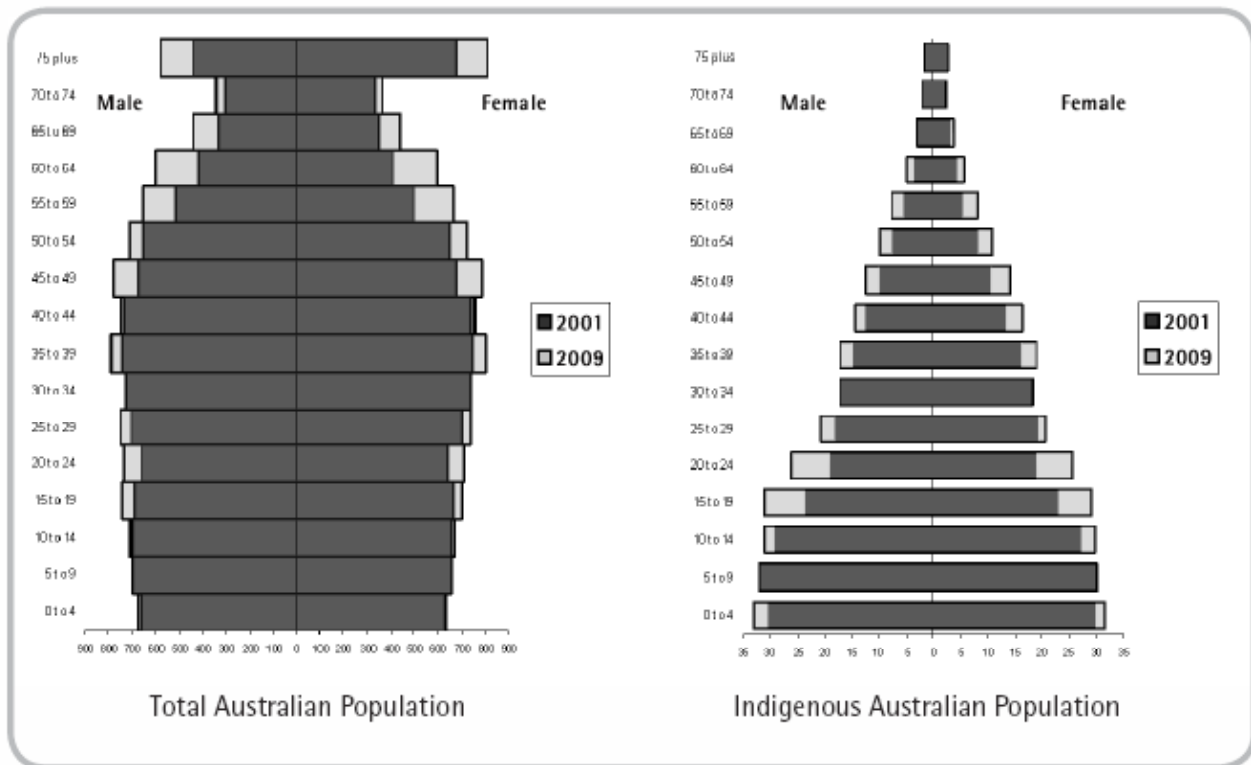
2.13 As the Indigenous population is considerably younger than the non-Indigenous population comparisons between populations can be misleading. This is particularly relevant when comparing the health status of the Indigenous and non-Indigenous populations. In these instances the ABS uses age-standardised rates to allow for the effect of age.

<sup>14</sup> For further explanation of the RCMG Revisions, see *Two Ways Together Report on Indicators 2007*, p 8

<sup>15</sup> *Two Ways Together Report on Indicators 2007*, p 14

<sup>16</sup> MCEETYA, Australian directions in Indigenous Education 2005-2008 [www.mceetya.edu.au](http://www.mceetya.edu.au) p4

**Figure 2.5 Total and Indigenous Australian age pyramids 2001 and 2009<sup>17</sup>**



Source: ABS 2004a.

2.14 Table 2.6 illustrates the estimated New South Wales Aboriginal population by age and sex.

**Table 2.6 New South Wales Estimated Aboriginal Residential Population by age and sex<sup>18</sup>**

NSW Aboriginal Estimated Residential Population	Male	Female	Total
Less than 5	9,567	8,938	18,505
5 to 14	19,515	18,523	38,038
15 to 24	14,571	13,443	28,014
25 to 44	18,026	19,701	37,727
45 to 64	10,116	10,758	20,874
65 and over	2,201	2,819	5,020
All ages	73,996	74,182	148,178

<sup>17</sup> The Australian National University, Centre for Aboriginal Economic Policy Research, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*, Discussion Paper No. 283/2006, p 6

<sup>18</sup> *Two Ways Together Report on Indicators 2007*, p 12 Table 3.1C

- 2.15** The report of the Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators 2007 Report* states that although multiple disadvantages are apparent in Indigenous statistics, an analysis of the figures does not identify causal relationships:

Different aspects of disadvantage often seem to occur together – for example, poor education appears to be linked with poor employment outcomes, and both are linked with poor income. Using comparative data from the ABS 2004-05 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) and the National Health Survey (NHS), the main Report identifies some aspects of disadvantage that tend to occur together. This analysis does not identify cause and effect (that is, it does not say that disadvantage in one area is the *cause* of another poor outcome).<sup>19</sup>

- 2.16** The following statistics are presented according to factors identified in 1(b) of the terms of reference and 1(e) cultural resilience. Where possible a comparison of the Indigenous to non-Indigenous population of New South Wales has been included. Where this is not available the comparison is at a national level. The statistics provide a context for the consideration of the various factors on life expectancy discussed in Chapters 3 – 8.

#### **Environmental health (water, sewerage, waste, other)**

- 2.17** Environmental health issues relate to living conditions and access to adequate means of sanitation. Some of these statistics have therefore been included under the housing and health sections.
- 2.18** The provision of safe and effective water, sewerage and waste collection services is noted in the *Two Ways Together Report on Indicators 2007* as a critical issue for discrete communities in New South Wales. These issues are discussed in more detail in Chapter 4.
- 2.19** In 2007, the New South Wales Aboriginal Community Water Supply and Sewage Working Group Issues Paper<sup>20</sup> found that water and sewerage services in many discrete Aboriginal communities do not meet the basic standards expected by the wider Australian population and there are few processes in place to monitor the quality of drinking water.<sup>21</sup>
- 2.20** In the 2001 Community Housing and Infrastructure Needs Survey (CHINS), bore water was reported as the main source of drinking water for 784 discrete Indigenous communities, representing 62% of the total population of those communities nationally. Town water was the main source of drinking water for 186 (15%) Indigenous communities, or 17% of the total population of discrete Indigenous communities. Other sources of water included rain water tanks, river or reservoir and well or spring.<sup>22</sup>

<sup>19</sup> Report of the Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 64

<sup>20</sup> *Two Ways Together Report on Indicators 2007*, p 93

<sup>21</sup> *Two Ways Together Report on Indicators 2007*, p 93

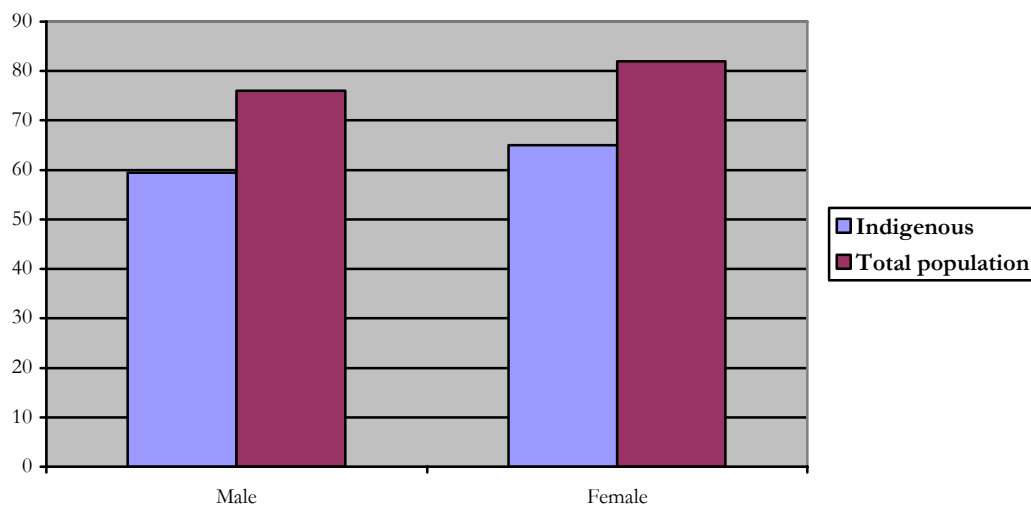
<sup>22</sup> ABS 4710.0 Community Housing Infrastructure Survey (CHINS), Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2001

- 2.21** The *Two Ways Together Report on Indicators 2007* followed up on this issue and notes that CHINS surveys, conducted in 2001 and 2006, indicated that of 57 discrete Aboriginal communities, around 35 % had experienced sewerage system overflows or leakage during the reporting period. The report also states that previous data published in *Two Ways Together Report on Indicators 2005* did not reveal the extent of the problem in these communities and the real risks posed to community health.<sup>23</sup>
- 2.22** The limited data available on water sewerage or waste disposal clearly shows that people living in discrete communities face much greater environmental health risks and receive a much lower level of water sewerage and waste disposal services than do mainstream communities.<sup>24</sup>

### Health and wellbeing

- 2.23** Nationally, the life expectancy of an Indigenous person remains at approximately 17 years less than that of a non-Indigenous person. In some parts of the country, between 65 and 75% of adults die before the age of 65.<sup>25</sup> These issues are discussed in Chapter 5 – Health and wellbeing. Average life expectancy is illustrated in Figure 2.7

**Figure 2.7** Average life expectancy at birth<sup>26</sup>



- 2.24** In New South Wales, Aboriginal males have an average life expectancy of 60 years, which is 16.4 years fewer than the New South Wales male population average and Aboriginal females have an average life expectancy of 65.1 years, which is 16.8 years fewer than the New South Wales female population average.

<sup>23</sup> *Two Ways Together Report on Indicators 2007*, p 93

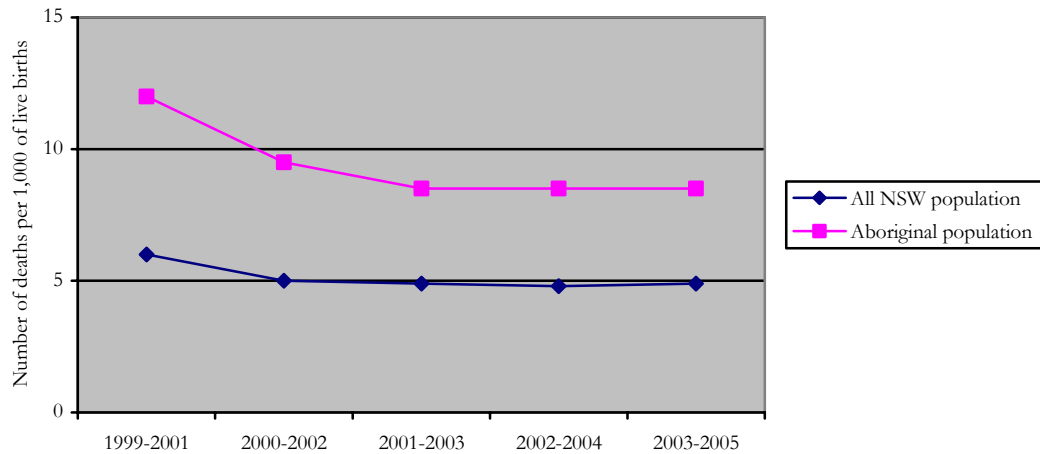
<sup>24</sup> *Two Ways Together Report on Indicators 2007*, p 93

<sup>25</sup> <[www.hollows.org/Australia](http://www.hollows.org/Australia)> (accessed 10 September 2007)

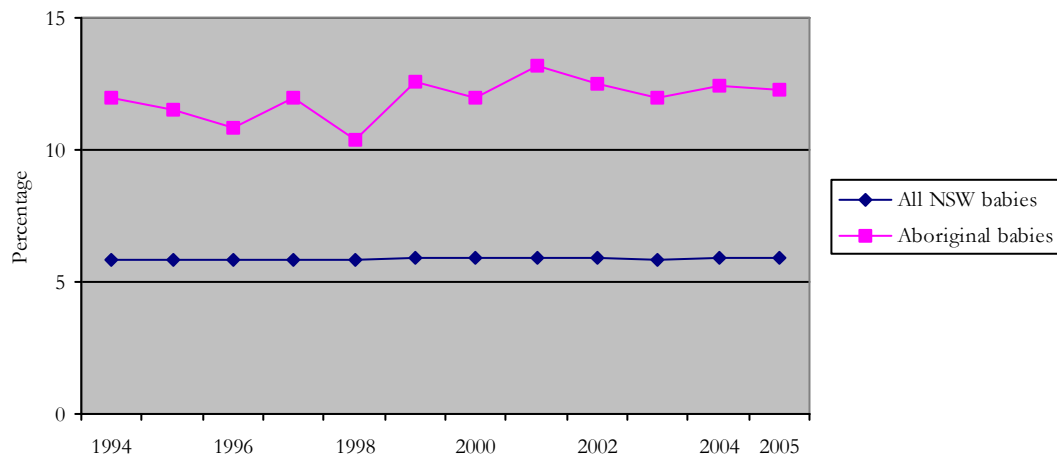
<sup>26</sup> Banks G, *Overcoming Indigenous Disadvantage*, address to the Second OECD World Forum on “Statistics, Knowledge and Policy”, *Measuring and Fostering the Progress of Societies*, Istanbul, Turkey, 27-30 June 2007, p 3. 1996–2001, total population for 1998-2000.

**2.25** Both the infant mortality rate and the percentage of low birth weight babies are higher in the Aboriginal population than in the population as a whole. Although Aboriginal infant mortality rates have decreased in recent years, the percentage of low birth weight babies has not and remains at twice that of all babies, illustrated in Figures 2.8 and 2.9.

**Figure 2.8 Infant mortality rate<sup>27</sup>**



**Figure 2.9 Low birth weight babies<sup>28</sup>**



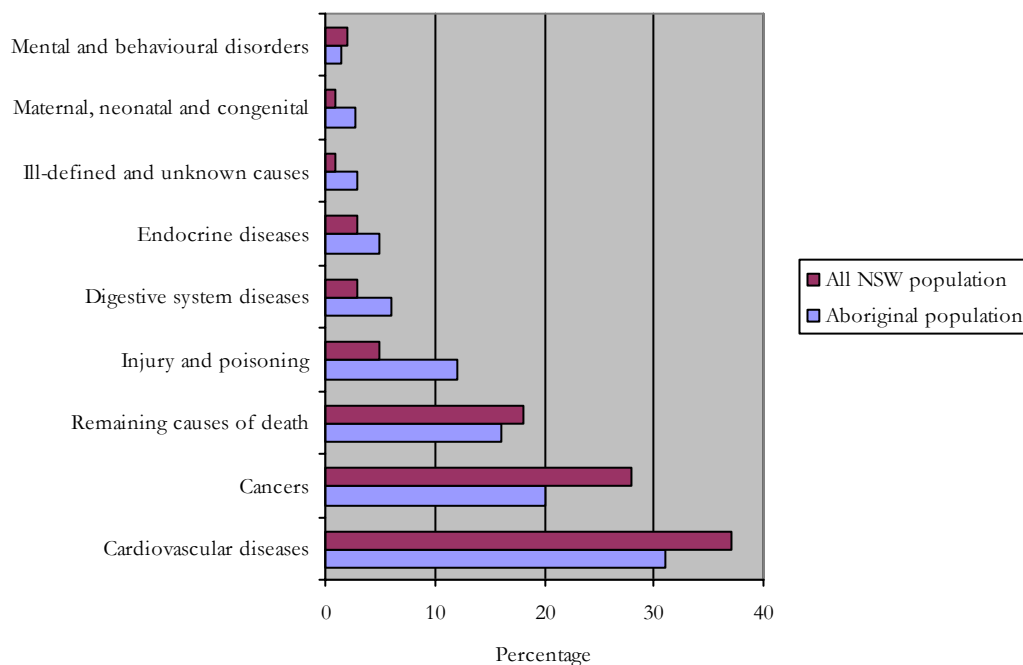
<sup>27</sup> *Two Ways Together Indicators Report 2007*, p 18. **Note:** Infant deaths are deaths of live-born children which occur before their first birthday.

<sup>28</sup> *Two Ways Together Indicators Report 2007*, p 18. **Notes:** 1. Infants with a birth weight less than 2,500 grams are classified as low birth rate. 2. Data on maternal Aboriginality in the Midwives Data Collection are affected by under-reporting. Just fewer than 70% of births, all to Aboriginal mothers, were reported as such to the MDC in 2005. To estimate a total number of babies born to an Aboriginal parent an additional 35-40% of babies would need to be added to account for babies born to Aboriginal fathers.

### *Hospitalisations*

- 2.26** On an age-adjusted basis, hospital rates for diabetes, cardiovascular disease and dialysis treatment remain higher for Aboriginal people than for the total population. For males this was 1.2 times greater than for all males and the rate for females was 1.6 times higher than the rate for all females.
- 2.27** Aboriginal people are 2 to 3 times more likely than the general population to be treated in hospital for alcohol related trauma or disease.
- 2.28** Aboriginal people are almost 5 times more likely to account for closed treatment episodes in Drug and Alcohol Treatment Programs, and are 3 to 4 times more likely to be Opioid treatment Program clients.
- 2.29** Aboriginal hospitalisations are growing much faster than for the population as a whole, resulting in a higher hospitalisation rate than the rest of the community. Aboriginal people are more frequently hospitalised for factors influencing health and less frequently for disease associated with old age.<sup>29</sup>
- 2.30** Figure 2.10 compares the causes of all deaths in New South Wales population with those in the Aboriginal population of New South Wales.

**Figure 2.10 All causes of death, New South Wales<sup>30</sup>**



<sup>29</sup> *Two Ways Together Indicators Report 2007*, pp 17-24

<sup>30</sup> *Two Ways Together Report on Indicators 2007*, p17 4.1B. Data is based on deaths in 2003-2005. Aboriginal deaths may be unreliable due to issues with identification of Aboriginal status on death certificates.



2.31 Table 2.11 provides a summary of the health characteristics of Indigenous people, by state and territory and Australia as a whole, 2004-05.

**Table 2.11 Health characteristics of Indigenous people by State and Territory and Australia as a whole 2004-05<sup>31</sup>**

	State/Territory %								Australia %
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Total
<b>Self assessed health</b>									
Excellent/very good/good	77	78	77	77	78	77	84	83	78
Fair/poor	23	22	23	23	22	23	16	17	22
<b>Long term conditions</b>									
Asthma	17	20	15	15	14	19	8	18	15
Back problems	13	15	13	14	15	15	10	14	13
Diabetes/high sugar levels	5	4	6	8	9	2	8	4	6
Ear/hearing problems	12	12	11	12	14	11	14	14	12
Eye/sight problems	34	33	30	30	29	33	22	38	30
Heart/circulatory disease	12	15	10	12	12	11	13	10	12
<b>Health related actions</b>									
Admitted to hospital in last 12 months	15	14	15	18	19	14	22	13	16
Consulted GP/specialist in last 2 weeks	20	28	19	18	19	22	21	13	20
Consulted other health professional in last 2 weeks	14	15	16	17	16	11	34	16	17
<b>Risk behaviour</b>									
Current daily smoker	51	50	50	53	44	50	54	41	50
Risky/high risk alcohol consumption	17	16	19	17	19	13	8	11	16

### *Smoking*

2.32 In 2004/2005, just over half of the Indigenous population aged 15 years or over were cigarette smokers. In 2004/2005 23% of the total non-Indigenous population aged 15 years or over were smokers.<sup>32</sup>

### *Alcohol consumption*

2.33 In 2002, around one-sixth or 15% of Indigenous people aged 15 years or over reported risky/high risk alcohol consumption in the past 12 months. The rate was higher for

<sup>31</sup> ABS 4715.0 *National Aboriginal and Torres Strait Islander Health Survey, Australia, 2002*,

<sup>32</sup> <[www.abs.gov.au/ausstats/abs@.nsf/mf/4831.0.55.001](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4831.0.55.001)> (accessed 10 June 2008)

Indigenous males (17%) than females (13%). People with a post-school qualification reported lower levels of risky/high risk alcohol consumption (14%) than people whose highest attainment was Year 9 or below (18%)<sup>33</sup>.

**2.34** In 2006 the rate remained the same. It has not changed since 1995 and is nearly double the rate for non-Indigenous people.<sup>34</sup>

**2.35** The hospitalisation rate related to alcohol abuse by Aboriginal people was over three times greater than all New South Wales population.

### ***Mental health***

**2.36** More than a quarter of Aboriginal people report high or very high levels of psychological distress, around twice the level of non-Aboriginal people.<sup>35</sup>

**2.37** Aboriginal people living in remote areas were more likely to report positive feelings of happiness and calm and being full of energy all or most of the time, when compared to Aboriginal people living in non-remote areas.<sup>36</sup>

**2.38** Aboriginal people aged 15 to 24 years are twice as likely as non-Aboriginal young people in the same age range to be hospitalised for self-harm.

**2.39** The following data focuses on families and young people in the areas of safety, permanence, well-being, family and community support:

- Aboriginal children and young people are 3 times more likely than all children and young people to be reported to police as victims of domestic violence related assault and sexual assault.
- Aboriginal females are nearly six times more likely than are all New South Wales females to be recorded as victims of domestic assault.
- Two thirds of all Aboriginal people who access supported accommodation services each year are females, and the proportion is growing. Over 90% of Aboriginal people who access services to escape domestic violence are women and almost a quarter of all people accessing these services have accompanying children.<sup>37</sup>

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<sup>33</sup> ABS 4715.0 - National Aboriginal and Torres Strait Islander Health Survey, 2004-05

<sup>34</sup> Banks G, *Overcoming Indigenous Disadvantage in Australia*, Address to the second OECD World Forum on "Statistics, Knowledge and Policy", *Measuring and Fostering the Progress of Societies*, Istanbul, Turkey, 27-30 June 2007.

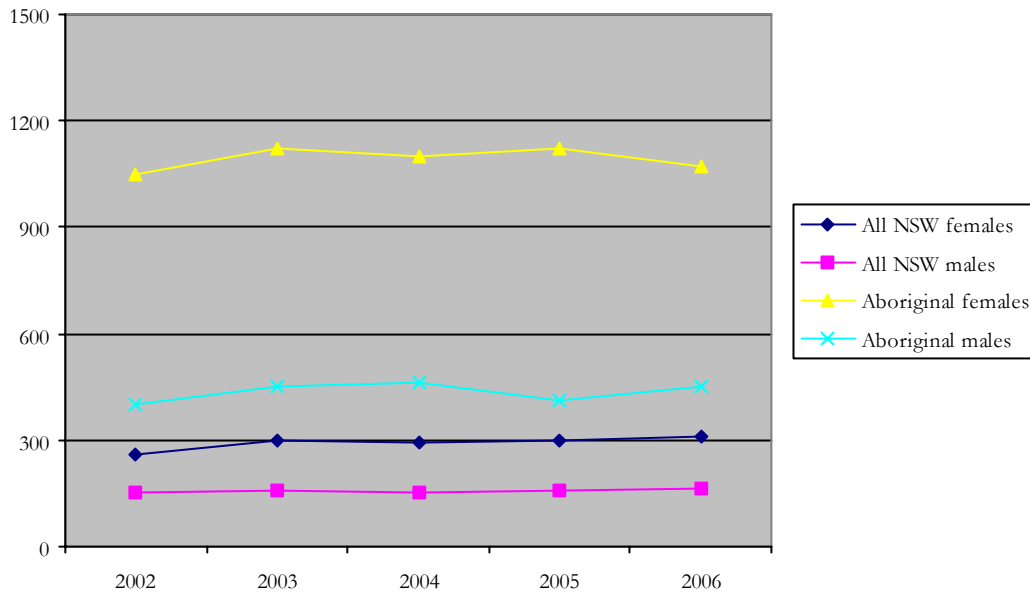
<sup>35</sup> *Two Ways Together Report on Indicators 2007*, p 23

<sup>36</sup> ABS 4715.0 - National Aboriginal and Torres Strait Islander Health Survey, 2004-05

<sup>37</sup> *Two Ways Together Report on Indicators 2007*, pp 72-73

2.40 Figure 2.12 illustrates the ongoing high levels of domestic violence since 2002.<sup>38</sup>

**Figure 2.12 Victims of domestic violence aged 0-17 years recorded by New South Wales Police**



2.41 Table 2.13 illustrates the female victims of domestic violence related assault.<sup>39</sup>

**Table 2.13 Female victims of domestic violence related assault recorded by New South Wales Police**

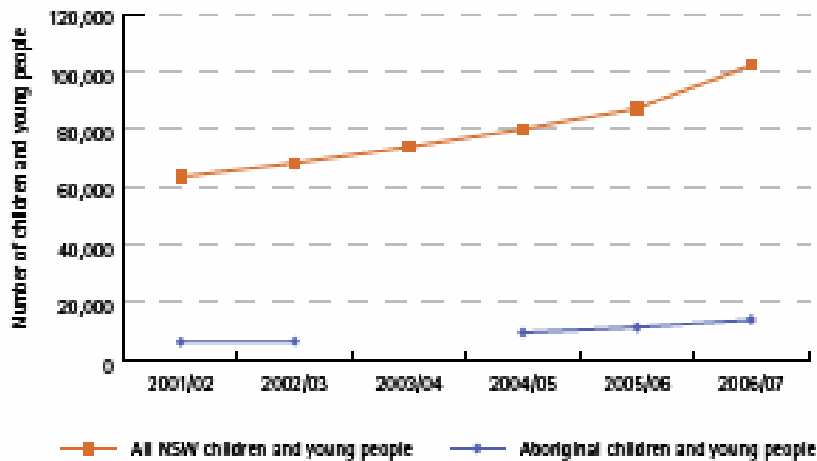
Population	2002	2003	2004	2005	2006
<b>Aboriginal females</b>					
Number of victims	2,526	2,662	2,536	2,476	2,538
Population	68,548	69,664	70,800	71,957	73,141
Rate per 100,000	3,685	3,821	3,582	3,441	3,470
<b>All NSW females</b>					
Number of victims	19,908	20,762	20,213	20,417	20,856
Population	3,338,195	3,360,668	3,377,685	3,400,276	3,430,005
Rate per 100,000	596	618	598	601	608

<sup>38</sup> *Two Ways Together Report on Indicators 2007*, p 71. Figure 8.2A. The police statistics may underestimate Aboriginal victimisation, as this group may be less likely to report crimes against them to authorities.

<sup>39</sup> *Two Ways Together Report on Indicators 2007*, p 71. Table 8.2B

2.42 In 2001/02 the rate of substantiated reports of abuse and/or neglect was nearly four times higher for Indigenous children and young people than for the non-Indigenous population in New South Wales, illustrated in figure 2.14.<sup>40</sup>

**Table 2.14 Children and young people involved in reports referred to CSC/JIRT for further assessment**



2.43 Aboriginal children are significantly over-represented in out-of-home care. Around 30% of all children in out-of-home care are Aboriginal and this rate has increased from 2003 to 2007.<sup>41</sup>

### *Cultural resilience*

2.44 In 2002, 22% of Indigenous people were living in their homelands/traditional country; 54% identified with a clan, tribal or language group; 68% had attended a cultural event in the last 12 months; 21% spoke an Aboriginal or Torres Strait Islander language. For each of these measures of cultural attachment high rates were reported in remote areas. While 21% of Aboriginal people and 23% of Torres Strait Islanders spoke an Indigenous language, the proportions for whom this was the main language spoken at home were lower (12% and 11% respectively).<sup>42</sup>

2.45 Ninety percent of Indigenous people reported that in a time of crisis, they could get support from outside their household. Availability of support was highest for Indigenous people living in non-remote areas (92%).<sup>43</sup>

2.46 Among those over 18 years Indigenous people were almost one-and-half times more likely than non-Indigenous people to report experiencing at least one life stressor in the last twelve

<sup>40</sup> *Two Ways Together Report on Indicators 2007*, p 74

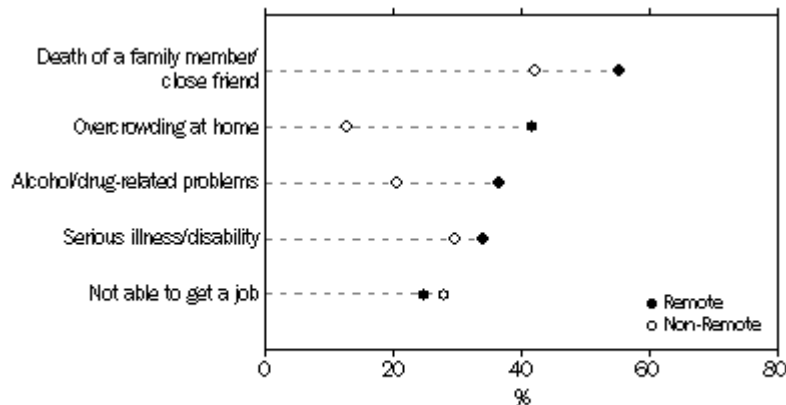
<sup>41</sup> *Two Ways Together Report on Indicators 2007*, p 76

<sup>42</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>43</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

months. Figure 2.15 shows selected stressors in the past 12 months by Indigenous people 15 years or older.<sup>44</sup>

**Figure 2.15 Indigenous people 15 years or older – stressors experienced in previous 12 months**

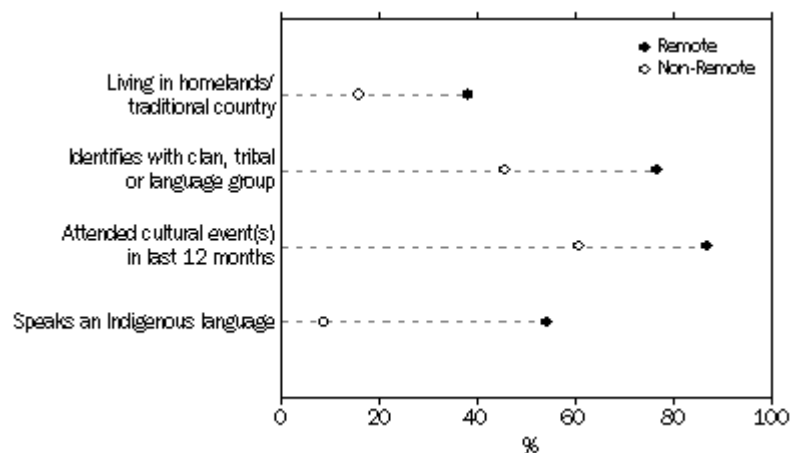


(a) Respondents may have reported more than one type of stressor.

**2.47** In 2002, 38% of Indigenous people 15 years or over reported that either they or one of their family, as a child, had been removed. This included about 8% reporting that they themselves had been removed. The most frequently reported relatives removed were grandparents (15%), aunts and uncles (11%) and parents (9%).<sup>45</sup>

**2.48** For each of the areas of cultural attachment assessed in the 2002 NATSISS<sup>46</sup> higher rates were reported in remote areas, as seen in the Figure 2.16 below:

**Figure 2.16 Areas of cultural attachment**



**2.49** In 2002 90 % of Indigenous people reported that they had been involved in social activities in the last three months, with the most common being sport or physical recreation at 49%.<sup>47</sup>

<sup>44</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>45</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>46</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

- 2.50** In 2006/07 total number of protected Aboriginal lands was 99, which includes 31 sites that had been added since 2002/03.
- 2.51** As at 30 June 2004, two national parks has been returned to Aboriginal ownership in accordance with the scheme established under the *National Parks and Wildlife Act 1974*.<sup>48</sup>
- 2.52** There has been one native title determination and four Indigenous Land Use Agreement registered in New South Wales.<sup>49</sup>

### Education

- 2.53** The following tables show the percentage of students reaching the literacy, numeracy and writing benchmarks in Years 3, 5 and 7.<sup>50</sup> Education is discussed in Chapter 6.

**Table 2.17 Reading – Percentage of students at Years 3, 5 and 7 reaching the national benchmark**

Level/population	2001	2002	2003	2004	2005
	%	%	%	%	%
<b>Year 3</b>					
Aboriginal females	82.4	82.6	84.8	83.6	84.3
Aboriginal males	76.1	73.8	78.2	77.2	79.3
Aboriginal students	79.2	78.2	81.5	80.4	81.8
All students	91.3	92.1	93.0	92.2	93.3
<b>Year 5</b>					
Aboriginal females	80.1	78.2	80.6	78.9	75.3
Aboriginal males	73.0	72.7	72.3	72.5	69.2
Aboriginal students	76.6	75.4	76.5	75.7	72.3
All students	92.0	92.3	91.7	90.9	89.7
<b>Year 7</b>					
Aboriginal females	71.9	71.6	73.8	71.5	74.3
Aboriginal males	59.4	64.4	62.5	65.4	64.4
Aboriginal students	65.6	68.0	68.1	68.5	69.4
All students	88.0	88.0	88.9	88.1	88.1

<sup>47</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>48</sup> Two Ways Together Plan, cited in *Two Ways Together Report on Indicators 2007*, p 84

<sup>49</sup> *Two Ways Together Report on Indicators 2007*, p 84

<sup>50</sup> *Two Ways Together Report on Indicators 2007*, pp 34-5. Tables 5.1.1, 5.1.3, 5.1.5

**Table 2.18 Writing – Percentage of students at Years 3, 5 and 7 reaching the national benchmark**

Level/population	2001	2002	2003	2004	2005
	%	%	%	%	%
<b>Year 3</b>					
Aboriginal females	78.0	85.9	89.6	90.0	84.8
Aboriginal males	68.2	79.3	81.4	83.8	76.3
Aboriginal students	73.1	82.6	85.5	86.9	80.6
All students	89.9	94.4	95.4	95.8	93.6
<b>Year 5</b>					
Aboriginal females	90.0	87.5	90.0	90.0	85.6
Aboriginal males	84.9	82.0	82.4	84.8	77.3
Aboriginal students	87.4	84.8	86.2	87.4	81.5
All students	95.9	95.6	95.7	95.9	94.3
<b>Year 7</b>					
Aboriginal females	83.1	80.2	80.0	85.5	81.4
Aboriginal males	71.9	70.7	70.4	78.2	69.3
Aboriginal students	77.5	75.4	75.2	81.8	75.3
All students	92.5	90.9	92.2	93.7	92.1

**Table 2.19 Numeracy – Percentage of students at Years 3, 5 and 7 reaching the national benchmark**

Level/population	2001	2002	2003	2004	2005
	%	%	%	%	%
<b>Year 3</b>					
Aboriginal females	87.2	86.0	91.8	90.0	88.2
Aboriginal males	86.5	84.6	91.0	89.0	87.0
Aboriginal students	86.9	85.3	91.4	89.5	87.6
All students	95.0	95.3	96.7	95.8	95.4
<b>Year 5</b>					
Aboriginal females	75.9	71.8	75.4	75.9	75.4
Aboriginal males	73.3	73.0	72.4	78.1	75.3
Aboriginal students	74.6	72.4	73.9	77.0	75.4
All students	91.7	91.2	91.3	92.2	91.7
<b>Year 7</b>					
Aboriginal females	48.5	45.9	42.4	45.8	43.2
Aboriginal males	47.1	46.1	39.7	47.4	45.7
Aboriginal students	47.8	46.0	41.1	46.6	44.5
All students	79.2	78.2	73.9	76.1	75.8

***Preschool education***

- 2.54** The proportion of Aboriginal students enrolled in preschools in New South Wales has increased since 2002. In 2005, a higher percentage of 3-5 year old Aboriginal children (26.1%) were enrolled in preschool than non-Aboriginal children of the same age (21.4%). However, the enrolment rates for Aboriginal 5 year olds (10.6%) were lower than non-Aboriginal students (16.7%)<sup>51</sup>

***School education***

- 2.55** In 2006 there were 36,923.6 Aboriginal and Torres Strait Islander students enrolled in Government schools. This was 5% of the Government school student population.<sup>52</sup>
- 2.56** There is little difference in school enrolments during the compulsory schooling years for children aged between 6 and 14 years.<sup>53</sup> In 2006, more than 95% of all children aged between 12 and 14 were enrolled in school.<sup>54</sup>
- 2.57** The proportion of Aboriginal students enrolled in secondary school drops sharply from the age of 15, with Aboriginal students around half as likely to continue to year 12.<sup>55</sup> When Aboriginal students reach 15 years old only 79.3 % are enrolled at school. By the time they are 17 this 13.8 % gap has widened to 33.5 %.<sup>56</sup>
- 2.58** Figure 2.20, based on information from the 2001 Census, compares the last year of school completed by Indigenous and non-Indigenous students 15 years and over.<sup>57</sup>

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<sup>51</sup> *Two Ways Together Report on Indicators 2007*, p 38

<sup>52</sup> New South Wales Department of Education and Training, Statistical Bulletin – Schools and Students in NSW, 2006, **note:** Enrolments are recorded in full-time equivalent units (FTEs) and include full-time and part-time students.

<sup>53</sup> *Two Ways Together Report in Indicators 2007*, p 38

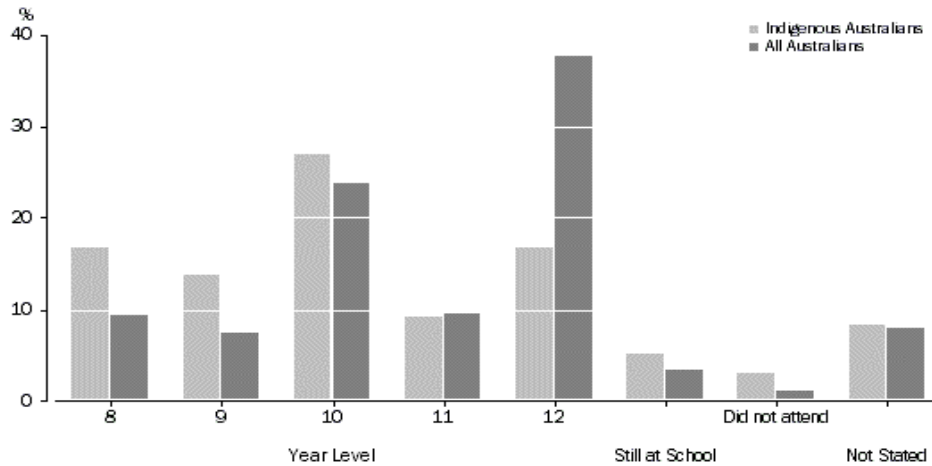
<sup>54</sup> *Two Ways Together Report in Indicators 2007*, p 38

<sup>55</sup> *Two Ways Together Report in Indicators 2007*

<sup>56</sup> *Two Ways Together Report on Indicators 2007*, p 38

<sup>57</sup> ABS 2002.0 - Census of Population and Housing: Indigenous Profiles, 2001



**Figure 2.20 Last year of school completed**

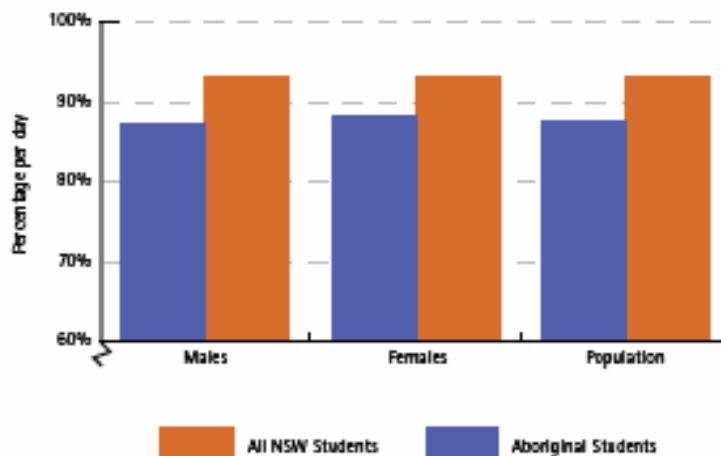
Source: *Census of Population and Housing, 2001, Indigenous Profile (cat. no. 2002.0)*

**2.59** In 2001 Indigenous people were less likely to complete year 12 or equivalent than the Australian population as a whole (16% and 38% respectively), although a similar proportion of the Indigenous population and total Australian population have completed year 11.

**2.60** The effect of educational attainment on unemployment is illustrated in Figure 2.16.<sup>58</sup>

### *School attendance rates*

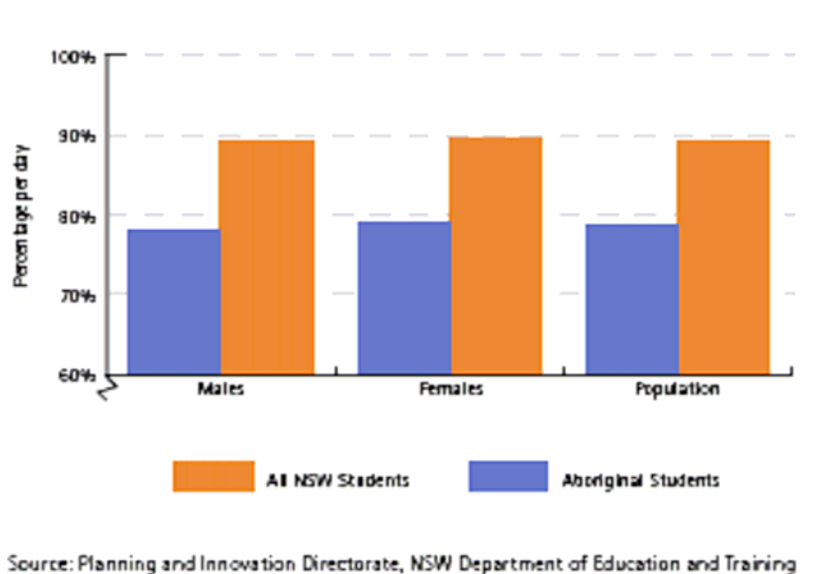
**2.61** School attendance rates for Aboriginal students in both primary and secondary school are lower than those of the general student population, illustrated in Figures 2.21 and 2.22.<sup>59</sup>

**Figure 2.21 Average attendance rate for Years K to 6 in New South Wales Government schools in 2006**

<sup>58</sup> *Two Ways Together Report on Indicators 2007*, p 51

<sup>59</sup> *Two Ways Together report on Indicators 2007*, p 39

**Figure 2.22 Average attendance rate for Years 7 to 10 in New South Wales Government schools in 2006**

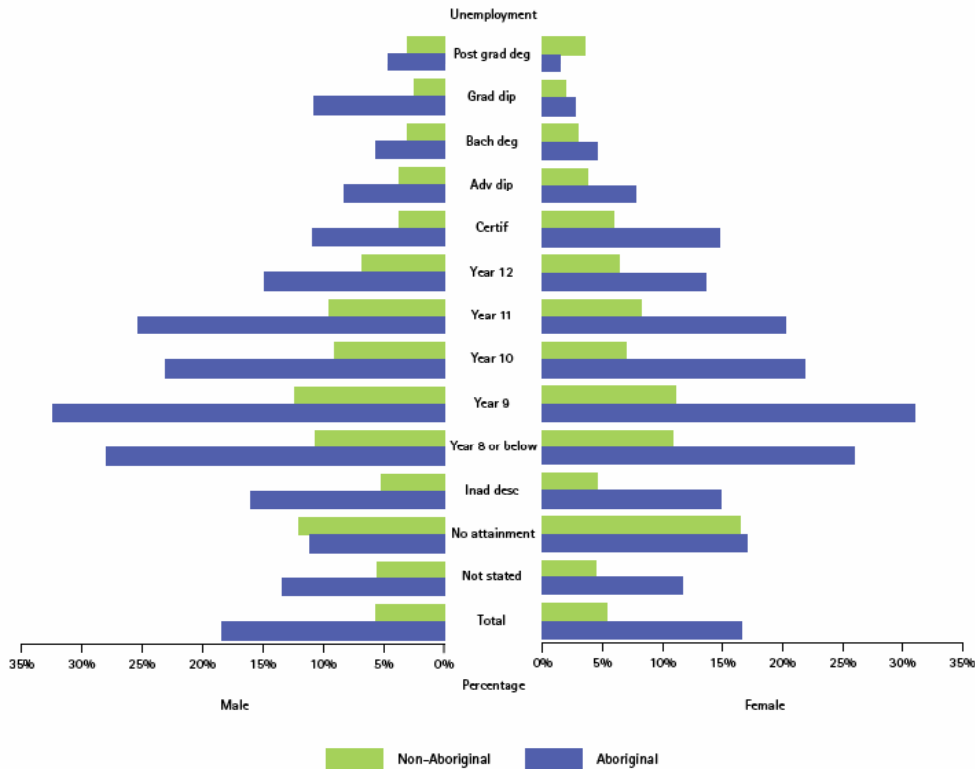


### *Post school education and attainment*

- 2.62** In 2006, the proportion of Aboriginal people aged 15 to 64 undertaking post-school study was higher than for the general population due to an increase in the proportion of Aboriginal females undertaking study.
- 2.63** There was an increase in the level of TAFE NSW courses that were completed by Aboriginal students. From 2002 to 2006, the number of Aboriginal student enrolments in TAFE NSW increased each year.
- 2.64** Aboriginal enrolments in TAFE NSW increased by 23% from 18,899 in 2002 to 23,246 in 2006. Enrolments of Aboriginal students in higher level TAFE courses increased by 21.8% over this period. Enrolments for all students over the period fell by almost 5% to 500,410.<sup>60</sup>
- 2.65** Just over one in ten Aboriginal people have post-school qualifications compared to over four out of ten for the general population.
- 2.66** Less than 2% of the Indigenous population attended university in 2001; this was less than half of the proportion of the total Australian population that attended university.<sup>61</sup> This data was not followed up in the *Two Ways Together Report on Indicators 2007*.
- 2.67** The number of Indigenous people with Bachelor degrees or above, increased from 1% in 1994 to 3% in 2002. The proportion of Indigenous people with non-school qualifications such as certificates or diplomas increased from around 12% in 1994 to 26% in 2002.<sup>62</sup>

<sup>60</sup> *Two Ways Together Report on Indicators 2007*, pp 42-3

<sup>61</sup> *Two Ways Together Report on Indicators 2005*

**Figure 2.23 Unemployment and highest educational attainment 2006**

Source: Census of Population and Housing, 2006, Unpublished data

## Employment

- 2.68** The estimated total amount of potential life income lost to premature mortality for an Indigenous male aged 0-14 in 2001 was \$1.2 million, based on a cumulative sum over a life time of average Indigenous male income.<sup>63</sup>
- 2.69** The labour force<sup>64</sup> participation rate for Aboriginal people in New South Wales in 2006 was 55.6%, compared to 63.0% for all New South Wales residents. Over the five years from 2002 to 2006, Aboriginal people experienced an unemployment rate consistently three times higher than the rate for all New South Wales residents.
- 2.70** In 2006, the main industries employing Aboriginal workers were health care and social assistance (14.4%), public administration and safety (9.9%), education and training (9.4% and

<sup>62</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>63</sup> The Australian National University, Centre for Aboriginal Economic Policy Research, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*, Discussion Paper No. 283/2006, p 10

<sup>64</sup> *Two Ways Together Report on Indicators 2007*, p 51. The scope of the ABS Labour force survey is the civilian population aged fifteen of more.

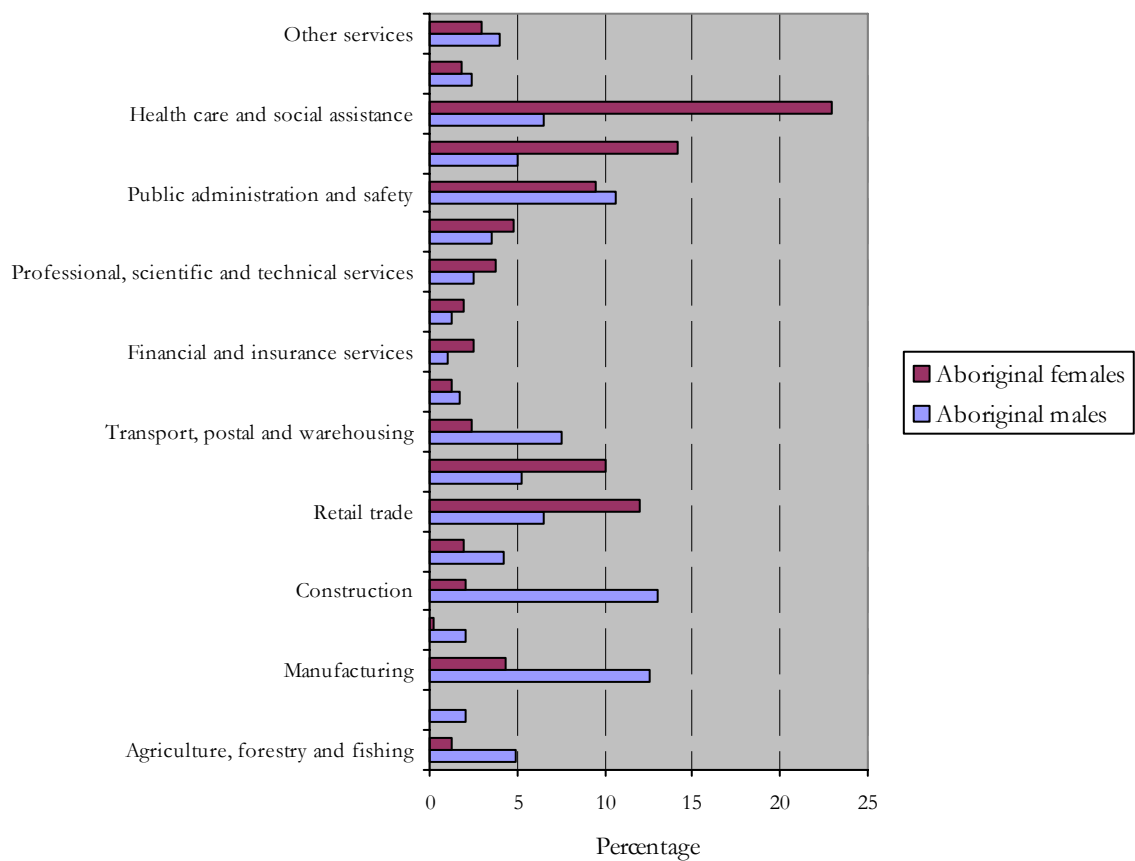
retail trade (9.1%). In the 2001 Census the main industries employing Aboriginal workers were health and community services (13%) and retail trade (11.5%).

**2.71** More Aboriginal males are employed as labourers (25.5%) and technicians and trade workers (20.0%) than any other occupations.

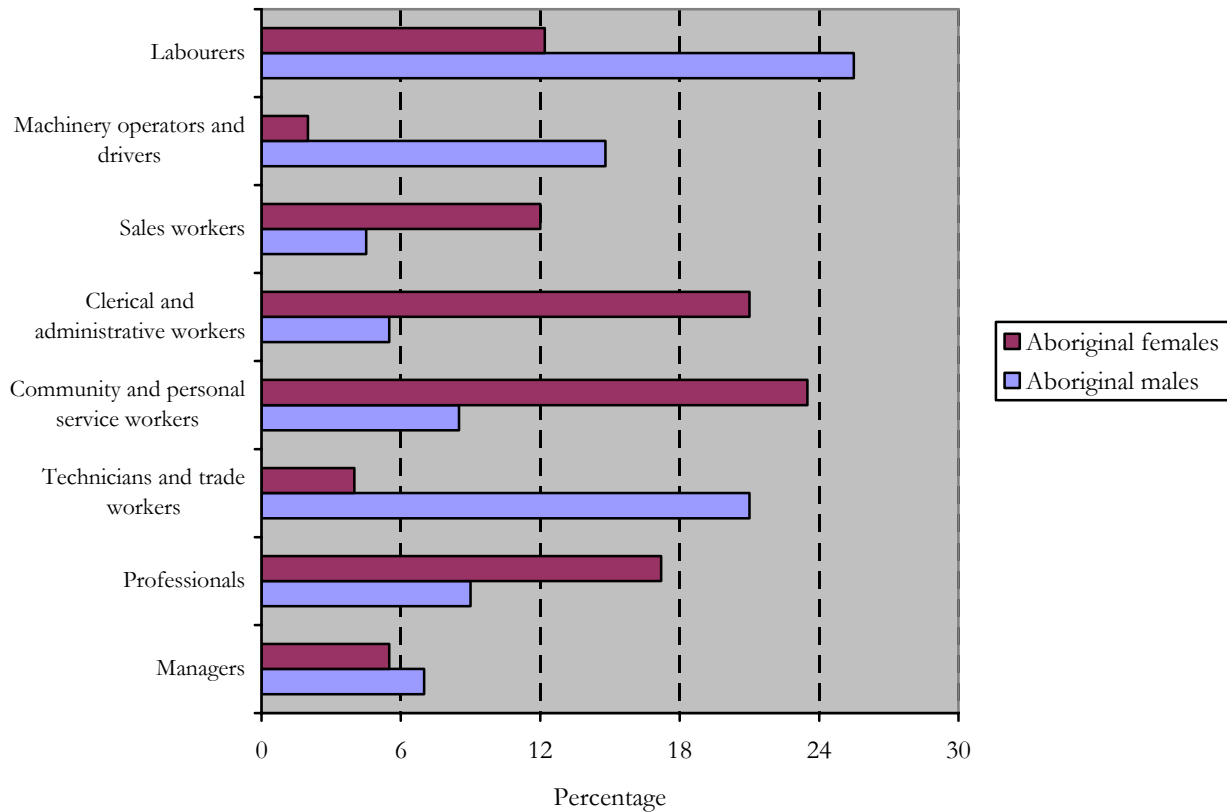
**2.72** More Aboriginal females were employed as community and personal service workers (23.5%) and clerical and administrative workers (20.7%) than in any other occupations.

**2.73** Figures 2.24 and 2.25 illustrate Aboriginal employment by industry and occupation in 2006.

**Figure 2.24 Aboriginal Employment by Industry 2006<sup>65</sup>**



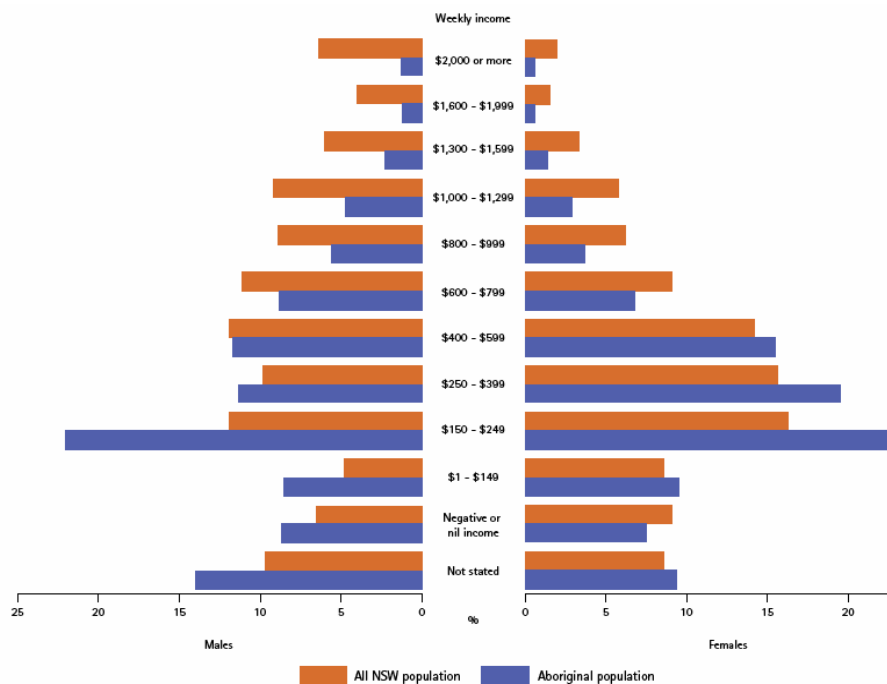
<sup>65</sup> *Two Ways Together Report on Indicators 2007*, p 50

**Figure 2.25 Aboriginal Employment by Occupation 2006<sup>66</sup>**

- 2.74** Across all unemployed persons, the Aboriginal unemployment rate for males is 3.3 times the non-Aboriginal rate and the respective females comparison is 3 times the rate.
- 2.75** In regional areas, 15 to 24 year olds, both male and female, had the highest unemployment rate of all people. The difference between the Aboriginal and non-Aboriginal rate is more pronounced for all age categories.
- 2.76** When employed, the majority of Indigenous people both male and female earn between \$150 and \$249 per week.
- 2.77** The median weekly income for New South Wales Aboriginal residence 15 and over in 2006 was \$296, compared with \$461 for all New South Wales residents, a difference of \$165.
- 2.78** The median weekly household income of Aboriginal households was \$727, compared to \$1,034 for all New South Wales households, a difference of \$307.
- 2.79** Personal income distribution data in Figure 2.26 shows the over-representation of Aboriginal people on low incomes, particularly in the \$150 to \$249 per week range, and the under-representation in the higher income range.<sup>67</sup>

<sup>66</sup> *Two Ways Together Report on Indicators 2007*, p 50

**Figure 2.26 Personal Income Distribution Pyramid 2006**



Source: Census of Population and Housing, 2006, ABS, Unpublished data

**2.80** The proportion of Aboriginal people in the New South Wales public sector has increased since 2000 and now stands at 1.9%. The proportion of Aboriginal people in the Australian Public Service (APS) has decreased from 2.2% in 2002 to 1.7% in 2006. The majority of Aboriginal APS Staff work in the lower to middle clerical ranks.<sup>68</sup>

**Housing**

**2.81** Over one third of all Aboriginal households in New South Wales live in social housing, compared to only 6% of the total New South Wales population.<sup>69</sup> Within social housing in New South Wales, Aboriginal households are nearly three times more likely than all households to live in overcrowded conditions Housing is discussed in Chapter 8.<sup>70</sup>

**2.82** Sixty four percent of all non-remote Indigenous Housing Organisations (IHOs) are located in New South Wales. The number of IHOs managing less than 20 permanent dwellings decreased in New South Wales by 32 (25%) for the same period.<sup>71</sup>

<sup>67</sup> *Two Ways Together Report on Indicators 2007*, p 56

<sup>68</sup> *Two Ways Together Report on Indicators 2007*, p 52

<sup>69</sup> *Two Ways Together Report on Indicators 2007*, p 88

<sup>70</sup> *Two Ways Together Report on Indicators 2007*, p 92

<sup>71</sup> ABS 4710.0 *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2006*, p 19

- 2.83** In 2002 70% of all Aboriginal and Torres Strait Islander persons lived in rented accommodation in 2002. This has not changed significantly since 1994.
- 2.84** In 2002 Aboriginal people living in dwellings either owned or being purchased was 27%, up from 22% in 1994.<sup>72</sup> There was a further increase in 2006 when figures indicate that 37.8% of dwellings were either owned or being purchased by their Aboriginal occupants. This compares to 69.5% of all dwellings in all of New South Wales. This is an increase from 35.6% in the 2001 Census.<sup>73</sup>
- 2.85** The ABS estimates that nationally, there were 20,700 overcrowded Indigenous households (14%) and 102,400 Indigenous people (27%) living in overcrowded conditions in 2006. There has been some improvement in rates of overcrowding, with the proportion of Indigenous households that were overcrowded decreasing from 16% in 2001 to 14% in 2006.<sup>74</sup> Overcrowding rates varied according to tenure with the highest rates of overcrowding founding Indigenous households renting Indigenous/mainstream community housing.
- 2.86** In New South Wales, approximately 4% of Aboriginal households in Aboriginal Housing Office dwellings are categorised as overcrowded compared to 1.5% of all New South Wales households. This has not increased significantly.<sup>75</sup>
- 2.87** A Condition Assessment Survey of state owned Aboriginal community houses was undertaken in 2007. This identified a deferred maintenance liability of \$110 million to bring the properties up to the standard set by the *Aboriginal Housing Office Housing Guidelines*, the minimum safe and healthy living conditions to meet the requirements of the *Residential Tenancies Act 1987* (NSW).

## Justice and incarceration

### *Court appearances*

- 2.88** Justice and the criminal justice system are discussed in Chapter 9. Aboriginal adults and young people are around seven times more likely to appear in a criminal court than the general population. In 2006, 22% of the adult male Aboriginal population in New South Wales appeared in court, compared with 3% of the total adult male population. In 2006, 7% of the adult female Aboriginal population had a court appearance, compared with less than 1% of the total adult female population.<sup>76</sup>

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<sup>72</sup> ABS 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2002*

<sup>73</sup> *Two Ways Together Report on Indicators 2007*, p 88

<sup>74</sup> ABS 4704.0 *Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, 2008*. The ABS applied the Canadian National Occupancy Standard for housing appropriateness which is an internationally accepted measure of housing utilisation. This model is sensitive to both household size and composition.

<sup>75</sup> *Two Ways Together Report on Indicators 2007*, p 91

<sup>76</sup> *Two Ways Together Report on Indicators*, p 65

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- 2.89** Aboriginal males aged 18 to 29 had the highest rate of court appearances with 32% of this group appearing in court in 2006.<sup>77</sup>
- 2.90** Seven percent of Aboriginal juvenile males appeared in court in 2006, compared with 1% of the general male juvenile population. Two percent of Aboriginal juvenile females appeared in court in 2006, compared with just 0.3% of the general juvenile female population.<sup>78</sup>
- 2.91** In 2006, 85.4% of Aboriginal persons appearing in a Local Court in New South Wales were found guilty. This is slightly less than the overall rate of 87.1%.<sup>79</sup>

### ***Remand***

- 2.92** In 2006, the adult Aboriginal males remand rate was 12 times that of the general adult male population. Adult Aboriginal females were more than six times as likely to be on remand than the general adult female population.<sup>80</sup>
- 2.93** In 2006, half the juveniles on remand were Aboriginal. This is more than 10 times higher than the general juvenile remand population.<sup>81</sup>
- 2.94** The remand rate among all groups has increased between 2001 and 2006. Among Aboriginal males, the remand rate rose 49% from 641.6 per 100,000 population in 2001 to 956.3 per 100,000 population in 2006.

### ***Incarceration***

- 2.95** The percentage of Aboriginal persons found guilty sentenced to imprisonment in 2006 was 18.9%. This compares with 6.8%.<sup>82</sup> The imprisonment rates for specific offences is illustrated in table 2.27:

**Table 2.27 Persons sentenced to imprisonment as a percentage of all persons found guilty – selected offences 2006**

Offence	Aboriginal and Torres Strait Islander %	Total population of New South Wales%
Unlawful entry with intent/burglary, break and enter	63.6	48.8
Motor vehicle theft and related offence	54.7	42.0
Breach of justice order	33.7	21.3
Assault	25.8	11.5

<sup>77</sup> *Two Ways Together Report on Indicators*, p 65

<sup>78</sup> *Two Ways Together Report on Indicators* p 65

<sup>79</sup> Bureau of Crime Statistics and Research, *New South Wales Criminal Court Statistics 2006*, p 3

<sup>80</sup> *Two Ways Together Report on Indicators*, p 66

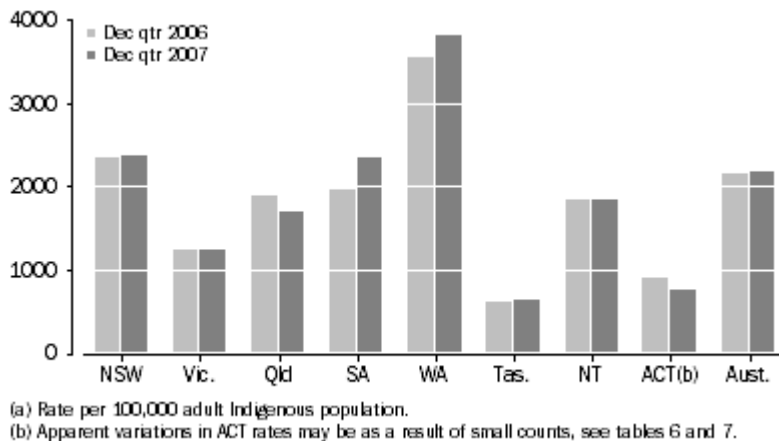
<sup>81</sup> *Two Ways Together Report on Indicators*, p 66

<sup>82</sup> Bureau of Crime Statistics and Research, *New South Wales Criminal Court Statistics 2006*, p 4, tables 1.7, 1.8



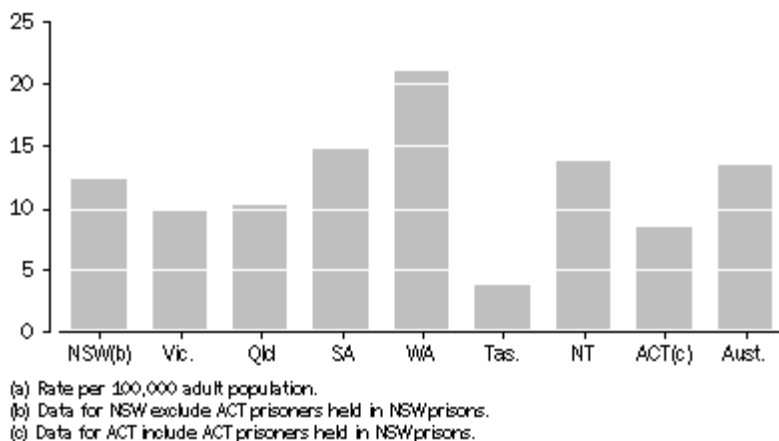
**2.96** Nationally, Indigenous prisoners represented 24% of the total prisoner population at 30 June 2007. Proportionately, this was no change from 30 June 2006, although the number of Indigenous prisoners rose by 9% between 30 June 2006 and 30 June 2007.<sup>83</sup> Almost 80% of the total Indigenous prisoner population was located in New South Wales (1,982), Western Australia (1,616) and Queensland (1,409).<sup>84</sup> Figure 2.28 illustrates the average daily Indigenous prisoner rate by State and Territory at 30 June 2007. New South Wales has the second highest Indigenous imprisonment rate, behind Western Australia.<sup>85</sup>

**Figure 2.28 Average daily Indigenous prisoner rate by State and Territory at 30 June 2007**



**2.97** Adult Aboriginal males were 13 times more likely to be imprisoned than all adult males, and Aboriginal females are 21 times more likely to be imprisoned than all females. Figure 2.29 illustrates the ratio of Indigenous to non-Indigenous rates of imprisonment at 30 June 2007.<sup>86</sup>

**Figure 2.29 Ratio of Indigenous to non-Indigenous rates of imprisonment at 30 June 2007**



<sup>83</sup> ABS 4517.0, *Prisoners in Australia 2007*

<sup>84</sup> ABS 4512.0, *Corrective Services, Australia, December 2007*

<sup>85</sup> ABS 4517.0, *Prisoners in Australia 2007*

<sup>86</sup> ABS 4517.0, *Prisoners in Australia 2007*

***Recidivism***

- 2.98** Aboriginal people found guilty in court are more likely to be reconvicted of a new offence within both 12 and 24 months than the general population of people convicted in the courts.<sup>87</sup>
- 2.99** Of Aboriginal persons found guilty in court in 2004, 53% were reconvicted within 24 months, compared with 29% of the total population. The proportion of adult Aboriginal persons who are reconvicted within 24 months appears to have declined slightly from 56% in 2000 to 53% in 2004.<sup>88</sup>
- 2.100** The proportion of Aboriginal juveniles found guilty in court in 2004 who were then found guilty of another offence within 24 months was 73%, compared with 52% for juveniles overall. The proportion of Aboriginal juvenile offenders who were reconvicted within 24 months did not change substantially between 2000 and 2004.<sup>89</sup>

***Victimisation***

- 2.101** Aboriginal females recorded the highest rate of victimisation for personal crimes recorded by New South Wales Police, followed by Aboriginal males. This includes murder, assault, sexual offences and robbery.<sup>90</sup>

**Other infrastructure**

- 2.102** The National Aboriginal and Torres Strait Islander Social Survey (NATSIS Survey) of 2002 found that Aboriginal people are less likely than the overall population to use information technology either at home or in other locations.<sup>91</sup>
- 2.103** A majority of the discrete communities reported on have reasonable access to traditional media, including radio and television. However a significant proportion does not have access to public telephones or the Internet.<sup>92</sup>

**Data collection**

- 2.104** The ABS is Australia's official national statistical agency. Its role is to provide statistics on a wide range of economic, social and environmental matters. The purpose of collecting these statistics is to assist informed decision making, research and discussion, within governments and the community.<sup>93</sup>

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<sup>87</sup> *Two Ways Together Report on Indicators*, p 66

<sup>88</sup> *Two Ways Together Report on Indicators*, p 66

<sup>89</sup> *Two Ways Together Report on Indicators*, p 66

<sup>90</sup> *Two Ways Together Report on Indicators*, p 63

<sup>91</sup> ABS 4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2002

<sup>92</sup> *Two Ways Together Report on Indicators 2007* p 95

<sup>93</sup> Submission 51, ABS, p 1

**2.105** The ABS is responsible for the following statistical collections and publications which provide data on the Aboriginal and Torres Strait Islander population:

- Census of Population and Housing
- National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) 2004/05
- National Aboriginal and Torres Strait Islander Social Survey (NATSISS)
- Community Housing and Infrastructure Needs Survey (CHINS)
- Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2005 and 2008
- Estimated Resident Population Collection
- Birth and Death Registrations Collections.<sup>94</sup>

**2.106** The ABS recognises the role and importance of reliable statistics in informing government decision making:

Comprehensive, reliable and timely statistical information is fundamental to measuring, understanding and reporting on the circumstances of Aboriginal and Torres Strait Islander peoples, to understand potential disadvantage and to identify strengths and agents for positive change.<sup>95</sup>

**2.107** The national statistics program aims to provide a range of information to:

- monitor the social and economic circumstances of Indigenous Australians
- support the development, implementation and evaluation of relevant policies and programs of Australian federal, state and territory governments
- support research related to better understanding Aboriginal and Torres Strait Islander perceptions, expectations and experiences of 'well-being'
- enhance the quality and utility of Indigenous data sets and data collection systems across the national statistical system.<sup>96</sup>

**2.108** To provide this information, the ABS has established regular programs of Indigenous statistical activity. These include:

- producing of Indigenous population estimates and projections
- implementing the Census Indigenous Enumeration Strategy
- conducting regular Indigenous household surveys - National Aboriginal and Torres Strait Islander Social Survey (NATSISS) and National Aboriginal and Torres Strait Islander Health Survey (NATSIHS)

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<sup>94</sup> Submission 51, ABS, pp 2-3

<sup>95</sup> ABS, *Directions in Aboriginal and Torres Strait Islander Statistics June 2007*, p 3

<sup>96</sup> ABS, *Directions in Aboriginal and Torres Strait Islander Statistics June 2007*, p 3

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- conducting other surveys commissioned by external agencies, for example the 1999, 2001 and 2006 community Housing and Infrastructure Needs Survey (CHINS)
- publishing experimental Indigenous labour force estimates for the Labour Force Survey
- publishing Indigenous data in major ABS collections, for example, schools, births, deaths and corrective services
- providing input to improve the quality of Indigenous identification in administrative collections, for example, births, deaths, education and training, law and justice
- contributing to understanding of the social conditions of Indigenous people through its analytical work program.<sup>97</sup>

### Data accuracy

**2.109** The accuracy of data on Indigenous people depends on both the willingness, and the opportunity provided, for people to identify as Indigenous. Mr Peter Damcevski, Director of Statistical Co-ordination, ABS, told the Committee of ongoing difficulties encountered by the ABS with the collection of meaningful Indigenous data:

The main issues in collecting and producing meaningful data in relation to Indigenous people relate to having the opportunity to indicate Indigenous status (in administrative collections) and issues surrounding the sample sizes in statistical collections i.e. being able to provide statistically robust data without imposing undue survey burden on the Indigenous population.<sup>98</sup>

**2.110** The willingness of Indigenous Australians to self-identify themselves as Indigenous can vary across data collections and makes trend analysis difficult.<sup>99</sup> It also creates problems for data collectors and those analysing the data, as explained by Mr Damcevski:

There are degrees of willingness to report status based on the nature of the questions being asked. ... we cannot really compare our information with others as directly as we would like.

... there is a significant increase in the number of people who self-identify. It is far beyond that which one would normally assume would be from natural increase. I am thinking that there are social factors behind that ...<sup>100</sup>

<sup>97</sup> ABS, *Directions in Aboriginal and Torres Strait Islander Statistics* June 2007, p 5

<sup>98</sup> Mr Peter Damcevski, answers to questions taken on notice during evidence, 14 February 2008, question 1, p 1

<sup>99</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage Key: Indicators 2007*, p 2.19

<sup>100</sup> Mr Damcevski, Evidence, 14 February 2008, p 12

**2.111** The Centre for Aboriginal Economic Policy Research also referred to difficulties in relying on self-identification when attempting to measure Indigenous health statistics in New South Wales:

The incomplete identification of Indigenous people in hospital, general practitioner (GP), health centre and vital registration data in New South Wales, combined with uncertainties regarding population estimates, makes the precise measurement of health statistics difficult.<sup>101</sup>

**2.112** The ABS regards self-identification to be unreliable and is working towards a system of collecting data that is more reliable and representative of Indigenous conditions. The ABS also recognises a number of other special features of Australia's Indigenous population that result in additional issues associated with collecting data on Indigenous people. These include:

- high levels of mobility (individuals and families moving between dwellings and community locations)
- remoteness - Indigenous people are more likely to live outside urban areas than other Australians
- language difficulties as English may not be the first language spoken and
- the oral based communication heritage of Indigenous people, which does not include the use of paper based forms.<sup>102</sup>

**2.113** The problems associated with self-identification and the need to take care when comparing current data with that collected prior to 2004 is highlighted by an example from the Bureau of Crime Statistics and Research (BOCSAR). In 2004 BOCSAR made changes to the way Aboriginal and Torres Strait Islander persons appearing in court are identified. The Bureau changed to cross-referencing its databases for identification purposes. This resulted in a seeming, considerable increase in the number of Indigenous people appearing before the court. Following this initial increase the statistics have remained relatively steady.<sup>103</sup>

#### **Future directions in data collection**

**2.114** All Governments in Australia, State and Federal, have made firm a commitment to 'Close the Gap' between the circumstances of Indigenous and non-Indigenous Australians. This makes Indigenous statistics that indicate the level of disadvantage and any changes that are occurring powerful policy drivers. It is important to remain mindful of their shortcomings and for the ABS to continue to improve data collection methods and the accuracy of comparative data.

**2.115** In its role as the leader of the national statistical system, the ABS is working towards avoiding the duplication of statistics, attaining comparability between collections undertaken by

<sup>101</sup> The Australian National University, Centre for Aboriginal Economic Policy Research, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends, Discussion Paper No. 283/2006*, pp 8-9

<sup>102</sup> <[www.abs.gov.au/websitedbs/d3310116.nsf/home/Information%20Issues%20update%2059](http://www.abs.gov.au/websitedbs/d3310116.nsf/home/Information%20Issues%20update%2059)> (accessed 11 October 2007)

<sup>103</sup> NSW Criminal Courts Statistics 2006, Explanatory Notes – Local Courts, p 121

different agencies and maximising the utilisation of statistics. This role is of particular importance within Indigenous statistics, given the problem of respondent burden amongst the relatively small, highly researched Aboriginal and Torres Strait Islander population.<sup>104</sup>

**2.116** Following a review of the policy context of Indigenous affairs and consultation with stakeholders, six key strategic areas were identified to guide new or enhanced statistical activity:

- engagement with Indigenous communities, policy makers, researchers and other users of Indigenous statistics
- understanding and measuring Indigenous wellbeing
- Aboriginal and Torres Strait Islander children and youth
- Indigenous engagement in economic activity
- improved reporting and analysis of comparisons over time
- regional data: improved capacity to support regional and small area analysis.<sup>105</sup>

**2.117** Mr Damcevski told the Committee that improvements are being made to data collection methods so that the data is 'becoming more reliable in the sense that it is a better reflection on the circumstances of Indigenous people'.<sup>106</sup>

**2.118** These improvements have included the ABS Indigenous Community Engagement Strategy, which is designed to facilitate both the collection and dissemination of data. Under this Strategy each ABS State and Territory office has an Indigenous Engagement Manager who facilitates a wide range of survey and census activities.<sup>107</sup>

**2.119** The Indigenous Engagement Manager for New South Wales and the Australian Capital Territory, Ms Charmaine Smith, told the Committee:

We have a fairly important role. We have to build and maintain networks with Aboriginal communities and organisations. It is very important at census time that we have the support of communities to encourage community members to fill in the census. ... there have been significant improvements and gains in the way we enumerate.<sup>108</sup>

**2.120** Together these initiatives will promote reporting and analysis of comparisons over time.<sup>109</sup>

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<sup>104</sup> Australian Bureau of Statistics <[www.abs.gov.au](http://www.abs.gov.au)> (accessed 10 June 2008)

<sup>105</sup> *Australian Bureau of Statistics – Annual Report 2006-7*, ABS 4700.0 *Directions in Aboriginal and Torres Strait Islander Statistics* June 2007, p 1

<sup>106</sup> Answers to questions taken on notice during evidence, Mr Damcevski, 14 February 2008, Question 1, p 1

<sup>107</sup> ABS, [www.abs.gov.au](http://www.abs.gov.au)

<sup>108</sup> Ms Charmaine Smith, Evidence, 14 February 2008, p 15

<sup>109</sup> ABS 4700.0 *Directions in Aboriginal and Torres Strait Islander Statistics*, June 2007, pp 15-19

## Chapter 3 Service delivery

[O]vercoming Indigenous disadvantage is probably the most confronting issue facing Australian society generally today. Interest rates, mortgages and so on pale into insignificance when compared with Indigenous disadvantage. That is an indictment on Australia.<sup>110</sup>

It has become clear to the Committee throughout this Inquiry that the provision of services to Aboriginal people contributes to the disparity between Indigenous and non-Indigenous Australians. Each factor and its relationship to life expectancy is addressed specifically in the following chapters. This chapter examines the issue of service delivery to Indigenous people more broadly. The adequacy of service delivery to Aboriginal people, in terms of the design, implementation and evaluation of these programs against outcomes is examined. In this chapter the Committee also examines the need for, and commitment to, partnership with the Aboriginal community by service providers.

### Background

- 3.1** Throughout this first half of our Inquiry, it has become apparent to the Committee that there is a renewed commitment to overcoming Indigenous disadvantage. The Committee held a series of hearings that coincided with the Prime Minister's Apology to the Stolen Generations and strongly felt the emotional impact the Apology had for Aboriginal people.
- 3.2** The Committee believes that, more than ever, governments must utilise this time of positivity to address the poor life expectancy of Indigenous people, in partnership with them.
- 3.3** Mr Sol Bellear, Chair of the Board of the Aboriginal Medical Service, Redfern, told the Committee that the Apology to the Stolen Generations represented a new beginning in which the nature of the relationship between government and Aboriginal people could be redefined:

The National Apology set the groundwork for a new beginning in the character of relationships between Aboriginal peoples and Australian governments. It challenges the pervasive analyses that: one, governments and their officials should exert dominion over or act as rulers in relation to Aboriginal people; two, that Aboriginal people are requiring intervention by governments because we do not have the intellectual or moral wherewithal to organise our societies productively; and, three, that non-Aboriginal Australian society is a flawless model from which to take those examples.

The 2020 Summit expanded the policy direction implicit in the National Apology. Aboriginal people are waiting for Australian governments to break with the past and move forward with the new, mature policy orientation in Aboriginal Affairs.<sup>111</sup>

- 3.4** Mr Bellear also told the Committee that the human rights of Aboriginal people needed to be recognised through government engagement in a consultative manner with the Aboriginal

<sup>110</sup> Mr William (Sam) Jeffries, Chairperson, Murdi Paaki Regional Assembly, Evidence, 12 March 2008, p 29

<sup>111</sup> Mr Sol Bellear, Evidence, 30 April 2008, p 21

community. He argued that the best mechanism for enhancing this relationship are Aboriginal organisations that represent communities, rather than select individuals:

The most fundamental issue in Aboriginal Affairs is recognition of the human rights of Aboriginal people as the historical owners of Australia and the associated implications for the central position of Aboriginal culture within the cultural framework of modern Australia; the need for formal mechanisms of consultation between Australian governments and the Australian people via self-determining representative organisations, rather than with selected individuals; and the need for appropriate restitution for the ongoing effects of colonisation.<sup>112</sup>

**3.5** While government has a responsibility to engage with Aboriginal people, Aboriginal people have the right and responsibility to self-determination, Ms Winsome Matthews, Project Manager of the Mount Druitt Learning Ground, told the Committee:

But I also say to all my contemporaries, peers, seniors and elders in front of me that it is also about us stepping up and getting back to the true spirit of our aboriginality. As I said, the Government cannot be let off the hook. You now have to stand up and accept that you are dealing with the world's oldest culture and religion; that our culture and spirituality have the answers to your complexities in providing us with a socially just existence. Do not make my heritage your history and do not put me in a position where I bargain away my self-determination. There is nothing scary about us. In fact, if you get it right for us, everybody else will know that Aussie fair go.<sup>113</sup>

**3.6** Mr Carlo Svagelli, President of the Aboriginal Education Consultative Group, explained that Aboriginal people still suffered from a very recent history of exclusion from service provision:

Even up until the 1970s Aboriginal people were being excluded from the [education] system. That was mentioned this morning in the apology. That was not generations ago; it is still very recent. So it is about building those relationships and that does not happen overnight. Communities have to have faith in the organisation, be it at school, be it a health provider, be it the police, or whoever. In other discussions about the underreporting of sexual assault people have to have faith in the system. Who will provide that service or provide that backup if they want to use it?<sup>114</sup>

**3.7** Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College, added to this point by noting the level of distrust of government services within the Aboriginal community:

There is a level of distrust in our community. How do we get rid of it? I think today's apology started that process, and I think things will be a little bit different from here on. Our future is looking brighter for the ordinary Aboriginal person. I think there will be a change in the future. We are just conduits of the message; we are just facilitators of the work we do. We are not doing this to help ourselves; we are doing this to help our community get to the next level. We all should be sitting here and

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<sup>112</sup> Mr Sol Bellear, Evidence, 30 April 2008, p 21

<sup>113</sup> Ms Winsome Matthews, Project Manager, Mount Druitt Learning Ground, Evidence, 14 February 2008, p 58

<sup>114</sup> Mr Carlo Svagelli, President, Aboriginal Education Consultative Group, Evidence, 13 February 2008, p 29



saying we are going to do something, but how do you bring us all together to make that happen?<sup>115</sup>

- 3.8** The value to all Australians of the recognition and proper treatment of Indigenous people was emphasised by Mr Michael Gravenor, former Executive Officer of the Settlement Neighbourhood Centre:

They are the people with the unique presence, the people with the unique connection to this land. Remember, we are talking about the oldest living culture known to humans. Yet we as a nation are prepared to remain in denial about our past, our gift of Aboriginal people.<sup>116</sup>

- 3.9** The report of the Steering Committee for the View of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators Report 2007* highlighted the need for all parts of Australian society to acknowledge the existence of Indigenous disadvantage and commit, together, to addressing it:

[N]o one action is going to eradicate Indigenous disadvantage. A key message from consultations with Indigenous people was that the Report should not imply that the efforts of governments acting alone would be enough to achieve fundamental, long-term change. The drivers of change must include actions on the part of the private sector, the general community and, not least, Indigenous people themselves.<sup>117</sup>

## Federal and State commitments

- 3.10** This section deals with the broad budget and policy commitments made by the Federal and New South Wales Governments, as well as the role of the Department of Aboriginal Affairs in coordinating agencies to provide services to Aboriginal people. Particular Federal initiatives and New South Wales State Plan goals are examined in the context of the chapters that deal with particular priority areas.

- 3.11** Mr William (Sam) Jefferies, Chairperson of the Murdi Paaki Regional Assembly, spoke about the responsibilities of all levels of government to coordinate the provision of their services to Aboriginal people, and to make those services accessible. He argued that the history of colonisation and non-Aboriginal Australia's belated recognition of Aboriginal culture and heritage was not recognised for the unique difficulties associated with it:

We are citizens in this country and this is about accessing citizen services. Some specific things relate to Aboriginal people that do not relate to anybody else in the country, that is, cultural and heritage matters. I think those sorts of things are the bread and butter things of Aboriginal people which make them still have that

<sup>115</sup> Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College, Evidence, 13 February 2008, p 32

<sup>116</sup> Mr Michael Gravenor, former Executive Officer, The Settlement Neighbourhood Centre, Evidence, 30 April 2008, p 40

<sup>117</sup> Steering Committee on for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators Report 2007*, June 2007, p1.3

connection to country and all those sorts of things. I do not think a lot of people understand that.<sup>118</sup>

### Federal responsibilities

**3.12** The Honourable Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs (FACHSIA), told the House of Representatives in her Budget statement of May this year, that the Federal Government is ‘committed to a bi-partisan and evidence-based approach to closing the gap in life outcomes between Indigenous and non-Indigenous Australians.’<sup>119</sup> Ms Macklin explained that the key priorities for the Federal Government are:

- promoting economic participation
- reducing welfare dependency
- strengthening communities
- better engaging Indigenous people in developing solutions.<sup>120</sup>

**3.13** The Federal Government is committed to a number of programs related to these priorities, focussing on healthy homes, safe communities, schooling and health, among others. These commitments have been supported by \$425.3 million in new funds in the 2008-09 Budget, in addition to the \$580 million commitment announced in February 2008 for ‘closing the gap in life expectancy, infant mortality, education and employment.’<sup>121</sup> The Prime Minister will report to Parliament on the first working day of each parliamentary year, the progress of the Federal Government toward the targets it has set.<sup>122</sup>

**3.14** The Rudd Government has also committed to the establishment of a clearinghouse ‘on best practice and successful Aboriginal and Torres Strait Islander programs.’ The intention of the clearinghouse is to provide a single point for gathering and disseminating reliable information to underpin policy development.<sup>123</sup>

**3.15** Mr Tony Sutherland, Director – Western Zone, NSWALC, noted that the Federal Government’s commitment to bi-partisan policy development was a positive step forward in Indigenous affairs:

The picture at the national level is looking bright with the Rudd Government seeking to engage the Federal Opposition in a bipartisan approach through the proposed joint

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<sup>118</sup> Mr Jeffries, Evidence, 12 March 2008, p 33

<sup>119</sup> Hon Jenny Macklin MP, 13 May 2008, Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians, p1

<sup>120</sup> Hon Jenny Macklin MP, 13 May 2008, Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians, p1

<sup>121</sup> Hon Jenny Macklin MP, 13 May 2008, Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians, p1

<sup>122</sup> Hon Jenny Macklin MP, 13 May 2008, Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians, p37

<sup>123</sup> Hon Jenny Macklin MP, 13 May 2008, Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians, p38

national policy commission to look at a range of matters with the initial emphasis on housing. We have yet to see the shape and structure of that commission, but we are hopeful that politics can be put aside in the interests of improving the wellbeing of our people.<sup>124</sup>

- 3.16** Unfortunately, this optimism may be short-lived as the proposed joint commission has not received Opposition support, due to the Prime Minister's refusal to include Mr Mal Brough, former Minister for Indigenous Affairs, on the commission.<sup>125</sup>

### *Federal/State partnerships*

- 3.17** The Federal Government is also committed to more effective governance and accountability, including the revision of its partnerships with the States and Territories. The Federal Government intends to achieve this through the Council of Australian Governments (COAG) forum.<sup>126</sup>

- 3.18** A working group on Indigenous Reform is COAG's key vehicle for policy change. The working group's objective is to close the gap on Indigenous disadvantage, and focuses on three targets:

- to close the life expectancy gap within a generation
- to halve the gap in mortality rates for Indigenous children under five within a decade
- to halve the gap in reading, writing and numeracy achievements within a decade.<sup>127</sup>

- 3.19** The Federal Government and the State of New South Wales have committed to an Overarching Agreement on Aboriginal Affairs 2005 – 2010. This agreement sets out strategic approaches for joint and innovative action by governments in partnership with communities.<sup>128</sup> The agreement 'builds on and complements' existing arrangements and bilateral agreements, and is underpinned by the National Framework of Principles for Delivering Services to Indigenous Australians, endorsed at the COAG meeting on 25 June 2004. The principles include:

- sharing responsibility
- harnessing the mainstream

<sup>124</sup> Mr Tony Sutherland, Director – Western Zone, NSWALC, Evidence, 12 March 2008, p 2

<sup>125</sup> *Sydney Morning Herald*, 'Opposition pulls out of Indigenous war cabinet', May 23 2008, <[www.smh.com.au/news/national/opposition-pulls-out-of-indigenous-war-cabinet/2008/05/22/1211183001243.html](http://www.smh.com.au/news/national/opposition-pulls-out-of-indigenous-war-cabinet/2008/05/22/1211183001243.html)> (accessed 10 June 2008)

<sup>126</sup> Hon Jenny Macklin MP, 13 May 2008, *Budget Statement: Closing the Gap between Indigenous and non-Indigenous Australians*, p 36

<sup>127</sup> Department of Families, Housing, Community Services and Indigenous Affairs, <[www.facsia.gov.au](http://www.facsia.gov.au)> (accessed 16 June 2008)

<sup>128</sup> Framework Document, Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005 – 2010, p 1

- streamlining service delivery
- establishing transparency and accountability
- developing a learning framework
- focusing on priority areas.<sup>129</sup>

**3.20** As part of this agreement, the Federal and New South Wales Governments have agreed on a number of priority action areas. These reflect the priorities in the *Overcoming Indigenous Disadvantage* report, and are:

- reducing incarceration and breaking the cycle of family violence
- improving Year 3 and 5 literacy and numeracy, and school retention rates
- reducing incidence of otitis media (conductive hearing loss)
- improving living conditions
- early childhood intervention, a key focus of which will be improved mental and physical
- health, and in particular primary health, and early educational outcomes
- safer communities (which includes issues of authority, law and order, but necessarily also focuses on dealing with issues of governance to ensure that communities are functional and effective)
- building Indigenous wealth, employment and entrepreneurial culture, as these are integral to boosting economic development and reducing poverty and dependence on passive welfare.<sup>130</sup>

### **Committee comment**

**3.21** Many of these targets and priority areas are reflected in New South Wales policies that are considered throughout this Report. The primary vehicles for driving Indigenous policy in New South Wales are the New South Wales State Plan and the Two Ways Together Plan. These are discussed in the following sections. The majority of Aboriginal people in Australia reside in New South Wales, although these demographics, as set out in Chapter 2, are not reflected in the level of Federal funding received by New South Wales. The need for long term funding commitments, from both the Federal and New South Wales Governments, to implement these priorities is considered in the section on funding later in this chapter.

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<sup>129</sup> Framework Document, Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005 – 2010, p 1

<sup>130</sup> Framework Document, Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005 – 2010, p 3

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### Issue for consideration 1 – Delivery: Federal funding

Although the majority of Aboriginal people in Australia reside in New South Wales, this is not reflected the level of Federal funding received by New South Wales. This impacts on the State's ability to implement priorities under the Federal-State Overarching Agreement on Aboriginal Affairs 2005 – 2010, the New South Wales State Plan and the Two Ways Together Plan.

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#### New South Wales State Plan

**3.22** The Department of Premier and Cabinet advised that Committee that:

The implementation of the State Plan has given an additional focus to Aboriginal Affairs right across Government. Accountability for delivering the State Plan priorities is ensured through the quarterly updates provided by lead agencies, and through the State Plan annual report.<sup>131</sup>

**3.23** The New South Wales State Plan has one specific priority, F1, aimed at improving health, education and social outcomes for Aboriginal people. Under F1 are five commitments:

- F1 (a): Ensure Aboriginal families are supported to live free from violence and harm
- F1 (b): Increase the readiness to learn of Aboriginal children prior to school entry
- F1 (c): Ensure that all Aboriginal communities have equitable access to environmental health systems
- F1 (d): Increase Aboriginal employment
- F1 (e): Build community resilience.<sup>132</sup>

**3.24** The New South Wales Government has announced its commitments to the Aboriginal Affairs budget for 2008-2009. In a media release on 3 June, the Minister announced a variety of initiatives aimed at 'continuing to deliver better infrastructure and services, to improve health, education and living standards in the State's Aboriginal communities'.<sup>133</sup> These include:

- \$6.3 million over 3 years to build water and sewerage infrastructure in 22 communities
- \$29.9 million over 4 years to provide on-going support for the operation, maintenance and monitoring of water and sewerage systems

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<sup>131</sup> Answers to questions taken on notice during evidence, 29 April 2008, Ms Robyn Kruk, Director General, Department of Premier and Cabinet, Question 9, p 19

<sup>132</sup> NSW Government, State Plan: A new direction for NSW

<sup>133</sup> Hon Paul Lynch MP, Minister for Aboriginal Affairs, 'Emma Government Budget delivers for Aboriginal communities', *Media Release*, 3 June 2008

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- \$22.9 million over 4 years to combat child sexual abuse through the expansion of Safe Families to the Orana Far West region
- \$19.6 million in 2008-09 for housing and environmental health work under the Aboriginal Communities Development Program
- \$1.9 million in 2008-09 to provide project officers for 40 communities
- \$687,000 to deliver Job Compacts, Aboriginal languages and to support cultural events.<sup>134</sup>

**3.25** The Chief Executives Committee (CEC) comprises ‘major NSW public sector agencies and is chaired by the Department of Premier and Cabinet’. This group drives the implementation of policy and service delivery priorities within the New South Wales State Plan, and in so doing advises the New South Wales Government on key issues relating to Aboriginal Affairs.<sup>135</sup> Ms Kruk explained the role of the CEC:

The CEC has the responsibility to monitor progress on all State Plan priorities. F1 [Strengthening Aboriginal communities] is obviously a significant one. As I said, the Director General of the Department of Aboriginal Affairs, who is a member of that group, is charged with the responsibility of advising where there are significant concerns in relation to any of the measures—and clearly there are if you look at where New South Wales is tracking—and also for ensuring that agencies report their data. Chief Executive Officers have an obligation to report progress on the performance measures within their contracts. So that is their relationship with their Minister and, in this instance, their reporting relationship to the Premier.<sup>136</sup>

**3.26** In response to a question taken on notice by the Director General, the Department of Premier and Cabinet provided a schematic representation of decision making structures for Aboriginal Affairs in New South Wales.<sup>137</sup>

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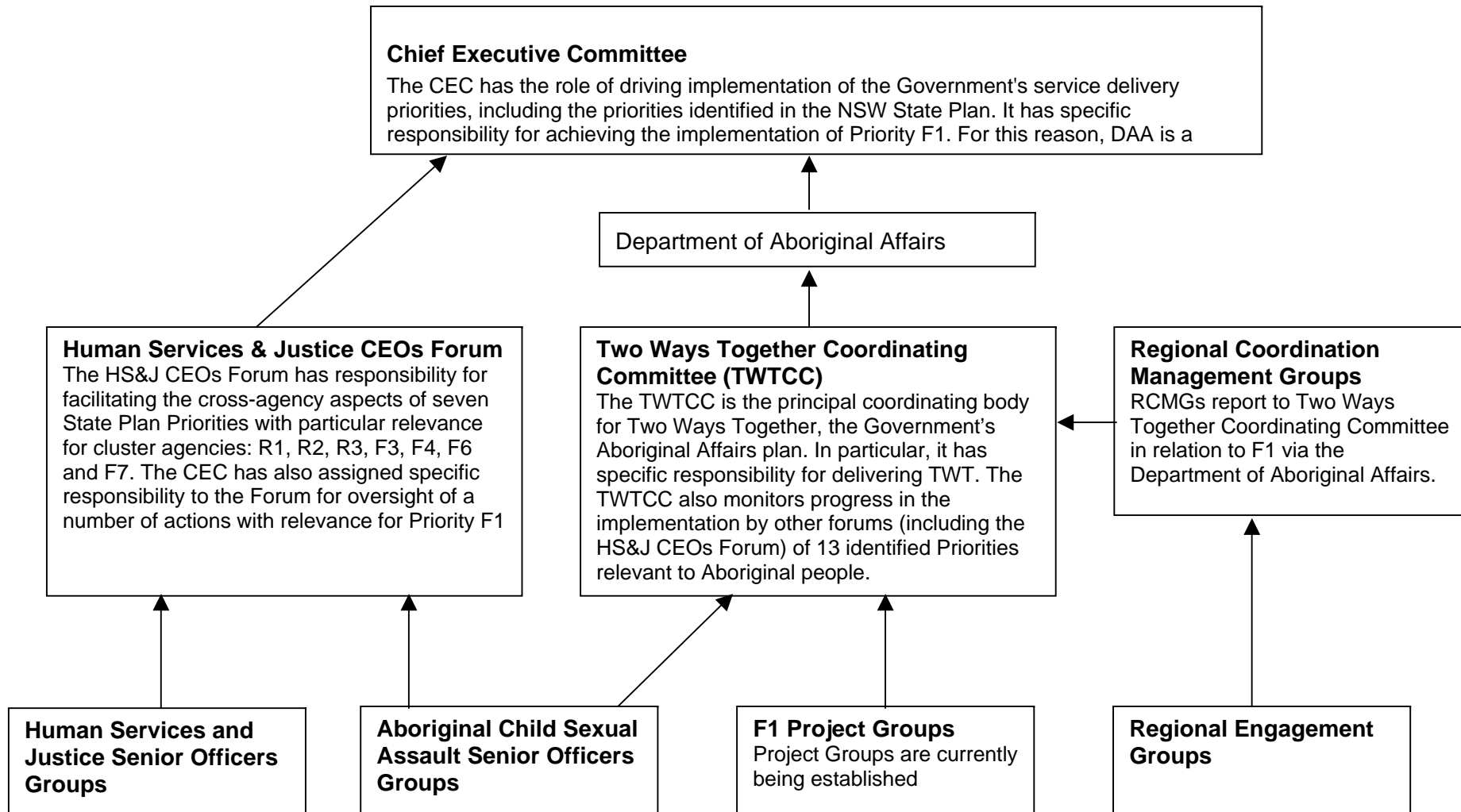
<sup>134</sup> Hon Paul Lynch MP, Minister for Aboriginal Affairs, ‘Emma Government Budget delivers for Aboriginal communities’, *Media Release*, 3 June 2008

<sup>135</sup> Two Ways Together Aboriginal Affairs Plan 2003-2012 (Two Ways Together Plan), p 5

<sup>136</sup> Ms Robyn Kruk, Director General, Department of Premier and Cabinet, Evidence, 29 April 2008, p 3

<sup>137</sup> Answers to questions taken on notice during evidence, 29 April 2008, Ms Kruk, Question 10 (4), p 24

Figure 3.1 Decision making structures for Aboriginal Affairs in New South Wales



*Two Ways Together: NSW Aboriginal Affairs Plan 2003-2012*

**3.27** Ms Kruk explained that Two Ways Together Coordinating Committee (TWTCC) is the 'principal coordinating body for Aboriginal Affairs policy and service delivery at the State-wide level'.<sup>138</sup>

The Two Ways Coordinating Committee is the principal coordinating body for Aboriginal Affairs related issues. Obviously a number of issues reside in the Two Ways Together document...The Two Ways Together Coordinating Committee is a sub-plan, as is the State health plan and the metropolitan plan in the planning area. You have a range of planning documents that cascade down. In essence, the State Plan is the overarching planning document.<sup>139</sup>

**3.28** The TWTCC is made up of Director Generals across government departments who have responsibilities for Aboriginal issues, as well as representatives of the following non government organisations:

- NSW Aboriginal Land Council
- Aboriginal Justice Advisory Council
- Aboriginal Child Youth & Family Secretariat
- Aboriginal Health and Medical Research Council of NSW
- NSW Aboriginal Education Consultative Group.<sup>140</sup>

**3.29** The Two Ways Together Plan aims to work together with Aboriginal people to improve the outcomes for Aboriginal people against seven priority areas:

- health
- education
- economic development
- justice
- families and young people
- culture and heritage and
- housing.<sup>141</sup>

**3.30** The Two Ways Together Plan requires Government agencies to work together with Aboriginal people in order to provide more effective, culturally appropriate services for Indigenous communities. One of the key features of the Two Ways Together Plan is a commitment to improved accountability and transparency, which is the main focus of the

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<sup>138</sup> Answers to questions taken on notice during evidence, 29 April 2008, Ms Kruk, Question 2(a), p 4

<sup>139</sup> Ms Kruk, Evidence, 29 April 2008, p 3

<sup>140</sup> Answers to questions taken on notice during evidence, 29 April 2008, Ms Kruk, Question 2(a), p 4

<sup>141</sup> *Two Ways Together Report on Indicators 2007*, p v



biennial *Two Ways Together Report on Indicators* reports. These reports collect data relating to the seven priority areas to determine the level of disadvantage Aboriginal people experience, compared to the general population. The reports also aim to identify programs that have had an impact on the life expectancy factors.<sup>142</sup>

- 3.31** Ms Jody Broun, Director General, Department of Aboriginal Affairs, explained that the *Two Ways Together Reports on Indicators 2007* aims to collect data and analyse it in terms of outcomes, rather than the production of a narrative report that outlines the programs and services that have been implemented. She explained that the purpose is to report on statistical indicators of the success of government initiatives to address Indigenous disadvantage. Ms Broun explained:

The last report we tried to keep very closely to a belief that the data will show whether we are making a difference. I do not want all the narrative that says we are doing wonderful things if the outcomes are not actually changing. If you look at the Productivity Commission Report that comes out on *Overcoming Indigenous Disadvantage*, that tends to put in lots of extra information and ends up a 600-page report. We have tried to keep ours to this is the base, this is the data that shows whether things are improving.<sup>143</sup>

#### *Committee comment*

- 3.32** The Committee notes the plethora of plans, strategies, commitments, frameworks, reports and inquiries that frame the delivery of services to Aboriginal Australia. The following chapters address the specific factors that impact on overcoming Indigenous disadvantage. The sheer number of policy objectives and targets that must be met when engaging in service delivery must make clear policy direction very difficult to ascertain. The Committee is also concerned that, historically, many of these policies have been devised with good intent, but have failed to be fully implemented.
- 3.33** The Committee believes that without highly effective coordination, many of the strategies and frameworks for service delivery will never be properly implemented, or their aims and targets met. While the Committee notes the broader role of the Department of Premier and Cabinet, the Committee believes that, in New South Wales, this is the role of the Department of Aboriginal Affairs.

#### **New South Wales Department of Aboriginal Affairs**

- 3.34** The New South Wales Department of Aboriginal Affairs (DAA) was formed in March 1994 and aims to ‘work with Aboriginal people, government agencies, and the private and community sectors to promote the interests of Aboriginal people in New South Wales and reduce the inequity they continue to experience as a result of colonisation.’<sup>144</sup>

<sup>142</sup> *Two Ways Together Report on Indicators 2007*, p 6

<sup>143</sup> Ms Jody Broun, Director General, Department of Aboriginal Affairs (DAA), Evidence, 12 February 2008, p 18

<sup>144</sup> DAA, <[www.daa.nsw.gov.au](http://www.daa.nsw.gov.au)> (accessed 8 June 2008)

**3.35** The Minister for Aboriginal Affairs is a member of the Ministerial Council on Aboriginal and Torres Strait Islander Affairs (MCATSIA), which is made up of the Ministers of the Federal, States and Territories responsible for Aboriginal and Torres Strait Islander affairs. MCATSIA is a forum in which matters of current interest are discussed arising out of Federal Government decisions or generated by the Council or one of its members.

**3.36** Ms Broun, told the Committee that the role of DAA was to identify gaps in service provision, to provide advice to agencies who deliver services to the Indigenous community and to act as the lead agency implementing New South Wales State Plan (Priority F1), to improve health, education and social outcomes for Aboriginal people. Ms Broun argued that the achievements of these objectives requires more than the coordination of the services provided by government agencies. Part of the process was also to influence the development of service delivery policy to improve service provision:

Our role ... is looking across the broad spectrum of government services and looking for gaps and at where services need to be improved, but not to be the department that delivers for Aboriginal education or the department that delivers for Aboriginal health. We would work across the broad spectrum of all those agencies and the department gives advice to those agencies when required. The roles that we take are leading the implementation of the State Plan priority F1, which, as I have said, is improved health, education and social outcomes, and we are a partner agency in a range of others. We work across a range of agencies in influencing the development of their policies and delivery of services to Aboriginal people. As an example, it is not just about service delivery: it is also about changing the way business is done.<sup>145</sup>

**3.37** Ms Broun explained that DAA measures its outcomes through the New South Wales State Plan, specifically, measuring success against the objectives attached to the F1 priority. Ms Broun also noted that the Department is the lead agency for the Two Ways Together Plan, which as noted above, aims to develop a strong evidence base for effective service delivery to Aboriginal people. Ms Broun made the point that service delivery for Aboriginal people requires a broad approach, covering a number of government agencies:

So it is looking right across government services and identifying the gaps and also identifying where agencies need to connect into an overall program. That is why we have the Two Ways Together coordinating committee. ... So, we made sure there is a project group around, say, families, around education, around environmental health, around economic development, around building community resilience but there are also different lead agencies for each of those. They are tasked with drawing together the various parts and different agencies, so they would bring those agencies together, come up with an action plan and make sure it is being delivered at each of those meetings.

...It is probably a bit more than coordination, because you are driving the agenda a bit as well. But it is with the input of all those different agencies.<sup>146</sup>

**3.38** Ms Broun also highlighted to the Committee the complexity of the levels of disadvantage within the Indigenous community, which are high across nearly all indicators and priority

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<sup>145</sup> Ms Broun, Evidence, 12 February 2008, p 3

<sup>146</sup> Ms Broun, Evidence, 12 February 2008, pp 12-13

levels. Ms Broun emphasised the need for the Aboriginal communities to be involved in determining the needs and priorities for service delivery within their communities:

[I]t is a complex arrangement and everything you do affects other areas. That is why I was talking about not pulling out one element of it. We are interested in the whole package. We are interested in employment, in transport issues, the whole range of elements, but we are also very interested in doing that with the community's input. It is up to them to determine what are the priorities and how do we address them. What is the first priority? Is the first priority working on the relationships between the school and the community or is it working on cultural aspects of the community?<sup>147</sup>

**3.39** DAA is responsible for:

- administering the Aboriginal Land Rights Act 1983 (NSW)
- the Aboriginal Communities Development Program, a housing and infrastructure program in Aboriginal communities
- developing policies and projects on community and social justice issues such as economic development, leadership, family violence and Aboriginal languages
- assisting Aboriginal people to trace their family history by providing access to the archives of the Aborigines Welfare Board and Aborigines Protection Board
- developing policy on land, water and cultural heritage issues.<sup>148</sup>

**3.40** Below is a summary of the key programs mentioned above.

***Administration of the Aboriginal Land Rights Act 1983***

**3.41** The *Aboriginal Land Rights Act 1983 (Land Rights Act)* was the result of a bi-partisan acknowledgement of the traditional ownership of land in New South Wales by Aboriginal people. It also recognises the ‘spiritual, cultural and economic importance’ of the land for Aboriginal people.<sup>149</sup>

**3.42** The Minister for Aboriginal Affairs administers the *Land Rights Act* and the Aboriginal Land Rights Regulation 2002 through DAA. The Act was recently amended to

...improve Aboriginal Land Council governance and facilitate the better management of Aboriginal Land Council assets, investments and business enterprises.<sup>150</sup>

**3.43** In his second reading speech in the Legislative Assembly, the Minister noted that:

The bill will provide for the changing structure of Local Aboriginal Land Councils [LALCs] from small-scale community organisations to reflect the million dollar corporate structures some have grown into over the past 23 years. In this regard the

<sup>147</sup> Ms Broun, Evidence, 12 February 2008, p 13

<sup>148</sup> DAA, <[www.daa.nsw.gov.au](http://www.daa.nsw.gov.au)> (accessed 8 June 2008)

<sup>149</sup> Hon Paul Lynch MP, Minister for Aboriginal Affairs, Speech on the Twenty-Fifth Anniversary of the *Aboriginal Land Rights Act 1983* (NSW), 10 June 2008

<sup>150</sup> NSWPD (*Legislative Assembly*), 24 October 2006, p 3280

bill is modernising the legislation to recognise that the Aboriginal Land Rights Act is moving into a new area of economic and social development for Aboriginal Land Councils. Reforms to the Local Aboriginal Land Council structure are designed to create better decision-making and fairer participation in land councils.<sup>151</sup>

### ***Aboriginal Communities Development Program***

**3.44** The Aboriginal Communities Development Program (ACDP) is investing a significant amount of funding - \$240 million over ten years - to raise the health and living standards of selected, priority Aboriginal communities where major environmental health needs have been previously identified. The ACDP aims to achieve this through:

- focusing funding and effort within selected, priority communities rather than through existing state-wide government programs
- increasing the capacity of selected Aboriginal communities to maintain these facilities and systems within agreed sustainability frameworks and
- adherence to the fundamental principles of community capacity building through consultation, community development and encouraging participation and self-determination in the Aboriginal communities involved.<sup>152</sup>

**3.45** The ACDP has three primary components: priority communities, housing for health and water and sewerage. The Department notes that ‘an integral part of the Aboriginal Communities Development Program is the development of employment and training opportunities in the communities in which the program is being implemented’.<sup>153</sup>

**3.46** While DAA has overall responsibility for the ACDP, it also works in conjunction with the New South Wales Department of Commerce and the Department of Health, who each manage separate components of the program. The ACDP is discussed further in Chapter 4 – Environmental Health.

### ***Economic development***

**3.47** Economic development is one of the seven priority areas identified under *Two Ways Together*, the New South Wales Government's 10 year Aboriginal Affairs plan. An action plan has been developed by the cluster group<sup>154</sup> which aims to develop cross agency initiatives that will contribute to increased and improved economic opportunities for Aboriginal people in New South Wales. Key areas for action outlined in the plan include:

- employment opportunities in the private and public sectors
- Aboriginal enterprise

<sup>151</sup> NSWPD (*Legislative Assembly*), 24 October 2006, p 3280

<sup>152</sup> DAA, Aboriginal Communities Development Program (ACDP) <[www.daa.nsw.gov.au/communitydevelopment/acdp.html](http://www.daa.nsw.gov.au/communitydevelopment/acdp.html)> (accessed 4 June 2008)

<sup>153</sup> DAA, ACDP <[www.daa.nsw.gov.au/communitydevelopment/acdp.html](http://www.daa.nsw.gov.au/communitydevelopment/acdp.html)> (accessed 4 June 2008)

<sup>154</sup> The cluster group includes NSW government agencies, peak Aboriginal bodies, Federal Government agencies and private sector representatives.

- asset utilisation
- training and skills development.<sup>155</sup>

### *Family Records Unit*

- 3.48** The Family Records Unit aims to provide practical assistance to people seeking access to records created by the Aborigines Welfare Board (formerly the Aborigines Protection Board). While the Board's records are physically housed at State Records, DAA is the custodian and permission to access the records must be sought through DAA.
- 3.49** This Unit is a result of the *Bringing Them Home* report, published in May 1997, which followed the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families and recommended that each State and Territory government establish an Indigenous family information service.<sup>156</sup>

### *Land and cultural heritage*

- 3.50** DAA also aims to 'work closely with Aboriginal people to develop policies and projects that protect their rights and interests in relation to land and cultural heritage'. Programs include:
- the revival and protection of Aboriginal languages
  - monitoring the development of native title policy in New South Wales
  - administering the Land Rights Act
  - monitoring and advising natural resource forums and agencies on natural resource and environmental management issues.

### *Committee comment*

- 3.51** The Committee believes the New South Wales Government, through the New South Wales State Plan and Two Ways Together Plan, has identified important priority areas for delivering Aboriginal services. In other areas of the Interim Report, shortcomings with performance indicators contained in the New South Wales State Plan are discussed. The Committee believes that performance indicators in F1 of the New South Wales State Plan require greater detail. In other areas, such as the area of Aboriginal involvement in the criminal justice system, performance indicators need to be created, as they are presently absent.
- 3.52** During the first part of this Inquiry, it was unclear whether DAA has overall leadership and responsibility for delivering these priorities. Without clear direction and leadership, it will be difficult to meet the government's priorities. This difficulty is exacerbated by the myriad national and state level plans and agreements that provide the framework for delivery of Aboriginal services in New South Wales.

<sup>155</sup> DAA, ACDP <[www.daa.nsw.gov.au/communitydevelopment/acdp.html](http://www.daa.nsw.gov.au/communitydevelopment/acdp.html)> (accessed 4 June 2008)

<sup>156</sup> DAA, Family Records Unit, <[www.daa.nsw.gov.au/familyhistory](http://www.daa.nsw.gov.au/familyhistory)> (accessed 4 June 2008)

- 3.53** The Committee believes that the role of the DAA is a critical one, and that DAA must be given every opportunity to succeed as the lead agency in implementing the New South Wales State Plan and the Two Ways Together Plan.

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### **Issue for consideration 2 – Delivery: responsibility**

The need for greater clarity in who has the overall leadership and responsibility for defining the performance indicators and delivering priorities under the New South Wales State Plan and Two Ways Together Plan, and how this leadership is translated into meaningful, measurable outcomes that are accepted by the Indigenous community, will be further considered in the Final Report.

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### **Aboriginal Land Councils**

- 3.54** Local Aboriginal Land Councils provide a number of services to the Indigenous community and have, since the demise of ATSIC, often acted as a representative voice for the Indigenous community. The Committee was told that the Land Council network was underutilised by government as a way of engaging Aboriginal communities.

- 3.55** Mr Geoff Scott, Chief Executive Officer of the New South Wales Aboriginal Land Council, explained that the Land Council network was the biggest of its kind in Australia, with 121 local Aboriginal Land Councils and over 20,000 members. He noted the potential of the Land Council system to facilitate service provision to Indigenous communities:

As you can see, it does put us in a great position in terms of bringing about services to Aboriginal communities right across the State of New South Wales.<sup>157</sup>

- 3.56** Mr Tom Briggs, Deputy Chairperson, NSWALC, told the Committee that the Land Council system was a ‘cornerstone’ of the community as it provided a stable, long term advocacy body for Aboriginal people in the Kempsey area, one which outlasted other local service providers:

The council has existed for 25 years and it has been a cornerstone. It stretches across New South Wales and covers every nook and cranny. It is a very powerful entity. A lot of community developments have used land councils as the springboard of support. Many community-based organisations have come and gone, but the land council is still standing firm. That sends a clear message about why we are still here and will always be here. We are the foundation stone or the cornerstone of our community.<sup>158</sup>

- 3.57** Ms Patricia Laurie, North Coast Region representative, Kempsey Local Aboriginal Land Council, also highlighted the importance of the Land Council network in engaging Aboriginal communities in partnership agreements for service delivery. Shared responsibility agreements between communities and government through the Murdi Paaki COAG initiative had not been successful, a result, she argued, of failure to engage Land Councils in the process:

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<sup>157</sup> Mr Geoff Scott, Chief Executive Officer, New South Wales Aboriginal Land Council (NSWALC), Evidence, 14 February 2008, p 35

<sup>158</sup> Mr Tom Briggs, Deputy Chairperson, NSWALC, Evidence, 11 March 2008, p 11

I refer first to the shared responsibility agreement. The New South Wales Aboriginal Land Council and our network has never been a part of that throughout the past four years because there was no council to be a part of it.<sup>159</sup>

- 3.58** Similarly, Mr Briggs explained that the first priority of government was to develop an effective relationship with the Aboriginal community, before it started to implement programs and services. He argued there is a ‘massive gap’ between government service provision and community needs and that the gap had not been addressed by the Murdi Paaki Shared Responsibility Agreements (SRAs):

When you talk about whole of government, it is about programs and services that governments deliver up and down in the public sector. When we talk about Aboriginal community sector, it is a different mindset altogether. I think that is where the difference is. Government cannot match the two. They do not know how to interrelate between government and the community. It is a massive gap. They really need to look at whole-of-community aspect. You need to do whole-of-community plans before you bring us SRA and provide a stimulus for community ideas, thoughts and aspirations.<sup>160</sup>

- 3.59** Mr Roy Ah-See, Sydney-Newcastle Region representative, NSWALC, emphasised the role of the NSWALC as having bi-partisan support and ‘a mandate from our constituents to represent them and take up issues on behalf of Local Aboriginal Land Councils’.<sup>161</sup> Mr Ah-See explained:

I certainly reiterate what Geoff [Scott] said about the peak body for Aboriginal affairs in New South Wales being the local Aboriginal land councils. We have resources, but we can and should work in partnership with state governments and the Federal Government.<sup>162</sup>

- 3.60** Despite a somewhat chequered history of mismanagement and inadequate reporting processes, Ms Laurie emphasised NSWALC’s response to the review of the *Land Rights Act* that established the Land Council framework (discussed at the end of this chapter). She explained that governance training was being delivered across the State and that training on the responsibilities associated with the *Land Rights Act* was also being identified and training developed:

We are almost in the process of doing our governance training throughout the State. ... Many of the board members must be trained. We did an assessment in some regions of the State of levels of knowledge. Some elected boards had no knowledge of the *Land Rights Act* but were very interested in being part of it. Some had minimal knowledge and some had a lot. We are still putting together that board training. The paper has already been written. But the issue is how we deliver on those three or four different levels of knowledge.<sup>163</sup>

<sup>159</sup> Ms Patricia Laurie, North Coast Region representative, NSWALC, Evidence, 11 March 2008, p 4

<sup>160</sup> Mr Briggs, Evidence, 11 March 2008, p 8

<sup>161</sup> Mr Roy Ah-See, Sydney-Newcastle Region representative, NSWALC, Evidence, 14 February 2008, p 40

<sup>162</sup> Mr Ah-See, Evidence, 14 February 2008, p 40

<sup>163</sup> Ms Laurie, Evidence, 11 March 2008, pp 4-5

- 3.61** Ms Laurie noted that NSWALC had developed a community land and business plan framework to roll out to LALCs. She highlighted the role of training and employment of Indigenous people as part of this plan to utilise resources owned by LALCs:

Employment is a must with a community land and business plan. But it is only a part of the plan. There is a whole heap of things that need to go in before the employment strategy can be a part of it. The employment strategy involves land dealings, economic development and so on. That will be included in the plan. The employment side of it will be added.<sup>164</sup>

- 3.62** Ms Laurie also highlighted the role of land councils in identifying and compiling records of Aboriginal culture and traditional law and customs to be held by public libraries. She also noted that land councils are often responsible for educating young Aboriginal people on the *Land Rights Act* and the rights and responsibilities associated with it:

We have also been preparing libraries throughout the State. Many local land councils will be part of collating, compiling and putting [the information] together. There will be full access. A lot of our campaign was done on youth leadership and getting our kids knowledgeable about legislative changes, the requirements of Aboriginal people and what we should be doing. We now live in the Westminster system, but we should not forget our culture, traditional laws and customs, which will be the main objective of our libraries.<sup>165</sup>

## Measuring efficacy and data collection

- 3.63** Throughout this Inquiry the Committee has heard that the data collection relating to the efficacy of services for Aboriginal people is inadequate. The Committee heard that there are a number of reasons for this, including a lack of self-identification by Aboriginal people and historically poor data collection by government.
- 3.64** Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, told the Committee that in his field of expertise, crime prevention, governments had only recently started to 'make a serious attempt to evaluate any program to reduce reoffending up to this point.'<sup>166</sup> He also noted that, in the past, many programs delivered by government were often 'not based on research and have not been rigorously evaluated.' He explained that the introduction of the New South Wales State Plan is beginning to emphasise the need to evaluate and report on the efficacy of program delivery.<sup>167</sup>

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<sup>164</sup> Ms Laurie, Evidence, 11 March 2008, p 4

<sup>165</sup> Ms Laurie, Evidence, 11 March 2008, p 5

<sup>166</sup> Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Evidence, 14 February 2008, p 1

<sup>167</sup> Dr Weatherburn, Evidence, 14 February 2008, p 1



- 3.65** Dr Weatherburn raised a significant issue surrounding data collection for Indigenous people, in that the small numbers of self-identified Aboriginal people makes meaningful evaluation of programs very difficult:

[M]any of the programs introduced particularly for Indigenous people have such small numbers that it is difficult to get a rigorous evaluation up and running. You really need of the order of 200 to 300 people in a program and a comparable number in a control group to make a reasonable fist of evaluating a program. Anything smaller than that and it is very difficult to pick up significant differences. The reason, incidentally, is that even for high-frequency offenders—or frequent flyers as I call them—the rate of return is not fast enough to pick up small differences in rates of reoffending. You need 200 to 300 people to see it.<sup>168</sup>

- 3.66** Ms Carol Mills, the then Deputy Director General of the Department of Ageing, Disability and Home Care (DADHC) also highlighted the limitations of effective data collection for DADHC because Aboriginal clients may not necessarily self-identify:

Within the Department of Ageing, Disability and Home Care [DADHC] we keep quite extensive databases but they are based on self-identification of aboriginality to pick up the profiles. So we have some information about our clients but I would not suggest that we have 100 per cent accuracy in relation to our Aboriginal clients. For all clients of DADHC who are either receiving services from the Home and Community Care Program [HACC] or from our Disability Services Program, we maintain an individual data item that allows us to track, in a non-identifiable way, the use of services by individual clients. So we know, for example, that we had over 7,000 individual Aboriginals receiving a service from us last year under the HACC program and we know what types of services those people use and the extent to which they use them. We do use that for planning purposes but, again, it is a self-identification of aboriginality, which will not mean that we pick up the whole population.<sup>169</sup>

- 3.67** Ms Broun explained that reporting on ‘agreed milestones’ is done through the New South Wales State Plan, on a six monthly basis. She explained that, ideally, a Ministerial Advisory panel will review outcomes in order to determine which programs are working most effectively:

The program measures have been drafted and we are still waiting for them to be finalised. Outcome indicators we were keen to do with the ministerial advisory panel. The reports go to the ministerial advisory panel, so we needed them to let us know the sorts of things they would be expecting to see from this range of actions in order to be able to see whether it was making a difference on the ground. We have been doing some work with the ministerial advisory panel. We cannot report on something until we have them. As I said previously, the reporting will be done through the State Plan, on the same timelines as we do through the State Plan.<sup>170</sup>

- 3.68** However, Mr Danny Lester, Chief Executive of the Aboriginal Employment Strategy, told the Committee that within government frameworks for funding non-government service

<sup>168</sup> Dr Weatherburn, Evidence, 14 February 2008, p 1

<sup>169</sup> Ms Carol Mills, Deputy Director-General, NSW Department of Ageing, Disability and Home Care, Evidence, 12 February 2008, pp 37-38

<sup>170</sup> Ms Broun, Evidence, 12 February 2008, p 21

providers, there has been a lack of accountability mechanisms developed in order to determine which programs are working and should continue to receive funding and which programs have not been effective:

One of the issues that we have within Australia as a whole is to look at the benchmark data we want to achieve within one fiscal year and how to ensure the level of accountability attached to that benchmark data is achieved through the funds that are handed out to specific organisations or services. It goes back partially to the Government's framework. One of the omissions has been the hard line to say that if the program or service is not working, why fund it? Back a service, organisation or program that has seen effective change.<sup>171</sup>

### *Committee comment*

- 3.69** The Committee is concerned that this brief overview of evidence surrounding data collection and program measurement is indicative of a significant obstacle to measuring the effectiveness of policies and programs that aim to improve Indigenous circumstances. Traditionally, detailed data has not been collected, which makes any improvement difficult to measure. Given the New South Wales State Plan's emphasis on evidence-based decision-making, this is a problem for the accurate determination of which programs are operating effectively.

## **Effective service delivery**

- 3.70** During this Inquiry, the Committee has heard of the need for services to be improved in order to address the needs of Aboriginal people. The majority of witnesses highlighted the widespread disadvantage that occurred across a number of indicators (a common example was a poor education, leads to poor job prospects and potentially poor health, leads to drug and alcohol misuse, leads to incarceration) and, in their view, the currently ineffective strategies to address this issue.
- 3.71** The Committee was told many times of the need for government service providers to engage with communities, not just to determine *how* to deliver services in a more appropriate manner, but also to determine *which* services may be required by a specific community. The imposition of government services without consultation was widely criticised:

Then, how do we massage government agencies' programs to fit our hopes, aspirations and programs? They just do not match. It is like having two magnets repelling each other. That is how I see it with government agencies and communities. Sometimes they meet, but very rarely. On other occasions they repel each other because they do not know how to connect. That is a fundamental issue: How do you connect with communities?<sup>172</sup>

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<sup>171</sup> Mr Danny Lester, Chief Executive Officer, Aboriginal Employment Strategy, Evidence, 13 February 2008, p 59

<sup>172</sup> Mr Briggs, Evidence, 11 March 2008, p 10

### Short term funding

- 3.72** The Committee heard evidence about the Aboriginal community's exasperation with continued pilot programs receiving short term funding. The Committee heard that it is often difficult to measure the success of programs that have only been funded in the short term and is concerned that a lack of clear communication between program operators and government has left both parties unsure of the effectiveness of programs.

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### Issue for consideration 3 – Delivery: short term funding

The Committee will look at the effectiveness and assessment of funding programs that are temporary and intermittent in nature.

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### Determining priorities for service delivery

- 3.73** Mr Briggs told the Committee that governments and government agencies often believe they are able to determine the needs and requirements of Aboriginal communities. He argued that communities themselves must be involved in the process of identifying their needs and work with government to have them addressed in a culturally appropriate manner:

The communities must determine priorities and how they want to address them. It may well be that in one community housing is a priority and employment might be another issue. However, in another community it might be health, employment and education. We need to be asked. You cannot simply throw a blanket over it and say, "This is best for the community." In New South Wales they are identifying 40 priority communities. Who is identifying them? They are being identified by government instrumentalities or agencies. What makes Wyugle different from Bellbrook, Tingha, Toomelah or Walhallow?<sup>173</sup>

- 3.74** Dr Sophie Couzos, Public Health Officer, National Aboriginal Community Controlled Health Organisation (NACCHO), also noted that self-determination has been found to be a key element in the development of more effective policies and programs:

I think the international evidence is valuable in that the key principles that emerge from them, if there is self-determination of Aboriginal people and the involvement of the population in the needs to be met in the design of programs and policies, there is no question that that leads to better health policies and programs and leads to better health outcomes. So, those principles are recognised internationally and of course they are relevant in Australia.<sup>174</sup>

- 3.75** Mr Briggs also highlighted the need for capacity building within communities in order to allow community members and representatives to develop plans and goals around agreed directions. He observed that some communities had been able to formalise their goals and negotiate with other communities to work together to address this goal. Mr Briggs argued that communities

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<sup>173</sup> Mr Briggs, Evidence, 11 March 2008, p 10

<sup>174</sup> Dr Sophie Couzos, Public Health Officer, National Aboriginal Community Controlled Health Organisation, Evidence, 13 February 2008, p 5

needed to be 'be given the wherewithal to allow our communities to drive the agenda and determine the priorities.'<sup>175</sup>

**3.76** Ms Broun acknowledged the need for the DAA to improve its community engagement strategies, and noted that this was a core principle of government service provision and determining how to ensure services are delivered appropriately. Ms Broun told the Committee that Two Ways Together Coordinating Committee and the regional and local engagement groups are ways in which the Department is doing this:

So, the structures we have had and will continue to have are through the Two Ways Together Coordinating Committee, the regional engagement groups and those local engagement and decision-making groups. In some locations they are called community working parties, in others they are just local engagement groups or government groups. It is really working with them at that ground level and that is the intention we have got for the future: to continue to strengthen the way communities can do business with government so that they have a real stake in the outcomes and a real role in helping us determine how to deliver better services.<sup>176</sup>

**3.77** The Committee heard that Aboriginal programs require a number of elements in order to be effective. For example, the Department of Corrective Services advised that programs to address offending behaviour within Aboriginal communities should have most (if not all) of the following:

- the project must involve the community
- the community needs 'ownership' of the project
- the community should share in the intellectual ownership of the project
- the project should be medium to long term, as opposed to short-term or pilot
- the project development should be flexible so as to fit the needs of the community and capture new cultural knowledge
- Aboriginal programs should be built on local Aboriginal knowledge, experience and cultural terms of reference.<sup>177</sup>

**3.78** These requirements are consistent with Aboriginal service delivery in other sectors, discussed throughout this report.

**3.79** Similarly, the Committee heard many reasons why the educational gap exists between Indigenous and non-Indigenous students – poverty, socio-economic disadvantage, including intergenerational unemployment, inadequate housing and low expectation levels. The Committee is of the view that it is necessary to address all of these factors in a coordinated fashion, in partnership with Aboriginal communities, rather than as individual problems that can be solved independently.

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<sup>175</sup> Mr Briggs, Evidence, 11 March 2008, p 10

<sup>176</sup> Ms Broun, Evidence, 12 February 2008, p 19

<sup>177</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Question 2, p 3

### Community controlled service provision

**3.80** The Committee heard evidence that services, particularly primary health care and legal services, are best delivered through services run by the Aboriginal community.

**3.81** The role of the National Aboriginal Community Controlled Health Organisation is to improve the efficacy and cultural appropriateness of programs for Aboriginal people and also to develop and promote the provision of primary health care through local Aboriginal community controlled health services.<sup>178</sup> Dr Couzos told the Committee that the provision of health care through community controlled services had a number of fundamental benefits to the community as a whole:

An important aspect about being mediators of social change is that there is international evidence that appropriate primary health care provision can act to mitigate social inequalities. Whilst there is a fundamental requirement to improve housing, education, employment and all those other social determinants of health, primary health care services are absolutely vital because they can improve health in the continuing presence of social inequalities.<sup>179</sup>

**3.82** Mr Sol Bellear, Chairman of the Aboriginal Medical Service, Redfern told the Committee that service provision was much more effective when it came from within the local Aboriginal community, rather than on a state wide basis:

Local Aboriginal autonomy works best. Your local community has to be in control of your local organisations. You cannot have a statewide body. I cannot sit here and make judgements about a service in Cowra, because I am not there on a daily basis, or at Moree or Tweed Heads.<sup>180</sup>

**3.83** Mr Trevor Christian, Chief Executive Officer, Aboriginal Legal Service told the Committee that the ALS, unlike mainstream legal services, provides its services in a culturally appropriate manner:

The role of the ALS in New South Wales is to defend Aboriginal people in a cultural and appropriate way...We defend Aboriginal people in all courts across New South Wales in the way of family law and care proceedings, and our core business is criminal.<sup>181</sup>

**3.84** Dr Couzos noted that, data is collected at a Federal level by the Office for Aboriginal and Torres Strait Islander Health on the services provided by community controlled services. Through this, many services are providing a significantly broader level of service than that

<sup>178</sup> Dr Couzos, Evidence, 13 February 2008, p 2

<sup>179</sup> Dr Couzos, Evidence, 13 February 2008, p 3

<sup>180</sup> Mr Sol Bellear, Chairman, Aboriginal Medical Service, Redfern, Evidence, 30 April 2008, p 28

<sup>181</sup> Mr Trevor Christian, Chief Executive Officer, Aboriginal Legal Service NSW/ACT, Evidence, 13 February 2008, p 12

provided by private general practice, and that community controlled Aboriginal health service providers had much higher numbers of Indigenous employees:

Information from that annual survey demonstrates very clearly that the breadth of services provided through these services is much broader than private general practice, that they deliver much higher episodes of care to Aboriginal people than private general practice—that is contacts with the health system—and that they are much higher employers of Aboriginal people than any other health sector, including population health structures. Also, independent analyses published in peer review journals have also confirmed that the breadth of service provision is much greater in these services.<sup>182</sup>

- 3.85** Dr Couzos explained that this is because Aboriginal people tend to present with complex health problems, that require longer consultation times and, therefore significant resources which are often unlikely to be funded by Medicare. She noted that service provision in this manner is necessary for Aboriginal communities, however funding to resource these types of services, is not substantial enough to meet demand:

The degree of complexity is much higher, consultations take longer and both services access Medicare. So, because of a broader range of health problems and the complexity of the health problems in an Aboriginal community controlled health service, Medicare can never fully resource such a service. So, if you are an Aboriginal medical service, Medicare cannot cover your running costs—it will never be able to cover your running costs—because it is not structured in a way to support the needs that Aboriginal people have in the design of that service. Private general practices do not deliver comprehensive primary care; they deliver primary medical care.<sup>183</sup>

### **Community partnerships**

- 3.86** The Committee has also heard that community consultation needs to be a key part of all forms of service provision, but particularly those provided by government. A number of witnesses highlighted to the Committee the need for community partnership and mutual respect in all aspects of service delivery, from design to implementation.
- 3.87** Ms Colleen Campbell, Dunghutti Language Teacher and Council Member, Dunghutti Elders Group, explained that communities must be involved in service provision, and that where this happens, services are generally highly effective. She gave the example of an elders program, developed on the mid North Coast (Kempsey) at a correctional centre:

The only other thing I wanted to mention is that we have an elders program...at the mid North Coast correctional centre. That program is working really well with Aboriginal inmates up there...You could say that we need culturally appropriate programs but they have to have implementation from our elders, our Aboriginal people and the community—people like me and others who are trained teachers to put those policies and programs in place.<sup>184</sup>

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<sup>182</sup> Dr Couzos, Evidence, 13 February 2008, p 5

<sup>183</sup> Dr Couzos, Evidence, 13 February 2008, p 6

<sup>184</sup> Ms Colleen Campbell, Member and Dunghutti Language Teacher, Dunghutti Elders Council, Evidence, 11 March 2008, p 29

- 3.88** Mr Jeffries told the Committee that the Murdi Paaki trial aimed to provide government services in collaboration with Aboriginal people. He told the Committee that Aboriginal people had ownership of the service development process, and that it was not a ‘government instrument’:

The trial at the Murdi Paaki clearly underlines that are benefits from greater coordination and collaboration between government agencies and Aboriginal people. Community governance is our foundation and what we bring to any partnership or relationship. It is a process that we have ownership of; it is not a government instrument, as the Aboriginal and Torres Strait Islander Commission [ATSIC] was...Our focus is on planning, advocacy and accountability. The accountability applies to government and non-government funded services. Our own organisations also come under the scrutiny of community working parties, governance structures and the regional assembly. They are also funded to deliver services; we cannot just point the finger at the government.<sup>185</sup>

- 3.89** In addition, Mr Jeffries emphasised the need for Aboriginal people to meet their responsibilities to ensure that their communities are governed appropriately and to demonstrate good leadership. He argued that once good governance and leadership is recognised, a meaningful partnership with could be developed:

It is also our responsibility to ensure that our communities have good governance and leadership and are empowered to be in those positions. Those aspects build strong resolve and resilience in people to deal with the issues that impact on them. Responsibility in itself tells us there should be a partnership between government and Aboriginal people, or at least a parallel approach that demonstrates what each is doing. If we continue to work in isolation, we will be back in 5 or 10 years talking to an inquiry about the same issues.<sup>186</sup>

- 3.90** Mr Carlo Svagelli of the Aboriginal Education Consultative Group (AECG) highlighted the need for a collaborative approach to service provision, that government bodies need to develop a coordinated, long term relationship with community members in order to build a sense of ownership into the process of service delivery:

It is about working with communities and it is about building those relationships so that you are working together and there is a sense of ownership. We know what are the issues in our local communities. Work with us in a holistic way, not just health delivering one part, education doing this, and so on. These are the issues in our communities. What are you, as a government, going to do to assist us in dealing with these issues? You send us reports, reports and reports. We have told government what the issues are in our communities. It is about how we are going to work together to deal with these issues.<sup>187</sup>

<sup>185</sup> Mr Jeffries, Evidence, 12 March 2008, p 29. The Murdi Paaki trial will be considered in detail in the Final Report of this Inquiry.

<sup>186</sup> Mr Jeffries, Evidence, 12 March 2008, p 29

<sup>187</sup> Mr Svagelli, Evidence, 13 February 2008, p 32

*Funding community partnership projects*

- 3.91** Mr Stephen Ryan, Central Region representative, NSWALC, told the Committee that funding is provided to communities in an uncoordinated fashion and that without effective communication mechanisms and that funding was not implemented in areas where it might be most effective:

Millions of dollars being thrown around in our communities, but we are all running off in different directions. We are not being coordinated. We are not talking to one another. It is a communication thing.<sup>188</sup>

- 3.92** An example of the impact of changes to funding arrangements was provided by Mr Lindon Coombes, Executive Director of Tranby Aboriginal College, who told the Committee that Federal funding had been redistributed under the Indigenous Education Targeted Assistance Amendment Bill 2005. Mr Coombes is concerned that these changes significantly limit the programs Tranby provides:

I also bring to the Committee's attention that despite the delivery of solid outcomes over a long period of time, Tranby, along with three other Indigenous independent VET providers, was targeted by the previous Federal Government for a reduction in funding through the Indigenous Education Targeted Assistance Amendment Bill 2005. This bill effectively removed funding previously allocated for these institutions and redirected the money into supporting the Skilling Australia's Workforce Bill 2005. The result of this is that funding previously allocated to these institutions is now part of a wider pool of money for which numerous other education providers—Indigenous and non-Indigenous—can compete for. While I have every confidence in Tranby's ability to successfully compete with other Indigenous and non-Indigenous education providers, this process has the effect of diverting Tranby's limited resources to applying for funding and removing any certainty that would allow us to confidently plan and deliver our courses into the future.<sup>189</sup>

- 3.93** Ms Margaret Bell, Chief Executive Officer of the Chain Reaction Foundation, told the Committee that obtaining funding was a significant problem for her service, which funds the Mt Druitt Learning Ground, as it is unclear which government department should be approached:

Funding is a terrible problem. Because the concept [of the Learning Ground] is so different—in fact, it is unique in Australia—we had a great deal of difficulty selling it. People asked whether it belonged with the Department of Education and Training, and the Department of Education and Training said, "No." People asked whether it belonged with the Department of Community Services and they said, "No." Does it belong with the Department of Housing? No.<sup>190</sup>

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<sup>188</sup> Mr Stephen Ryan, Central Region representative, NSWALC, Evidence, 12 March 2008, p 7

<sup>189</sup> Mr Lindon Coombes, Executive Director, Tranby Aboriginal College, Evidence, 13 February 2008, p 24

<sup>190</sup> Ms Margaret Bell, Chief Executive Officer, Chain Reaction Foundation, Mt Druitt Evidence, 14 February 2008, p 15



- 3.94** The complexity created by various reporting requirements for land councils in receipt of funding from numerous funding bodies was explained by Mr Andrew Riley, Director of the NSWALC Northern Zone:

We have a number of land councils that are very sophisticated service deliverers getting a lot of funds from a lot of different agencies because a lot of agencies like to piggyback on the fact they are a recurrent-fundable organisation.

Very few agencies fund corporations to exist. So, a lot of agencies like to work with land councils because they have an administrative support allocation, which is provided by the council. There is a lot of pressure on land councils to provide a range of services to their members because, I suppose, of the lessening of other funded organisations in their community. So the pressure is mounting on land councils. They are trying to provide a lot of services to their members, but that brings a lot of reporting burden on those land councils. Reporting to the variety of agencies that are using land councils to deliver services and not always providing the extra administrative dollars for the land councils to carry out those functions. So, a land council, within any monthly period, might have eight or nine sets of reports to different funding bodies. So, it is an onerous burden.<sup>191</sup>

- 3.95** Mr Jeffries told the Committee that one of the key commitments that any government had to make was to addressing Indigenous disadvantage in the long term. As Mr Jeffries noted, 'government investment or government involvement must go beyond the electoral cycle.' He continued:

The problems that we confront in our communities are two and three generations old. We are not going to be able to change these things in an electoral cycle; we are not going to be able to change them in the five-year trial period suggest by the Council of Australian Governments. We need longevity in the investment process and a governance framework that builds across that period.<sup>192</sup>

- 3.96** Similarly, Ms Broun acknowledged that the application and submission making process to receive funding is a significant burden for some organisations, particularly when those processes had to be done on an annual basis:

I think one of the frustrations at a community level would be the application-type processes and submission processes that they might need to go through for any government funding or support, whether it is Federal or State. There are submission processes on an annual basis, which makes it difficult. You also do not get a long-term commitment necessarily, so there is often a stop-start type of approach to funding. I think that does have an impact and not all communities have got the resources in place to write the submissions and keep the program going. So they might not have met the dates for submissions and those sorts of things.<sup>193</sup>

<sup>191</sup> Mr Andrew Riley, Director, Northern Zone, NSWALC, Evidence, 11 March 2008, p 6

<sup>192</sup> Mr Jeffries, Evidence, 12 March 2008, p 29

<sup>193</sup> Ms Broun, Evidence, 12 February 2008, p 17

- 3.97** Mr Jeffries explained that a better system of funding service provision is to provide funding to communities over the long term, in order to fund 5 or 10 year projects:

Rather than an application or a submission-based process, communities should be identified if they put up a planning process for the next five or 10 years that suggests their investment will require \$15 million.<sup>194</sup>

- 3.98** Ms Kerry Pearse, Executive Director, Communities and Programs, Department of Aboriginal Affairs (DAA), explained that DAA was attempting to assist community agencies with this problem by developing a local action plan that focussed on strengthening the decision making structure of the organisation and allocating resources most effectively:

We are starting to do through the partnerships community program in 40 locations around New South Wales is working with the community to, first, set up or support and strengthen their local decision-making structure and then develop jointly with government agencies in that community a local action plan that is as much focused on getting the best out of the service system that already exists as it is on finding new resources. Resources are always an issue. However, there also are significant resources in the service system already that can be better used and the approach of Two Ways Together is about tackling both.<sup>195</sup>

- 3.99** Mr Sol Bellear, Chairman of the Board of the Aboriginal Medical Service, told the Committee that the Service had developed partnerships with doctors and individual hospitals in order to attract medical professionals to the service. In addition, Mr Bellear told the Committee that the AMS hoped to encourage the NSWALC to set aside some of its scholarship endowment to assist Aboriginal medical students:

We also had partnerships with doctors and hospitals and so on, so that they also had an opportunity to do a couple of months within that twelve-month period at the Prince of Wales and the Royal Prince Alfred Hospital, with private doctors, in clinics, et cetera. The medical service itself, out of donation moneys, has supported students and set up scholarships and that sort of thing. Just recently the New South Wales Aboriginal Land Council drew down \$30 million from its statutory fund. That is there as an education endowment. That will allow up to 300 scholarships a year forever. We are suggesting that they put aside about 30 to 40 per cent of that specifically for Aboriginal people who want to undergo some sort of health or medical schooling.<sup>196</sup>

- 3.100** Mr John McKenzie, Chief Legal Officer, Aboriginal Legal Service (ALS) told the Committee about the 'ongoing juniorisation' of the staff working for the ALS, which he described as a result of the limited funds the ALS had to offer lawyers. He explained that junior lawyers often came to the ALS as recent graduates, and after gaining some years experience, were moving on to more financially lucrative positions:

[Our staff are] increasingly younger and younger. We are very much now, because of the pay differential that Trevor has referred to, experiencing an ongoing juniorisation

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<sup>194</sup> Mr Jeffries, Evidence, 12 March 2008, p 33

<sup>195</sup> Ms Kerry Pearse, Executive Director, Communities and Programs, Department of Aboriginal Affairs, Evidence, 12 February 2008, pp 17-18

<sup>196</sup> Mr Bellear, Evidence, 30 April 2008, p 22

of our lawyer ranks. In other words, we really only have the funds available to attract initially graduates perhaps with very little experience...They will stay with us perhaps a year or two, learn what we have to teach them as to how to be a really good criminal lawyer and then will go and ply their trade elsewhere where they will get paid a lot more money for doing the same work.<sup>197</sup>

### *Committee comment*

- 3.101** The complexity of government arrangements to fund initiatives that are community controlled, or delivered in partnership with community members may adversely impact on services able to be delivered by community controlled organisations. The Committee is concerned that the value of community controlled service providers and services delivered in partnership with communities is not being sufficiently recognised.

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### **Issue for consideration 4 – Delivery: funding to communities**

The Committee will examine the issue of the provision of funding to community controlled services and services which are delivered in partnership with the Indigenous community.

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### **Mainstream service provision**

- 3.102** While the New South Wales Government submission highlights a number of successful mainstream initiatives, such as health care and housing provision the Committee heard a great deal of evidence suggesting that this is not the most effective way to provide services. For example, Mr Brendan O'Reilly, Director General of the Department of Ageing Disability and Home Care told the Committee that some programs were more effective when delivered by Indigenous organisations, rather than contracted out to service providers with no aboriginality:

When we did the reforms to the ATLAS program for transition to work and community participation we recognised the issue about accessibility for Aboriginal clients who might well say, "I have left school early. What is available to me?" ...we are looking at a program towards meeting the needs of the early school leaver that can be a community participation program. One of the things we found when we did the reforms in the first stage was that so many of our non-government providers did not have an understanding or a plan to be able to provide culturally appropriate programs for part of their CP program. So we contracted a number of Aboriginal organisations to provide assistance to those organisations to help them develop a plan and to implement a plan like that.<sup>198</sup>

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<sup>197</sup> Mr John McKenzie, Chief Legal Officer, Aboriginal Legal Service, Evidence, 13 February 2008, p 16

<sup>198</sup> Mr Brendan O'Reilly, Director General, NSW Department of Ageing, Disability and Home Care, Evidence, 12 February 2008, p 38

- 3.103** However, Ms Egan, of the Mt Druitt community, told the Committee at a forum in Bidwill that health and education service provision to Aboriginal people should be mainstreamed, as some Aboriginal service providers are not properly trained:

In New South Wales the State Department of Health should be legally responsible for Aboriginal health, not the Aboriginal people. Aboriginal people staff the Centre for Aboriginal Health in the State health department and some of them are not qualified. I think it should be staffed by mainstream. For these problems to be solved the Government needs to take control. The standard of education of Aboriginal people is not high enough to deal with these issues; we need the Government to take the lead. The Centre for Aboriginal Health in the State health department is not currently controlled by mainstream.<sup>199</sup>

- 3.104** Dr Couzos highlighted the fact that many national and state based strategies, such as those for breast and cervical cancer screening, had no accountability mechanisms to ensure that these programs were targeting Aboriginal people. Dr Couzos explained:

So, although this is a mainstream program for every Australian, they tend not to reach the Aboriginal population as much as they should, and there is no accountability for whether they do. Reports and analyses of breast screening programs repeatedly illustrate much lower early detection rates for Aboriginal women. The cervical cancer prevention program is also a problem. In fact, we have been able to scrutinise that program even less, because it does not collect any statistics about aboriginality.<sup>200</sup>

## Aboriginal representation

- 3.105** Prior to the 1967 referendum, the Federal had an extremely limited role in Indigenous affairs, through its relationship to the two territories. Apart from this, only the States had responsibility for Indigenous matters. In 1967 WC Wentworth was appointed ‘Minister in Charge of Aboriginal Affairs under the Prime Minister’, however he had no department he was directly responsible for. Indigenous affairs were then managed under the Department of the Interior, for which Wentworth was jointly responsible.<sup>201</sup> As noted in their paper *The end of ATSIC and the future administration of Indigenous Affairs*, Pratt and Bennett argue ‘In effect Indigenous affairs prior to 1967 were entirely ‘mainstreamed’.<sup>202</sup>
- 3.106** The Aboriginal and Torres Strait Islander Commission (ATSIC) was an initiative of the Hawke Labor Government. The ATSIC Bill was introduced into the Parliament almost 20 years after the first Minister for Aboriginal Affairs was appointed. This period had been marked by the creation of a number of national bodies, including the first Department of Aboriginal Affairs under the Whitlam Government in 1973.

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<sup>199</sup> Ms Avis Egan, Public Forum, 14 February, p 48

<sup>200</sup> Dr Couzos, Evidence, 13 February 2008, p 5

<sup>201</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>202</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

- 3.107** The ATSIC Bill's progress through Federal Parliament began with a referral to a Select Committee on the ATSIC proposal. As a result of that inquiry the Minister withdrew the original bill and introduced a revised version in May 1989, however the Coalition was still opposed to the bill and over 90 amendments were made to the legislation before it was passed in November 1989.<sup>203</sup> The Federal Government then appointed Lois O'Donoghue as ATSIC's first chairperson in March 1990.
- 3.108** ATSIC was intended to:
- ensure maximum participation of Aboriginal and Torres Strait Islander people in government policy formulation and implementation
  - promote Indigenous self-management and self-sufficiency
  - further Indigenous economic, social and cultural development and
  - ensure co-ordination of Federal, state and territory and local government policy affecting Indigenous people.<sup>204</sup>
- 3.109** While ATSIC appeared to be 'a significant step along the self-determination path' it was constrained in many ways, particularly financially.<sup>205</sup> Much of the ATSIC budget was quarantined by the Federal Government for the Community Development Employment Project (CDEP) and Community Housing and Infrastructure Schemes (CHIP), so that the amount of funding which was actually for use at ATSIC's own discretion was relatively small.<sup>206</sup>
- 3.110** The original ATSIC structure included an administrative and representative arm. However, a perception of a high potential for conflict of interests lead to the establishment of Aboriginal and Torres Strait Islander Services (ATSIS) in 2003, to administer ATSIC's programs and make decisions about funding to Indigenous organisations, in order to separate the roles of policy development, planning and implementation.<sup>207</sup>
- 3.111** In 2002 the Federal government commissioned a review of ATSIC. The review panel included former New South Wales State minister Mr John Hannaford, Indigenous academic and Reconciliation Australia Co-chair Ms Jackie Huggins, and former federal minister Mr Bob Collins. The review reported in November 2003, concluding that an overhaul of ATSIC's representative structure was required, among other recommendations.

<sup>203</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>204</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>205</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>206</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>207</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

**3.112** Despite the review panel's recommendations for reform, in April 2004 the Federal Government abolished ATSIC. The then Prime Minister, Mr John Howard, and Minister for Indigenous Affairs, Senator Amanda Vanstone, stated that the experiment in separate representation for Indigenous people 'has been a failure'.<sup>208</sup>

**3.113** Mr Briggs told the Committee that, with the demise of ATSIC it has been difficult for Aboriginal people to find a political voice, particularly during the years between 2003-2007 when the New South Wales Aboriginal Land Council was under administration:

I guess it is just unfortunate that this was a political vacuum with the Aboriginal and Torres Strait Islander Commission [ATSIC], our elected representative voice, not being at the forefront to fight those Federal issues for us and also at the State Land Council level during its period of administration over those three or four years. It was a really critical time. We have a lot of catching up to do to progress issues at the State and Federal level.<sup>209</sup>

**3.114** Similarly, Mr Ryan noted that without ATSIC the coordination of funding provisions was unclear, and that it was difficult to know if funding has been allocated appropriately:

Given that the Aboriginal and Torres Strait Islander Commission [ATSIC] is no longer there, the Aboriginal dollars that are supposed to be benefiting communities must be rolled out somehow. I am just not sure whether there is enough knowledge, or that sufficient outcomes or measures have been put in place to try to ensure that those dollars are benefiting the people they were intended to benefit.<sup>210</sup>

**3.115** Mr Ryan also described some of the benefits brought about through the work of ATSIC:

In the end, ATSIC started developing some good policies. Violence prevention was a good national policy, but unfortunately it was never signed off. I am biased because I was a councillor for the region. But we had never had time to work up some of those policies.<sup>211</sup>

**3.116** The Committee heard that the absence of ATSIC or an alternative representative body was keenly felt within the Aboriginal community, however inquiry participants were sensitive to the mistakes of the past. Mr Ryan concluded:

There needs to be something to replace ATSIC. Let us learn from past mistakes to get it right. I know the Rudd Government and the State Government truly want to work with us. We have to have something at the national level that we can kick it up to and have things flowing down. The Howard Government did what it pleased with regard to who it listened to.<sup>212</sup>

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<sup>208</sup> Parliament of Australia, Pratt A, Bennett S, *The end of ATSIC and the future administration of Indigenous affairs*, Current issues Brief, No4 2004-05

<sup>209</sup> Mr Briggs, Evidence, 11 March 2008, p 8

<sup>210</sup> Mr Ryan, Evidence, 12 March 2008, p 3

<sup>211</sup> Mr Ryan, Evidence, 12 March 2008, p 3

<sup>212</sup> Mr Ryan, Evidence, 12 March 2008, p 3

- 3.117** Mr Jeffries also emphasised this point, telling the Committee that the Murdi Paaki project was mindful of the ATSIC experience and careful to try to work outside political agenda:

There are a couple of things that we have been deliberating about governance arrangements. One is not to embed our arrangements in legislation and the other is not incorporate that under the Corporations Law. One is that the legislative process will never be abolished in any Parliament as happened to ATSIC. And as far as corporations law goes, we will never have an administrator appointed to us to remove our power and responsibilities. Mindful of the ATSIC experience, we do not want our structure to be torn down by some sort of political ideology.<sup>213</sup>

### *Replacement for ATSIC*

- 3.118** During this Inquiry, the Committee asked Inquiry participants their views on the need for a representative body for Aboriginal people. A number of witnesses explained their ideas around the role of such an organisation to the Committee. The Committee heard that there is a need for an independent coordination body that will also monitor the commitments of governments. Mr Scott explained:

One of the questions asked whether there should be an independent coordinating body monitoring the activities of government. We wholeheartedly believe that there should be. It is not something that should be done by a government agency. Any government is beholden to its Minister and the secretary.<sup>214</sup>

- 3.119** Mr Ryan explained that it should be an organisation with the ear of all levels of government in order to streamline and monitor the provision of services and resources:

It must be an Aboriginal watchdog of some sort. ATSIC had its faults but at a national level we had someone who could at least advise the Federal Government and down to local government on what we need out here. At the moment, without them, we are like a ship without a captain. Some individuals brought about its demise, but there has to be something. The problem with any community is that there are million dollars worth of resources everywhere, but we have overlaps here and there and many people are still falling through the gaps.<sup>215</sup>

- 3.120** Mr Sutherland told the Committee that in the past, people had advocated for ATSIC to be transformed into a body like a ‘Senate estimates committee’ through which the Federal Government is held accountable. He explained:

We would see it having a similar role to the Senate estimates process for Aboriginal people and representative organisations. They will be able to find out how and why money is being allocated for specific services and set benchmarks and ultimate outcomes. Clearly, the Rudd Government must consult Aboriginal people about what that body would look like and would have to take account of the fact that New South Wales Aboriginal Land Council and the land rights system in New South Wales already has a representative structure.<sup>216</sup>

<sup>213</sup> Mr Jeffries, Evidence, 12 March 2008, pp 29-30

<sup>214</sup> Mr Scott, Evidence, 14 February, p 41

<sup>215</sup> Mr Ryan, Evidence, 12 March 2008, pp 3-4

<sup>216</sup> Mr Sutherland, Evidence, 12 March 2008, p 4

- 3.121** Mr Bellear also talked of the need for an Aboriginal Affairs Commission to acknowledge ‘the centrality of Aboriginal peoples’ rights to self determination’ as well as the provision of the necessary resources to affect this. Mr Bellear believed that proportional representation of elected Indigenous Members of Parliament, an initiative canvassed by this Committee in 1998, should also be reconsidered:

There have been innumerable reports into Aboriginal Affairs over the past 35 years. Most have acknowledged the centrality of Aboriginal peoples' right to self determination and the provision of adequate resources to enable the practical expression of self-determination to be given effect... This Inquiry should recommend to the NSW Government that in recognition of Aboriginal prior ownership of Australia, 10 percent of the seats in both houses of the NSW Parliament should be allocated to Aboriginal people elected by Aboriginal people in NSW and that those Aboriginal representatives should form part of the government regardless of which party has a parliamentary majority. Preferably, there should be multi-party endorsement for such an initiative and the required enabling legislation although an absence of consensus should not obstruct the reform.<sup>217</sup>

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### **Issue for consideration 5 – Delivery: representation**

The Committee will investigate further the issue of independent body for Indigenous representation.

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### ***Aboriginal Land Rights Act 1983 (NSW)***

- 3.122** The *Aboriginal Land Rights Act 1983 (NSW)* (*Land Rights Act*) recognised for the first time the land rights of Indigenous people in New South Wales. The Act established a tiered system of Aboriginal Land Councils that still exists today. Although the Act has been subject to numerous amendments, its purpose has remained the same since its inception:

... to provide an asset base and economic self-sufficiency for Aboriginal people in New South Wales as compensation for the loss of their land and in recognition of the cultural and spiritual importance of land to Aboriginal people.<sup>218</sup>

- 3.123** The preamble of the *Land Rights Act* recognises that land in New South Wales was traditionally owned and occupied by Aboriginal people, and that their land is of great cultural, spiritual and economic importance. Section 3 sets out the purpose of the Act as being:

- (a) to provide land rights for Aboriginal persons in New South Wales,
- (b) to provide for representative Aboriginal Land Councils in New South Wales,
- (c) to vest land in those Councils,

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<sup>217</sup> Tabled document, Aboriginal Medical Service Redfern, *Answers to questions on notice*, pp 5-6

<sup>218</sup> NSWPD (*Legislative Assembly*), 28 November 2001, p 19043



- (d) to provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils and the allocation of funds to and by those Councils,
- (e) to provide for the provision of community benefit schemes by or on behalf of those Councils.<sup>219</sup>

**3.124** This section was inserted into the Act by the *Land Rights Amendment Act 2001* (NSW). Prior to this there no section outlining the objectives of the *Land Rights Act*.<sup>220</sup>

### **The Aboriginal Land Council System**

**3.125** Under the original *Land Rights Act*, land council representation in New South Wales was divided into three tiers. Subsequent amendments have changed this structure, discussed below.

**3.126** In the original land council model, at the top of the land rights system is the NSWALC, the state's peak representative body for Indigenous people. The second tier was made up of 13 Regional Aboriginal Land Councils (RALCs), the membership of which was elected from LALCs. RALCs were abolished under the *Aboriginal Land Rights Amendment Act 2006* (NSW), however the regions that were represented by RALCs were preserved. The third tier consists of the Local Aboriginal Land Council (LALC) network.

**3.127** There are currently 121 LALCs across New South Wales, but this number can vary. The Committee has heard from representatives of LALCs in Mt Druitt, Kempsey, Dubbo and Nowra.

### ***New South Wales Aboriginal Land Council***

**3.128** The aim of the New South Wales Aboriginal Land Council (NSWALC) is:

- (a) to improve, protect and foster the best interests of Aboriginal persons within New South Wales, and
- (b) to relieve poverty, sickness, suffering, distress, misfortune, destitution and helplessness of Aboriginal persons within New South Wales.<sup>221</sup>

**3.129** The NSWALC consists of nine members, who are elected from each of the nine regions of New South Wales (see Figure 3.2).

**3.130** The NSWALC is a statutory authority and section 28 of the *Land Rights Act* provides that 7.5% of all land tax paid in New South Wales each year between 1984 and 1998 be put into the NSWALC Account. During this period, \$580 million was paid to the Council, primarily to enable the purchase of additional land. NSWALC is now a self-funding statutory authority. Section 28 was repealed by the *Aboriginal Land Rights Amendment Act 2001* (NSW).

<sup>219</sup> *Aboriginal Land Right Act 1983* (NSW)(*Land Rights Act*), s3

<sup>220</sup> Drabsch, T, *Indigenous Australians and Land in New South Wales*, NSW Parliamentary Library Research Service, Briefing Paper 9/04, July 2004, p 40

<sup>221</sup> *Land Rights Act*, s105

**3.131** The Chairperson of the NSWALC, Councillor Bev Manton, advised the Committee that the money collected into the Council's account is now held in trust by the New South Wales Government for the Aboriginal people, and the NSWALC is funded by the income generated by the funds in this trust. The amount held in that trust is currently estimated to be approximately \$640 million.<sup>222</sup>

**3.132** Councillor Manton also informed the Committee of the NSWALC's role and functions:

As a self-funding statutory authority, the council is committed to the ongoing provision of high-quality support and advice to the local Aboriginal land council network and empowerment of Aboriginal communities through land acquisition, either by a land claim or purchase; establishment of commercial enterprises to create a sustainable economic base for Aboriginal communities; maintenance and enhancement of Aboriginal culture, identity and heritage, including the management of traditional sites and cultural materials within New South Wales.<sup>223</sup>

### *Regional Aboriginal Land Councils*

**3.133** Figure 3.2 illustrates the nine Aboriginal Land Council regions in New South Wales, formed following the 2006 amendments to the *Land Right Act*.

**Figure 3.2** Aboriginal Land Council regions New South Wales



Source: NSW Aboriginal Land Council, [www.alc.org.au](http://www.alc.org.au)

<sup>222</sup> Ms Bev Manton, Chairperson, NSWALC, Evidence, 14 February 2008, p 40

<sup>223</sup> Ms Manton, Evidence, 14 February 2008, p 34

- 3.134** Prior to 2006, there were thirteen Regional Aboriginal Land Councils (RALCs) across New South Wales. These RALCs provided localised support and advice to the Local Aboriginal Land Councils in their region.
- 3.135** The role and operating capacity of RALCs were greatly reduced in 1990, when their powers to claim, purchase and hold land were removed. Further reforms in 2002 transferred many of the functions of RALCs to the NSWALC, and the role of RALCs was further limited to providing advice and assistance to LALCs and NSWALC.<sup>224</sup>

### ***Local Aboriginal Land Councils***

- 3.136** The aim of Local Aboriginal Land Councils (LALCs) is to achieve a high degree of participation from Aboriginal people in the day-to-day workings of their local communities.
- 3.137** Section 51 of the *Land Rights Act* sets out the purpose of LALCs as being to ‘improve, protect and foster the best interests of all Aboriginal persons within the Council’s area.’ There are currently 121 LALCs across New South Wales.
- 3.138** LALCs have the following functions:
- acquisition of land
  - managing, controlling and/or disposing of acquired land
  - provision of social housing and community benefits schemes
  - considering applications to prospect or mine for minerals on Council land
  - protecting the interests of Aboriginal persons in a particular area in relation to the acquisition, management, use, control and disposal of Council land
  - protecting the heritage and culture of Aboriginal persons in the Council’s area, and promoting awareness of this heritage and culture
  - preparation and implementation of community, land and business plans, which cover land development, investment strategies, strategies for creating and managing business enterprise, and the management of the Council’s existing assets and investments.<sup>225</sup>

### **Reviews of the *Aboriginal Land Rights Act 1983* (NSW)**

- 3.139** Since the *Land Rights Act* was introduced in 1983, it has continually been under review for a variety of reasons, including allegations of mismanagement and corrupt behaviour. The most recent review was called in May 2004, which resulted in changes to the land council system that commenced in late 2006.

<sup>224</sup> Aboriginal Land Right Act Review Task Force, *Review of the Aboriginal Land Rights Act 1983* (NSW) – *Summary of Issues Paper 2: Structure, Representation, Governance and Benefits*, December 2005

<sup>225</sup> *Land Rights Act*, ss 52, 83

- 3.140** In 1990, amendments enabled LALCs to sell land that they had been granted or claimed. In the years that followed, some LALCs accumulated substantial amounts of capital, large asset bases and began to engage in large-scale land development projects.<sup>226</sup>
- 3.141** Between 1994 and 1998, the Independent Commission Against Corruption (ICAC) conducted an inquiry into alleged ‘corrupt practices and related system inadequacies within the Aboriginal land council system’, largely due to the large number of complaints it had received. Most of the complaints were made by Aboriginal people and covered a range of topics, including:
- maladministration
  - misuse of funds
  - favouritism
  - conflict of interest
  - irregularities in elections.<sup>227</sup>
- 3.142** The ICAC found that almost all of the corrupt conduct alleged in Aboriginal Land Councils ‘could be linked to a lack of accountability in some way’<sup>228</sup>, and concluded that the majority of the problems reported were caused by a lack of training in good governance, and a lack of capacity to run large-scale, multi-faceted organisations that control large amounts of money.<sup>229</sup>
- 3.143** The ICAC’s recommendations were implemented by the *Aboriginal Land Rights Amendment Act 2001* (NSW), which focused on improving land councils’ accountability to their members as well as to the government. In his second reading speech, the then Minister for Aboriginal Affairs, Dr Andrew Refshauge stated:
- After nearly 20 years of land rights in New South Wales, almost all the available Crown land has been claimed [by land councils]. This has resulted in an operational shift for land councils, away from claiming land and toward managing assets responsibly and productively for the benefit of all Aboriginal people in New South Wales.<sup>230</sup>
- 3.144** Despite the 2001 amendments to the Act, the following three years saw administrators appointed to 21 of the 122 LALCs, a process the Minister deemed to be ‘costly and often

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<sup>226</sup> New South Wales Aboriginal Land Rights Act Review Task Force, *Review of the Aboriginal Land Rights Act 1983: Summary of Issues Paper 1*, August 2005, p 1

<sup>227</sup> Drabsch, T, ‘Indigenous Australians and Land in New South Wales’, NSW Parliamentary Library Research Service, Briefing Paper 9/04, July 2004, p 44

<sup>228</sup> Independent Commission Against Corruption, *Report on Investigation into Aboriginal Land Councils in New South Wales: Corruption Prevention and Research Summary*, April 1998, [www.icac.nsw.gov.au/files/pdf/pub2\\_50ir1.pdf](http://www.icac.nsw.gov.au/files/pdf/pub2_50ir1.pdf) (accessed 12 May 2008)

<sup>229</sup> Drabsch, T, ‘Indigenous Australians and Land in New South Wales’, NSW Parliamentary Library Research Service, Briefing Paper 9/04, July 2004, p 45

<sup>230</sup> The Hon Dr A Refshauge MP, *NSWPD (Legislative Assembly)*, 28 November 2001, p 19042, as cited in Drabsch 2004, p 45

ineffective'.<sup>231</sup> In November 2003, the board of the NSWALC was discharged and replaced with an administrator.

**3.145** The most recent review of the *Aboriginal Land Rights Act 1983* (NSW) began in May 2004. The review taskforce, headed by the Director General of the Department of Aboriginal Affairs (DAA), made 56 recommendations. These included:

- abolishing Regional Aboriginal Land Councils and replacing them with regional forums
- redrafting of the powers of LALCs to minimise misunderstandings of the limits on LALCs' power
- a variety of measures to promote and ensure principles of internal and external accountability, such as the introduction of a separation of powers between the administrative and elected arms of NSWALC and LALCs.<sup>232</sup>

**3.146** The majority of the recommendations were supported, and resulted in the *Aboriginal Land Rights Amendment Act 2006* (NSW). In speaking to the bill, the then Minister for Aboriginal Affairs, the Hon Milton Orkopoulos MP, outlined the focus of the amendments – better governance, more accountability to members and democratic participation:

The bill amends the Act to improve Aboriginal Land Council governance and facilitate the better management of Aboriginal Land Council assets, investments and business enterprises... the bill is modernising the legislation to recognise that the Aboriginal Land Rights Act is moving into a new area of economic and social development for Aboriginal Land Councils. Reforms to the Local Aboriginal Land Council structure are designed to create better decision-making and fairer participation in land councils.<sup>233</sup>

**3.147** The *Aboriginal Land Rights Amendment Act 2006* (NSW), which came into force in May 2007, was targeted at eliminating the corruption and nepotism that has plagued the land council system since its inception. Shortly after the Act's assent, the Auditor General's 2007 Report to Parliament was tabled, giving an indication of the status of the Land Council system before the reforms had started to take effect. The report showed that there were five LALCs under administration for reasons including the improper disposal of land, fraudulent activity and failure to furnish financial reports. Twenty-six percent of New South Wales's LALCs were reportedly non-compliant with proper reporting standards, either providing substandard reports or none at all.

**3.148** The *Aboriginal Land Rights Amendment Act 2006* (NSW) provides for the *Land Rights Act* to be reviewed every five years by the Minister for Aboriginal Affairs, 'to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.'<sup>234</sup>

<sup>231</sup> Hon Dr A. Refshauge MP, 'Overhaul to NSW Aboriginal Land Council System' *Media Release*, 26 May 2004

<sup>232</sup> NSW Aboriginal Land Rights Act Review Taskforce, *Review of the Land Dealings Provisions of the Aboriginal Land Rights Act 1983: Summary of Issues Paper 1*, August 2005

<sup>233</sup> NSWPD (*Legislative Assembly*), 24 October 2006, p 3280

<sup>234</sup> *Land Rights Act*, section 252A

- 3.149 A further round of amendments to the *Land Rights Act* will be introduced to Parliament in late 2008. The NSWALC Annual Report notes that these amendments will embody the remaining recommendations of the 2004 Aboriginal Land Rights Act Review Taskforce's reports.<sup>235</sup>

### ***Structural changes to Aboriginal Land Councils***

- 3.150 The *Aboriginal Land Rights Amendment Act 2006* (NSW) aimed to bring regulatory standards applied to Aboriginal land councils into line with those applied to similar bodies, such as local councils.<sup>236</sup> This involved modernising the structure of LALCs, with the roles of chairperson, treasurer and secretary being abolished and replaced with a five to ten person board, elected by land council members. That board then determines its own chairperson and deputy chair person.
- 3.151 The *Aboriginal Land Rights Amendment Act 2006* (NSW) provides that the day to day running of LALC affairs will be managed by a chief executive officer, appointed by the board.<sup>237</sup> Certain persons are prohibited from being appointed as chief executive officer, which includes members of the Board of the council or a councillor.
- 3.152 These provisions 'put in place the separation of responsibilities that did not exist prior to this current round of amendments,'<sup>238</sup> providing greater accountability by separating operational decision-making from overall land council management, land disposal and spending of funds.

### ***Governance and training***

- 3.153 The *Aboriginal Land Rights Amendment Act 2006* (NSW) was enacted to foster internal and external accountability in the land council system. Internal accountability aims to hold elected officeholders of a LALC accountable to the members of their LALC. External accountability refers to the responsibility of LALCs to NSWALC, and the government overall. Both of these forms of accountability were found to be lacking in the land council system prior to the 2006 amendments.
- 3.154 A key way in which accountability is being promoted is through the mandatory governance training that NSWALC must provide to LALC boards within six months of their election. This compulsory training is focused on principles of governance, transparency and accountability. In clarifying the purpose of this training, the Minister for Aboriginal Affairs stated:

Often persons are elected to positions when they have had no prior experience or lack appropriate skills to properly fulfil their role... [The Act] therefore provides for the training of board members and councillors within the first six months after being elected.<sup>239</sup>

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<sup>235</sup> NSW Aboriginal Land Council, Annual Report 2006-2007, p 4

<sup>236</sup> NSWPD (*Legislative Council*), 21 November 2006, p 4367

<sup>237</sup> *Land Rights Act*, section 78A

<sup>238</sup> Mr Scott, Evidence, 14 February 2008, p 38

<sup>239</sup> NSWPD (*Legislative Assembly*), 24 October 2006, p 3280

**3.155** NSWALC also offers a number of training courses on relevant issues to LALCs. The 2008 training schedule includes courses on WorkCover, corruption and the ICAC, understanding the *Land Rights Act* and its amendments, finance skills, occupational health and safety, conflict resolution and mediation, applying for and managing funding grants and writing community land and business plans.<sup>240</sup>

**3.156** The Committee heard that, as the governance and reporting responsibilities of LALCs increased under the *Aboriginal Land Rights Amendment Act 2006* (NSW), so did those of the NSWALC, due to the abolition of the RALCs. NSWALC absorbed the regulatory functions of RALCs, which substantially increased their operating costs:

We must approve their budgets, their annual reports, get their six-monthly reports, ensure that they put their books in to their auditors, and ensure that they have kept all their records in their books... it has all been put back to the New South Wales Aboriginal Land Council... That has increased our administrative and regulatory role significantly and the cost associated with that has significantly increased as well. Our budget now runs at about \$35 million a year, and most of that is spent on administration.<sup>241</sup>

**3.157** Mr Riley, told the Committee that NSWALC is in a difficult position, where it must make sure that LALCs are complying with the provisions of the *Land Rights Act* and its subsequent amendments, while also making sure that NSWALC fulfils its regulatory commitments.<sup>242</sup>

#### ***Reporting, penalties and breaches***

**3.158** One issue that was repeatedly brought to the Committee's attention is the prescriptive nature of the *Aboriginal Land Rights Amendment Act 2006* (NSW) and the difficulties that this has caused for LALCs in complying with the regulations.

**3.159** Mr Riley raised the issue of reporting and funding suspension with the Committee:

It is stated in the Act that if a land council does not provide a particular report by a particular date, we must cease providing direct funds. That is a very restrictive and onerous burden.<sup>243</sup>

**3.160** The Committee heard of LALCs whose funding was removed due to circumstances beyond their control:

They have a certain date when things have to be done. If reports are not furnished by that date, there is an automatic generation of a breach that could lead to that land council being unfunded. However, sometimes the responsibility for providing those reports lies with a third party. The legislation does not take that into account.

<sup>240</sup> NSW Aboriginal Land Council, <[www.alc.org.au/services/currentcourses2008.htm](http://www.alc.org.au/services/currentcourses2008.htm)> (accessed 17 June 2008)

<sup>241</sup> Mr Scott, Evidence, 14 February 2008, p 36

<sup>242</sup> Mr Riley, Evidence, 11 March 2008, p 4

<sup>243</sup> Mr Riley, Evidence, 11 March 2008, p 4

Sometimes land councils are penalised because third parties are not providing information.<sup>244</sup>

- 3.161** Mr Riley informed the Committee that there are no discretionary provisions in the Act to allow NSWALC to keep funding LALCs who are in breach of their reporting conditions, even in extenuating circumstances.<sup>245</sup> He explained that this has a very negative impact on the relationship between LALCs and the NSWALC:

We have a somewhat schizophrenic relationship: One day we are there to assist and the next we are there with our regulatory hat on. That is very difficult in terms of ongoing relationships.<sup>246</sup>

- 3.162** This point was also raised by Mr Scott, in explaining the enmity that exists between some LALCs and NSWALC:

If they have breached a range of 15 different checkmarks in the Act we have to breach them and stop funding them. I am just making this point because everyone says, "Why does the Local Land Council not support the State Land Council?" One day we go out there with our hat on helping, the next day we go out with our hat on taking money off them... It is a very contentious issue.<sup>247</sup>

#### ***Committee comment***

- 3.163** The Committee notes the significant reviews the Land Council system has undergone since the commencement of the *Land Rights Act* in 1983. The Committee understands the concerns surrounding the regulatory requirements resulting from the *Aboriginal Land Rights Act 2006* (NSW), however, given the endemic level of mismanagement and corruption throughout the land council system up until the 2001 amendments, the Committee cannot condone the relaxation of these restrictions at this early stage.

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#### **Issue for consideration 6 – Delivery: *Aboriginal Land Rights Act 1983***

The Committee will follow with interest the second round of amendments to the *Aboriginal Land Rights Act 1983* (NSW), due to be introduced into Parliament in late 2008. The Committee will examine the need for an appropriate ongoing review mechanism, including the issue of the separation of regulatory and assistance functions of the New South Wales Aboriginal Land Council.

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<sup>244</sup> Mr Sutherland, Evidence, 12 March 2008, p 4

<sup>245</sup> Mr Riley, Evidence, 11 March 2008, p 6

<sup>246</sup> Mr Riley, Evidence, 11 March 2008, p 4

<sup>247</sup> Mr Scott, Evidence, 14 February 2008, p 39



## Chapter 4 Environmental health and infrastructure

Environmental health is about the creation and maintenance of environments that promote good public health. Environmental health focuses on human health risks and hazards associated with natural and built environments. NSW Health considers ‘anything in the environment that may pose a risk to public health and safety’ as a potential environmental health issue. This may include adequacy and quality of drinking water, sewage and waste management or safe and healthy housing.<sup>248</sup>

This chapter considers the impact of poor environmental health on life expectancy, and key government policies and programs to improve the quality of environmental health in Indigenous communities. Housing is a key part of the environmental health context, however given the complexity and depth of the housing issue for Indigenous communities, chapter 8 is devoted entirely to housing. Key housing programs are discussed in that chapter, however the Housing for Health program, administered by the Department of Health, is examined in this chapter.

### Impact of environmental health on life expectancy

- 4.1 The New South Wales Government submission acknowledges the fundamental nature of environmental health on the life expectancy of Indigenous communities:

An important contributor to [the life expectancy gap] is the unsatisfactory living conditions in which many Aboriginal people live, including inadequate water and sewerage systems, waste collection and poor housing infrastructure.<sup>249</sup>

- 4.2 Water, waste and sewerage were also identified as the three main environmental health problems in Aboriginal communities by the Mingaletta Aboriginal Corporation’s submission to the Inquiry, which stated that ‘the water on some of the missions is like a third world country’.<sup>250</sup> The submission also raised concerns about lighting and road works.

- 4.3 The New South Wales Government submission highlights the impact of poor living conditions on infectious and parasitic diseases, including respiratory infections, gastrointestinal illnesses and skin infections. Environments with unhealthy water, sewerage or waste disposal are likely to generate higher numbers of these infections as diseases are high and personal hygiene is difficult to maintain, particularly in young children.<sup>251</sup> Instances of these diseases are recorded through hospitalisation rates of children under five, which provide a broad, though imperfect assessment of the frequency of these diseases amongst the Aboriginal population.<sup>252</sup>

- 4.4 The *Two Ways Together Report on Indicators 2007*, shows that hospitalisation rates for Aboriginal children under five with acute respiratory infections is 1.8 times higher than hospitalisation

<sup>248</sup> < [www.health.nsw.gov.au/publichealth/environment/index.asp](http://www.health.nsw.gov.au/publichealth/environment/index.asp) > (accessed 1 June 2008)

<sup>249</sup> Submission 40, New South Wales Government, p 7

<sup>250</sup> Submission 1, Mingaletta Aboriginal Corporation, p 1

<sup>251</sup> *Two Ways Together Report on Indicators 2007*, p 94

<sup>252</sup> Submission 40, p 42

rates for all children in this age range. Hospitalisations for skin infections were over three times higher for Aboriginal children, however hospitalisations for gastrointestinal infections, whilst increasing significantly in all children between the 1993-94 to 2005-06 period, were only slightly higher for Indigenous children.<sup>253</sup>

- 4.5** In their submission, the NSW Council of Social Services (NCOSS) emphasised the impact of the physical environment on life expectancy factors:

The effect of the physical environment on the health status of a population is well recognised – the absence of functional ‘health hardware’ (access to clean safe water, sewerage and waste disposal and electricity) can have a negative impact on health, particularly with regard to infectious and parasitic diseases (such as diarrhoeal diseases and rheumatic fever), eye and ear infections, skin conditions, and infections of the respiratory tract...<sup>254</sup>

- 4.6** Similarly, Mr Shane Carriage of the Ulladulla Local Aboriginal Land Council, noted that overcrowding promotes diseases:

If you have too many Aboriginal people in one house and one person catches something, the whole household catches it. If you have 15 living there, straightaway you have a health problem. That is just one example but there are plenty of others. There will be stress, kids yelling and screaming, and parents getting stressed out because so many kids are in the house. You will have other health and psychological problems straightaway. It would not matter whether you were black, white or brindle; if you have 15 people living in a three-bedroom house it will cause stress.<sup>255</sup>

- 4.7** Highlighting the importance of environmental infrastructure to health outcomes, the Rural Health Alliance told the Committee:

...the foundations of the solution will be found in the reliable supply of fresh water and management of waste water, affordable fresh food, access to education (both primary and secondary), income-earning opportunities...<sup>256</sup>

## Key government policy initiatives

- 4.8** The New South Wales Government submission acknowledged that ‘at all levels of government, policy and commitments exist recognising the adequate provision of clean running water and sanitation as a basic human right.’<sup>257</sup> However, the New South Wales

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<sup>253</sup> *Two Ways Together Report on Indicators 2007*, pp 93-94

<sup>254</sup> Submission 27, Council of Social Service NSW (NCOSS), p 3

<sup>255</sup> Mr Shane Carriage, Chief Executive Officer, Ulladulla Local Aboriginal Land Council, Evidence, 13 March 2008, p 31

<sup>256</sup> Submission 4, Rural Health Alliance, p 22

<sup>257</sup> Submission 40, p 7

Government submission also noted a significant problem relating to the provision of key environmental health infrastructure:

Unlike any other population group, for a variety of historical reasons, Aboriginal communities in New South Wales are often required to implement and manage their own water and sewerage systems.<sup>258</sup>

- 4.9** Mr Stephen Ryan, New South Wales Aboriginal Land Council (NSWALC) Central Region representative, elaborated on some of these ‘historical reasons’ and their implications for the environmental health of Aboriginal communities:

... a lot of our housing stock, if you like, was inherited. They were former Aboriginal reserves where the Government put us against our will. We were living in shoeboxes made of fibro, asbestosis and God knows what. We inherited them in 1983 under the land council system. But we inherited also the lack of facilities: water, power and sewerage. Some people would say it is an inherent basic right to have those. We are still catching up on that... a lot of our reserve communities have not got individual water. How do we make them pay for that in their rent. Some of the houses are still third-world country standards, as are the services.<sup>259</sup>

- 4.10** In the New South Wales Government submission, it is noted that this problem will be addressed under the New South Wales State Plan priority F1, particularly F1 (c) which will ‘ensure that all Aboriginal communities have equitable access to environmental health systems’.<sup>260</sup> The New South Wales State Plan is discussed in the following section.
- 4.11** In addition to the New South Wales State Plan commitments, a National Environmental Health Strategy commits the New South Wales Government to a number of initiatives relating to the education of the Aboriginal workforce involved in the environmental health sector.

### **New South Wales State Plan**

- 4.12** While there is no specific goal under the New South Wales State Plan that relates to environmental health, Priority F1 – Improved health and education outcomes for Aboriginal people, is the New South Wales Government’s key policy commitment to addressing issues affecting Indigenous people. Under Priority F1(c), improved environmental health; ensuring that all Aboriginal communities have equitable access to environmental health systems is one of five key objectives.<sup>261</sup>
- 4.13** The New South Wales State Plan measure for environmental health is hospital admission rates (per 100,000 people) for acute respiratory infections, gastroenteritis and skin infections. As discussed in Chapter 5 – Health and wellbeing, the rate of hospitalisation for preventable diseases remains significantly higher for the Aboriginal population. The *Two Ways Together*

<sup>258</sup> Submission 40, p 7

<sup>259</sup> Mr Stephen Ryan, Central Region representative, New South Wales Aboriginal Land Council (NSWALC), Evidence, 13 March 2008, p 6

<sup>260</sup> Submission 40, p 7

<sup>261</sup> Submission 40, p 5

*Report on Indicators 2007* also includes overcrowding in housing as an indicator of environmental health.<sup>262</sup> This is discussed in Chapter 8 – Housing.

- 4.14** In the New South Wales State Plan 2007 Update to Priority F1, the New South Wales Government has announced that it is committed to reviewing the water and sewerage systems in approximately 75 Aboriginal communities to identify the need for improved maintenance and infrastructure within those communities.<sup>263</sup>
- 4.15** Two further commitments relate to environmental health: developing a sustainable waste management strategy to protect the health of communities and conserve the environment; and the implementation of clean up programs and working with community groups to implement sustainable waste management strategies.<sup>264</sup>

### **National Environmental Health Strategy 2007-2012**

- 4.16** The National Environmental Health Strategy 2007-2012 builds on the previous National Environmental Health Strategy 1999, established to ‘identify the Australian environmental health sector’s role in developing and supporting infrastructure for health protection.’<sup>265</sup> The strategy lists a number of key environmental health risks which are to be addressed, including ‘the lack of effective environmental health infrastructure in Aboriginal and Torres Strait Islander communities.’<sup>266</sup>
- 4.17** The National Environmental Health Strategy 2007-2012 outlines a number of priorities to increase the capacity and capability of the environmental health workforce, especially in Aboriginal and Torres Strait Islander communities and to improve environmental health conditions in Aboriginal and Torres Strait Islander communities.<sup>267</sup> These priorities will be implemented through ‘action areas’ which are grouped around the following strategic framework:
- preparedness for emergencies and capacity to respond
  - workforce development and support
  - evidence-based, effective and nationally consistent guidance that supports the protection of public health
  - Aboriginal and Torres Strait Islander environmental health
  - climate change and adaptation
  - surveillance.<sup>268</sup>

<sup>262</sup> *Two Ways Together Report on Indicators 2007*, pp 91-92

<sup>263</sup> State Plan Update 2007, F1 – Strengthening Aboriginal Communities, p 3

<sup>264</sup> State Plan Update 2007, F1 – Strengthening Aboriginal Communities, p 3

<sup>265</sup> National Environmental Health Strategy 2007-2012, p 12

<sup>266</sup> National Environmental Health Strategy 2007-2012, p 5

<sup>267</sup> National Environmental Health Strategy 2007-2012, p 5

<sup>268</sup> National Environmental Health Strategy 2007-2012, p 5

- 4.18** The Environmental Health Committee (made up of all the States' and Territories' Health Departments, among others) has responsibility for implementing the National Environmental Health Strategy 2007-2012. For each of the six action areas, activities and performance indicators are listed.
- 4.19** Objective 6, to improve Aboriginal and Torres Strait Islander Environmental Health, includes four activities related to achieving this objective: the development and implementation of standards and guidance documents; the support of the ATSI workforce through workshops and resource tools to support the strategy's objectives; developing capacity to utilise environmental health surveillance to assist the development and implementation of the rural and remote Aboriginal and Torres Strait Islander Children's Environmental Health Indicators; and to develop a resource kit for Aboriginal and Torres Strait Islander workers.<sup>269</sup>

### **Aboriginal Communities Development Program (ACDP)**

- 4.20** A key program, co-ordinated and delivered by the Department of Aboriginal Affairs (DAA) is the Aboriginal Communities Development Program (ACDP). The ACDP is a program that commenced in 1998 to run over ten years to construct new houses and repair existing houses that are health or safety risks, as well as to address environmental health issues.<sup>270</sup> Ms Kerry Pearse, Executive Director – Community and Programs with DAA, told the Committee that the program is a supplementary program, targeted at addressing the living conditions of specific Aboriginal communities in New South Wales:

One of the things about this program that is important to understand is that it was a supplementary program. It was particularly targeted at making a significant improvement to the amenity and conditions of people who were mainly living on discrete Aboriginal communities around New South Wales. In 1983 when the Aboriginal Land Rights Act was introduced, local Aboriginal land councils inherited a legacy of responsibility for what was mainly very poor-quality housing on old reserves and missions. This particular program was never intended to deal with the overall housing need of Aboriginal people in New South Wales; it was specifically intended to make a significant improvement to the amenity of people living in those 22 discrete communities.<sup>271</sup>

- 4.21** The New South Wales Government submission explained that the program has a funding commitment of \$240 million targeted to 22 priority Aboriginal communities, which are:
- Armidale
  - Bourke
  - Cabbage Tree Island
  - Condobolin
  - Dareton
  - Boggabilla/Toomelah
  - Brewarrina
  - Collarenebri
  - Coonamble
  - Enngonia

<sup>269</sup> National Environmental Health Strategy 2007-2012, p 9

<sup>270</sup> Submission 40, p 8

<sup>271</sup> Ms Kerry Pearse, Executive Director, Community and Programs, NSW Department of Aboriginal Affairs, Evidence, 12 February 2008, p 6

- Goodooga
- Kempsey
- Menindee
- Muli Muli
- Tabulam
- Weilmoringle
- Gulargambone
- Lightning Ridge
- Moree
- Murrin Bridge
- Walgett
- Wilcannia<sup>272</sup>

**4.22** Reverend Tom Slockee, Chairperson of the Aboriginal Housing Office (AHO) board, explained to the Committee the AHO's involvement in the implementation of the ACDP:

[T]he Aboriginal Community Development Program...was basically a DAA program but we became involved in it because of some of our policies. We said it is no use just putting another program out there without involving us. At the end of the day the AHO, with the community, will be responsible for the ongoing sustainability of those properties. There has been a lot of interaction between DAA and the Aboriginal Housing Office on how to roll the program out and how to make sure the management is there afterwards when the houses are completed.<sup>273</sup>

**4.23** In 2007, the AHO received approximately \$11 million under the ACDP program.<sup>274</sup>

**4.24** The New South Wales Government submission advises that the ACDP has completed 321 emergency repairs, 665 house refurbishments, 141 new built houses, 56 new replacement houses, 90 house purchases and 75 water and sewerage schemes.<sup>275</sup> Ms Jody Broun, Director General of DAA, provided further clarification of the nature of the house refurbishments, advising the Committee that these are 'major upgrades of houses'.<sup>276</sup>

**4.25** The New South Wales Government submission outlined to the Committee that the ACDP program 'ensures community consultation through the establishment of Community Working Parties' and also focuses on skill development for local community members in the areas of property management, land management and the management of building and maintenance work. The ACDP program has provided 222 Aboriginal people with traineeships and apprenticeships in construction jobs, 70 of whom have graduated and 110 of whom were still training at the end of 2006-07.<sup>277</sup> Ms Broun added in evidence that 'we have had building companies established, and they are still working in a number of locations'.<sup>278</sup>

<sup>272</sup> Submission 40, p 9

<sup>273</sup> Reverend Tom Slockee, Chairman, NSW Aboriginal Housing Board (AHO), Evidence, 14 February 2008, p 23

<sup>274</sup> Answers to questions on taken on notice during evidence, Mr Russell Taylor, Chief Executive Officer, AHO, Attachment 3

<sup>275</sup> Submission 40, p 9

<sup>276</sup> Ms Jody Broun, Director General, DAA, Evidence, 12 February 2008, p 5

<sup>277</sup> *Two Ways Together Report on Indicators 2007*, p 94

<sup>278</sup> Ms Broun, Evidence, 12 February 2008, pp 6-7

- 4.26** Ms Broun provided some specific examples of projects the ACDP had completed in various communities, highlighting a project to provide a pool at Weilmoringle, in the State's west, in conjunction with the Federal Government:

At Weilmoringle, I think this is a really good example, they determined at a community level that a pool would be what they needed. I do not know if you know where Weilmoringle is, but it gets fairly hot out there and they wanted an exercise environment for community, and that has all sorts of health benefits. We contributed \$300,000 to the pool environment and were able to leverage the funds for the pool actually from the Federal Government. So, it is bringing together the different elements, which I think is really important, and using the resources in the best possible way, and also eliminating, particularly at local level, any duplication of services.<sup>279</sup>

#### **Committee comment**

- 4.27** The Committee notes that the ACDP has, in the short term, been extended until 2009. The Committee has heard evidence of the positive impact of the program in communities where it has been delivered, however the environmental health problems in Aboriginal communities continue to contribute to Indigenous disadvantage. The evidence that has been presented to the Committee leads to the conclusion that there is an absolute necessity for ongoing funding for environmental health programs after funding for the ACDP ends in 2009.

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### **Issue for consideration 7 – Environment and infrastructure: funding**

The Committee will examine the need for ongoing funding for environmental health programs after funding for the Aboriginal Community Development Program ends in 2009.

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#### **Housing for Health program**

- 4.28** The Housing for Health program is a key component of the Aboriginal Communities Development Program outlined above. DAA and NSW Health administer this program in partnership. As outlined in the New South Wales Government submission, the program targets 32 communities, surveying properties to identify housing and health issues.<sup>280</sup>
- 4.29** NSW Health has committed \$2 million over four years to manage the delivery of the Housing for Health program.<sup>281</sup> The program aims to assess, repair or replace health hardware so that houses are safe and the occupants have the ability to carry out healthy living practices.<sup>282</sup>
- 4.30** Works are carried out in a prioritised order, dealing first with safety issues such as electrical, sewerage or structural repairs. Secondly, Health Living Practices are addressed, in the order of:

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<sup>279</sup> Ms Broun, Evidence, 12 February 2008, p 18

<sup>280</sup> Submission 40, p 10

<sup>281</sup> NSW Health <[www.health.nsw.gov.au/public-health](http://www.health.nsw.gov.au/public-health)> (accessed 12 May 2008)

<sup>282</sup> NSW Health <[www.health.nsw.gov.au/public-health](http://www.health.nsw.gov.au/public-health)> (accessed 12 May 2008)

- washing people
- washing clothes and bedding
- removing waste safely
- improving nutrition
- reducing overcrowding
- reducing the impact of animals, vermin or insects
- reducing dust
- controlling temperature
- reducing trauma.<sup>283</sup>

**4.31** The NSW Health website notes that the focus of this program, after addressing safety issues, is primarily on the first four factors relating to Healthy Living Practices. These factors are considered critical to healthy living.<sup>284</sup>

**4.32** The process of addressing these Healthy Living factors is divided into six key stages, outlined below:

***Community consultation***

**4.33** The initial stage of consultation clarifies with the community what is involved in the Housing for Health program. As noted on the NSW Health website, the projects have strict boundaries, repairs relate only to health living factors: ‘...the program will cover most plumbing and electrical issues (as they relate to health and safety) but does not extend to painting or other aesthetic works’ a potential source of confusion for participants.<sup>285</sup>

***Feasibility study***

**4.34** If the community has agreed to involvement with the Housing for Health program, a project manager undertakes a feasibility study with the housing provider. At this stage each house involved in the project is given a Housing for Health number, to maintain confidentiality.

***First survey and fix***

**4.35** This first survey identifies the maintenance required on all houses in the program. Normally, three community members and one technical support person conduct the surveys. The first day of the program is devoted to training the teams in testing. The survey aims to test, record and, if possible, repair 240 items within each house.

**4.36** Survey results are entered into a database and a list of prioritised works for each house is generated. Tradespeople usually start half a day behind the surveyors, reporting back to the

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<sup>283</sup> NSW Health <[www.health.nsw.gov.au/public-health](http://www.health.nsw.gov.au/public-health)> (accessed 12 May 2008)

<sup>284</sup> NSW Health <[www.health.nsw.gov.au/public-health](http://www.health.nsw.gov.au/public-health)> (accessed 12 May 2008)

<sup>285</sup> NSW Health <[www.health.nsw.gov.au/public-health](http://www.health.nsw.gov.au/public-health)> (accessed 12 May 2008)



project manager as repairs are completed. Tradespeople are engaged from within the community, where possible.

### *Capital upgrade*

- 4.37** Large-scale work, such as rewiring a house or replacing water systems, may need to be put out to tender. Once work requirements have been identified across the houses in the program, a longer term, capital works project is designed. Capital upgrades may take between six to nine months to complete, depending on the number of houses requiring work.

### *Second survey and fix*

- 4.38** After the capital upgrade, a second survey is conducted to address any works that may have been missed in the first upgrade or have arisen since. The second survey also provides a comparison between the level of function in the first survey, and after repairs and maintenance have been carried out.

### *Reporting and closure*

- 4.39** Once any additional repairs have been made, a report of the work done to each house is provided to the community housing provider. A list of works that were identified, but that could not be completed in budget are prioritised and provided to the housing provider.
- 4.40** Ms Broun advised the Committee that the budget for repairs to each house is between \$7000 and \$10,000.<sup>286</sup> Ms Broun emphasised the achievements of the project to date:

Housing for Health on its own, for instance, has resulted in a 10-fold increase in electrical safety, a five-fold increase in fire safety, a three-fold increase in the ability to wash children, which is important for health outcomes obviously, a seven-fold increase in the ability to wash clothes and bedding, a doubling of waste removal and those sorts of things, including functioning toilets—things people take for granted.<sup>287</sup>

- 4.41** Reverend Slockee explained the role of the AHO in supporting the Housing for Health program:

We have been involved with Housing for Health, which is a program funded through the Commonwealth and the State, but it is mainly delivered through the Department of Health. We have some interaction in the needs and assessment with the Department of Health. That is mainly to look at the safety and the health needs of that property and the community; also to skill people in the community so they can carry out their own maintenance. That was the aim of the program. There are a lot of houses where electrical safety has been improved, and fire safety. There is evidence that the health of those people living in those properties has improved.<sup>288</sup>

<sup>286</sup> Ms Broun, Evidence, 12 February 2008, p 6

<sup>287</sup> Ms Broun, Evidence, 12 February 2008, pp 6-7

<sup>288</sup> Reverend Slockee, Evidence, 14 February 2008, p 24

**4.42** The New South Wales Government submission shows that the Housing for Health program has had significant results:

- a 10-fold increase in electrically safe houses
- a 5-fold increase in fire safety in houses
- a 3-fold increase in the ability to wash people
- a 7-fold increase in the ability to wash clothes and bedding
- a doubling of satisfactory waste removal (this was noted as a working toilet, for example)
- a 6-fold increase in the ability to store, prepare and cook food.<sup>289</sup>

**4.43** Housing for Health has been delivered to over 12,100 houses. A recent review conducted by NSW Health ‘indicated improvements in some environmental health conditions (such as skin infections and gastrointestinal infections) in Aboriginal people in local government areas where Housing for Health has been delivered.’<sup>290</sup> More specific data on hospitalisation rates is noted earlier in this chapter.

#### ***Water and Sewerage Operation and Maintenance Program***

**4.44** This program supports two Aboriginal plumbing apprentices in the maintenance and operations of water and sewerage for 11 communities in the Murdi Paaki region. This group has completed 74 projects (although the New South Wales Government submission does not outline what these projects are) it estimates that over 3,700 people have benefited, so far.<sup>291</sup>

**4.45** In answers to questions on notice, the DAA provided an updated table indicating that 77 water and sewerage projects had been completed in 64 locations, affecting 3,869 people.<sup>292</sup> This program will be considered in more detail in the Final Report, where the Committee examines the COAG trial in Murdi Paaki.

### **Effective service provision**

**4.46** Throughout this Inquiry, the Committee heard that services are not effectively meeting the needs of Aboriginal people. This section provides an overview of the evidence the Committee received relating to the most effective way to deliver environmental health services to Aboriginal communities.

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<sup>289</sup> Submission 40, p 10

<sup>290</sup> Submission 40, p 10

<sup>291</sup> Submission 40, p 11

<sup>292</sup> Answers to questions taken on notice during evidence, Ms Jody Broun, Director General, Department of Aboriginal Affairs, Table D1

### Water contamination

- 4.47** In 2007, the NSW Aboriginal Community Water Supply and Sewage Working Group Issues Paper found that water and sewerage services in many discrete Aboriginal communities do not meet the basic standards expected by the wider Australian population and there are few processes in place to monitor the quality of drinking water.<sup>293</sup>
- 4.48** The report of the Steering Committee on the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, identified that households in rural and remote areas often rely more on individual water and sewerage systems (like septic tanks, bore water and rainwater tanks) than on town systems. The report illustrated the cycle of contamination that can occur if these household systems are inadequately maintained or there is overcrowding:
- septic tanks or land-based rubbish tips may leach wastes into groundwater
  - bore systems use contaminated ground water for household supply
  - this contaminated water is then used for drinking, washing etc.
  - waste continues to be put in septic tanks and land-based rubbish tips.<sup>294</sup>
- 4.49** The report of the Steering Committee on the Review of Government Service Provision *Overcoming Indigenous Disadvantage: Key Indicators 2007*, with information from the Bureau of Rural Sciences, identified as the two most important water quality risks as microbiological contamination and chemical contamination; both pose serious health risks in terms of acute and chronic illnesses.
- 4.50** Discrete Aboriginal communities in New South Wales face a much higher risk of microbiological contamination of drinking water than mainstream communities NSW Health reported that discrete communities experience higher rates of microbiological contamination (most commonly E.coli bacteria from wastes) than mainstream communities, and that the quality of drinking water in discrete communities does not meet the Australian Drinking Water Guidelines, falling short of the standard by nearly 20 percentage points.<sup>295</sup>

### Sewerage services

- 4.51** Out of the 57 recognised discrete Aboriginal communities in New South Wales, in the reporting period of 2006, 12 communities experienced sewerage leakages or overflows, and two of these communities reported more than 15 instances where sewerage leakages or overflows occurred. 11 of the 57 communities have dwellings that are affected by sewerage leakages or overflows. As outlined above, improper sewerage management can lead to water contamination and acute infection.

<sup>293</sup> *Two Ways Together Report on Indicators 2007*, p 93

<sup>294</sup> Steering Committee on the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 10.14

<sup>295</sup> *Two Ways Together Report on Indicators 2007*, p 93

### Waste disposal

4.52 DAA has stated that the provision of waste management services is ‘usually undertaken by local government, paid by rates levied on residents.’<sup>296</sup> However, many discrete Aboriginal communities in New South Wales ‘have been left to manage waste without access to municipal services provided by local government.’<sup>297</sup> This has resulted in four out of the 57 discrete communities having no organised rubbish collection.

4.53 Ms Robyn Kruk, Director General of the Department of Premier and Cabinet, elaborated on difficulties when local communities do not come under the auspices of local government:

It is a real issue. I stress, in some instances communities are not under the ambit of local government. They are communities on Aboriginal land, so you have different tenure arrangements. You probably have also a situation where a productive relationship needs to be entered into with the Aboriginal land council.<sup>298</sup>

### Committee comment

4.54 The Committee is concerned by evidence it has received that some Aboriginal communities are lacking basic services including water, sewerage and waste services, and the significant negative health impact that this has on people living in those communities.

4.55 Where communities are not serviced by local government, it is essential that an alternative service delivery framework is put in place, with the local community and local Aboriginal land council. This will be considered further in the Final Report.

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## Issue for consideration 8 – Environment and infrastructure: essential services

The effective provision of essential services including water, sewerage and waste collection in Aboriginal communities that are not serviced by local government will be considered.

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### Infrastructure

4.56 Good quality roads and telecommunications were reported in the *Two Ways Together Report on Indicators 2007* to measure infrastructure in Aboriginal communities. Of the communities surveyed, 100 percent had sealed roads and 83 percent had flood free roads (measured as one flood interruption in five years).<sup>299</sup>

4.57 Telecommunication facilities were lacking in many Aboriginal communities. Of the 57 communities that were surveyed, approximately three quarters had no access to a public

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<sup>296</sup> *Two Ways Together Report on Indicators 2007*, p 93

<sup>297</sup> *Two Ways Together Report on Indicators 2007*, p 93

<sup>298</sup> Ms Robyn Kruk, Director General, Department of Premier and Cabinet, Evidence, 29 April 2008, p 4

<sup>299</sup> *Two Ways Together Report on Indicators 2007*, p 95

telephone (43 communities) or the Internet (39 communities). Fifty three of the communities surveyed had access to traditional media, including radio and television.<sup>300</sup>

- 4.58** In their submission, the Dharriwaa Elders Group (DEG) explained to the Committee the need for carefully thought out infrastructure projects to support Aboriginal communities. The DEG highlighted the need for projects to be determined by the community, and the community to be provided with the funding to implement them. They drew on the experiences of their own members, who live in Walgett to provide an example of inappropriately funded projects:

Aboriginal communities need to be able to fund social infrastructure like the provision of air-conditioned community meeting places and leisure activities without having to rely on income from poker machines. This income comes at the expense of children going hungry, and the social cost of problems like the mental illness caused by poor childhood nutrition and other forms of parental neglect from those addicted to poker machine gambling. It is not right that a town with a population of little over 2,3000, a majority being welfare recipients, has the local RSL Club earn over \$1 million annually in poker machine revenue alone. Keno, TAB and the sale of lottery tickets by the local newsagent are other forms of gambling which attract disproportionate revenues from Walgett. A smart card system needs to take poker machines, Keno, TAB and excessive purchase of lottery tickets into account. Two out of Walgett's three ATMS are located in registered clubs – providing an unhelpful temptation for gambling addicts.<sup>301</sup>

- 4.59** Mr Geoff Scott, the Chief Executive Officer of the NSWALC, told the Committee of the pressure that Aboriginal Land Councils are under to fund essential infrastructure in particular communities after funding was reduced by the Federal government:

The most pressing thing for us at the moment is housing money and infrastructure funds. We have a crisis about to hit us. We have 60 reserves which have to maintain their own infrastructure systems—that is, power, water, sewerage and roads. That is in limbo right now. Do nothing, and we will have a crisis in six months.<sup>302</sup>

***Committee comment***

- 4.60** The lack of Internet access in Aboriginal communities is a concern. Access to the Internet impacts on education and employment outcomes and general community wellbeing. The provision of accessible Internet to Aboriginal communities is an issue that will be considered in the Final Report.

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**Issue for consideration 9 – Environment and infrastructure: Internet**

The provision of accessible Internet to Aboriginal communities will be considered.

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<sup>300</sup> *Two Ways Together Report on Indicators 2007*, p 95

<sup>301</sup> Submission 8, Public Health Association of Australia, p 19

<sup>302</sup> Mr Geoff Scott, Chief Executive Officer, NSWALC, Evidence, 14 February 2008, p 44

## Maintenance

**4.61** In its submission, NCOSS highlighted the importance not only of developing infrastructure, but also of maintaining it. NCOSS noted that housing in Aboriginal communities needs to be monitored for repairs and regular maintenance.<sup>303</sup> Given that the majority of the Indigenous community are in rented or subsidised/Government provided accommodation, the Committee emphasises that it is incumbent on government to accept responsibility for the quality of that housing.

**4.62** NCOSS also submitted that as the majority of Aboriginal communities in New South Wales are classified as ‘inner or outer regional’ (as opposed to ‘remote’), they can access water, electricity and sewerage from town supplies. However, it is the maintenance of these facilities in Aboriginal communities that is often lacking:

The issue, though, is not just the availability of such health hardware but its ongoing maintenance. There is evidence that shows Aboriginal housing to be more likely to need repairs and that their water supplies are less likely to be regularly tested for problems.<sup>304</sup>

**4.63** Mr Bill Anscombe, a lecturer in Social Work at Charles Sturt University, explained that Aboriginal housing providers often struggle to balance good quality housing that is affordable for the occupants, with the provider’s financial constraints in maintaining the property. This issue is even more prevalent in rural and remote areas where income flows are very limited.<sup>305</sup>

**4.64** The Committee also heard from members of a community in western New South Wales, who emphasised that the lack of social infrastructure in a community can be just as damaging to health as a lack of physical infrastructure. The Committee heard that a number of houses had fallen into disrepair and were unoccupied, due to a lack of support services in the surrounding area:

There are no other programs. You can build someone a nice house but if the rest of their life is going downhill with drug and alcohol issues, family breakdown, poverty, unemployment, education, a nice house will not fix it.<sup>306</sup>

**4.65** PricewaterhouseCoopers also identified this issue in its 2007 review of the Community Housing and Infrastructure Program (CHIP). It was acknowledged that many Aboriginal housing corporations have a limited ability to manage and maintain their housing stock, due to ‘low rent collection, poor tenancy management, the standard of workmanship and other asset maintenance issues – all usually exacerbated by remoteness, lack of the necessary skills and the cost of materials and trade services’.<sup>307</sup> The CHIP program is considered in Chapter 8 - Housing.

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<sup>303</sup> Submission 27, p 3

<sup>304</sup> Submission 27, p 7

<sup>305</sup> Submission 6, p 12

<sup>306</sup> *In camera* Evidence, 29 April 2008, p5. Published by resolution of the Committee 26 June 2008

<sup>307</sup> PricewaterhouseCoopers, *Living in the Sunburnt Country: Findings of the Review of the Community Housing and Infrastructure Program*, February 2007, p 10

*Tenant support*

**4.66** One area where a lack of support has been identified is in tenant support, in terms of programs to assist people in maintaining their tenancy and their rental property. The Homelessness NSW submission highlights the link that exists between unsuccessful housing occupancy and a lack of surrounding support services, and argues that physical infrastructure is only one part of housing provision.<sup>308</sup>

**4.67** The development and maintenance of essential infrastructure in a community was identified as a key factor in improving health outcomes for Aboriginal people by Ms Kruk, who told the Committee of her experience in working with the Housing for Health program, where she saw a range of maintenance measures implemented:

...Often quite small investments... yielded the most significant health gains. So, in some instances it is not necessary to have a total overhaul of a sewerage facility...but there are a range of things you can do that produce demonstrable increases in health and wellbeing...<sup>309</sup>

**4.68** The PriceWaterhouseCoopers 2007 review of the Community Housing and Infrastructure Program (CHIP) asserted that funding was allocated under CHIP for essential physical infrastructure such as roads, sewerage, water and power, but there was no funding for programs targeted at helping people to maintain their occupancy.<sup>310</sup>

... In addition to improving planning and delivery of housing by government, there is a need to assist Indigenous people to develop the skills and capacity to take on the responsibilities of tenants and homeowners.<sup>311</sup>

*Ongoing maintenance and employment*

**4.69** The Rural Health Alliance suggested that government agencies should be required to offer employment and on-site training and trade mentoring to Indigenous people when major infrastructure works are required in rural areas. As the Rural Health Alliance noted, people trained to build major infrastructure such as roads, buildings, water and power supplies can then use those skills to inspect and maintain those facilities.<sup>312</sup>

**4.70** This point was also made by Ms Robyn Kruk who told the Committee of the importance of providing vocational or trade training to young Indigenous people in their own communities:

The areas where I have seen the most demonstrable and sustainable change is where training initiatives have also been offered to members in the community. It is cold comfort if you live in Brewarrina and you have had your facilities fixed but the closest

<sup>308</sup> Submission 31, p1

<sup>309</sup> Ms Kruk, Evidence, 29 April 2008, p 5

<sup>310</sup> Submission 31, p 3

<sup>311</sup> PricewaterhouseCoopers, *Living in the Sunburnt Country: Findings of the Review of the Community Housing and Infrastructure Program*, February 2007, p 20

<sup>312</sup> Submission 4, p 24

electrician is 300 kilometres away and they are not inclined to come out on a Friday. You have to train up the young kids in those communities to be able to sustain it.<sup>313</sup>

**4.71** Similarly, the Mingaletta Aboriginal Corporation outlined in their submission:

We need to employ Aboriginal workers that live in their community and know the gaps with water, sewerage, waste and other surrounding problems...Each Area Health Service to facilitate the completion of environmental health and infrastructure (including water quality) surveys in Aboriginal communities...This should be ongoing with funds and work with a partnership between Shire and council. There should be ongoing funds for road works on these missions, from State and Federal Government. These Governments should be working in partnership with Aboriginal Affairs...<sup>314</sup>

## Particular environmental health issues raised in evidence

**4.72** Below are outlined some of the factors that have been identified by witnesses in relation to the area of environmental health. In recognition of these concerns, the Committee has chosen to outline and report on these issues in this Interim Report, however final conclusions will be detailed in the Committee's Final Report.

### Transport

**4.73** Like the majority of communities in rural or remote locations, Indigenous people struggle to access a range of services that their urban counterparts have easy access to. A lack of adequate transport services was highlighted a number of times as a factor inhibiting access to services.

**4.74** Given the strong need for Indigenous people to have access to health services, employment and education and training, among other things this lack of adequate transport was raised a number of times in evidence to the Committee as a key problem for rural and remote Indigenous communities. Mr Terry Chenery, Executive Officer of the Aboriginal Justice Advisory Group told the Committee about the additional difficulties of accessing health service in rural and remote areas:

If you are not a person who has the ability and the confidence to walk into a system—and, let us face it, it is a very big system—the difference between the metropolitan area of Sydney and 30 or 50 kilometres away over the Blue Mountains is totally different again. I think this will be a recurring theme in getting through this. Many of the problems with that are the overlapping and multiplicity of regions throughout New South Wales, so service delivery by a multidisciplinary team is almost impossible.<sup>315</sup>

**4.75** In response to such difficulties, Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, New South Wales Attorney General's Department,

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<sup>313</sup> Ms Kruk, Evidence, 29 April 2008, p 5

<sup>314</sup> Submission 1, p 1

<sup>315</sup> Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council, Evidence, 13 February 2008, p 13



explained how the Department attempts to support its clients in rural areas, by engaging staff in those locations to provide outreach service in the community, rather than at the courthouse in town:

We also recognise that it is difficult with our court system for many people in rural and remote areas to access courts and to attend courts when they are required to do so. So to try to address that we are testing a couple of different ways of providing court services. We have got staff in some of our western courts—Walgett, Burke and Condobolin—conducting outreach services, where they are basically taking the registry of the courthouse out of those towns and into a community setting and providing services where people live rather than expecting people to come to court.

**4.76** Mr Thomas gave an example of how the outreach service was working in the far western parts of New South Wales:

In Bourke a large proportion of our criminal defendants come from the town of Enngonia and we are now providing criminal call-overs in the town of Enngonia rather than expecting people to come to court, which they often find difficult. Again, that is only very new and we are testing it but the signs are quite positive. So, as a department, we do recognise that we still have a significant amount of work to do in terms of the types of programs and services that we offer, particularly in improving the scale and the number of people who are accessing programs and services. But we do think that by engaging local communities we are on the right path for that.<sup>316</sup>

**4.77** The Mingaletta Aboriginal Corporation cited access to school or work as examples of the difficulties faced by people living in Aboriginal communities:

Aboriginal missions need to be developed to living standard; if some of these missions have not got a school there needs to be transport for the children to get to school and a bus for workers to get to work.<sup>317</sup>

**4.78** Ms Kerry Pearse also identified transport as a significant barrier to employment during her evidence to the Committee: ‘people cannot get to the 10 o'clock shift at night because there is no transport to get them from where they are living’.<sup>318</sup>

**4.79** The impact of lack of transport on house-bound people was explained by Mrs Norma Turner, Director of the Aunty Jean's Good Health Program:

When people are not able to get out of their homes because either they do not drive or they do not own a vehicle, a community transport bus goes around on Fridays and picks them up so they are able to come. We work in partnership with community transport. We think about the emotional side of it, that is, people who are left at home who are isolated from family, or their family are not able to be there on a regular basis both mentally and physically.<sup>319</sup>

<sup>316</sup> Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs Attorney General's Department, Evidence, 12 February, p 55

<sup>317</sup> Submission 1, p 2

<sup>318</sup> Ms Pearse, Evidence, 12 February 2008, p 15

<sup>319</sup> Mrs Norma Turner, Director, Aunty Jean's Good Health Program, Evidence, 13 March 2008, p 22

- 4.80** Ms Worner, Chief Executive Officer of the Waminda South Coast Women's Health and Welfare Aboriginal Corporation, also highlighted the impact of a lack of transport of women's attendance at health appointments:

You cannot ask someone who lives 30 kilometres away to come in for an appointment if that person does not have a licence. How do people get in if there is no bus? We have a very deliberate program of working out how to get them, how to make the program something they want to participate in again, and why they want to do that. If they have never done it before why would they want to do it, or why would they want to do it on a regular basis so that their health improves?<sup>320</sup>

### *Drivers licenses*

- 4.81** The Committee was told that not having a driver's license was a key problem for many Aboriginal people. At the Aboriginal Employment Service in Dubbo, for example, the Committee heard that without a drivers license it was very difficult for people to maintain jobs, most of which were some distance from their homes.
- 4.82** In response to a question on notice, the DAA advised the Committee that the Ministry of Transport had run two drivers' licensing programs in the Tamworth Region, involving government and non-government stakeholders. The first program was run in Armidale during 2006 and sought to assist Aboriginal people to obtain their licenses and train to become trainers for future drivers education programs.<sup>321</sup>
- 4.83** The second program was run in Boggobilla, Moree, Tamworth, Inverell, Tenterfield and Gunnedah and trained 49 people in total as trainers who could be 'used by job network providers and other agencies to run future drivers' licensing programs'.<sup>322</sup> Including the 8 graduates from the Armidale program, 57 people across the region are now delivering the drivers licensing program and 130 Aboriginal people have obtained or regained their licences through these programs.<sup>323</sup>
- 4.84** Ms Pearse told the Committee that the Roads and Traffic Authority (RTA) was looking at expanding the drivers license program across the North Coast region, in which not having a drivers license had been identified as a major barrier for Indigenous people gaining employment:

There had been quite a successful pilot undertaken to help people get their licence. Some people had lost their licence and there were barriers to getting them back. They looked at ways of working with groups of people in that pilot, which was quite successful. Now they are looking at expanding the drivers licence program out across the region in the belief that having access to a drivers licence is a key plank to accessing employment.<sup>324</sup>

<sup>320</sup> Ms Faye Worner, Chief Executive Officer, Waminda South Coast Women's Health and Welfare Aboriginal Corporation, Evidence, 14 March 2008, p48

<sup>321</sup> Answers to Questions on Notice, DAA, p 3

<sup>322</sup> Answers to Questions on Notice, DAA, p 4

<sup>323</sup> Answers to Questions on Notice, DAA, p 4

<sup>324</sup> Ms Pearse, Evidence, 12 February 2008, p 9

- 4.85** The Committee was also told of the RTA's Learner Driver Mentor programs that offer learner drivers (particularly those from disadvantaged groups) the opportunity to meet the required number of supervised driving hours before taking the test. It also aims to assist people who have lost their license through speeding or drink driving, among other reasons, to re-gain their license.<sup>325</sup>

***Committee comment***

- 4.86** The availability of adequate transport is a high hurdle for many Aboriginal people who need to access services outside their immediate community. The Committee heard of a number of local initiatives where community members provide transport to medical or other appointments where the person does not have a drivers license and has no access to public transport. The needs of communities in relation to transport vary, from a community bus, training for a bus driver, drivers license programs or re-routing existing public transport routes. This will be examined further in the Final Report.

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**Issue for consideration 10 – Environment and infrastructure: drivers licenses**

The Committee will consider the appropriateness of driver training programs aimed at assisting members of the Aboriginal community to obtain drivers' licenses.

**Issue for consideration 11 – Environment and infrastructure: transport**

The Committee will consider the need for a coordinated approach to identify communities' transport requirements and tailor additional services to meet those needs.

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**Administrative support**

- 4.87** Establishing the necessary infrastructure to meet administrative and reporting requirements, for example computer systems and databases, has long been a burden for community-controlled services in all sectors. Significant resources are diverted away from core service provision, which is often running at maximum capacity.
- 4.88** Dr Sophie Couzos, Public Health Officer at the National Aboriginal Community Controlled Health Organisation, told the Committee that a proportion of the funding provided to Aboriginal Health Services under the Healthy for Life program developed by the Federal Government, was spent on developing internal infrastructure in order to be able to monitor and account for service delivery, rather than funding the core activity of the service:

There are aspects to the way that [the Healthy for Life program] is being rolled out that are quite different from the exemplar site initiative. The approach that has been taken is a quality improvement approach. So it is quite a complicated program that not necessarily just boosts the capacity of the services to deliver antenatal, maternal and child health services but also is targeting chronic disease and has tremendous data requirements from the services.

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<sup>325</sup> Guidelines for community-based learner driver mentor programs, p10, [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au), accessed 18 May 2008

So a large proportion of the funding and the effort from the services is directed to getting their IT systems up and running, employing data personnel and so on. So there is a diversion of activity away from core maternal and child health. I could talk at length about this issue but the point I am making is that this has benefited only a few services and the issue of core maternal and child healthcare provision is still outstanding.<sup>326</sup>

*Committee comment*

- 4.89** The Committee acknowledges the significant burden essential administrative and reporting requirements can have on community provided services. However, the Committee cannot condone the relaxing of these reporting requirements, particularly where large amounts of funding have been awarded.

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**Issue for consideration 12 – Environment and infrastructure: reporting and accountability**

The Committee will examine mechanisms for improving the reporting and accountability processes for community organisations.

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<sup>326</sup> Dr Sophie Couzos, Public Health Officer, National Aboriginal Community Controlled Health Organisation, Evidence, 13 February 2008, p 9

## Chapter 5 Health and wellbeing

Health is clearly a direct determinant of life expectancy. Without improved health outcomes for Aboriginal people, we cannot expect to close the life expectancy gap. Wellbeing is integral to a person's health and, for Indigenous people, refers to the social, emotional and cultural wellbeing of a person and the whole community in which the person is able to achieve their full potential as a human being.<sup>327</sup> This chapter provides an overview of the health status of Indigenous people against a range of indicators and the policies and programs that are in place to address health problems within the Indigenous community. This chapter also provides an overview of the issues raised in evidence concerning the provision of health services to the Indigenous community.

### Health and life expectancy

- 5.1** The health status of Indigenous Australians is significantly worse across a number of factors than non-Indigenous Australians. As noted in Chapter 2, Aboriginal people are more likely to suffer from a range of health problems, including cardio-vascular disease and diabetes.
- 5.2** As outlined in the NSW Health submission, the leading cause of death for Aboriginal people is the same as that of non-Aboriginal people - cardiovascular diseases and cancers. However, as pre-empted by the terms of reference, a greater proportion of the Indigenous community die at an earlier age and also from diseases that are less prevalent in non-Indigenous people.
- 5.3** For example, the Cancer Council noted that cigarette smoking is a key contributor to coronary heart disease and a range of cancers. While the non-Indigenous population reports a significant decrease in rates of smoking, according to the Cancer Council there has been no change in rates of smoking in the Indigenous community since 1995. The Cancer Council also notes that 43% of Indigenous adults over 16 years have reported in a New South Wales Population Health Survey that they were daily smokers.<sup>328</sup> This high rate increases morbidity rates, particularly of premature and preventable deaths. The Cancer Council noted:
- People with severe alcohol and drug dependence are more likely to die from tobacco related causes, such as heart disease, cancer, chronic lung disease and stroke than they are from causes related to the use of any other drugs.<sup>329</sup>
- 5.4** In relation to physical health, Dr Matthews, Deputy Director General, NSW Health, explained to the Committee the difference between maintaining a healthy lifestyle, or general wellbeing, and managing a chronic illness:

I think it is important to separate this into two areas of endeavour. Often we use health and illness management as interchangeable terms, and they are different things. The reasons those of us around the table who have grey hair are reasonably healthy are public health measures, clean water supply, vaccinations, relatively good nutrition,

<sup>327</sup> Dr Sophie Couzos, Public Health Officer, National Aboriginal Community Controlled Health Organisations, Evidence, 13 February, p 8

<sup>328</sup> Submission 35, The Cancer Council of NSW, p 4

<sup>329</sup> Submission 35, p 5

et cetera. So, a whole raft of things is needed to maintain and promote health. There is a whole separate but interrelated raft of things needed to manage illness when it occurs. There is a need in relation to maintaining health to concentrate significantly on some lifestyle factors. The issues around the management of illness when it occurs are about, as has been said, the time at which the intervention occurs and about access generally. So, there are two separate but interrelated problems that need to be addressed.<sup>330</sup>

- 5.5** In this chapter the Committee examines programs that are aimed at specific health issues prevalent in the Indigenous community, for example otitis media and maternal and infant health, as well as initiatives aimed at addressing well being more broadly, including drug and alcohol use and Good Health programs provided by community health organisations.

### **Wellbeing**

- 5.6** The terms of reference for this Inquiry require the Committee to examine the health and wellbeing of Indigenous people as they affect life expectancy. The Committee heard that the concept of wellbeing is integral to the Aboriginal understanding of health, which is a far broader concept than that of Western medicine. Dr Sophie Couzos, from the National Aboriginal Community Controlled Health Organisations (NACCHO) explained to the Committee:

NACCHO has a definition of [wellbeing] which has been widely quoted by many health providers and organisations... NACCHO defines Aboriginal health as not just the physical wellbeing of any individual but the social, emotional and cultural wellbeing of the whole community in which each individual is able to achieve their full potential as a human being. That definition, as I said, is used widely.<sup>331</sup>

- 5.7** Similarly, the People With Disability submission argued that:

Equality for Aboriginal people will remain unachievable if their basic human rights and empowerment are not simultaneously addressed.<sup>332</sup>

- 5.8** Reinforcing this point, the Public Health Association of Australia explained that the ‘ongoing consequences of the colonial experience’ all contributed to the poor health and low life expectancy of Indigenous people:

The ongoing consequences of the colonial experience with the subsequent destruction of Aboriginal culture and the forced loss of connectivity to the land, an integral part of Aboriginal identity, all constitute an important dynamic in maintaining poor health status.<sup>333</sup>

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<sup>330</sup> Dr Richard Matthews, Deputy Director General, NSW Health, Evidence, 12 February, p 31

<sup>331</sup> Dr Couzos, Evidence, 13 February 2008, p 8

<sup>332</sup> Submission 17, People with Disability Inc, p 4

<sup>333</sup> Submission 8, Public Health Association of Australia, p 1

- 5.9** Link-Up attached an article authored by Wendy Hermeston to their submission in which Hermeston highlights the ongoing effects of colonisation on the wellbeing of Aboriginal communities:

When families have been torn apart and parenting and familial roles undermined, damage is done and lives continue to be interrupted. Aboriginal people can grow up with emotional scars and cultural identity issues, leading to deep and highly visible 'practical' problems such as family violence, social and emotional wellbeing issues and substance and alcohol abuse problems.<sup>334</sup>

- 5.10** Mr Colin Wayne Rigby, Director/Course Co-ordinator, Djirruwang Program at Charles Sturt University, also spoke with the Committee about the impact of fragmentation on Aboriginal communities:

The fragmentation or breaking up of Aboriginal communities impacted in some cases dramatically upon both communities and individuals. In some cases communities being broken up and moved far from their traditional lands.

Emotional health and wellbeing is tied then to reconnection with and strengthening ones identity as an individual, community or as an Aboriginal and Torres Strait Islander person. Community initiatives, self determination and empowerment through individual and collective initiatives can help to achieve the goals of healing emotional and physical well-being.<sup>335</sup>

### *Family wellbeing*

- 5.11** The importance of family to wellbeing was articulated by Ms Colleen Campbell, member of the Dunghutti Elders Group:

We are a people of deep spiritual connection—spirit, strength and wisdom—to the land. We have a cultural belief system which has been passed from my apical ancestors long ago and which has been instilled within me through my Aboriginal family members—my elders—where I come from. My father's paintings inspire an act of reconciliation that rates as unique and unforgettable. Strong family support has played a big part to instil Aboriginal identity, cultural values, aspirations, cultural family connectedness and, most importantly, unconditional love of never giving up on yourself.<sup>336</sup>

- 5.12** Ms Winsome Matthews, Project Manager of the Learning Ground at Mt Druitt, spoke to the Committee about the impact of intergeneration family break-downs on Aboriginal families and communities:

What must be understood in the first instance is that we are now dealing with an intergenerational issue. Many of the men walking away from their children today were once children walked away from. Where is the positive role model to extend the men's business and how they should be as a man and a father? I say that even though we are

<sup>334</sup> Submission 55, Link-Up (NSW) Aboriginal Corporation, Appendix 1

<sup>335</sup> Answers to questions on notice taken during evidence 30 April 2008, Mr Wayne Rigby, Director/Course Co-ordinator, Djirruwang Program, Charles Sturt University, Question 3, p 2

<sup>336</sup> Ms Colleen Campbell, Member, Dunghutti Elders Group, Evidence, 11 March 2008, p 24

urban-based Aborigines. We all still have a very strong social connection to our culture. One of the major facets of that is our obligation as a man and a woman to the family and from family to the community.<sup>337</sup>

- 5.13** Similarly, Mrs Jeanette Barker, Chairperson, Ngemba Community Working Party Brewarrina, spoke to the Committee about the problems that some children and families in her community were facing:

I know that the kids at home are in dire straits with what is going on with the drugs, the alcohol and taking alcohol home, partying on and the kids not being able to attend school at night-time. I believe parents are very young. They do not have what I had, the structure I had with my grandmother, my mother and my sisters, Parents today do not have that structure and they are floundering to look after themselves. I believe that we as community members need to be looking at that and go and work with those families on the ground. I believe that is the only way we will get results like from the generation I was brought up where we had values, we had models and we had boundaries.

At the moment our communities do not have anything and that is what is coming out of the home, I believe.<sup>338</sup>

- 5.14** The Committee also heard about various programs aimed primarily at providing young men parenting skills, and the vital role of local men's groups in supporting families. For example Mr Toomey, Chairperson of the Dubbo Aboriginal Community Working Party, told the Committee about a *Hey Dad!* program:

Obviously a lot of young people are becoming young parents. The Government gave us baby bonuses, which might play a big part in that at some stage. They are having children at a young age and they do not have any skills. There are programs around. I am aware of the Hey Dad! Program, which is designed to work with Aboriginal dads, pops and uncles and give them a bit of an overview of how to be a parent. ... I am also involved in a men's group. We are trying to target young males to assist in those types of programs and to become mentors to young people. ... obviously the men's groups around the western region are very important and they play a big role in the community, the same as women's groups.<sup>339</sup>

- 5.15** Another program that the Committee was informed about is the Men's Shed in Mt Druitt. Mr Teddy Hart, representing the Men's Shed, told the Committee that the Men's Shed is the only place for men in the area, and that they run programs in health, housing and welfare:

The Men's Shed is the only place out here for men. It is the last stop for them. ... If that place closes there will be nothing for any of our men. We are working with the system dealing with health, housing and welfare problems. The main thing is trying to keep the men out of jail. That is one of the biggest problems out here with the men and young people. I even go into the schools to talk to young people about what is

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<sup>337</sup> Ms Winsome Matthews, Project Manager, Mt Druitt Learning Ground, Evidence, 14 February 2008, p17

<sup>338</sup> Mrs Jeanette Barker, Chairperson, Ngemba Community Working Party Brewarrina, Evidence, 12 March 2008, p 37

<sup>339</sup> Mr Darren Toomey, Chair, Dubbo Aboriginal Community Working Party, Evidence, 12 March 2008, p 42



happening and what goes on out in the real world to stop them getting into that situation before they go to Cobham Juvenile Justice Centre and the big house. That is one of my main roles.

We also do legal support and work with drugs and alcohol. Domestic violence is one of the biggest problems. ... We try to keep them off the streets and get them into work where they feel better about themselves and have self-esteem. That is my main aim. ... It is also a halfway house for when the lads are kicked out. We have nothing for the men when they have a blue with their missus. They get kicked out and the police see them and they lock them up because they have nowhere to take them. Women have refuges all the way from Parramatta to Katoomba and we have nothing. That is one of the main issues we are working on at the moment. Believe me, we need funding.<sup>340</sup>

- 5.16** Similarly, Mr Mark Spinks, Chairman of the Babana Aboriginal Men's Group, told the Committee that through meetings of the group, men were seeking assistance that they were not able to ask for elsewhere:

A couple of blokes said to us, "I'm sick of getting on the drink, I'm sick of bashing my missus, it's affecting my family. I want to change."<sup>341</sup>

***Committee comment***

- 5.17** The Committee heard much evidence about the impact of family breakdown on individual and community wellbeing. Men's and women's groups play an important role in supporting families, and in particular young mothers and fathers. Programs such as *Hey Dad!* and the Men's Shed in Bidwill and the Babana Aboriginal Men's Cultural Group in Redfern also offer important support to men. Opportunities for more widespread men's and family programs will be examined in the Final Report.

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**Issue for consideration 13 – Health and wellbeing: family**

To help support and strengthen families in Aboriginal communities, the Committee will consider opportunities to bolster existing men's and women's groups, and appropriate programs to assist parents, in particular young parents.

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**Child sexual abuse**

- 5.18** As reported in the *Two Ways Together Report on Indicators 2007*, Aboriginal young people account for 13.7 percent of reports to a Community Service Centre (CSC) or a Joint Investigation and Response Team (JIRT), despite making up only 4 percent of the population.<sup>342</sup>
- 5.19** Despite the high incidence of reported sexual abuse, the Committee heard from a number of participants that the actual incidence of child sexual abuse was much higher than reports

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<sup>340</sup> Mr Teddy Hart, Representative, the Men's Shed Mt Druitt, Evidence, 14 February 2008, p 24

<sup>341</sup> Mr Mark Spinks, Chairman, Babana Aboriginal Men's Group, Evidence, 30 April, p 34

<sup>342</sup> *Two Ways Together Report on Indicators 2007*, p 74

indicated, as underreporting was endemic in the Aboriginal community. For example, Mr Kyle Stewart, Commander, NSW Police Force, Shoalhaven Local Area Command, advised the Committee that there is an acceptance within the Police Force that levels of child sexual abuse in Aboriginal communities 'are an absolute disgrace':

I think there is an acceptance amongst our organisation that particularly the levels of child sexual assault within the Aboriginal communities are just an absolute disgrace. We work closely with a number of agencies here within Nowra in relation to the Aboriginal Child Sexual Assault Task Force. I guess taking you back to my opening remarks, it is about all agencies looking to an end or means to an end to what is needed to overcome a really horrible problem.<sup>343</sup>

**5.20** Commander Stewart told the Committee that the role of the Police Force in the Nowra area was to build trust in the community, so that victims had the confidence to report sexual abuse to the police:

On the ground, in simple speak, the work [Aboriginal Community Liaison Officers] do...and the other liaison officers who work within our crime management units do, really is about building trust and capacity within the community so that victims in the communities actually do have faith to come to the police and report their victimisation.<sup>344</sup>

**5.21** Mr Barry Lenihan, Aboriginal Community Liaison Officer for the Nowra police told the Committee he supported Commander Stewart's statements and highlighted the reluctance of Aboriginal people to 'come forward' with reports of child sexual abuse:

Being an Aboriginal person working in an Aboriginal community, there is a minority of people willing to send that message as a community.... I know the police have set that as a high priority. So, it is up to us again to engage through our community consultations such as our LACAC, working parties and so on and so forth to help speed that up so that our community takes a zero-tolerance stance of it and looks at coming forward to report it.<sup>345</sup>

**5.22** Similarly, Mr Carlo Svagelli, President of the New South Wales Aboriginal Education Consultative Group, told the Committee that there was an underreporting of sexual abuse because Aboriginal people are still not able to trust service providers:

Communities have to have faith in the organisation, be it at school, be it a health provider, be it the police, or whoever. In other discussions about the underreporting of sexual assault people have to have faith in the system. Who will provide that service or provide that backup if they want to use it?<sup>346</sup>

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<sup>343</sup> Commander Kyle Stewart, Commander, NSW Police Force, Shoalhaven Local Area Command, Evidence, 13 March 2008, pp 18-19

<sup>344</sup> Commander Stewart, NSW Police Force, Shoalhaven Local Area Command, Evidence, 13 March 2008, p 19

<sup>345</sup> Mr Barry Lenihan, Aboriginal Community Liaison Officer, NSW Police Force, Shoalhaven Local Area Command, Evidence, 13 March 2008, p 19

<sup>346</sup> Mr Carlo Svagelli, President, Aboriginal Education Consultative Group, Evidence, 13 February 2008, p 29

**5.23** In the context of the intervention in the Northern Territory, Ms Bev Manton, Chairperson of New South Wales Aboriginal Land Council, told the Committee that responses to reporting had been lacking and that this was why people had stopped reporting crime:

There would not have been these problems in the communities if they had been properly policed and if perpetrators had been prosecuted when the incidents were first reported. Nothing ever happened, so people stopped reporting things.<sup>347</sup>

**5.24** The Report of the Aboriginal Child Sexual Assault Taskforce (ACSAT), *Breaking the Silence: Creating the Future*, was published in 2006 in response to terms of reference referred by then Attorney General Bob Debus, MP.<sup>348</sup> The Report made 119 recommendations concerning the identification, reporting and prevention of child sexual assault in Aboriginal communities in New South Wales.

**5.25** The *Breaking the Silence Report* noted that the ACSAT team had ‘completed a thorough review of child sexual assault in Aboriginal communities’ and had ‘identified the devastating effects that child sexual assault is having on Aboriginal communities and an overwhelming desire among community members for the abuse to stop and healing to begin.’<sup>349</sup>

**5.26** The *Breaking the Silence Report’s* 119 recommendations were directed toward overcoming gaps and barriers in service provision that prevented Aboriginal children and their communities from accessing those services. ACSAT wrote:

Once implemented, these measures [outlined in our recommendations] will allow both the government and the community to work together more effectively and in turn, provide more positive outcomes to Aboriginal people.<sup>350</sup>

**5.27** In January 2007 the New South Wales Government produced the five-year Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011. There are nine lead agencies involved in the NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011: the Department of Aboriginal Affairs, the Attorney General’s Department, the Department of Community Services, Department of Corrective Services, Department of Education and Training, NSW Health, Department of Juvenile Justice, Department of Premier and Cabinet and NSW Police.<sup>351</sup> It is not clear to the Committee how the New South Wales Government has funded the actions outlined in the Interagency Plan, or if each Department must address the actions from within its annual budget.

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<sup>347</sup> Ms Bev Manton, Chairperson, New South Wales Aboriginal Land Council, Evidence, 14 February 2008, p 42

<sup>348</sup> Aboriginal Child Sexual Assault Taskforce (ACSAT), *Breaking the Silence: Creating the Future, Addressing child sexual assault in Aboriginal communities in NSW*, NSW Attorney Generals Department, 2006, pp 1-2

<sup>349</sup> ACSAT, *Breaking the Silence: Creating the Future, Addressing child sexual assault in Aboriginal communities in NSW*, NSW Attorney Generals Department, 2006, p 14

<sup>350</sup> ACSAT, *Breaking the Silence: Creating the Future, Addressing child sexual assault in Aboriginal communities in NSW*, NSW Attorney Generals Department, 2006, p 14

<sup>351</sup> Answers to questions taken on notice taken during evidence 12 February 2008, Ms Jody Broun, Question 7

***Committee comment***

- 5.28** The Committee considers child sexual abuse as a key determinant of adult health and wellbeing but is concerned that funding for programs and services to reduce the incidence and ameliorate the effects of child sexual abuse has been inadequate.
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**Issue for consideration 14 – Health and wellbeing: child sexual abuse services**

The Committee will seek evidence of the appropriate levels of funding and services to reduce the incidence of and ameliorate the effects of child sexual abuse, including the implementation of the interagency plan in response to the *Breaking the Silence* report.

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- 5.29** The Committee is also concerned that the Interagency Plan does not sufficiently address the under reporting of child sexual abuse in Aboriginal communities. Many of the programs and initiatives to improve rates of Indigenous child sexual assault have only recently been implemented over last year and their success has not been determined.
- 5.30** The Committee is concerned that the indicators to monitor the progress and implementation of the Interagency Plan have not yet been developed and that the reporting process, through the New South Wales State Plan and the biennial Two Ways Together report on indicators is vague at best.
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**Issue for consideration 15 – Health and wellbeing: child sexual abuse data**

The Committee will review the methodology used to record the incidence of child sexual abuse in Aboriginal communities. The review will consider the existing arrangements used with respect to data collection and examine how it can be refined and improved.

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**Key government policy objectives****New South Wales State Plan**

- 5.31** While the key New South Wales State Plan goal relating to Indigenous people, F1, refers generally to the need to improve health, education and social outcomes for Aboriginal people<sup>352</sup>, the five key priorities under the New South Wales State Plan F1 Priority Delivery Plan which aim to ‘address disadvantage in a holistic manner’<sup>353</sup> do not specifically address health outcomes (with the exception of environmental health). The New South Wales Government submission outlines a number of broader priorities, through which it is also addressing the health and wellbeing of Aboriginal communities:

- S1 – Improved access to quality health care

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<sup>352</sup> Submission 40, New South Wales Government, p 12

<sup>353</sup> Submission 40, p 4

- S2 – Improve survival rates and quality of life for people with potentially fatal or chronic illness through improvements in health care
- S3 – Improved health through reduced obesity, smoking, illicit drug use and risk drinking
- F3 – Improved outcomes in mental health
- F4 – Embedding the principle of prevention and early intervention into government service delivery in New South Wales
- F5 - Reduced avoidable hospital admissions.<sup>354</sup>

**5.32** Priority Goal S3 which specifically aims to reduce smoking in Aboriginal communities is the only target that specifically refers to Indigenous people. Nonetheless, there are numerous plans that aim to provide Health services to Indigenous people.

**5.33** In the NSW Health submission, appended to the New South Wales Government submission, the key policy documents relating to the provision of services specifically for Aboriginal people that guide the provision of health services in New South Wales were listed. A short explanation of each is below.

***National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013***

**5.34** The National Strategic Framework for Aboriginal and Torres Strait Islander Health is a framework for government action, prepared by the National Aboriginal and Torres Strait Islander Health Council in 2003. The framework was presented at the Australian Health Ministers' Conference and was signed by then Minister for Health and Ageing, the Hon Kay Patterson and the Minister for Health for each State.<sup>355</sup>

**5.35** The national framework identifies nine 'key result areas', which outline objectives such as the provision of health care services to Indigenous communities, followed by action areas, which outline the kind of systems a government should consider in achieving the objectives. The action areas are then followed by examples of successful initiatives from a range of jurisdictions.<sup>356</sup>

**5.36** The nine key result areas are:

- community controlled primary health care services
- health system delivery framework
- a competent health workforce
- emotional and social well being

<sup>354</sup> Submission 40, p 12

<sup>355</sup> National Strategic Framework for Aboriginal and Torres Strait Islander Health: A Framework for action by Governments, NATSIHC, Canberra, 2003

<sup>356</sup> National Strategic Framework for Aboriginal and Torres Strait Islander Health: A Framework for action by Governments, NATSIHC, Canberra, 2003

- environmental health
- wider strategies that impact on health
- data, research and evidence
- resources and finance
- accountability.<sup>357</sup>

**5.37** While the National Strategic Framework for Aboriginal and Torres Strait Islander Health provides a comprehensive outline of the key problems affecting Indigenous communities' health and some innovative examples of strategies to address those problems. It does not include specific targets to achieve the goals of improving Indigenous health outcomes or a timeframe in which action is required and this has been the subject of some criticism. For example, Dr Couzos told the Committee that there were a number of problems with the framework, that it was not comprehensive and that it lacked the timeframes necessary to guide the implementation of the Framework:

The[problem] with the National Strategic Framework and its recommendations is that the approach has been too incremental. Whilst the intent is there—and recently the strategic framework has had its implementation plan revised so that it now covers a span from 2008 to 2013—the way forward is too slow and there are no explicit targets set for reaching those key result areas. So while the intent is, for example, to support services so that they can deliver core primary health care, there is no expenditure target to meet that need and there is no specific mechanism of accountability to assess whether that strategic framework will over time actually reach that particular goal and that intent. So it is a statement but it does not have any push momentum, and nor are there specific targets for accountability.<sup>358</sup>

**5.38** The Australians for Native Title and Reconciliation (ANTaR) submission also drew the Committees' attention to the Human Rights and Equal Opportunities Commission (HREOC) report on *Achieving Aboriginal and Torres Strait Islander health equality within a generation: A human rights based approach*, included in the Social Justice Report 2005. ANTaR highlighted Aboriginal and Torres Strait Islander Social Justice Commissioner, and acting Race Discrimination Commissioner, Tom Calma's clear criticisms relating to the National Strategic Framework for Aboriginal and Torres Strait Islander Health, particularly the absence of timeframes for achieving the goals outlined within it. Commissioner Calma argues that, while the framework is an important document, without a timeframe for implementation its goals, objectives and actions are not meaningful:

Perhaps the factor that is most striking, in its absence from the current framework, is the lack of a timeframe for achieving Aboriginal and Torres Strait Islander health equality...The absence of such timeframes promotes a lack of accountability of governments. It sends a message that it is fine for things to simply drift along.<sup>359</sup>

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<sup>357</sup> National Strategic Framework for Aboriginal and Torres Strait Islander Health: A Framework for action by Governments, NATSIHC, Canberra, 2003

<sup>358</sup> Dr Couzos, Evidence, 13 February 2008, pp 10-11

<sup>359</sup> Human Rights and Equal Opportunity Commission (HREOC), *Social Justice Report 2005*, p 67

**5.39** Dr Couzos informed the Committee that NACCHO had tried to address the gaps identified in the National Strategic Framework for Aboriginal and Torres Strait Islander Health through the Equality in Health Plan. This plan was developed by NACCHO in conjunction with the Human Rights and Equal Opportunity Commission and Oxfam, among others.<sup>360</sup>

***State Health Plan: Towards 2010***

**5.40** In 2007, the New South Wales Department of Health produced the State Health Plan: Towards 2010, outlining seven strategic directions for health care within New South Wales. These strategic directions are:

- make prevention everybody's business
- create better experiences for people using health services
- strengthen primary and continuing care in the community
- build regional and other partnerships for health
- make smart choices about the costs and benefits of health services
- be ready for new risks and opportunities.<sup>361</sup>

**5.41** Under each strategic direction, actions are outlined under the heading 'What we will do' followed by 'Measuring success' which outlines targets for the achievement of these goals.<sup>362</sup> Targets are normally expressed as a percentage of the population or, more simplistically, as a reduction or increase to current levels.<sup>363</sup> The majority of these actions do not specifically refer to the Indigenous community; of the ten or more associated actions it is common for only one to refer directly to outcomes for Indigenous people.

**5.42** While it is noted in the introduction to the State Health Plan that equitable provision of health care is a key challenge for the future, it is not clear if the more general actions implicitly assume that targeting those problems within the Indigenous community is an objective. Nor is it clear whether outcomes for broader targets will be measured for their efficacy within the Indigenous community.

***Healthy People NSW: Improving the Health of the Population***

**5.43** Also released in 2007, the Healthy People NSW: Improving the Health of the Population policy outlines the major population health programs that are to be undertaken in New South Wales in the future.<sup>364</sup> The policy is divided into 'priorities for action, and enablers to achieve them':

- assess the health of populations
- protect from threats to health

<sup>360</sup> Dr Couzos, Evidence, 13 February 2008, p 10

<sup>361</sup> NSW Health, State Health Plan: Towards 2010, 2007, p 5

<sup>362</sup> NSW Health, State Health Plan: Towards 2010, 2007, p 13-15

<sup>363</sup> NSW Health, State Health Plan: Towards 2010, 2007, p 15

<sup>364</sup> NSW Health, Healthy People NSW: Improving the Health of the Population, p 1

- promote health and prevent disease, disability and injury
- ensure population health capability
- build the evidence base for population health.<sup>365</sup>

**5.44** In line with the State Health Plan outlined above, this policy also notes that a key challenge for the future is the ‘persistent gap between the most and least disadvantaged in our society despite ongoing efforts to address this...’.<sup>366</sup> However not all of the priorities for action specifically identify Aboriginal health initiatives and it is not clear if the more general targets will measure their impact on Indigenous communities.

**5.45** An example of a program implemented under this policy framework that is achieving measurable results is the NSW Aboriginal Maternal and Infant Health Strategy. The Committee was told that NSW Health developed this strategy in 2000, in response to research that showed Indigenous babies were far more likely to be born early, with low birth weight and have a far higher mortality rate than non-Indigenous children.<sup>367</sup> This strategy is discussed further, below.

### *Two Ways Together Plan*

**5.46** The objectives of the Two Ways Together Plan and the *Two Ways Together Report on Indicators 2007* are outlined in Chapter 3.

**5.47** Health is one of the seven key ‘priority areas’ highlighted within the Two Ways Together Plan.<sup>368</sup> The specific initiative relating to the health action area funded in 2004 under the Two Ways Together Plan budget allocation of \$40 million (\$10 million provided each year, over 4 years) was the prevention of middle ear infections through the large scale testing of 65,000 children in New South Wales.<sup>369</sup>

**5.48** One of the five initial targets that Two Ways Together Plan is committed to is the testing of 65,000 Indigenous children from the ages of 0-6 years for Otitis Media, or middle ear disease. This project is currently in its final phase and is on target to achieve its goal (see the Otitis Media section of this chapter, paragraph 5.98).

**5.49** Professor Piccone, Director General of NSW Health, outlined to the Committee the various target areas addressed by NSW Health, and the overall aim of the policy framework:

They are directed to achieving positive changes in the highest priority health indicators that are identified in the State Plan, our own State Health Plan and of course in Two Ways Together. They are broken into maternal and infant health which, I would have to say, I think is one of our most successful programs in recent times, child sexual

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<sup>365</sup> NSW Health, Healthy People NSW: Improving the Health of the Population, p 3

<sup>366</sup> NSW Health, Healthy People NSW: Improving the Health of the Population, p 7

<sup>367</sup> Submission 40, p 16

<sup>368</sup> Two Ways Together Plan, p 5

<sup>369</sup> Two Ways Together Plan, p 26



assault, alcohol use, smoking, chronic disease, oral health, mental health, otitis media in children aged zero to six, and, of course, our work in environmental health.<sup>370</sup>

## The Human Rights approach to equitable health outcomes

**5.50** In 2006 the Human Rights and Equal Opportunity Commission (HREOC) released a report entitled *Achieving Aboriginal and Torres Strait Islander health equality within a generation: A human rights based approach*, included in the *Social Justice Report 2005*. As noted in the introduction to this report, it ‘was the first time the right to health had been systematically applied to understand Indigenous health inequality in Australia.’<sup>371</sup>

**5.51** Behind a human rights approach to addressing the problem of the poor health status of the Aboriginal and Torres Strait Islander community in Australia is the understanding that Indigenous people have a fundamental right to the same health expectations that non-Indigenous people have. The significant disparity between this community and the relative good health of the non-Indigenous community is viewed as an ‘inequality of opportunity’. The fact that this right is not available, points to a lack of health services and health infrastructure available to assist Indigenous people effectively. Commissioner Calma emphasised governments’ responsibility in relation to addressing this problem:

The focus of the right to health is on health services and health infrastructure because these are the main ways a government can provide opportunities to be healthy.<sup>372</sup>

**5.52** This approach also links the failure of governments to effectively address Aboriginal and Torres Strait Islander health to the International community, suggesting that Australia is currently failing its human rights responsibilities as outlined in the United Nations Universal Declaration of Human Rights through government’s failure to address Indigenous health status. As noted above, this criticism was made in relation to the national strategic framework’s lack of timeline and accountability measures.

**5.53** This view was supported by the Public Health Association of Australia in their submission: ‘...it is simply not credible to suggest that a country as wealthy as Australia cannot fix a health crisis affecting less than three percent of our citizens.’<sup>373</sup>

In order to achieve equal health outcomes for Indigenous Australians, it is argued that health initiatives need to be ‘...backed with resources and driven by timelines.’<sup>374</sup>

**5.54** Dr Couzos told the Committee that current measurement of Indigenous disadvantage is not properly focussed on what is being done to improve health outcomes, but was focuses instead on the outcomes in isolation. She argued that in order to meet human rights commitments,

<sup>370</sup> Professor Deborah Picone, Director General, NSW Health, Evidence, 12 February 2008, p 24

<sup>371</sup> HREOC, *Social Justice Report 2005*, p (v)

<sup>372</sup> HREOC, *Social Justice Report 2005*, p 14

<sup>373</sup> Submission 8, p1

<sup>374</sup> HREOC, *Social Justice Report 2005*, p 90

governments are obliged to review how much is being done, not just the outcomes of various projects:

We tend to look at health status indicators as a measure of progress. However, we do not look at indicators of action. The human rights terminology for this is that the Australian Government's obligations are twofold; that is, obligations of conduct and obligations of result. We tend to look at the result side of things without assessing as a nation whether we are fulfilling the obligations of conduct in terms of service provision to meet community needs. That is where we are failing. There are insufficient measures with regard to the obligations of conduct. We have statistics showing that primary health care expenditure is insufficient to meet those needs. They need to be boosted according to appropriate need so that services across Australia can boost their capital infrastructure. That is part of the Close the Gap campaign.<sup>375</sup>

- 5.55 Dr Couzos explained that an estimate provided by the Office for Aboriginal and Torres Strait Islander Health (within the Federal Department for Family, Community Services - FACSIA) was that at least \$150 million was required to boost clinical infrastructure alone within Community Controlled health services across Australia.<sup>376</sup>

## Effective service provision

- 5.56 The Committee heard that there are a number of core principles for service provision to Indigenous communities. Many of these are acknowledged within the Two Ways Together Plan under the 'New Ways of Doing Business with Aboriginal People' section.<sup>377</sup> Nonetheless, the Committee heard from witnesses that the provision of health services to Indigenous communities needed to be approached differently from mainstream service provision. Fundamentally, the discussion centres around mainstream health service provision, as opposed to community controlled health service provision, with widespread support for community controlled health care services.

## Community controlled health service provision

- 5.57 Dr Couzos told the Committee that primary health care was a key issue that had still not been adequately addressed through government service provision. She noted that there was a fundamental need to address the provision of primary health care services so that Indigenous requirements for additional services, unique to communities, could be determined:

These are things such as antenatal care, access to medicines—these are core issues. Then within each community that the service has been established to support there are, as you say, aspects to those needs that might not be apparent elsewhere in other regions. So services have adapted to do that. They have identified what they are and have incorporated their services to try to meet those needs. For example, if there is a high substance abuse issue in a particular region there might be substance misuse programs that that particular service might have developed specifically to meet the

<sup>375</sup> Dr Couzos, Evidence, 13 February 2008, pp 3-4

<sup>376</sup> Dr Couzos, Evidence, 13 February 2008, p 4

<sup>377</sup> DAA, *Two Ways Together Partnerships: A new way of doing Business with Aboriginal People*, New South Wales Aboriginal Affairs Plan 2003-2012, pp 5-6

needs of youth in a particular region. ... So there would be a need to address the flexibility of service delivery depending on the needs of a particular region but certain things would be core.<sup>378</sup>

- 5.58** In evidence, Dr Couzos expanded on the benefits of community controlled health services, arguing that without them, health indicators would be significantly worse for Indigenous people:

They provide the vast bulk of primary health care to the Aboriginal population in Australia. They are culturally appropriate by definition. They are relevant to the health needs of Aboriginal peoples because their health service delivery mechanism and the services that are provided are specifically developed according to the regional plans and the needs identified within the community. They are accountable to the Aboriginal community because each Aboriginal legal service or community controlled health service has an Aboriginal board membership structure.<sup>379</sup>

- 5.59** Dr Couzos outlined the integral and far reaching role of Aboriginal community health providers, noting that they provide a sustainable service as they are staffed by a majority of Indigenous health workers:

...they build upon the capacity of the community and because the large proportion of the staff employed within these services are Aboriginal—70 to 80 per cent of the staff are Aboriginal—they are therefore sustainable. The services are provided by local community members and not by fly-in and fly-out service providers, or non-Indigenous peoples that have short-term tenure and move from town to town. On that basis they are sustainable and deliver comprehensive primary health care.<sup>380</sup>

- 5.60** In their submission, the Council of Social Service of NSW (NCOSS) also supported community controlled health services, and identified a clear need for 'specific access to community care services which are provided by Aboriginal people in culturally respectful ways.' NCOSS argued:

At present, such access is ad hoc and inadequate. Aboriginal people should be able to use mainstream services, with access to Aboriginal specific services where required. Improving the balance between access to mainstream and specialist Aboriginal services should increase access to services for older Aboriginal people with unmet needs.<sup>381</sup>

- 5.61** Ms Worner, the Chief Executive Officer of the Waminda South Coast Women's Health and Welfare Aboriginal Corporation, explained that health service provision is best provided at a community based level, as different areas required different solutions to their health needs. She acknowledged the difficulty of determining what those needs are and how best to provide them from a government perspective:

I guess the whole issue around local solutions for local people is just that: it does not matter whether we are talking about women's rehabilitation units and why is it

<sup>378</sup> Dr Couzos, Evidence, 13 February 2008, p 8

<sup>379</sup> Dr Couzos, Evidence, 13 February 2008, p 2

<sup>380</sup> Dr Couzos, Evidence, 13 February 2008, p 2

<sup>381</sup> Submission 27, Council of Social Service of NSW (NCOSS), p 12

important for the South Coast and Shoalhaven to recognise the need for one of those units on the South Coast versus Kempsey. What are the needs of the Kempsey community compared to the Shoalhaven community for drug and alcohol issues? They are different. ... That is really hard to grasp. I know it is incredibly hard to grasp from a government point of view when you want to roll out programs. However, the issue is that unless programs are targeted locally and organisations consulted...the programs just do not work.<sup>382</sup>

- 5.62** The Committee also heard that service provision needed to have the capacity to flexibly address a number of potential problems. Ms Worner told the Committee that in the experience of her organisation, women would come to her service for treatment for their child's ear infection, but also require treatment for additional issues:

Someone will present with an issue, for instance, around a middle ear infection for their child. However, on presentation the mother usually has multiple and complex needs as well, which she is not presenting with. She is not there to see us about those issues. So, they can range from mental health to drug and alcohol to diabetes to heart conditions to other chronic conditions. The other day we had a woman incredibly sick on our door with liver failure.

I am not trying to be dramatic, but it is just an everyday occurrence.<sup>383</sup>

- 5.63** Ms Norma Turner, of the Aunty Jean's Good Health Program on the South Coast outlined the kind of service they provide, using alternative strategies in order to engage the community, highlighting the importance of community involvement and consultation:

We needed to involve the community and it needed to be a level playing field so that community felt a sense of ownership of the program. We looked at the many ways in which we could manage the program. When Caroline was working with us, or I was working with Caroline, we saw that we needed to take the program out of a medical facility... and focus on wellness and ability rather than illness and disability. We were thinking about what they could do rather than what they could not do. It was about the community being together.<sup>384</sup>

- 5.64** Ms Turner also noted the breadth of services her program provided in order to provide community members with a familiar group of service providers, rather than expecting individuals to attend a variety of different appointments with different health professionals. She believed that this method of service provision was beneficial as people addressed health issues and received health education in a community environment, which allowed Aboriginal people to share experiences as a group.<sup>385</sup>

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<sup>382</sup> Ms Faye Worner, Chief Executive Officer, Waminda South Coast Women's Health and Welfare Aboriginal Corporation, Evidence, 13 March 2008, p 46

<sup>383</sup> Ms Worner, Evidence, 13 March 2008, p 47

<sup>384</sup> Mrs Norma Turner, Program Coordinator, Aunty Jean's Good Health Program, Evidence, 13 March 2008, p 22

<sup>385</sup> Ms Turner, Evidence, 13 March 2008, p 22

- 5.65** The *Two Ways Together Report on Indicators 2007* notes the Aboriginal Health Program, through which NSW Health will provide over the 2007/2008 financial year, \$60 million funding to community health organisations in order to raise the health status of Indigenous people.<sup>386</sup>

### **Working in partnership**

- 5.66** The Royal Australasian College of Physicians (RACP) also noted the need for more effective partnerships between mainstream and Indigenous organisations to enhance health service provision to Indigenous communities.<sup>387</sup> This point was made many times in evidence to the Committee – that to effectively address the needs of a community, its members and their organisations must be involved in defining those needs and the service delivery designed to address them.
- 5.67** The RACP also told the Committee that Aboriginal Medical Services (AMS) often lacked specialists and had to resort to referring patients to hospitals. The RACP argued that an AMS could provide a valuable training ground for new doctors and health workers, who could provide specialist services that would otherwise not be available:

Most Aboriginal Medical Services lack sufficient visiting specialists and therefore refer patients to hospital systems that do not meet their needs and increase waiting times. As with mainstream medical services, AMS have waiting lists of two months or more for secondary (specialist) care. AMS's are also an underutilised training resource for specialist trainees seeking to improve the health of Indigenous people and experience a community approach to the delivery of health care.

Physician and paediatrician trainees and their supervisors often approach the College seeking advice and assistance in securing opportunities for advanced training attachments in Aboriginal Medical Services.<sup>388</sup>

- 5.68** The RACP facilitates placements at places such as AMS and Aboriginal and Torres Strait Islander community health services and is currently in the process of finalising arrangements for a structured advanced training program within AMS.<sup>389</sup>
- 5.69** In their submission the Koori Aged and Disability Services Advisory Group argue that service provider networks such as themselves could provide an effective way for government to develop meaningful, community based solutions.<sup>390</sup> They also note the need for more effective service coordination between government departments as well as between government and community services.<sup>391</sup>

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<sup>386</sup> *Two Ways Together Report on Indicators 2007*, p 15

<sup>387</sup> Submission 18, pp 10-11

<sup>388</sup> Submission 18, p 10

<sup>389</sup> Submission 18, p 11

<sup>390</sup> Submission 42, Koori Aged and Disability Services Advisory Group, p 2

<sup>391</sup> Submission 42, p 2

### *Committee Comment*

- 5.70** It is clear to the Committee that the provision of health services to Indigenous communities in New South Wales is not adequate. The Committee notes the evidence that mainstream services require culturally appropriate ways of delivering their service to Aboriginal people and that additional funding is required to extend the reach of Aboriginal community medical services. The Committee believes that Aboriginal community medical services are a key part of addressing the health of Indigenous communities and looks forward to an evaluation of the Aboriginal health program outcomes once funding has been allocated.
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### **Issue for consideration 16 – Health and wellbeing: services**

The effective provision of health services is a key issue in addressing the lifetime expectancy gap. The Committee will examine possible improvements to service delivery and opportunities to work in partnership with Aboriginal communities.

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### **Measuring efficacy**

- 5.71** As noted in the NSW Health submission, and discussed throughout this report, many of the targets of the New South Wales State Plan do not specifically refer to Indigenous communities, however they are relevant to them. Examples of these priorities (for which Health has primary responsibility) include:
- S2: Improve survival rates and quality of life for people with potentially fatal or chronic illness through improvements in healthcare
  - S3: Improve health through reduced obesity, smoking, illicit drug use and risk drinking.<sup>392</sup>
- 5.72** Given these broad general targets, it is not clear to the Committee how the various departments have committed to achieving these objectives for Indigenous people or how they measure their progress. Professor Piccone told the Committee that the focus of her Department was on measuring outcomes, rather than delivery of programs:
- Rather than the actual delivery of health services, because in certain respects we have had greater targeted programs than non-Aboriginal people, the real question is the outcome.<sup>393</sup>
- 5.73** The *Two Ways Together Report on Indicators 2007*, released on 22 April 2008, is a collection of data relating to the seven targets for Indigenous wellbeing identified in the Two Ways Together Plan: health, education, economic development, justice, families and young people, culture and heritage and housing.<sup>394</sup> As discussed in Chapter 2, the report provides a comprehensive analysis of the statistics (as collected by the Australian Bureau of Statistics) of the above measures of Indigenous wellbeing.
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<sup>392</sup> Submission 40, Appendix 1

<sup>393</sup> Professor Piccone, Evidence, 12 February 2008, p 30

<sup>394</sup> *Two Ways Together Report on Indicators 2007*, p (v)

- 5.74 As the introduction to the Report notes, however, ‘there is a lack of information about many of the services provided for Aboriginal people, both mainstream and Aboriginal specific services....Ultimately such information is required to build an evidence base of what works to close the disadvantage gaps.’<sup>395</sup> Similarly, the Cancer Council noted that compounding the problem of measuring progress is the incidence of under reporting of Indigenous status in health registers, meaning that the true incidence of many illnesses among the Indigenous population, including cancer, is difficult to determine and that ‘more research needs to be done into the incidence of patterns of cancer in the Indigenous population.’<sup>396</sup>
- 5.75 Dr Couzos told the Committee that failing to measure outcomes for Aboriginal communities, who are known to have poorer health against a number of measures, was a failure in the government’s responsibility to target the health of disadvantaged groups:

Although they have a responsibility to target needy peoples, they do not measure whether they are achieving that. It doubles the disadvantage; it is terrible. We need primary health care, population health programs and a health system—such as Medicare and the Pharmaceutical Benefits Scheme—that can address the needs of marginalised peoples.<sup>397</sup>

***Committee comment***

- 5.76 Health indicators for Indigenous people are one of the most important indicators of Indigenous wellbeing. While many factors impact on the health of Indigenous communities, it is the measurement of that health status that provides a clear indication of the success of the many programs aimed at addressing the life expectancy gap.

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**Issue for consideration 17 – Health and wellbeing: measurement**

The Committee believes that the measurement of health priorities and the associated programs should be a key element of the New South Wales Government’s health strategy for Indigenous communities. The Committee will examine the need for more comprehensive measurement of health outcomes for Indigenous people.

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**Program funding**

- 5.77 Professor Piccone told the Committee that NSW Health currently spends \$60 million dollars on specific Aboriginal health programs and that an additional \$30 million had been allocated in 2007-08 to address the life expectancy gap. Professor Piccone elaborated on where funding allocations were being targeted:

In recognition of the need to focus on screening and intervention, particularly for chronic disease, we provided an additional \$2 million in 2007-08 and \$3.5 million in 2008-09. That will allow for increased screening programs for chronic kidney disease and provide new skills and support tools to Aboriginal health workers to assist them

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<sup>395</sup> *Two Ways Together Report on Indicators 2007*, p 1

<sup>396</sup> Submission 35, p 3

<sup>397</sup> Dr Couzos, Evidence, 13 February 2008, p 5

in identifying health risk factors earlier. The new program builds on the \$2.1 million Aboriginal vascular health program, which I also believe is another highly successful program, which we will talk to you about, and an additional \$4.1 million per annum was allocated to extend the successful New South Wales Aboriginal maternal infant health strategy from 14 sites to 31 sites across the State.<sup>398</sup>

**5.78** Professor Piccone also explained that some programs had gained additional funding from the New South Wales Government, including maternal and infant health and child sexual assault programs, as well as smoking and alcohol misuse initiatives.

**5.79** However, Dr Couzos described funding to community organisations as being significantly under what is required to support a full range of services for the Aboriginal community. She noted that a study by Access Economics on primary health care funding for Indigenous community health organisations across Australia had determined that an additional \$460 million per annum was required to address the shortfall in primary health care services:

Access Economics recently calculated the shortfall in funding for Indigenous-specific primary health care to the order of \$460 million per annum. An Australian Institute of Health and Welfare analysis of health expenditure shows that for every dollar expended through the Pharmaceutical Benefits Scheme for a non-Indigenous person, only 30¢ is expended on an Aboriginal person. That is regardless of whether they are in a remote part of Australia or an urban environment.<sup>399</sup>

### *Committee comment*

**5.80** While the Committee notes that the statistics above relate to Australia wide primary health care funding, we believe that the shortfall is indicative of the depth of need within Indigenous communities. The Committee believes that government services targeted at Indigenous people have a somewhat limited scope and as such, their success is difficult to determine. The Committee recognises the importance of adequately funding community based organisations, which often have, through the nature of their service provision a wider scope through which to identify and need and provide programs to address it.

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## **Issue for consideration 18 – Government-organisation relationships**

The Committee intends to examine the issue of improving the relationship between government and non-government services in more detail.

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## **Employment of Indigenous people within the health sector**

**5.81** The employment of Indigenous people within the health sector was raised by a number of witnesses as a key issue related to improving effective service provision. While representatives from NSW Health told the Committee that numbers of Indigenous employees were slowly increasing, representatives from non-government organisations highlighted the need for more Indigenous health workers as a priority.

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<sup>398</sup> Professor Piccone, Evidence, 12 February 2008, p 24

<sup>399</sup> Dr Couzos, Evidence, 13 February 2008, p 3



- 5.82** Dr Matthews explained to the Committee that the percentage of the NSW Health workforce was just below the percentage of Indigenous people within the State. He detailed a number of small increases within the workforce:

[T]he Aboriginal population is 2 per cent of New South Wales. You will see that the percentage of our workforce that identifies as Aboriginal is creeping up. It has just crept up to 1.6 per cent. So we are not quite to what you might call a population share of jobs. Certainly if you look across the range of jobs the number of doctors has increased slightly. The numbers of nurses are building but there is still a broader representation in less-skilled jobs. So there is some good news. The numbers are heading in the right direction and the numbers of those two extremely important professional groups—being doctors and nurses—are going up.<sup>400</sup>

- 5.83** To address the low number of Indigenous health workers, NSW Health provides a number of scholarships and traineeships for Indigenous students studying to obtain qualifications within the health sector. Dr Matthews explained:

We are actively encouraging this through employment and scholarship. I have a particular initiative in mental health where we are employing Aboriginal people who are studying at Charles Sturt and other places doing undergraduate degrees in mental health and we are supporting them with jobs.<sup>401</sup>

- 5.84** According to Dr Matthews, there are dual benefits to this approach, assisting Indigenous health workers with study or students with employment raised health outcomes for both groups:

We are supporting them with jobs because in the end ... if we are talking about health as opposed to illness management, then your best investment is in employment and education. The more employment you have and the better educated you are, the more your health outcomes will improve.<sup>402</sup>

- 5.85** Dr Robinson, Chief Medical Officer, NSW Health, emphasised the many additional positive benefits of employing Indigenous health workers to engage with Indigenous communities, including culturally appropriate service delivery and a commitment to the local community:

You may be called on to do things out of hours in your own time; you may be interrupted when you go shopping; you may be asked to provide additional transports and you may actually have to deal with dysfunctions in the community that has some personal impact on you. So, I think it is a very challenging thing for people to have to work in that environment but, as I said, I have not seen a more committed or better workforce than we actually have in those communities.<sup>403</sup>

- 5.86** Training and recruiting Indigenous health workers was a key part of rolling out programs targeted towards Indigenous people according to Ms Worner, who argued that, from her

<sup>400</sup> Dr Matthews, Evidence, 12 February 2008, p 35

<sup>401</sup> Dr Matthews, Evidence, 12 February 2008, p 35

<sup>402</sup> Dr Matthews, Evidence, 12 February 2008, p 35

<sup>403</sup> Dr Denise Robinson, Chief Health Officer, NSW Health, Evidence, 12 February 2008, p 36

perspective, supporting Indigenous women while they engaged in training and education was a key part of establishing a service:

One of the biggest things—I guess a bugbear of mine—is that it is not good enough just to say what programs do we need, how are we going to roll them out and how are we going to implement them. We actually need to be able to be supporting from my perspective Aboriginal women to move through their education, move into tertiary education and come back home.<sup>404</sup>

- 5.87** Ms Worner also noted that incentives were required to ensure that students brought their skills back to their communities once their training was concluded. She argued that without incentives, students will stay in metropolitan areas, where the salary is higher:

Incentives must be put in place for young women not to stay in Sydney or Canberra but to come back home. While those incentives are not in place those young women will continue to be lured away by money and by the cities, which is a huge issue for us. At the moment Links House, the sexual assault support counselling service, is advertising for two Koori positions. It is trying to get a Koori social worker. We will have Buckley's in doing that. We will have Buckley's attracting someone from Sydney, let alone getting someone from Shoalhaven.<sup>405</sup>

- 5.88** Ms Worner explained how her organisation was contributing to employment and training of Indigenous workers:

At the moment we have a young woman who is going to university who is doing health promotion and psychology. I see our role as supporting her to do that, making sure she is able to do that and come back and work in her community.<sup>406</sup>

- 5.89** Mr Gary Morris, the Chairman of Booroongen-Djugun Aboriginal Corporation in Kempsey told the Committee about the college training facilities, including course specifically designed to offer health related Vocational Education and Training (VET) which provide qualified Indigenous graduates to staff the Aboriginal aged care facility.<sup>407</sup> The aged care facility provides 20 low level and 40 high level care beds for elderly or disabled Aboriginal people from the area.<sup>408</sup> It is staffed by 70 trained nursing staff, many of whom are graduates of Booroongen-Djugun College.

### *Committee comment*

- 5.90** It is clear to the Committee that there is a strong need to employ Aboriginal health workers, both in government provided mainstream services and in community controlled health services specifically targeted towards the Indigenous community.

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<sup>404</sup> Ms Worner, Evidence, 13 March 2008, p 47

<sup>405</sup> Ms Worner, Evidence, 13 March 2008, p 47

<sup>406</sup> Ms Worner, Evidence, 13 March 2008, p 48

<sup>407</sup> Mr Gary Morris, Chairman, Booroongen-Djugun Aboriginal Corporation, Evidence, 11 March 2008, p 31

<sup>408</sup> <[www.booroongencollege.nsw.edu.au](http://www.booroongencollege.nsw.edu.au)> (accessed on 15 April 2008)

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### Issue for consideration 19 – Health and wellbeing: training and scholarships

The Committee will review the adequacy of training and scholarships for Indigenous health workers in more detail.

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#### Particular health issues raised in evidence

- 5.91** Below are outlined a range of key factors have been identified as critical to improving the health and wellbeing of Indigenous people. The New South Wales Government has developed strategies to deal with each of these facets of health care, which will be discussed in detail in the Final Report.
- 5.92** A number of issues were raised by witnesses in relation to these areas of need. In recognition of these concerns, the Committee has chosen to outline and report on these issues in this Interim Report, however final conclusions will be detailed in the Committee's Final Report of this Inquiry.

#### Maternal and infant health

- 5.93** Aboriginal people have a higher rate of infant mortality than non-Aboriginal people, estimated in the *Two Ways Together Report on Indicators 2007* as being at 8.5 percent per 1,000 live births.<sup>409</sup> The Aboriginal Maternal and Infant Health Strategy (AMIHS) was developed by NSW Health in 2000, in order to better address this gap.<sup>410</sup>
- 5.94** The AMIHS aims to provide maternity services through a model that includes midwives, Aboriginal health workers, specialists and general practitioners in order to provide a more flexible, culturally appropriate service. The evaluation of this program demonstrated positive results, including a significant reduction of Indigenous babies born pre-term and increased use of antenatal services.<sup>411</sup>
- 5.95** The *Two Ways Together Report on Indicators 2007* found a significant decrease in infant mortality rates of 23 percent, which could be related to a significant increase in the first antenatal visit, made before 20 weeks gestation. The increase was attributed to 'improvements in obstetric and paediatric care...along with increased availability of prenatal diagnostic services.'<sup>412</sup>
- 5.96** Nonetheless, data presented in the *Two Ways Together Report on Indicators 2007* indicated that, unlike the rate of infant mortality, the percentage of low birth weight babies has not decreased and remains twice that of all babies, despite the significant resources devoted to infant health.<sup>413</sup> In addition, the Cancer Council also noted the relatively low incidence of Aboriginal

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<sup>409</sup> *Two Ways Together Report on Indicators 2007*, p 18

<sup>410</sup> Submission 40, Appendix 1, p 20

<sup>411</sup> Submission 40, Appendix 1, p 21

<sup>412</sup> *Two Ways Together Report on Indicators*, p 18

<sup>413</sup> *Two Ways Together Report on Indicators 2007*, p 18

women having regular pap smear tests and that the rate of mortality from cancer of the cervix within Indigenous women was three times higher than that of non-Indigenous women.<sup>414</sup>

- 5.97** Dr Matthews described to the Committee a number of universally implemented programs which aim to identify and address infant and maternal health problems:

Here the health system splits and the next universal screening, which is vaccination, is carried out by private providers—some local government, some public health system and a number of other providers. But, again, through the use of the so-called *Blue Book*, which every mother has, that should be a universal screening point. We have just had funding this financial year to introduce a similar program for sight to the SWISH.<sup>415</sup>

### **Otitis media**

- 5.98** The prevalence of otitis media, or middle ear infection in Indigenous children, at approximately 40 cases per 100,000 of hospitalisation for treatment, is much higher than the rate of infection in non-Indigenous Australians. *The Two Ways Together Report on Indicators 2007*, notes that repeated episodes of otitis media can lead to perforation of the eardrum, and possibly permanent hearing loss, potentially dramatically affecting a child's abilities at school, as well as that child's further education and employment opportunities.<sup>416</sup>

- 5.99** Under the Two Ways Together plan, the New South Wales Government has committed \$40 million over 10 years for a variety of programs, including an Otitis Media Screening program. Dr Robinson told the Committee about the focus of NSW Health's Otitis Media Screening Program, which is to target up to 85 percent of Indigenous children aged six years:

The objective of the program was to undertake a series of screenings across the Aboriginal children of New South Wales, looking particularly at the age group up to 6 years. There was a technical target established for the number of screenings that should be conducted over that period of time. It was anticipated that there would be a progressive roll-up of the program given that we were starting from a new base and therefore the numbers that have been screened has increased over the period of time.<sup>417</sup>

- 5.100** Dr Robinson noted that the program was close to meeting its target of 65,000 screenings by June this year:

The target that we were given at that point was 65,000 screenings to be conducted over that four-year period. Our figures, which we can relay to you, indicate that we

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<sup>414</sup> Submission 35, p 6

<sup>415</sup> Dr Matthews, Evidence, 12 February 2008, p 33

<sup>416</sup> *Two Ways Together Report on Indicators 2007*, p 25

<sup>417</sup> Dr Robinson, Evidence, 30 April 2008, p 12. For further information on NSW Health's otitis media program, see <<http://www.daa.nsw.gov.au/daanews/3/otitismedia.html>> (accessed on 28 May 2008)

will be achieving about 61,000 screenings at the conclusion of the program, which is at the end of June this year.<sup>418</sup>

- 5.101** However, Dr Robinson also told the Committee that she was not able to provide statistics in relation to the number of children who had been screened, only the number of screenings conducted:

We know the number of children that are in each age cohort, so the target would have been say: We want you to screen 50 per cent, or 70 per cent, or 80 per cent of children in this particular age group. We know that roughly in each age group that we have about 3,000 children.

I cannot say [if all Aboriginal children under 6 in NSW were screened]. We do not have the data at the personal level.<sup>419</sup>

- 5.102** The Committee heard that many children were still not being regularly tested for otitis media and that community health organisations were involved in the provision of screening services to meet community need. Ms Worner told the Committee that the Corporation is in the process of developing an otitis media screening program, in conjunction with the Community Health providers in the area:

We have run screening programs for otitis media in the past and we are just in the process of developing a partnership with Community Health to actually run those programs on an ongoing basis at our health centre.

- 5.103** Ms Worner noted that current programs are not effectively targeting children because they often rely on the community to identify a need for their child to be screened, rather than providing the screening as part of broader, community based, health check run and advertised by local services:

The discussions we have been having with Community Health about such programs is how we would go about running the program, not just content of the program, where would we do it, how would we encourage parents and their children to come, attend and stay and be treated. It is simply not a case of just saying that a program needs to be run and setting a date and hoping people will turn up. That is why they fail.<sup>420</sup>

- 5.104** Ms Worner also highlighted the lack of regular screening provided on the South Coast meant that some children may go through school without being tested for otitis media at all.<sup>421</sup>

- 5.105** Dr Robinson acknowledged that the provision of a screening program that did not measure the numbers of individual children tested was not an ideal way of determining rates of otitis media. She explained that otitis media was a disease that may recur, and it was important to monitor children over time, as well as collecting the appropriate data on the numbers of individuals tested. Dr Robinson told the Committee that NSW Health was conducting a study in conjunction with the Aboriginal Health and Medical Research Council and the Sax Institute

<sup>418</sup> Dr Robinson, Evidence, 30 April 2008, p 12

<sup>419</sup> Dr Robinson, Evidence, 30 April 2008, p 12

<sup>420</sup> Ms Worner, Evidence, 13 March 2008, p 45

<sup>421</sup> Ms Worner, Evidence, 13 March 2008, p 45

to monitor the health of a cohort of Indigenous children over a range of factors, including otitis media:

It is a study that is being conducted in conjunction with the Aboriginal Health and Medical Research Council and the Sax Institute. It is designed to look at urban Aboriginal children, and to follow them over a period of time, and to look at their environments and also to look at any particular health challenges that they will face. We have provided to the Sax Institute the equipment necessary to undertake tympanioplasty examination through the Aboriginal Medical Service structure, and they are in progression now to roll out, through a series of Aboriginal Medical Services, as part of that research program, the screening, and they will conduct an official evaluation. So it will be through that mechanism that I believe we will actually get valuable results about what is really happening with Aboriginal children and any value that exists in a screening program per se.<sup>422</sup>

- 5.106** The Committee is pleased that NSW Health has committed to addressing otitis media in Aboriginal children. The Committee believes that there is a fundamental need for a community based otitis media program with appropriate benchmarks and improved data collection, so that there can be measurable outcomes of the performance of the program.

### **Oral health**

- 5.107** According to the *Two Ways Together Report on Indicators 2007*, rates of tooth decay in Aboriginal children are over twice as high as that of non-Aboriginal children and adult Aboriginal people have more missing teeth.<sup>423</sup>
- 5.108** The NSW Health Centre for Oral Health Strategy is responsible for implementing strategies to improve oral health service provision in Aboriginal Controlled Community Health Services.<sup>424</sup> In 2007/2008 NSW Health provided 16 Aboriginal Controlled Community Health Services a total of \$3,835,400 in oral health funding.<sup>425</sup> The submission notes that oral diseases are often associated with other diseases, including cardiovascular disease, cerebrovascular disease, diabetes and nutritional deficiencies, among other health problems.<sup>426</sup>
- 5.109** Ms Worner also noted the ongoing impacts of poor oral health:

If you have bad oral health, the rest of your health suffers ... It is a huge issue that is not necessarily prioritised. External stuff such as a leg ulcer or housing might be prioritised. Hanging around for three hours to see a dentist is not necessarily a high priority. However, oral health affects everything—the condition of your organs, what you can consume and so on. Very few people coming through our doors have good oral health.<sup>427</sup>

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<sup>422</sup> Dr Robinson, Evidence, 30 April 2008, p 13

<sup>423</sup> *Two Ways Together Report on Indicators 2007*, p26

<sup>424</sup> Submission 40, Appendix 1, p 24

<sup>425</sup> Submission 40, Appendix 1, p 25

<sup>426</sup> Submission 40, Appendix 1, p 24

<sup>427</sup> Ms Worner, Evidence, 13 March 2008, p 45

- 5.110** In 2006, two oral health programs targeting Aboriginal children commenced: Koori Kids, Koori Smiles and Clean Teeth, Wicked Smiles. Dr Robinson explained how the Koori Kids, Koori Smiles program, which commenced initially through the Central Coast Area Health Service, had made a significant impact on the Aboriginal community in that area, through the employment of an Aboriginal dental assistant, opening the clinic at convenient times of the week and improving the atmosphere of the waiting room.

What the Central Coast Area Health Service has done is employ an Aboriginal dental assistant. Now, they are very few and far between obviously, and we would like to see some more; we would like to employ some more. But they have employed that person, and they determined that the lack of success in encouraging Aboriginal clients to come to this service was because it was cold and clinical and therefore it was not very appealing.

So they did some very simple things. They looked at the time that clients might reasonably come, and decided to put on a clinic on Saturday mornings. Over time, as sport became more of an issue—as it does in different parts of the year—they also needed to put on a clinic on Thursday evenings. Over a 12-month period, by doing this and by turning the waiting room around and allowing families to come and to have a more congenial environment, they were able to put through nearly 500 Aboriginal children in that service. I think we have to take that on board as a very good lesson as to how we might customise things better for the future.<sup>428</sup>

- 5.111** Clean Teeth, Wicked Smiles is a program which is run in the by the Maari Ma Aboriginal Health Corporation to improve oral health of school aged children in non-fluoridated communities in far western New South Wales. The aim is to give primary school aged children ‘an understanding of the importance of looking after their teeth and providing the equipment and opportunity to do so.’<sup>429</sup> Dr Robinson explained to the Committee:

What they are doing there is giving the kids at school tooth brushes and fluoridated tooth paste, and the school is running a daily program for the kids to learn about their oral health and to brush their teeth. Increasing that awareness is, likewise, a pretty good thing.<sup>430</sup>

- 5.112** The Committee notes the success of these two programs and the commitment by NSW Health, but is concerned that adequate funding be provided for the expeditious expansion of these programs. The Committee is also concerned about the high rate of tooth decay in Aboriginal children and the poor rates of oral health care within the Indigenous community.

### **Indigenous people with a disability**

- 5.113** The NSW South Wales Government currently addresses Aboriginal disability through the Department of Ageing Disability and Home Care (DADHC). DADHC supports a ten-year disability plan called Better Together which ‘emphasises the fundamental principle of working with Aboriginal communities’ to improve services. DADHC also supports the Stronger

<sup>428</sup> Dr Denise Robinson, Evidence, 30 April 2008, p 15

<sup>429</sup> <[www.health.nsw.gov.au](http://www.health.nsw.gov.au)> (accessed 28 May 2008)

<sup>430</sup> Dr Denise Robinson, Evidence, 30 April 2008, p 15

Together program, which focuses on improving access to mainstream services for community support and accommodation as well as specialist services.<sup>431</sup>

**5.114** DADHC allocates approximately \$20 million per annum to Aboriginal specific services provided through the above initiatives. However, in their submission to this inquiry, the Aboriginal Disability Network NSW outlined their concerns about the support provided to Aboriginal people with disability through health services.

**5.115** The Aboriginal Disability Network emphasised that the identification of Aboriginal people with a disability can often be underreported, as in some communities disabilities that are not physical are less likely to be reported. The broader issue of underreporting within the Indigenous community is addressed in Chapter 2:

There is a focus on physical or visible types of disability at the expense of recognition of mental illness as a type of disability. This can result in a serious under reporting of disability in some communities, which can lead to a perception by government authorities or non-government agencies that disability is not a significant issue within Aboriginal communities.<sup>432</sup>

**5.116** Similarly, Ms Carol Mills, then Deputy Director General, DADHC, told the Committee that data collection was often difficult as they had to rely on self identification in order to compile their database of Aboriginal people with a disability:

Within the Department of Ageing, Disability and Home Care [DADAHC] we keep quite extensive databases but they are based on self-identification of Aboriginality to pick up the profiles. So we have some information about our clients but I would not suggest that we have 100 per cent accuracy in relation to our Aboriginal clients. For all clients of DADAHC who are either receiving services from the Home and Community Care Program [HACC] or from our Disability Services Program, we maintain an individual data item that allows us to track, in a non-identifiable way, the use of services by individual clients. So we know, for example, that we had over 7,000 individual Aboriginals receiving a service from us last year under the HACC program and we know what types of services those people use and the extent to which they use them. We do use that for planning purposes but, again, it is a self-identification of aboriginality, which will not mean that we pick up the whole population.<sup>433</sup>

**5.117** People with Disability Australia noted that support for Aboriginal people with a disability is often provided through kinship networks, rather than through access to government provided health services, which may result in the marginalisation of both those with disability and their carers from the wider community:

Aboriginal people with disability often become dependent on support from their immediate family and kinship relations in lieu of appropriate alternative support services. In turn, these carers face their own significant difficulties which can result in them being marginalised from the wider community.<sup>434</sup>

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<sup>431</sup> Submission 40, p 21

<sup>432</sup> Submission 2, p 11

<sup>433</sup> Ms Carol Mills, Deputy Director General, Department of Ageing, Disability and Home Care, 12 February 2008, pp 37-38

<sup>434</sup> Submission 17, People with Disability, p 6



- 5.118** The Aboriginal Disability Network provided an graphic example of the significant ramifications of the lack of access to disability services for Aboriginal families:

Jason is 14 years old. He is an Aboriginal person with a hearing impairment who is the primary carer of his grandmother Vera, who also has a hearing impairment. Jason's mother has a disability and cannot fulfil her carer responsibility both as a parent to Jason or as a daughter. Jason no longer attends school because of his caring responsibilities. Jason's father is estranged from the family. Jason and Vera were not aware of the availability of community care services, including Home Care that could provide support in the home.<sup>435</sup>

- 5.119** The Aboriginal Disability Network concludes:

It is a situation that is distressing and inexplicable in a country that in many other facets of disability rights is regarded as a world leader.<sup>436</sup>

- 5.120** The Federal, state and territory governments fund no systemic advocacy or representative organisations for Aboriginal and Torres Strait Islanders with disability. This has a number of implications:

It is virtually impossible for Aboriginal and Torres Strait Islanders with disability to influence policy, program and service delivery decisions that affect their lives at a structural or systemic level. [The above] also frustrates the principle of self-determination and participation that ostensibly underpins policy, program and service developments for Aboriginal and Torres Strait Islander people, including those with a disability.<sup>437</sup>

### ***Employment of Indigenous people in disability sector***

- 5.121** The Committee heard that the employment of Indigenous people in the disability sector was an area that DADHC was committed to improving. Mr Brendan O'Reilly, Director General, DADHC, told the Committee that the department had commenced a small program in the Wollongong-Nowra area to train and employ Indigenous people:

We started off with 15 trainees. They were not kids; most of them were married men and women. We said to them, "We are going to put you through a traineeship where you need to get a certificate level 3 through either TAFE or an accredited training provider, but we are going to link it back to the elders and we are also going to have cultural camps", so that people could get away and talk about, "This works well in my house or my job but it does not work at all in this house or in this relationship, with these parents and that sort of thing." It cost a bit more—and you always have trouble with Treasury when things cost more—but the outcome was quite amazing. Of the 15 staff, 11 now have permanent employment, and they got that on merit. 14 finished a certificate course, and the other three will probably crack a job in the non-government sector.<sup>438</sup>

<sup>435</sup> Submission 2, p 18

<sup>436</sup> Submission 2, p 3

<sup>437</sup> Submission 2, p 31

<sup>438</sup> Mr Brendan O'Reilly, Director General, Department of Ageing, Disability and Home Care,(DADHC) Evidence, 12 February 2008, p 46

**5.122** Mr O'Reilly explained that DADHC wishes to expand the program across New South Wales, as the lack of Indigenous employees in the disability sector is an issue of concern, particularly when looking to the immediate future:

I think the biggest issue for any human service agency with regard to the Indigenous population is where are we going to get the workforce in the next five or 10 years. It is a huge issue, and we have to have flexible arrangements for being able to get people into the workforce.<sup>439</sup>

### **Mental Health**

**5.123** The *Two Ways Together Report on Indicators 2007* states that 'more than a quarter of Aboriginal people report high or very high levels of psychological distress, around twice the level of non-Aboriginal people.'<sup>440</sup> The *Two Ways Together Report on Indicators 2007* also notes that hospitalisation rates for self-harm are 2.7 times higher than for non-Aboriginal people.

**5.124** Mr Wayne Rigby, the Director/Course Co-ordinator of the Djirruwang Program at Charles Sturt University, identified '[d]isorders such as depression, drug induced psychosis, alcohol related brain damage, social and family dysfunction, trauma and grief [as] the symptoms of dispossession and colonisation' and are common among Aboriginal people. Low self-esteem and hopelessness are also identified as being major problems among Aboriginal people.<sup>441</sup>

**5.125** Mr Rigby identified the following factors as contributing to Aboriginal mental health problems:

- historical factors
- poor physical health;
- low educational outcomes;
- low employment opportunities;
- violence;
- substance abuse;
- poorer than average life expectancy;
- racism (overt and covert);
- individuals who have suffered from the effects of the stolen generations;
- lower than average home ownership rates.<sup>442</sup>

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<sup>439</sup> Mr O'Reilly, Evidence, 12 February 2008, p 46

<sup>440</sup> *Two Ways Together Report on Indicators 2007*, p 23

<sup>441</sup> Answers to questions on notice taken during evidence 30 April 2008, Mr Rigby, Question 2, p 2

<sup>442</sup> Answers to questions on notice taken during evidence 30 April 2008, Mr Rigby, Question 3, p 2

- 5.126** According to the National Aboriginal and Torres Strait Islander Health Survey 2004/05, as noted in the *Two Ways Together Report on Indicators 2007*, Aboriginal people living in rural areas are more likely to report feelings of happiness than those living in non-rural areas.<sup>443</sup>
- 5.127** NCOSS noted that the Mental Health Coordinating Council highlighted similar barriers preventing Indigenous people from accessing mental health services, including: 'geographic isolation; a lack of culturally appropriate services; a shortage of Indigenous staff within non-Indigenous services; limited training of mental health services staff regarding mental health issues; stigma and stereotyping.'<sup>444</sup>
- 5.128** The Koori Aged and Disability Services Advisory Group highlighted the need for mental health services targeted for Indigenous people. To ensure that Indigenous people who are mentally ill are able to access culturally appropriate, specialist mental health services they recommended that mental health support services should be included in within the Two Ways Together Plan.<sup>445</sup>
- 5.129** Similarly, the South Penrith Youth and Neighbourhood Services also highlighted the need for specialist services to address mental health issues, as well as drug and alcohol abuse and family violence. They argued that these services should be 'fundamental in all communities with Aboriginal populations'.<sup>446</sup>
- 5.130** In their submission, Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan from the University of New South Wales, outline their concern that people with mental illness are 'vastly over represented in the criminal justice system' something which is a key concern for Indigenous people 'as the many stresses and disadvantages faced by Indigenous communities have resulted in disproportionately high rates of mental illness.'<sup>447</sup> They argue that 'appropriate support for people experiencing mental illness is vital to end the cycle of disadvantage for Indigenous communities.'<sup>448</sup> They further argue that the Indigenous community needs to be engaged in the design and implementation of any services to target mental illness and that training needs to be provided to allow Indigenous people to provide those services from within communities.<sup>449</sup>

### Drug and Alcohol

- 5.131** A key priority of the State Health Plan is Priority S3: the improvement of health through reduced obesity, smoking, illicit drug use and risk drinking.<sup>450</sup> The *Two Ways Together Report on*

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<sup>443</sup> *Two Ways Together Report on Indicators 2007*, p 23

<sup>444</sup> Submission 27, p 6

<sup>445</sup> Submission 42, p 3

<sup>446</sup> Submission 45, South Penrith Youth and Neighbourhood Services, p 17

<sup>447</sup> Submission 21, Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan, University of New South Wales, p 9

<sup>448</sup> Submission 21, p 9

<sup>449</sup> Submission 21, Appendix 3, p 48

<sup>450</sup> Submission 40, Appendix 1, p 1

*Indicators 2007* notes that the proportion of adult smokers within the Aboriginal community is more than double that of non-Indigenous people (48 percent compared with 21 percent).<sup>451</sup> The rate of alcohol related hospitalisations for Indigenous people was recorded as three times as high as that of non-Indigenous people.<sup>452</sup> Aboriginal people were also reported to be 3 to 4 times more likely to be Opioid Treatment Program clients.<sup>453</sup>

**5.132** NSW Health outlined in their submission a number of initiatives that address the use of illicit drugs, alcohol and tobacco within the Aboriginal community. The Aboriginal Drug and Alcohol Network was established in 2003 as a collaboration between NSW Health and the Aboriginal Health and Medical Research Council (AHMRC). NSW Health funds 40 Aboriginal Drug and Alcohol workers in New South Wales in order to:

- provide networking and collaboration opportunities for Aboriginal Drug and Alcohol Workers in New South Wales and
- provide advice on drug and alcohol issues and needs in the Aboriginal community as well as in put into mainstream and Aboriginal specific drug and alcohol policies and programs.<sup>454</sup>

**5.133** NSW Health is currently in the process of developing the NSW Aboriginal Drug and Alcohol Prevention and Treatment Plan 2008-2011, with the aim of promoting strong working relations within the sector; providing accessible drug and alcohol services and supporting a skilled drug and alcohol workforce. NSW Health also provided the Committee with an outline of some of the initiatives being run at local area health service level.<sup>455</sup> In addition, the Cancer Council has commenced two initiatives aimed at addressing high rates of smoking within the Indigenous community.<sup>456</sup>

**5.134** Nonetheless, Dr Matthews told the Committee that many of the treatment services available to address drug and alcohol misuse were not appropriate for Indigenous people:

If you look at mainstream treatment, alcohol treatment is really divided into treatment for those who are addicted and treatment for those who abuse the drug who are not necessarily addicted. The addicted either go into residential or community traditional Alcoholics Anonymous 12-step programs or, increasingly, are prescribed a range of pharmaceuticals. Those who are abusing the drug but not addicted go into controlled drinking programs. I have to say that most of those things for alcohol are very heavily based on Western culture and they contain some concepts that are foreign to Aboriginal culture.<sup>457</sup>

**5.135** The Committee heard that in some cases, Aboriginal communities are developing community-based initiatives in order to address drug and alcohol problems. Mr Ray Leslie, Chairperson of

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<sup>451</sup> *Two Ways Together Report on Indicators 2007* p21

<sup>452</sup> *Two Ways Together Report on Indicators 2007* p21

<sup>453</sup> *Two Ways Together Report on Indicators 2007* p22

<sup>454</sup> Submission 40, Appendix 1, p 8

<sup>455</sup> Submission 40, Appendix 1, p 9

<sup>456</sup> Submission 35, p 6

<sup>457</sup> Dr Matthews, Evidence, 12 February 2008, p 34

the Mt Druitt Aboriginal Justice Group, told the Committee that there are a number of Indigenous programs run throughout New South Wales to address drug and alcohol issues, however they do not sufficiently meet the need within the Indigenous community:

We have a few Aboriginal programs around the State. I will start with The Glen at Chittaway Point, which is run by one fellow ...They have residents who stay there for a period of three to six months. They introduce them to lots of other different programs regarding their problems, to workshops and to therapy sessions. If they still need further things they have a halfway house at Chittaway Point ... Some of the single fellows think it is so wonderful that they do not want to leave there. They get into the halfway house and they are picked up, taken to the meetings and they do their shopping. They are just living normally like they would in another house.

The first one we had around the State was Bennelong Haven at Marrickville, and the main one is at Kempsey. That is a good residential program. There is also Namatjira Haven at Lismore, Orana Haven at Brewarrina. The problem is that we cannot get Aboriginals into the non-Aboriginal facilities. We are lucky to get them into these ones, and that is only because they are managed by Aboriginal people. They try to stretch it as far as they can.<sup>458</sup>

- 5.136** The Committee has discussed the circle sentencing program in more detail in Chapter 9, Incarceration and the criminal justice system.

### Other factors also affecting health outcomes

- 5.137** A number of Inquiry participants noted that health was strongly related to a number of other factors, education being a key factor. The Public Health Association of Australia noted '[p]oor educational outcomes among Aboriginal people, with illiteracy rates increasing in some jurisdictions, are a major barrier to better health.'<sup>459</sup> Similarly, Mr Terry Chenery of the Aboriginal Justice Advisory Group explained to the Committee the role of education in accessing health services and communicating needs:

When you see people coming in before you—I will use the example of health—and you say, "Hang on, I was in line first", the communication needs to be there. From a triage point of view, this person needs treatment before you, but there is not any of that and there is then a lack of confidence to say why. There is a lack of dialogue between people, particularly in remote and country areas, where generally we are looking at a stereotypically Anglo-Saxon background, professional base. That then loses that trust, and that trust then is the confidence, and they go between the two.<sup>460</sup>

- 5.138** The Aboriginal Disability Network also noted that the issues of education and transport also significantly impact on an Aboriginal person with disability's ability to access health services: '...many Aboriginal people with disability simply do not know where or how to access aids and appliances.' And in addition, 'Aboriginal people with disability living in remote and rural

<sup>458</sup> Mr Ray Leslie, Chairperson, Mt Druitt Aboriginal Justice Group, Evidence, 14 February, pp 31-32

<sup>459</sup> Submission 8, p 1

<sup>460</sup> Mr Terry Chenery, Aboriginal Justice Advisory group, Evidence, 13 February 2008, p 13

communities often have costs associated with their disability that are in addition to the costs that a person with disability may experience in the city.<sup>461</sup>

**5.139** Similarly, the Cancer Council also noted that transport to access medical treatment was an issue for many cancer patients. They noted that this was a particular issue for rural and regional patients, but that service providers in metropolitan areas were also routinely over-booked.<sup>462</sup>

**5.140** In its submission, the South Penrith Youth and Neighbourhood Services (SPYNS), recommended that outreach health and welfare services ‘in localities accessible to Aboriginal people and trusted by Aboriginal people is sound thinking.’ They highlighted the need for service provision to be flexible and to be delivered at the community level where a variety of health issues could potentially be addressed simultaneously, in line with the more holistic approach to health care.<sup>463</sup> Related to this idea, SPYN also highlighted the need for ‘places of healing and healers’ within Indigenous communities as ‘Aboriginal people often experience trauma on a regular basis: sickness, death disability, incarceration of loved ones...’<sup>464</sup>

**5.141** Dr Couzos noted that addressing the life expectancy gap could only be done through addressing social disadvantage more broadly. She explained that while health outcomes would make a significant impact on the life expectancy gap, additional factors, including housing and employment also needed attention:

Even though services act to mitigate social inequalities, there is obviously a need to address them through housing, education, employment and so on. That goes without saying. You will never close the life-expectancy gap unless those things are addressed. Nevertheless, you will make a significant contribution to health outcomes if there are appropriately resourced primary health care services.<sup>465</sup>

**5.142** The Royal Australian College of Physicians also argued:

Health measures must be accompanied by investment in education, housing and increased rates of employment in order to achieve sustained health improvement.<sup>466</sup>

### *Committee comment*

**5.143** It is not surprising that the evidence to date has demonstrated that health and wellbeing are a key factor in addressing the life expectancy gap. The Committee has heard strong support for more targeted funding for community controlled health organisations in order to ensure culturally appropriate, community based provision of services to Indigenous people.

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<sup>461</sup> Submission 2, p 12

<sup>462</sup> Submission 35, p 7

<sup>463</sup> Submission 45, p 16

<sup>464</sup> Submission 45, p 17

<sup>465</sup> Dr Couzos, Evidence, 13 February 2008, p 3

<sup>466</sup> Submission 18, p 13

**5.144** In this chapter, the Committee has raised a number of issues, including service provision and community organisation engagement and consultation, which will be discussed in further detail in the Final Report.





## Chapter 6 Education

The impact of poor education levels on life expectancy is significant. Low literacy and numeracy skills result in fewer opportunities and an increase in risk factors such as poor health and wellbeing, low employment levels, inadequate housing and high levels of incarceration. These factors affect not only quality of life but, in the longer term, reduce life expectancy.

This chapter describes the impact of education on life expectancy and examines current New South Wales Government policy and programs aimed at closing the gap in educational achievement between Aboriginal and non-Aboriginal students.

### Education and life expectancy

**6.1** The *Two Ways Together Report on Indicators 2007* states that '[e]ducation and training are fundamental to reducing Aboriginal disadvantage and enabling greater self determination and equal participation in the wider society.'<sup>467</sup> However, results outlined in this, the most recent *Two Ways Together Report on Indicators 2007*, show that there has been 'no significant improvement in the proportion of Aboriginal students reaching the literacy and numeracy national benchmarks between 2001 and 2005' and '[t]here remains a considerable gap in the achievement of Aboriginal students and all students'.<sup>468</sup>

**6.2** By the time Aboriginal children reach Year 3, they are on average 19 months behind non-Aboriginal students in literacy and reading skills. Aboriginal students are approximately half as likely to complete Year 12 as non-Aboriginal students.

**6.3** Lack of education has been described by Mr Frank Pearce, the Aboriginal State Coordinator of Aboriginal Education in the New South Wales Independent Education Sector, as 'one of the root causes of Indigenous disadvantage',<sup>469</sup> which impacts on aspects of Indigenous life and wellbeing:

Poor education levels lead to poor job prospects, which leads to poor and in a lot of cases sub standard incomes, which leads to poor housing, nutrition and health. This in turn leads to low self esteem and lack of motivation. In order to overcome all of these disadvantages a good quality education is essential be it in the public or private education systems.<sup>470</sup>

**6.4** Health outcomes are also affected by education, as explained by Mr Gary Highland, the National Director, Australians for Native Title and Reconciliation (ANTaR):

To close the life expectancy gap, it is essential to understand that good health is linked to social determinants like education, employment and housing.<sup>471</sup>

<sup>467</sup> *Two Ways Together Report on Indicators 2007*, p 33

<sup>468</sup> *Two Ways Together Report on Indicators 2007*, p 36

<sup>469</sup> Submission 69, Mr Frank Pearce, p 1

<sup>470</sup> Submission 69, p 1

<sup>471</sup> Mr Gary Highland, Australians for Native Title and Reconciliation, Submission 66, p 8

- 6.5** The Deputy Director, Strategic Development, NSW Health, Dr Richard Matthews, indicated his agreement that addressing educational issues will help overcome a range of Indigenous disadvantages:

... if we are talking about health as opposed to illness management, then your best investment is in employment and education. The more employment you have and the better educated you are, the more your health outcomes will improve.<sup>472</sup>

- 6.6** Similarly, Ms Cindy Berwick, the Vice-President of the NSW Aboriginal Education Consultative Group Inc (AECG), told the Committee that education is the way to move forward and overcome Indigenous disadvantage in all areas, asserting that '[e]ducation is the foundation. Without education you cannot overcome any of it'.<sup>473</sup>

- 6.7** According to the Bahai'i Community of NSW and ACT, education provides 'a long-lasting solution to the cycle of Indigenous poverty and disadvantage'<sup>474</sup> through creating generational change:

Education ... provides a long-term solution to indigenous disadvantage, by creating a shift in consciousness within the next generation of Australians, both Indigenous and non-Indigenous.<sup>475</sup>

- 6.8** Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council, saw the importance of education as its capacity to give individuals the confidence and the ability to access services and to find a way out of the existing problematic situation:

Initially—and this is probably the answer to most of the questions on the list—is an education system that is going to invite children to engage actively. Access to services is all about the ability and confidence to engage with both individuals and agencies, and without that confidence there is an inability to walk through a front door and stick your hand up and say, "I need help." There is an inability to access simple measures such as the Internet; the trust and the capacity to communicate with your local GP and your local casualty section, regardless of whether it is an emergency department or whatever.<sup>476</sup>

- 6.9** The importance of education was made clear by the Minister for Education and Training, the Hon John Della Bosca MLC:

Investments in education for Aboriginal people are particularly important as they impact directly or indirectly on key areas of disadvantage: unemployment, incomes, health and crime.<sup>477</sup>

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<sup>472</sup> Dr Richard Matthews, Deputy Director, NSW Health, Evidence, 12 February 2008, p 35

<sup>473</sup> Ms Cindy Berwick, Vice-President, Aboriginal Education Consultative Group, Evidence, 13 February 2008, p 30

<sup>474</sup> Submission 32, Bahai'i Community of NSW and ACT, p 7

<sup>475</sup> Submission 32, p 3

<sup>476</sup> Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council, Evidence 13 February 2008, p 13

<sup>477</sup> New South Wales Government, *Aboriginal Education Review* (2004), p 13 cited in Submission 13, NSW Department of Education and Training, p 5

## Key government policy objectives

### New South Wales State Plan

- 6.10** The New South Wales State Plan is the overarching policy document that sets the agenda for the provision of government services. One of the high level goals of the New South Wales State Plan is to ‘Strengthen Aboriginal Communities’. To achieve this, New South Wales State Plan Priority F1 commits the New South Wales Government to improving the health, education and social outcomes for Aboriginal people.<sup>478</sup>
- 6.11** The goal of F1 is to reduce the gap in well being between Aboriginal communities and the total population of New South Wales, with the focus being on achieving measurable improvements in particular areas.<sup>479</sup> The specific focus for education is on ‘increasing the school readiness of Aboriginal children.’<sup>480</sup>
- 6.12** In order to increase school readiness of Aboriginal children the New South Wales Government has focused on increasing the number of Aboriginal students attending preschool. The New South Wales Government asserts that the ‘first five years of a child’s life are critical to lifelong development and opportunities.’<sup>481</sup> However, this remains an area of concern, for although there are more three and four year old Aboriginal children enrolled in pre-school than non-Aboriginal children, by the time they are five years old the rate of Aboriginal children attending is significantly lower.<sup>482</sup>
- 6.13** There are other New South Wales State Plan priorities that directly impact and benefit Indigenous education. The New South Wales Department of Education and Training (NSW DET), through the New South Wales State Plan, has responsibility for the following:
- Priority F6, to increase the proportion of children learning with skills for life and learning at school entry
  - Priority S4, to increase levels of attainment for all students
  - Priority S5, to have more students complete Year 12 or recognised vocational training.<sup>483</sup>
- 6.14** These goals are being addressed through the Two Ways Together Plan 2003-2012 (Two Ways Together Plan) and the NSW Aboriginal Education and Training Strategy 2006-2008, which

<sup>478</sup> Ms Jody Broun, Director General, Department of Aboriginal Affairs, Evidence, 12 February 2008, p 2

<sup>479</sup> Ms Robyn Kruk, Director General Department of Premier and Cabinet, Evidence, 29 April 2008, p 2

<sup>480</sup> New South Wales State Plan, A New Direction for NSW (New South Wales State Plan) 2007 Update, Priority F1

<sup>481</sup> New South Wales State Plan, 2007 Update, Priority F1

<sup>482</sup> *Two Ways Together Report on Indicators 2007*, pp 37-38

<sup>483</sup> Submission 40, New South Wales Government, p 33

was a response to the 2004 Report of the Review of Aboriginal Education and Training. These are discussed later in this chapter.

***Priority F6 – Increase the proportion of children with skills for life and learning at school entry***

**6.15** The importance of the early years on levels of educational attainment has been well documented.<sup>484</sup> With research showing that 60 per cent of a child's brain development occurs in the years before school entry, New South Wales Government Priority F6 is aimed at ensuring that children receive early educational experiences that will equip them with the skills, knowledge and desire to achieve at a high level in later years.<sup>485</sup> The need for this is highlighted in the report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*:

Achievement in the early years of schooling has major implications for retention and attainment in later years. Children who have already fallen behind in year 3 will have difficulty progressing through school and are less likely to attend school beyond the compulsory age. This in turn has implications for employment options and long term disadvantage.

The gap in school performance between Indigenous students and non-Indigenous students is evident from year 1 onwards. Studies have shown that, unless preschool learning and early primary school assistance are provided, underperforming students are rarely able to catch up.<sup>486</sup>

**6.16** The 2007 New South Wales Government target for Priority F6 is to develop a 'measure of performance and targets for early childhood development.' This measurement is expected to begin in 2009, when the New South Wales Government will set a target for increasing mean performance of the child population in New South Wales by 2016.<sup>487</sup> The government approach is to improve the average performance of the least skilled children at a faster rate. As well as setting measures and targets, the key areas for attention are to:

- provide supports to all families and children to help them achieve skills for life and learning
- provide additional targeted support to disadvantaged children
- continue to build the evidence base to know what works best for children.<sup>488</sup>

**6.17** The majority of preschools are the responsibility of the New South Wales Department of Community Services (DOCS), while the NSW DET also runs preschools in some areas. There are currently 100 preschools within New South Wales Government schools, eleven of which

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<sup>484</sup> Steering Committee for the Review of Government Service Provisions 2007, *Overcoming Indigenous Disadvantage Key Indicators 2007*, p 6.0

<sup>485</sup> New South Wales State Plan 2007 Update, Priority F6

<sup>486</sup> Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage Key Indicators 2007 Overview*, p 31

<sup>487</sup> New South Wales State Plan 2007 Update, Priority F6

<sup>488</sup> New South Wales State Plan Update, Priority F6

are specifically for Aboriginal children and a further 13 are located in Aboriginal communities.<sup>489</sup> In 2005, of the 443 Aboriginal children attending DET provided preschools, 178 or 40.2 per cent were in one of the new preschools that opened that year.<sup>490</sup>

- 6.18** Teachers and teachers' aides in designated Indigenous preschools receive professional development to increase cultural awareness, support for program development and strategies for working with families to improve access for Aboriginal children.<sup>491</sup>

***Committee comment***

- 6.19** The Committee agrees that early learning experiences are an important factor in establishing life long learning and skills for life. The initiatives taken under Priority F6 are for all children in New South Wales and are not targeted or tailored to overcoming Indigenous disadvantage specifically. The Committee is concerned that specific resources for Indigenous children will be stretched over such a wide area that necessary resources and support services may not reach Indigenous children and their families and notes the importance of universal access to these services.

***Priority S4: Increasing levels of attainment for all students***

- 6.20** The New South Wales State Plan commits the New South Wales Government to raising students' literacy and numeracy levels and improving the outcomes they achieve at school. The rationale for this is: 'Students who do well at school are more likely to lead satisfying and rewarding lives, pursue successful careers and make a positive contribution to improving economic and social outcomes for all people in our State.'<sup>492</sup>
- 6.21** To measure literacy and numeracy levels there is national testing for students in Years 3, 5 and 7. The results of these tests are measured against National benchmarks, which are agreed minimum acceptable standards of performance in reading, writing and numeracy at particular year levels. These benchmarks allow monitoring of progress towards educational objectives, including attainment levels. The national goal is for all students to achieve at least the benchmark level of performance.<sup>493</sup> Refer to Chapter 2 for Indigenous students' achievements against the national benchmarks.
- 6.22** The defined targets set for Priority S4 are to:
- reduce the proportion of lowest performing students in literacy and numeracy in Years 3, 5 and 7 by 10 per cent by 2008, with a further 20 per cent reduction by 2016
  - increase the proportion of students meeting or exceeding national literacy and numeracy proficiency standards in Years 3, 5 and 7 by 2012, with a further increase by 2016

<sup>489</sup> Submission 13, NSW DET, p 3

<sup>490</sup> NSWDET, Annual Report 2005, cited in *Two Ways Together Report on Indicators 2007*, p 38

<sup>491</sup> *Two Ways Together Report on Indicators 2007*, p 38

<sup>492</sup> New South Wales State Plan 2007 Update, Priority S4

<sup>493</sup> *Two Ways Together Report on Indicators 2007*, p 34

- close the 2004 gap between Aboriginal and all students in primary school (Years 3 and 5) numeracy and literacy rates by 2016.<sup>494</sup>

**6.23** Ms Kruk told the Committee that New South Wales State Plan performance data relating to S4, which focuses on increasing levels of attainment, is disaggregated and reported publicly for Aboriginal people.<sup>495</sup>

**6.24** In conjunction with the goals and targets set under Priority S4 for Indigenous students, the Aboriginal Education and Training Strategy 2006-2008 was developed by NSW DET, in conjunction with the NSW AECG. This has an overarching objective of achieving Aboriginal student outcomes that are the same, or better than non-Indigenous students, by 2012,<sup>496</sup> since revised to 2016 in the 2007 New South Wales State Plan Update.<sup>497</sup> This strategy is discussed in more detail at paragraphs 6.37 – 6.41.

**6.25** To address and monitor progress towards increasing Aboriginal attainment levels, targets for achievement levels have been set. To meet the desired target a demonstrable increase in the achievements of Aboriginal students in national and state tests as well as an increase in the number of students completing years 10 and 12 is required.<sup>498</sup> These tests measure basic skills and levels of accomplishment to provide a basis for comparison of academic achievement for all students across the state. These objectives do not appear to have been met. Refer to Chapter 2 for statistics on achievement levels.

*Committee comment*

**6.26** Attainment levels of Indigenous students remain well below the national average. A marked increase in the rate of any improvement in Aboriginal student attainment levels will be necessary to meet the defined targets.

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**Issue for consideration 20 – Education: literacy and numeracy**

The Committee notes that there has been some improvement in the literacy and numeracy levels of Aboriginal students in New South Wales, however we remain concerned that these levels require significant improvement in order for Indigenous students to meet the national benchmarks. The Committee will examine the efficacy of strategies to address literacy and numeracy rates of Indigenous children and the adequacy of funding.

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<sup>494</sup> New South Wales State Plan 2007 Update, Priority S4

<sup>495</sup> Ms Kruk, Evidence, 29 April 2008, p 2

<sup>496</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*

<sup>497</sup> New South Wales State Plan 2007 Update, Priority S4

<sup>498</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*

***Priority S5: More students complete Year 12 or recognised vocational training***

- 6.27** The target for Priority S5 is to ‘increase the proportion of students completing Year 12 or recognised vocational training from 82.7 per cent in 2005 to 90 per cent by 2016’.<sup>499</sup> The key strategies for achieving this goal are to:
- make staying at school more attractive by increasing choices for students, for example, strengthening the Vocation and Educational and Training (VET) options available in schools by including Years 9 – 10 students
  - examine the school leaving age with consideration being given to raising the leaving age from 15 to 16 years or the end of Year 10 (whichever comes first).
  - increase vocational education and training opportunities with increased support more Aboriginal students to take up Certificate III courses
  - increased the use of technology to support student learning
  - lift school retention rates and TAFE completion targets.<sup>500</sup>
- 6.28** Despite the New South Wales Government’s commitment to improve the overall educational attainment of school leavers the New South Wales State Plan results summary for 2007 states that there is ‘currently no data available to track all students’ educational outcomes, the a target is measured by the proportion of 20 – 24 year olds who have completed Year 12 or an Australian Qualification Framework Certificate II qualification through TAFE or other training provider.<sup>501</sup> The New South Wales State Plan shows no break down of figures to indicate the progress of Indigenous students.
- 6.29** The *Report of the Review of Aboriginal Education 2004* states that there ‘has been no clear movement in retention rates for Aboriginal students since 1995’.<sup>502</sup> Since this report the retention of students from Year 10 to Year 12 and the completion of vocational training has become a New South Wales State Plan priority. However, the New South Wales State Plan has mainstream indicators and does not include indicators that examine the progress of the Indigenous population specifically.
- 6.30** In the most recent edition of the *Two Ways Together Report on Indicators 2007*, between 2002 and 2006 the apparent retention rate for Aboriginal Year 9 students remained largely unchanged at close to 100 per cent. The percentage of Aboriginal students who proceed to senior school and attain a Year 12 certificate is increasing. However, when the figures are compared to retention rates for their non-Indigenous counterparts from years 10 to 12, Aboriginal students are around half as likely as their non-Indigenous counterparts to continue to Year 12.<sup>503</sup>

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<sup>499</sup> New South Wales State Plan 2007 Update, Priority S5

<sup>500</sup> New South Wales State Plan 2007 Update, Priority S5

<sup>501</sup> New South Wales State Plan 2007 Update, Priority S5

<sup>502</sup> NSW DET and NSW AECG *The Report of the Review of Aboriginal Education Yanigurra Muya: Gannurrinyrna Yaari Guurulaw Yirringin.gurray Freeing the Spirit: :Dreaming an Equal Future* August 2004, p 141

<sup>503</sup> *Two Ways Together Report on Indicators 2007*, p 40

- 6.31** The significant impact of encouraging more students to engage in education for even one extra year was highlighted Professor Ken Wyatt, the former New South Wales Government Director of Aboriginal Health, at a presentation to ANTaR:

...on average for every additional year of education given to a young Indigenous woman, four years are added to the lives of her children.<sup>504</sup>

- 6.32** Some of the initiatives aimed at addressing this priority are discussed below.

***Committee comment***

- 6.33** While the New South Wales State Plan has been established to focus the efforts of government in addressing areas of key concern there are few specific targets to address the wide-ranging needs of Indigenous people and to close the gap between Indigenous and non-Indigenous Australians. For example, at this time the target of ‘increasing school readiness’ has no means of assessment other than numbers attending preschool.

- 6.34** The need to collect data to facilitate measurements of success is an essential part of monitoring achievement. The Committee is both surprised and concerned that the required data is not available to effectively monitor some of the key priority areas, in particular S5.

***Two Ways Together Plan***

- 6.35** Following the 2004 Review of Aboriginal education, the current New South Wales Government formulated policy aimed at coordinating and improving the delivery of services to the Aboriginal population. The principal policy tool for achieving this is the Two Ways Together Plan: NSW Aboriginal Affairs Plan 2003-2012.<sup>505</sup>

The material obtained during the Review of Aboriginal Education clearly shows, however, that should *Two Ways Together* fail to coordinate efforts to deliver fundamental improvements ... the efforts of the partnership between the New South Wales Department of Education and Training and the New South Wales Aboriginal Education Consultative Group Incorporated to overcome the symptoms of disadvantage among Aboriginal students in schools and TAFE campuses (for example, limited expectations, disrupted attendance, poor retention, non-compliant behaviour, inadequate literacy skills and under-achievement) will, as so often in the past, have only limited impact.<sup>506</sup>

- 6.36** The *Two Ways Together Report on Indicators 2007* contains comprehensive measurements of the outcomes for Aboriginal people; the New South Wales Government has made a commitment

<sup>504</sup> Presentation to ANTaR Forum, NSW Parliament House, April 4 2006, as cited by ANTaR in Submission 66, p 8

<sup>505</sup> *Two Ways Together Report on Indicators 2005*, p 5

<sup>506</sup> NSW DET and NSW AECG *The Report of the Review of Aboriginal Education Yanigurra Muya: Gannurrinyima Yaari Guurulaw Yirringin.gurray Freeing the Spirit: :Dreaming an Equal Future* August 2004, p 7



to release this report every two years.<sup>507</sup> Education is one of the seven key priorities of the Two Ways Together Plan with progress outcomes reported in the Indicators Report.<sup>508</sup>

### **NSW Aboriginal Education and Training Strategy 2006-2008**

- 6.37** The New South Wales Aboriginal Education and Training Strategy 2006-2008 was developed by NSW DET in partnership with NSW AECG. The primary goal of this strategy is focus the work of schools, colleges, regions, TAFE Institutes and state office directorates on achieving outcomes for Aboriginal students that equal or better the outcomes of the broader student population by 2012.<sup>509</sup>
- 6.38** The Aboriginal Education Strategy is guided by the principles of developing:
- a co-ordinated approach across government, focused on local communities
  - integration of Aboriginal education into mainstream education and training
  - capacity among Aboriginal people and their communities to engage as partners in education and training, including the years prior to school
  - the capacity of Aboriginal people to participate fully in the Australian community
  - quality teaching which engages Aboriginal students
  - an understanding of obligations and preparedness to be accountable
  - equal partnerships with Aboriginal people at all levels.<sup>510</sup>
- 6.39** The Aboriginal Education and Training Strategy 2006-2008 links to the corporate goal of the NSW DET to ‘deliver education and training that inspires students to succeed, fosters high expectations and prepares them for participation in a democratic and sustainable society’. It is also consistent with the priorities of the Two Ways Together Plan.<sup>511</sup>
- 6.40** Aspirational targets that have been built into the Strategy will be used to monitor progress and reported through a comprehensive process managed by the Department in consultation with key stakeholders.<sup>512</sup> In part, achievement of targets is monitored through demonstrated increases in Indigenous attainment in the national basic skills tests, the number of Aboriginal students completing years 10 – 12.
- 6.41** The NSW AECG is of the view that the New South Wales Government, via the New South Wales State Plan priorities and the Two Ways Together Plan, is attempting to take a ‘holistic

<sup>507</sup> Ms Kruk, Evidence, 29 April 2008, p 2

<sup>508</sup> *Two Ways Together Plan*, p 2

<sup>509</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*, p 2

<sup>510</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*, p 3

<sup>511</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*, p3

<sup>512</sup> NSW DET, *Aboriginal Education and Training Strategy 2006-2008*, p 9

approach to improving the lifestyle chances of Aboriginal Australians<sup>513</sup> However, in its submission to this inquiry NSW AECG also stated:

A great deal of work needs to be done in facilitating agencies to work together through genuine consultation and partnerships to meet the needs and support Aboriginal people at all levels.<sup>514</sup>

### ***Committee comment***

- 6.42** Initiatives outlined in this section are commendable and indicate early signs of progress. However, the Committee is aware that the number of Indigenous students who are benefiting from these programs is small. For Indigenous disadvantage to be overcome the scale of impact needs to be substantial so that a critical mass of students can change the future for the next generation.

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## **Issue for consideration 21 – Education: expanding success**

There are many successful initiatives undertaken by government to improve educational outcomes for small numbers of Indigenous students. The Committee will examine how these programs can meet a larger number of students and improve the outcome for Indigenous people as a whole.

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### **School funding arrangements**

- 6.43** There is a range of school funding arrangements for New South Wales Government schools. Some of the funds provided are specific to Indigenous students and the schools they attend, while others form part of the funding provided to all educational facilities, particularly those in low socio-economic demographics. The type of funding that a school receives has a significant impact on the type and number of services that are available for students. Some specific funding arrangements for key initiatives within New South Wales Government schools are outlined briefly below.

#### ***Priority Schools Program***

- 6.44** Since 2006, the Priority Schools Funding Program (PSFP) and the Priority Action Schools (PAS) program have been grouped under the umbrella of Priority Schools Programs (PSP). This program is for schools serving the highest concentration of students from low socio-economic status families. Participating schools are those that were identified through a voluntary survey of schools conducted in 2004. Additional funding, staffing and consultancy support are provided through PSP to Priority Schools.<sup>515</sup>

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<sup>513</sup> Submission 47, NSW AECG, p 5

<sup>514</sup> Submission 47, p 5

<sup>515</sup> NSW DET, Priority Schools Programs and Equity Coordination Unit, Priority Action Schools Program Support Document 2007-2008 <[www.psp.nsw.edu.au](http://www.psp.nsw.edu.au)> (accessed 28 May 2008)

- 6.45** Twenty one million dollars has been allocated to a total of 574 schools; over 11 per cent of the students attending these schools are Aboriginal. Program funds are targeted ‘to support schools to develop programs that improve literacy, numeracy and participation outcomes of students’.<sup>516</sup>
- 6.46** According to the Director General of NSW DET, Mr Michael Coutts-Trotter, about 45 per cent of Aboriginal children are in the Priority Schools Funding Program (PSFP). This program provides the base level of funding to disadvantaged schools and some schools are in receipt of additional funding for example, either Priority Action School (PAS) funding or Schools in Partnership (SiP) Program funding.<sup>517</sup>

***Priority Action Schools Program***

- 6.47** In addition to receiving resources within the PSFP, a small number of priority schools receive Priority Action School (PAS) program resources in recognition of their greater needs.<sup>518</sup> These are schools classified as ‘serving communities of highest need’<sup>519</sup> and receive between \$100,000 and \$400,000 a year additional funding.<sup>520</sup>
- 6.48** The 80 schools currently in this program have been allocated \$16 million to ‘undertake a range of innovative approaches in relation to building communities and leading the learning through ongoing school improvement’.<sup>521</sup> Thirteen per cent of the population of these 80 schools is Aboriginal,<sup>522</sup> though this is not Indigenous-specific funding.

***Schools in Partnership Initiative (SiP)***

- 6.49** The aim of the Schools in Partnership (SiP) initiative is to support schools to build capacity and strengthen partnerships with Aboriginal community members and other agencies. The partnership aims to assist schools to improve the literacy, numeracy and participation outcomes of all students.<sup>523</sup> The Committee heard from the Director General of the DET that ‘about 1 in 10 Aboriginal children [are] in schools that are touched by those programs.’<sup>524</sup>
- 6.50** According to the NSW DET, in 2006, \$65 million over 4 years was provided in additional funding support for targeted Aboriginal education programs. The SiP initiative is one of these programs, involving approximately 30 schools.<sup>525</sup>

<sup>516</sup> Submission 13, p 3

<sup>517</sup> Mr Michael Coutts-Trotter, Director General, NSW DET, Evidence, 12 February 2008, pp 85-86

<sup>518</sup> NSW DET, Priority Schools Programs and Equity Coordination Unit, Priority Action Schools Program Support Document 2007-2008

<sup>519</sup> Submission 13, p 3

<sup>520</sup> Ms Robyn McKerihan, General Manager, Access and Equity, NSW DET, Evidence, 12 February 2008, p 86

<sup>521</sup> Submission 13, p 3

<sup>522</sup> Submission 13, p 3

<sup>523</sup> Submission 13, p 1

<sup>524</sup> Mr Coutts-Trotter, Evidence, 12 February 2008, p 85-86

<sup>525</sup> Submission 13, p 1

- 6.51** If a school is classified as a Priority Funding Program school this program provides the base level equity funding. Ms McKerihan, General Manager, Access and Equity for DET, told the Committee that on top of this schools can be classified as either a SiP school or a Priority Action School (but not both as each category comes with a similar level of funding, between \$100,000 and \$400,000).<sup>526</sup>
- 6.52** The New South Wales Government's most recent evaluation of the SiP program concluded 'that the gap between Aboriginal and non-Aboriginal students would be overcome within a decade',<sup>527</sup> suggesting this initiative, and the funds it attracts, is making a substantial difference to the educational outcomes of Indigenous students.
- 6.53** Ms Kruk agreed that the success of this program was beginning to show, particularly in the area of literacy.<sup>528</sup>
- 6.54** Ms Vine, Principal of Alexandria Park Community School saw recipients of such funding as both lucky and unlucky; lucky to have the additional funding to provide additional educational programs and unlucky that it is needed because their students are not reaching national benchmarks.<sup>529</sup> Ms Vine told the Committee that Alexandria Park Community School employed two community liaison officers, created a community newsletter to inform the community of what is going on in the school and formed links with Koori radio as a direct result of its additional funding:
- [These initiatives] would not have been possible without the additional funding ... It is just that we have been given that little extra to help support some of the many extra programs.<sup>530</sup>
- 6.55** Nevertheless, the Council of Social Services of New South Wales (NCOSS) voiced its concern that while the SiP initiative may be successful in schools where it is available, it doesn't reach enough students to bridge the educational gap across the Indigenous student population:
- Schools in Partnership model has proved to be successful where it is operating. However, there are still gaps for Aboriginal children attending non-partnership schools; early childhood education; and in TAFE.<sup>531</sup>
- 6.56** Representatives of the NSW AECG had similar concerns and pointed out that aside from the success or otherwise of the SiP initiative, there are only a small number of schools involved and there are none located in some of the areas of greatest Aboriginal need:

It does affect a small number of kids, a very small number of kids. South-western Sydney has got 20 per cent of the government enrolments. Campbelltown has the second highest Aboriginal population in Australia where 14,500 Aboriginal people live. There is not one school under the Schools in Partnership program. Mind you,

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<sup>526</sup> Ms Robyn McKerihan, Evidence, 12 February 2008, p86

<sup>527</sup> Submission 40, p 38

<sup>528</sup> Ms Kruk, Evidence, 29 April 2008, p 13

<sup>529</sup> Ms Anne-Marie Vine, Principal, Alexandria Park Community School, Evidence, 29 April 2008, p 49

<sup>530</sup> Ms Vine, Alexandria Park Community School, Evidence, 29 April 2008, p 49

<sup>531</sup> Submission 27, Council of Social Services of New South Wales, p 14

they would say that there are other equity programs because there are a lot of PAS [priority action school] schools out there because of the level of poverty that exists. There are still a lot of Aboriginal people there. They would say that other equity programs attract that level of funding and they are catered for. Except you would have to argue about the level of funding that it attracts. It attracts funding for not only Aboriginal kids but for the highest number of refugees, the highest NESB [non-English speaking background] students. To try and do the whole lot in terms of equity programs, I am not sure of the results.<sup>532</sup>

- 6.57** As noted above, equity programs like Priority Action Schools are available to all disadvantaged schools. However, Sister Jan Barnett of the Sisters of St Joseph indicated concern regarding any government policy aimed at mainstreaming services at the expense of Aboriginal specific programs such as the SiP program:

Policies aimed at reducing or eliminating targeted educational support programs for Indigenous people in favour of mainstream programs risk undermining past gains in educational participation, and ultimately in employment.<sup>533</sup>

- 6.58** In answer to concerns that funding schools through the Priority Schools Programs may deny Aboriginal students in predominantly non-Indigenous schools access to funding that is specifically for Aboriginal programs, NSW DET stated that:

Priority schools can participate in the Schools in Partnership initiative, Targeted Aboriginal Student Strategy, Targeted School Initiative, Kids Excel and Youth Excel ... as well as other programs targeting literacy and numeracy for Aboriginal students.<sup>534</sup>

- 6.59** At this stage, it is unclear how many schools in receipt of Priority School Program funding also receive funding for specific Aboriginal program initiatives.

- 6.60** The Committee also heard evidence regarding a large number of different sources of funding, with some principals such as Ms Vine spending up to 50 percent of their time looking after funding programs and writing submissions for innovative sources of money for their programs.<sup>535</sup>

### *Committee comment*

- 6.61** To close the gap between Indigenous and non-Indigenous education levels, the Committee believes that an increase in the level of specifically targeted funding may be required to effectively build Indigenous capacity. The Committee understands that current funding is often short-term or provided through a 'pilot project', limiting the ongoing or long term measures of success. The Committee is interested to see how the New South Wales Government will achieve its claim in the recent evaluation of the SiP program that 'the gap between Aboriginal and non Aboriginal students would be overcome within a decade.'

<sup>532</sup> Ms Berwick, Evidence, 13 February 2008, p 36

<sup>533</sup> Submission 16, Sister Jan Barnett RSJ, p 9

<sup>534</sup> Answers to questions taken on notice during evidence, NSW DET, 12 February 2008, Question 4, p 2

<sup>535</sup> Ms Vine, Evidence, 29 April 2008, p 56

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## Issue for consideration 22 – Education: long term services

The need to provide and fund long-term services with Indigenous specific focus and the necessary funding will be considered.

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### Effective service provision

**6.62** The most effective means of delivering services to Aboriginal people is discussed throughout this Interim Report, and is equally relevant to the delivery of education services. This section looks at service delivery in a number of areas: early school engagement, retention and attainment, completion of Year 12 or recognised vocational training.

**6.63** The importance and appropriate delivery of education services to Aboriginal students was highlighted in the *Report of the Review of Aboriginal Education* in 2004:

One of the most evaluated, reviewed and inquired about areas of education in Australia is Aboriginal education. Yet education systems around the nation have been unable to deliver the same levels of success for Aboriginal students as they do for other students. The gap persists despite the efforts of educators in schools and on TAFE campuses. There is reason to believe that what we are currently doing is not working. Put it simply, it is time for a new approach.<sup>536</sup>

**6.64** Many Inquiry participants raised the importance of effective service provision. There was a general concern expressed among participants regarding the need to examine effective service provision. In these discussions, Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College, cited Booroongen Djugun College and the Aboriginal Medical Service at Redfern as benchmarking organisations that demonstrate the principles good governance and effective management.<sup>537</sup>

**6.65** Booroongen-Djugun College is an independent community controlled provider of adult education working in partnership with the Department of Aboriginal Affairs, the Aboriginal Housing Office, area health services and the National Parks and Wildlife Service, the Yarrahappini Wetlands Trust and other conservation groups. This college targets Aboriginal students.<sup>538</sup>

**6.66** Mr Lindon Coombes, Chief Executive Officer, Tranby Aboriginal College, spoke of the need to give things a go, to look at services that work and support them in order to make a difference to the level of disadvantage:

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<sup>536</sup> NSW DET and NSW AECG, *The Report of the Review of Aboriginal Education 2004 Yanigurra Muya: Gannurrinyrna Yaari Guurulaw Yirringin.gurray Freeing the Spirit: Dreaming an Equal Future*, August 2004, p 12

<sup>537</sup> Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College, Evidence, 13 February 2008, p 33

<sup>538</sup> Mr Gary Morris, Chairman, Booroongen-Djugun Aboriginal Corporation, Evidence, 11 March 2008, pp 31-32

Across Aboriginal Affairs we often talk about doing business differently so that we accommodate Aboriginal people. Often that is rhetoric and it is not coming through. Doing business differently is looking at those things. "Where is this stuff working? Okay, what can we do to keep supporting that?" Even though it is outside our funding cycle and our funding guidelines, let us have a shot and support that.<sup>539</sup>

**6.67** Mr Coombes also told the Committee that governments should 'back the winners' so they can keep doing the things that are working.<sup>540</sup> He was of the view that the 'consistent principles that come through the success stories' that can be adapted and applied successfully to other organisations.<sup>541</sup>

**6.68** However, several Inquiry participants expressed concerns regarding the many attempts to replicate successful programs. Ms Berwick raised the following points:

In terms of replicating things, I would say different communities have different needs. I am not sure that you can actually transport something because different communities have different issues. I am not sure that you can transport one size fits all. A classic example of that would be Aboriginal kids in the city have huge issues with their identity. That is not so in western New South Wales because they are smaller communities and they know where they come from. The issue is different community needs. It is really hard to replicate something that might work for one and not the other, especially in the school system in different communities.

I would say, respectfully, some of the unwillingness to replicate is run by more of a political agenda.<sup>542</sup>

**6.69** The President of the NSW AECG, Mr Carlo Svagelli, also commented that to be successful, a good plan is required and time to develop it, success is not achievable overnight.

Like any good thing, you need a good plan. There was this expectation that you will have this money for a year and the results, the outcomes will just jump tenfold. You need time to sit and develop. You need to develop the plan and work through it and take those small steps. There is the expectation that you have to take this huge leap.<sup>543</sup>

**6.70** Mr Coombes raised the importance of leadership in the success and efficacy of programs:

In a previous life I was involved in 2004-05 in some of the consultations relating to the Aboriginal education review. ... whenever something good was happening there was a great principal, a really driven individual. Within governments there is such an emphasis on the evidence base and, as you said, we are not looking outside that square. One of the things I would really like to see is a more organic process where

<sup>539</sup> Mr Lindon Coombes, Chief Executive Officer, Tranby Aboriginal College, Evidence, 13 February 2008, p 31

<sup>540</sup> Mr Coombes, Evidence, 13 February 2008, p 30

<sup>541</sup> Mr Coombes, Evidence, 13 February 2008, p 33

<sup>542</sup> Ms Berwick, Evidence, 13 February 2008, p 28

<sup>543</sup> Mr Carlo Svagelli, President, Aboriginal Education Consultative Group, Evidence, 13 February 2008, p 36

you have a look at what is working. Those stories pop up. Back the winners and support those people who keep doing those things.<sup>544</sup>

### Early school engagement

**6.71** The report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007* Overview states that ‘good educational outcomes in these years have far reaching consequences for young Indigenous people and their opportunities as adults.’<sup>545</sup>

**6.72** To fulfil New South Wales State Plan objectives, one of the targets is to ‘increas[e] the readiness to learn of Aboriginal children prior to school entry’.<sup>546</sup> This view is widely supported by participants in the Inquiry. For example, Mr Chenery highlighted the need to engage Indigenous students at a young age:

In my mind, [it] is difficult to engage and complete with anyone perhaps over the age of nine or 10 years old. I think you are losing that above that age. There needs to be some acceptance that there is an end point, that we must say we need to concentrate on early intervention. Over a generation you will have kids saying, "I am confident to stick my hand up, and I want to be assertive but not have that taken as being aggressive." That is the two-way dilemma you have.<sup>547</sup>

**6.73** During the public forum held at Bidwill, the Committee received anecdotal evidence from the Indigenous community in support of early intervention. Mr Brett Manton, a former Aboriginal school administrator and Bidwill forum participant, told the Committee:

If you do not turn Aboriginal kids on to education in the preschool and early years, you have Buckley’s chance of turning them around.<sup>548</sup>

**6.74** The *Report of the Review of Aboriginal Education* identified a number of barriers face by Aboriginal children in accessing preschool and early childhood services, including:

- lack of availability of preschool services in smaller, remote and isolated communities, and waiting lists in other areas
- lack of transport options to access preschool sites
- affordability issues
- aboriginal families are less comfortable using services that are not culturally appropriate.<sup>549</sup>

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<sup>544</sup> Mr Coombes, Evidence, 13 February 2008, p 30

<sup>545</sup> Productivity Commission, Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators 2007*, Overview, p 32

<sup>546</sup> Submission 40, p 5

<sup>547</sup> Mr Terry Chenery, Evidence, 13 February 2008, p 13

<sup>548</sup> Mr Brett Manton, Public Forum, 14 February 2008, pp 54-55



- 6.75** In its submission the New South Wales Government acknowledged this problem and outlines its aim of having more children attending early childhood centres by ‘focusing on improving transport options in Aboriginal communities to facilitate attendance of children at pre-school’.<sup>550</sup>
- 6.76** A positive example of increasing transport options has occurred at Alexandria Park Community School. By negotiating with the Ministry of Transport, this school has had the bus rerouted to be more convenient for its students.<sup>551</sup> This school also runs a small community bus, with an Indigenous driver, to collect children from parts of Redfern where access is a problem.<sup>552</sup>
- 6.77** UnitingCare Children, Young People and Family Services praised programs like ‘Brighter Futures for Communities for Children’ as having successfully increased the engagement of Aboriginal families in early childhood activities:
- New South Wales government programs such as Brighter Futures and Communities for Children – and activities such as supported playgroups – have been important in increasing the number of ATSI children who participate in early childhood activities designed to support their growth and development and to foster resilience. Brighter Futures has proved to be very successful in engaging families and community members as demonstrated by the very high acceptance rate of referrals.<sup>553</sup>
- 6.78** Chairperson of the Dunghutti Elders Council in Kempsey, Ms Ruth Maruca also raised a number of issues in relation to Aboriginal preschools. Her first concern also related to the closure of childcare centres and the resultant consequences:

I ran a childcare centre in Kempsey, which went for 20 years. Then all of a sudden, about four years ago, funding from both the State and Federal governments was pulled out from under our feet. I know that there were accreditations that the committee had to live up to, but by pulling the mat out from under the childcare centre a lot of our little children have missed out on early education.

We have an Aboriginal preschool here but it is too small. There is not enough room, or not enough spaces. We should have kept the other one but the funding was pulled out from under us. The other thing I want to focus on with childcare is the nought to five-year-old age group. You start at that age and you then build up. If you pull a branch off a tree it will grow crooked. I believe that this is part of that process.<sup>554</sup>

<sup>549</sup> NSW DET and NSW AECG, *The Report of the Review of Aboriginal Education 2004 Yanigurra Muya: Gannurrinyama Yaari Guurulaw Yirringin.gurray Freeing the Spirit: Dreaming an Equal Future*, August 2004, cited in *Two Ways Together Report on Indicators 2007*, p 38

<sup>550</sup> Submission 40, p 33

<sup>551</sup> Mr Paul Parks, School Education Director, Sydney Region, NSW DET, Evidence, 29 April 2008, pp 46-7

<sup>552</sup> Mr Parks, Evidence, 29 April 2008, p 53

<sup>553</sup> Submission 33, UnitingCare Burnside, p 3

<sup>554</sup> Ms Margaret Campbell Maruca, Chairperson of the Dunghutti Elders Council, Evidence, 11 March 2008, p 23

***Committee comment***

- 6.79** The Committee is aware of the importance of early school engagement for all children and in particular Aboriginal children. Lack of transport has been a recurrent theme throughout the inquiry process, with Aboriginal people unable to access services, including preschools. The availability and accessibility of preschool places for Aboriginal children will be considered in the Final Report.

**Attainment and retention**

- 6.80** Statistics show that show that gaps in attainment levels often become apparent at an early age and tend to grow exponentially with age until the majority of Indigenous students opt out of formal education. Detailed statistics on the attainment of educational benchmarks by Indigenous students as compared to their non-Indigenous cohort are contained in chapter 2.
- 6.81** Mr Michael Coutts-Trotter summarised the New South Wales Government position for the Committee:

In New South Wales schools, on average – and I stress that it is an average – at year 3 Aboriginal children are 15 months behind all children in their learning, they are 16 months behind year 5, and on average they are nearly three years behind year 7. Unsurprisingly, Aboriginal retention to year 12 is less than half the State average, at 32 per cent.<sup>555</sup>

- 6.82** Sister Jan Barnett of the Conference of Leaders of Religious Institutes in New South Wales, stressed that Indigenous students suffered from a range of disadvantages which were affecting their ability to achieve significant educational success:

Inadequate and overcrowded housing also impacts on access to educational opportunities. Students without space, books, equipment, lighting, and other requirements suffer severe disadvantage in education.<sup>556</sup>

- 6.83** The Committee was assured by the Director General of NSW DET that there are strong evaluation procedures in place, with all aspects of Aboriginal education strategy subject to annual review. National benchmarking tests, the basic skills test results, for example, are viewed as a measure of attainment for all students, including Aboriginal and Torres Strait Islander students. Attendance, and suspension rates are also examined as possible inhibitors of success in education.<sup>557</sup>
- 6.84** The following section looks at some of the main causes of low attainment and retention rates among Aboriginal students and what may improve the efficacy of educational service provision.

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<sup>555</sup> NSW DET and NSW AECG, *The Report of the Review of Aboriginal Education 2004 Yanigurra Muya: Gannurrinyama Yaari Guurulaw Yirringin.gurray Freeing the Spirit: Dreaming an Equal Future*, August 2004, p 13 cited in Submission 13, p 5

<sup>556</sup> Submission 14, Conference of Leaders of Religious Institutes in New South Wales, p 5

<sup>557</sup> Mr Coutts-Trotter, Evidence, 12 February 2008, p 81

### *Attendance levels and support for Indigenous communities*

- 6.85** The retention rate of Aboriginal students is much lower than non-Aboriginal students. Evidence indicates that the most dramatic drop in attendance occurs from the age of 15, when schooling is no longer compulsory.<sup>558</sup> The Review of Aboriginal Education partially attributes the high dropout rate to the need for regular attendance:

As the senior years of school are tightly packed with respect to curriculum and ongoing assessment, any absences can have a serious impact on students' learning outcomes.<sup>559</sup>

- 6.86** An example of the pattern of Indigenous student attendance from kindergarten to Year 12 at Alexandria Park Community School was given to the Committee by Ms Vine:

Our attendance rate is much worse than other schools. It is worst in kindergarten. It peaks in lower primary and then it starts to taper off again as the students head towards year 12.

- 6.87** The report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage Key Indicators 2007*, refers to the need to support families rather than just the individual students if educational initiatives are to be successful:

Support for Indigenous parents, who may themselves have limited education, is a key factor in ensuring that their children are encouraged to do well at school.<sup>560</sup>

- 6.88** In recognition of the need to support the attendance of Aboriginal students at school the NSW DET has employed Aboriginal School Liaison Officers (ASLO). These Officers work with individual Aboriginal students who have a history of truancy and other chronic non-attendance issues. They provide support to the families of these students; liaise with police Local Area Commands to support Joint Anti-Truancy initiatives and assist schools to develop programs that encourage regular attendance of Aboriginal students.<sup>561</sup>

### *Expectations*

- 6.89** The importance of maintaining high expectation levels for all students, including Indigenous students, was raised by a number of inquiry participants. Mr Coutts Trotter stated:

There are all sorts of factors that can limit someone's pathways in life, and the attitudes of teachers, family or the community as well as their own attitudes are very potent.<sup>562</sup>

<sup>558</sup> *Two Ways Together Report on Indicators 2007*, p 38

<sup>559</sup> NSW DET and NSW AECG, *The Report of the Review of Aboriginal Education 2004 Yanigurra Muya: Gannurrinyama Yaari Guurulaw Yirringin.gurray Freeing the Spirit: :Dreaming an Equal Future* August 2004, p 140

<sup>560</sup> Report of the Steering Committee for the Review of Government Service Provisions, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 31

<sup>561</sup> Submission 13, p 4

<sup>562</sup> Mr Coutts-Trotter, Evidence, 12 February 2008, pp 89-90

**6.90** Mr Brett Manton was firmly of the view that lowering the bar for Indigenous students creates an expectation of failure and doesn't prepare students for later life.<sup>563</sup>

**6.91** Mr Terry Chenery agreed, telling the Committee that 'we do not identify early in the piece what children want to do'. He stated that the expectation levels are generally low and that makes it difficult to maintain the child in the education system. He sees value in empowering Aboriginal children by having them grow up with expectations of a career:

The moment you have kids coming through school and sticking up their hands and saying "I want to be a physiotherapist, I want to be a doctor, I want to be a wards staff", or whatever, particularly in country areas, you will maintain the link with your traditional country because there would be the prospect of a job for you.<sup>564</sup>

**6.92** The need to raise expectation levels of young Indigenous people youth is also critical to what students expect to do with their education in the long-term.

***Relevance of learning***

**6.93** Also affecting attitudes to learning and attainment levels is the perception of the relevance of education. Councillor Bev Manton, Chairperson of the NSW Aboriginal Land Council, expressed her concern that education will only be valued in the community if there is employment on completion of study:

The bottom line is that our kids are not going to see the value of education ... They have seen their older siblings or relatives go through to the Higher School Certificate (HSC), go on to university, but still remain unemployed.<sup>565</sup>

**6.94** Ms Vine credits the increase in relevance of learning through pre-apprenticeship schemes, traineeships and school-based traineeships with having a positive impact on keeping students at school. She stated that this is 'because they are getting a chance to go about their education in a different way but they are also starting to see where this can lead.'<sup>566</sup> This level of schooling is attainment may be unprecedented within the family:

**6.95** Mr Morris emphasised the importance of culturally appropriate methodologies to ensure relevance and success:

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

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<sup>563</sup> School enrolment data is used to calculate apparent retention rates.<sup>563</sup> Mr Brett Manton, Public Forum, 14 February 2008, p 54

<sup>564</sup> Mr Chenery, Evidence 13 February 2008, p 14

<sup>565</sup> Ms Bev Manton, Briefing at Parliament House, 3 December 2007, published by resolution of the Committee 26 June 2008

<sup>566</sup> Ms Vine, Evidence, 29 April 2008, p51

We provide a safe, secure, non-racist and valued learning space. We have open communication with our students. We also have comprehensive student support services, which include transport and child care. If a family or student needs something, we will bend over backwards for them. The college employs mainstream, best-practice models with flexible delivery. There is self-paced instruction and outreach support for distance education and onsite workplace learning.<sup>567</sup>

- 6.96** The inclusion of Aboriginal language programs could also enhance learning, according to Ms Hall, the Acting Director, Aboriginal Education and Training, NSW DET:

By introducing languages programs across the State, that gives the premise for our students' identity; it gives them a sense of place and a sense of engagement, which includes their family and their kin.<sup>568</sup>

- 6.97** Ms Lyn Bevington of Blue Mountains People for Reconciliation agreed with this view and told the Committee of the success of both language and transition to school programs in the local area:

Transition to school and transition to high school projects have had significant success in our local area. Koori clubs in school also. ... Support for the revival of local Aboriginal languages and then the teaching of these languages in schools and preschools is an important part of cultural identity and pride for Aboriginal children. It also demonstrates a valuing of Aboriginal culture by the whole community when culture and language are part of the school curriculum.<sup>569</sup>

- 6.98** The relationship between relevant education and employment outcomes is discussed further in Chapter 7 – Employment.

### **Mentoring**

- 6.99** Many Inquiry participants viewed mentoring as an essential element of effective service delivery when dealing with Indigenous Australians. This was apparent not only at the school level, but also during the later transition to work following school completion.
- 6.100** Mr Shipp told the Committee that the transition from secondary to tertiary study is of vital importance. He informed the Committee of the Australian Indigenous Mentoring Experience, a mentoring program that is working well at Tranby College and is so instrumental in addressing retention rates that it is being disseminated to Wollongong.<sup>570</sup> This program will be discussed in more detail in the Final Report.
- 6.101** The importance of mentoring programs for Indigenous people was also a key component of successful Indigenous employment strategies outlined by Country Energy, ANZ Bank and the

<sup>567</sup> Mr Morris, Evidence, 11 March 2008, p 32

<sup>568</sup> Ms Michele Hall, Acting Director, Aboriginal Education and Training, NSW DET, Evidence 12 February, pp 89-90

<sup>569</sup> Ms Lyn Bevington, Submission 24, Blue Mountains People for Reconciliation, p 1

<sup>570</sup> Mr Shipp, Evidence, 13 February 2008, p 34

Aboriginal Employment Strategy. These are examined in more detail in Chapter 7 – Employment and will be considered further in the Final Report.

*Committee comment*

- 6.102** The Evidence shows that effective engagement with both the family and community to ensure that students are supported in their endeavours will improve levels of attainment and retention. The impact of students staying at school and increasing their attainment levels holds a key to the future for Aboriginal people and overcoming the current unacceptable level of disadvantage.
- 6.103** The Committee heard evidence from a variety of witnesses on culturally appropriate ways to effectively engage with the Indigenous community. These will be discussed in the Final Report.
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**Issue for consideration 23 – Education: mentoring**

Establishing links with family and community and culturally appropriate mentoring programs in order to encourage students in their education and support students in their endeavours at all levels of attainment will be investigated further.

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**Completion of Year 12 or recognised vocational training**

- 6.104** During the Inquiry a number of Aboriginal elders emphasised the importance that they attach to education and the power of providing a role model to younger members of the community. Chairperson of the Dunghutti Elders Council, Ms Margaret Campbell Maruca told the Committee how she led by example:

Education for me is very important. I actually went back to uni in Wollongong when I was 59. That was just to encourage the younger people to go to school and become something. I studied Indigenous health. So, I got a three-year degree on Indigenous health. I felt that getting that little bit of education was important for me as well. As I said earlier, I would like to see from you guys an all Aboriginal school built here in Kempsey, not only for Aboriginal people—non-Aboriginal people can come to this school as well.<sup>571</sup>

- 6.105** Looking at educational success in terms of employment, the Chief Executive Officer of the Aboriginal Employment Service, Mr Danny Lester, emphasised the relevance of school based training programs in increasing the retention rate of students and improving the transition from school to work:

The critical success around the school-based traineeship program relates to the compulsory education system. It reverts back to providing a better opportunity in preparation for an individual's life when they leave school. ... If you can improve the level of transition from education to employment, the chances of retention will be somewhat higher. What we have been finding is that our level of retention in the school-based traineeship program over the two years is one that we are extremely

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<sup>571</sup> Ms Maruca, Evidence, 11 March 2008, p 27

proud of. Typically, nationwide the retention rate of school-based trainees is in the mid to high 30 per cent over two years. We are in the 60 to 70 per cent mark, and that is for specific Aboriginal school-based trainees.<sup>572</sup>

- 6.106** There is evidence that there has been some shift in the number of Indigenous students attending TAFE and the number of these students accessing higher-level courses. Ms White, the manager of the Aboriginal Education and Training Unit based at Nowra TAFE, explained to the Committee that she works with the community to identify the training and vocational needs of Aboriginal communities. Her unit provides support to individual Aboriginal students accessing mainstream programs and also liaises with industry to identify vocational programs ‘so that we are training people to respond to those market needs.’<sup>573</sup> Ms White presented a positive view of the current situation in Nowra and the improvements that have happened over the past seven years:

I have worked in the organisation for quite a long time. When I first started, for many of the earlier years of my involvement in TAFE, Aboriginal people were still accessing the lower levels of programs—certificate I, certificate II and statements of attainment. We now have a good distribution of Aboriginal students accessing programs at all levels, including up to certificate III, certificate IV and diploma level courses. As I said, our enrolment has increased over the past seven years.<sup>574</sup>

- 6.107** Ms White described to the Committee that Nowra TAFE works closely with students to help determine what they wanted to do and to develop an educational plan to achieve their aim:

Aboriginal and student support officers provide individual support to students, including developing individual education plans. We work with students to determine what they want to do long term, and then we map out a process for what they need to do to get there. We try to link with industry or job network providers on an individual basis to help people pursue their interest. ... We get people thinking about what they want to do in the long term and what things they need to do and what we can do to help them get there. There is one-on-one counselling and we facilitate that process for them. We then steer them into the most appropriate course of study to help them to achieve their individual goals.<sup>575</sup>

- 6.108** Mr Lester told the Committee that there are Aboriginal people who have a lot of TAFE certificates but are still unemployed so ‘something is not matching up’. To overcome this Mr Lester believes that there is the need for students to see a viable career path, to increase retention rates via vocational training linked to the working world. Mr Lester stated:

I firmly believe that the education system needs to match the need for continuum when an individual leaves the education system and enters into the world of work. I think the whole vocational training system needs to match the imperative nature of what it was established for, that is, to upskill people to be more competitive and more efficient in the world of work. Vocational training needs to be attached to employment outcomes and it needs to be attached to the reality of what business want

<sup>572</sup> Mr Lester, Chief Executive Officer, Aboriginal Employment Service, Evidence, 13 February 2008, p 52

<sup>573</sup> Ms Iris White, Aboriginal Development Manager, Nowra TAFE, Evidence, 13 March 2008, p 43

<sup>574</sup> Ms White, Evidence, 13 March 2008, p 43

<sup>575</sup> Ms White, Evidence 13 March, p 41

rather than what the training system is required to do. ... vocational training must be championed by an industry or a body that is going to enable employment outcomes to be achieved after the training has been completed.<sup>576</sup>

- 6.109** Ms Kristie Brown of the Council of Social Services of New South Wales (NCOSS) told the Committee that VET courses need to start earlier in Indigenous students' educational experience:

Most VET courses in schools start in year 11. Given the high interest of Aboriginal students in such courses, and the high risk of students dropping out before they experience VET, there is clearly a need to look at ways in which Aboriginal students can access VET courses earlier in their school lives – preferably from year 9.<sup>577</sup>

- 6.110** Despite the increase in students attending and graduating from TAFE courses, the number of Indigenous students attending university remains low. Associate Professor Canalese of the University of Sydney told the Committee that Sydney University Medical Program had scholarships and other support mechanisms available for Indigenous students who want to do medicine. However, there is a lack of students to take up these scholarships and the places remain vacant.<sup>578</sup>

- 6.111** Statistics from the Department of Corrective Services illustrate the high correlation between low education levels and incarceration rates and reinforce the need to retain Indigenous students within the education system and increase their attainment levels. According to Assistant Commissioner Offender Services and Programs, Mr Luke Grant:

... the highest education level attained by prisoners in New South Wales correctional centres who were Aboriginal was 66 per cent of the people had a primary school or no education as the highest level they had attained compared to non-Aboriginal men, for which it was 44 per cent. For Aboriginal women it was 52 per cent and for non-Aboriginal women it was 40 per cent. So from an educational perspective Aboriginal people have not had good educational experiences. One of the possible reasons for that is the high rate of expulsion of Aboriginal people from school, with 49 per cent of offenders in custody who are Aboriginal men having been expelled from school. Some 34 per cent of non-Aboriginal men had been expelled. Some 42 per cent of Aboriginal women had been expelled from school and 27 per cent of non-Aboriginal women in custody had been expelled from school.<sup>579</sup>

- 6.112** Mr Grant's evidence also highlighted the lack of educational opportunities for many Indigenous inmates. These opportunities are unavailable for a variety of reasons, including lack of eligibility while on remand and the short-term nature of many sentences which does

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<sup>576</sup> Mr Danny Lester, Evidence, 13 February, p 53

<sup>577</sup> Submission 27, p 19

<sup>578</sup> Associate Professor Joseph Canalese, School of Rural Health, University of Sydney, Evidence, 30 April 2008, p 28

<sup>579</sup> Kariminia *et al*, *Aboriginal and Non-Aboriginal Health Differentials in Australian Prisoners* cited by Mr Luke Grant, Assistant Commissioner Offender Services and Programs, Department of Corrective Services, Evidence, 12 February 2008, p 56



not allow the completion of study programs.<sup>580</sup> These issues are discussed more fully in Chapter 9 - Justice.

### **Links with business**

- 6.113** Educational and employment initiatives for Aboriginal students have been provided by some corporate entities. As examples of what is possible when business becomes involved in Indigenous education, the Committee received valuable information from the ANZ Bank and Country Energy.
- 6.114** Both the ANZ and Country Energy told the Committee that it ‘makes good business sense’ to employ Indigenous people to work in their local communities.<sup>581</sup><sup>582</sup> These organisations have specific Indigenous training and employment programs that offer opportunities to Indigenous people, mainly youth, and at the same time address the skills shortage in New South Wales. The program co-ordinators work with Indigenous communities and offer strong support programs to assist students to both stay at school and attain meaningful long-term employment.
- 6.115** Alexandria Park Community School has also developed corporate links. The Committee was told that Indigenous people are often reluctant to move into an unknown environment. To help overcome this the school is forging links with DP World, a port company in Botany. This company is becoming an integral part of the APCS students’ vocational training.<sup>583</sup>
- 6.116** Representatives of the school have learnt from experience that it is extremely important for these links to be developed over time and nurtured for long-term benefit. The Committee was told that Aboriginal students and their families need to develop a relationship of trust with corporate entities if the programs are to be successful.<sup>584</sup>
- 6.117** The effectiveness of developing relationships with the business sector will also be discussed in Chapter 7 – Employment.

### ***Committee comment***

- 6.118** Increasing the number of Indigenous students who complete year 12 and engage in either vocational or tertiary education will have a significant impact on Indigenous disadvantage. The Committee will examine the various programs aimed at encouraging Indigenous students to stay on to year 12 and enrol in further education courses in the Final Report. The Committee also intends to examine access to university courses for Indigenous students.
- 6.119** Links with business have proven to be successful in encouraging students to stay at school.

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<sup>580</sup> Mr Grant, Evidence, 12 February, p 64

<sup>581</sup> Mr Bruce McQualter, Head of Indigenous Employment and Training, ANZ, Evidence, 29 April 2008, p 66

<sup>582</sup> Mr Brian McLean, Group Manager, Meter Reading, Country Energy, Evidence, 29 April 2008, p 77

<sup>583</sup> Ms Vine, Evidence, 29 April 2008, pp 53-54

<sup>584</sup> Mr Park, Evidence, 29 April 2008, p 54

### **Developing a strong working relationships with community**

- 6.120** The Committee heard of many instances where individual programs had a high success rate. A common element within these programs was strong leadership and a close relationship between the service providers and the Aboriginal community they were serving.
- 6.121** Mr Coutts-Trotter stated that the success of initiatives is dependent on more than money and that developing a partnership with the Aboriginal community is critical to successful implementation of programs:

Success in Aboriginal education is not just a matter of money; it is how we do things, whether or not we take the time and expend the energy to create real partnerships with Aboriginal communities so that education and training is a shared venture and not something that is done to Aboriginal students. If the programs are well planned, and only if they are well planned, do they have the prospect of succeeding. That planning takes time and demands plenty of patience from everyone involved, including those who are observing the results. Good teaching is good teaching regardless of whether or not the student is Aboriginal. Great teachers concentrate on the individuals, on who they are, what they know and what they can do, and they build their teaching on that.<sup>585</sup>

- 6.122** Mr Gary Morris explained how Booroongen-Djugun Aboriginal Corporation successfully links their educational programs to the community and working environment:

We also practice circular learning. That cyclically links classroom-based theory learning with workplace and community practice and reflection. We go from the classroom to the work environment and they go around and around. They get the theory and experience at the same time. We found that to be unique in our organisation. We have a holistic approach to curriculum development and delivery. Our courses, particularly the curriculum, have been developed by ourselves specifically for Aboriginal people. It entails Aboriginal culture and language.<sup>586</sup>

- 6.123** The Committee heard a number of times that the success of programs is dependent on a number of factors, as well as funding. For example, Ms Berwick told the Committee that leadership, guidance and strategies that address community needs are also key factors in providing an effective program:

I would say you could give a school all the money in the world. Some of the schools have huge bank balances in some of these places but they do not know what to do with it. Unless you have effective leadership, guidance and strategies and you work with the community who can give you some ideas of what the community's needs are there is no point. The community needs books to read, for example, and you disband the library. There is often not a cognisance of what is happening in these places, and it comes down to leadership.<sup>587</sup>

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<sup>585</sup> Mr Coutts-Trotter, Evidence, 12 February 2008, p 81

<sup>586</sup> Mr Morris, Evidence, 11 March 2008, p 32

<sup>587</sup> Mr Svagelli, Evidence, 13 February 2008, p 36

- 6.124** The Director of Tranby Aboriginal College told the Committee that community engagement and consultation was essential to effectively expanding programs to different Aboriginal communities:

There are so many different factors that we have to understand. Each community is different. Each community has different leaders, as has been mentioned, and the expectations are different. What may work in Dubbo may not work well in Redfern. ... We have to understand that there are various differences between the communities. Replication does not always work and we are aware that there is failure attached to it.<sup>588</sup>

- 6.125** The success of local programs with strong leaders and the need for communities to look at what may work within their individual communities was described by Ms Berwick:

Often, when effective and strong leadership is in place, whether it be in schools or in communities, you will find that something happens. At the end of the day there is no necessary gathering of processes and strategies that these people have implemented to achieve a good outcome that is represented across the State. While I will not say that what works here is able to work there, there are possibly some strategies that people could take and say, "Well, all right, maybe I could give that a try. Maybe I can manipulate it to our community or to the needs of our community."<sup>589</sup>

- 6.126** Mr Svagelli reiterated the importance of individual leadership and its affect on the success of programs:

... it is that individual leadership. It is not systemic, developed leadership; it is relying on individuals in those schools and in those organisations. Something might take off and work really well for the time that that individual is there, but once he or she leaves and moves on, unless there has been a bit of succession planning and someone else in that community or school is willing to take it up, it is not sustainable. So it is hard.<sup>590</sup>

- 6.127** Learning Ground is an example of a local program in the Mount Druitt area that has a very strong relationship with the community. It is a program designed to build self-esteem, family and community strength by empowering students with the skills to manage academia and engage effectively with the education process.<sup>591</sup> Ms Winsome Matthews from the Learning Ground spoke with the Committee about the importance of having a relationship with the local community and the effect that this has had on program outcomes:

We have a local relationship. The word "relationship" is what I am talking about, not partnership, because we are an aid to their being successful in the outcomes that they are meant to get. We are the community support that schools are offered—the family and community support that schools have always wanted, that the government has always wanted—in dealing with social difficulties. That is what we are. We are that

<sup>588</sup> Mr Shipp, Evidence, 13 February 2008, p 29

<sup>589</sup> Ms Berwick, Evidence, 13 February 2008, p28

<sup>590</sup> Mr Svagelli. Evidence, 13 February 2008, p 29

<sup>591</sup> Ms Winsome Matthews, Project Manager, Mount Druitt Learning Ground, Evidence, 14 February 2008, p 13

family and community support that enables the system to do their business in the best way possible.<sup>592</sup>

- 6.128** Alexandria Park Community School is a unique school in many ways, including its emphasis on community input and the additional support it provides for Aboriginal students.<sup>593</sup> It is a participant in the SiP initiative and is also developing Aboriginal programs in conjunction with Sydney University and the University of Technology, Sydney.<sup>594</sup> These institutions have become an integral part of the community forums held by the school to find out what the community wants from the school and how it feels about the school. There are also close association with the Koori Centre and the Australian Indigenous Mentoring Experience mentors at Sydney university
- 6.129** Building effective community relationships is also a key part of police involvement with Indigenous young people. Ms Gina Woods, a Youth Liaison Officer in the Shoalhaven, informed the Committee of ‘Operation Stay at School’ which was developed to address problems of truancy in the area. The Youth Liaison Officer and the local Department of Education Home School Liaison Officer also work closely with schools in relation to suspended students. Ms Woods informed the Committee that the aim is to ‘get them back into school as quickly as possible’.<sup>595</sup>
- 6.130** The Committee was also made aware of a feeling within the Aboriginal community that while partnerships can be successful, there was a lack of true consultation by government. Ms Berwick told the Committee that she did not believe government departments valued the input of community members sufficiently. She noted that without a demonstrated commitment to working in partnership, government departments will not be able to develop effective programs:

There are successful places and successful programs. Where they have been successful is when it involves the principles of governance and effective leadership, and valuing what people bring to the table and having a say in the decision-making process. I think government departments—I will say the Education Department because that is the one I know—fall down on it all the time, because they just do things that they think they need to do.<sup>596</sup>

### *Committee comment*

- 6.131** The Committee understands there is no simple solution to improving educational outcomes for Indigenous Australians, nor is there a ‘one size fits all’ solution. However, the Committee has heard evidence of many successful initiatives that are working within individual communities. It is essential that, wherever possible, these successes are replicated, to increase the number of ‘success stories’ for Indigenous people. Input from local communities in any policy/program development and the tailoring of programs to suit each community after

<sup>592</sup> Ms Matthews, Evidence, 14 February 2008, p 19

<sup>593</sup> Mr Shipp, Evidence, 13 February 2008, p 35

<sup>594</sup> Ms Vine, Evidence, 29 April 2008, p 47

<sup>595</sup> Ms Gina Woods, Senior Constable of Police, Youth Liaison Officer - Shoalhaven, Evidence, 13 March 2008, p 16

<sup>596</sup> Ms Berwick, Evidence, 13 February 2008, p 33

initial consultation will make this possible. Initiatives that are apparently successful need to be further examined to see what it is that makes them work. It is necessary to identify successful elements of individual programs. In doing so, it may be that these key elements of success can be modified and applied successfully in other communities.

## Measuring efficacy

- 6.132** The effectiveness of educational programs can be seen in the long-term prospects for Indigenous people as a whole. The Committee heard from Ms Berwick that although there have been changes and some improvements in educational outcomes these have not been enough, nor have they happened at a fast enough rate, to bridge the gap between Indigenous and non-Indigenous populations:

I would say that in the last 30 years since I have been at school—not that I went to school, although I did go for a short time—there have been improvements in education. Twenty or 30 years ago there were no Aboriginal people who could be teachers. More Aboriginal kids are finishing school. The trouble is that it is not happening at a high enough rate over the period in which it happened. While I would say that there have been successes—it has not all been all doom and gloom—there just have not been the significant successes that we need.<sup>597</sup>

- 6.133** Ms McKerihan, General Manager, Access and Equity DET, further explained that there are also individual targets set for each school, some of which are being met and others that are not:

There are elements that we are progressing with quite well and there are other targets where progress is a little slower because of the requirement to attract kids and engage them in education. That is something that is not done in isolation from the local community. We have a couple of things: every school in our State has individual targets. There is an expectation that every school has a specific focus on improving the outcomes for Aboriginal students. ... School education directors are working with school principals to monitor their progress. One of the results of that is the increase in the percentage of children who are performing at the proficiency level because it is about expectation and it is about engagement.<sup>598</sup>

- 6.134** Several Inquiry participants highlighted the importance of remembering that there are different ways of measuring success. For example, Mr Shipp told the Committee that:

If somebody turns up for class each morning that is a success. It is really quite difficult to get them to come in. Our teachers work very hard to keep them motivated and to keep them there throughout the day. As I said to the Chair, providing lunch is a really good mechanism to keep them there for the afternoon. It is about thinking outside the box and coming up with an innovative understanding of how to make learning easy for people.<sup>599</sup>

<sup>597</sup> Ms Berwick, Evidence, 13 February 2008, p 30

<sup>598</sup> Ms McKerihan, Evidence, 12 February 2008, p81

<sup>599</sup> Mr Shipp, Evidence, 13 February 2008, p 30

- 6.135** At a more specific level, there was some debate over the effectiveness of the Schools in Partnership program. Mr Svagelli stated that:

The department would say that the Schools in Partnership is a success. In communities the community would say that it is not working as well as it is said.

Some of them are doing really well. In some of them there is a lot more work needs to be done. In the main it is about developing those Schools in Partnership with the community so that they do have faith in what is being delivered and how it can be delivered and developing the programs within the school.<sup>600</sup>

- 6.136** Mr Svagelli and Ms Berwick informed the Committee that the schools that are doing well under the SiP program were schools that were already on the way there. The program provided the resources to achieve their plan.<sup>601</sup>

### **Employment of Indigenous people within the education sector**

- 6.137** Following the Review of Aboriginal Education in 2004 there has been an increase in the number of trained Aboriginal Education Assistants (AEA) employed in New South Wales.

- 6.138** Ms Vine told the Committee that while she was unable to specifically request Indigenous teaching staff the school does have targeted school administrative support staff. This has allowed them to have an Aboriginal person 'in the front office as the front face of the school.'<sup>602</sup>

- 6.139** Mr Coutts-Trotter saw employing Aboriginal staff in the field of education as one of the most effective ways to address cultural issues and moving forward with Aboriginal education:

Really acknowledging and valuing Aboriginal students requires some knowledge of Aboriginal cultures and an appreciation of the history and perspectives of Aboriginal communities. We keep improving the capacities of our existing staff to do this but, in the longer term, the most effective response is to employ more Aboriginal staff in and in support of schools and TAFE colleges. Lastly, and most importantly, we have to be prepared to try new things, and therefore to risk failure to obtain the glittering prize—Aboriginal children consistently enjoying more choices, more work, more income, more health and more fulfilment than their parents were able to.<sup>603</sup>

- 6.140** Ms Elizabeth McGregor, Institute Director, TAFE North Coast Institute told the Committee that there is 'a significant drive to embed this learning into qualifications and requirements. The work has been done to create an accredited program and to develop resources that can be customised in each area.'<sup>604</sup> Ms McGregor outlined proposed future policy:

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<sup>600</sup> Mr Svagelli, Evidence, 13 February 2008, p 36

<sup>601</sup> Ms Berwick & Mr Svagelli, Evidence, 13 February 2008, p 36

<sup>602</sup> Ms Vine, Evidence, 29 April 2008, p 52

<sup>603</sup> Mr Coutts-Trotter page 81 Evidence 12 Feb

<sup>604</sup> Ms Elizabeth McGregor, Institute Director, TAFE North Coast, Evidence, 12 February 2008, p 87

Under the new Aboriginal education policy, there will be a mandated three-hour component for every schoolteacher that they will be required to undertake. The release of that is due for 2008. It is in its final stages of consultation. It will be a department or organisational guide so it will cover all schools as well as TAFEs.<sup>605</sup>

- 6.141** The positive impact of Indigenous teachers on both Indigenous and non-Indigenous students was highlighted by Ms White:

I think they are fantastic role models for Aboriginal students who are on campus. I think the impact is broad right across our organisation because we have Aboriginal people who are teaching non-Aboriginal students. They build the capacity of our organisation as part of a collegiate, if you like, to be better able to respond to the needs of Aboriginal people. Just in their day-to-day roles I think they fulfil a really important role in providing education to non-Aboriginal people. I think that they provide a really important face on campus for non-Aboriginal students who are then being taught by Aboriginal people in areas in which historically or traditionally they do not expect Aboriginal people to be involved.<sup>606</sup>

*Committee comment*

- 6.142** An Indigenous staff member can have a significant impact on students. Opportunities for training and employing more Aboriginal teachers and support staff across the education sector needs to be explored. It is also important to imbed cultural awareness training into all teacher training.

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**Issue for consideration 24 – Education: role models**

The importance of employing Indigenous staff as teachers and role models is apparent however there is a need to address the attainment levels of current and future students so that this can occur.

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**Particular educational issues raised in evidence**

- 6.143** A number of additional issues were raised by witnesses in relation to improving educational outcomes. In recognition of these concerns, the Committee has chosen to outline and report on these issues in this Interim Report, however final conclusions will be detailed in the Committee's Final Report.

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<sup>605</sup> Ms McGregor, Evidence, 12 February 2008, p 88

<sup>606</sup> Ms White, Evidence 13 March, p 39

**Indigenous students with a disability**

- 6.144** Chairperson of Aboriginal Disability Network NSW, Mr Lester Bostock, informed the Committee of the high prevalence of disability in the Aboriginal and Torres Strait Islander population:

The prevalence of disability amongst Aboriginal and Torres Strait Islanders is significantly higher than in the general population. ... approximately twice that of the non-Indigenous population.<sup>607</sup>

- 6.145** The Committee was informed that Indigenous students make up 10 per cent of all students in specific purpose schools for students with disability, despite comprising only 3.3 per cent of the student population. The actual incidence of disability may be higher, as the figure does not count the students that attend mainstream educational facilities:

In the order of about 10 per cent of students who are enrolled in a school with specific purposes come from an Aboriginal or Torres Strait Island background. What we do not have at this stage—but we will have with some improvements to our systems—we are not able to do that for the support classes that are integrated in a mainstream setting.<sup>608</sup>

- 6.146** These figures were the subject of some conjecture. Several inquiry participants questioned the labelling of Aboriginal and Torres Strait Islander students as having a disability rather than behaviour problems or health issues. Ms Berwick stated:

There are some issues around the number of kids who are actually labelled "special needs". They are overrepresented in special needs classes. They would say that they had an intellectual disability. While Aboriginal kids represent about 4 per cent of the school population they represent about 10 per cent of kids in special needs classes—particularly intellectually mild, or IM, classes, where they are classed with an intellectual disability. There seems to be some misdiagnosis of many of the students and cultural differences lead to intellectual disabilities. So they are put into classes—over represented in classes—and I do not think their needs are being met.<sup>609</sup>

- 6.147** Despite the prevalence of disability among Indigenous students, the Director General of NSW DET told the Committee that there were no Indigenous specific programs to meet the needs of students with disability.

There are none that are specifically for Aboriginal or Torres Strait Islander children, young people or adults. There are programs open to all, but there are none specifically for Aboriginal students.<sup>610</sup>

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<sup>607</sup> Submission 2, Aboriginal Disability Network NSW, attachment 1, p 1

<sup>608</sup> Ms McKerihan, Evidence, 12 February 2008, p 92

<sup>609</sup> Ms Berwick, Evidence, 13 February 2008, pp 26-27

<sup>610</sup> Mr Coutts-Trotter, Evidence, 12 February 2008, p 92



- 6.148** The Aboriginal Disability Network NSW attributes some of the mis-labelling of Aboriginal children to medical problems and the lack of early intervention:

There is a lack of early intervention, particularly in relation to children with hearing and vision impairment. This is related to disabilities remaining undiagnosed during the primary years.

Children do not progress well, leave school at an early age or do not engage with the education system at all. Students [are] often labelled as ‘trouble-makers’ and are suspended and/or expelled.<sup>611</sup>

*Committee comment*

- 6.149** The Committee is uneasy about the lack of certainty surrounding the identification of Indigenous students with disability, as well as a lack of programs specifically for Indigenous students with a disability. The cultural aspects of attending a non-Indigenous school and also having a disability may compound the level of disadvantage for these students.

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<sup>611</sup> Submission 2, p 22



## Chapter 7 Employment

Labour force participation and unemployment have a direct affect on living standards and many aspects of wellbeing. Being unemployed establishes a cycle of disadvantage from which it may be difficult to escape. Employment can lead to an improved financial position for families and communities, better health and improved educational outcomes, enhanced self-esteem and opportunities for self-development and increased social integration.<sup>612</sup> These are all factors affecting quality of life and ultimately, life expectancy.

This chapter describes the impact of low levels of employment among Indigenous Australians, and current New South Wales Government policy aimed at closing the employment and opportunity gap between Indigenous and non-Indigenous Australians. The chapter also outlines some of the specific initiatives undertaken to reduce Indigenous unemployment, the requirements for effective service delivery and the measures some employment providers have to successfully manage the delivery of employment services to the Indigenous population. Future policy options to increase employment prospects and reduce unemployment among the Indigenous population will be further examined in the Final Report.

### Impact on life expectancy

- 7.1** Employment is an important indicator of Indigenous socio-economic status. Between 2002 to 2006, the unemployment rate for Aboriginal people has been consistently three times higher than the rate for all New South Wales residents.<sup>613</sup> It is critical to address this issue if Indigenous disadvantage is to be overcome, living standards raised and life expectancy increased.
- 7.2** The comparative employment statistics between Indigenous and non-Indigenous people highlight the level of Indigenous disadvantage:
- Aboriginal unemployment for males is 3.3 times the non-Aboriginal male rate and the respective female comparison is 3 times higher<sup>614</sup>
  - a higher proportion of Indigenous people than non-Indigenous people are employed in lower skilled occupations, including elementary clerical, sales and service workers and labourers, and related workers<sup>615</sup>
  - Indigenous people in the labour force are more likely than non-Indigenous people to be employed part time (35.4 percent compared to 27.7 percent) and less likely to be employed full time (53.6 percent compared to 68.5 percent)<sup>616</sup>

<sup>612</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, pp 3.39 and 11.3

<sup>613</sup> *Two Ways Together Report on Indicators 2007*, p 51

<sup>614</sup> *Two Ways Together Report on Indicators 2007*, p 52

<sup>615</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 11.3

- In 2006 the median weekly income for Aboriginal households was \$296 as compared to \$462 for all New South Wales residents<sup>617</sup>

**7.3** Being employed was found by the report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007* Overview to reduce the risk factors that decrease life expectancy and lead to improved incomes and standards of living for people and their families.<sup>618</sup> Mr Danny Lester, Chief Executive Officer of the Aboriginal Employment Strategy told the Committee:

Jobs create pride, lift people away from welfare and allow ambitious families to encourage their kids into school and beyond.<sup>619</sup>

**7.4** The National Director of Australians for Native Title and Reconciliation (ANTaR), Mr Gary Highland, reminded the Committee that to close the life expectancy gap, it is essential to understand that good health is linked to social determinants like education, employment and housing.<sup>620</sup> The consequent damage of unemployment to health and well being, on an individual and societal level, was outlined by Professor Peter Saunders of the Social Policy Research Centre, UNSW:

While the initial consequences of unemployment are restricted to reduced income and increased risk of poverty, over time these give rise to other effects such as depression and poor health that reinforces their initial cause. These in turn flow on to affect families and communities in ways that are socially disruptive and self-reinforcing. Areas of high unemployment become increasingly prone to crime and this drives potential businesses and key local services away, further entrenching their social isolation and unemployment. As families struggle to cope with the personal crises associated with unemployment, they withdraw from social life, disrupting the normal channels of community interaction that constitute public life. Communities are sent into a tailspin of decline as the adverse effects of unemployment reverberate and multiply.<sup>621</sup>

**7.5** Mr Robert Domm, Chief Executive Officer, Redfern Waterloo Authority (RWA) expressed concern for the long-term consequences of youth unemployment in the Aboriginal community:

Not only does the person suffer from a lack of income, but joblessness at this age also means they miss out on opportunities for skill development that result from on-the-job training and subsequent work experience.

<sup>616</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 11.3

<sup>617</sup> *Two Ways Together Report on Indicators 2007*, p 56

<sup>618</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Overview, p 49

<sup>619</sup> Mr Danny Lester, Chief Executive Officer, Aboriginal Employment Strategy, Evidence, 13 February 2008, p 49

<sup>620</sup> Submission 66, Australians for Native Title & Reconciliation, p 8

<sup>621</sup> Saunders, 2002:5, cited in Submission 33, UnitingCare Burnside, p 12

Aboriginal people who experience unemployment early have a higher probability of experiencing joblessness and lower earnings in the future.<sup>622</sup>

7.6 Ms Cathy Duncan, Indigenous Cultural Capability Manager ANZ, confirmed the importance of employment and the positive flow on effect on Indigenous communities. Ms Duncan told the Committee how the school traineeship program run by the ANZ bank impacted on more than just the life of the student employee asserting that ‘one child’s life can affect 100 people in their community’.<sup>623</sup>

7.7 Employment opportunities have been linked to education levels and the importance of education as a vehicle for improving Indigenous circumstances was stressed by Sister Jan Barnett RSJ of the Sisters of St Joseph, a representative of Josephite Justice Committee NSW:

The correlation between education and employment has been reiterated over and over again in reports of the past decade. Education is key to both living standards and to employment. Substantial improvements in Indigenous labour force status will only occur with a significant improvement in relative educational status. Indigenous education policy in Australia has long been underpinned by an awareness that improvement of Indigenous educational outcomes is a necessary measure for ameliorating the future prospects of the Indigenous population.<sup>624</sup>

7.8 The statistics show that levels of attainment directly affect employment opportunities.<sup>625</sup> Researchers have found that education plays a pivotal role in reducing long term disadvantage.<sup>626</sup> The report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage Key Indicators 2007* also found that ‘improving academic performance and completion of year 12 are key components to improving the economic and social status of Indigenous people. School completion is linked to people’s economic and social wellbeing (and other positive health behaviours) and can also reduce the need for remedial education and social welfare services.’<sup>627</sup> Refer to Chapter 6 – Education for more detail.

## Barriers to employment

7.9 There are many barriers that may prevent Indigenous people from engaging in the workforce. Education has been highlighted as a significant barrier to employment. Lack of adequate transport to both employment and educational facilities can also be a significant deterrent to workforce participation, as well as long term and intergenerational unemployment, links with the Justice system and the type of employment available.

<sup>622</sup> Submission 11, Redfern Waterloo Authority, pp 13-14

<sup>623</sup> Ms Cathy Duncan, Indigenous Cultural Capability Manager, ANZ, Evidence, 29 April 2008, p 72

<sup>624</sup> Submission 16, Sisters of St Joseph, p 8

<sup>625</sup> *Two Ways Together Report on Indicators 2007*, p 51

<sup>626</sup> ACER 2003, 2004a; Buckskin 2000; OECD 2004; WHO 1986 as cited in the Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 3.20-1

<sup>627</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage Key Indicators 2007 Report*, p 3.20

- 7.10** The report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, identifies the time when young Indigenous people are making the transition from childhood to adulthood as critical to improving rates of Indigenous employment.<sup>628</sup> Two approaches have been taken to identifying these young Indigenous people who are potentially at risk of long term disadvantage.
- 7.11** First, the ‘at risk’ approach examines the number of Indigenous people aged 15 to 24 years who are not participating in education and training, and who are not employed. These people are considered to be at risk of long term disadvantage.
- 7.12** Second, the ‘outcome from education’ approach to assessing future prospects of young Indigenous people looks at labour force outcomes for those Indigenous people aged 18 years and over that have achieved a certain level of education.<sup>629</sup>

### **Education**

- 7.13** Education levels of Indigenous Australians remain substantially lower than for non-Indigenous Australians. When Indigenous Australians are employed they tend to be employed in positions that are at the lower end of the remuneration scale and are more likely to be part time positions. See Chapters 2 – Statistics and 6 – Education for further discussion.
- 7.14** For most students, compulsory schooling ends during year 9 or 10. Research of all young people, shows that young people who are not achieving well at secondary school and leave without a qualification may have fewer opportunities for work. As they grow older, it has been found that their chances of gaining employment or re-entering full time education appear to decline further. The same studies show that young people who attend TAFE or university have a far smoother transition into the labour force.<sup>630</sup>
- 7.15** Given the low retention rates for Aboriginal students in Years 10-12 and below national benchmark achievement levels, education, or the need for it has repeatedly arisen as an imperative for overcoming Indigenous disadvantage. This is discussed further in Chapter 6 – Education.
- 7.16** Mr Lewis Kelly, member of the Kempsey Local Aboriginal Land Council, spoke to the Committee regarding the importance of increasing education levels so that Aboriginal people can gain local employment and fully participate in the local community:

Our main issue is employment. What we do in our community is a big factor in most places across the State. You can walk into any big place like Woolworths and you never see an Aboriginal person working. We support a place like this RSL and other businesses in the town and I am sure they do it elsewhere—at Armidale and up the

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<sup>628</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage 2007 Key Indicators Report*, p 7.45

<sup>629</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 7.45

<sup>630</sup> Report of the Steering Committee for the Review of Government Services, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, p 7.45-6

coast. A big factor for communities is fellas getting employment in local towns after we achieve the grades and so on.<sup>631</sup>

- 7.17** Mr Lester told the Committee that compulsory education was critical to the success of their school-based traineeship programs. By working with students, providing better preparation for life after school, the transition from education to employment is more likely to be successful and the chances of retaining a position in the workforce are higher.<sup>632</sup>
- 7.18** The Committee heard from several employment service providers that further training in literacy, numeracy and communications skills was often required before Indigenous clients were ready for the workforce. Organisations such as AES and Country Energy told the Committee of their programs which provide extra tuition to Aboriginal employees to assist them to meet the requirements for further training programs such as apprenticeships.<sup>633</sup>

### **Vocational training**

- 7.19** According to the report of the Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, many Indigenous students who leave school early have poor literacy and numeracy skills thereby limiting their post-school options, including employment opportunities.<sup>634</sup> Although less than non-Indigenous young people, Indigenous young people who gain a Certificate III have higher labour force participation rates than those who don't gain a Certificate III.<sup>635</sup>
- 7.20** The New South Wales Department of Education and Training (NSW DET) is aware of the need for vocational training for Aboriginal students to remain engaged with education and realise the resultant employment opportunities. One of the alternative pathways offered to students is the 'Taste of TAFE Program' for 15 to 19 year olds. This is for students who may be considering a career in a trade or technical area. It provides students with 'hands on' experience in a range of vocational areas such as hospitality, construction, metals and engineering, nursing and retail.<sup>636</sup>
- 7.21** Ms Faith March, Deputy Director of Training at Booroongen-Djugun College in Kempsey outlined some successful results of the VET-in-schools program:

At the moment we have one guy from the vocational college who has completed a traineeship in aged care work. He has extra shifts and was getting extra shifts when he was still completing the course through VET-in-Schools. We have two girls today doing business traineeships, and a few more are starting next week. They are doing aged care traineeships at the moment. We have also run an Aboriginal health worker course as a VET-in-Schools program. VET-in-Schools is not only for Aboriginal kids.

<sup>631</sup> Mr Lewis Kelly, Board Member, Kempsey Local Aboriginal Land Council, Evidence, 11 March 2008, p 2

<sup>632</sup> Mr Lester, Evidence 13 February 2008, p 52

<sup>633</sup> Mr Lester, Evidence, 13 February 2008, p 58

<sup>634</sup> Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Overview, p 34

<sup>635</sup> Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, pp 7.50-7.52

<sup>636</sup> Submission 13, Department of Education and Training, p 7

It is for kids who are at risk of leaving school. We have found and the schools have told us that when they come to us their attendance at school gets better. Part of them completing the course is that they have to stay at school. Their attendance at school has been better.

We have two guys at Melville High School at the moment. One wants to go into the Navy and the other one wants to become a nurse. They are doing aged care work. It is very rare that we have guys come up and do our nursing courses. At the moment all we have on offer is certificate III in aged care work and Business II.<sup>637</sup>

## Transport

- 7.22** Transport to and from the workplace can be a significant barrier to Indigenous people gaining employment, particularly in remote and regional areas. The Council of Social Services of New South Wales (NCOSS) stated in its submission that:

Isolation from transport services and infrastructure is a defining characteristic for many Aboriginal communities in New South Wales. The barriers experienced by many Aboriginal people in gaining transport can make existing problems, such as employment, education, services and recreation, worse.<sup>638</sup>

- 7.23** On a small scale, there has been some initiative shown in addressing transport problems. Ms Kerry Pearse, Executive Director Community and Programs, Department of Aboriginal Affairs (DAA) told the Committee that in the North Coast region, not having a driver's licence and access to appropriate vehicles has been identified as a significant barrier for Aboriginal people trying to gain employment. As a result, there has been a successful pilot undertaken to help people get their licence.<sup>639</sup> See Chapter 4 for further discussion on the importance of holding a drivers license.

- 7.24** NCOSS is of the opinion that governments need to work together with Indigenous communities to find transport solutions and plan for the future:

Solving transport disadvantage in Aboriginal communities will require a concerted approach from Governments, transport operators and local communities. We must begin to acknowledge that transport issues are a key factor in understanding the barriers that face many Aboriginal people. An important starting point is to create processes for Aboriginal people to be involved in planning for future transport needs.<sup>640</sup>

- 7.25** Inadequate transport services are a key issue for people living in rural and remote areas. The Committee has discussed the need for transport services in Chapter 4 – Environmental health and infrastructure.

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<sup>637</sup> Ms Faith March, Deputy Director of Training, Booroongen-Djungen College, Evidence, 11 March 2008, pp 33-34

<sup>638</sup> Submission 27, National Council of Social Services (NCOSS), p 3.11

<sup>639</sup> Ms Kerry Pearse, Executive Director Community and Programs, Department of Aboriginal Affairs (DAA), Evidence, 12 February 2008, p 9

<sup>640</sup> Submission 27, p 3.11



## Long term unemployment

- 7.26** When addressing the 2007 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Indigenous Australians at Work, Mr Warren Mundine, Chief Executive Officer, New South Wales Native Title Services, described the concept of employment as alien to the culture of those families that have experienced intergenerational unemployment.<sup>641</sup>

We need to look at activities that create sustainable employment in the long-term and in the short-term as well. Sometimes there is nothing wrong with short-term employment, working for a couple of months or two years and then moving on to another employment situation. A lot of people do it quite successfully. ... We need to focus on the activities that get people into sustainable jobs, rather than actually looking at jobs.<sup>642</sup>

- 7.27** The Committee heard that many Aboriginal people have grown up in an environment where their parents and role models are unemployed and may live in a household where there are no working adults.<sup>643</sup> Mr Domm told the Committee:

Aboriginal young people in these households are markedly disadvantaged in terms of exposure to working skills, the realities of working life and the simple household rhythms of getting ready to go to work.<sup>644</sup>

- 7.28** Mr Domm also told the Committee that Aboriginal people from non-working households were not only unaware of the practicalities of working life and the effect on the household, they were also disadvantaged by a lack of knowledge of the workplace environment itself:

Workplace technologies are changing rapidly and Aboriginal people from households where family members are not in the workforce suffer from a lack of skills and exposure to modern workplace approaches and processes, particularly in relationship to the computerisation of complex tasks and the changes in the composition of work.<sup>645</sup>

- 7.29** Mr Lester sees long-term unemployment and the welfare payments that go with it as a hindrance to moving Indigenous Australians towards employment:

[W]orking and living in economies where there is a high abundance of welfare is something that can pull down Aboriginal people. The challenge, certainly from our

<sup>641</sup> Mr Warren Mundine, Chief Executive Officer, New South Wales Native Title Services, transcript of Evidence, 10 February 2006, p 30 as cited in The Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Indigenous Australians at Work – Successful Initiatives in Indigenous Employment, p 7

<sup>642</sup> Mr Warren Mundine, Chief Executive Officer, New South Wales Native Title Services, transcript of Evidence, 10 February 2006, p 30 as cited in The Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Indigenous Australians at Work – Successful Initiatives in Indigenous Employment, p 7

<sup>643</sup> Submission 11, p 14

<sup>644</sup> Submission 11, p 14

<sup>645</sup> Submission 11, pp 14-15

perspective, in moving Aboriginal people forward partially is about creating ways that our people can be more sustainable in today's society. We certainly see employment creating that important need. Job creation is important because of the uplifting effect employment has on communities. Jobs create effective and sustainable outcomes for Aboriginal people and Aboriginal communities start to rise up.<sup>646</sup>

### **High incarceration levels**

**7.30** Mr Luke Grant, Assistant Commissioner Offender Services and Programs for the Department of Corrective Services, told the Committee of the very high proportion of Aboriginal people in custody and the high proportion of unemployment amongst this population.<sup>647</sup>

**7.31** Although the services available in Corrective Services facilities tend to be mainstream there are a few instances of specific programs focussing on traineeships for Aboriginal inmates:

We have, for instance, a program called Nangy Kungar, which is in Cessnock. It is a program specifically focusing on Aboriginal traineeships. It has been a very successful program. We have had really high performing trainees in that group. In addition to that we have some facilities, like the facilities at Yetta Dhinnakkal in Brewarrina, which is an Aboriginal-focused facility. The people in that program are all involved in training—workplace training and cultural programs—so that is a very location-specific program.<sup>648</sup>

**7.32** Inmates are currently not tracked following release so there can be no measurement of the effectiveness of traineeships programs in assisting ex-inmates to gain employment and reduce recidivism.<sup>649</sup>

### **Type of employment available**

**7.33** Members of the Dareton Aboriginal Community told the Committee that one of the problems with Indigenous employment in the area is the type of jobs that are available:

The decline of the grape industry over the past decade has meant that many avenues of employment for both Indigenous and non-Indigenous people in the Wentworth Shire have declined. Tasks that once employed people are now increasingly carried out by machinery.<sup>650</sup>

**7.34** This goes back to education levels of Indigenous Australians and the critical need to provide Indigenous students with the skills and capacity to engage more effectively with the world in which they live.

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<sup>646</sup> Mr Lester, Evidence, 13 February 2008, p 49

<sup>647</sup> Mr Luke Grant, Assistant Commissioner Offender Services and Programs, Department of Corrective Services, Evidence, 12 February 2008, p 50

<sup>648</sup> Mr Grant, Evidence, 12 February 2008, p 65

<sup>649</sup> Mr Grant, Evidence, 12 February 2008, p 65

<sup>650</sup> Submission 28, Dareton Aboriginal Community, p 9

*Committee comment*

- 7.35** The Committee is of the view that barriers to employment are significant and are the responsibility of a range of government departments. Thus, these issues need to be addressed by a co-ordinated and holistic approach to breaking through the barriers.

**Issue for consideration 25 – Employment: service delivery**

The Committee will review appropriate service delivery models to effectively address obstacles to Indigenous employment.

**Key government policy objectives****New South Wales State Plan**

- 7.36** The New South Wales Government submission to this Inquiry states that the Aboriginal people of New South Wales ‘continue to experience unacceptably high levels of unemployment and lower income levels when compared with the non-Indigenous population’.<sup>651</sup> The New South Wales State Plan in conjunction with the Two Ways Together Plan contains the key New South Wales Government policies for addressing Indigenous disadvantage.
- 7.37** The New South Wales State Plan commits the government to improving the circumstances of the Aboriginal and Torres Strait Islander population. Increasing Aboriginal employment is a priority project being implemented through New South Wales State Plan Priority F1 – Strengthening Aboriginal Communities.<sup>652</sup>
- 7.38** Ms Robyn Kruk, Director General of the Department of Premier and Cabinet, told the Committee that the priority delivery plan for F1 also incorporates a strategy for ‘Building Community Resilience’ which underpins the delivery of F1 and all other New South Wales State Plan priorities of relevance to Aboriginal people. The aim is to secure long-term sustainable change in outcomes for Aboriginal people.<sup>653</sup> Increasing employment levels is crucial to securing this change.
- 7.39** The New South Wales State Plan Priority F1 aims to:
- strengthen Aboriginal communities through improved health and educational outcomes for Aboriginal people
  - provide opportunity and support for the most vulnerable through increased employment and community participation for people with disabilities

<sup>651</sup> Submission 40, New South Wales Government, p 39

<sup>652</sup> *Two Ways Together Report on Indicators 2007*, p 47

<sup>653</sup> Ms Robyn Kruk, Director General, Department of Premier and Cabinet, Evidence, 29 April 2008, p 2

- provide improved outcomes in mental health.<sup>654</sup>

- 7.40** In the New South Wales State Plan, the New South Wales Government acknowledges that participation in work, education and community life are the foundations of our society's prosperity and that such activities have a positive effect on people's health, wellbeing, and sense of belonging. People with disability have the same aspirations and goals to the rest of the community, including being active in the workforce, participating in social and community activities, and contributing to the communities in which they live.<sup>655</sup>
- 7.41** In addition to strengthening the Aboriginal Communities, Priority F2 of the New South Wales State Plan commits the government to 'increased employment and community participation for people with disabilities'. To achieve this objective, the New South Wales Government has set itself two targets:
- F2(a): Close the gap in the unemployment rate between people with a disability and the overall community by 50 percent by 2016.
- F2(b): Increase the out of home participation rate of people with a severe or profound disability to at least 85 percent.<sup>656</sup>
- 7.42** The New South Wales Government recognises that to achieve this goal, families, non-government service providers, employers and governments all have a role to play in supporting people with a disability to participate in our community.<sup>657</sup> However, Priority F2 is a mainstream initiative and contains no Indigenous specific targets.
- 7.43** Ms Therese Sands, Acting Chief Executive Officer, People with Disability Australia Incorporated, told the Committee that Aboriginal 'people with disability generally have limited access to employment and education opportunities which significantly increases their risk of poverty.'<sup>658</sup>
- 7.44** Although Indigenous Australians are able to access mainstream disability services the Committee heard no evidence of specific services available for Aboriginal people with disability. Nor was there any evidence of mainstream services being tailored to meet the needs of Indigenous users.
- 7.45** As well as Priorities F1 and F2 there are two Department of Education and Training-led priorities that are linked to increasing Aboriginal employment:
- Priority S5: More students complete Year 12 or recognised vocational training. The target is to increase the proportion of students completing Year 12 or recognised vocational training from 82.7 per cent to 90 percent by 2016.

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<sup>654</sup> New South Wales State Plan, p 70

<sup>655</sup> New South Wales State Plan

<sup>656</sup> New South Wales State Plan

<sup>657</sup> New South Wales State Plan

<sup>658</sup> Submission 17, People with Disability Australian Inc., p 8

- Priority P7: Better access to training in rural and regional New South Wales to support local economies. The target is to increase regional participation in vocational education and training from 228,000 to 300,000 by 2016.<sup>659</sup>

7.46 Ms Jody Broun, the Director General of DAA, told the Committee that her department worked across a range of agencies to influence the development of their policies and delivery of services to Aboriginal people.<sup>660</sup> Following are examples of the initiatives taken by government to address Indigenous employment levels.

### **Making it Our Business: Improving Aboriginal Employment in the New South Wales Public Sector 2006 - 2008**

7.47 Making it Our Business is the New South Wales Government's Aboriginal Employment Strategy. This strategy sets specific Aboriginal employment targets and aims to increase professional learning and career development opportunities within the New South Wales public sector. Ms Broun told the Committee that the targets are based on agency size, its roles and responsibilities, location and the Aboriginal client base.<sup>661</sup> The desired overall outcome is to increase the recruitment of Aboriginal people so that they represent a minimum level of 2 per cent of the permanent employees in the New South Wales public sector workforce.<sup>662</sup>

7.48 The NSW Aboriginal Employment and Development Steering Committee has established the following Key Result Areas to assist public sector agencies focus their Aboriginal employment strategies:

- recruitment
- skills acquisition and career development
- retention
- cultural education
- community engagement.<sup>663</sup>

7.49 The New South Wales public sector is the largest employer of Aboriginal people in New South Wales. In 2006, there were an estimated 5,593 Aboriginal people employed in the New South Wales public sector, representing 1.9 per cent of the total New South Wales public sector. These employees are spread across agencies, for example:

- DAA had an Indigenous employment level of approximately 50 per cent in June 2006

<sup>659</sup> New South Wales State Plan, pp 6-7

<sup>660</sup> Ms Jody Broun, Director General, DAA, Evidence, 12 February 2008, p 3

<sup>661</sup> Submission 40, p 41

<sup>662</sup> Making it Our Business – Improving Aboriginal Employment in the Public Sector, Strategic Framework and Resource Guide 2006-2008, p 9

<sup>663</sup> Making it Our Business – Improving Aboriginal Employment in the Public Sector, Strategic Framework and Resource Guide 2006-2008, p 8

- Department of Environment and Conservation had 6 percent in September 2006
- New South Wales Housing had 7 percent in 2006-2007
- Aboriginal Housing Office (AHO) 69 percent in 2005-06.<sup>664</sup>

**7.50** The aim of the increase in the number of Aboriginal people in the public sector is to increase individual agency's capacity to deliver effective and appropriate services for Aboriginal people. It is also seen as a way to encourage support and respect for Aboriginal cultural values in the workplace and in the delivery of services.<sup>665</sup>

**7.51** Increasing Aboriginal participation in the workforce is viewed by the New South Wales Government as a way of 'improving social and economic justice and improving the lives of Aboriginal people, their families and communities. It is also about broadening the diversity of the workforce so that public sector staffing reflects the people.'<sup>666</sup>

**7.52** In addition, employing Indigenous people is seen as a means of addressing the problem of an ageing workforce. The Aboriginal population is comparatively young and growing, their employment will increase the pool of young people who can support current and future public sector workforce needs.<sup>667</sup>

### **Aboriginal Communities Development Program**

**7.53** This is a community housing and infrastructure upgrade initiative managed by the DAA that includes an employment and training component.<sup>668</sup> This program is discussed in Chapter 4 – Environmental health and infrastructure from paragraph 4.20.

### **Effective service delivery**

**7.54** Although there has been some improvement in the number of Aboriginal people participating in the workforce, the employment gap between Aboriginal and non-Aboriginal populations of New South Wales remains substantial. It is therefore essential to examine what makes programs effective and what is needed to overcome Indigenous disadvantage.

**7.55** It is estimated that by 2009 the number of Aboriginal people of working age will increase by 21 percent. In order to maintain the current Aboriginal employment rate, a minimum of 6,989 new jobs will be required in New South Wales by 2009. To reach an employment rate

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<sup>664</sup> Submission 40, p 41

<sup>665</sup> Making it Our Business – Improving Aboriginal Employment in the Public Sector, NSW Policy Statement 2006-2008, p 3

<sup>666</sup> Making it Our Business – Improving Aboriginal Employment in the Public Sector, NSW Policy Statement 2006-2008, p 3

<sup>667</sup> Making it Our Business – Improving Aboriginal Employment in the Public Sector, NSW Policy Statement 2006-2008, p 3

<sup>668</sup> Submission 40, p 42

consistent with the general population of New South Wales, will require the creation of almost 25,000 new jobs by 2009.<sup>669</sup>

- 7.56 Some specific government initiatives aimed at addressing Indigenous employment are outlined below.

### **Federal Government initiatives**

- 7.57 The Federal Government, through the Department of Families, Housing and Community Services and Indigenous Affairs (FaHCSIA) and the Department of Education, Employment and Workplace Relations (DEEWR), provide a wide range of employment and business assistance for Indigenous Australians.

### ***CDEP***

- 7.58 The Community Development Employment Projects (CDEP) scheme is a Federal Government funded initiative developed in 1976 in response to requests from remote communities for local employment opportunities, with a focus on community development. In 1985, the scheme was extended to include all members of Aboriginal or Torres Strait Islander communities. Under the CDEP scheme unemployment benefits are exchanged for opportunities to undertake work and training in activities which are managed by a local Aboriginal or Torres Strait Islander community organisation.<sup>670</sup>

- 7.59 In urban and major regional centres where there are strong labour markets a new model for Indigenous employment was introduced on 30 June 2007. It was intended that this new approach would ‘take advantage of the strong labour markets and emerging labour shortages that exist across Australia. It focuses on making the most of opportunities to place Indigenous Australians into jobs.’<sup>671</sup> These changes included:

- funding additional Structured Training Employment Projects (STEP) brokers, instead of funding the CDEP program in urban and major regional areas.
- closing all Indigenous Employment Centres because of the strengthened link between Job Network and CDEP organisations.
- introducing a 26 week CDEP placement incentive payment for CDEP service providers who place participants into long term work.<sup>672</sup>

- 7.60 The recent changes to CDEP resulted in some CDEP sites ceasing operation. In New South Wales and the ACT, approximately 16 CDEPs ceased operation, which affected approximately 2600 people.<sup>673</sup> In New South Wales, these changes have been implemented in

<sup>669</sup> ABS 2004:53, cited in Submission 40, p 39

<sup>670</sup> ABS 2901.0 Census Dictionary, 2006 (Reissue), 17 November 2006

<sup>671</sup> Department of Education, Employment and Workplace Relations (DEWR), *Indigenous Potential meets Economic Opportunity consultation Questions and Answers*, p 2

<sup>672</sup> <[www.workplace.gov.au/workplace](http://www.workplace.gov.au/workplace)> (accessed 20 May 2008)

<sup>673</sup> Submission 40, pp 47-48

Sydney, the Central Coast, Newcastle, the Hunter region, Armidale, Cowra, Griffith, Tamworth, Wagga Wagga, Albury and Queanbeyan.<sup>674</sup>

- 7.61** The Structured Training and Employment Projects (STEP) was regarded by the former Federal Government as the ‘most successful in placing Indigenous Australians directly into employment. More than 60 percent of people placed through the STEP program are still in jobs or full-time education three months after completion.’ All providers of Federal Government Employment Services such as Job Network and other mainstream employment programs are ‘expected to provide appropriate support’ for job seekers.<sup>675</sup>
- 7.62** The New South Wales Government has voiced the concerns of service providers and communities in relation to these changes, including
- the lack of adequate or culturally appropriate consultation by DEWR
  - the transfer of Aboriginal employment and training services to non-Aboriginal, mainstream organisations
  - low rates of Aboriginal employees in Job Network agencies, which can contribute to these services being inaccessible to Aboriginal people.<sup>676</sup>
- 7.63** The Koori Aged and Disability Services Advisory Group also expressed concern regarding the changes to CDEP. The Group’s concerns relate to employment services for Indigenous Australians becoming amalgamated with mainstream service provision:
- Aboriginal service providers with limited workforce resources are stretched across too many services. This may result in high staff turnover and vacancies in key health and community positions, placing pressure on Aboriginal organisations to meet the demand
  - some staff in mainstream services may not get appropriate cultural support and are often under pressure to meet overwhelming levels of need without this support
  - a lack of ongoing culturally appropriate training for mainstream services.<sup>677</sup>
- 7.64** Some Inquiry participants told the Committee that the CDEP provides vital community infrastructure. The Dharriwaa Elders Group, Walgett, voiced concerns that the community infrastructure and opportunities to work provided by CDEP are ‘not being replaced with anything better.’ The group is anxious about what they see happening in their community:

We observe Job Network providers making large profits while skills and unemployment barely improve in our community. CDEPs should be fixed if they are dysfunctional, or a better employment, training and enterprise development initiative put in their place.<sup>678</sup>

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<sup>674</sup> DEWR, *Indigenous Potential meets Economic Opportunity consultation Questions and Answers*, p 2

<sup>675</sup> DEWR, *Indigenous Potential meets Economic Opportunity consultation Questions and Answers*, p 2,

<sup>676</sup> Submission 40, p 48

<sup>677</sup> Submission 42, Koori Aged and Disability Services Advisory Group, p 4

<sup>678</sup> Submission 19, Dharriwaa Elders Group, p 8



- 7.65** Redfern Residents for Reconciliation also recognise that CDEP may have flaws but see the advantages of such a program:

[CDEP] met some of the challenges of providing meaningful employment, and has value as a transitional step. In terms of both employment and self-esteem, flexible, appropriate options need to be available. For most extending employer incentives for a longer fixed term transition period would provide valuable job experience and customised, hands on training.<sup>679</sup>

- 7.66** Following changes made to CDEP, Indigenous Employment Centres are no longer funded. Since 30 June 2007, additional funding has been provided to expand the STEPs. These are funded by DEWR.<sup>680</sup>

***Structured Training and Employment Projects (STEP)***

- 7.67** The aim of STEP is to provide sustainable employment for Indigenous Australians throughout Australia, particularly in the private sector and to equip employers with the skills, knowledge and expertise necessary to continue to provide employment opportunities for Indigenous Australians without ongoing assistance.<sup>681</sup> The STEP Program is designed to provide flexible funding for packages of tailored assistance, including structured and accredited training. Assistance is tailored to business needs and can include approaches such as funding for apprenticeships and mentoring that can lead to lasting employment. The level of funding depends on the type of organisation and assistance needed. It is a proviso of the program that jobs must be available after STEP funding ceases.<sup>682</sup>

- 7.68** There is currently a ‘rewards system’ of funding attached to the provision of Federal Government employment programs. Mr Kennedy, National Program Director, Mission Australia, explained the system:

The reward system at the moment is that once you place someone in a job you basically get rewarded financially. Once they last 13 weeks in the job you get rewarded more financially. Once they last 26 weeks in the job you get financially rewarded as well. The secret to success of a lot of it is that almost 80 percent or 90 percent of the clients who reach three months go to 26 – they go from 13 weeks to 26 weeks. Once they get over the first barrier and get to 26 they will be on the cycle and will probably stay there for a long period of time.<sup>683</sup>

- 7.69** Mr Kennedy added that under these arrangements, once the clients reach 26 weeks of employment there is no further funding attached to their continued employment. Therefore they are no longer tracked on the system unless they go back onto unemployment benefits.

- 7.70** Following changes to CDEP, extra funding has been allocated to STEP along with its attached Employment Related Services (ERS). This program replaces CDEP in metropolitan areas and

<sup>679</sup> Submission 54, Redfern Residents for Reconciliation, p 6

<sup>680</sup> DEWR, *Indigenous Policy Meets Economic Opportunity Questions and Answers*, p 2,

<sup>681</sup> Background to STEP ERS Panel, <[www.workplace.gov.au](http://www.workplace.gov.au)> (accessed 2 June 2008)

<sup>682</sup> Structured Training and Employment Projects (STEP), <[www.workplace.gov.au](http://www.workplace.gov.au)> (accessed 2 June 2008)

<sup>683</sup> Mr Roger Kennedy, National Program Director, Mission Australia, Evidence, 30 April 2008, p 20

focuses on a 52 week outcome. The extra hours include ongoing mentoring services, for employee and employer, to promote long-term outcomes and sustainability. At the moment, these programs are limited across Australia, with high levels of competition for funding.<sup>684</sup>

**7.71** Mr Kennedy told the Committee that government and corporate money is available, but the struggle was to find funding that was not limited by the short term nature of the commitment. He told the Committee that, in order to make a difference to Indigenous communities, there is a need for a longer term view:

The challenge is the length of the funding. Communities really need a long-term commitment. They need three, five, 10 years in order to make as significant difference and sometimes funding may only be one year or two years – at most several years.<sup>685</sup>

**7.72** The transition from CDEP to STEP began on 1 July 2007, making it too early for meaningful data on STEP. However, the Committee heard a variety of evidence regarding CDEP and this type of program in general. Senior Manager of Dubbo Neighbourhood Centre, Ms Jackie Wright, informed the Committee that the feedback on CDEP was that there is a need for this type of transition to work program to support Indigenous people. However, the work should be ‘work that matters’ and not just unskilled labouring work.<sup>686</sup>

**7.73** Representatives from the Dubbo Neighbourhood Centre also told the Committee that Job Network formulas and CDEP programs need to have systems that support overcoming the disadvantages of lack of self esteem, and low education levels, to provide successful pathways into meaningful employment.<sup>687</sup>

#### ***Committee comment***

**7.74** Although STEP increases the time that funding is available to support Indigenous employees, the Committee is concerned that the sustainability of employment services for Indigenous people is limited by the short term nature of the funding. The Committee believes that, if Indigenous employment levels are to increase and remain at that increased level, funding linked to skill development and retention of Indigenous people in the long term need to become preferred policy options.

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### **Issue for consideration 26 – Employment: funding**

The Committee will examine the funding of employment programs to ensure skill development and retention rates.

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<sup>684</sup> Mr Kennedy, Evidence, 30 April 2008, p 21

<sup>685</sup> Mr Kennedy, Evidence, 30 April 2008, p 13

<sup>686</sup> Submission 65, Dubbo Neighbourhood Centre Inc., p 16

<sup>687</sup> Submission 65, p 18

### Strengthening Aboriginal Communities – Job Compacts

- 7.75** Under New South Wales State Plan Priority F1 commitments, the New South Wales Government is in the process of establishing twelve Job Compacts in large regional and urban centres with significant Aboriginal populations, and with industries, to encourage employment of Aboriginal people.<sup>688</sup>
- 7.76** Job Compacts are written agreements, developed on a location or industry basis, between New South Wales Government and Federal Government agencies, employers, service providers and Aboriginal community organisations. To support the development of Job Compacts, an overarching Memorandum of Understanding (MOU) has been established between the New South Wales Government, NSW Business Chamber, the Local Government and Shires Association, New South Wales Aboriginal Land Council and Unions NSW. The MOU provides a 'basis for signatories to work together to support Aboriginal people to access job opportunities in locations and industries targeted under Job Compacts.'<sup>689</sup>
- 7.77** The New South Wales Government has allocated \$200,000 to support the development of Job Compacts and local initiatives.<sup>690</sup> Ms Pearse advised the Committee that there has been strong interest in Job Compacts from private corporations, both large and small:
- ... employers are saying, "We are interested in this model because it's not just about you finding us a person and popping them in one of our jobs; it's about working with the TAFE sector, job placement agencies and figuring out what the barriers are in this particular place". Is it that people cannot get to the 10 o'clock shift at night because there is no transport to get them from where they are living? Is it that they need childcare support? It is about bringing all the different parts of the system together in a particular place with the employers and, most importantly, the Aboriginal community—because they are best placed to say, "These are our barriers"—and then agreeing on a much more holistic response that means not only are people being placed in jobs but they are much more likely to be able to retain them. We are expecting to be in a position of being able to launch those Job Compacts by the end of June.<sup>691</sup>
- 7.78** Ten of the Job Compacts currently under development are location based and the other two are industry based, targeting mining and government construction.<sup>692</sup> The locations being targeted are large regional centres and urban areas with high Aboriginal populations and viable job markets, that have existing private and government sector Aboriginal employment services and where, in some cases, the CDEP has been withdrawn.<sup>693</sup> These twelve new Job Compacts will be implemented at 30 June 2008.
- 7.79** The signatories to the recent Dubbo Job Compacts Agreement have agreed to 'actively work in trying to overcome the barriers restricting Aboriginal people from accessing employment

<sup>688</sup> *Two Ways Together Report on Indicators 2007*, p 48

<sup>689</sup> DAA <[www.daa.nsw.gov.au/communitydevelopment/JobCompact.html](http://www.daa.nsw.gov.au/communitydevelopment/JobCompact.html)>(accessed 10 April 2008)

<sup>690</sup> DAA <[www.daa.nsw.gov.au/communitydevelopment/JobCompact.html](http://www.daa.nsw.gov.au/communitydevelopment/JobCompact.html)>(accessed 10 April 2008)

<sup>691</sup> Ms Pearse, Evidence, 12 February 2008, pp 16-17

<sup>692</sup> Submission 40, p 42

<sup>693</sup> Submission 40, p 42

opportunities, and assist in the employment of Aboriginal people.<sup>694</sup> In May 2008, when the Dubbo Job Compact was launched there were more than 30 signatories. Signatories included local employers, employment and training providers as well as representatives from the local Aboriginal community, the Dubbo Chamber of Commerce and Dubbo City Council. The employers include small businesses in aged care, retail, automotive, arboriculture and accountants.<sup>695</sup>

### **Funding arrangements**

**7.80** The Committee heard from a variety of Inquiry participants involved in the provision of employment services, including a private business, charity organisation and several large corporations. All of these entities received the majority, if not all, of their funding for employment services from the Federal Government Department of Employment and Workplace Relations under Indigenous employment programs.

**7.81** For example, government funding of the employment services offered by Mission Australia in New South Wales comes almost entirely from the Federal Government.<sup>696</sup> In New South Wales, Mission Australia currently spends in the order of \$100-120 million to help the disadvantaged. For the financial year 2007-08 Mission Australia's Community Services has received \$21,910,927 from the New South Wales State Government.<sup>697</sup> Mr Kennedy told the Committee that 'the Indigenous population is in the order of 2 percent, but we find we are spending, in general, double or triple that on Indigenous [people].'<sup>698</sup>

### ***Committee Comment***

**7.82** Although there has been some improvement in Indigenous unemployment levels there is still a long way to go. At both the Federal and State Government level, the current employment programs are relatively new and no evaluative material is available for the Committee to assess the appropriateness of the funding or its delivery. There remains a need for employment initiatives to undergo ongoing evaluation and adjustment to maximise their effectiveness.

**7.83** The Committee is of the opinion that employment should not and cannot be examined in isolation. It is necessary to consider the impact of other factors on employment at the same time, particularly education.

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<sup>694</sup> DAA, Dubbo Job Compact Agreement, p 1

<sup>695</sup> DAA, Dubbo Job Compact Launched, <[www.daa.nsw.gov.au/communitydevelopment/DubboJobCompact.html](http://www.daa.nsw.gov.au/communitydevelopment/DubboJobCompact.html)> (accessed 6 June 2008)

<sup>696</sup> Mr Kennedy, Evidence, 30 April 2008, p 15

<sup>697</sup> Answers to questions taken on notice during evidence, 30 April 2008, Mr Kennedy, National Program Director, Mission Australia, 30 April 2008, question 1, p 1

<sup>698</sup> Mr Kennedy, Evidence, 30 April 2008, p 15

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### Issue for consideration 27 – Employment: job compacts

The Committee notes that the changes to the CDEP scheme, the strengthening of the STEP program and Job Compacts are all relatively new. The Committee will revisit these schemes, when the Job Compacts are finalised and there is data available on their initial impact and progress towards addressing Indigenous employment issues.

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**7.84** Since early 2007, under the Two Ways Together Plan, the New South Wales Government has been developing and is now starting to implement, regional action plans. Ms Pearse told the Committee these were starting to show results:

... there are good local things happening on the ground across New South Wales and part of this approach is about replicating and learning from it across the State. This foundation, if you like, which is the first generation of these plans, starts to give us a practical way of doing what we have not been able to do that before.<sup>699</sup>

**7.85** The employment and training services delivered by Mission Australia are predominantly federal programs, with the overriding one being Job Network that is run in 30 sites around New South Wales. The job placement, employment and training program, targeted to 15 to 21 year olds who are generally homeless or at risk of being homeless, runs in 12 sites around this state.

**7.86** Mr Kennedy listed a number of critical factors for success. These included:

- the engagement of Indigenous staff to work in new programs
- cultural training for Indigenous staff and other officers in order to deliver culturally appropriate services
- long-term approach to gain the trust and respect of the Indigenous community
- Memorandums of Understanding with local services providers, for example the CDEP provider for the local council
- Indigenous involvement in the decision making process
- employees willing to become involved in mentoring employees, and providing subsidised accommodation, uniforms, transport
- place based solutions that meet the needs of individual communities.<sup>700</sup>

**7.87** The experiences of submission author Ms Marjorie Anderson, an Indigenous woman actively involved in addressing issues that impact on Aboriginal Australians, confirm the need for such programs. In her submission to the Inquiry, Ms Anderson outlines a number of prerequisites for ensuring success in Aboriginal employment strategies,<sup>701</sup> These are markedly similar to the successful initiatives employed by the successful programs outlined below.

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<sup>699</sup> Ms Pearse, Evidence, 12 February 2008, p

<sup>700</sup> Mr Kennedy, Evidence, 30 April 2008, p 16

<sup>701</sup> Submission 61, Ms Marjorie Anderson, p 2

**7.88** Koori Aged and Disability Services Advisory Network recommended that New South Wales develop a workforce framework to inform local strategies and ensure resources are made available to implement strategies at a local level. Workforce strategies could include:

- support programs for people in pre-employment
- support for small business enterprises
- acknowledgement and positive promotion of the depth of knowledge, skill and expertise that Aboriginal people bring to the workforce to encourage new workers
- training resources made available to support new workers and provide skill development opportunities for all workers, including in specialised areas such as dementia and mental health
- cultural awareness training resources are made available to provide local training on an ongoing basis.<sup>702</sup>

### **Transition to work**

**7.89** Pro-active schools such as Alexandria Park Community School are taking steps to ensure that the students are aware of what is required of them when they enter the workforce. The Principal, Ms Vine, told the Committee of the ‘careers lighthouse project’ where the school is producing a DVD that will have Aboriginal employers and employees talking about what they want from an employee and how to get a job.<sup>703</sup>

**7.90** Ms Vine explained that many children at Alexandria Park Community School come from families who do not have a history of work in the family and the alternate delivery of education through pre-apprenticeship programs was helping to keep kids in school:

[W]e are finding that the pre-apprenticeship schemes, the traineeships, the school-based traineeships, are making a positive impact on keeping kids at school because they are getting a chance to go about their education in a different way but they are also starting to see where this can lead.<sup>704</sup>

**7.91** New South Wales Police Commissioner, Mr Andrew Scipione, told the Committee of a program called ‘Operation Mura’ which is an employment strategy, based around school-based traineeships, aimed at year 11 Aboriginal youth from high schools in the Wollongong area. Students attached to the police station at Lake Illawarra are paid for one day per week as part of the ongoing traineeship, which will eventually qualify them to become members of the New South Wales Police Force. It is a partnership between the local TAFE and the local police, NSW DET and Warrigal Employment, which is managing the employment arrangement in that southern part of the State. Commissioner Scipione added that ‘all things

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<sup>702</sup> Submission 42, Ms Chris Bath, Koori Aged and Disability Services Advisory Group, p 4

<sup>703</sup> Ms Anne Marie Vine, Principal, Alexandria Park Community School, Evidence, 29 April 2008, p 47

<sup>704</sup> Ms Vine, Evidence, 29 April 2008, p 51

being considered, I think that is fantastic. It is the sort of thing we would encourage and would want to see happen right across the State.<sup>705</sup>

- 7.92** The Committee heard that there are some alternative education and training opportunities available to Indigenous young people who leave school without the necessary skills for employment. For example, Tranby Aboriginal College provides courses for Indigenous youth that give them the appropriate skills for accessing employment opportunities. (See Chapter 6 – Employment for more detail). Mr Shipp, Director of Operations at Tranby Aboriginal College, told the Committee that while Tranby does not have dedicated resources to provide direct employment for its students it has a strong informal network to assist its students accessing opportunities and gaining employment:<sup>706</sup>

In essence, those courses provide the skills for people to go on and gain opportunities. So do our other courses. A lot of our students in the legal studies course, for example, work in our sector, in legal offices or within Aboriginal organisations. So, we are not just looking for building capacity so someone can gain employment; we are building the skill while they are gainfully employed as well. So, we do do it but we are just not resourced for a particular apprentice program or that sort of thing.<sup>707</sup>

- 7.93** As the Aboriginal Employment Strategy is also a registered training organisation it is able to ‘up-skill’ clients when vocational training is needed, including literacy, numeracy and verbal communications.<sup>708</sup> Mr Dick Estens, Chairman of the Aboriginal Employment Strategy, emphasised his belief in the importance of providing vocational training that links with employment opportunities and allows Indigenous communities to develop capacity and sustainability for the future:

I firmly believe that vocational training, certainly in New South Wales, has some fantastic examples in terms of modelling that particular process forward, but there are also areas for improvement. Like everything, there always areas for improvement. But I would like to put forward that vocational training must be championed by an industry or a body that is going to enable employment outcomes to be achieved after the training has been completed. I tell you, there a lot of Aboriginal people Australia wide that have a lot of TAFE certificates, yet the unemployment rate is still at 18 per cent. Something is telling us that nothing is matching up. Obviously we hope to renew and review what has not happened in the past to what needs to happen in the future.<sup>709</sup>

- 7.94** School students are not the only potential workforce participants; there remains a need for transition to work programs for older Indigenous Australians. Until recently, this has been provided under the Federal Government CDEP program and currently falls under the STEP program in many areas of New South Wales.

<sup>705</sup> Commissioner Andrew Scipione, NSW Police Force, Evidence, 12 February 2008, pp 73-74

<sup>706</sup> Mr Lindon Coombes, Chief Executive Officer, Tranby Aboriginal College, Evidence, 13 February 2008, p 25

<sup>707</sup> Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College, Evidence, 13 February 2008, p 25

<sup>708</sup> Mr Lester, Evidence 13 February 2008, p 58

<sup>709</sup> Mr Richard Estens, Chairman, Aboriginal employment Strategy, Evidence, 13 February 2008, p 55

*Mentoring programs*

- 7.95** The Committee heard that formal mentoring programs can make a difference to the success of a program and the retention of Indigenous employees. Providers of Indigenous employment programs<sup>710</sup> stressed the importance of ongoing support networks for Indigenous employees that included a strong mentoring component.
- 7.96** Mr Allen, Director General of Housing NSW, told the Committee of his department's Aboriginal employment strategy under which they have achieved the target of 7 per cent proportion of Aboriginal staff. Mr Allen attributed the success of the Housing NSW employment strategy and the increasing retention rates of Indigenous staff to their public sector award winning Aboriginal mentoring program where:
- ... Aboriginal staff are able to be formally mentored by other non-Aboriginal staff or Aboriginal staff, more senior people in our organisation.<sup>711</sup>
- 7.97** Another instance of government recognition of the importance of mentoring is the STEP program, which is replacing the CDEP initiative. This program has the additional Employment Related Services component. A large part of Employment Related Services is a mentoring service that continues for 52 weeks after commencing the STEP program.<sup>712</sup>
- 7.98** Alexandria Park Community School, is a K-12 school located in inner Sydney, which has a particular focus on providing mentoring to support Indigenous students when they are making the transition from school to work.
- 7.99** The school is currently participating in Australian Indigenous Mentoring Experience. This is a mentoring program that partners university students with Indigenous high school students from Year 9-12 in a one on one relationship. For 17 weeks, students from a variety of different faculties at the University of Sydney become mentors for young people from Alexandria Park Community School.<sup>713</sup> Ms Vine told the Committee how successful the program has been and how much the students enjoy it:
- [AIME] is such a positive program. The students talk about it positively when the mentors are not there. They turn up on the day that the mentors are supposed to be there—we always have our best attendance on those days—and they help create that culture of learning for the students.<sup>714</sup>
- 7.100** The Aboriginal Employment Strategy is a not for profit organisation that specialises in 'placing and mentoring Aboriginal people into employment.'<sup>715</sup> Mr Lester regards successful mentoring as an essential element of his organisation's success. Mr Lester told the Committee

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<sup>710</sup> These included AES, ANZ, Country Energy and Mission Australia

<sup>711</sup> Mr Mike Allen, Director General, Department of Housing, Evidence, 12 February 2008, p 48

<sup>712</sup> STEP <[www.workplace.gov.au](http://www.workplace.gov.au)> (accessed 2 June 2008)

<sup>713</sup> AIME, <[www.aimementoring.com/?q=AIMEPrograms](http://www.aimementoring.com/?q=AIMEPrograms)> (accessed 29 May 2008)

<sup>714</sup> Ms Vine, Evidence, 29 April 2008, p 49

<sup>715</sup> Aboriginal Employment Strategy, <[www.aboriginalemploymentstrategy.com.au](http://www.aboriginalemploymentstrategy.com.au)> (accessed 2 June 2008)



that the organisations' definition of mentoring is job retention saying 'it is all about how Aboriginal individuals can retain their employment status over time.'<sup>716</sup>

- 7.101** Mr Craig Toole, Operations Manager for Birrang Enterprise Development Company, a CDEP provider based in Orange, told the Committee that all except one of his field officers are trained mentors. In this organisation CDEP field officers are usually the first point of contact with Indigenous clients and that the mentoring starts from that point. The mentoring includes discussing potential positions, putting a resume together, appropriate dress and confidence building. This mentoring process continues once the person is employed, possibly in the form of a phone call. Mr Toole added that Job Networks also has the same type of mentoring process.<sup>717</sup>
- 7.102** Mission Australia provides assistance through both mainstream and Indigenous-specific services. Mr Kennedy told the Committee that Mission Australia is 'working with Indigenous youth by mentoring them, training them and placing them into employment.'<sup>718</sup> Mr Kennedy believes that the mentoring is not only for the potential employee but engaging with elders is a 'critical success factor'<sup>719</sup> and that retention rates are much better when there is 'a very ordered induction that involves cultural training as well.'<sup>720</sup>
- 7.103** The Committee also heard from Country Energy and the ANZ Bank who are offering employment and training opportunities for Indigenous people. These organisations also regard mentoring as vital to the success of their Indigenous programs. Further details on these organisations is discussed in the following section.

*Committee comment*

- 7.104** The Committee heard repeated evidence from a variety of stakeholders that mentoring Indigenous employees improves retention rates. Mentoring programs need to be considered as an integral part of Indigenous programs. To ensure cultural understanding and resilience, mentoring needs to include both the Indigenous and non-Indigenous employees.

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**Issue for consideration 28– Employment: mentoring**

Given the volume of evidence supporting mentoring programs and their effectiveness in gaining and retaining Indigenous employees, the Committee will consider how mentoring can be incorporated into a variety of programs aimed at addressing Indigenous disadvantage.

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<sup>716</sup> Mr Lester, Evidence 13 February 2008, p 52

<sup>717</sup> Mr Craig Toole, Birrang Enterprise Development Company, Evidence, 12 March 2008, p 15

<sup>718</sup> Mr Kennedy, Evidence, 30 April 2008, p 12

<sup>719</sup> Mr Kennedy, Evidence, 30 April 2008, p 14

<sup>720</sup> Mr Kennedy, Evidence, 30 April 2008, p 17

**Links with business**

**7.105** To address the gap between Indigenous and non-Indigenous employment levels it is important to make the most of all available opportunities. Current government policy is attempting to increase the number of Indigenous Australians employed in the public sector and developing regional and industry Job Compacts. This leaves corporate employment opportunities largely untapped.

**7.106** Mr Lester voiced his concern about the general lack of involvement by the Australian corporate sector in Aboriginal employment:

... One of the noticeable omissions in Aboriginal affairs across Australia is the lack of corporate Australia's support and commitment toward addressing the need for sustainability, especially when it comes to employment.<sup>721</sup>

**7.107** However, with the growing skill shortage in Australia, the Committee notes that some corporations, particularly those in regional areas, are beginning to see Indigenous Australians as potential employees. Current corporate initiatives that were brought to the attention of the Committee include: corporations forging links with schools and undertaking Indigenous employment strategies in the finance and utility sectors.

**7.108** Corporations told the Committee that with the skill shortage and ageing Australian population it made 'good business sense' to liaise with the Indigenous population and provide the resources required to build their relationship and strengthen Indigenous communities. Mrs Benson, Group General Manager, Corporate Services for Country Energy explained to the Committee what this meant to Country Energy:

The words "business sense" represent an employment base from which we recruit. We do not do it as a charity. I think that is another misconception. A leadership responsibility goes with it, definitely, yes. It is not an act of charity. It fits in with what we need to do but leadership responsibilities come with it.<sup>722</sup>

**7.109** The Indigenous community gains the long-term benefits that come with employment and industries are able to increase their labour pool, particularly in areas where there are skills shortages or that may be difficult to staff otherwise:

We struggle to keep employees at a number of locations in New South Wales. We do not seem to have that sort of problem when we recruit Indigenous apprentices from the towns that they live in. They are not all that enthusiastic about living in Port Macquarie. It is good business sense to do that.<sup>723</sup>

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<sup>721</sup> Mr Lester, Evidence, 13 February 2008, p 49

<sup>722</sup> Ms Cathy Duncan, Indigenous Cultural Capability Manager, ANZ, Evidence, 29 April 2008, p 72

<sup>723</sup> Mr Brian McLean, Group Manager, Meter Reader, Country Energy, Evidence, 29 April 2008, p 81

- 7.110** Ms Cathy Duncan, Indigenous Cultural Capability Manager, ANZ, expressed the view that one of the best things about the ANZ Indigenous employment program was its sustainability:

...we have accessed a talent that has been untapped in communities that will stay. They will stay for the long-term and they will develop also that financial literacy amongst their family members.<sup>724</sup>

- 7.111** Brief descriptions of some corporate initiatives currently targeting Indigenous Australians are outlined below.

### *Country Energy*

- 7.112** Country Energy is owned by the New South Wales Government, and is one of Australia's largest energy providers. It employs over 4,000 people and serves over 870,000 customers. They are also currently the largest direct employer of Indigenous apprentices in New South Wales.
- 7.113** Country Energy has created 83 Indigenous apprenticeships since 2001, with 66 Indigenous apprentices currently undertaking a four-year structured training course and another 50 recently recruited. Country Energy specifically targets Indigenous school students in years 10 to 12.
- 7.114** In 2007, Country Energy launched their Indigenous Employment and Development Strategy, a plan that offers young Indigenous apprentices a range of practical initiatives, from pre-employment training to long-term career planning leadership development opportunities, mentoring and the opportunity to obtain tertiary qualifications. Both the strategy document and the implementation plan identify targets and measures to assess the effectiveness of any actions.<sup>725</sup>

### *ANZ*

- 7.115** ANZ is one of the largest corporations in Australia, with considerable reach into rural and regional New South Wales through its numerous branches. In 2007 year, ANZ developed their Reconciliation Action Plan, to actively contribute to improving the wellbeing of Indigenous Australians.<sup>726</sup> There are four prongs to the Reconciliation Action Plan, and the Committee heard about the most successful component, the introduction of school-based traineeships for Indigenous students in years 11 and 12.
- 7.116** ANZ's traineeships aim to offer practical, hands-on experience to trainees, through working in their local ANZ branch in a customer service-based role. The traineeships offer an introduction to budgeting and money management to students who often come from a background lacking in financial literacy. Trainees also receive an income while they complete TAFE qualifications in Business and their Higher School Certificate studies.

<sup>724</sup> Ms Duncan, Evidence, 29 April 2008, p 72

<sup>725</sup> Submission 59, pp 5-6

<sup>726</sup> ANZ Community, Reconciliation Action Plan, <[www.anz.com/aus/values/community/Reconciliation.asp](http://www.anz.com/aus/values/community/Reconciliation.asp)> (accessed 10 June 2008)

**7.117** The program has benefits not only for the trainees, but also for their local community. Mr Bruce McQualter, Head of Indigenous Employment and Training at ANZ, told the Committee of the benefits for Indigenous communities of having a youth in the trainee program:

... We are finding that the kids coming to us in employment are taking that financial literacy back to their immediate family or extended family and more increasingly we are getting requests from the kids' schools or former schools to talk about budgeting and planning.<sup>727</sup>

***Committee comment***

**7.118** The Committee believes that the initiatives undertaken by organisations such as the ANZ bank, Country Energy, AES, Mission Australia, and the Alexandria Park Community School are indicative of a new way of thinking that promotes opportunities for Indigenous Australians, while at the same time addressing the individual needs of each organisation. Each shows a high level of commitment to developing partnerships between Indigenous Australians and the corporate sector.

**7.119** Although the core business of each of the above entities is distinctly different, it is evident that there are common elements running through these initiatives that have made them successful in increasing Indigenous employment opportunities and retention rates. These include:

- support and commitment at all levels of the organisation
- pre-employment training, with support for students while they are still at school
- ongoing mentoring
- current Indigenous employees involved in the recruitment process
- ongoing training
- appropriate and ongoing evaluative mechanisms

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**Issue for consideration 29 – Employment: corporate role**

The Committee heard examples of businesses overcoming their skills shortages through employment and training schemes targeted at Indigenous workers. The Committee will further consider the strengthening of the relationship between corporations and Indigenous communities.

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<sup>727</sup> Mr Bruce McQualter, Head of Indigenous Employment and Training, ANZ, Evidence, 29 April 2008, p 66

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### Issue for consideration 30 – Employment: elders role

Inquiry participants recognised the important role played by Indigenous elders and their communities in providing support for Indigenous employment and youth programs. The Committee regards the building of trust and respect between Indigenous communities, government, and prospective employers as critical to the provision of Indigenous employment opportunities in the long-term.

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### Measuring efficacy

- 7.120** The effectiveness of employment programs can, in part, be measured by statistics on Indigenous workforce participation. To measure the efficacy of these programs it is necessary to examine employment numbers as well as the level of employment being attained. Integral to the evaluation of the programs is also the retention rate of people placed in employment and the number of people who are self-employed.

#### Placement

- 7.121** The New South Wales Government, through the Two Ways Together Plan, has a target of 2 percent Indigenous employment in the public sector. The representation of Aboriginal people in the New South Wales public sector has increased from 1.3 percent in 2000 to 1.9 percent at 30 June 2006.<sup>728</sup>
- 7.122** However, when Aboriginal people are employed they are usually employed at the lower end income positions. The median weekly income for New South Wales Aboriginal residents aged 15 and over was \$165 per week less than non-Indigenous New South Wales residents.<sup>729</sup> For Aboriginal workers, the proportions of people in ‘self employment’ are much lower than those for the whole New South Wales population.<sup>730</sup>
- 7.123** Ms Pearse cited the North Coast regional action plan as an example of what is coming out of the regional action plans:

... one of the goals is for Aboriginal people to be employed in sustainable jobs.... there are some indicators over time that we will track against that goal. One of those indicators is retention rates of kids from years 7 to 12 to look at the flow of where Aboriginal kids go when they leave school, whether they go into training, job placements or other education. Other indicators will look at Aboriginal employment rates in that region against non-Aboriginal employment rates, the number of new jobs that are filled by Aboriginal people and the number and percentage of people staying in jobs. Part of these plans is about developing the baseline data and getting the mechanisms in place to collect the data. Not all that data is available now, some of it is. Over time that is what will help us to track this goal. Then the plan has a couple of specific actions. The people from the key government agencies and peak bodies in

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<sup>728</sup> *Two Ways Together Report on Indicators 2007*, p 52

<sup>729</sup> *Two Ways Together Report on Indicators 2007*, p 56

<sup>730</sup> *Two Ways Together Report on Indicators 2007*, p 57

that region have agreed if we tackle these actions we believe there will be a direct relation between implementing these actions and ultimately meeting those targets or indicators.<sup>731</sup>

### **Retention**

- 7.124** The success of employment programs for Indigenous people can be measured by examining retention rates. Mr Lester uses this as a measure:

Our [retention] rate is above the national average when you compare us with other employment organisations. In particular, our 26 weeks is above our internal key performance indicator. Currently we are around the 41 per cent mark in relation to 26-week retention. That is year-to-date contracts, that is, from July 2005 to the current time. The critical thing we have before us is that there is an amount of goodwill from corporate Australia. It is about how can we engage that level of goodwill and turn it into real, sustainable employment outcomes, to move forward rather than backward.<sup>732</sup>

- 7.125** Mr Estens attributes the success to the organisations' ongoing engagement with key corporate personnel and the strength of its mentoring program:

Once that individual is placed into a job, it is about mentoring. Our definition of mentoring from our organisational point of view is job retention. It is about how can we ensure, in three months or six months time, that that individual is still going to be within that organisation.<sup>733</sup>

- 7.126** The National Program Manager for Mission Australia, Mr Roger Kennedy, told the Committee that the retention rates of Indigenous employees are better if the induction is structured and includes cultural training. On the other hand, he said '[i]f it is a very fast paced environment and things are changing all the time, there is too much to take in and we find that retention is not very high.'<sup>734</sup>

- 7.127** Country Energy are in the early stages of phase two of their Indigenous Employment Strategy. Integral to this phase of the program is ongoing evaluation of the effectiveness of the Indigenous Employment Strategy including Indigenous employee satisfaction.

### ***Committee comment***

- 7.128** The Committee believes that the actions that the New South Wales Government is undertaking in the development of Job Compacts and STEP need to be carefully monitored for placement numbers and levels as well as retention.

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<sup>731</sup> Ms Pearse, Evidence, 12 February 2008, p 8

<sup>732</sup> Mr Lester, Evidence, 13 February, p 52

<sup>733</sup> Mr Lester, Evidence, 13 February 2008, p 52

<sup>734</sup> Mr Kennedy, Evidence, 30 April 2008, p 17

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**Issue for consideration 31 – Employment: reassessment**

It is evident from the statistics that current policies and/or initiatives have not been enough to make substantial inroads into Indigenous unemployment. The Committee will examine reasons for this, including the limited time frame, education levels and early disengagement of Indigenous students in the educational process.

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## Chapter 8 Housing

Access to good quality, affordable and appropriate housing is an important contributor to health and wellbeing. Without access to appropriate housing Indigenous people suffer overcrowding, homelessness and other lifestyle determinants that may result in an increase in the gap in life expectancy between Indigenous and non-Indigenous Australians.

This chapter provides an overview of Indigenous housing circumstances and the housing provided by government service providers, the Aboriginal Housing Office and Aboriginal community housing providers. The Committee also considers the affordability of housing for Indigenous people and the issue of home maintenance.

### Housing and life expectancy

**8.1** Adequate housing is a key problem for the Indigenous community. The *Two Ways Together Report on Indicators 2007* states that ‘there is growing evidence that improvements in housing and related infrastructure promote better outcomes in health, education and employment, and can contribute to reduced crime and family violence.’<sup>735</sup>

**8.2** Mr Russell Taylor, Chief Executive Officer of New South Wales Aboriginal Housing Office (AHO), a statutory body established under the *Aboriginal Housing Act 1998* (NSW), emphasised the cumulative affect of multiple disadvantages and how accessing adequate housing is central to overcoming Indigenous disadvantage and increasing life expectancy:

[Indigenous people] face discrimination and their entry into the market suffers because of their low socioeconomic status, which is exacerbated by unemployment and poor health and education, all of which are barriers in the private market.<sup>736</sup>

**8.3** Homelessness NSW and ACT highlighted access to adequate safe housing as a fundamental human right, supported by the Universal Declaration of Human Rights.<sup>737</sup> Similarly, the Conference of Leaders of Religious Institutes of NSW told the Committee that:

Reports from the last ten years have been a serious indictment of decades of government mismanagement and neglect in delivering the basic human right of housing to Indigenous Australians.<sup>738</sup>

<sup>735</sup> *Two Ways Together Report on Indicators 2007*, p 87

<sup>736</sup> Mr Russell Taylor, Chief Executive Officer, New South Wales Aboriginal Housing Office (AHO), Evidence, 13 February 2008, p 38

<sup>737</sup> Submission 31, Homelessness NSW and ACT, p 2

<sup>738</sup> Submission 14, Conference of Religious Leaders of NSW, p 4

**8.4** Reverend Tom Slockee, Chairman of the AHO Board, explained the situation to the Committee in terms of social justice:

Housing is about equity and it is a social justice issue. I was going to talk about the Aboriginal population of New South Wales but I believe you have already been given a lot of statistics on that. Just to highlight, 31 per cent of Aboriginal people live in Sydney and 84 per cent of our people in New South Wales live in urban and regional areas. I make that point early because I want to talk a bit more about the needs of urban and regional areas in comparison to what has now become known as remote areas. A lot of our people live in social housing. Whilst this is not the big experience for the non-Aboriginal population, probably more than 30 per cent of our people live in what we call social housing. Social housing comprises public housing, Aboriginal housing and community housing.<sup>739</sup>

**8.5** The *Two Ways Together Report on Indicators 2007* provides some key statistics relating to housing within the Indigenous community. The *Two Ways Together Report on Indicators 2007* that 37.8 percent of Indigenous people own or are purchasing their own home, compared with 69.5 percent of non-Indigenous New South Wales households. The number of Aboriginal households renting privately is 30.7 percent and 27.1 percent are in social housing rental accommodation. These percentages are both much larger than for non-Indigenous households (22.8 and 4.9 percent, respectively).<sup>740</sup>

**8.6** Mr Mike Allen, Director General, NSW Housing, explained to the Committee the distribution of housing in New South Wales:

First, the broad distribution in housing terms of Aboriginal households in New South Wales is roughly one-third in home ownership, either purchasing or owning their home; one-third in the private rental sector; and one-third in social housing. A significant growing body of evidence and research highlights the non-housing outcomes or benefits of stable and affordable accommodation.<sup>741</sup>

**8.7** Clearly, social housing is a key provider of accommodation for Aboriginal people, housing over a third of the Indigenous population in New South Wales. The major housing provider in New South Wales is Housing NSW, and the New South Wales Government submission provided a breakdown of the provision of this housing as it relates to the Indigenous population:

- 9,800 live in public housing
- 930 live in mainstream community housing
- 4,300 Aboriginal housing properties are owned by the Aboriginal Housing Office

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<sup>739</sup> Reverend Tom Slockee, Chairman, Aboriginal Housing Office Board, Evidence, 14 February 2008, p 22

<sup>740</sup> *Two Ways Together Report on Indicators 2007*, p 88

<sup>741</sup> Mr Mike Allen, Director General, Housing NSW, Evidence, 12 February 2008, p 37

- 4,600 properties are owned and managed by Aboriginal community housing providers.<sup>742</sup> Over half these properties are owned by the Aboriginal Land Council network.<sup>743</sup>

**8.8** As the *Two Ways Together Report on Indicators 2007* notes, the high numbers of Indigenous people in social housing accommodation reflects the high level of disadvantage that Aboriginal people experience across most indicators.<sup>744</sup>

**8.9** The impact of the type of housing on other factors was explained by Mr Allen:

The first point I made was around housing demographics, if you like. The second point was around the increasing research and evidence base that stable and affordable accommodation for people generally, but specifically for Aboriginal people, improves a number of other non-housing outcomes—better educational and health outcomes, reductions in family violence, and so on.<sup>745</sup>

## Key government policy initiatives

### New South Wales State Plan

**8.10** The New South Wales State Plan is the overarching policy document that sets the agenda for the provision of government services. One of the high-level goals contained in this plan is Priority F1 – Strengthening Aboriginal Communities. This commits the government to ‘improving, health, education, and social outcomes for Aboriginal people with one of the targets being to ensure that ‘all Aboriginal communities in New South Wales have equitable access to environmental health systems – water, sewage and waste management.’<sup>746</sup>

**8.11** The New South Wales Government submission explained that while Priority F1 targets do not specifically refer to housing, the improvement of housing infrastructure is noted as an important contributor to health outcomes, influencing other factors such as family violence and education.<sup>747</sup>

**8.12** Actions to address housing affordability are also implemented as part of the New South Wales State Plan, under Priority E6. Priority E6 looks at housing affordability from the perspective of first home buyers as well as from the perspective of the ‘most vulnerable households – the frail aged, people with disabilities, people with mental illness and people at risk of homelessness’.<sup>748</sup>

<sup>742</sup> Submission 40, New South Wales Government, p 50

<sup>743</sup> *Two Way Together Report on Indicators 2007*, p 89

<sup>744</sup> *Two Ways Together Report on Indicators 2007*, p 89

<sup>745</sup> Mr Allen, Evidence, 12 February 2008, p 39

<sup>746</sup> New South Wales State Plan 2007 Update F1

<sup>747</sup> Submission 40, p49

<sup>748</sup> New South Wales State Plan 2007 Update E6

- 8.13** The New South Wales Government has released the first two stages of its ‘Affordable Housing Strategy’:
- Stage 1: New Directions in Social Housing for older people with a commitment of \$495 million towards the construction and refurbishment of community and public housing to meet the needs of older people.
  - State 2: A New Direction for Community Housing which is aimed at growing the community housing sector to increase its capacity to provide affordable rental housing for low to moderate households in housing stress.<sup>749</sup>

- 8.14** The New South Wales Government submission states that ‘Aboriginal people in common with the New South Wales population more generally, will benefit from the increased land supply and housing mix targeted under the State Plan.’<sup>750</sup>

### ***Two Ways Together Plan***

- 8.15** The Two Ways Together Plan is the New South Wales Government’s ten-year whole of government Aboriginal Affairs plan. In the *Two Ways Together Report on Indicators 2007*, the New South Wales Government notes that it aims to improve health outcomes for Indigenous people ‘by providing and maintaining social housing, by funding and supporting Aboriginal controlled organisations to provide housing and related services for Aboriginal people, and by funding the construction and maintenance of environmentally healthy infrastructure in Aboriginal communities, including, water, sewerage and waste management systems’.<sup>751</sup>

### **Redfern Waterloo Authority**

- 8.16** The Redfern Waterloo Authority (RWA) was established under the *Redfern Waterloo Authority Act 2004* (NSW). The Act sets out the aims and objectives of the RWA and contains provisions directed at overcoming Indigenous disadvantage in the RWA’s operational area.<sup>752</sup> In 2006, the RWA entered into a formal partnership agreement with the Federal and New South Wales State Governments for cooperation ‘on enhancing the economic and social revitalisation of Redfern Waterloo in relation to the Indigenous community.’ According to the RWA submission this agreement states that the ‘two governments will work closely together on key areas including employment and enterprise, education, Indigenous housing and the Block and human services.’<sup>753</sup> The Block is an area in Redfern bounded by Eveleigh, Caroline, Vine and Louis Streets.<sup>754</sup>
- 8.17** The RWA has allocated \$35 million to be delivered over the next 10 years for affordable housing through the RWA’s Affordable Housing Contributions Plan, which includes \$16 million specifically for affordable housing for Aboriginal people; the Minister for Planning

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<sup>749</sup> New South Wales State Plan 2007 Update E6

<sup>750</sup> Submission 40, p49

<sup>751</sup> *Two Ways Together Report on Indicators 2007*, p 87

<sup>752</sup> Submission 11, Redfern Waterloo Authority, p 3

<sup>753</sup> Submission 11, p 9

<sup>754</sup> Aboriginal Housing Company, <[www.ahc.org.au](http://www.ahc.org.au)>

approved the Affordable Housing Contributions Plan in May 2007.<sup>755</sup> An additional \$23 million over 10 years is allocated to the Affordable Housing Planning Agreement, resulting from the redevelopment of the former Carlton United Breweries site in Broadway.<sup>756</sup> The RWA submission does not outline if part of this money was allocated to affordable housing for Aboriginal people.

- 8.18** It is not clear exactly how many additional houses will be made available under these projects, which form part of the Redfern-Waterloo Built Environment Plan. The Affordable Housing Contributions Plan was criticised by the Conference of Leaders of Religious Institutes of NSW for failing to address the Pemulwuy Plan proposal for redevelopment of the Block area in Redfern, writing in their submission that this failure indicated ‘...the intrusion of both commercial and political interests that shame the New South Wales Government and its professed lack of bias.’<sup>757</sup>
- 8.19** The Pemulwuy Plan is the Aboriginal Housing Company<sup>758</sup> plan for the redevelopment of its properties in Redfern with an emphasis on strengthening Aboriginal cultural values, spirituality and employment through tourism.<sup>759</sup> The Aboriginal Housing Company and its Pemulwuy Plan is discussed later in this chapter.

### Federal initiatives

- 8.20** The Federal Government has a key role to play in the provision of social housing. In 2006 the Federal Government, NSW AHO, the Australian Bureau of Statistics (ABS), Australian Institute of Health and Welfare along with other state and federal departments committed to an Agreement on National Indigenous Housing Information. The broad aim of this agreement is to establish an overall Indigenous Housing Information Management Strategy to improve the quality of, and access to, Indigenous housing data. This data is then used to inform policy decisions to best address Indigenous housing needs and the variability of Indigenous housing organisations.<sup>760</sup>
- 8.21** The national framework for the provision of housing to Aboriginal and Torres Strait Islander people is Building a Better Future: Indigenous Housing to 2010.<sup>761</sup> This framework is aimed at strengthening the role of Indigenous community housing organisations. Its specific objectives are to:
- identify and address unmet housing needs of Indigenous people

<sup>755</sup> Submission 11, p 6

<sup>756</sup> Submission 11, p 6

<sup>757</sup> Submission 14, pp 5-6

<sup>758</sup> The Aboriginal Housing Company is an independent, non-profit, Aboriginal-governed organisation located in the heart of Redfern which provides community housing for Indigenous people, <[www.ahc.org.au](http://www.ahc.org.au)> (accessed 5 June 2008)

<sup>759</sup> Aboriginal Housing Company, <[www.ahc.org.au](http://www.ahc.org.au)> (accessed 5 June 2008)

<sup>760</sup> Agreement on National Indigenous Housing Information, <[www.aihw.gov.au](http://www.aihw.gov.au)> (accessed 5 June 2008)

<sup>761</sup> *Two Way Together Report on Indicators 2007*, p 87

- improve the capacity of Indigenous community housing organisations and involve Indigenous people in planning and service delivery
- achieve safe, healthy and sustainable housing
- coordinate program administration.<sup>762</sup>

**8.22** The desired outcomes of these objectives are:

- better housing that meets agreed standards, is appropriate to the needs of Indigenous Australians and contributes to their health and wellbeing
- better housing services that are well managed and sustainable
- more housing to address both the backlog of Indigenous housing needs and meet the future needs of the growing Indigenous population
- improved partnerships, ensuring that Indigenous people are fully involved in the planning, decision making and delivery of services by government
- greater effectiveness and efficiency to ensure that assistance meets the objectives and that resources are used to the best advantage
- improved performance linked to accountability with performance reporting based on national data collection systems and good information management
- coordination of services with a ‘whole of government’ approach that ensures housing and housing related services are linked to improved health and wellbeing outcomes.<sup>763</sup>

**8.23** In the 2007-08 Federal Budget the Federal Government provided for the expenditure of \$293.6 million over four years to ‘kickstart a major reform strategy aimed at reducing the current level of overcrowding in remote Indigenous communities.’<sup>764</sup> This money was for the implementation for the Australian Remote Indigenous Accommodation (ARIA) program.

***Community Housing Infrastructure Provision (CHIP)***

**8.24** The ABS Community Housing and Infrastructure Needs Survey (2001-06) showed that despite spending over \$1 billion dollars in the preceding 5 years Indigenous housing stock increased only marginally (by 567 or 3 percent) to 21,854 and the proportion of housing stock needing major repairs increased from 19 percent to 23 percent. At this time Indigenous housing was managed under the Aboriginal and Torres Strait Islander Commission’s (ATSIC’s) Community Housing and Infrastructure Program (CHIP).

**8.25** Pricewaterhouse Coopers, in a 2007 review of the CHIP program also identified problems with the program. It was acknowledged that many Aboriginal housing corporations have a limited ability to manage and maintain their housing stock, due to ‘low rent collection, poor tenancy management, the standard of workmanship and other asset maintenance issues – all

<sup>762</sup> Building a Better Future: Indigenous Housing to 2010 <[www.facs.gov.au](http://www.facs.gov.au)> (accessed 4 June 2008)

<sup>763</sup> Building a Better Future: Indigenous Housing to 2010 <[www.facs.gov.au](http://www.facs.gov.au)> (accessed 4 June 2008)

<sup>764</sup> ‘The Australian Government’s Indigenous housing reforms to benefit remote Indigenous communities’, Questions and Answers, <[www.facs.gov.au](http://www.facs.gov.au)>

usually exacerbated by remoteness, lack of the necessary skills and the cost of materials and trade services'.<sup>765</sup>

- 8.26** Given the figures it is not surprising that from 2008-09 the CHIP has been abolished. CHIP has been replaced with an expanded Australian Remote Indigenous Accommodation (ARIA) Program.<sup>766</sup> The Federal Government states that its reforms are to help fix the Indigenous housing problem particularly in remote Australia.

***Australian Remote Indigenous Accommodation (ARIA) program***

- 8.27** Changes to the ARIA program include the provision of additional funding to construct new houses and repair and upgrade existing houses in remote locations across Australia. ARIA will also provide assistance for Indigenous people to directly purchase new homes or to lease-purchase a home.<sup>767</sup>
- 8.28** Mr Taylor expressed concern about the Federal Government's commitment to targeting Aboriginal communities in rural and remote Australia, stating that much of the Indigenous population in New South Wales would not receive the benefit of policies directed to these communities:

[Prime Minister Rudd] suggested that the Australian Government would develop a five-year plan, but he qualified that by referring to remote Australia. If that is the case, in future 95 per cent of the Aboriginal population in New South Wales will miss out because we do not have the remote areas and populations that until recent times the Australian Government has suggested might be the beneficiaries of its programs .... It is a major threat to the operations of the Aboriginal Housing Office, but, more importantly, to any aspirations the State Government might have about Aboriginal wellbeing, and it certainly needs to be addressed.<sup>768</sup>

- 8.29** Reverend Slockee explained the New South Wales situation and also expressed his concern with the ARIA program's emphasis on remote areas:

There was an announcement before the elections last year about the abolition of CHIP and then the commencement of the ARIA—the Australian Remote Indigenous Accommodation program. It does not really assist New South Wales communities very much at all and it really undermines the self-determination of Aboriginal people. So, we are not really in favour of the ARIA program although there are some principles in it that we probably agree with. To restate, New South Wales is a highly urbanised population and we believe that any new funding agreements need to provide an opportunity for urban and regional communities as well as remote.<sup>769</sup>

<sup>765</sup> Pricewaterhouse Coopers, *Living in the Sunburnt Country – Findings of the Review of the Community Housing and Infrastructure Program*, Final Report, February 2007, p 19

<sup>766</sup> Implementation of Australian Remote Indigenous Accommodation (ARIA) Programme <[www.facs.gov.au](http://www.facs.gov.au)>

<sup>767</sup> Implementation of the ARIA Programme <[www.facs.gov.au](http://www.facs.gov.au)>

<sup>768</sup> Mr Taylor, Evidence, 13 February 2008, p 38

<sup>769</sup> Reverend Slockee, Evidence, 14 February 2008, p 23

- 8.30** Mr Taylor told the Committee that he believed there are serious ramifications of the Federal Government's change in policy. He noted that the ARIA models focus on rural communities was to the detriment of a state like New South Wales, where many of the communities in need of government funded housing would not be classed as 'remote' under the ARIA definition:

The demographic change is suggesting that more and more they are becoming Aboriginal communities but they do not meet the definition of the Australian Government of "remote". ... That means that we only have a very small pocket of locations that will qualify for the ARIA funding.<sup>770</sup>

- 8.31** Similarly, Reverend Slockee told the Committee that ARIA remained a key problem for the AHO as the Indigenous people of New South Wales are 'highly urbanised':

To restate, New South Wales is a highly urbanised population and we believe that any new funding agreements need to provide an opportunity for urban and regional communities as well as remote.<sup>771</sup>

- 8.32** Mr Taylor advised the Committee that the ARIA model assumed that other non-government housing providers would take up 'the slack' or any additional need arising from the policy change. He said:

I have already suggested...why the private market will not take up that slack. I should add that in some places in New South Wales there ain't no private market. We are the only game in town—or Aboriginal community interests are the only game in town.<sup>772</sup>

- 8.33** Mr Taylor also told the Committee that under ARIA, Aboriginal community housing providers are required to transfer the title of their properties to public housing authorities. He argued that this undermined the Aboriginal community housing providers:

The other issue—forget about location—is one of the policy settings is that those organisations who are going to enjoy ARIA funding have to transfer the title of their houses to public housing authorities. Now after a 30- or 40-year struggle in Aboriginal Affairs those organisations that enjoy housing assets are hardly going to sign them over to government. So what we have said to the Australian Government is: It is not just a matter of having more locations; we cannot meet your policy settings.<sup>773</sup>

- 8.34** In addition to ARIA funding, the Federal Government is also providing funds for Indigenous public housing under the Aboriginal Rental Housing Program, which is part of the Federal State Housing Agreement. State and Territory Governments use the Aboriginal Rental Housing Program for Indigenous housing mainly in urban and regional areas.<sup>774</sup>

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<sup>770</sup> Mr Taylor, Evidence, 13 February 2008, p 45

<sup>771</sup> Reverend Slockee, Evidence, 14 February 2008, p 23

<sup>772</sup> Mr Taylor, Evidence, 13 February 2008, p 45

<sup>773</sup> Mr Taylor, Evidence, 13 February 2008, p 45

<sup>774</sup> Implementation of the ARIA Programme <[www.facs.gov.au](http://www.facs.gov.au)>



*Committee comment*

- 8.35 It is the view of this Committee that the housing needs of all Indigenous Australians should be addressed. The Committee will further examine provision of housing in urban and regional areas in the Final Report.

**Issue for consideration 32 – Housing: funding**

An issue for further consideration will be the equitable distribution of funds and coordination of programs for social housing in New South Wales between urban, regional and rural areas, to better address unmet housing needs of Indigenous people.

**Housing provision**

- 8.36 Community housing in New South Wales is provided to Aboriginal people by a number of service providers. These include:
- Housing NSW
  - the NSW Aboriginal Housing Office, and
  - community housing providers.
- 8.37 The provision of community housing is divided among a range of providers, as demonstrated by table 8.1 below:

**Table 8.1 – Aboriginal community housing providers at June 2005<sup>775</sup>**

Housing provider	Number of properties
Local Aboriginal land council properties	2,664
Other Aboriginal Community Housing Providers (non-LALC)	1,964
AHO properties (managed by Housing NSW)	4156
<b>Total properties</b>	<b>8,774</b>

- 8.38 The three components of community housing are public housing, Aboriginal housing and community housing.
1. Public housing:
    - Housing NSW defines public housing as ‘fixed term, affordable housing for people living in NSW on low incomes who are unable to afford to rent privately.’<sup>776</sup>

<sup>775</sup> 2004-2005 Review of the Aboriginal Land Rights Act 1983 (NSW), *Aboriginal Land Rights Act Review Taskforce, Issues Paper 2 – Structure, Representation, Governance and Benefits*, p 113

<sup>776</sup> Housing NSW <[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)> (accessed 4 June 2008)

## 2. Aboriginal housing:

- Aboriginal housing refers to houses owned by the AHO and managed by Housing New South Wales. The term also includes Indigenous-specific community housing units that are owned and managed by community-based Aboriginal housing provider organisations.<sup>777</sup>

## 3. Community housing:

- Community housing is an integral part of the social housing system and aims to provide housing that is affordable, secure, responds to local community needs and supports tenant participation. Community housing is rental housing for low to moderate income or special needs households, managed by not-for-profit community based organisations whose operations, in the main, have been at least partly subsidised by government (usually through funds provided under the Federal State Housing Agreement).<sup>778</sup>

## Housing NSW

- 8.39** Housing NSW does not specifically provide housing for Aboriginal people, as it refers Aboriginal clients to the AHO. In answers to questions on notice the Aboriginal Housing Office outlined the significant increase in Aboriginal people waiting to be housed in ‘mainstream’ housing services in Housing NSW accommodation and consequent decrease in the number of people electing to be housed by the AHO, which has decreased the number of people waiting for AHO housing. Despite this, the AHO believes that the overall level of demand for Aboriginal social housing is continuing to increase, and it is being masked by the trend toward mainstream services.<sup>779</sup>
- 8.40** In 2006/07 Housing NSW provided over 120,000 tenancies in public housing, 14,660 tenancies in community housing and 4,152 tenancies in AHO houses. Housing NSW also manages 126,325 public housing properties, 14,140 community housing properties and 4,321 AHO properties. Housing NSW also supports 1,484 crisis accommodation properties.<sup>780</sup>
- 8.41** The five objectives of Housing NSW include the maintenance of a strong and fair public housing system for people most in need, supporting a robust and diverse community housing system and to work in partnership to strengthen the capacity of individuals, families and communities.<sup>781</sup>
- 8.42** The New South Wales Government submission highlights Housing NSW’s commitment to providing products that are appropriate to the needs of Aboriginal people and to reducing the barriers to housing services for Aboriginal people, among other things. Housing NSW’s

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<sup>777</sup> Housing NSW, <[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)> (accessed 4 June 2008)

<sup>778</sup> National Community Housing Forum <[www.nchf.org.au](http://www.nchf.org.au)> (accessed 4 June 2008)

<sup>779</sup> AHO, answers to questions on notice, March 2008, pp 3-4

<sup>780</sup> Annual Report 2006/07, Housing NSW, Statistical Summary, <[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)>

<sup>781</sup> Annual Report 2006/07, Housing NSW, Objectives, <[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)>

Aboriginal Service Improvement Team supports the development of improved service delivery strategies and initiatives across the Department.<sup>782</sup>

- 8.43** Mr Michael Maxwell, from the Community Housing Assistance Program in Mount Druitt, noted that large areas of Departmental housing attracted a social stigma, and that a more diverse range of housing is desirable, as a range of home owners, public and private renters and others should ‘comprise a community’:

The departmental housing stock in Bidwill is 71 percent and that has produced a stigma that has been hard to shake. It is one of the areas where they are looking to deconcentrate. They are looking to sell off a number of properties in this area and change that housing mix. I think that is a good thing. I do not know that public housing tenants necessarily need to congregate. That level of community can be formed whether they are public or private renters, whether they own their home or whether they are the proud owner of a mortgage. All those people could and should comprise a community.<sup>783</sup>

- 8.44** Similarly, the South Penrith Youth and Neighbourhood Services told the Committee that grouping Aboriginal people together on housing estates could exacerbate many of the issues of social disadvantage already likely to exist in Indigenous communities.<sup>784</sup>

### **New South Wales Aboriginal Housing Office**

- 8.45** The AHO was established in 1998, with four main objectives:

- to develop a viable Aboriginal housing sector,
- increase focus on asset management,
- increase access to safe, affordable and culturally appropriate housing and
- promote employment opportunities for Aboriginal people within the sector.<sup>785</sup>

- 8.46** The AHO is advised by regional housing committees on regional policy priorities.<sup>786</sup> A key part of the AHO’s role is to ensure that Aboriginal community housing providers are ‘...trained and resourced to effectively manage housing.’<sup>787</sup>

- 8.47** The AHO owns 4,300 properties, all of which are for Aboriginal people. Housing NSW is contracted to provide tenancy and property management for these properties. The AHO has upgraded 3,737 of these properties and has increased housing stock by 1,000 homes since the

<sup>782</sup> Submission 40, p 54

<sup>783</sup> Mr Michael Maxwell, Community Housing Assistance Program, Mount Druitt, Evidence, 14 February 2008, p 8

<sup>784</sup> Submission 45, pp 7-8

<sup>785</sup> AHO, < [www.aho.nsw.gov.au](http://www.aho.nsw.gov.au) > (accessed on 26 May 2008)

<sup>786</sup> AHO, < [www.aho.nsw.gov.au](http://www.aho.nsw.gov.au) > (accessed on 26 May 2008)

<sup>787</sup> Submission 40, p 52

AHO's inception.<sup>788</sup> The AHO also has an Aboriginal Housing Information Service which provides information on emergency accommodation, tenancy rights and home purchase, among other housing related topics.<sup>789</sup>

**8.48** Mr Taylor described the AHO's governance structure, which has an emphasis on the Aboriginal Advisory Board that oversees the work of the AHO. The Board, Chaired by Reverend Tom Slockee, is appointed by the Minister for Housing and Board Members are all Aboriginal people:

The governance of the Aboriginal Housing Office is very consultative and a unique arrangement. We have all the characteristics of a State department and I and my staff are accountable to the Minister. All of the usual accountability and compliance requirements that are visited upon all departments are visited upon us. However, we have an important governance element in that we have an all-Aboriginal advisory board appointed by the Minister on merit. We also use a needs-based community and regional bottom-up planning process. We develop an annual program that is ultimately signed off by our Minister.<sup>790</sup>

**8.49** Mr Taylor explained that the way the AHO operates is on principles of inclusiveness, accountability and self-determination:

There is a huge amount of Aboriginal involvement in how we do business. It has to do with need, equity and transparency—that is, it has the characteristics that we would like all our organisations to have. So it has integrity and resonance around self-determining principles and a structured, planned approach.<sup>791</sup>

**8.50** Reverend Slockee explained how when the AHO was established, it was envisaged that a key part of the AHO's role was to manage funding allocated by the Federal and State Governments towards Indigenous housing provision. However Reverend Slockee also told the Committee that funds for Indigenous housing were not always diverted through the AHO and that the Aboriginal Communities Development Program (ACDP) was an example of other government departments circumventing the role of the AHO:

...the AHO was originally set up to channel all the funds from the Federal and the State into the one bucket, if I can call it a bucket. That was the principle. That was one of the main reasons we set up the AHO. There were all these different funding packages operating, and the community was confused about where to access money. Some were doing well, others were missing out, so the whole principle was to set up the AHO and all the money would be funnelled and channelled into the AHO. Unfortunately, that did not happen. The ACDP is one example of that not happening, and we were disappointed it did not.<sup>792</sup>

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<sup>788</sup> Submission 40, p 52

<sup>789</sup> Submission 40, p 52

<sup>790</sup> Mr Taylor, Evidence, 13 February 2008, p 39

<sup>791</sup> Mr Taylor, Evidence, 13 February 2008, p 39

<sup>792</sup> Reverend Slockee, Evidence, 14 February 2008, p 24

- 8.51** Reverend Slockee argued that the AHO should be viewed as the main provider of housing for Aboriginal people in New South Wales and that programs would be most effectively run in consultation with the AHO:

One of the recommendations that this Committee could make would be that to be an effective organisation now and into the future the Aboriginal Housing Office should be seen as the main provider of Aboriginal housing services.<sup>793</sup>

### **Aboriginal community housing providers**

- 8.52** As noted earlier, community housing providers own and maintain approximately 4,000 properties, the majority of which are owned by Local Aboriginal Land Councils.

- 8.53** The New South Wales Government Housing Assistance Program provides funding to non-government organisations to deliver the Housing Communities Assistance Program. The scheme aims to provide quality of life for tenants by providing resources to develop community development activities. There are nine Housing Communities Assistance Programs currently being undertaken, these include Redfern/Waterloo, Riverwood, Minto, Rosemeadow, Cranebrook, Mount Druitt, Bidwill, Windale/Hamilton south and Bellambi.<sup>794</sup>

- 8.54** Mr Maxwell explained that the Housing Communities Assistance Program aimed to empower Aboriginal communities to ‘actively and meaningfully participate in the decision making process’ by facilitating partnerships with government and non-government sectors to develop financial sustainability. He highlighted the importance of this kind of commitment for a disadvantaged community such as Mt Druitt:

In an area like Mount Druitt that is just totally unrealistic for most of those projects. If anything is going to continue it probably will not be funded by this community. So the development of partnerships with a broad range of both government and non-government partners is one of the strategies to continue things beyond the term of any funding grant.<sup>795</sup>

- 8.55** The AHO has developed a number of policies to guide the provision of housing in New South Wales by Aboriginal community housing providers, through the Housing Communities Assistance Program.<sup>796</sup> The Housing Communities Assistance Program policy ‘sets out the minimum requirements for the management of rental housing under the Housing Communities Assistance Program and provides a starting point for Aboriginal Community Housing Providers to develop their own policies and procedures’.<sup>797</sup>

- 8.56** Policies then developed by Aboriginal community housing providers are assessed by the AHO and if approved, form the basis for the negotiation of the Funding Agreement for the use of

<sup>793</sup> Reverend Slockee, Evidence, 14 February 2008, p 25

<sup>794</sup> Housing NSW, New South Wales Housing Community Assistance Program (HCAP) <<http://www.housing.nsw.gov.au>> (accessed 4 June 2008)

<sup>795</sup> Mr Michael Maxwell, Evidence, 14 February 2008, p 4

<sup>796</sup> AHO Policy 2006/07 – 2007/08, p 5 <[www.aho.nsw.gov.au](http://www.aho.nsw.gov.au)> (accessed on 6 June 2008)

<sup>797</sup> AHO Policy 2006/07 – 2007/08, p 5 <[www.aho.nsw.gov.au](http://www.aho.nsw.gov.au)> (accessed on 6 June 2008)

funding and assets.<sup>798</sup> Mr Taylor told the Committee that the AHO has built a strong relationship with community providers, using both formal and informal mechanisms:

The Aboriginal Housing Office has a very close relationship with community providers, given that we are really their only source of program support. We do this in a number of ways. One is simply by having a non-government relationship with providers. But the way it is usually captured is we have a formal registration process that comes out of our legislation and any housing provider that expects support from the Aboriginal Housing Office and our programs needs to be registered and go through that process. We also have a funding application process which we refer to as an expression of interest. In both those processes we get information regarding their needs, waiting lists, the condition of their houses, to what extent they are performing and operating.<sup>799</sup>

**8.57** The AHO also monitors an Aboriginal community housing provider's compliance with its policies against key performance indicators. Mr Taylor explained the relationship:

To reinforce what I just said, unless community-based providers can show they are performing to an agreed set of standards—and they are rigorous—and can convince us that they meet our key performance indicators, the incentive is if they perform and manage their houses and manage their tenancies to an acceptable standard we will reward them through our program effort. I can tell you that over recent times with the Aboriginal Housing Office those two performance issues have been strengthened rather than weakened. It is important that I say we have developed what we consider to be very rigorous standards of governance and management in the community sector.<sup>800</sup>

**8.58** Mr Taylor highlighted the success of this approach, noting that the standards developed by the AHO were used at a national level to inform the development of a national framework for the management of community housing. Nonetheless, Mr Taylor noted that there 'is no doubt that we have a long way to go in our sector in lifting the bar and lifting the performance of our providers across the board.'<sup>801</sup> He argued that many providers struggle with a limited number of rental properties that make financial independence difficult.<sup>802</sup>

**8.59** Mr Maxwell reinforced this point. He told the Committee that housing programs in disadvantaged areas such as Mt Druitt have difficulty in becoming self-sufficient, as entrenched disadvantage is a major obstacle to running a profitable housing provider:

[T]he expectation of various funding bodies that programs initiated and supported by HCAP will be financially self-sufficient fails to recognise the complex and entrenched disadvantage in the communities in which HCAP is funded—not simply in Mount Druitt but also across the 10 areas listed earlier. While every effort is made to develop broad partnerships and support for any project undertaken, the reality is that some

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<sup>798</sup> AHO Policy 2006/07 – 2007/08, p 5 <[www.aho.nsw.gov.au](http://www.aho.nsw.gov.au)> (accessed on 6 June 2008)

<sup>799</sup> Mr Taylor, Evidence, 13 February 2008, p 41

<sup>800</sup> Mr Taylor, Evidence, 13 February 2008, p 41

<sup>801</sup> Mr Taylor, Evidence, 13 February 2008, p 41

<sup>802</sup> Mr Taylor, Evidence, 13 February 2008, p 41

communities suffer a degree of disadvantage that severely restricts their [capacity] to self fund every community development program.

The social and economic indicators for areas data is produced by the Australian Bureau of Statistics and it measures disadvantage...The benchmark is 1,000 and Vacluse comes in at 1,140, which indicates that it is 140 above the benchmark and therefore quite advantaged. Willmot and Bidwill fight it out at about the 740 and 750 mark...these areas are three to four times that below the benchmark. That level of disadvantage makes any expectation of communities self funding their programs a pretty tall ask.<sup>803</sup>

### ***Local Aboriginal Land Councils***

- 8.60** Local Aboriginal Land Councils (LALCs) are responsible for nearly 60 percent of the housing that is provided by Aboriginal community housing organisations and own approximately 30 percent of the total housing stock used for social housing in New South Wales.<sup>804</sup>
- 8.61** Under sections 52A and B of the *Aboriginal Land Rights Act 1983* (NSW) (*Land Rights Act*), LALCs can provide housing for their members. LALCs can ‘provide, acquire, construct, upgrade or extend residential accommodation for Aboriginal persons in its area,’<sup>805</sup> and many LALCs have commenced provision of housing since June 1983, when the *Land Rights Act* came into force. The *Land Rights Act* and the role of Aboriginal Land Councils are discussed in Chapter 3, Service Delivery.
- 8.62** When the *Land Rights Act* was introduced, former missions and reserves were transferred into the ownership of LALCs. This included the housing stock, which was typically in poor condition at the time of transfer. Many LALCs provide social housing schemes, with a large number providing housing since the transfer of the former mission housing.<sup>806</sup>
- 8.63** For a number of LALCs, in particular those who inherited run-down housing stock from former missions and reserves, maintaining and repairing houses to an adequate standard is very difficult without funding subsidies, as the poor condition of the stock often makes rent collection difficult.<sup>807</sup>
- 8.64** The 2005 Review of the *Land Rights Act*, conducted by the Aboriginal Land Rights Act Review Taskforce, reported that only a minority of LALCs provide their tenants with high quality housing and successfully run subsidised housing programs. The Review noted that a number of LALCs outsource the management of their housing programs to larger housing organisations, generally those who receive additional funding, for example the Murdi Paaki Housing Company. Finally, the Report noted that ‘a majority of LALCs do not receive

<sup>803</sup> Mr Maxwell, Evidence, 14 February 2008, p 7

<sup>804</sup> 2004-2005 Review of the *Aboriginal Land Rights Act 1983* (NSW), Aboriginal Land Rights Act Review Taskforce, *Issues Paper 2 – Structure, Representation, Governance and Benefits*, p 112

<sup>805</sup> *Aboriginal Land Rights Act 1983* (NSW) (*Land Rights Act*) section 52A(b)

<sup>806</sup> *Land Rights Act* section 52A(b)

<sup>807</sup> 2004-2005 Review of the *Aboriginal Land Rights Act 1983* (NSW), Aboriginal Land Rights Act Review Taskforce, *Issues Paper 2 – Structure, Representation, Governance and Benefits*, pp 113-114

funding to support their housing programs and the quality and standard of the housing they provide is not known.<sup>808</sup>

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### **Issue for consideration 33 – Housing: regulations**

The Committee considers that the regulatory requirements for community housing providers should be reviewed, in order to facilitate the provision of community housing to the Aboriginal community.

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#### ***The Aboriginal Housing Company***

**8.65** The Aboriginal Housing Company (AHC) has run the Block area in Redfern since the early seventies. It is an example of a community housing provider that has struggled with the quality of the housing it was provided with, combined with the broader social problems facing the Aboriginal community in that area.

**8.66** The AHC has, in the past, been reliant on assistance from the AHO in order to remain in business. However, after the AHC was unable to meet requirements associated with the provision of funds, the AHO discontinued funding.<sup>809</sup>

**8.67** Mr Peter Valilis, Project Officer, AHC, described the state of the housing after over 30 years of operation in the Redfern area:

At the present moment we have 16 [occupied] houses, and we have 16 tenants on the Block. As you know, the houses are in a derelict sort of situation. There is a lot of overcrowding at the moment too. The houses are in a very bad state of repair... On the other hand, we have 11 derelict houses that have been blocked up. The reason they have been blocked up is because of drug-related issues. As you know, in the past we had a vicious cycle of drugs being sold on the Block, and they get raided, and when they get raided they are classed as drug houses. The new legislation meant that the housing company itself had to block up the houses. We then relocate the tenants that have been selling drugs, barricade the houses up, and that is the reason for the number of derelict houses that we have on the Block.<sup>810</sup>

**8.68** Mr Valilis noted that without government support the housing could not be re-built and that the AHC was struggling to survive:

At the present moment we have a concept development application with the Planning Authority ... Even to look at our concept DA they want us to pay \$60,000. As you know, we are a charitable organisation. We do not make a profit. I believe they should waive the fee. I think the biggest stumbling block at the moment is the \$60,000 that we have got to pay for our concept development application. The most important

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<sup>808</sup> 2004-2005 Review of the *Aboriginal Land Rights Act 1983* (NSW), Aboriginal Land Rights Act Review Taskforce, *Issues Paper 2 – Structure, Representation, Governance and Benefits*, p 114

<sup>809</sup> Standing Committee on Social Issues, *Interim Report into issues relating to Redfern and Waterloo*, Report 32, pp 39-40

<sup>810</sup> Mr Peter Valilis, Project Officer, Aboriginal Housing Company (AHC), Evidence, 30 April 2008, p 3



thing is that [Minister] Frank Sartor is a guy who just does not want this new complex to go ahead.<sup>811</sup>

**8.69** The AHC have, with the pro bono assistance of professionals and academics, produced a comprehensive and internationally well regarded plan for the redesign of the Block area to provide culturally appropriate housing for Indigenous people. Mr Valilis told the Committee that the Pemulwuy Plan has yet to be implemented, as the Development Application (DA) requires approval by the Minister for Planning. Attendant with the DA is a \$60,000 lodgement fee, which the AHC advised the Committee they cannot afford.<sup>812</sup>

**8.70** Mr Mick Mundine, Chief Executive Officer, AHC, explained that the Pemulwuy Plan required approval by the Minister for the AHC to be able to commence redesign:

We have fulfilled the guidelines under the SEPP. What more do you want us to do? I really think the reason Frank Sartor does not want to approve our project is because they want the land. People have to remember that we are a private organisation and this is private land. Anyway, why can't we be part of the vision of the State Government? We know they have a vision, and we are in the main corridor ... We are all people who work together and live together. Everybody knows we have Aboriginal Housing Company housing, but why can't we live together as people? It is very sad if Frank Sartor stops this Pemulwuy project going ahead.<sup>813</sup>

**8.71** The Committee believes that the AHC cannot continue in its current state of uncertainty. The Committee notes the burden of the Development Application fee on the AHC and believes that, given the nature of the AHC as a community-housing provider, these circumstances warrant re-consideration.

### **Private rental**

**8.72** Mr Taylor highlighted to the Committee the difficulty Aboriginal people have in accessing private rental properties, and also in purchasing their own home, which impacts on the high demand for public housing within the Aboriginal community:

Aboriginal people face multiple barriers in the private rental market.... They face discrimination and their entry into the market suffers because of their low socioeconomic status, which is exacerbated by unemployment and poor health and education, all of which are barriers to the private market. The low homeownership rate and the difficulty in entering the private rental market puts all sorts of pressures on social housing—whether it be public housing, community housing or Aboriginal Housing Office housing.<sup>814</sup>

<sup>811</sup> Mr Valilis, Evidence, 30 April 2008, p 3

<sup>812</sup> Mr Valilis, Evidence, 30 April 2008, p 7

<sup>813</sup> Mr Mick Mundine, Chief Executive Officer, AHC, 30 April 2008, p 5

<sup>814</sup> Mr Taylor, Evidence, 13 February 2008, p 38

- 8.73** Similarly, Mr Allen told the Committee that the lack of availability of private rental housing for Aboriginal people was the result of shrinking vacancies and the limited number of properties which could appropriately accommodate Aboriginal families:

I think the big pressures are in the private rental market, particularly with the shrinking of vacancy rates in the private rental market, and the fact that much of the accommodation does not address the needs of larger Aboriginal families. In fact in some rural and regional locations, there is no private rental market. In that sense, we are almost the only game in some of those towns. I think the other issue of course is the sort of discrimination that Aboriginal people, sadly, still face today in accessing private market rental accommodation.<sup>815</sup>

### **Effective service provision**

- 8.74** The Committee heard the demand for affordable housing within the Aboriginal community is not being met. Inquiry participants told the Committee that the lack of adequate housing has led to significant overcrowding and homelessness, compounded by affordability issues and the poor maintenance of properties.

### **Community engagement**

- 8.75** The Committee heard that, in order to provide appropriate housing to the Indigenous community, housing providers needed to consult with community members before attempting to address those needs.
- 8.76** While the New South Wales Government submission explained that a number of consultative mechanisms, including committees and advisory boards provide input from Aboriginal people on the development of policies and procedures, the Committee heard that engagement throughout the service delivery process was not satisfactory.
- 8.77** Mr Shane Carriage of the Ulladulla Local Aboriginal Land Council, told the Committee that the LALC was the major community housing provider in the area, with 17 houses, compared to the AHO's four. Mr Carriage told the Committee that through the AHO, Housing NSW is contracted to monitor housing acquisitions and constructions, through an arm called Resitech. He argued that the process of acquiring new properties was now controlled by Resitech, who decide which properties it will buy, rather than allowing the ACHP to provide a list of potential properties it would like to acquire:

In the past we bought 13 houses. We actually went out, selected the houses and sent it a list of three. It came down to inspect them and every time we got the first house that we chose. Resitech has now changed it around. It now comes into our area from Sydney and it finally selects a house on our behalf. We have been waiting for three months and no-one has even turned up. Resitech does not know the client, it does not know the area and it does not know the market. There is no transport in Ulladulla so you have to buy in Ulladulla; you cannot buy in the other suburbs. I do not know why

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<sup>815</sup> Mr Allen, Evidence, 12 February 2008, p 43

it was changed but it has been and it is just ridiculous. Those are just some of the things that we have to put up with.<sup>816</sup>

**8.78** Similarly, the NSW Ecumenical Council also told the Committee that the need for community engagement in housing decision making was a key one that had not been sufficiently taken into account by governments.<sup>817</sup>

**8.79** Mr Taylor advised the Committee that the AHO provides a phone service to deal with housing inquiries people may have. He explained that the service was well used, providing a broad range of information to people accommodated in community housing properties, as well as people in need of accommodation and support:

We get about 800-odd calls a year—maybe 100 a month. I can tell you from feedback we get from community that it is highly valued and well appreciated. The inquiries range from "What's happening to my hot water system"—in other words, repair needs—to "Can you help me if I want to get a housing loan; who do I talk to?" It is the whole spectrum. Maybe it is, "I've just been thrown out of a house. What do I do, I'm homeless?" There is a whole range of inquiries. We have a couple of staff who are dedicated to that response. Without too much self-praise, they do a very good job and it is a very valued service.<sup>818</sup>

**8.80** Mr Taylor also highlighted the inclusive nature of the AHO and its focus on being accessible to community members, through both the telephone line and community open days. He described feedback on these initiatives as being very positive:

I mentioned before the Indigenous nature of our governance. But every time our board meets we have an open day with community. Every time our regional committees meet we have an open day with community. We get a lot of feedback about how well we are doing and how well we are not doing. But in every case, without exception, they express appreciation of that number. Of course, we promote it and say, "If you have a problem and if you are not getting service, give us a ring". I think the numbers are growing in terms of the people who are using the service.<sup>819</sup>

**8.81** However, as noted above, the AHO contracts out a number of services, including property maintenance, to Housing NSW. The Committee heard that these services were not provided in such a way that maintained a sense of community engagement.

**8.82** The Committee has heard a wide variety of evidence on the importance of community engagement in the service delivery process. The Committee highlights the substantial positive effect appropriate housing provision will have for Indigenous people.

<sup>816</sup> Mr Shane Carriage, Chief Executive Officer, Ulladulla Local Aboriginal Land Council, Evidence, 13 March 2008, p 29

<sup>817</sup> Submission 25, NSW Ecumenical Council, p 4

<sup>818</sup> Mr Taylor, Evidence, 13 February 2008, p 46

<sup>819</sup> Mr Taylor, Evidence, 13 February 2008, p 46

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**Issue for consideration 34 – Housing: participation**

The Committee will examine the issue of community participation in the housing design and delivery process.

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**Overcrowding**

**8.83** Overcrowding is one of the most prominent problems facing housing provision for the Indigenous community. It is a result of a number of factors, including the poor range of housing stock generally available to Aboriginal people, poverty, the transitory nature of the Aboriginal population and often large, extended families living together. The New South Wales Government submission estimates that approximately 11.2 percent of Aboriginal households are overcrowded.

**8.84** Mr Valilis noted the cycle of health problems associated with living in overcrowded environments:

From a health point of view, if you have not got good housing your health deteriorates. Then the parents cannot do the right thing by sending their children to school.<sup>820</sup>

**8.85** Similarly, Mr Taylor told the Committee that the 11 percent of Aboriginal households that experience overcrowding was probably an underestimate (due to under reporting).

More than 11 percent of Aboriginal households in New South Wales are overcrowded. Without being able to provide hard and fast evidence, we believe that is understated...<sup>821</sup>

**8.86** Mr Allen told the Committee that, in his opinion, overcrowding is a problem in the private sector rather than Housing NSW properties. He explained that housing owned and/or managed by Housing NSW gave Aboriginal people an additional room above the usual entitlement, significantly reducing overcrowding:

The overcrowding issue principally applies to the private rental sector. There are a number of positive policies for housing managed by our department—both housing that we own and manage as well as housing that we manage on behalf of the Aboriginal Housing Office—that allow Aboriginal households to have an additional bedroom over and above their normal entitlement. That helps to facilitate the visitation of family, as regularly occurs, and where there are longer-term or permanent increases in household size. In public housing or Aboriginal housing, families are able to transfer to larger accommodation or to transfer to different geographical areas for a variety of reasons, whether they are family reasons or for health and medical reasons.<sup>822</sup>

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<sup>820</sup> Mr Valilis, Evidence, 30 April, p 3

<sup>821</sup> Mr Taylor, Evidence, 13 February 2008, p 38

<sup>822</sup> Mr Allen, Evidence, 12 February 2008, p 40

- 8.87** Mr Allen highlighted the number of difficulties Aboriginal families have accessing private market rental properties, including discrimination and a general shortage of appropriate accommodation:

In terms of the private rental market, I do believe—but it is an opinion, I would clarify: I do not have some clear statistics to reinforce this point—that overcrowding is a worsening situation with the tightening of the rental market, and particularly given some of the levels of discrimination on one hand that Aboriginal households face in the private rental market and on the other hand the shortage of supply in the private rental market of larger accommodation—the four and five bedroom homes that some larger families or larger family groups of Aboriginal households might require.<sup>823</sup>

- 8.88** Mr Taylor highlighted to the Committee that it is difficult to quantify the level of overcrowding in the private rental market; despite the AHO's role in monitoring and oversight of some private market, in this case Aboriginal community controlled, providers:

I am more confident about the fact that at least it is under review constantly in the public sector. In the private sector of course it is very difficult. But certainly in the community sector we are aware; it is evident there...and from our own relationship, monitoring, oversighting and funding the community sector. For instance, we look at their waiting list. We know what demands are placed upon their housing stock.<sup>824</sup>

- 8.89** Contrary to Mr Allen's evidence, Mr Sonny Simms of the Nowra LALC, told the Committee that in his experience, Housing NSW accommodation was often very overcrowded which the Department was reluctant to acknowledge:

I know of one family that was living six to a room. I know of a similar case in Moruya where a woman with six kids lives in a three-bedroom home. The two eldest boys have to live in the lounge. That is only one small segment of overcrowding, but it is rife right along the coast. The Department of Housing has been reluctant to go out and have a look at these problems.<sup>825</sup>

- 8.90** Mr Taylor also told the Committee that overcrowding was not confined to a particular geographic region, but was a problem state-wide:

We know anecdotally that there is overcrowding across the State. It is not just in one region. It is reflected in our waiting lists but also reflected in components of the maintenance that we know needs to be done. Overcrowding creates a lot of issues in housing. One of the things it does is shorten the life of the housing stock unless it is addressed.<sup>826</sup>

- 8.91** Mr Carriage also told the Committee that the lack of affordable rental properties in the Ulladulla region led to overcrowding in Aboriginal community provided accommodation:

Rental properties in Ulladulla cost \$250 a week. There is a great deal of unemployment in Ulladulla and people lose their houses because they cannot afford to

<sup>823</sup> Mr Allen, Evidence, 12 February 2008, p 40

<sup>824</sup> Mr Taylor, Evidence, 13 February 2008, p 43

<sup>825</sup> Mr Sonny Simms, Chief Executive Officer, Nowra LALC, Evidence, 13 March 2008, p 30

<sup>826</sup> Mr Taylor, Evidence, 13 February 2008, p 40

pay \$250 a week. They move in with their families and straightaway you have stressed housing, which is common. That happens a lot. It does not just occur in our housing; it occurs in Department of Housing homes and in the whole community because unemployment is high, rents are high and availability is low. I do not know whether too many new houses in Ulladulla have been built or bought either by the Department of Housing or by us in the past four or five years. We are talking about very low numbers.<sup>827</sup>

- 8.92** Mr Jack Hampton, NSW Aboriginal Land Council and member, Nowra LALC, also highlighted problems relating to housing affordability and how this exacerbates overcrowding in the Wreck Bay community:

You talked about overcrowding in houses. I come from Wreck Bay, which is near Jarvis Bay. I know that there is also a lot of overcrowding out there. People have to go out and pay private rent. They can stay only for a certain period because they cannot afford the rent. The rent is about \$200 or \$300 a week compared to \$50 or \$90 a week.<sup>828</sup>

- 8.93** Mr Simms told the Committee that the level of demand for community housing within the Aboriginal community was high and that it was not currently being met, creating the problem of overcrowding. The Committee heard that the Land Council's waiting list for housing has 87 people on it, and the LALC is struggling to find the resources to accommodate those people.<sup>829</sup> Mr Simms noted that the LALC was not utilising the AHO's service provision framework as they 'were not much help':

Overcrowding in houses is one of the biggest heartaches for our people. We do not get much help from the Aboriginal Housing Office [AHO] and we are not even registered with it. That is a party I have had nothing to do with because it is quite poor. Recently I heard that it has not got the money. We are way above the AHO so we implement and manage our own affairs, and that is the way we want to go. But overcrowding is a definite problem here in the Shoalhaven area.<sup>830</sup>

- 8.94** The Committee is concerned about the level of crowded living conditions, both statistically and anecdotally within the Aboriginal community. Given the significant ramifications of overcrowding for the health of Aboriginal people, the Committee believes that addressing over crowding needs to be a key priority for the housing sector.

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### **Issue for consideration 35 – Housing: overcrowding**

Overcrowding is a fundamental problem within the Aboriginal community. The Committee highlights the need for various providers and funding programs to work together strategically to provide affordable, appropriate housing for Indigenous people.

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<sup>827</sup> Mr Carriage, Evidence, 13 March 2008, p 29

<sup>828</sup> Mr Jack Hampton, Councillor, NSW Aboriginal Land Council (NSWALC) and member Nowra Local Aboriginal Land Council, Evidence, 13 March 2008, p 31

<sup>829</sup> Mr Simms, Evidence, 13 March 2008, p 29

<sup>830</sup> Mr Simms, Evidence, 13 March 2008, p 30

## Homelessness

- 8.95** While actual levels of homelessness are difficult to determine,<sup>831</sup> the Committee heard that, like many other indicators of poverty and deprivation, Aboriginal people are overrepresented in indicators of homelessness. Mr Allen explained:

It is fair to say absolutely that Aboriginal people are overrepresented in homelessness statistics generally, that the patterns of homelessness in the Sydney metropolitan area between Aboriginal and non-Aboriginal households are reasonably consistent. However, they are not consistent in rural and regional locations; the trends are different and there certainly are much higher levels of homelessness for Aboriginal people in those rural and regional locations.<sup>832</sup>

- 8.96** Mr Taylor estimated that the figure for the homelessness within the Aboriginal population is about 110 homeless people per 10,000, compared with 40 people per 10,000 for the mainstream population. Mr Taylor noted:

The Aboriginal homelessness rate is about 3.5 times the rate in the mainstream population. I suggest that that is also understated.<sup>833</sup>

- 8.97** Mr David Lee, Ministerial Liaison Officer with the AHO explained that the importance of community and extended family relationships in Aboriginal culture meant figures relating to homelessness are difficult to determine as extended family would often accommodate a homeless relative:

Due to the nature of our culture, you may never know the true homelessness figure because we have family members living with us and we do not usually notify people. People turn up on your doorstep, you have an obligation to feed them, house them, give them money and send them on their way the next morning. I do not think we will ever truly get the true reflection of what Aboriginal homelessness is in New South Wales.<sup>834</sup>

- 8.98** Mr Allen explained that Housing NSW is ‘the lead agency for the partnership against homelessness.’<sup>835</sup> In answers to questions on notice Housing NSW explained that there are a number of specific programs aimed at reducing homelessness in Indigenous people, including the provision of crisis accommodation and a housing and support pilot for Aboriginal people with a mental illness and substance use disorders.<sup>836</sup> The Committee will examine the efficacy of such programs in the Final Report.

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<sup>831</sup> *Two Ways Together Report on Indicators 2007*, p 90

<sup>832</sup> Mr Allen, Evidence, 12 February 2008, p 44

<sup>833</sup> Mr Taylor, Evidence, 13 February 2008, p 40

<sup>834</sup> Mr David Lee, Ministerial and Board Liaison Officer, AHO, Evidence, 13 February 2008, pp 40-41

<sup>835</sup> Mr Allen, Evidence, 12 February 2008, p 44

<sup>836</sup> Answers to questions taken on notice taken during evidence 12 February 2008, Mr Mike Allen, Director General, Housing NSW, p 9

### **Affordability**

- 8.99** It is clear from the statistics provided at the beginning of this chapter that the rate of private (unsubsidised) rental and home ownership in the Indigenous community is very low. The Committee heard that the lack of affordable housing in New South Wales puts a great strain on Indigenous people. Reverend Slockee told the Committee that ongoing demographic changes would compound this problem:

Depending on whom you talk to, it is 25 or 30 per cent of household income in rent. The 40 per cent figure refers to people in the 40 per cent of the lowest income brackets.<sup>837</sup>

- 8.100** Mr Allen told the Committee of the need for housing within the Indigenous community Australia-wide and within New South Wales more specifically:

Australia-wide, 37 per cent of Aboriginal households are in housing affordability need. That definition is that they are paying more than 25 per cent of their income in rent and they are in the bottom 40 per cent of incomes. In New South Wales, more specifically, affordability problems affect some 40 per cent of Aboriginal households across all tenures, and they are quite significant numbers.<sup>838</sup>

- 8.101** Reverend Slockee told the Committee that Aboriginal people along the southeastern seaboard particularly struggled with the need for affordable housing in these locations. He also highlighted the problems associated with the demographics of the Aboriginal community and told the Committee that increasingly, young families unable to afford their own home, were living with relatives in overcrowded conditions:

Aboriginal people probably have a double whammy with housing affordability. First of all, trying to break into the private rental market where the rent is going up all the time and our homelessness rate seems to be growing year after year. The other issue I suppose you have heard about is that our population is a lot younger. Demographics point to the fact that we need to provide more housing in the future because as these young people grow they will have families and there will be nowhere for them to live and they will continue to live with relatives.<sup>839</sup>

- 8.102** Mr Tom Briggs, Deputy Chairperson, NSWALC, told the Committee that the demand for affordable housing was very high and that the public housing that is available is insufficient to meet demand. He also noted that there has been a focus on the provision of housing to rural and remote communities, when the majority of the demand for housing in New South Wales is in urban areas:

Competition for low-cost housing is extremely high and rents are extremely high. More units are available for public housing, but five or six times the number of people are trying to access those units. I think that is where a lot of the difficulties have arisen in New South Wales. There is a focus on "remote" at the expense of urban and

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<sup>837</sup> Mr Allen, Evidence, 12 February 2008, p 45

<sup>838</sup> Mr Allen, Evidence, 12 February 2008, p 43

<sup>839</sup> Reverend Slockee, Evidence, 14 February 2008, p 23



regional communities, which has been a real problem for us. We hope that things will change<sup>840</sup>

### *Home ownership*

**8.103** Mr Allen highlighted the very large gap between Aboriginal people who own their own homes and non-Aboriginal people who are homeowners:

My biggest concern, quite frankly, is the greater disparity between Aboriginal people who are purchasing or own their own home, which is just over 30 per cent, by comparison with the general population, which is much closer to 63 or 65 per cent.<sup>841</sup>

**8.104** Home ownership provides a number of benefits, particularly for a disadvantage population including increased stability, reduced overcrowding and improved access to services. Indigenous Business Australia outline a number of specific benefits resulting from home ownership:

- a place to pass on to their kids
- no landlord interfering with their privacy
- freedom to make improvements
- a time in the future when the only cost to living in the home is for ongoing maintenance and household bills (rent is always charged but home loan repayments come to an end!)
- more say about who lives in the home
- setting an example in the community
- another opportunity to establish a good credit history through the loan repayments
- equity (the amount the home is worth less what is owed on the home loan).<sup>842</sup>

**8.105** Given the percentage of Indigenous people in public housing, it is not surprising that a very small number own their own homes.

### *Home loan scheme*

**8.106** Mr Taylor told the Committee that the AHO provides a home loan scheme to tenants who wish to purchase AHO-owned houses. He told the Committee that the scheme ‘...relates only to our tenants who want to buy our houses. It is targeted at those who have good rental track

<sup>840</sup> Mr Tom Briggs, Deputy Chair and Northern Region Representative, NSWALC, Evidence, 11 March 2008, Kempsey, p 10

<sup>841</sup> Mr Allen, Evidence, 12 February 2008, p 49

<sup>842</sup> Mr Taylor, Evidence, 13 February 2008, p 46

records.’ Mr Taylor explained that the loan was provided in partnership with Indigenous Business Australia:

It is a partnership between ourselves and Indigenous Business Australia, which is the Federal body that runs, operates and manages the national home loan scheme for Indigenous people. We have spent \$3.6 million over the last three years.<sup>843</sup>

**8.107** Mr Taylor explained that funding for the scheme was shared equally between Indigenous Business Australia and the AHO with the AHO providing an extra support mechanism for its clients, in order to ensure them housing:

That is really matching loan funds. The reason we do that is because the way the IBA home loan scheme is managed the money they have to lend out really depends on the rate of repayments because they do not get regular government appropriations. As I understand it, they can never guarantee an amount of money in any particular State or location. They run on cash flow. So we provide our money to make sure that there will be loan funds to meet our tenants should they meet the criteria of the program—and it is fairly rigorous—and eventually get approval. Up till now, in three years 18 loans have been written.<sup>844</sup>

**8.108** To offset legal costs, conveyancing and valuation costs AHO also provides an ‘incentive grant’ of up to \$2,500 to qualifying tenants. This is in addition to the first homeowners grant. To qualify tenants must be able to prove that they can service the amount of borrowings.<sup>845</sup>

**8.109** However, Mr Taylor also noted that as a State agency the AHO is obligated to sell houses at market value and significant criteria have to be met in order for these loans to be approved.

It is rigorous. It is a concessional loan but they are rigorous criteria—the usual that you would expect from a prudent lender.<sup>846</sup>

### *Committee comment*

**8.110** The Committee is concerned that more Indigenous people are not able to enter into home ownership and highlights the large gap between the numbers of non-Indigenous and Indigenous Australians who have been able to buy their home.

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## **Issue for consideration 36 – Housing: affordability**

The Committee believes that housing affordability is a fundamental obstacle to addressing the housing needs of the Indigenous community. The Committee will examine mechanisms to increase the availability of affordable housing.

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<sup>844</sup> Mr Taylor, Evidence, 13 February 2008, p 46

<sup>845</sup> Mr Taylor, Evidence, 13 February, p46

<sup>846</sup> Mr Taylor, Evidence, 13 February 2008, p 46

## Maintenance

- 8.111** The Committee heard that maintenance was an ongoing issue requiring significant funds to maintain the AHO's 4,300 properties. In response to a question concerning the number of properties requiring maintenance, Mr Taylor said:

Without being flippant, probably all of them. The maintenance effort continues. It is the old painting the Sydney Harbour Bridge adage that once you have finished you have to start again. Until recently, we have upgraded and refurbished about 93 per cent or 3,700 houses, and we will continue to do that. We get roughly \$20 million in rental revenues and plough back about \$16 million or \$17 million in responsive maintenance. We also devote other moneys from our repairs and maintenance program that is funded by the State and the Federal to ensure that the houses meet the standards expected by the Consumer, Trader and Tenancy Tribunal. We have developed rigorous standards and we try to ensure that all our houses meet them.<sup>847</sup>

- 8.112** Mr Taylor explained that most of the rental revenue obtained by the AHO was used for maintenance:

The funds we plough back from our rental revenue are spent on responsive maintenance. We have spent \$93 million over the past three years to ensure that houses meet universally accepted standards.<sup>848</sup>

- 8.113** Mr Allen advised that Housing NSW has developed specific programs to provide Aboriginal people with training and employment in the area of building maintenance. Maintenance contractors are employed to maintain properties and at the same time train Indigenous people from the communities in which they are working in the skills required for property maintenance:

First of all, all of construction contracts and maintenance contracts require those contractors to have Aboriginal participation plans to address the employment needs of Aboriginal people in the locations in which those contractors are working. We directly contract on occasions, wherever we can, with Aboriginal building companies, and sometimes we do that on a negotiated tender basis rather than on an open tender basis to try to facilitate some growth in the number of Aboriginal builders that are available across the State.<sup>849</sup>

- 8.114** Mr Allen noted that tenant employment opportunities offered more broadly by Housing NSW would also provide Aboriginal people with potential jobs.<sup>850</sup>

- 8.115** In addition, Mr Allen also told the Committee that Housing NSW employed approximately 250 Aboriginal 'companies, subcontractors or individual employees that are employed through our maintenance contracts or construction contracts', a number that has been increasing.<sup>851</sup>

<sup>847</sup> Mr Taylor, Evidence, 13 February 2008, p 39

<sup>848</sup> Mr Taylor, Evidence, 13 February 2008, p 39

<sup>849</sup> Mr Allen, Evidence, 12 February 2008, p 43

<sup>850</sup> Mr Allen, Evidence, 12 February 2008, p 43-44

<sup>851</sup> Mr Allen, Evidence, 12 February 2008, p 48

*Committee comment*

- 8.116** The appropriate maintenance of properties, particularly those run by government providers, is an essential part of housing provision. The Committee is concerned about the high number of properties requiring maintenance and highlights the need for programs such as those mentioned above, which provide training and employment opportunities for members of Aboriginal communities as well as critical property maintenance.
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**Issue for consideration 37 – Housing: maintenance**

The Committee is concerned that, given the demand for housing and consequent overcrowding and health issues, that funding for necessary maintenance of properties is provided.

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**Measuring efficacy**

- 8.117** Reverend Slockee advised the Committee that there were a number of challenges relating to the collection of information about the number of Aboriginal people needing accommodation assistance:

The challenge for us is to grow as a sector. We have been challenged over the last 10 years because there has been a withdrawal from Federal-State housing agreement funding; there has been a lessening of the dollars available to us in New South Wales to grow that housing. So there is a demand and, as identified through people on the waiting list, for us to supply that demand is a real challenge. In some places, with the cost of land and housing going up in New South Wales, it means an even a bigger challenge for us.<sup>852</sup>

- 8.118** Reverend Slockee also noted the current method measuring the demand for housing by Indigenous people is through housing providers reporting on the size of their waiting lists. He told the Committee that, despite this indication, there is ‘a lot of unidentified needs out there’ as people had given up waiting for a house and had removed themselves from the list:

We gather our information from Aboriginal housing providers who apply for housing. When they apply for housing they tell us how many are on the waiting list. Interestingly, most people are opting out of listing with Housing New South Wales and listing with the land councils and other housing providers. Their list can go from 20, 30, 40 or 50, and sometimes hundreds. A lot of people do not list because they know there has not been a lot of growth in housing. So there is a lot of unidentified need out there because people are just moving around. They say, "What is the use of trying to put my name down? I would have to wait 15 years for a house."<sup>853</sup>

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<sup>852</sup> Reverend Slockee, Evidence, 14 February 2008, pp 27-28

<sup>853</sup> Reverend Slockee, Evidence, 14 February 2008, p 27

### Centralised waiting list

- 8.119** Mr Taylor told the Committee that, in order to more effectively measure the demand for housing across government and community housing providers, a centralised waiting list for Indigenous people could be developed. He argued that this would provide a more accurate reflection of demand and would reduce duplication:

One of our ultimate goals is to have a central waiting list. At the moment—and it goes to the history of housing in this State and elsewhere—we have a community sector that has had a life of its own and it maintains its own waiting list. We also have a public housing waiting list and an Aboriginal Housing Office waiting list. The latter two are managed on our behalf by Housing New South Wales. There is some disparity between what those lists show. There is duplication because people are free to put their name down on whatever list they have a mind to. We ask only that they be Aboriginal people if they are put on our list.<sup>854</sup>

### Particular issues raised in evidence

- 8.120** Below are outlined some key areas identified by witnesses in relation to the provision of housing to Aboriginal people. In recognition of these concerns, the Committee has chosen to outline and report on these issues in this Interim Report, however final conclusions will be detailed in the Committee's Final Report of this Inquiry.

#### Housing for Indigenous people with a disability

- 8.121** People with Disability Australia Inc, told the Committee that the same housing issues effecting Aboriginal people generally, such as overcrowding and poor quality housing stock were compounded for Aboriginal people with disability.<sup>855</sup> They noted that unsafe housing was not just a risk for inhabitants, but also for service providers coming into the home to support the person with disability, and risks a withdrawal of that service.

- 8.122** Ray Leslie, Chairperson of the Aboriginal Justice Group in Mount Druitt, told the Committee:

I have spent the past 13 years chairing the Aboriginal advisory committee for the Department of Housing. Overcrowded housing is still a major problem. They are lovely people and they do their best, but a typical example occurred a couple of days ago. I rang the manager and I said we needed some ramps for an 80-year-old woman. Because it was an Aboriginal Housing Office property managed by the Department of Housing, they said they had to get in touch with the Aboriginal Housing Office. The process then takes six months, 12 months or two years. If you are 80 years old you want something right now if you cannot have a shower. I do not care what race it is. I am a very vocal person and always have been. I am trying to be nice today.<sup>856</sup>

- 8.123** The Aboriginal Disability Network of NSW provided the Committee with a copy of their 2007 Report, entitled *Telling it like it is*. This report highlighted the lack of availability of public

<sup>854</sup> Mr Taylor, Evidence, 13 February 2008, p 40

<sup>855</sup> Submission 17, People with Disability Australia Inc, p 6

<sup>856</sup> Mr Ray Leslie, Chairperson, Aboriginal Justice Group, Evidence Mt Druitt, 14 February 2008, p 25

housing stock, particularly housing stock suitable for Indigenous people with a disability.<sup>857</sup> *Telling it like it is* also emphasised that the majority of housing was culturally inappropriate, which exacerbates overcrowding. The Aboriginal Disability Network noted that two-bedroom style accommodation is also not appropriate for Indigenous families that often have relatives come to stay.<sup>858</sup>

**8.124** Mr Maxwell told the Committee that people with complex needs were often not allocated appropriate properties, which precluded them from community participation:

In relation to overall participation, that is complicated by the degree of disadvantage and disability in the area, which are quite complex. Housing's requirement now almost to be a houser of last resort has meant that their housing allocation policies are tending to put people into properties with multiple disadvantage. That often precludes them from participating at any sort of level with the community around them.<sup>859</sup>

**8.125** The Aboriginal Disability Network also noted that they had heard from participants in their inquiry process that dealing with the Department Housing was frustrating, often because 'people were unclear about their rights as tenants.'<sup>860</sup> They highlighted the need for support for people with a disability to complete forms relating to their tenancy and maintenance requirements. The Aboriginal Disability Network stated that 'there were numerous examples where Aboriginal people with disability and their associates simply gave up because of repeated negative experiences.'<sup>861</sup>

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<sup>857</sup> Submission 2, Aboriginal Disability Network of NSW, p 15

<sup>858</sup> Submission 2, p 15

<sup>859</sup> Mr Maxwell, Evidence Mt Druitt, 14 February 2008, p 4

<sup>860</sup> Submission 2, p 15

<sup>861</sup> Submission 2, p 15

## Chapter 9 Incarceration and the criminal justice system

Incarceration and exposure to the criminal justice system have a major impact on the health and life expectancy of offenders. Incarceration also impacts on the social and economic wellbeing of offenders, their families and the community from which that individual is taken. Once an individual has been incarcerated, they are highly likely to become trapped in the ‘revolving door’ of recidivism. In this chapter the Committee examines these issues and their effect on Aboriginal people, who are significantly over-represented in the criminal justice system. Key crime and family violence prevention initiatives are discussed, as well as alternatives to incarceration such as community based sentencing and diversionary procedures.

### Impact of incarceration

- 9.1** In 1991 the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) reported on the disproportionate rate at which Aboriginal people have been arrested and imprisoned in Australia, and the high numbers of Indigenous people who have died while in prison. The RCIADIC found that on an Australia-wide basis an Aboriginal person was 27 times more likely, and in New South Wales 15 times more likely, to be in police custody than a non-Aboriginal person. The report also found that Aboriginal people were 11 times more likely to be in prison than non-Aboriginal people Australia-wide, and eight times more likely in New South Wales.<sup>862</sup>
- 9.2** The RCIADIC report made 339 recommendations, which predominantly concerned procedures for persons in custody, liaison with Aboriginal groups, police education and improved accessibility to information.<sup>863</sup> However, more than 15 years after the report, Aboriginal people are still vastly over-represented and disadvantaged within the criminal justice system.

### Health and life expectancy

- 9.3** Since the RCIADIC, the impact of incarceration on life expectancy has been well researched, with studies finding that offenders face a high-risk of mortality in the period following their release from prison. The Committee heard one example from Assistant Commissioner Luke Grant, Offender Services and Programs, Department of Corrective Services, who co-authored a report on mortality associated with people who had been in custody.<sup>864</sup> The study tracked 85,000 individuals over a fourteen-year period from 1988 to 2002 to see how many of those people had died post-release, and what the causes of mortality were.

<sup>862</sup> Submission 6, Mr Bill Anscombe, p 14

<sup>863</sup> National Archives of Australia, *Royal Commission into Aboriginal Deaths in Custody – Fact sheet*, <[www.naa.gov.au](http://www.naa.gov.au)> (accessed 1 May 2008)

<sup>864</sup> Assistant Commissioner Luke Grant, Department of Corrective Services, Evidence, 12 February 2008, p 56

- 9.4** The study found that the standard mortality ratio<sup>865</sup> of Aboriginal offenders who had left custody was 4.8 times higher than the community average, and for non-Aboriginal offenders it was 3.7 times higher. While there was no significant difference between Aboriginal and non-Aboriginal offenders, there was a substantial difference between the mortality rates of people who have been incarcerated and those who have not. There was also a greater differential observed for women:

If you are an Aboriginal woman who has been in prison there is 12.6 times the standard mortality rate of a woman in the community generally, whereas for non-Aboriginal women in custody it is still very high at 7.8 times the rate.<sup>866</sup>

- 9.5** Similar research into the mortality rates of young offenders (aged less than 21 years) in Victoria over an 11 year period found that male offenders were nine times more likely, and female offenders over 40 times more likely, to die during that period than young men and women in the general Victorian population.<sup>867</sup> Drawing from these figures, the New South Wales Government stated in its submission to the Inquiry:

Given the over-representation of Aboriginal young people in detention, there is a clear rationale for identifying incarceration as a factor in the gap in life expectancy of Aboriginal and non Aboriginal people.<sup>868</sup>

- 9.6** One of the key findings of the RCIADIC was that Aboriginal people are less likely to die in custody than non-Aboriginal people, and that therefore the high number of Aboriginal deaths in custody was attributable to the over-representation of Aboriginal people in prison.<sup>869</sup>

- 9.7** Incarceration also has a major impact on an individual's health. Assistant Commissioner Grant informed the Committee about a recent study that examined the health of Australian prisoners and found that people in custody have poor physical health in comparison with the general population.<sup>870</sup> Interestingly, the study found few health differentials between Aboriginal prisoners and non-Aboriginal prisoners. Assistant Commissioner Grant discussed one possible explanation for this:

One of the tragic outcomes of this paper also was the recognition that when people do come into custody they are more likely to see a doctor. So for Aboriginal people who came into custody 39 per cent of them said they had more access to doctors in custody and 38 per cent of Aboriginal men said they had more access to dentists in custody.<sup>871</sup>

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<sup>865</sup> The 'standard mortality ratio' is determined by comparing the rate of deaths of the population under consideration with the rate of deaths for an equivalent population in the community.

<sup>866</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 56

<sup>867</sup> Coffey C, Veit F, Wolfe R, Cini E & Patton GC, 'Mortality in young offenders: retrospective cohort study', *British Medical Journal*, 2003, Vol 326, pp 1064-1067

<sup>868</sup> Submission 40, p 61

<sup>869</sup> Submission 6, p 19

<sup>870</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 56

<sup>871</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 56



- 9.8** According to the Council of Social Services of New South Wales (NCOSS) submission to the Inquiry, the psychological impacts of incarceration on Indigenous people are greater than on the non-Indigenous population. NCOSS suggested that '[t]hese poor mental health outcomes can lead to alcohol and drug abuse, suicide, self harm behaviours, poor nutrition, poor housing and poor diet.'<sup>872</sup>
- 9.9** Mental health issues among Indigenous offenders are discussed further at paragraphs 9.162 – 9.167.

### **Other impacts**

- 9.10** The incarceration of an individual also has a flow-on impact to their family and community. This impact was highlighted in the submission from Mr Graeme Henson, Chief Magistrate, New South Wales Local Court:

Families of offenders sentenced to imprisonment lose the presence of that family member, their income is reduced if that family member is the main income earner and they may have to travel great distances to visit the offender. It perpetuates social disadvantage, an underlying cause of crime itself, and exacerbates the poor health and social conditions of future generations.<sup>873</sup>

- 9.11** Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan from the University of New South Wales, also observed the impact of incarceration on Indigenous communities in their submission to this Inquiry:

... high and increasing rates of incarceration are further traumatic blows to Indigenous communities by fuelling family breakdowns, increasing poverty and institutionalisation and further socially excluding those caught in the criminal justice system.<sup>874</sup>

- 9.12** According to another Inquiry participant, Mr Simon Luckhurst, the stress placed on the family of an individual who has died in custody has a direct causative link to health problems and some diseases. Mr Luckhurst asserted that the stress can also lead to certain 'stress-relieving behaviour' such as the use and overuse of alcohol, tobacco and other substances.<sup>875</sup>
- 9.13** While the flow-on impacts of incarceration are evident, a considerable lack of support services exist for the families and communities of incarcerated individuals. This point was raised by Mr Ray Leslie, Chairperson of the Aboriginal Justice Group:

One of the biggest things I found even when I worked as a prisoners aide on the civil rehabilitation committee for special services was that there was the support of halfway

<sup>872</sup> Submission 27, NCOSS, pp 21-22

<sup>873</sup> Submission 7, NSW Local Court, p 2

<sup>874</sup> Submission 21, Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan, University of New South Wales, p 7

<sup>875</sup> Submission 39, Simon Luckhurst, p 2

houses and forums where people were going in, but what about their families? There was little or no support, and there still is not in lots of communities.<sup>876</sup>

- 9.14** Incarceration also leads to further problems through the interruption of housing, education and employment. Repeated short-term incarcerations are particularly disruptive to any attempt to maintain stability. This is a significant issue for Indigenous offenders who are sentenced more frequently than non-Indigenous offenders to short terms of imprisonment,<sup>877</sup> with many sentences being less than six months.<sup>878</sup>

***Committee comment***

- 9.15** The impact of incarceration on offenders is well researched. While there is also evidence about the impact of incarceration on the families of offenders, the Committee believes that this latter area has largely been overlooked – as apparent from the lack of offender family and community support services.

## **Key government policies**

- 9.16** There are several key government policies that aim to reduce the number of Aboriginal people coming into contact with the criminal justice system and address underlying causes of offending behaviour. These are outlined below.
- 9.17** There are a number of complex and varied factors causing the over-representation of Indigenous people in the criminal justice system. Major factors identified in the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) include (but are not limited to):
- alcohol and drug abuse;
  - unemployment;
  - low socio-economic status and poverty;
  - poor school performance and/or early school leaving;
  - lack of social support;
  - lack of social involvement; and
  - residence in crime prone areas.<sup>879</sup>
- 9.18** A 2006 study by Dr Don Weatherburn, Lucy Snowball and Boyd Hunter from the New South Wales Bureau of Crime Statistics and Research (BOCSAR) on these social and economic factors found that alcohol and drug abuse are the main predictors leading to Indigenous

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<sup>876</sup> Mr Ray Leslie, Chairperson, Aboriginal Justice Group, Evidence, 14 February 2008, p 29

<sup>877</sup> Submission 27, p 21

<sup>878</sup> Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council, Evidence, 13 February 2008, p 23

<sup>879</sup> ABS, *National Aboriginal and Torres Strait Islander Social Survey, 2002*, ABS Cat. No. 4714.0

contact with the criminal justice system.<sup>880</sup> Alcohol abuse was found to be a strong predictor leading to violent crime; and illicit drug dependence was found to increase the rate of involvement in crime, partly due to the costs associated with funding the drug habit.<sup>881</sup>

- 9.19** The Australian Institute of Criminology also identified a number of factors which have historically led to Indigenous crime, including the experience of colonisation, the disintegration of traditional laws and community norms, and the disruption of family and kinship ties.<sup>882</sup> The factors of colonisation and the forced removal of children were discussed by Ms Sally Fitzpatrick in her submission:

These events led to disempowerment, loss of self determination, marginalization, racism and loss of culture and identity... For example, at the individual level intense sadness, depression and remorse can be experienced as well as loss of sense of self. Compounding over generations and growing more complex over time, this pain can become internalised into abusive and self-abusive behaviours within families and communities. Human trauma and anger, mental health problems, drug and alcohol misuse, and domestic violence are some of the lived repercussions of these past government policies. Good parenting models were lost with the institutionalisation of the stolen generations ... reflected [in] experiences of poor parenting, examples of trauma and anger in committing crime and lack of resilience in stepping out of the cycle of incarceration.<sup>883</sup>

- 9.20** Several witnesses to the Inquiry observed that it is usually a combination of factors that lead to offending behaviour. These factors can also have a flow-on affect in families, resulting in an inter-generational cycle of crime. This view was put forward in the Nationals/Liberal Party submission:

This vicious cycle is characterised by the following systemic problems. The children are abused in communities with poor mental health facilities that have a lack of diagnostic services. They therefore experience ongoing grief and trauma and often turn to drugs and alcohol at a very young age. By their mid 20s, they are often young parents and have a well developed alcohol and/or drug abuse problem. By their late 20s, they are perpetrators themselves.<sup>884</sup>

- 9.21** It has also been suggested that government policy, laws, and the application of those laws may play a role in the number of offenders being incarcerated. Several government participants in this Inquiry stated that the recent amendments to the *Bail Act 1978* (NSW), which were

<sup>880</sup> Weatherburn D, Snowball L & Hunter B, 'The economic and social factors underpinning Indigenous contact with the justice system: Results from the 2002 NATSISS survey,' *Crime and Justice Bulletin*, No 104, October 2006, NSW Bureau of Crime Statistics and Research (BOCSAR), Sydney, p 10

<sup>881</sup> Weatherburn D, Snowball L & Hunter B, 'The economic and social factors underpinning Indigenous contact with the justice system: Results from the 2002 NATSISS survey,' *Crime and Justice Bulletin*, No 104, October 2006, BOCSAR, Sydney, p 3

<sup>882</sup> Submission 37, Australian Institute of Criminology, p 1

<sup>883</sup> Submission 57, Ms Sally Fitzpatrick, pp 23-24

<sup>884</sup> Submission 49, The Nationals/Liberal Party, p 14

designed to address the problem of absconding and offending on bail, have resulted in more people being put in gaol.<sup>885</sup> Dr Don Weatherburn, Director, BOCSAR, remarked:

I do not doubt that much of the growth in imprisonment not just in New South Wales but around Australia is policy driven. It is not the consequence of higher crime rates; it is the consequence of governments, and perhaps courts as well, just getting tougher – being more likely to jail someone and more likely to refuse bail to someone.<sup>886</sup>

**9.22** Although the amendments to the *Bail Act 1978 (NSW)* are applicable to everyone in New South Wales, Aboriginal offenders have been particularly affected by the changes. This is in part due to the high number of Aboriginal people in the criminal justice system, and is supported by the fact that the judicial system continues to sentence more Aboriginal offenders to custodial sentences, even though the actual offending rate has remained stable.<sup>887</sup>

### **New South Wales State Plan**

**9.23** The New South Wales State Plan includes a number of priority areas aimed at addressing justice related issues, including:

- Priority F1 – Improved health, education and social outcomes for Aboriginal people
- Priority R1 – Reduced rates of crime, particularly violent crime
- Priority R2 – Reduced re-offending
- Priority R3 – Reduced levels of anti-social behaviour
- Priority R4 – Increased participation and integration in community activities

**9.24** The Department of Aboriginal Affairs (DAA) is the lead agency responsible for addressing justice issues under Priority F1, which includes projects to address child sexual abuse and domestic violence against women and children.

**9.25** Priorities R1, R2, R3 and R4 are the only priorities in the New South Wales State Plan that criminal justice outcomes are measured against; however none of those priorities are Indigenous specific. Monitoring and implementation of criminal justice measures under those priorities are undertaken by a range of project groups. The framework for New South Wales State Plan reporting is discussed in Chapter 3 – Service delivery.

### ***Committee comment***

**9.26** The Committee notes with concern the distinct lack of Aboriginal specific criminal justice priorities in the New South Wales State Plan, particularly given the substantial over-

<sup>885</sup> Submission 40, p 58; Ms Jennifer Mason, Director General, Department of Juvenile Justice, Evidence, 12 February 2008, p 52; Dr Don Weatherburn, Evidence, 14 February 2008, p 6

<sup>886</sup> Dr Weatherburn, Evidence, 14 February 2008, p 6

<sup>887</sup> Submission 40, p 33

representation of Aboriginal offenders in New South Wales. We believe that this is a significant oversight that adds further disadvantage to Aboriginal offenders.

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### **Issue for consideration 38 – Justice: priorities**

The Committee believes that the lack of Aboriginal specific criminal justice priorities in the New South Wales State Plan needs to be addressed.

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#### **Two Ways Together**

**9.27** The objectives of the Two Ways Together Plan are outlined in Chapter 3 – Service Delivery. Justice is one of the seven key ‘action areas’ highlighted under the Two Ways Together Plan, with several New South Wales Government agencies working together under the plan to focus on the following areas:

- the criminal justice system
- the juvenile justice system
- safer Aboriginal communities
- responsive Government policy and services.<sup>888</sup>

**9.28** Key criminal justice initiatives supported through the Two Ways Together Plan include Aboriginal Community Justice Groups, Aboriginal Community Patrols, and community support programs such as Rekindling the Spirit and Walking Together. These initiatives are discussed throughout this chapter.

**9.29** The New South Wales Government has allocated almost \$12 million in additional funding under the Two Ways Together Plan up until June 2008, to increase a range of justice initiatives such as early intervention and diversion programs.<sup>889</sup>

#### **Aboriginal Justice Plan**

**9.30** The New South Wales Government’s Aboriginal Justice Plan 2004 – 2014 aims to address Aboriginal criminal justice issues through the following seven strategic directions:

- Aboriginal children
- Aboriginal young people
- community wellbeing
- sustainable economic base
- criminal justice system

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<sup>888</sup> *Two Ways Together Report on Indicators 2007*, p 61

<sup>889</sup> Submission 40, p 61

- systemic reform
- leadership and change.<sup>890</sup>

**9.31** The Aboriginal Justice Plan underlies, and is complementary to, the Two Ways Together Plan. The Aboriginal Justice Plan was the first Aboriginal community developed plan in New South Wales, as noted by Mr Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council (AJAC):

[The Justice Plan] was and still is the only community developed, negotiated, consulted and accepted Aboriginal plan in New South Wales. Two Ways Together, of course, was consulted on but was not necessarily developed by the community.<sup>891</sup>

**9.32** The Aboriginal Justice Plan contains recommendations for early intervention and prevention measures to enhance community well being, as well as a practical set of programs to assist in reducing Aboriginal crime.<sup>892</sup>

**9.33** AJAC has responsibility for implementing and monitoring the Aboriginal Justice Plan. AJAC is an independent community-based body that advises the New South Wales Government on law and justice issues affecting Aboriginal people.<sup>893</sup> It receives around \$600,000 a year from the Attorney General's Department, Department of Corrective Services, Department of Juvenile Justice and public services.<sup>894</sup> The broad scope of AJAC's role was outlined by Mr Chenery:

Our main brief is to reduce the number of Aboriginal people who are incarcerated, but we see our role as implementing the Aboriginal Justice Plan – implementing the seven strategic directions. We include justice to be everything basically from pre-natal, antenatal up until death and everything in the middle, including education, health, housing and employment.<sup>895</sup>

**9.34** The Committee was informed that the main barrier faced by AJAC in implementing the Aboriginal Justice Plan is its relationship with the Two Ways Together Plan and the New South Wales State Plan. Mr Chenery explained that the Two Ways Together Plan was developed in part as a vehicle to implement the Aboriginal Justice Plan, however since the New South Wales State Plan was introduced, many government workers do not understand the current relevance of the Aboriginal Justice Plan:

Two Ways Together almost mirrored us. We had seven strategic directions, they had seven clusters. They then collapsed those seven clusters into four clusters and basically merged a couple of the cluster groups. That, of course, has now been realigned with the State Plan. The psyche of people in every meeting is, "We have the State Plan to

<sup>890</sup> NSW Aboriginal Justice Advisory Council (AJAC), *NSW Aboriginal Justice Plan – Beyond Justice 2004 – 2014*, p 10

<sup>891</sup> Mr Chenery, Evidence, 13 February 2008, p 17

<sup>892</sup> Submission 27, p 27

<sup>893</sup> *NSW Aboriginal Justice Agreement*, p4

<sup>894</sup> Mr Chenery, Evidence, 13 February 2008, p 12

<sup>895</sup> Mr Chenery, Evidence, 13 February 2008, p 12

do." That is what we do as bureaucrats, and that is acceptable. Having said that, we do not necessarily look at the reasons why these things came about. Two Ways Together is still in everyone's mind as opposed to the State Plan. The Aboriginal Justice Plan is over here in a corner on a shelf. Yet it was and is the plan to underpin all of this.

*Committee comment*

- 9.35** The Committee believes that the Aboriginal Justice Plan is fundamental to overcoming Indigenous disadvantage in the New South Wales criminal justice system. However, from the evidence received, it is clear that there is confusion regarding the existing status of the Plan.

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**Issue for consideration 39 – Justice: Aboriginal Justice Plan**

The successful implementation of the Aboriginal Justice Plan is being hindered by the lack of clarity surrounding its current status and relevance to the New South Wales State Plan. The Committee will consider further the status of the Aboriginal Justice Plan and its proper implementation.

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**NSW Police Aboriginal Strategic Direction 2007-2011**

- 9.36** The NSW Police Aboriginal Strategic Direction 2007-2011 (Police Strategic Direction) guides police in their management of Aboriginal issues. The seven objectives of the Police Strategic Direction are as follows:

- improve communication and understanding between Police and Aboriginal people
- improve community safety and reduce fear of crime
- seek innovation in the provision of Aboriginal Cultural Awareness and Aboriginal recruitment and retention
- divert Aboriginal youth from crime and anti-social behaviour
- establish an integrated approach to managing Aboriginal family violence (domestic violence and sexual assault)
- develop a strategic response to Aboriginal substance abuse
- reduce offending and over-representation of Aboriginal people in the criminal justice system.<sup>896</sup>

- 9.37** The Police Strategic Direction has a range of strategies under each objective, with a strong emphasis on responding to Aboriginal family violence and substance abuse. The Police Strategic Direction also focuses on community policing in consultation with Aboriginal people and crime prevention initiatives for Aboriginal young people; and is consistent with the aims and seven strategic directions set out in the Aboriginal Justice Plan.<sup>897</sup>

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<sup>896</sup> NSW Police Force, Aboriginal Strategic Direction 2007-2011 (Police Strategic Direction), p 18

<sup>897</sup> Police Strategic Direction, pp 8-9

## Crime prevention

**9.38** The police play a lead role in preventing crime in Aboriginal communities; however there has historically been a poor – and often hostile – relationship between the police and Aboriginal people. Several key initiatives have been created that are either run or supported by Aboriginal communities in an attempt to overcome crime issues at the local level. These issues and initiatives are discussed below.

### Policing Indigenous communities

**9.39** According to evidence received by the Committee, the tensions between police and some Aboriginal communities ‘are a real and regular problem’,<sup>898</sup> and the level of trust between police and many Aboriginal people ‘remains highly problematic’.<sup>899</sup>

**9.40** Although considerable efforts have been made by the NSW Police to improve this relationship since the RCIADIC,<sup>900</sup> the REDWatch submission suggests that a legacy of distrust exists, and claims that there are still reports of police violence and racism in Redfern:

There are reports of incidents, as recent as the week of writing this. People observe that some police don’t understand how psychologically damaged and mixed up some young people are, having suffered not just physical violence but mental and verbal abuse in their lives. Police are reported swearing obscenely, making threats, and talking violently to young children in situations, seemingly not realising that it is not going to get the response they want, and is not what the young people need ... There are also reports of physical violence. Lack of respect, ‘us vs. them’ mentality, lack of consideration of issues of poverty, and outright racism are examples of concerns people have. There are also reports of incidents where people who have caused no problems, are treated a certain way, which is not warranted. Aggravation such as this is uncalled for, and seriously inappropriate. It is indicative of the racism which still appears to exist in this state.<sup>901</sup>

**9.41** In addition to allegations of inappropriate police behaviour, Inquiry participants argued that many police are more likely to arrest Aboriginal people than non-Aboriginal people. For example, Mr Bill Anscombe stated in his submission:

An analysis of police cautioning, police utilisation of summonses, Court Attendance Notices and court appearance rates for Aboriginal juveniles, for example, show that Aboriginal young people receive fewer cautions, fewer summonses and Court Attendance Notices but have higher rates of arrests and are significantly over-represented in the Juvenile Justice Centres when compared with non-Indigenous young people.<sup>902</sup>

<sup>898</sup> Submission 2, Aboriginal Disability Network NSW, p 28

<sup>899</sup> Submission 39, p 1

<sup>900</sup> NSW Police has implemented all of the recommendations from the RCIADIC for which it was responsible. Answers to questions on notice taken during evidence 12 February 2008, Commissioner Andrew Scipione, Question 3, p 2

<sup>901</sup> Submission 54, Redfern Residents for Reconciliation, p 8

<sup>902</sup> Submission 6, Mr Bill Anscombe, p 20



- 9.42** The issue of unjustified police attitudes toward Aboriginal people was also raised in evidence to the Committee by Mr Michael Gravenor, Executive Officer, The Settlement Neighbourhood Centre Redfern, who stated that as a white person walking around Redfern he is ‘never harassed’, however ‘whenever I am with a black fellow I am always stopped by police’.<sup>903</sup> Mr Gravenor also provided the following example of police prejudice:

About a year ago there was a young fellow out on the road here who had just left the Settlement. He was 10 years old. This 10-year-old kid was shaking in a corner, surrounded by policemen. He had a mobile phone. People make jokes about this but he had a mobile phone so the suggestion was that it was stolen – because he is a 10-year-old Aboriginal. If you look around, there are lots of 10-year-olds with mobile phones ... [T]hat kid was taken by the police by car to the Redfern police station.<sup>904</sup>

- 9.43** One of the key NSW Police measures in place to improve Aboriginal relations is the employment of Aboriginal Community Liaison Officers (ACLOs). There are currently 56 ACLOs employed across New South Wales.<sup>905</sup> The initial role of ACLOs was described by Mr Peter Lalor, Manager, Aboriginal Coordination Team, NSW Police:

[T]he ACLO program has been in operation for 22 years ... They were brought on board initially to open lines of communication between the Aboriginal people and police. Their first role was about breaking down the barriers, opening the doors, getting police and Aboriginal people to meet in an informal sense and bringing their issues to the fore.<sup>906</sup>

- 9.44** The Committee was informed that the role of ACLOs has since been expanded to include participation in local program development, management of specific responsibilities within the ASD, attendance at interagency meetings, and assistance in the establishment and facilitation of local crime prevention initiatives.<sup>907</sup> The purpose of their role generally was outlined in the NSW Police submission:

These officers work closely with police, the Aboriginal community, Aboriginal community organisations and other service providers on a face-to-face basis. They assist Aboriginal people to understand the police perspective on related issues, whilst ensuring that police stay well informed of the Aboriginal community’s perspective.<sup>908</sup>

- 9.45** The NSW Police also use Local Area Command Aboriginal Consultative Committees to engage with Aboriginal communities and seek their support for criminal justice programs.<sup>909</sup> Local Area Command Aboriginal Consultative Committees provide opportunities for local Aboriginal people to be actively involved in how their community is policed; such as by contributing to the development of local crime prevention initiatives, helping identify and

<sup>903</sup> Mr Michael Gravenor, Executive Officer, The Settlement Neighbourhood Centre, Evidence, 30 April 2008, p 46

<sup>904</sup> Mr Gravenor, Evidence, 30 April 2008, p 46

<sup>905</sup> Submission 50, NSW Police Force, p 2

<sup>906</sup> Mr Frank Lalor, Evidence, 12 February 2008, p 72

<sup>907</sup> Mr Frank Lalor, Evidence, 12 February 2008, p 72

<sup>908</sup> Submission 50, p 2

<sup>909</sup> Submission 50, p 3

resolve local issues, and assisting with cultural awareness training.<sup>910</sup> Cultural awareness training is also run by ACLOs and the NSW Police Education Service and Local Area Command.<sup>911</sup>

### **Aboriginal Community Justice Groups**

- 9.46** Aboriginal Community Justice Groups are representative groups of local Aboriginal people that come together to examine the crime problems in their communities and develop strategies to address those problems. These groups were developed under the principle that 'local Aboriginal people know their own communities and problems better than anyone else', and that 'local community problems are best solved by local community developed solutions.'<sup>912</sup>
- 9.47** Community Justice Groups deal with a large number of local issues in conjunction with the police, courts, probation service and juvenile justice. They also develop crime prevention programs and activities, and work with other elements of the criminal justice system to assist in crime prevention.<sup>913</sup>
- 9.48** For example, the Aboriginal Community Justice Groups are currently working in partnership with the Attorney General's Department to develop crime prevention initiatives to make the criminal justice system 'work better' for Aboriginal people.<sup>914</sup> A number of the Groups are also working with police to issue cautions to young people; and will be working with courts to assist in the monitoring and implementation of bail conditions.<sup>915</sup>
- 9.49** Community Justice Groups also play an active role in Circle Sentencing (discussed at paragraphs 9.112 to 9.119).

### **Aboriginal Community Patrols**

- 9.50** The Aboriginal Community Patrols program is administered by the Attorney General's Department. The program provides community based services that operate a safe transport service for young people who are on the streets late at night:

[The] program involves local Aboriginal people essentially patrolling their own towns at night, identifying people and others who might be at risk of committing an offence or being the victim of an offence themselves and taking them home or to another safe place.<sup>916</sup>

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<sup>910</sup> NSW Police Force, *LACACC-Brochure*, July 2007, <[http://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/105185/lacacc\\_brochure.pdf](http://www.police.nsw.gov.au/__data/assets/pdf_file/0020/105185/lacacc_brochure.pdf)> (accessed 15 May 2008)

<sup>911</sup> Submission 50, p 4

<sup>912</sup> *Aboriginal Justice Agreement*, p 5

<sup>913</sup> *Aboriginal Justice Agreement*, p 5

<sup>914</sup> Submission 40, p 62

<sup>915</sup> Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, Attorney General's Department, Evidence, 12 February 2008, p 54

<sup>916</sup> Mr Thomas, Evidence, 12 February 2007, p 54

- 9.51** The objective of the Patrols program is to reduce the risk of people becoming involved in crime and anti-social behaviour, either as potential victims or offenders. The program also provides referrals and outreach support.<sup>917</sup>
- 9.52** Aboriginal Community Patrols operate in 14 locations throughout New South Wales that have high juvenile crime problems, including Armidale, Ballina, Brewarrina, Bourke, Dareton, Dubbo, Kempsey, La Perouse, Mungindi, Newcastle, Nambucca, Shoalhaven, Taree and Wilcannia. Patrols that are located in urban settings or larger regional centres have between 300 – 400 client contacts per month, while patrols in remote communities have between 80 – 150 client contacts per month. The program will receive \$1.06m in the 2007-08 financial year.<sup>918</sup>

### **Community support programs**

- 9.53** The New South Wales Government also administers a number of key Indigenous community support programs aimed at preventing crime, reducing family violence, and reducing associated community breakdown.
- 9.54** One such program is Rekindling the Spirit, which involves a number of agencies working together to provide a range of culturally specific support services to Aboriginal communities in Lismore and Tabulam. These services are available to offenders and their families, and provide activities such as group work, counseling and camps. The program focuses on targeting domestic violence, drug and alcohol abuse, and child abuse and neglect. Rekindling the Spirit is administered by the Department of Corrective Services, and will receive \$464,000 during 2007-08.<sup>919</sup>
- 9.55** Another key Aboriginal program administered by the Department of Corrective Services is Walking Together. Provided in Newtown and Redfern, Walking Together was originally developed to address the problems of loss of cultural identity that affect many urban Aboriginal offenders. The program has since been expanded to target Aboriginal males and the social issues they face such as family violence, low self-esteem, drugs, alcohol, employment and training. The program will receive \$299,000 during 2007-08.<sup>920</sup>
- 9.56** Community support programs for Aboriginal women, young people, perpetrators and victims of family violence, are discussed later in this chapter.

### ***Committee comment***

- 9.57** In many cases, Aboriginal community-based criminal justice initiatives may be more effective than policing. To date, the Committee has heard limited evidence from communities about the effectiveness of these initiatives, however we undertake to investigate this further during the second half of the Inquiry.

<sup>917</sup> *Two Ways Together Report on Indicators 2007*, p 61

<sup>918</sup> Submission 40, p 63

<sup>919</sup> Submission 40, pp 63-64

<sup>920</sup> Submission 40, p 63

## Reducing recidivism

**9.58** In general terms, ‘recidivism’ describes the general act of re-offending.<sup>921</sup> The *Two Ways Together Report on Indicators 2007* measured rates of recidivism in New South Wales within 12 and 24 month periods, and found that in both periods Aboriginal people found guilty in court were more likely to be reconvicted of a new offence than non-Aboriginal people convicted in court.<sup>922</sup> A number of witnesses to the Inquiry referred to this as the ‘revolving door’ syndrome, where Aboriginal offenders ‘come out of the big house, through the revolving door’, and end up going straight back in to prison.<sup>923</sup> More figures on recidivism are presented in Chapter 2.

**9.59** There are a number of factors that can cause recidivism. The Committee heard that in many instances, these are the same factors that result in the individual being incarcerated in the first place, which lead to recidivism if the initial problems are not addressed while the offender is in prison:

Once people come into contact with the criminal justice system we see again and again a real lack of any addressing of the fact that essentially a person who comes in contact with the criminal justice, whatever the symptomatic cause of their offending might be – drug abuse, alcohol abuse, mental health problems, anger, domestic violence or whatever it might be – it is just not being addressed or taken seriously that these are the most dysfunctional people in dysfunctional communities.<sup>924</sup>

**9.60** Other major factors that commonly lead to recidivism include a lack of sufficient support for ex-prisoners, and the environment that the ex-prisoner returns to. The Committee heard that many Aboriginal offenders return to unstable and disruptive family and community environments.<sup>925</sup> This point was raised by Mr Paul Newman, Director, Aboriginal Support and Planning, Department of Corrective Services, who stated that ‘unfortunately, a lot of these people when they are released are going back into the same situations that put them in gaol in the first place.’<sup>926</sup>

**9.61** The above view was echoed by Mr Chenery in evidence to the Committee:

Even if we had a model prisoner and world's best practice in the options being provided, at the end of the day, if that prisoner is going back to a community with 15 people living in a house, no employment and no access to services, what will he be doing in a couple of weeks?<sup>927</sup>

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<sup>921</sup> Jason Payne, ‘Recidivism in Australia: findings and future research’, Australian Institute of Criminology, Research and Public Policy Series, 2007, No. 80, p 8

<sup>922</sup> *Two Ways Together, Report on Indicators 2007*, p 67

<sup>923</sup> Mr Mark Spinks, Chairman, Babana Cultural Centre, Evidence, 30 April 2008, p 32

<sup>924</sup> Mr McKenzie, Evidence, 13 February 2008, p 19

<sup>925</sup> Submission 27, pp 22-23

<sup>926</sup> Mr Paul Newman, Director, Aboriginal Support and Planning, Department of Corrective Services, Evidence, 12 February 2008, p 66

<sup>927</sup> Mr Chenery, Evidence, 13 February 2008, p 23

## Pre- and post-release programs

- 9.62** Effective programs provided to offenders during incarceration and upon their release from prison can significantly reduce rates of recidivism. This section outlines key pre- and post-release programs targeted at Aboriginal offenders.

### Custodial programs

- 9.63** A high proportion of Aboriginal prisoners have poor literacy, numeracy and/or employment skills. A lack of these skills severely impacts the ability of Aboriginal offenders to gain employment upon release from prison, which significantly increases their likelihood of re-offending.
- 9.64** To address this issue, a number of educational and vocational programs are delivered to offenders within New South Wales correctional centres. These programs are run through the Department of Corrective Services' own registered training organisation, the Adult Education and Vocational Training Institute; as well as through TAFE NSW.
- 9.65** The Committee was informed that in 2006-07, 26 percent of the total number of inmates in New South Wales participating in education and vocational programs were Aboriginal.<sup>928</sup> Assistant Commissioner Grant told the Committee that while all inmates have access to training programs, not all inmates necessarily need them:

... it is generally accepted around the world ... that not everyone needs the same level of programs. Some people do not benefit from it. A small proportion of people are the high-risk offenders who are responsible for a disproportionate amount of criminal behaviour. Therefore we target the high-risk people.<sup>929</sup>

### *Committee comment*

- 9.66** The Committee is concerned about the participation rate of Aboriginal offenders in custodial programs, particularly given the low levels of numeracy and literacy amongst Aboriginal prisoners.
- 9.67** We also note the evidence from Assistant Commissioner Grant that Aboriginal inmates need the same type of custodial programs as non-Aboriginal inmates, albeit a different approach to those programs. While the Committee accepts that this may be the case in some instances, we believe that cultural-based programs offer the most effective services to Aboriginal offenders.

### Pre-release planning

- 9.68** Programs and services available to Aboriginal offenders in the lead up to their release from prison aim to assist them with their transition back into the community.

<sup>928</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Department of Corrective Services, p 23

<sup>929</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 63

**9.69** The Committee was informed that the Department of Corrective Services begins planning for an inmate's release six months prior to their exit. Each offender (whether Aboriginal or non-Aboriginal) has an individualised exit planning strategy in the form of a book that indicates to various points leading up to the date of their release and what they need to do. In evidence to the Committee, Assistant Commissioner Grant discussed the role the Department of Corrective Services plays in assisting inmates in their release:

One of the very important elements of correctional work is to get them to take responsibility for their own behaviour and actions. So it is not our intention to provide people with a fabulous little kit; we put the responsibility back on the person, with some assistance, to put in place the things they need to support their transition.<sup>930</sup>

**9.70** A common issue for many Aboriginal offenders is that they lack adequate forms of identification to set up bank accounts and so forth once they leave prison. Witnesses from the Department of Corrective Services advised that the Department assists Aboriginal inmates to obtain birth certificates, Medicare cards, and other such forms of identification where required.<sup>931</sup>

**9.71** However, contrary evidence was heard at this Inquiry's hearing in Redfern. Mr Mark Spinks, Chairman, Babana Cultural Centre, informed the Committee about a recent Health Information Day that was run by Babana, where they found 15 out of 112 Aboriginal participants who had never owned a Medicare card. In response to questioning from the Committee as to whether any of those 15 men had been through the prison system, Mr Spinks replied 'yes'.<sup>932</sup>

**9.72** Aside from the exit strategy book and identification, government witnesses to the Inquiry advised that prisoners walked out the gates with any money that they earned in prison and a train ticket or bus fare.<sup>933</sup> Ms Mason, Director General of the Department of Juvenile Justice, added, 'I would say that they pretty much walk out with what they came in with. They would probably have toothbrushes that we gave them.'<sup>934</sup>

**9.73** In response to questioning from the Committee about these provisions, Mr John McKenzie Chief Legal Officer, Aboriginal Legal Service expressed the view that this level of pre-release support for offenders is far from adequate:

It is not addressing the problems that have put them there in the first place. They are not in jail because they do not have a toothbrush. They are in jail because they have had serious problems at home. They may have had a dreadful experience as a child – whether it be in a State institution or foster family. They have substance abuse problems that are not being properly addressed in a meaningfully long-term way. The

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<sup>930</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 69

<sup>931</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 69; Mr Newman, Evidence, 12 February 2008, p 66; Mr Dries, Evidence, 11 March 2008, p 14

<sup>932</sup> Mr Mark Spinks, Chairman, Babana Cultural Centre, Evidence, 30 April 2008, p 35

<sup>933</sup> Mr Trevor Christian, Chief Executive Officer, Aboriginal Legal Service ACT/NSW, Evidence, 13 February 2008; Assistant Commissioner Grant, Evidence, 12 February 2008, p 69

<sup>934</sup> Ms Mason, Director General, Department of Juvenile Justice, Evidence, 12 February 2008, p 68

mental health situation is not being addressed for those who find themselves in that situation ... It is not doing anything to set up their life outside jail.<sup>935</sup>

***Committee comment***

- 9.74** On the basis of the evidence received by the Committee, we believe that the pre-release support services available to Aboriginal offenders are inadequate.
- 9.75** The Committee also notes with concern the evidence heard from Mr Spinks regarding the discovery of Aboriginal ex-prisoners without Medicare cards. While we realise that the people Mr Spinks referred to may have been released from prison before the Department of Corrective Services' identification assistance scheme came into place, we nonetheless believe that this issue and the issue of inadequate pre-release planning and support, requires further investigation.

**Post-release programs and services**

- 9.76** As discussed earlier, the period immediately after release from prison is a particularly vulnerable time for ex-offenders. If people return to the same destructive environment that led them to offend in the first place, the chances that they will re-offend are highly likely.
- 9.77** The social and health support needs of Aboriginal offenders upon their release from prison include housing and tenancy support, mental health services, substance misuse support, general health services, and the need for assistance with community and family reintegration.<sup>936</sup> The need for these types of support services was articulated by Ms Gai Smith from Redfern Residents in her submission to the Committee:

People's lives sometimes fall apart when they are released. A half-way house, with supported accommodation is needed, to stop people becoming homeless, and support them to stay off the substances, which some have relished the opportunity to dry out from. They need exposure to healthy social patterns, with a holistic approach that would support them to get housing, eat better, get further education, set up informal mentors etc ... With criminal records, people often can't get work... A drug habit is sometimes resumed after gaol simply to give to order and structure to empty boring meaningless days – something to do. Without opportunities, nothing changes.<sup>937</sup>

- 9.78** However, there is a general lack of post-release services for offenders, and particularly a lack of any Aboriginal specific post-release services. This gap in services was raised by several Inquiry participants, such as Mr Jack Dunn, Member, Babana Cultural Centre:

I reckon there are no people to deal with injustice for the people in gaol. As my brother Mark says, people come out of gaol and they go back in. So there is no such thing as ... looking after them while they are in there and to adjust them when they do come out.<sup>938</sup>

<sup>935</sup> Mr McKenzie, Evidence, 13 February 2008, p 20

<sup>936</sup> Submission 27, pp 21-22

<sup>937</sup> Submission 54, Ms Smith, Redfern Residents for Reconciliation, p 9

<sup>938</sup> Mr Jack Dunn, Member, Babana Cultural Centre, Evidence, 30 April 2008, p 36

**9.79** The lack of housing support was also a common theme heard from witnesses to this Inquiry.<sup>939</sup> Many offenders have nowhere to go when they are released from prison, as observed by Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan in their submission which states that ‘returning to prison is significantly associated with a state of homelessness’.<sup>940</sup>

**9.80** One of the few Aboriginal programs that assists inmates during this period is the Pinta Kulpi Elders program. Pinta Kulpi involves Aboriginal Elders providing support to offenders in various correctional centres throughout New South Wales both during and after their release. The New South Wales Government submission states that elders:

... provide cultural, spiritual and emotional support and advocacy for Aboriginal inmates. Elders participating in the Pinta Kulpi program assist inmates to maintain contact with community networks during their incarceration and help offenders to re-enter the community upon their release.<sup>941</sup>

**9.81** With regard to the probation and parole service for Aboriginal offenders, the Department of Corrective Services informed the Committee that Community Offender Services employs Aboriginal Client Service Officers to assist and support Aboriginal offenders to successfully complete their court and parole orders. Aboriginal Client Service Officers provide advice and support to Probation and Parole Officers in the case management of Aboriginal offenders, and assist in meeting the needs of Aboriginal offenders in a culturally sensitive manner.<sup>942</sup> In 2006-07, the Department of Corrective Services employed 13 Aboriginal Client Service Officers.<sup>943</sup>

***Committee comment***

**9.82** It is clear from the evidence that the post-release period is a particularly vulnerable time for offenders. The Committee acknowledges that effective post-release support can significantly reduce rates of recidivism, and notes with concern the lack of these services.

**9.83** The Committee heard a range of evidence about other Department of Corrective Services initiatives aimed at improving post-release support, such as the Pathways to Employment program and Community Offender Support Program Centres. While these initiatives are available to Aboriginal offenders, and used by many due to the high proportion of Aboriginal people in the criminal justice system, the Committee has chosen to focus on Aboriginal specific initiatives for the purposes of this Interim Report.

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<sup>939</sup> Submissions 21 and 27; Mr Rutherford, Evidence, 11 March 2008, p 20; Mr Newman, Evidence, 12 February 2008, p 66

<sup>940</sup> Submission 21, pp 10-11

<sup>941</sup> Submission 40, p 65

<sup>942</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Department of Corrective Services, pp 4-5

<sup>943</sup> Department of Corrective Services, *Annual Report 2006-07*, p 42



### Drug and alcohol rehabilitation

- 9.84** A high number of Indigenous inmates have issues relating to drug and alcohol misuse. In 2005-06, 57 percent of Indigenous inmates in New South Wales participated in the Department of Corrective Services' alcohol and other drugs programs on at least one occasion during their current sentence.<sup>944</sup>
- 9.85** The Department of Corrective Services run a range of generic therapeutic alcohol and other drug programs, in which a significant number of Aboriginal offenders currently participate.<sup>945</sup> However, according to Mr Christian, these programs are ineffective at rehabilitating offenders. Mr Christian gave an example in evidence to the Committee relating to prisoners addicted to heroin:
- ... when somebody goes into jail and they are on heroin, they are put on methadone. So they are on methadone while they are in there and when they get out again they go back on the needle.<sup>946</sup>
- 9.86** Mr Christian observed that naltrexone is being used in some prisons around Australia, and suggested that the drug be rolled out into more prisons:
- I believe it [naltrexone] has been a very successful program ... I know many people do not agree with it, but I do. It is very good. If someone is doing two years and they can be on naltrexone while they are in jail and come out clean, at least they have a chance of starting a new life when they get out.<sup>947</sup>
- 9.87** With regard to rehabilitation after prison, there are some Indigenous rehabilitation centres in New South Wales. The Committee was informed, however, that the only Indigenous rehabilitation service run by the Department of Corrective Services is the Namatjira Haven Drug and Alcohol Healing Centre (Namatjira Haven) at Alstonville.
- 9.88** Namatjira Haven provides intensive rehabilitation to Aboriginal male offenders with a drug and/or alcohol addiction. Participants are taught life skills and provided support throughout their transition from custody back into the community. They are also given guidance to establish appropriate support networks within the Aboriginal community. In 2007-08, Namatjira Haven will receive \$272,543 (excluding GST) in funding from the Department of Corrective Services.<sup>948</sup>
- 9.89** Another key initiative heard about in evidence to the Committee was the Magistrates Early Referral into Treatment (MERIT) Program. MERIT is a court diversion program which gives adult defendants a chance to break the drug crime related cycle by entering into a three month

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<sup>944</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Question 6, p 13

<sup>945</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Question 4, p 8

<sup>946</sup> Mr Christian, Evidence, 13 February 2008, pp 18-19

<sup>947</sup> Mr Christian, Evidence, 13 February 2008, p 23

<sup>948</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 27

rehabilitation program. MERIT provides defendants with the opportunity to focus on treating drug problems independently of their legal matters.<sup>949</sup>

- 9.90** While not an Aboriginal-specific program, MERIT has a high proportion of Aboriginal participants; and a model is currently being developed that will be specifically tailored to Aboriginal people.<sup>950</sup>

*Committee comment*

- 9.91** The Committee is concerned about the adequacy of rehabilitation programs in prisons, particularly as drug and alcohol abuse are the main predictors that lead to Aboriginal crime. We are of the opinion that diversionary rehabilitation programs such as MERIT can be more effective than custodial rehabilitation programs. An analysis of MERIT will be undertaken in the Final Report.
- 9.92** We note the evidence that Aboriginal inmates only require a culturally sensitive approach to generic rehabilitation programs, as opposed to Aboriginal specific programs; however we maintain the view that Aboriginal people respond better to the latter.

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**Issue for consideration 40 – Justice: support for offenders**

There is a significant lack of support services for Aboriginal offenders, whilst in custody, prior to release, after release and in relation to drug and alcohol services. The Committee is concerned about this lack of appropriate service provision for Aboriginal offenders and will examine relevant initiatives.

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**Effective service provision**

- 9.93** There have been a number of local Aboriginal community programs within New South Wales that have had some success in preventing crime and reducing family violence over recent years. Many of these programs have already been mentioned in this chapter.
- 9.94** The Department of Corrective Services also suggested that programs that add to existing programs, rather than being developed independently, have better success.<sup>951</sup> The Committee was advised that programs are not easily portable due to these community ownership requirements, and that for this reason, successful local programs have not been more broadly rolled-out:

For example, a program developed in partnership with the Dubbo local Aboriginal communities cannot be implemented in other parts of the state since it is based on the

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<sup>949</sup> Submission 7, p 6

<sup>950</sup> Dr Richard Matthews, Deputy Director General, NSW Health, Evidence, 12 February 2008, p 35

<sup>951</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 3

knowledge of the local Dubbo Aboriginal communities and owned by the local Dubbo Aboriginal communities.<sup>952</sup>

- 9.95** This view that there is no ‘one size fits all’ approach was echoed by a number of Aboriginal community members who participated in the Inquiry. The different needs of communities, and the necessity for community involvement, was enunciated by Mr Tom Briggs, Deputy Chair and Northern Region Representative, NSW Aboriginal Land Council:

We need to be asked. You cannot simply throw a blanket over it and say, “This is best for the community.” ... We should be determining those priorities, not government agencies or other people. It comes to us at a community level. We should be given the wherewithal to develop the capacity and plans about agreed directions within communities.<sup>953</sup>

- 9.96** Another theme heard throughout this Inquiry is the importance of cultural awareness training to non-Aboriginal staff who deliver services to Aboriginal people. The Committee was informed that cultural awareness training is provided to staff in criminal justice government departments, such as the Department of Corrective Services and NSW Police, in order to improve service provision. Police Commissioner Scipione stated:

Whilst our first and most important obligation is to uphold the law, we are ever mindful of the need to ensure that our actions are culturally appropriate and sensitive to the circumstances of our Aboriginal people.<sup>954</sup>

- 9.97** An even more effective option is the employment of Aboriginal staff to deliver criminal justice services to Aboriginal people. This is discussed further at paragraph 9.151.

*Committee comment*

- 9.98** It is clear to the Committee from the range of evidence received that for a local Aboriginal community program to be successful, the community must be involved in the planning and implementation of the project. Accordingly, the Committee understands the difficulty of program portability due to the need to address local social issues.

## Measuring efficacy

- 9.99** Although there are several programs that monitor long-term incarceration trends,<sup>955</sup> there has been relatively little by way of substantive evaluation of criminal justice programs and initiatives. While this situation has begun to change over recent years, many Indigenous criminal justice programs are still relatively new; and as such it is still too early to measure their efficacy on reducing rates of crime and recidivism.

<sup>952</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 4

<sup>953</sup> Mr Tom Briggs, Deputy Chair and Northern Region Representative, NSW Aboriginal Land Council, Evidence, 11 March 2008, p 10

<sup>954</sup> Commissioner Scipione, Evidence, 12 February 2008, p 72

<sup>955</sup> For example, the National Deaths in Custody Program and the National Juveniles in Detention Monitoring Program

- 9.100** This point was raised by Dr Weatherburn in relation to alternative sentencing programs for Aboriginals:

So little has been done and properly evaluated in the area of Aboriginal reoffending ... For example, there is no doubt that drug courts are an effective way, if properly implemented, of reducing the rate at which people return to the justice system ... But no-one has done a specific study of the effectiveness of drug courts or the effectiveness of MERIT or the effectiveness of these programs on Aboriginal offending. The first such program you will see – and that should happen within the next couple of months – is our valuation of the circle sentencing program.<sup>956</sup>

- 9.101** The difficulty in accurately measuring the efficacy of new initiatives was also apparent from evidence received by Mr Thomas, in his comments on Aboriginal Community Justice Groups:

It is quite early days for that program as a whole but, looking at those groups that have been established for the longest period of time, we have seen a 5.5 per cent reduction in finalised local court appearances in seven of those nine locations. While we cannot directly empirically prove that the work of those groups has resulted in that reduction, it is quite a positive sign that we are taking a lot of encouragement from.<sup>957</sup>

- 9.102** The Department of Corrective Services informed the Committee that since it established its Offender Programs Unit in 2003, it has included ‘inbuilt and robust’ evaluation tools as part of all of its accredited programs targeting criminogenic needs. The Department of Corrective Services acknowledged in its submission that evaluation of programs must be conducted over a significant length of time before meaningful results can be reported:

At this stage it is premature for the processing of evaluative data and any reporting of measurable outcomes. In due course this evaluative data will provide a more comprehensive and evidence based picture of program success.<sup>958</sup>

- 9.103** From a statistical point of view, another issue with measuring the efficacy of a program is that outputs and outcomes do not necessarily assist in understanding *why* a program has or has not been successful. This observation was made by Dr Weatherburn:

[T]here are two ways a program might fail. One is that it is a good idea but it is poorly implemented; the other one is it is not a good idea, it is well implemented but it does not have the effect that was intended for it. It is sometimes difficult for us to tell whether a program or initiative to reduce crime or to reduce reoffending failed because it was badly implemented or failed because it was doomed to fail anyway.<sup>959</sup>

### *Committee comment*

- 9.104** Evaluation of criminal justice programs is essential to measuring their effectiveness in reducing rates of recidivism. The Committee notes that any meaningful evaluation must be conducted over a significant period of time, and acknowledges that it is too soon to

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<sup>956</sup> Dr Weatherburn, Evidence, 14 February 2008, p 5

<sup>957</sup> Mr Thomas, Evidence, 12 February 2007, p 54

<sup>958</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 14

<sup>959</sup> Dr Weatherburn, Evidence, 14 February 2008, p 4

statistically measure the effectiveness of many of the programs and initiatives discussed in this chapter.

## Alternatives to incarceration

- 9.105** There are a number of non-custodial sentences available to Aboriginal offenders that can achieve the same sentencing objectives as custodial sentences, while avoiding many of the detrimental effects that come with incarceration. These are discussed below.

### Community based sentencing

- 9.106** Community based sentencing options include home detention, periodic detention, and community service orders. In its submission, the NSW Local Court noted that the flexibility of community based sentencing allows offenders to ‘maintain family and community ties, whilst community service provides meaningful activity and an opportunity to acquire vocational skills.’<sup>960</sup>

- 9.107** The benefit of the setting for community based sentences was also raised by Ms Moira Magrath, Director, Community Offender Services, Probation and Parole Service, Department of Corrective Services, in evidence to the Committee:

We know that going into custody does not do anyone any favours; it does not stop reoffending as and of itself. It is what we do with the offenders, preferably while they are in the community or their own environment. That is where we can make the greatest difference.<sup>961</sup>

- 9.108** The rate of recidivism for offenders who have participated in home detention has been found to be significantly lower than the rate of recidivism for offenders who have been in full-time custody.<sup>962</sup> Mr Simon Luckhurst noted in his submission that community sentencing options are also considerably cheaper:

It is becoming accepted knowledge that money spent on intervention programs is often vastly less than the money spent if the early intervention doesn't take place, and is later spent on imprisonment, victim's compensation and legal costs (not to mention higher insurance premiums in some areas.)<sup>963</sup>

- 9.109** However, many community sentencing options in New South Wales are not available state-wide, particularly in rural and remote areas. A previous report by the NSW Legislative Council Standing Committee on Law and Justice into community based sentencing options highlighted that the full range of community based sentencing options are only available in Sydney and some of the larger regional centres. For example, home detention is only available in Sydney,

<sup>960</sup> Submission 7, p 5

<sup>961</sup> Ms Moira Magrath, Director, Community Offender Services, Probation and Parole Service, Department of Corrective Services, 11 March 2008, p 20

<sup>962</sup> NSW Legislative Council, Standing Committee on Law and Justice, *Community based sentencing options for rural and remote areas and disadvantaged populations*, Report 30, March 2006, p 180

<sup>963</sup> Submission 39, p 6

the Hunter and parts of the Illawarra region; while periodic detention is available in a few additional locations. There are also less community service placements in regional areas.<sup>964</sup>

- 9.110** The consequence of these requirements and availability issues is that in many areas, the only sentencing option available for the court is a prison term, which – as the evidence has shown – increases the individual’s likelihood of re-offending:

When you look at the figures, the people in rural New South Wales are going to jail sooner and longer for the same offences as their counterparts in metropolitan New South Wales. It comes down to the fact that they are not being given, and not being assessed for, the same opportunity of community sentencing options and end up in the dreadful situation of full-time jail much sooner. All of these studies across the world show that once a person has experienced full-time imprisonment they are really on the slippery slope to continue to return to it.<sup>965</sup>

*Committee comment*

- 9.111** The benefits of community based sentencing are clear to the Committee. We note with concern the difficulties in implementing and accessing community based sentencing options, and the need for viable alternatives. These will be considered in the Final Report.

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**Issue for consideration 41 – Justice: community-based sentencing**

The Committee will consider the accessibility of community based sentencing options to Aboriginal offenders.

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**Circle sentencing**

- 9.112** Circle Sentencing is an alternative court for repeat Aboriginal offenders that directly involves local Aboriginal communities in the sentencing process. During Circle Courts, the magistrate, offender and victim and their families, and respected members of the local Indigenous community, sit in a circle to discuss the offence and arrive at an appropriate sentence.
- 9.113** Witnesses to the Inquiry deemed Circle Sentencing to be effective as it is a more personal and meaningful experience for the offender, and it comes from the community.<sup>966</sup> For example, Ms Jasmine Franklin, Project Coordinator, Circle Sentencing Program, Attorney General’s Department, stated:

With Aboriginal people, when you face your community and talk up and you do not answer their questions that is a big shame. I think it is confronting in the sense that the person is really confronted with what he has done and he really has to verbalise

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<sup>964</sup> Standing Committee on Law and Justice, Report 30, p 33

<sup>965</sup> Mr McKenzie, Evidence, 13 February 2008, p 19

<sup>966</sup> For example, Submission 11; Mr Leslie, Evidence, 14 February 2008, p 28; Ms Franklin, Evidence, 14 February 2008, p 29; Ms Davis, Evidence, 11 March 2008, p 42.

that and say that to his elders and to the community. That is why I think it is terribly powerful ... There is no give; you cannot get away with anything there.<sup>967</sup>

- 9.114** Ms Mavis Davis, a Kempsey Elder and Circle Sentencing Panel member, informed the Committee that she has sat on both sides of the Circle Court, as a Panel member and as a family member. Ms Davis described the benefit of Circle Sentencing from the victim's point of view:

We were asked to go to the circle where we finally had our say. I believe that in a normal court we would not have been able to have our say. That was not satisfactory to me or to my daughter because of what we went through. We wanted to have a chance to tell the judge, the people there and the people who made us victims how we felt about what had happened to us.<sup>968</sup>

- 9.115** The main concerns relating to Circle Sentencing heard by the Committee related to resources. For example, the issue of time was raised by Mr Thomas, who advised that an average Circle Court hearing takes about two and a half hours, whereas a traditional Local Court sentencing only takes around 10 to 20 minutes. Mr Thomas stated that this is particularly a concern as this is time that the magistrate is taken away from the local court to hear other matters.<sup>969</sup>

- 9.116** The issue of compensation and support for Circle Court panel members was also brought to the Committee's attention. Ms Franklin told the Committee:

We ask them to do it voluntarily. We do not pay them. I think in other places, like Victoria with their Koori courts and things like that, they do pay people or compensate them. We cannot even compensate them for their [bus] fares and things like that.<sup>970</sup>

- 9.117** The lack of compensation was also criticised by Mr Leslie, in outlining the duties expected of Circle Court members in Mt Druitt:

You are expected to give your time to do training. You might be 60 or 70 years of age, like me, and you have to learn all these you-beaut things, and what do you get? You are lucky if you get a cup of coffee or something at the meetings. So we are sitting there, and if we were on a jury, we would get something. But because we are Aboriginal and we want to do the best for our community, we can do nothing.<sup>971</sup>

<sup>967</sup> Ms Jasmine Franklin, Project Coordinator, Circle Sentencing Program, AG's Department, Evidence, 14 February 2008, p 30

<sup>968</sup> Mrs Mavis Davis, Kempsey Elder and Circle Sentencing Panel member, Evidence, 11 March 2008, p 42

<sup>969</sup> Mr Thomas, Evidence, 12 February 2008, p 60

<sup>970</sup> Ms Franklin, Evidence, 14 February 2008, p 26

<sup>971</sup> Mr Leslie, Evidence, 14 February 2008, p 27

- 9.118** The Committee heard strong support for Circle Sentencing, with the Magistrate in Kempsey telling the Committee that ‘it has to be extended’. Additionally, Mr Evans advocated for more support mechanisms for elders that participate in Circle Sentencing:

[C]ircle sentencing has to be extended and accepted as a credible, alternative means of dealing with indigenous issues. ... I am not indigenous. I may support them, but I am not part of the team. I can work as part of the team, but I am not indigenous and I respect that difference. I need these people. The Dunghutti community extends up to Bowraville. I am not criticising anyone, but those people do not have circle sentencing. I also sit at Port Macquarie. I have Biripi people there and I do not have circle sentencing. There has to be circle sentencing and more time available.

There is also the issue of debriefing. I cannot sit down with Aunty Mavis and some of the others and say to them, "Listen, this is the way we do it." That is imposing non-circle interpretations. It also makes it look to the other members of the community that this is all part of a conspiracy. They are only passing off what the second-hand magistrate says to do. They have to be independent and I have to respect that. They have to have their own personalities and views. Otherwise it is ridiculous. It will result in indigenous people imposing non-indigenous law.<sup>972</sup>

#### *Committee comment*

- 9.119** The Committee heard a significant amount of positive evidence regarding Circle Sentencing, including evidence from Circle Sentencing participants during the Committee’s site visit to Nowra. We will explore this evidence further in the Final Report where we will analyse the effectiveness of Circle Sentencing and address the issue of compensation.

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### **Issue for consideration 42 – Justice: circle sentencing**

The Committee is concerned that there are insufficient resources available for Circle Sentencing courts and highlights this issue for discussion.

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#### **Alternative correctional centres**

- 9.120** There are two alternative correctional centres in New South Wales exclusively for Aboriginal offenders. One of these is Yetta Dhinnakkal, which is a ‘second chance’ facility for male first-time offenders. Rather than being incarcerated in a conventional correctional centre, offenders live on a 26,000 acre rural farm, without security walls or fences, where they are taught a range of education and employment skills. Where possible, the offender’s family participates in their case management.<sup>973</sup> Additionally, the facility teaches cultural awareness and behavioral courses:

Offenders also attend courses aimed at addressing specific behaviours including substance abuse, relapse prevention, anger management, domestic violence and drink

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<sup>972</sup> Mr Wayne Evans, Magistrate, Kempsey Local Court, Evidence, 11 march 2008, p 45

<sup>973</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 21



driving. In addition, respected Aboriginal elders visit ... to instruct offenders on Aboriginal heritage and culture.<sup>974</sup>

- 9.121** Yetta Dhinnakkal has proven to be effective, as evidenced by lower than average re-offending rates in program participants.<sup>975</sup> Due to this success, the Department of Corrective Services has expanded the concept to create a new program called Balund-A, located at Tabulam. Balund-A became operational on 26 May 2008<sup>976</sup> and is available to non-sentenced offenders from court, and offenders sentenced to community based options that are at a high risk of re-offending and/or can otherwise benefit from the experience.<sup>977</sup>
- 9.122** Balund-A is available to male and female inmates between 18 and 35 years of age. Mr Clarrie Dries, General Manager, Wellington Correctional Centre, informed the Committee that the facility will not accept any sex offenders or anyone on methadone, and that programs will be delivered by community agencies.<sup>978</sup> Mr Dries commented on the application of the Balund-A and Yetta Dhinnakkal programs:

They are about trying to stop people coming into jail. Yetta Dhinnakkal is about getting first-time offenders who have never been in custody before ... Balund-A is going the next step. If Community Offender Services or Probation and Parole have someone who is not conforming or who is thinking about breaching, they will be able to direct them to this program before they are breached. It is the same with the magistrates. If they think the last point is to send someone to jail, they will have the option of remanding them to this program for anything up to 12 months so they can be fully assessed with community agency involvement.

#### *Committee comment*

- 9.123** The Committee supports the operation of alternative correctional facilities, particularly Aboriginal specific correctional facilities. The efficacy of these facilities will be examined in the Final Report.

#### **Criminal Infringement Notices**

- 9.124** The NSW Police have a number of procedures in place that aim to divert people from incarceration and deal with offenders outside of usual criminal justice system processes. Although there are no diversionary procedures exclusively for Aboriginal offenders, the Committee heard of a number of generic diversions have had a particular impact on Aboriginal communities.

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<sup>974</sup> Submission 40, p 66

<sup>975</sup> Submission 40, p 66

<sup>976</sup> Telephone conversation between Mr Richard Matenga, Manager, Balund-A Program, the Department of Corrective Services and Senior Council Officer, 27 May 2008

<sup>977</sup> The Department of Corrective Services, *Balund-A*, [http://www.dcs.nsw.gov.au/careers/balund\\_a/role.pdf](http://www.dcs.nsw.gov.au/careers/balund_a/role.pdf) (accessed 29 April 2008)

<sup>978</sup> Mr Clarrie Dries, General Manager, Wellington Correctional Centre, Evidence, 11 March 2008, p 22

- 9.125** One example is the Criminal Infringement Notices (CINs) scheme. CINs are on-the-spot fines, and are an alternative to arrest for certain minor offences. While CINs do not carry the burden of a criminal record, they are still recorded for monitoring purposes. This was detailed by Commissioner Scipione:

Every criminal infringement notice that is issued will be the subject of recording and it is there forever to be used should a person come under notice again and consideration be given to issuing a criminal infringement notice. That is the sort of information that I demand and require to be maintained. It will not be a criminal history record but it will be a record that suggests that a person has had a notice issued and that is there for the police to draw on at the time they make any further inquiries about somebody.<sup>979</sup>

***Committee comment***

- 9.126** Although CINs may be a preferable option to arrest, the Committee is aware that some issues have arisen with respect to the impact of the CIN scheme on Indigenous communities. A review of the scheme by the NSW Ombudsman in April 2005 found that a disproportionate number of Indigenous offenders were assigned CINs compared to non-Indigenous offenders.<sup>980</sup> Concerns arose from this relating to the inability of many Indigenous offenders to pay these fines due to their economic disadvantage; largely as non-payment of fines results in an offence in itself. While the Committee did not hear evidence about these particular issues relating to CINs, we have been informed that the NSW Ombudsman is currently examining the impact of CINs on Indigenous communities, and will be delivering a report to the Attorney General in May 2009.

## Women

- 9.127** Indigenous women are the fastest growing group of prisoners, and have been described as the ‘most legally disadvantaged group in Australia.’<sup>981</sup> Figures from the *Two Ways Together Report on Indicators 2007* show that female Aboriginal adults are 21 times more likely than non-Aboriginal females to be imprisoned, and more than six times as likely to be on remand than the general female adult population.<sup>982</sup>
- 9.128** Between 1996 and 2007, the adult female Indigenous inmate population increased by 224 percent, whereas the adult female non-Indigenous inmate population increased by 81 per cent.<sup>983</sup> More figures on Indigenous females in the criminal justice system are presented in Chapter 2.
- 9.129** In their submission to the Committee, Associate Professors Eileen Baldry and Sue Green, Heidi Freeman and Sheila Langan note that female ex-prisoners suffer worse social and

<sup>979</sup> Commissioner Scipione, Evidence, 12 February 2008, p 77

<sup>980</sup> NSW Ombudsman, ‘*On the spot justice? The Trial of Criminal Infringement Notices by NSW Police*’, April 2005

<sup>981</sup> Submissions 14, 16, 21, 27

<sup>982</sup> *Two Ways Together Report on Indicators 2007*, p 66

<sup>983</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 10

economic disadvantage than their male counterparts. The submission states that many of these women face problems such as dependent children and extreme difficulty reuniting with them; a history of sexual and physical abuse, and few options but to return to abusive situations; and alcohol/drug problems with few culturally appropriate rehabilitative services to go to.<sup>984</sup>

- 9.130** Similar points were made in the NCOSS submission, which advised that Aboriginal women experience higher rates of substance use and mental health issues than Aboriginal men, with many having long histories of sexual or physical abuse.<sup>985</sup> Further, studies also show that female Aboriginal offenders have higher rates of recidivism than male Aboriginal offenders:

... Aboriginal women in particular return to prison after release significantly faster and in greater numbers than men which suggests they face significantly greater barriers to social integration.<sup>986</sup>

- 9.131** The Committee heard that post-release programs for female Indigenous offenders need to be ‘grounded in their cultural values, beliefs and realities, and should be developed in consultation with and run by Indigenous women.’<sup>987</sup>
- 9.132** Specific positions have also been created by the Department of Corrective Services to support female Aboriginal inmates during their incarceration; including a designated Aboriginal female Assessment Support officer position, a female Regional Aboriginal Programs Officer, a full-time Aboriginal teacher position, and Aboriginal female custodial Officers.<sup>988</sup>

*Committee comment*

- 9.133** The Committee notes the significant disadvantage faced by Indigenous women. From the evidence it is clear that female Indigenous offenders require ample and appropriate support to reduce their risk of recidivism. We are concerned that there is currently insufficient support available to female Indigenous offenders across New South Wales.

## Juveniles

- 9.134** Figures from the Australian Institute of Criminology show that over-representation of Indigenous young people aged 10 to 17 in detention across Australia remains high and has not decreased since 1994.<sup>989</sup> Indigenous young people in New South Wales are 30 times more likely to be held in detention in New South Wales than non-Indigenous young people; and in 2006-07 Indigenous young people constituted 37.8 percent of the total juvenile remand

<sup>984</sup> Submission 21, pp 8-9

<sup>985</sup> Submission 27, p 22

<sup>986</sup> Submission 21, p 9

<sup>987</sup> Submission 21, pp 8-9

<sup>988</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 10

<sup>989</sup> Submission 37, p 3

population.<sup>990</sup> Further statistics on Indigenous young people in the criminal justice system are presented in Chapter 2.

- 9.135** In evidence to the Committee, Ms Mason commented on the ongoing over-representation of Aboriginal young people in detention:

While concerted efforts have been made in recent years to reduce the high numbers of Aboriginal young people in the juvenile justice system, the number of Aboriginal young people in detention remains unacceptably high.<sup>991</sup>

- 9.136** According to submission author Mrs Marjorie Anderson, this over-representation of juveniles has been ‘described by some Aboriginal people as the new stolen generation.’<sup>992</sup>

### **Causes of juvenile over-representation**

- 9.137** There are a number of factors that contribute to the high proportion of Aboriginal young people in the juvenile justice system. The majority of these are the same causal factors that contribute to the high number of Aboriginal adults in the criminal justice system. For example, overcrowded housing, family violence and substance abuse are all factors that commonly contribute to Aboriginal juvenile crime.<sup>993</sup> Other factors more relevant to juveniles include child neglect and abuse, family dissolution, poor school performance and early school leaving.<sup>994</sup>

- 9.138** As is the case with adults, it is usually a combination of several factors that eventually leads to an Aboriginal young person committing crime.

### **Impact of incarceration on young people**

- 9.139** The impact of incarceration on young Aboriginal people is wide reaching, in part due to the considerably high rate of juvenile recidivism. The New South Wales Government noted that Aboriginal prisoners are more likely than non-Aboriginal prisoners to have been incarcerated as juveniles; and Aboriginal men and women were almost certain to appear in an adult court if they had previously appeared in a juvenile court. There is also evidence to show that Aboriginal young people who come into contact with the court system between 10-14 years of age are at the greatest risk of becoming ‘entrenched in a life of crime’.<sup>995</sup>

- 9.140** This was supported by Assistant Commissioner Grant, who informed the Committee that 58 percent of Aboriginal men in custody across Australia had previously been in juvenile detention, in comparison to 33 percent of non-Aboriginal men in the same category.<sup>996</sup>

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<sup>990</sup> Submission 40, pp 58-59

<sup>991</sup> Ms Mason, Evidence, 12 February 2008, p 52

<sup>992</sup> Submission 61, Mrs Marjorie Anderson, p 6

<sup>993</sup> Submissions 27, 40, 61

<sup>994</sup> Submission 40, pp 58-59

<sup>995</sup> Submission 40, pp 58-59

<sup>996</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 56

- 9.141** Another major issue is the stigma of incarceration and its effect on a young person's future employment opportunities, given that they are likely to have never had any prior employment experience. This was acknowledged by Ms Mason, who outlined the potential consequences of juvenile incarceration:

Incarceration also involves the removal of young people from their social contacts, social contacts that may positively influence their lives. It may hinder the learning skills necessary for young people to live in the community and provide them with opportunities to join the criminal networks and learn offending skills. It also runs the risk of creating a stigma that will inhibit the ability of young people to gain access to developmental opportunities and employment on release.<sup>997</sup>

### Juvenile diversions

- 9.142** Due to the significant proportion of young offenders sentenced to detention later ending up in the adult criminal justice system, a high priority needs to be placed on measures to divert less serious offenders away from incarceration.
- 9.143** There are a number of juvenile diversions that can be used by police and the courts which provide an alternative means of restitution or punishment, and are available to young offenders who are apprehended for certain minor offences. Juvenile diversions are key tools that assist in the prevention of incarceration.
- 9.144** The diversions available under the *Young Offenders Act 1997* (NSW) are warnings, cautions, and youth justice conferences.<sup>998</sup> A youth justice conference is a 'restorative' approach to crime that seeks to engage the community and hold a young person accountable for their actions. A conference is arranged between the young offender, their family or support people, the victim (or representatives if the victim does not wish to attend), the victim's support people, and a police officer.<sup>999</sup>
- 9.145** The aim of the conference is for the victim, the offender and their families to come up with an agreement as to how the offender can begin to repair the harm caused by the offence. This may range, for example, from an apology, repayment, repair of damage or community work. The agreement must not be more severe than if a court sentenced the young offender.<sup>1000</sup>
- 9.146** Ms Mason stated that all of these diversions have been shown to be more effective in reducing re-offending than custodial options.<sup>1001</sup> Other benefits of non-custodial options were

<sup>997</sup> Ms Mason, Evidence, 12 February 2008, pp 52-53

<sup>998</sup> *Young Offenders Act 1997* (NSW) s 9(1)

<sup>999</sup> Submission 11, Redfern-Waterloo Authority, Appendix 2, p 4

<sup>1000</sup> Victims of Crime advice and information, 'Youth Justice Conferencing', <[http://www.lawlink.nsw.gov.au/lawlink/victimsservices/ll\\_voc.nsf/pages/voc\\_registers\\_confyouth](http://www.lawlink.nsw.gov.au/lawlink/victimsservices/ll_voc.nsf/pages/voc_registers_confyouth)> (accessed 12 May 2008)

<sup>1001</sup> Ms Mason, Evidence, 12 February 2008, p 53

discussed in paragraphs 9.105 to 9.126, and apply equally to juvenile offenders as they do to adults. These benefits were reiterated by Ms Mason:

[We] know from the available research that keeping young people out of custody and dealing with them in a community setting is a far more effective way of dealing with offending behaviour than incarceration. We know that the custodial options are extremely expensive, and non-custodial options usually result in lower rates of recidivism.<sup>1002</sup>

**9.147** Although the benefits of diversions are well evidenced, figures from the New South Wales Government submission show that they are not commonly used with Aboriginal people. The submission noted that in 2006-07, the number of Aboriginal young people granted diversions represented:

- 27.2 percent of young people attending a youth justice conference
- 39.5 percent of young people on community based orders
- 37.8 percent of young people remanded in custody
- 54.7 percent of young people sentenced to detention.<sup>1003</sup>

**9.148** The New South Wales Government conceded that from this data, it is evident that Aboriginal people are less likely than non-Aboriginal people to be granted a diversion, and that Aboriginal people are more likely to be detained.

**9.149** In addition to the diversions available under the *Young Offenders Act*, the NSW Police Force also has a number of diversion policies. One of these is the Cautioning Aboriginal Young Persons Protocol, which was developed to encourage and support Aboriginal people to assist in cautioning young people from their communities. The Cautioning Aboriginal Young Persons Protocol provides a framework to promote, recruit and train respected Aboriginal community members to caution members of their own community.<sup>1004</sup>

### ***Committee comment***

**9.150** The Committee is concerned about the over-representation of young Aboriginal people in the criminal justice system. Diversions are important tools for keeping young Aboriginal offenders out of the system. However, evidence has shown that Aboriginal young offenders are less likely to be granted a diversion than non-Aboriginal young offenders. In its Final Report the committee will examine why this is so and consider opportunities to increase the availability and use of diversions for young Aboriginal offenders.

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<sup>1002</sup> Ms Mason, Evidence, 12 February 2008, pp 52-53

<sup>1003</sup> Submission 40, p 59

<sup>1004</sup> Submission 50, p 5

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### Issue for consideration 43 – Justice: diversions

Evidence suggests that juvenile diversions are less likely to be granted to Aboriginal young offenders than to non-Aboriginal young offenders. The Committee will consider the availability and use of diversions for young Aboriginal offenders in the Final Report.

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### Employment within justice sector

**9.151** As with the other sectors discussed throughout this Interim Report, the service delivery of criminal justice organisations to Aboriginal offenders is more effective when Aboriginal people are employed to deliver those services.

**9.152** The Committee heard of a number of Aboriginal employment strategies in place from key criminal justice organisations and departments that participated in this Inquiry. For example, NSW Police have had an Aboriginal Employment Strategy in place since 1995. That strategy has since lapsed and is currently being re-developed under the Aboriginal Strategic Direction plan, which aims to increase the number of sworn Aboriginal officers as one of its key objectives.<sup>1005</sup>

**9.153** Mr Lalor informed the Committee that while that strategy is being re-developed, the Police Force has had a Structured Training and Development Program contract in place that, in the past two years, has required the Police Force to employ 30 Aboriginal people in the organisation. Mr Lalor told the Committee:

We have exceeded that mark and employed 37. Under that contract we have employed 27 officers as police officers and 10 as administrative officers and we are currently also in negotiation to renew that contract.<sup>1006</sup>

**9.154** The Committee was further informed that 1.4 percent of all police officers currently employed by the NSW Police are Aboriginal.<sup>1007</sup> In commenting on this number, Commissioner Scipione declared:

That is not good enough. My view is that we need to increase that even more, and that is why we are concentrating on this as part of the strategic directions plan, to increase that significantly.<sup>1008</sup>

**9.155** NSW Police also employ ACLOs to improve service delivery and relations with the Aboriginal community. ACLOs face the same initial acceptance difficulties as Aboriginal police officers. In evidence to the Committee, Mr Lenihan, ACLO, Nowra Police, discussed how ACLO's

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<sup>1005</sup> Commissioner Scipione, Evidence, 12 February 2008, p 73

<sup>1006</sup> Mr Peter Lalor, Evidence, 12 February 2008, p 73

<sup>1007</sup> Answers to questions on notice taken during evidence 12 February 2008, Commissioner Andrew Scipione, Question 11, p 4

<sup>1008</sup> Commissioner Andrew Scipione, Evidence, 12 February 2008, p 74

can gain acceptance by the community: 'It is up to me to market myself and the police to help market me through engaging the community to change that perception.'<sup>1009</sup>

- 9.156** Another New South Wales Government employment strategy is the Department of Corrective Services' Aboriginal Employment and Careers Strategy, which outlines a commitment to employ a greater percentage of Indigenous people in the department. The Aboriginal Employment and Careers Strategy includes identified Aboriginal positions, Aboriginal recruitment initiatives, and Aboriginal specific recruitment packages. Currently, 3.19 per cent of corrective service officers employed by the Department of Corrective Services are Aboriginal.<sup>1010</sup>
- 9.157** Further, the Department of Corrective Services has employed nine Aboriginal Alcohol and Other Drugs workers in correctional centres across New South Wales, who provide a specialist cultural role in the delivery of the Department's alcohol and other drug programs.<sup>1011</sup> The Department of Corrective Services also employs Aboriginal Client Service Officers for probation and parole services, and Aboriginal female officers to support female offenders.
- 9.158** The Department of Juvenile Justice also has an Indigenous recruitment and retention strategy which aims to further develop the department's capacity to service Indigenous clients by trained and representative staff,<sup>1012</sup> and the Attorney General's Department has an Indigenous employment strategy with targets to increase the proportion of Aboriginal staff in the department, and provide appropriate support for existing Indigenous employees.<sup>1013</sup>
- 9.159** While it is clear that government departments have sufficient funding available for Aboriginal positions, the Committee heard evidence about financial difficulties faced by non government organisations in employing higher-paid Aboriginal staff. For example, the Aboriginal Legal Service employs approximately 180 people, over 100 of which are Aboriginal. However, only two of these Aboriginal staff are employed as lawyers. Mr McKenzie explained that one of the reasons for this low number of Aboriginal lawyers in the organisation was the salary:

[W]e really only have the funds available to attract initially graduates perhaps with very little experience. A number of them come to us with the ideology of wanting to do the best for Aboriginal people. Others come because we give perhaps the best criminal law training ground in the State. They will stay with us perhaps a year or two, learn what we have to teach them as to how to be a really good criminal lawyer and then will go and ply their trade elsewhere where they will get paid a lot more money for doing the same work.<sup>1014</sup>

<sup>1009</sup> Mr Lenihan, ACLO, Nowra Police, Evidence, 13 March 2008, p 15

<sup>1010</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 30

<sup>1011</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, Question 4, p 9

<sup>1012</sup> Ms Mason, Evidence, 12 February 2008, p 54

<sup>1013</sup> Attorney General's Department of NSW, *Aboriginal and Torres Strait Islander Employment Strategy 2006-2011*, Edition 3

<sup>1014</sup> Mr McKenzie, Evidence, 13 February 2008, p 16



*Committee comment*

- 9.160** The Committee believes that the employment of Aboriginal workers in the criminal justice system is critical to providing culturally sensitive services to Aboriginal offenders. We acknowledge the use of Aboriginal employment strategies, however we believe that further efforts can be made to achieve higher Aboriginal employment targets. We note with concern the funding issues faced by non-government organisations and the result this has on these organisation's ability to attract and retain experience professional staff.

**Particular issues raised in evidence**

- 9.161** Below are outlined some key concerns identified by witnesses in relation to criminal justice. In recognition of these concerns, the Committee has chosen to outline and report on these issues in this Interim Report, however final conclusions will be detailed in the Committee's Final Report of this Inquiry.

**Mental health**

- 9.162** People with a mental health disorder form another group that is vastly over-represented in the criminal justice system. In evidence to the Committee, Mr Wayne Rigby, Director, Djirruwang Aboriginal and Torres Strait Islander Mental Health Program, Charles Sturt University, stated that currently about 60 percent of Aboriginal people in gaol have a mental illness.<sup>1015</sup>
- 9.163** The Committee also heard evidence from Assistant Commissioner Grant, who acknowledged that a high number of inmates have a mental health disorder, however qualified this number with the type of disorder:

In terms of the prevalence of mental health problems generally, the main categories are substance abuse disorders and also depression. The actual level of psychotic illness is not as high as is often commonly stated in the media. So, people often assume that people in custody are seriously mentally ill. In fact, you have to use a very broad definition of mental illness to pick up the 60 per cent or 70 per cent of people that people generally ascribe for the custodial population. So, the prevalence of serious mental illness is probably less than 10 per cent of the population, which still is extraordinarily higher than the community population.<sup>1016</sup>

- 9.164** According to NCOSS, there is increasing evidence to suggest that some people with a mental health disorder may be incarcerated due to inadequate mental health services.<sup>1017</sup> This view was reinforced in several submissions to the Inquiry, which asserted that in some areas a lack of mental health services often results in people being reported to police rather than to a mental health service. The consequence of this was highlighted in the *Telling it like it is* report:

<sup>1015</sup> Mr Wayne Rigby, Director, Djirruwang Aboriginal and Torres Strait Islander Mental Health Program, Charles Sturt University, Evidence, 30 April 2008, p 10

<sup>1016</sup> Assistant Commissioner Grant, Evidence, 12 February 2008, p 59

<sup>1017</sup> Submission 27, pp 21-22

A key contributing factor to this situation appears to be that very few Aboriginal people with mental illness, intellectual disability or acquired brain injury experience any sort of positive interventions by services other than the police service. This is particularly the case in regional and remote communities where there are no mental health services; no specialist services for people with an intellectual disability and no services whatsoever to support individuals who may be substance abusers. As a consequence, some individuals inevitably find themselves in crisis situations before any assistance is provided; this assistance is then invariably in the form of the police who will incarcerate the individual.<sup>1018</sup>

**9.165** Not only does this put a strain on police and police resources, it has been suggested that in some cases it can be seen as criminalising mental illness.<sup>1019</sup> More importantly, the incarceration of Aboriginal people with a mental health disorder fails to address the mental health needs of those prisoners, as noted by Baldry et al: '[t]he prison system is being used as a de-facto mental health facility and unfortunately provides extremely poor support to address mental health issues.'<sup>1020</sup>

**9.166** Another issue is that even if Aboriginal inmates receive adequate mental health services within gaol, a lack of adequate post-release mental health support will lead to further serious problems. This point was made by Mr Rigby:

[I]f there are not appropriate follow-up services once they are discharged or let out of prisons, there is a big chance of either their mental illness becoming greatly exacerbated and they could suicide, or it is a revolving-door syndrome and they go back.<sup>1021</sup>

### *Committee comment*

**9.167** The Committee notes the evidence regarding the incarceration of Aboriginal offenders with a mental health disorder due to a lack of mental health services. We are particularly concerned about the impact of incarceration on the mental health of those offenders.

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## **Issue for consideration 44 – Justice: mental health**

Evidence suggests that some Aboriginal offenders with a mental health disorder are being incarcerated due to a lack of adequate mental health services. The Committee is concerned about the wellbeing of these offenders.

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### **Offenders with a disability**

**9.168** There are a high number of Aboriginal offenders in New South Wales with a physical or intellectual disability. Ms Therese Sands, from People with Disability Australia Inc., stated in

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<sup>1018</sup> Aboriginal Disability Network of NSW, 'Telling it like it is: A report on community consultations with Aboriginal people with disability and their associates throughout NSW, 2004-2005', 2007, p 28

<sup>1019</sup> Submission 2, Aboriginal Disability Network NSW, p 28

<sup>1020</sup> Submission 21, p 9

<sup>1021</sup> Mr Rigby, Evidence, 30 April 2008, p 10

her submission that the proportion of people who are Aboriginal and who have a mental illness and/or intellectual disability in the criminal justice system is understood to be greater than that of the non-Aboriginal population; and that Aboriginal people with acquired brain injury through alcohol abuse also commonly experience repeated incarceration.<sup>1022</sup>

**9.169** While the Department of Corrective Services stated that it does not have data on the number of offenders with disabilities within the New South Wales prison population, it was able to inform the Committee that 25.73 per cent of Aboriginal offenders have been referred to the Statewide Disability Service of the Department of Corrective Services whilst on remand or at any time during their sentence.<sup>1023</sup>

**9.170** The Committee heard that the disability services available to Aboriginal inmates are the same as those for non-Aboriginal inmates. The Department of Corrective Services added that their Department has received advice regarding disability access in future correctional centres, such as recommendations to address hearing disabilities:

[R]ecommendations have been made to trial new sound field equipment which has been recommended for Aboriginal and other persons with various levels of hearing impairment but who do not necessarily wear hearing aids. This will likely be included in the design of the new South Coast Correctional Centre.<sup>1024</sup>

**9.171** The only post-release service for inmates with a disability that the Committee heard about related to inmates with an intellectual disability. These inmates are referred to the Department of Ageing, Disability and Home Care for an assessment of eligibility to their disability services. If eligible, the Department's Criminal Justice Program can provide post-release accommodation and support. The Committee was told that Aboriginal offenders are a priority group for the Criminal Justice Program.<sup>1025</sup>

### **Family violence and child sexual assault**

**9.172** Family violence and child sexual abuse are significant issues in Aboriginal communities. Not only does family violence and sexual abuse impact upon the health of Aboriginal people, they are also common factors that lead to an Aboriginal person becoming involved in crime. This was evident in the *Breaking the Silence Report*, which found that child sexual assault was linked with long-term intergenerational violence, involvement in crime, substance addiction and prostitution.<sup>1026</sup>

<sup>1022</sup> Submission 17, People with a Disability Australia Inc., p 8

<sup>1023</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 33

<sup>1024</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 35

<sup>1025</sup> Answers to questions on notice taken during evidence 12 February 2008, Assistant Commissioner Grant, p 28

<sup>1026</sup> Aboriginal Child Sexual Assault Taskforce, *Breaking the Silence: Creating the Future – Addressing Child Sexual Assault in Aboriginal Communities in NSW*, pp 58-59

- 9.173** Research conducted by AJAC in 2002 found that 70 percent of the Aboriginal women in custody who were interviewed had been victims of child sexual assault, and more than 40 percent had been sexually assaulted as adults. The AJAC study found that the women who had been sexually assaulted were more likely to use drugs (particularly heroin), and that drug-related crime was the main reason for their imprisonment.<sup>1027</sup>
- 9.174** The destructive effect of family violence in Aboriginal communities was highlighted by Commissioner Scipione in evidence to the Committee:
- Family violence is prevalent and damaging. Its physical consequences to individual victims are great, but often not as great or as enduring as the emotional and psychological harm that affects and afflicts families and, indeed, whole communities. This is especially the case when the violence is directed towards children. Family violence in Aboriginal communities is associated with alienation, depression, alcoholism, economic disadvantage, disempowerment and social fragmentation. It also has been shown to fuel a cycle of abuse that is intergenerational. These conditions in their turn have a profound effect on life expectancy.<sup>1028</sup>
- 9.175** A major initiative to address this important issue is the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011*. The five-year plan, which is also discussed in Chapter 5 – Health and wellbeing, was released in January 2007 and is a holistic and coordinated response from the New South Wales Government to tackle Aboriginal disadvantage and child sexual abuse.<sup>1029</sup>
- 9.176** The Committee was informed that to help accomplish NSW Police’s responsibilities under the Interagency Plan, the Department has employed a full-time Aboriginal Family Violence Officer to develop, implement, monitor and review policies and programs in this area.<sup>1030</sup>
- 9.177** Two New South Wales Police officers have also been seconded to the Australian Crime Commission Intelligence Taskforce to supplement the work of the Interagency Plan. The role of these officers largely entails visiting Aboriginal communities across Australia to gather information about the extent of certain crimes, including child sexual abuse, and the barriers to reporting those crimes.<sup>1031</sup>
- 9.178** In addition to this, the NSW Police have an equal partnership with the Department of Community Service for Joint Investigation Response Teams, which investigate reports of child abuse, particularly in Aboriginal communities.<sup>1032</sup> Specialist training is provided to Joint Investigation Response Teams officers so as to provide a more effective investigative process, and so that officers understand each agency’s role in order to achieve the best outcome for the

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<sup>1027</sup> Submission 52, Combined Community Legal Centres’ Group (NSW) Inc., p 2

<sup>1028</sup> Commissioner Scipione, Evidence, 12 February 2008, p 72

<sup>1029</sup> Submission 50, NSW Police, p 6

<sup>1030</sup> Submission 50, NSW Police, p 6

<sup>1031</sup> Commissioner Scipione, Evidence, 12 February 2008, p 72

<sup>1032</sup> Answers to questions on notice taken during evidence 12 February 2008, Commissioner Andrew Scipione, Question 13, p 6

child or young person.<sup>1033</sup> Joint Investigation Response Teams are also supported by NSW Health professionals.

- 9.179** One of the major impediments faced by police and Joint Investigation Response Teams officers in effectively addressing family violence and child sexual abuse relates to the high levels of underreporting from Aboriginal communities. This point was raised in evidence by Mr Stephen Bradshaw, Assistant Commissioner, NSW Police; however he also suggested that some improvements are being made:

When you do some comparisons of reporting across various Aboriginal communities, which we have done in the Western region, it is obvious that communities that have significant work done on a multi-agency basis to encourage reporting have a higher reporting rate than those that do not.<sup>1034</sup>

- 9.180** In response to questioning from the Committee as to the success of the police officers seconded to the Crime Commission Task Force in gathering information on the extent of child sexual assault in Indigenous communities, Commissioner Scipione replied:

We are encouraged by what we are seeing, but at the end of the day this is about getting results based on trust and that comes over time. The encouraging results need then to translate into useful information that we can act on, and that is going to be a difficult thing as well.<sup>1035</sup>

- 9.181** With regard to addressing family violence issues, it was suggested to the Committee that there should be more early-intervention programs focusing on male perpetrators of family violence. Mr Ray Minniecon, Member, Babana Cultural Centre, stated:

... in the past a lot of money has been spent, and rightly so, on Aboriginal women and their needs. But it has always neglected the Aboriginal men, who have been doing all the fighting and all that kind of stuff. No-one has focused on us. No-one has given us any support at all. We have always been the perpetrators of all the stuff; we come out of gaol and we bash our women up again, and we go back there. What we are trying to say to you is that if you spend money on Aboriginal men you will reduce community violence, because we're the ones who are doing it.<sup>1036</sup>

- 9.182** One program that does focus on male perpetrators of family violence is the Yindyama La Family Violence Project in Dubbo. Yindyama La works with services for victims and children in collaboration with the community to address family violence issues.

### *Committee comment*

- 9.183** The Committee acknowledges the difficult task faced by police in building community trust to address the issue of underreporting, and believes that the use of Aboriginal police officers and ACLOs – particularly females – is key to gaining this trust. We believe that early-intervention

<sup>1033</sup> Department of Community Services, JIRT, <[http://www.community.nsw.gov.au/DOCS/STANDARD/PC\\_100965.html](http://www.community.nsw.gov.au/DOCS/STANDARD/PC_100965.html)> (accessed 12 May 2008)

<sup>1034</sup> Mr Bradshaw, Evidence, 12 February 2008, p 75

<sup>1035</sup> Commissioner Scipione, Evidence, 12 February 2008, p 79

<sup>1036</sup> Mr Minniecon, Member, Babana Cultural Centre, Evidence, 30 April 2008, p 38

programs targeted at male perpetrators of family violence are highly beneficial, and will explore this option further in the Final Report.

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**Issue for consideration 45 – Justice: underreporting**

The ability to address family violence and child sexual abuse issues is impeded by the high level of underreporting of these incidents by Aboriginal communities. The Committee will examine reasons behind under-reporting of domestic violence and sexual abuse. Consideration will also be given to the level of government support for Aboriginal police officers and ACLOs. The Committee will examine the efficacy of early intervention programs targeted at male perpetrators.

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## Chapter 10 Summary of issues for consideration

A number of themes became evidence throughout this inquiry. The Committee has clustered together the issues that have been raised throughout this Report thematically, although they have been discussed in the context of their specific sectors in the body of the report. This approach will assist the Committee address the broader issues of Indigenous disadvantage comprehensively in the Final Report.

**10.1** The themes that have become apparent throughout the course of the inquiry to date are:

- measuring outcomes
- coordinated service delivery
- partnership in service delivery
- funding
- employment, mentoring and training of Aboriginal people
- specific strategies.

### **Measuring outcomes**

**10.2** The effective measurement of outcomes, or the success of programs and services was a key issue raised throughout this inquiry. In relation to a number of service delivery areas, the Committee heard that programs and strategies were not effectively monitored to determine if targets are being met and the life expectancy gap being closed.

**10.3** These issues are drawn from Chapters 3, 5 and 9: Service delivery; Health and wellbeing; and Incarceration and the criminal justice system, respectively.

#### ***Issues for consideration – Measuring outcomes***

- The need for greater clarity in who has the overall leadership and responsibility for defining the performance indicators and delivering priorities under the New South Wales State Plan and Two Ways Together Plan, and how this leadership is translated into meaningful, measurable outcomes that are accepted by the Indigenous community, will be further considered in the Final Report – Issue 2, page 52
- The Committee will examine mechanisms for improving the reporting and accountability processes for community organisations – Issue 12, page 98
- The Committee will review the methodology used to record the incidence of child sexual abuse in Aboriginal communities. The review will consider the existing arrangements used with respect to data collection and examine how it can be refined and improved – Issue 15, page 106
- The Committee believes that the measurement of health priorities and the associated programs should be a key element of the New South Wales Government's health strategy for Indigenous communities. The Committee will examine the need for more comprehensive measurement of health outcomes for Indigenous people – Issue 17, page 117

- The Committee believes that the lack of Aboriginal specific criminal justice priorities in the New South Wales State Plan needs to be addressed – Issue 38, page 235
- The successful implementation of the Aboriginal Justice Plan is being hindered by the lack of clarity surrounding its current status and relevance to the New South Wales State Plan. The Committee will consider further the status of the Aboriginal Justice Plan and its proper implementation – Issue 39, page 237
- The ability to address family violence and child sexual abuse issues is impeded by the high level of underreporting of these incidents by Aboriginal communities. The Committee will examine the reasons behind underreporting of domestic violence and sexual abuse. Consideration will be given to the level of government support for Aboriginal police officers and ACLOs. The Committee will examine the efficacy of early intervention programs targeted at male perpetrators – Issue 45, page 270

### **Coordinated service delivery**

- 10.4** The Committee heard that services are often delivered in an ad-hoc manner, or in such a fashion that they overlap or create significant gaps in service provision. These concerns included issues relating to the implementation of pilot programs and how they may be replicated more broadly to address the needs of a large number of Indigenous people over a longer period of time. Inquiry participants told the Committee that service delivery at all levels of government and in conjunction with non-government agencies and the private sector required a more coordinated approach.
- 10.5** These issues are drawn from Chapters 4, 5, 6, 7 and 8: Environmental health and infrastructure; Health and wellbeing; Education; Employment; and Housing.

### ***Issues for further consideration – Coordinated service delivery***

- The effective provision of essential services including water, sewerage and waste collection in Aboriginal communities that are not serviced by local government will be considered. – Issue 8, page 90
- The Committee will consider the need for a co-ordinated approach to identify communities' transport requirements and tailor additional services to meet those needs. – Issue 11, page 97
- The Committee intends to examine the issue of improving the relationship between government and non-government services in more detail – Issue 18, page 118
- There are many successful initiatives undertaken by government to improve educational outcomes for small numbers of Indigenous students. The Committee will examine how these programs can meet a larger number of students and improve the outcome for Indigenous people as a whole. – Issue 21, page 144
- The Committee will review appropriate service delivery models to effectively address obstacles to Indigenous employment. – Issue 25, page 177
- The Committee heard examples of businesses overcoming their skills shortages through employment and training schemes targeted at Indigenous workers. The Committee will further consider the strengthening of the relationship between corporations and Indigenous communities – Issue 29, page 194



- Overcrowding is a fundamental problem within the Aboriginal community. The Committee highlights the need for various providers and funding programs to work together strategically to provide affordable, appropriate housing for Indigenous people – Issue 35, page 220
- The Committee believes that housing affordability is a fundamental obstacle to addressing the housing needs of the Indigenous community. The Committee will examine mechanisms to increase the availability of affordable housing – Issue 36, page 224
- There is a significant lack of support services for Aboriginal offenders, whilst in custody, prior to release, after release and in relation to drug and alcohol services. The Committee is concerned about this lack of appropriate service provision for Aboriginal offenders and will examine relevant initiatives – Issue 40, page 248

### **Partnership in service delivery**

- 10.6** The need for provision of services by government, but in conjunction with the Aboriginal community, was highlighted repeatedly in evidence. The Committee was told that communities need to feel real ownership over both the problem and the kind of service developed to address it.
- 10.7** These issues are drawn from Chapters 3, 5, 7 and 8: Service delivery, Environmental health and infrastructure; Health and wellbeing; Employment; and Housing.

#### ***Issues for further consideration – Partnership in service delivery***

- The Committee will examine the issue of the provision of funding to community-controlled services and services which are delivered in partnership with the Indigenous community. – Issue 4, page 65
- The effective provision of health services is a key issue in addressing the lifetime expectancy gap. The Committee will examine possible improvements to service delivery and opportunities to work in partnership with Aboriginal communities. – Issue 16, page 116
- Inquiry participants recognised the important role played by Indigenous elders and their communities in providing support for Indigenous employment and youth programs. The Committee regards the building of trust and respect between Indigenous communities, government, and prospective employers as critical to the provision of Indigenous employment opportunities in the long-term. – Issue 30, page 195
- The Committee will examine the issue of community participation in the housing design and delivery process. – Issue 34, page 218

### **Funding**

- 10.8** It is not surprising that the funding of programs and services to address Indigenous disadvantage is a key issue, given the high levels of need within the Aboriginal community.
- 10.9** These issues are drawn from Chapters 3, 4, 6, 7, 8 and 9: Service delivery; Environmental health and infrastructure; Education; Employment; Housing; and Incarceration and the criminal justice system.

***Issues for consideration – Funding***

- Although the majority of Aboriginal people in Australia reside in New South Wales, this is not reflected in the level of Federal funding received by New South Wales. This impacts on the State's ability to implement priorities under the Federal-State Overarching Agreement on Aboriginal Affairs 2005 – 2010, the NSW State Plan and the Two Ways Together plan. – Issue 1, page 43
- The Committee will look at the effectiveness and assessment of funding programs that are temporary and intermittent in nature. – Issue 3, page 57
- The Committee will examine the need for ongoing funding for environmental health programs, after funding for the Aboriginal Community Development Program ends in 2009. – Issue 7, page 85
- The Committee will seek evidence of the appropriate levels of funding and services to reduce the incidence of and ameliorate the effects of child sexual abuse, including the implementation of the interagency plan in response to the *Breaking the Silence* report. – Issue 14, page 106
- The need to provide and fund long-term education services with Indigenous specific focus and the necessary funding will be considered – Issue 22, page 148
- The Committee will examine the funding of employment programs to ensure skill development and retention rates – Issue 26, page 184
- An issue for further consideration will be the equitable distribution of funds and co-ordination of programs for social housing in New South Wales, between urban, regional and rural areas, to better address unmet housing needs of Indigenous people – Issue 32, page 207
- The Committee is concerned that, given the demand for housing and consequent overcrowding and health issues, that funding for necessary maintenance of properties is provided. – Issue 37, page 226
- The Committee is concerned that there are insufficient resources available for Circle Sentencing courts and highlights this issue for discussion. – Issue 42, page 254

**Employment, mentoring and training of Indigenous people**

- 10.10** The Committee heard that, across the majority of sectors, there is a strong need for additional Aboriginal employees and in order to increase the numbers and retention of Aboriginal employees, mentoring and training programs.
- 10.11** These issues are drawn from Chapters 5, 6, 7, and 9: Health; Education; Employment; Incarceration and the criminal justice system.

***Issues for further consideration – employment, mentoring and training***

- The Committee will review the adequacy of training and scholarships for Indigenous health workers in more detail. – Issue 19, page 121
- Establishing links with family and community and culturally appropriate mentoring programs in order to encourage students in their education and support students in their endeavours at all levels of attainment will be investigated further. – Issue 23, page 156

- The importance of employing Indigenous staff as teachers and role models is apparent, however there is a need to address the attainment levels of current and future students so that this can occur. – Issue 24, page 165
- The Committee notes that the changes to the CDEP scheme, the strengthening of the STEP program and Job Compacts are all relatively new. The Committee will revisit these schemes, when the Job Compacts are finalised and there is data available on their initial impact and progress towards addressing Indigenous employment issues. – Issue 27, page 187
- Given the volume of evidence supporting mentoring programs and their effectiveness in gaining and retaining Indigenous employees, the Committee will consider how mentoring can be incorporated into a variety of programs aimed at addressing Indigenous disadvantage. – Issue 28, page 191
- It is evident from the statistics that current policies and/or initiatives have not been enough to make substantial inroads into Indigenous unemployment. The Committee will examine reasons for this, including the limited time frame, education levels and early disengagement of Indigenous students in the educational process. – Issue 31, page 197

### Specific strategies

- 10.12** During the course of the Inquiry, a number of strategies and programs were brought to the attention of the Committee as being in need of review. These strategies range from amendments to the *Aboriginal Land Rights Act 1983*, to the provision of education programs specifically targeting literacy and numeracy rates.
- 10.13** These issues are drawn from Chapters 3, 4, 6, 7, 8 and 9: Service delivery; Environmental health and infrastructure; Education; Employment; Housing; and Incarceration and the criminal justice system.

### *Issues for further consideration – Specific strategies*

- The Committee will investigate further the issue of an independent body for Indigenous representation – Issue 5, page 70
- The Committee will follow with interest the second round of amendments to the *Aboriginal Land Rights Act 1983* (NSW), due to be introduced into Parliament in late 2008. The Committee will examine the need for an appropriate ongoing review mechanism, including the issue of the separation of regulatory and assistance functions of the New South Wales Aboriginal Land Rights Council – Issue 6, page 78
- The provision of accessible Internet to Aboriginal communities will be considered.– Issue 9, page 91
- The Committee will consider the appropriateness of driver training programs aimed at assisting members of the Aboriginal community to gain drivers licenses – Issue 10, page 97
- To help support and strengthen families in Aboriginal communities, the Committee will consider opportunities to bolster existing men’s and women’s groups, and appropriate programs to assist parents, in particular young parents. – Issue 13, page 103

- The Committee notes that there has been some improvement in the literacy and numeracy levels of Aboriginal students in New South Wales, however we remain concerned that these levels require significant improvement in order for Indigenous students to meet the national benchmarks. The Committee will examine the efficacy of strategies to address literacy and numeracy rates of Indigenous children and the adequacy of funding. – Issue 20, page 140
- The Committee considers that the regulatory requirements for community housing providers should be reviewed, in order to facilitate the provision of community housing to the Aboriginal community. – Issue 33, page 214
- The Committee will consider the accessibility of community based sentencing options to Aboriginal offenders – Issue 41, page 252
- Evidence suggests that juvenile diversions are less likely to be granted to Aboriginal young offenders than to non-Aboriginal young offenders. The Committee will consider the availability and use of diversions for young Aboriginal offenders in the Final Report – Issue 43, page 261
- Evidence suggests that some Aboriginal offenders with a mental health disorder are being incarcerated due to a lack of adequate mental health services. The Committee is concerned about the wellbeing of these offenders – Issue 44, page 264

### *Committee comment*

- 10.14** The Committee is committed to addressing each of these issues in the Final Report. The second and final stage of the Inquiry will commence with the tabling of this report and will revolve around the issues summarised in this chapter.
- 10.15** During the second half of the Inquiry, we will also inquire into and report on the following terms of reference;
- 1 (a) policies and programs being implemented both within Australia (States/Territories/Federal) and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people (currently estimated at 17 years), with the assessment of policies and programs including but not limited to: New Zealand, Canada, North America, South America, and also considering available reports and information from key NGO and community organisations,
  - (c) previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations,
  - (d) the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales,
  - (e) opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination

(f) the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned.

- 10.16** The Committee will consult on these issues over the next five months and will present its Final Report to the Legislative Council 30 November 2008. The Committee anticipates that this report will focus on the areas outlined above to present informed, specific recommendations to the Minister for Aboriginal Affairs, through the Parliament.
- 10.17** The Government's response to the recommendations in the Final Report is expected six months from the date of tabling. It will tell us how the Government intends to implement our recommendations. The Government response is published on the Committee's website [www.parliament.nsw.gov.au/socialissues](http://www.parliament.nsw.gov.au/socialissues).



## Appendix 1 Submissions

No	Author
1	Ms Dianne O'Brien (Mingaletta Aboriginal Corporation)
2	Mr Lester Bostock (Aboriginal Disability Network NSW)
3	Mrs Marjorie Woodrow
4	Mr Gordon Gregory (National Rural Health Alliance Inc)
5	Mr Melrose Desmond Donley
6	Mr Bill Anscombe (Charles Sturt University)
7	Judge Graeme Henson (NSW Local Court)
8	Ms Sarah Thackway (Public Health Association of Australia )
9	Ms Lesley Salem
10	Ms Rachael Martin (Wirringa Baiya Aboriginal Women's Legal Centre)
11	Mr Robert Domm (Redfern-Waterloo Authority)
12	Ms Louise Voigt (Barnardos Australia)
13	The Hon John Della Bosca MLC (Department of Education and Training)
14	Sister Jan Barnett RSJ (Conference of Leaders of Religious Institutes in New South Wales)
15	Withdrawn
16	Sister Jan Barnett RSJ(Sisters of St Joseph)
17	Ms Therese Sands (People with Disability Australia Incorporated)
18	Dr Yvonne Luxford (Australasian Faculty of Public Health Medicine, RACP)
19	Ms Wendy Spencer (Dharriwaa Elders Group)
20	Ms Mary Waterford (Blue Mountains ANTaR)
21	Dr Eileen Baldry (University of New South Wales)
22	Sister Mary Macgowan and Sister Esmey Herscovitch
23	Miss Gail Hilton (YWCA NSW)
24	Ms Lyn Bevington (Blue Mountains People for Reconciliation)
25	Dr Jonathan Inkpin (NSW Ecumenical Council)
26	Ms Jane Lloyd
27	Ms Kristie Brown (Council of Social Service of NSW (NCOSS))
28	Dareton Aboriginal Community
29	Mr Graeme Mundine (National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC))
30	Pastor Ray Minniecon (Crossroads Aboriginal Ministry)

<b>No</b>	<b>Author</b>
31	Ms Sue Cripps (Homelessness NSW)
32	Miss Hoda Shafizadeh(Baha'i Community of NSW and ACT)
33	Ms Jane Woodruff (UnitingCare Burnside)
34	Ms Julianne Abood (Blue Mountains Community Interagency)
35	Ms Britt Granath (The Cancer Council NSW)
36	Mr Vince Peters (NSW Sorry Day Committee)
37	Ms Diana Nelson (Australian Institute of Criminology)
38	Ms Sandra Bailey (Aboriginal Health & Medical Research Council of NSW)
39	Mr Simon Luckhurst
40	Hon Paul Lynch MP (NSW Government)
41	Mr Geoff Turnbull (REDWatch)
42	Ms Chris Bath (Koori Aged & Disability Services Advisory Group)
43	Dr Edward Nettle (Bennelong and Surrounds Residents for Reconciliation)
44	Mr Ross Smith
45	Ms Maree McDermott (South Penrith Youth and Neighbourhood Services Inc)
46	Mr Steven Drew (Pharmaceutical Society of Australia (NSW branch))
47	Mr Carlo Svagelli (NSW Aboriginal Education Consultative Group)
48	Mr Mark Spinks (BABANA Aboriginal Mens' Group)
49	Hon Melinda Pavey MLC (Liberal Party -The Nationals)
50	Commissioner Andrew Scipione (NSW Police)
51	Mr Peter Damcevski (Australian Bureau of Statistics)
52	Ms Alison Aggarwal (Combined Community Legal Centres' Group (NSW) Inc)
53	Ms Ruth McCausland (Jumbunna Indigenous House of Learning)
54	Ms Gai Smith (Redfern Residents for Reconciliation)
55	Ms Glendra Stubbs (Link-Up (NSW) Aboriginal Corporation)
56	Mr David Allen (Ex Independent for Bennelong, 2007)
57	Ms Sally Fitzpatrick
58	Ms Lynda Summers (Regional Communities Consultative Council)
59	Ms Shannon Minnis (Country Energy)
60	City of Sydney Council
61	Mrs Marjorie Anderson
62	Ms Margaret Cossey (Indij Readers Ltd)
63	Mr Terry Clout (South Eastern Sydney and Illawarra Area Health Service - MERIT)
64	Ms Beth Quinlivan (Faculty of Medicine, University of Sydney)



<b>No</b>	<b>Author</b>
65	Ms Jackie Wright (Dubbo Neighbourhood Centre Inc.)
66	Mr Gary Highland (Australians for Native Title & Reconciliation (ANTaR))
67	Ms Gillian Calvert (NSW Commission for Children & Young People)
68	Ms Faye Williams (Inner Sydney Regional Council for Social Development Inc)
69	Mr Frank Pearce
70	Ms Robin Banks (Public Interest Advocacy Centre)
71	Dr Robyn Bartel (University of New England)
72	Mr Dipakkumar Bhatt
73	Ms Barbara Livesey (Reconciliation Australia)
74	Ms Elizabeth Rice

## Appendix 2 Witnesses

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>12 February 2008</b> <b>Jubilee Room, Parliament House</b>	<b>Ms Jody Broun</b>	Director General, NSW Department of Aboriginal Affairs
	<b>Ms Kerry Pearse</b>	Executive Director, Policies and Programs, NSW Department of Aboriginal Affairs
	<b>Professor Debora Picone</b>	Director General, NSW Health
	<b>Dr Richard Matthews</b>	Deputy Director General, NSW Health
	<b>Dr Denise Robinson</b>	Chief Health Officer and Deputy Director General, Population Health, NSW Health
	<b>Mr Mike Allen</b>	Director General, Housing NSW
	<b>Ms Deborah Brill</b>	Manager, Commonwealth Relations, Housing NSW
	<b>Mr Ivan Simon</b>	Director, Aboriginal Service Improvement, Housing NSW
	<b>Mr Brendan O'Reilly</b>	Director General, NSW Department of Ageing, Disability and Home Care
	<b>Ms Carol Mills</b>	Deputy Director General, NSW Department of Ageing, Disability and Home Care
	<b>Ms Yvonne Weldon</b>	Manager, Aboriginal Policy, NSW Department of Ageing, Disability and Home Care
	<b>Ms Jennifer Mason</b>	Director General, NSW Department of Juvenile Justice
	<b>Mr Peter Muir</b>	Deputy Director General (Operations), Department of Juvenile Justice
	<b>Mr Joe Hedger</b>	Manager, Aboriginal Services, Department of Juvenile Justice
	<b>Mr Brendan Thomas</b>	Assistant Director General, Attorney General's Department
	<b>Mr Luke Grant</b>	Assistant Commissioner, Department of Corrective Services
	<b>Mr Paul Newman</b>	Director, Aboriginal Support and Planning, Department of Corrective Services
<b>Commissioner Andrew Scipione</b>	Commissioner, NSW Police Force	
<b>Superintendent Rod Smith</b>	Commander, Policy and Programs, NSW Police Force	

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	<b>Assistant Commissioner Steve Bradshaw</b>	Assistant Commissioner, NSW Police Force
	<b>Mr Peter Lalor</b>	Manager, Aboriginal Coordination Team, NSW Police Force
	<b>Ms Jo Grisard</b>	Deputy Director General, Corporate Services, NSW Department of Community Services
	<b>Ms Carmen Parter</b>	Director, Aboriginal Services, NSW Department of Community Services
	<b>Ms Anne Marie Sabellico</b>	Acting Executive Director, Operations Development, NSW Department of Community Services
	<b>Mr Michael Coutts-Trotter</b>	Director General, NSW Department of Education and Training
	<b>Ms Michele Hall</b>	Relieving Director, Aboriginal Education and Training, NSW Department of Education and Training
	<b>Ms Robyn McKerihan</b>	General Manager, Access and Equity, NSW Department of Education and Training
	<b>Ms Elizabeth McGregor</b>	Institute Director, TAFE North Coast Institute, NSW Department of Education and Training
<b>13 February 2008</b>	<b>Dr Sophie Couzos</b>	Public Health Officer, National Aboriginal Community Controlled Health Organisation
<b>Jubilee Room, Parliament House</b>	<b>Mr Terry Chenery</b>	Executive Officer, Aboriginal Justice Advisory Council
	<b>Mr Trevor Christian</b>	Chief Executive Officer, Aboriginal Legal Service
	<b>Mr John McKenzie</b>	Chief Legal Officer, Aboriginal Legal Service
	<b>Mr Lindon Coombes</b>	Executive Director, Tranby Aboriginal College
	<b>Mr Maurice Shipp</b>	Director of Operations, Tranby Aboriginal College
	<b>Mr Carlo Svagelli</b>	President, NSW Aboriginal Education Consultative Group
	<b>Ms Cindy Berwick</b>	Vice-President, New South Wales Aboriginal Education Consultative Group

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	<b>Mr Russell Taylor</b>	Chief Executive Officer, Aboriginal Housing Office
	<b>Mr David Lee</b>	Ministerial and Board Liaison Officer, Aboriginal Housing Office
	<b>Mr Dick Estens</b>	Chairman, Aboriginal Employment Strategy
	<b>Mr Danny Lester</b>	Chief Executive Officer, Aboriginal Employment Strategy
<b>14 February 2008</b>	<b>Dr Don Weatherburn</b>	Director, NSW Bureau of Crime Statistics and Research
<b>Jubilee Room, Parliament House</b>	<b>Mr Peter Damcevski</b>	Director, Statistical Coordination, Australian Bureau of Statistics
	<b>Ms Charmaine Smith</b>	Indigenous Engagement Manager NSW, Australian Bureau of Statistics
	<b>Reverend Tom Slookee</b>	Chairman, Aboriginal Housing Office
	<b>Mr David Lee</b>	Ministerial and Board Liaison Officer, Aboriginal Housing Office
<b>14 February 2008</b>	<b>Mr Michael Maxwell</b>	Housing Communities Assistance Program, Mount Druitt Community Ministry
<b>Bidwill Uniting Church Community Centre, Bidwill</b>	<b>Ms Margaret Bell</b>	President and Chief Executive Officer, Chain Reaction Foundation
	<b>Ms Winsome Matthews</b>	Project Officer, Mount Druitt Learning Ground
	<b>Ms Jasmine Franklin</b>	Project Coordinator, Circle Sentencing Program, Attorney General's Department
	<b>Mr Teddy Hart</b>	Representative, The Men's Shed, Mount Druitt
	<b>Mr Ray Lesley</b>	Chairperson, Mount Druitt Aboriginal Justice Group
	<b>Councillor Roy Ah-See</b>	Councillor, NSW Aboriginal Land Council
	<b>Councillor Bev Manton</b>	Chairperson, NSW Aboriginal Land Council
	<b>Mr Geoff Scott</b>	Chief Executive Officer, NSW Aboriginal Land Council
<b>14 February 2008</b>	<b>Ms Avis Egan</b>	
<b>Bidwill Uniting Church Community Centre, Bidwill</b>	<b>Mr David Nicholls</b>	
	<b>Ms Rita Tobin</b>	

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>Public forum</b>	<b>Aunty Gloria Matthews</b>	
	<b>Father Pat Mullins</b>	
	<b>Mr Rick Manton</b>	
	<b>Mr Brett Manton</b>	
	<b>Mrs Kayleen Manton</b>	
	<b>Ms Winsome Matthews</b>	
	<b>Ms Judy Parry</b>	
<b>11 March 2008</b>	<b>Councillor Tom Briggs</b>	Deputy Chair and Northern Region Representative, NSW Aboriginal Land Council
<b>Kempsey-Macleay RSL Club, Kempsey</b>	<b>Mr Lewis Kelly</b>	Board member, Kempsey Local Aboriginal Land Council
	<b>Councillor Patricia Laurie</b>	North Coast Region Representative, NSW Aboriginal Land Council
	<b>Mr Bob Mumbler</b>	Board member, Kempsey Local Aboriginal Land Council
	<b>Mr Andrew Riley</b>	Director- Northern Zone, NSW Aboriginal Land Council
	<b>Mr Clarrie Dries</b>	General Manager, Wellington Correctional Centre
	<b>Ms Moira Magrath</b>	Director, Community Offender Services, Probation and Parole Service, Department of Community Services
	<b>Mr Mark Rutherford</b>	Aboriginal Client Service Officer, Probation and Parole Service, Department of Community Services
	<b>Mr Don Wade</b>	Community Service Supervisor, Probation and Parole Service, Department of Corrective Services,
	<b>Ms Ruth Maruca</b>	Chairperson, Dunghutti Elders Council
	<b>Ms Colleen Campbell</b>	Dunghutti Language Teacher and Member, Dunghutti Elders Council
	<b>Ms Faith March</b>	Deputy Director of Training, Booroongen-Djugun College
	<b>Gary Morris</b>	Chairman, Booroongen-Djugun Aboriginal Corporation
	<b>Mr Victor Darcy</b>	Circle Sentencing Project Officer, Attorney-General's Department
	<b>Ms Mavis Davis</b>	Circle Sentencing panel member
	<b>Mr Wayne Evans</b>	Magistrate, Kempsey Local Court

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>12 March 2008</b> <b>Oxley Room, Dubbo Civic Centre, Dubbo</b>	<b>Councillor Stephen Ryan</b>	NSW Aboriginal Land Council - Central Region
	<b>Mr Tony Sutherland</b>	Director, Western Zone, NSW Aboriginal Land Council
	<b>Mr Craig Toole</b>	Operations Manager, Strategic Operations, Birrang Enterprise Development Co.
	<b>Mr Mark De Weerd</b>	Director Service Delivery, North Coast, NSW Department of Education, Employment and Workplace Relations
	<b>Ms Louise Bye</b>	Coordinator, School Community Partnerships, NSW Department of Education and Training
	<b>Ms Anjali Palmer</b>	Regional Manager, NSW Department of Aboriginal Affairs
	<b>Ms Jeanette Barker</b>	Chairperson, Ngemba Community Working Party
	<b>Mr Alister Ferguson</b>	Chairperson, Bourke Aboriginal Community Working Party
	<b>Mr Sam Jeffries</b>	Chairperson, Murdi Paaki Regional Assembly
	<b>Mr Richard Weston</b>	Delegate, Broken Hill Community Working Party
<b>13 March 2008</b> <b>Shoalhaven Arts Centre, Nowra</b>	<b>Mr Darren Toomey</b>	Chairperson, Dubbo Aboriginal Community Working Party
	<b>Mr Greg Collins</b>	Service Manager, MERIT program
	<b>Ms Jaime Keys</b>	Aboriginal Drug and Alcohol Counsellor, MERIT program
	<b>Senior Constable Gina Wood</b>	Youth Liaison Officer, Shoalhaven, NSW Police Force
	<b>Mr Barry Lenihan</b>	Aboriginal Community Liaison Officer
	<b>Mr Kyle Stewart</b>	Commander, Shoalhaven Local Area Command, NSW Police Force
	<b>Ms Jean Turner</b>	Program Coordinator, Aunty Jean's Good Health Program, South East Sydney Illawarra Area Health Service
	<b>Ms Nola Roberts</b>	Program participant, Aunty Jean's Good Health Program
	<b>Mr Shane Carriage</b>	Chairperson, Ulladulla Local Aboriginal Land Council

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	<b>Mr Jack Hampton</b>	South Coast region representative, NSW Aboriginal Land Council
	<b>Mr Sonny Simms</b>	Chief Executive Officer, Nowra Local Aboriginal Land Council
	<b>Ms Dianne Murray</b>	Director, Illawarra Institute, TAFE NSW
	<b>Ms Iris White</b>	Aboriginal Development Manager, Illawarra Institute, TAFE NSW
	<b>Ms Faye Worner</b>	Chief Executive Officer, Waminda South Coast Women's Health and Welfare Aboriginal Corporation
<b>29 April 2008</b>	<b>Ms Robyn Kruk</b>	Director General, Department of Premier and Cabinet
<b>Jubilee Room, Parliament House</b>	<b>Ms Vicki D'Adam</b>	Assistant Director General, Policy, Department of Premier and Cabinet
	<b>Ms Susan Finnigan</b>	NSW State Manager, Department of Families, Housing, Community Services and Indigenous Affairs
	<b>Mr James McCormack</b>	Manager, Dubbo Indigenous Coordination Centre, Department of Families, Housing, Community Services and Indigenous Affairs
	<b>Mr Trevor Fletcher</b>	Deputy Director General, Schools, NSW Department of Education and Training
	<b>Mr Tony Greer</b>	Group Manager, Indigenous Education Group, Department of Education, Employment and Workplace Relation
	<b>Ms Sally Fitzpatrick</b>	Vice President, Australians for Native Title & Reconciliation
	<b>Mr Gary Highland</b>	President, Australians for Native Title & Reconciliation
	<b>Professor Ian Ring</b>	Professorial Fellow, Centre for Health Service Development, University of Wollongong
	<b>Witness A</b>	
	<b>Witness B</b>	
	<b>Mr Paul Parks</b>	Director, Sydney Region, NSW Department of Education and Training
	<b>Ms Anne-Marie Vine</b>	Principal, Alexandria Park Community School

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	<b>Mr Robert Domm</b>	Chief Executive Officer, Redfern-Waterloo Authority
	<b>Ms Denny Hall</b>	Principal Project Manager, Training, Enterprise and Employment, Redfern-Waterloo Authority
	<b>Ms Julie Parsons</b>	Acting Manager, Community Relations, Redfern-Waterloo Authority
	<b>Ms Beryl Van-Oploo</b>	Manager/Teacher, Redfern-Waterloo Authority Hospitality Training School
	<b>Mr Bruce McQualter</b>	Head of Indigenous Employment and Training, ANZ
	<b>Ms Cathy Duncan</b>	Indigenous Cultural Capability Manager, ANZ
	<b>Ms Terri Benson</b>	Group General Manager, Corporate Services, Country Energy
	<b>Ms Amanda McCarthy</b>	Indigenous Program Coordinator, Country Energy
	<b>Mr Brian McLean</b>	Group Manager, Meter Reading, Country Energy
<b>30 April 2008</b>	<b>Mr Wayne Rigby</b>	Director, Djirruwang Aboriginal and Torres Strait Islander Mental Health Program, Charles Sturt University
<b>Jubilee Room, Parliament House</b>	<b>Mr Roger Kennedy</b>	National Program Manager, Mission Australia
	<b>Associate Professor Joseph Canalese</b>	School of Rural Health, University of Sydney, Dubbo
<b>30 April 2008</b>	<b>Mr Mick Mundine</b>	Aboriginal Housing Company
<b>Redfern Community Centre, Redfern</b>	<b>Mr Peter Valilis</b>	Project Director, Aboriginal Housing Company
	<b>Mr Colin James</b>	Ian Buchan Fell Housing Research Centre, Faculty of Architecture, University of Sydney
	<b>Ms Angela Pitts</b>	Community Social Planner, Aboriginal Housing Company
	<b>Dr Denise Robinson</b>	Chief Health Officer and Deputy Director General, Population Health, NSW Health
	<b>Ms Kim Stewart</b>	Acting Director, Centre for Aboriginal Health, NSW Health



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<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	<b>Mr Sol Bellear</b>	Chairman, Aboriginal Medical Service - Redfern
	<b>Mr Mark Spinks</b>	Chairman, BABANA Aboriginal Men's Group
	<b>Mr John Williams</b>	Pro-bono Adviser, BABANA Aboriginal Men's Group
	<b>Pastor Ray Minniecon</b>	Member, BABANA Aboriginal Men's Group
	<b>Mr Jack Dunn</b>	Member, BABANA Aboriginal Men's Group
	<b>Mr Michael Gravener</b>	Executive Officer, The Settlement Neighbourhood Centre

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## Appendix 3 Site visits

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Date	Location
11 March 2008	Many Rivers Violence Prevention Unit, Kempsey Benelong's Haven centre for drug and alcohol rehabilitation, Kinchela
12 March 2008	Aboriginal Employment Strategy, Dubbo
13 March 2008	South Coast Medical Service Aboriginal Corporation, Nowra Nowra Library meeting with Circle Sentencing program participants

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## Appendix 4 Minutes

### Minutes No. 2

Wednesday 29 August 2007

Room 1102, Parliament House, Sydney, at 5.00pm

#### 1. Members present

Mr Ian West (Chair)

Mr Trevor Khan (Deputy Chair)

Mr Greg Donnelly

Ms Marie Ficarra

Dr John Kaye

Mr Michael Veitch

#### 2. Previous minutes

Resolved, on the motion of Ms Ficarra: That draft Minutes No 1 be confirmed.

#### 3. Receipt of Ministerial terms of reference

The Chair tabled correspondence and the following terms of reference received from the Minister for Aboriginal Affairs, the Hon Paul Lynch MP, on 16 August 2007:

Terms of Reference

1. That the Standing Committee on Social Issues inquire into and report on:

- (a) policies and programs being implemented both within Australia (States/Territories/Federal) and internationally aimed at closing the gap between the lifetime expectancy between Aboriginal people and non-Aboriginal people (currently estimated at 17 years), with the assessment of policies and programs including but not limited to: New Zealand, Canada, North America, South America, and also considering available reports and information from key NGOs and community organizations,
- (b) the impact of the following factors on the current lifetime expectancy gap:
  - (i) environmental health (water, sewerage, waste, other)
  - (ii) health and wellbeing
  - (iii) education
  - (iv) employment
  - (v) housing
  - (vi) other infrastructure,
- (c) previous Social Issues committee reports containing reference to Aboriginal people – and assess the progress of government in implementing adopted report recommendations,
- (d) the Federal Government intervention in the Northern Territory and advise on potential programs/initiatives that may or may not have relevance in terms of their application in New South Wales,
- (e) opportunities for strengthening cultural resilience within Aboriginal communities in New South Wales with a focus on language, cultural identity, economic development and self determination, and
- (f) the experiences of the outcomes of the COAG Murdi Paaki trial but also take into account the other COAG trials occurring across Australia and their outcomes/lessons learned.

2. That the Committee provide an interim report to the Parliament by Monday 30 June 2008.

3. That the Committee provide a final report to the Parliament by Friday 28 November 2008.

Resolved, on the motion of Dr Kaye: That:

- the Committee adopt the terms of reference sent by the Minister, and
- the Chair write to the Minister seeking the Minister's concurrence to including an additional term of reference in paragraph 1(b) – incarceration and the criminal justice system.

Resolved, on the motion of Dr Kaye: That, in accordance with paragraph 5(2) of the resolution establishing the Standing Committees dated 10 May 2007, the Chair inform the House of the receipt of the terms of reference for an inquiry into overcoming indigenous disadvantage from the Minister of Aboriginal Affairs.

Resolved, on the motion of Mr Donnelly:

- That the inquiry and the call for submissions be advertised during the week of 10 September in the Sydney Morning Herald, The Daily Telegraph, regional publications and the Koori Mail
- the closing date for submissions to the inquiry be Friday 30 November, and that the Committee continue to accept submissions after this date
- The deadline for Members to submit names of relevant stakeholders for the Chair to write to inviting a submission be 5pm, Wednesday 19 September 2007.

#### 4. **Adjournment**

The committee adjourned at 6.00pm until Monday 24 September 2007 at 1.30pm.

**Rachel Simpson**  
Clerk to the Committee

#### **Minutes No. 3**

Monday 24 September 2007

Room 1102, Parliament House, Sydney, at 1.35pm

#### 1. **Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Dr John Kaye  
Mr Michael Veitch

#### 2. **Previous minutes**

Resolved, on the motion of Ms Ficarra: That draft Minutes No 2 be confirmed.

#### 3. **Inquiry into overcoming Indigenous disadvantage**

The Chair tabled his letter to the Minister seeking concurrence to the addition of 'incarceration and the criminal justice system' as another factor to be examined under item 1 (b) of the terms of reference and reported that the Minister advised that he had no objection to the committee's addition to the terms of reference.

Resolved, on the motion of Dr Kaye: That the terms of reference be amended by inserting after paragraph 1(b) (v):

- (vi) incarceration and the criminal justice system

Resolved, on the motion of Ms Ficarra: That the Chair write to the following stakeholders inviting a submission to the inquiry.

#### **Aboriginal representative organisations**

- Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner
- Ray Jackson, President, Indigenous Social Justice Association Inc
- Mick Dodson AM, Director, National Centre for Indigenous Studies (NCIS)
- Dave Ella, President, New South Wales Aboriginal Consultative Group
- Bev Manton, Chairperson, NSW Aboriginal Land Council
- Barbara Livesey, Chief Executive, Reconciliation Australia
- Pat Turner, Coordinator, Combined Aboriginal Organisations of the Northern Territory
- Gary Highland, Director, Australians for Native Title and Reconciliation (ANTaR)
- Graeme Mundine, National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC)
- Warren Mundine, CEO, NSW Native Title Services
- Joanna Lunzer, Executive Officer, NSW Reconciliation Council

- Nancy Hill-Wood, Chair, NSW Sorry Day Committee
- Yvonne Stewart, Arakwal Corporation
- Robert Welsh, Chairperson, Metropolitan Local Aboriginal Land Corporation
- National Indigenous Youth Leadership Group
- Christine Ferguson, Northern Alliance of Local Aboriginal Land Councils
- Sally Fitzpatrick, Women's Reconciliation Network
- Helen Moran, National Sorry Day Committee
- Robyn Banks, Director, Public Interest Advocacy Centre
- Muriel Bamblett, Chairperson, Secretariat of National Aboriginal and Islander Child Care

#### **Government departments & agencies**

- Jody Broun, Director General, Department of Aboriginal Affairs
- Robyn Kruk, Director General, Premiers Department
- Neil Shepherd, Director General, Department of Community Services
- Lisa Corbyn, Director General, Department of Environment and Climate Change
- Mike Allen, Director General, Housing NSW
- Loftus Harris, Director General, Department of State and Regional Development
- Laurie Glanfield, Director General, Attorney General's Department of NSW
- Ron C Woodham PSM, Commissioner, NSW Department of Corrective Services
- Brendan O'Reilly, Director General, NSW Department of Ageing, Disability and Home Care (DADHC)
- Michael Coutts-Trotter, Director General, NSW Department of Education and Training
- Debora Piccone, Director General, NSW Department of Health
- Richard Matthews, Chief Executive Officer, Justice Health, NSW Health
- Sharon Boyd, A/Director, NSW Office for Women
- Stepan Kerkyasharian AM, Chairperson, NSW Community Relations Commission
- Cr Bruce Miller, President, Shires Association
- Cnr Genia McCaffery, President Local Government Association

#### **Justice**

- Derek Price, Chief Magistrate - Local Courts, Attorney General's Department
- Geoff Dunlevy, President, Law Society of NSW
- Michael Slattery QC, President, NSW Bar Association
- Terry Chenery, Executive Director, Aboriginal Justice Advisory Council
- Elaine Fishwick, Law Reform and Policy Officer, Combined Community Legal Centres Group of NSW
- Bill Grant, Chief Executive Officer, Legal Aid NSW
- Julie Bishop, Director, National Association of Community Legal Centres
- Andrea Durbach, Associate Professor and Director, Australian Centre for Human Rights, (Former Director, Public Interest Advocacy Centre)
- Bob Pritchard, President, NSW Police Association
- Gary Highland, National Director, Australians for Native Title & Reconciliation
- Sheryn Omeri, Research Solicitor, Coalition of Aboriginal Legal Services (COALS)
- The Director, The Bourke / Brewarrina Family Violence Prevention Legal Service
- Helen Campbell, Executive Officer, Redfern Legal Centre
- Krista Heikkan, Wirringa Baiya Aboriginal Women's Legal Centre

#### **Health & wellbeing**

- Sandra Bailey, CEO, Aboriginal Health and Medical Research Council (AHMRC)
- Gordon Gregory, National Rural Health Alliance
- Dea Theile, Chief Executive, National Aboriginal Community Controlled Health Organisation (NACCHO)
- Mark Wentong, Member, Australian Indigenous Doctors' Association
- David Ashbridge, Acting Chief Executive Officer, National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data (NAGATSIHID)
- Robert Carroll, Chairperson, Aboriginal Child, Family & Community Care State Secretariat (ABSEC)
- Paul Ralph, Director, Aboriginal Child, Family & Community Care State Secretariat (NSW) Inc (ABSEC)
- Naomi Mayer, Chairperson, National Aboriginal Community Controlled Health Organisation (NACCHO)
- Geoff Scott, Chair, Australian Indigenous Leadership Centre
- Link-up (NSW) Aboriginal Corporation

- Lynette Simpson, Director, Mudgin-Gal Women's Corporation
- Manager, NSW Aboriginal Languages Research and Resource Centre
- Leah Armstrong, General Manager, Yarnteem
- Mr Graham Catt, NSW and ACT Manager, Royal Australian College of General Practitioners (RACGP)
- Royal Australasian College of Physicians (Faculty of Public Health and Social Policy)
- Dr Les Woollard, President, Rural Doctors Association (NSW) (College of Rural and Remote Medicine)

#### **Housing**

- Greg Hazel, Regional Manager NSW and ACT, Aboriginal Hostels Limited
- Mick Mundine, Chief Executive Officer, Aboriginal Housing Company
- Russell Taylor, Chief Executive Officer, Aboriginal Housing Office
- Keith Clarke, General Manager, Aboriginal Hostels Limited
- Russell Taylor, Chief Executive Officer, Aboriginal Housing Office
- Ann Weldon, Chairperson, Aboriginal Housing Office Board
- Ray Minnieca, Founder, Kinchela Boys' Home Aboriginal Corporation

#### **Education**

- Dick Estons, Aboriginal Employment Strategy
- John Lester, Director, Aboriginal Education and Training, DET
- Carlo Svagelli, President, NSW Aboriginal Education Consultative Group
- Maurice Shipp, Acting Executive Director, Tranby Aboriginal College
- Carlo Svagelli, President, NSW Aboriginal Education Consultative Group
- Charlene Emzin-Boyd, Aboriginal Education Co-ordinator, NSW Teachers Federation
- Arthur Townsend, State Manager, Department of Education
- Sue Green, Associate Professor, Nuri Gili Indigenous Programs, University of New South Wales

#### **Employment**

- Phil Lockyer, Aboriginal Employment Strategy (AES)
- Marjorie Woodrow, Stolen Wages Working Group
- President, Ms Sandra Moait, Unions NSW
- University academics & research institutes
- Hugh M Selby, Reader in Courtcraft, Law Faculty, Australian National University
- Carolyn Preece, Centre for Labour Market Research
- Bill Anscombe, Senior Lecturer, Charles Sturt University
- Chris Cunneen, Chair, Crime and Justice Research Network
- Mark Findlay, Deputy Director, Institute of Criminology, Faculty of Law, University of Sydney
- Rosalind Croucher, Dean, Division of Law, Macquarie University
- Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research
- Judy Atkinson, Southern Cross University
- Richard Harris, Head School of Law and Justice, Southern Cross University
- Michael Dillon, Associate, State Society and Governance in Melanesia Project, ANU
- Eileen Baldry, Senior Lecturer, Faculty of Arts and Social Sciences, University of NSW
- David Dixon, Professor, University of NSW
- John Altman, Director, Centre for Aboriginal Economic Policy Research (CAEPR)
- Megan Davis, Director Indigenous Law Centre, UNSW Faculty of Law
- Toni Makkai, Director, Australian Institute of Criminology
- Lisa Strelein, Director, Australian Institute of Aboriginal and Torres Strait Islander Studies
- Martin Nakata, Director, Jumbunna Indigenous House of Learning
- Janet Mooney, Director, Koori Centre (University of Sydney)
- Larissa Berendht, Director, Ngilya - National Institute of Law, Policy and Practice
- University of Newcastle, Wollotuka School of Aboriginal Studies
- University of Newcastle, Unulliko Indigenous Higher Education Research Centre

#### **Welfare**

- Terry O'Mara, General Manager Diocesan Services, Anglicare
- Louise Voigt, CEO and Director of Welfare, Barnados Australia
- Carol Croce, Executive Director, Community Housing Federation of Australia

- Nadia Rosenman, Social Justice Committee, Conference of Leaders of Religious Institutes (NSW)
- Nick Hortle, State Manager, NSW & ACT, Mission Australia
- Lindsay Paterson, Secretary, NSW Council of Churches Inc
- Acting Director, Wendy Frow, NSW Council of Social Services
- Megan Mitchell, Director, Australian Council for Social Services (ACOSS)
- John Ensor, Director Public Policy, Oxfam Australia
- CEO, St Vincent De Paul Society
- Rhonda Stien, Chief Executive Officer, UnitingCare Burnside
- Director, Wesley Mission
- Phil Glendenning, Director, The Edmund Rice Centre for Justice and Community Education

#### **Overseas**

- Dan Beavon, Director of Research and Analysis, Department of Indian and Northern Affairs (DIAND) Canada
- Manuhua Barcham, Director, Centre for Indigenous Governance and Development, Massey University

#### **4. Adjournment**

The committee adjourned at 1.52pm until Thursday 15 November 2007.

#### **Glenda Baker**

**Senior Council Officer**

#### **Minutes No. 4**

Thursday 15 November 2007

Members' Lounge, Parliament House, Sydney, at 10.15am

#### **1. Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Ms Marie Ficarra  
Dr John Kaye  
Mr Michael Veitch

#### **2. Apologies**

Mr Greg Donnelly

#### **3. Previous minutes**

Resolved, on the motion of Ms Ficarra: That draft Minutes No 3 be confirmed.

#### **4. Correspondence**

##### ***Received***

The committee noted the following items of correspondence received:

- Letter to chair inviting members to attend an Overcoming Indigenous Disadvantage (OID) seminar hosted by the Department of Aboriginal Affairs, dated 15 October 2007.
- Letter from Minister Lynch requesting an extension of the deadline for the whole of Government submission dated 6 November 2007
- Letter from Mr Wayne Hodges requesting the issue of the repeal of the Inebriates Act 1912 be considered in the Lower House, received 12 November 2007.
- Flyer advertising an Aboriginal Housing Forum to be held at Parliament House on 27 November 2007.

Resolved, on the motion of Mr Veitch: That the Chair write to Minister Lynch accepting his request for an extension of the deadline for the whole of government submission until 31 January 2008.

Resolved, on the motion of Ms Ficarra: That the secretariat forward the letter from Mr Wayne Hodges regarding the repeal of the Inebriates Act 1912, to Minister Lynch inviting the Minister's comment, and that the Chair write to Mr Hodges advising him of this action.

**5. Overcoming Indigenous Disadvantage inquiry progress**

Resolved, on the motion of Mr Veitch: that a table of previous Social Issues Committee recommendations, and where appropriate the Government response to the recommendations, be published on the inquiry website.

Resolved, on the motion of Mr Veitch: That the Chair send a copy of the table of previous Social Issues Committee recommendations and Government responses to the Minister requesting that the status of the implementation of the Government responses be included in the Government's submission.

Resolved, on the motion of Ms Ficarra: That the committee hold public hearings and/or site visits on:

- 12, 13, 14 February 2008
- 11, 12, 13 March 2008
- 29, 30 April 2008

**6. Briefing by Indigenous community leaders**

Resolved, on the motion of Mr Veitch: That the Committee invite Indigenous community leaders to brief the committee on matters to be considered during the inquiry, on Monday 3 December.

**7. Submissions**

Resolved, on the motion of Mr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee publish Submission Nos.1 – 3.

**8. Adjournment**

The committee adjourned at 10.50pm, until 1pm on 3 December 2006, in Room 1102.

**Glenda Baker**  
Clerk to the Committee

**Minutes No. 5**

Monday 3 December 2007

Room 1102, Parliament House, Sydney, at 12.45pm

**1. Members present**

Mr Ian West (*Chair*)  
Mr Trevor Khan (*Deputy Chair*)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Dr John Kaye  
Mr Michael Veitch

**2. Previous minutes**

Resolved, on the motion of Ms Ficarra: That draft Minutes No 4 be confirmed.

**3. Correspondence**

The committee noted the following items of correspondence:

***Received***

- Letter from Minister Greene dated 23 November, advising that the NSW Department of Community Services will be contributing to the whole of Government submission
- Letter from Minister Burney dated 19 November, advising that the NSW Department of Community Services will be contributing to the whole of Government submission

***Sent***

- Letter to Minister Lynch dated 28 November forwarding a copy of the consolidated table of previous Social Issues Committee recommendations and government responses, for inclusion in the Government's submission.



- Letter forwarded to the Minister from Mr Wayne Hodges regarding the repeal of the Inebriates Act 1912, to Minister Lynch inviting the Minister's comment, and that the Chair write to Mr Hodges advising him of this action.
- Letter to Mr Wayne Hodges advising him that his correspondence to the committee has been forwarded to Minister Lynch and his inviting comment.

#### 4. **Submissions**

The Committee noted the extension of the date for acceptance of online submissions, to 31 January 2008, in line with the Minister's request for an extension.

#### 5. **February 2008 Hearings**

The committee considered the proposed witnesses for the February hearings.

Resolved, on the motion of Dr Kaye: That, representatives from the following groups be invited to attend public hearings on the 12 and 13 February 2008 at Parliament House, as well as any additional witnesses approved by the chair:

- Minister of Aboriginal Affairs
- Department of Aboriginal Affairs
- Department of Health
- Housing NSW
- Attorney General's Department/Juvenile Justice
- Department of Community Affairs
- Department of Ageing, Disability and HomeCare
- Department Corrective Services
- Aboriginal Consultative Committees as they relate to:
  - Health
  - Justice
  - Employment
  - Education
  - Housing
  - Statistical information;
  - Bureau of Crime Statistics and Research
  - Productivity Commission
  - Australian Bureau of Statistics
- Representatives of Aboriginal and Torres Strait Islander non-Government organisations
- Representatives of non-Government organisations that work with Aboriginal and Torres Strait Islander communities.

Resolved, on the motion of Mr Veitch: That the Committee undertake a site visit/hearing/community forum in Mount Druitt on 14 February and, at Redfern at a date to be decided.

#### 6. **Briefing – overcoming Indigenous disadvantage**

The following participants were admitted and briefed the committee on the terms of reference:

- Dr John Taylor, Deputy Director, centre for Aboriginal Economic Policy Research
- Councillor Bev Manton, Chairperson, NSW Aboriginal Land Council
- Mr Geoff Scott, Chief Executive Officer, NSW Land Council
- Mr Darren Dick, Director, Aboriginal and Torres Strait Islander Social Justice Unit

The briefing concluded and the participants withdrew.

The following participants were admitted and briefed the committee on the terms of reference:

- Mr Sol Bellear, Chair, Aboriginal Medical Service – Redfern
- Ms Sandra Bailey, Chief Executive Officer, Aboriginal Health and Medical Research Council (AHMRC)

The briefing concluded and the participants withdrew.

The following participants were admitted and briefed the committee on the terms of reference:

- Mr Tom Slockee, Chairman, NSW Aboriginal Housing Board
- Mr Trevor Christian, Chief Executive Officer, Aboriginal Legal Service

The briefing concluded and the participants withdrew.

The following participants were admitted and briefed the committee on the terms of reference:

- Mr Danny Lester, Chief Executive Officer, Aboriginal Employment Strategy
- Mr Dick Estens, Aboriginal Employment Strategy

The briefing concluded and the participants withdrew.

#### 7. **Submissions**

Resolved, on the motion of Mr Donnelly: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the Committee publish submission Nos 4 – 14 and supplementary submission No 4a.

#### 8. **Adjournment**

The committee adjourned at 5.15pm, until 9am on 12 February 2008 (public hearing).

**Glenda Baker**

**Clerk to the Committee**

#### **Minutes No. 6**

Tuesday 12 February 2008

Jubilee Room, Parliament House, Sydney, at 8.45am

#### 1. **Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Dr John Kaye

Mr Michael Veitch

#### 2. **Previous minutes**

Resolved, on the motion of Mr Donnelly: That draft Minutes No 5 be confirmed.

#### 3. **Correspondence**

The committee noted the following items of correspondence:

##### *Sent*

Letters to the following Ministers regarding attendance of departmental witnesses at public hearing on 12 February 2008:

- Hon Paul Lynch MP, Minister for Aboriginal Affairs (10 December 2007)
- Hon Kristina Keneally MP, Minister for Ageing and Disability Services (10 December 2007)
- Hon John Hatzistergos MLC, Attorney General and Minister for Justice (10 December 2007)
- Hon Kevin Greene MP, Minister for Community Services (10 December 2007)
- Hon John Della Bosca MLC, Minister for Education and Training (10 December 2007)
- Hon Reba Meagher, MP, Minister for Health (10 December 2007)
- Hon Matt Brown MP, Minister for Housing (10 December 2007)
- Hon Barbara Perry MP, Minister for Juvenile Justice (10 December 2007)
- Hon David Campbell MP, Minister for Police (14 December 2007)

Letter to Richard Amery MP advising of the Committee's site visit to Mount Druitt on 14 February 2008 (5 February 2008)

Letters to the following Ministers regarding attendance of departmental witnesses at public hearings on 11, 12 and 13 March 2008:

- Hon Paul Lynch MP, Minister for Aboriginal Affairs (7 February 2008)
- Hon John Hatzistergos MLC, Attorney General and Minister for Justice (7 February 2008)
- Hon John Della Bosca MLC, Minister for Education and Training (7 February 2008)
- Hon David Campbell MP, Minister for Police (7 February 2008)
- Letter to Hon Julia Gillard MP, Federal Minister for Education, Employment & Workplace (7 February 2008)
- Letter to Hon Jenny Macklin MP, Federal Minister for Families, Housing, Community Services and Indigenous Affairs, regarding attendance of departmental witnesses at a public hearing on 29 April 2008
- Letters to the following Local Members advising of the Committee's site visits to Kempsey, Dubbo and Nowra on 11-13 March 2008:
  - Mr Andrew Stoner MP, Member for Oxley
  - Mrs Dawn Fardell MP, Member for Dubbo
  - Hon Matt Brown MP, Member for Kiama
  - Mrs Shelley Hancock MP, Member for South Coast

#### ***Received***

- Letter from Hon David Campbell MP informing that NSW Police's submission to the inquiry will be incorporated into the whole-of-government submission (5 December 2007)
- Letter from Hon Kristina Keneally MP advising of the attendance of Departmental staff at public hearing on 12 February 2008 (14 January 2008)

#### **4. Submissions**

Resolved, on the motion of Mr Veitch: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee publish submission Nos 16-27 and 29-48, and submission No 28, with the name of the author suppressed.

The Committee noted the extension of the date for acceptance of online submissions, to 29 February 2008.

#### **5. Sound and television broadcast of public proceedings**

Resolved, on the motion of Mr Donnelly: That, unless the Committee decides otherwise, the Committee authorises the sound and television broadcasting of its public proceedings, in accordance with the resolution of the Legislative Council of 18 October 2007.

#### **6. Return of answers to questions taken on notice during hearings**

Resolved, on the motion of Mr Veitch: That, unless the Committee decides otherwise, for the duration the Inquiry into overcoming Indigenous disadvantage, witnesses be requested to return answers to questions on notice taken during hearings within 35 days of the day on which the questions are forwarded to the Minister by the Committee Clerk.

#### **7. Public hearing**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witnesses were sworn and examined:

Department of Aboriginal Affairs  
 Ms Jody Broun, Director General  
 Ms Kerry Pearse, Executive Director, Community and Programs

Ms Broun tabled two documents.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

NSW Health

- Professor Debora Piccone, Director General

- Dr Denise Robinson, Chief Health Officer and Deputy Director General, Population Health
- Dr Richard Matthews, Deputy Director, Strategic Development

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

Housing NSW:

- Mr Mike Allen, Director General
- Ms Deborah Brill, Manager, Commonwealth Relations
- Mr Ivan Simon, Director, Aboriginal Service Improvement

Department of Ageing, Disability and Home Care:

- Mr Brendan O'Reilly, Director General
- Ms Carol Mills, Deputy Director General
- Ms Yvonne Weldon, Manager Aboriginal Policy

Mr O'Reilly tabled a document detailing the role of the Aboriginal Access and Assessment Team

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

Department of Corrective Services:

- Mr Luke Grant, Assistant Commissioner, Offender Services and Programs
- Mr Paul Newman, Director, Aboriginal Support and Planning Unit

Attorney General's Department:

- Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs

Department of Juvenile Justice:

- Ms Jennifer Mason, Director General
- Mr Joe Hedger, Manager, Aboriginal Services
- Mr Peter Muir, Deputy Director General, Operations

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

NSW Police

- Commissioner Andrew Scipione
- Assistant Commissioner Steve Bradshaw, Commander, Western Region
- Superintendent Rod Smith, Commander, Policy and Programs
- Mr Peter Lalor, Manager, Aboriginal Coordination Team

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

Department of Community Services

- Ms Jo Grisard, Deputy Director General
- Ms Carmen Parter, Director Aboriginal Services

Department of Education and Training

- Mr Michael Coutts-Trotter, Director General
- Ms Robyn McKerihan, General Manager, Access and Equity
- Ms Michele Hall, Acting Director, Aboriginal Education and Training

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

Resolved, on the motion of Mr Veitch: That the Committee accept and publish, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the documents tendered during the public hearing.

**8. Adjournment**

The Committee adjourned at 5:30pm, until 9am on 13 February 2008.

**Rachel Simpson**  
Clerk to the Committee

**Minutes No. 7**

Wednesday 13 February 2008

Parliamentary Theatre, Parliament House, Sydney, at 9.00am

**1. Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Dr John Kaye  
Mr Michael Veitch

**2. Federal Government apology to the Stolen Generation**

The Committee watched a broadcast of the Federal Government's apology to the Stolen Generation.

**3. Inquiry into overcoming Indigenous disadvantage – March 2008 site visits**

*Use of charter aircraft*

Resolved, on the motion of Ms Ficarra: That the Committee authorise use of a charter aircraft during its visits to Kempsey, Dubbo and Nowra on 11-13 March 2008, at a cost of \$13,435.

*Journalists accompanying the Committee*

Through Dr Kaye, the Secretariat received a request from the Sydney Morning Herald's Indigenous affairs reporter, Joel Gibson, to accompany the Committee on its charter flights to Kempsey, Dubbo and Nowra. The basis for Mr Gibson's request is that it will be difficult to cover the Committee's trip relying on commercial flights in and out of Sydney.

Resolved, on the motion of Mr Trevor Khan: That the Committee notes the request by Mr Joel Gibson, Indigenous affairs reporter with the Sydney Morning Herald to accompany the Committee on its charter flights to Kempsey, Dubbo and Nowra on 11-13 March 2008, and notes the benefits of enabling members of the press to accompany the Committee and that:

- Mr Joel Gibson, Indigenous affairs reporter with the Sydney Morning Herald be permitted to travel with the Committee on its charter flights to Kempsey, Dubbo and Nowra on 11 –13 March 2008
- the Committee extend the offer to join the flight to a journalist from the Koori Mail members of the Parliamentary Press Gallery
- journalists accompanying the Committee be asked to pay a proportion of the plane charter costs (the cost of the charter divided by number of seats)
- the Broadcasting Resolution of the Legislative Council of 18 October 2007 apply to members of the press while travelling with the Committee
- the Committee authorise the attendance of a journalist at a site visit, subject to consultation with site visit hosts and participants.

**4. Public hearing**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witness was affirmed and examined:

- Dr Sophie Couzos, Public Health Officer, National Aboriginal Community Controlled Health Organisation

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Trevor Christian, Chief Executive Officer, NSW Aboriginal Legal Service
- Mr John McKenzie, Chief Legal Officer, NSW Aboriginal Legal Service
- Mr Terry Chenery, Executive Director, Aboriginal Justice Advisory Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Maurice Shipp, Director of Operations, Tranby Aboriginal College
- Mr Lindon Coombs, Chief Executive Officer, Tranby Aboriginal College
- Mr Carlo Svagelli, President, NSW Aboriginal Education Consultative Group
- Ms Cindy Berwick, Vice President, NSW Aboriginal Education Consultative Group

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Russell Taylor, Chief Executive Officer, NSW Aboriginal Housing Board
- Mr David Lee, Ministerial and Board Liaison Officer, NSW Aboriginal Housing Board

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Dick Estens, Chairman, Aboriginal Employment Strategy
- Mr Danny Lester, Chief Executive Officer, Aboriginal Employment Strategy

The public hearing concluded at 5.35pm. The public and the media withdrew

Resolved, on the motion of Mr Donnelly: That the Committee accept and publish, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the documents tendered during the public hearing.

## 5. **Adjournment**

The committee adjourned at 5.45pm, until 9am on 14 February 2008.

**Rachel Simpson**  
**Clerk to the Committee**

## **Minutes No. 8**

Thursday 14 February 2008

Jubilee Room, Parliament House, Sydney, at 9.00am; Bidwill Uniting Church, Bidwill, at 1.30pm

### 1. **Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Dr John Kaye  
Mr Michael Veitch

**2. Inquiry into overcoming Indigenous disadvantage – March 2008 site visits**

Resolved, on the motion of Mick Veitch: That the Committee approve the proposed witness list for its visits to Kempsey, Dubbo and Nowra on 11-13 March 2008.

**3. Public hearing**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witness was sworn and examined:

- Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research

The evidence concluded and the witness withdrew.

The following witnesses from the Australian Bureau of Statistics were sworn and examined:

- Mr Peter Damcevski, Director, Statistical Coordination
- Ms Charmaine Smith, Indigenous Engagement Manager

Mr Damcevski tabled the following documents:

- Submission to the Standing Committee on Social Issues Inquiry into Closing the Gap – Overcoming Indigenous Disadvantage
- Summary Booklet: National Aboriginal and Torres Strait Islander Social Survey, 2002, ABS
- Summary Booklet: National Aboriginal and Torres Strait Islander Health Survey 2004-05, ABS
- Summary Booklet: The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, 2005, ABS

The evidence concluded and the witnesses withdrew.

The following witness from the NSW Aboriginal Housing Board was sworn and examined:

- Reverend Tom Slookee, Chairman

Mr David Lee was examined on his former oath.

The evidence concluded and the witnesses withdrew.

The committee adjourned at 11.35am until 1.30pm at Bidwill Uniting Church Community Centre, Bidwill.

The public and media were admitted. Aunty Edna, a Dharug Elder, gave a Welcome to Country.

The following witness was sworn and examined:

- Mr Michael Maxwell, Housing Communities Assistance Program, Mount Druitt Community Ministry

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Margaret Bell, President and Chief Executive Officer, Chain Reaction Foundation
- Winsome Matthews, Project Manager, Mt Druitt Learning Ground

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Teddy Hart, Representative, The Men's Shed, Mt Druitt
- Mr Ray Leslie, Chairperson, Aboriginal Justice Group
- Ms Jasmine Franklin, Project Coordinator, Circle Sentencing Program, Attorney General's Department

The evidence concluded and the witnesses withdrew.

The following witnesses from the NSW Aboriginal Land Council were sworn and examined:

- Mr Geoff Scott, Chief Executive Officer
- Councillor Bev Manton, Chairperson
- Councillor Roy Ah-See, Councillor, Sydney/Newcastle Region

The evidence concluded and the witnesses withdrew.

#### 4. **Public forum**

The Chair made a statement welcoming attendees to the forum and outlining procedures for the forum.

The following participants made a statement to the Committee.

- Ms Avis Egan
- Mr David Nicholls
- Ms Rita Tobin
- Aunty Gloria Matthews
- Father Mullins
- Mr Rick Manton
- Mr Brett Manton
- Ms Kayleen Manton
- Ms Winsome Matthews
- Ms Judy Parry

The public forum concluded at 6:42pm. The public and the media withdrew.

#### 5. **Tabled documents**

Resolved, on the motion of Greg Donnelly: That the Committee accept and publish, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the following document tendered during the public hearing:

- Submission, tendered by Mr Peter Damcevski, Australian Bureau of Statistics

#### 6. **Adjournment**

The committee adjourned at 6:42pm, until Thursday 6 March 2008.

**Rachel Simpson**  
**Clerk to the Committee**

#### **Minutes No. 9**

Thursday 6 March 2008

Room 1136, Parliament House, Sydney, at 1:10pm

#### 1. **Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Dr John Kaye

Mr Michael Veitch

#### 2. **Previous Minutes**

Resolved, on the motion of Mr Veitch: That draft Minutes Nos 6, 7 and 8 be confirmed.

#### 3. **Correspondence**

The Committee noted the following items of correspondence:

##### ***Sent***

- Letters to Ms Wendy Cowan, CEO Kempsey Local Aboriginal Land Council Ms Cheryl Darcy, Acting CEO Dubbo Local Aboriginal Land Council regarding site visits to take place on 11, 12 March 2008



- Letter to Ms Kirstie Parker, Managing Editor of the Koori Mail, inviting a journalist from the Koori Mail to travel with the Committee during its site visit in rural New South Wales on 11, 12 and 13 March 2008 (20 February 2008)
- Letter to Mr Simon Benson, President Parliamentary Press Gallery, inviting accredited media to travel with the Committee during its site visit in rural New South Wales on 11, 12 and 13 March 2008 (20 February 2008)
- Letter to Mr Alan Oakley, editor of the Sydney Morning Herald, advising of the arrangements agreed to by the Committee for Mr Joel Gibson and other journalists to accompany the Committee during its site visit in rural New South Wales on 11, 12 and 13 March 2008 (25 February 2008)
- Letter to the Hon Julia Gillard MP, Federal Minister for Education, Employment & Workplace Relations, regarding attendance of departmental witnesses at a public hearing.

**Received**

- Email from Mr Ray Leslie regarding the funding of Circle Sentencing in Western Sydney. (17 February 2008)

Resolved, on the motion of Mr Khan: That the Chair write to the Attorney General, the Hon John Hatzistergos, forwarding Mr Leslie's correspondence and seeking clarification of the current and future funding arrangements in relation to Mt Druitt Aboriginal Justice Committee.

**4. Submissions**

Resolved, on the motion of Mr Veitch: That the committee accept the revised version of submission 28 and publish it as replacement for the previously published submission 28.

Resolved, on the motion of Ms Ficarra: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the committee authorise the publication of Submissions 49, 52 – 60. Submissions 50, 51 were previously published as tabled documents at public hearings held on 12 and 14 February 2008.

**5. Draft report outlines**

The Committee considered the proposed outlines of the draft interim and final reports and agreed to forward further comments/suggestions to the secretariat in writing.

**6. General Business**

The Committee considered issues raised by Mr Leslie and Ms Franklin at the public hearing in Bidwill on 14 February 2008 in regard to the non-payment of elders participating in circle sentencing.

Resolved, on the motion of Ms Ficarra: That the Chair write to the Attorney General, the Hon John Hatzistergos MLC, seeking clarification on payment/reimbursement of elders who sit in Circle Sentencing.

**7. Adjournment**

The Committee adjourned at 1:30pm, until 8:40am on Tuesday 11 March 2008 at Kempsey Macleay RSL Club.

**Glenda Baker**  
Clerk to the Committee

**Minutes No. 10**

Tuesday 12 March 2008

Kempsey Macleay RSL Club, York Lane, Kempsey, at 8.45am

**1. Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Mr Mick Veitch  
Dr John Kaye (from 10:24am)

## 2. Public Hearing

The public and media were admitted. The Committee was Welcomed to Country by Ms Ruth Maruca, Chairperson of the Dunghutti Elders Council.

The Chair made a statement regarding procedural matters.

The following witnesses representing Aboriginal Lands Councils were sworn and examined:

- Councillor Tom Briggs, Deputy Chair and Northern Region Representatives, NSW Aboriginal Land Council
- Councillor Patricia Laurie, North Coast Region Representative, NSW Aboriginal Land Council
- Mr Andrew Riley, Director, NSW Aboriginal Land Council – Northern Zone
- Mr Bob Mumbler, Board Member, Kempsey Local Aboriginal Land Council

Mr Louis Kelly gave unsworn evidence.

The evidence concluded and witnesses withdrew.

The following witnesses from the NSW Department of Corrective Services were sworn and examined:

- Mr Clarric Dries, General Manager, Wellington Correctional Centre
- Ms Moira Magrath, Director Community Offenders Services, Probation and Parole Service
- Mr Don Wade, Community Services Supervisor
- Mr Mark Rutherford, Aboriginal Client Services Officer, Probation and Parole Service

The evidence concluded and witnesses withdrew.

The following witnesses representing the Dunghutti Elders Council were sworn and examined:

- Ms Ruth Maruca, Chairperson
- Ms Colleen Campbell, Member and Dunghutti Language Teacher

The evidence concluded and witnesses withdrew.

The following witnesses representing Booroongen-Djugun College were sworn and examined:

- Mr Garry Morris, Chief Executive Officer
- Ms Faith March, Deputy Director of Training

Mr Morris tendered a document outlining the role of the Booroongen-Djugun College and raising issues related to the Inquiry.

The evidence concluded and the witnesses withdrew.

The following witnesses representing the Kempsey Circle Sentencing Court were sworn and examined:

- Magistrate Wayne Evans, Kempsey Local Court, sworn and examined.
- Mr Victor Darcy, Circle Sentencing Project Officer, affirmed and examined.
- Ms Mavis Davis, Kempsey Elder and Circle Sentencing Panel Member, affirmed and examined.

Magistrate Evans tendered a document on the Macleay Vocational College 2007-2008 – Regional Partnership Project – Purpose built Education and Training Facility and two documents outlining the numbers of people referred through Circle Sentencing in 2006 and 2007.

The evidence concluded and the witnesses withdrew.

## 3. Deliberative

Resolved on the motion of Dr John Kaye: That the Committee accept and publish, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), documents tendered during the public hearing.

## 4. Site Visit

The Committee travelled to the Many Rivers Violence Prevention Unit, at 2/63 Smith St Kempsey, followed by the Benelong's Haven centre for drug and alcohol rehabilitation at 2054 South West Rocks Rd, Kinchela Creek.

Mr Jim Carroll, Deputy Director, tendered a document and two cds on the Benelong's Haven centre.

**5. Adjournment**

The Committee adjourned at 4:45pm, to reconvene at 8:35am 12 March 2008, Dubbo Civic Centre (public hearing).

**Rachel Simpson**  
Clerk to the Committee

**Minutes No. 11**

Wednesday 12 March 2008

Oxley Room, Dubbo Civic Centre, Darling Street Dubbo, at 8.45am

**1. Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Mr Mick Veitch  
Dr John Kaye

**2. Public Hearing**

The public and media were admitted. The Committee was Welcomed to Country by Wiradjuri elder Russell Ryan  
The Chair made a statement regarding procedural matters.

The following witnesses representing the NSW Aboriginal Land Council, were sworn and examined:

- Councillor Stephen Ryan, Central Regional Councillor, NSW Aboriginal Land Council
- Mr Tony Sutherland, Director, NSW Aboriginal Land Council – Western Zone

The evidence concluded and witnesses withdrew.

The following witness was sworn and examined:

- Mr Craig Toole, Operations Manager, Birrang Enterprise Development Company

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Louise Bye, NSW Department of Education and Training
- Mr Mark De Weerd, Commonwealth Department Education, Science and Training
- Mrs Anjali Palmer, NSW Department of Aboriginal Affairs

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Sam Jeffries, Chair, Murdi Paaki Regional Assembly & Co-Chairm Murdi Paaki Steering Committee
- Mr Richard Weston, Delegate, Broken Hill Community Working Party
- Ms Jeanette Barker, Chair, Brewarrina Community Working Party
- Mr Alister Ferguson, Chair, Bourke Community Working Party

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Darren Toomey, Chair, Dubbo Community Working Party, was sworn and examined.

The evidence concluded and the witness withdrew.

**3. Deliberative**

Resolved on the motion of Mr Donnelly: That the Committee accept and publish, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the following documents tendered during the Committee's site visit to Benelong's Haven:

- document outlining the role of Benelong's Haven and two cds, tendered by Mr Jim Carroll.

**4. Correspondence**

***Received***

The Committee noted the following item of correspondence received:

- Letter from Mr Paul Brydon, requesting that the Chair write to the Premier concerning progress on achieving State Plan Goals relating to Indigenous people (12 March 2008)

**5. Site Visit**

The Committee travelled to the Aboriginal Employment Strategy, Macquarie Street, Dubbo.

**6. Adjournment**

The Committee adjourned at 1:07 pm, until 8:30 am 13 March 2008.

**Rachel Simpson  
Committee Clerk**

**Minutes No 12**

Thursday 13 March 2008

**Shoalhaven City Arts Centre, Berry St, Nowra, at 8.30am**

**1. Members present**

Mr Ian West (Chair)  
Mr Trevor Khan (Deputy Chair)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Mr Mick Veitch  
Dr John Kaye

**2. Public Hearing**

The public and media were admitted. The Committee was Welcomed to Country by Mr Sonny Simms, Acting CEO, Nowra Local Aboriginal Land Council

The Chair made a statement regarding procedural matters.

The following witnesses, from the Magistrates Early Referral Into Treatment (MERIT) program, were sworn and examined:

- Mr Greg Collins, Service Manager, (affirmed)
- Ms Jamie Keys, Aboriginal Drug and Alcohol Counsellor

Ms Keys tabled the following document:

- Illawarra/Shoalhaven MERIT programs statistical information

The evidence concluded and witnesses withdrew.

The following witnesses, from Nowra Police Department, were sworn and examined:

- Commander Kyle Stewart

- Mr Barry Lenihan, Aboriginal Community Liaison Officer
- Senior Constable Gina Wood, Youth Liaison Officer

The evidence concluded and witnesses withdrew.

The following witnesses, Aunty Jean's Good Health Program, were sworn and examined:

- Ms Jean Turner, Program Coordinator
- Aunty Nola Roberts, Program Participant

Ms Turner tabled a document: Shoalhaven Aboriginal Chronic and Complex Care Program

The evidence concluded and the witnesses withdrew.

The following representatives of Land Councils were sworn and examined:

- Mr Sonny Simms, Acting CEO, Nowra Local Aboriginal Land Council
- Mr Jack Hampton, Councillor, South Coast Region, NSW Aboriginal Land Council & Member, Nowra Local Aboriginal Land Council
- Mr Shane Carriage, CEO, Ulladulla Local Aboriginal Land Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Diane Murray, Institute Director
- Ms Iris White, Aboriginal Development Manager

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Faye Worner, Chief Executive Officer, Waminda South Coast Women's Health and Welfare Aboriginal Corporation

Ms Worner tabled a document outlining her presentation on behalf of the Waminda South Coast Women's Health and Welfare Aboriginal Corporation.

The evidence concluded and the witness withdrew.

### 3. **Deliberative**

Resolved on the motion of Ms Ficarra: That the Committee accept and publish, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the following documents tendered during the Committee's hearing:

- Illawarra/Shoalhaven MERIT programs statistical information
- Shoalhaven Aboriginal Chronic and Complex Care Program
- Presentation by Ms Worner on behalf of the Waminda South Coast Women's Health and Welfare Aboriginal Corporation

Resolved, on the motion of Mr Veitch: That Committee members provide additional questions on notice for witnesses who gave evidence at Kempsey, Dubbo and Nowra, to the secretariat by 5pm, Tuesday 18 March 2008.

Resolved, on the motion of Mr Khan: That the Committee hold a deliberative meeting on Thursday 3 April during the lunch break.

Resolved, on the motion of Mr Khan: That Committee members provide written comments on the proposed

### 4. **Site Visit**

The Committee travelled to the South Coast Medical Service Aboriginal Corporation, followed by a meeting with the Circle Sentencing program participants at the Nowra Library.

**5. Adjournment**

The Committee adjourned at 1:05 pm until 1:10 pm on 3 April 2008.

**Rachel Simpson**  
**Committee Clerk**

**Minutes No 13**

Thursday 3 April 2008

Room 1102, Parliament House, at 1:12 pm

**1. Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Mr Mick Veitch

Dr John Kaye

**2. Minutes**

Resolved, on the motion of Mr Veitch: That draft Minutes 9, 10, 11 and 12 be confirmed.

**3. Correspondence**

The Committee noted the following items of correspondence:

***Sent***

- Letter to the Attorney General, seeking clarification on a number of issues raised during public hearing at Bidwill (7 March 2008)
- Letter to Mr Hugh Rutherford, Principal, Kempsey South Public School, regarding attendance of Ms Campbell at the hearing in Kempsey (14 March 2008)
- Letter to Mr Geoff Derrick, Secretary, Finance Sector Union NSW/ACT Branch, regarding appearance at public hearing on 29 April 2008 (28 March 2008)

***Received***

- Request from Mr Paul Brydon, seeking further information on implementation of Two Ways Together goals
- Request from Ms Deborah Brill, Housing NSW, for an extension of time to return answers to questions on notice until 4 April 2008 (28 March 2008)
- Request from Mr Joseph Stanecki, Aboriginal Housing Office, for an extension of time to return answers to questions on notice until 14 April 2008 (27 March 2008)
- Answer to question on notice, Tranby College (26 March 2008)
- Answers to questions on notice, Department of Aboriginal Affairs (31 March 2008)
- Answers to questions on notice, Australian Bureau of Statistics (1 April 2008)
- Answers to questions on notice, Department of Community Services (2 April 2008)
- 

Resolved, on the motion of Mr Donnelly: That the Committee write to the Director General of the Department of Aboriginal Affairs seeking to determine why confidentiality was requested for Tabs A, B, C and D of the Department's answers to Questions on Notice.

Resolved, on the motion of Mr Donnelly: That according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the Committee authorise the publication of the answers to Questions on Notice provided by the following organisations:

- Australian Bureau of Statistics
- Department of Community Services

**4. Submissions**

Resolved, on the motion of Ms Ficarra: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of Submissions No. 56-68.

Resolved, on the motion of Ms Ficarra: That Appendix 1 of Submission 54 be removed from the website while clarification is sought from the submission's author as to the status of oral histories used in the submission.

**5. April 29 and 30 hearings**

The Committee considered the proposed schedule of witnesses for the hearings on 29 and 30 April.

Resolved, on the motion of Mr Khan: That the proposed witness schedule for 29 and 30 April be confirmed

**6. Dates for future Committee activity**

Resolved, on the motion of Mr Veitch: That the Committee hold site visits to regional NSW on 5, 6 and 7 August 2008.

Resolved, on the motion of Ms Ficarra: That the Committee hold hearings in Sydney on 15, 17 and 18 September 2008, with 26 September being held as a reserve hearing date.

**7. Adjournment**

The Committee adjourned at 1:52 pm until 9:00 am on Tuesday 29 April 2008 in the Jubilee Room.

**Rachel Simpson**  
Clerk to the Committee

**Minutes No 14**

Tuesday 29 April 2008

Jubilee Room, Parliament House at 7:56 am

**1. Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Mr Mick Veitch

Dr John Kaye

**2. Public hearing**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witnesses were sworn and examined:

- Ms Robyn Kruk, Director General, Department of Premier and Cabinet
- Ms Vicki D'Adam, Assistant Director General, Policy Development, Department of Premier and Cabinet

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Tony Greer, Group Manager, Indigenous Education, Department of Education, Employment and Workplace Relations
- Mr Trevor Fletcher, Deputy Director General, Schools, NSW Department of Education and Training
- Ms Susan Finnigan, Manager, NSW/ACT Office, Department of Families, Housing, Community Services and Indigenous Affairs
- Mr James McCormack, Manager, Dubbo Indigenous Coordination Centre, Department of Families, Housing, Community Services and Indigenous Affairs

Mr Khan tendered a document titled Quarterly Performance Report – State Plan Priority F1 improved health and education for Aboriginal people,

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Gary Highland, National Director, Australians for Native Title and Reconciliation (ANTaR)
- Ms Sally Fitzpatrick, Vice President, ANTaR NSW
- Professor Ian Ring

The evidence concluded and the witnesses withdrew.

Resolved, on the motion of Mr Veitch: That the Committee proceed to take evidence in camera.

The public and media withdrew.

The following witnesses were sworn and examined:

- Name suppressed
- Name suppressed

Persons present other than the Committee:

- Ms Rachel Simpson, Clerk to the Committee
- Ms Victoria Pymm, Committee Secretariat
- Ms Glenda Baker, Committee Secretariat
- Ms Teresa Robinson, Committee Secretariat
- Ms Elizabeth Galton, Committee Secretariat
- Hansard reporters

The evidence concluded and the witnesses withdrew.

Resolved, on the motion Mr Donnelly: That the hearing resume in public.

The public and media were readmitted.

The following witnesses were sworn and examined:

- Ms Anne-Marie Vine, Principal, Alexandria Park Community School
- Mr Paul Parks, School Education Director, Department of Education, Sydney Region

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Robert Domm, Chief Executive Officer, Redfern-Waterloo Authority
- Ms Denny Hall, Principal Project Manager, Training and Enterprise, Redfern-Waterloo Authority
- Ms Julie Parsons, Community Relations Manager, Redfern-Waterloo Authority
- Ms Beryl Van –Oploo, Teacher/Manager, Redfern-Waterloo Authority Hospitality School

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Bruce McQualter, Head of Indigenous Employment and Training, ANZ
- Ms Cathy Duncan, Indigenous Cultural Capability Manager, ANZ

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Terri Benson, Group General Manager, Country Energy
- Mr Brian McLean, Group Manager Meter Reading, Country Energy
- Ms Amanda McCarthy, Indigenous Training Program Coordinator, Country Energy

The evidence concluded and the witnesses withdrew.

### 3. **Deliberative meeting – Minutes**

Resolved, on the motion of Mr Veitch: That draft Minutes 13 be confirmed.



#### 4. Correspondence

The Committee noted the following items of correspondence:

##### *Sent*

- Letter to Ms Jody Broun, Director General of the NSW Department of Aboriginal Affairs, requesting a copy of a document referred to in the NSW Government submission (3 April 2008)
- Letter to Hon John Della Bosca MLC, Minister for Education and Training, advising of the attendance of departmental officers at the public hearing on 29 April 2008 (14 April 2008)
- Letter to Hon Ian Macdonald MLC, Minister for Energy, advising of the attendance of Country Energy staff at the public hearing on 29 April 2008 (14 April 2008)
- Letter to Hon Frank Sartor MP, Minister for Redfern-Waterloo, advising of the attendance of Mr Robert Domm, Chief Executive Officer of the Redfern-Waterloo Authority, at the public hearing on 29 April 2008 (14 April 2008)
- Letter to Hon Morris Iemma MP, Premier of NSW, advising him of the attendance of Ms Robyn Kruk, Director General of the Department of Premier and Cabinet, at the public hearing on 29 April 2008 (14 April 2008)

##### *Received*

- Answers to questions taken on notice from NSW Health, the Aboriginal Housing Office, Housing NSW, NSW Department of Education and Training, Nowra TAFE, Department of Juvenile Justice and NSW Police
- Letter from Hon John Hatzistergos MLC, Attorney General, responding to concerns raised by Mr Ray Leslie at the Committee's hearing at Bidwill on 14 February 2008 (10 April 2008)
- Answers to questions on notice from Department of Corrective Services (28 April 2008)

Resolved, on the motion of Dr Kaye: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee authorise the publication of the answers to questions on notice provided by the following organisations:

- NSW Health
- Aboriginal Housing Office
- Housing NSW
- NSW Department of Education and Training
- Nowra TAFE
- Department of Juvenile Justice
- NSW Police
- Department of Corrective Services

Resolved, on the motion of Dr Kaye: That the Committee forward the Attorney General's correspondence dated 8 April 2008 to Mr Leslie.

#### 5. Submissions

Resolved, on the motion of Dr Kaye: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee authorise the publication of Submissions No. 65-69.

Resolved, on the motion of Ms Ficarra: That Appendix 1 of Submission 54 be removed from the website while clarification is sought from the submission's author as to the status of oral histories used in the submission.

#### 6. Document tabled by Mr Khan

Mr Donnelly moved: That the Clerk of the Parliaments provide advice on the document titled Quarterly Performance Report – State Plan Priority F1 improved health and education for Aboriginal people, particularly as it relates to Cabinet privilege.

The Committee deliberated.

Resolved, on the motion of Dr Kaye: That the motion of Mr Donnelly be amended by inserting at the end the words: and that the Committee consider its publication after the advice has been received.

Question, as amended, put and resolved in the affirmative.

Resolved, on the motion of Dr Kaye: that the covering letter to the document from DAA also be provided to the Clerk.

**7. Adjournment**

The Committee adjourned at 5:20pm until 9:00 am on Wednesday 30 2008 in the Jubilee Room.

**Rachel Simpson**  
**Clerk to the Committee**

**Minutes No 15**

Wednesday 30 April 2008

Jubilee Room, Parliament House at 9:00 am

**1. Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra

Mr Mick Veitch

Dr John Kaye

**2. Public hearing**

The public and media were admitted. The Chair made a statement regarding procedural matters.

The following witnesses were sworn and examined:

- Mr Wayne Rigby, Director, Djirruwang Aboriginal and Torres Strait Islander Mental Health Program

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Roger Kennedy, National Program Director, Mission Australia

The evidence concluded and the witness withdrew.

The Committee adjourned for a short morning tea break.

The following witnesses were sworn and examined:

- Associate Professor Joseph Canalese, Acting Associate Dean, School of Rural Health, University of Sydney (Dubbo)

The Committee adjourned at 11:55 pm until 1:00 pm at Redfern Community Centre, 29-53 Hugo Street, Redfern.

The following witnesses were sworn and examined:

- Mr Mick Mundine, Chief Executive Officer, Aboriginal Housing Company
- Mr Colin James, Director, Fell House Project, Faculty of Architecture, University of Sydney
- Ms Angie Pitts, Social Planning Consultant, Faculty of Architecture, University of Sydney.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Denise Robinson, Chief Medical Officer, NSW Health
- Ms Kim Stewart, Acting Director, Centre for Aboriginal Health, NSW Health

The evidence concluded and the witnesses withdrew.

The Committee adjourned for a short afternoon tea break.

The following witness were sworn and examined:

- Mr Sol Bellear, Chairperson, Aboriginal Medical Service

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Mark Spinks, Chairman, Babana Cultural Centre
- Pastor Ray Minniecon, Babana Cultural Centre
- Mr John Williams, Pro Bono Adviser, Babana Cultural Centre
- Mr Jack Dunn, Member, Babana Cultural Centre

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Michael Gravener, Coordinator, The Settlement Neighbourhood Centre

### 3. **Tabled documents**

Resolved, on the motion of Mr Donnelly: That the Committee accept and publish, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), all documents tendered during the public hearing.

### 4. **Adjournment**

The committee adjourned at 5:30 pm until 9 am on 23 June 2008.

**Rachel Simpson**

**Clerk to the Committee**

## **Minutes No 16**

Monday 23 June 2008

Room 1102, Parliament House at 9:00 am

### 1. **Members present**

Mr Ian West (*Chair*)

Mr Trevor Khan (*Deputy Chair*)

Mr Greg Donnelly

Ms Marie Ficarra (from 10.15am)

Dr John Kaye

Mr Mick Veitch

### 2. **Confirmation of previous Minutes**

Resolved, on the motion of Mr Donnelly: That draft Minutes 14 and 15 be confirmed.

### 3. **Correspondence**

The Committee noted the following items of correspondence:

#### ***Sent:***

- Letter to Mr Dave Hereora MP, Chairperson, Maori Affairs Committee, Parliament of New Zealand, seeking information regarding contacts in the New Zealand public service (29 May 2008)
- Letter to Mr Robert Domm, Chief Executive Officer of the Redfern-Waterloo Authority, regarding clarification of issues raised in evidence by the Aboriginal Housing Company (3 June 2008)

#### ***Received:***

Answers to questions taken on notice during hearings from the following agencies/organisations:

- Mission Australia
- Redfern-Waterloo Authority
- NSW Department of Ageing, Disability and Home Care (DADHC)

- Australians for Native Title and Reconciliation (ANTaR)
- NSW Health (from hearing on 30 April 2008)
- NSW Department of Premier and Cabinet
- NSW Department of Education and Training (Mr Trevor Fletcher)
- NSW Department of Education and Training, Western Region (Ms Louise Bye)
- Department of Education, Employment and Workplace Relations (hard copies with secretariat)
- Aunty Jean's Good Health Program
- ANZ

Resolved, on the motion of Mr Veitch: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223 (1), the Committee authorise the publication of the answers to questions on notice provided by the following agencies/organisations:

- Mission Australia
- Redfern-Waterloo Authority
- NSW Department of Ageing, Disability and Home Care (DADHC)
- Australians for Native Title and Reconciliation (ANTaR)
- NSW Health (from hearing on 30 April 2008)
- NSW Department of Premier and Cabinet
- NSW Department of Education and Training (Mr Trevor Fletcher)
- NSW Department of Education and Training, Western Region (Ms Louise Bye)
- Department of Education, Employment and Workplace Relations (hard copies with secretariat)
- Aunty Jean's Good Health Program
- ANZ

Resolved, on the motion of Mr Veitch: That the Committee forward the letter from the Federal Minister for Home Affairs, the Hon Bob Debus MP, to Mr Ray Leslie.

#### 4. Submissions

Resolved, on the motion of Mr Donnelly: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223 (1), the Committee authorise the publication of Submissions No 70-74.

#### 5. Consideration of Clerk's advice regarding the document titled **Quarterly Performance Report – State Plan Priority F1 improved health and education for Aboriginal people, as it relates to Cabinet privilege**

The Committee considered the Clerk's advice.

Resolved, on the motion of Mr Khan: That the document titled *Quarterly Performance Report – State Plan Priority F1 improved health and education for Aboriginal people* be published and forwarded to Mr Trevor Fletcher, Deputy Director General Schools, NSW Department of Education and Training.

#### 6. Consideration of Chair's draft report

The Chair tabled his draft report entitled *Overcoming Indigenous disadvantage in New South Wales*, which, having been previously circulated, was taken as being read.

Chapter 1 read.

Resolved, on the motion of Dr Kaye: That paragraph 1.8 be amended by inserting the words 'descendants of' immediately before the word 'first'.

Resolved, on the motion of Mr Donnelly: That Chapter 1, as amended, be adopted.

Chapter 2 read.

Resolved, on the motion of Dr Kaye: That Table 2.1 be amended to include a statistic on the average age at death of Aboriginal people.

Resolved, on the motion of Mr Donnelly: That paragraph 2.86 be amended by including the Australian Bureau of Statistics' information on 'overcrowding'.

Resolved, on the motion of Mr Veitch: That Chapter 2, as amended, be adopted.

Chapter 3 read.

Resolved, on the motion of Mr Khan: That paragraph 3.53 be amended by inserting after the first sentence 'In other areas of the Interim Report, shortcomings with performance indicators contained in the State Plan are discussed. The Committee believes that performance indicators in F1 of the State Plan require greater detail. In other areas, such as the area of Aboriginal involvement in the criminal justice system, performance indicators need to be created, as they are presently absent,' and moving the sentence beginning with 'However, during' to a new paragraph.

Resolved, on the motion of Mr Khan: That Issue for consideration 2 be amended by inserting the words 'defining performance indicators and' before the word 'delivering'.

Resolved, on the motion of Mr Khan: That paragraph 3.54 be amended by deleting the word 'However', and that this sentence begin a new paragraph.

Resolved, on the motion of Mr Donnelly: That Issue for consideration 4 be amended by omitting 'as a replacement for the former Aboriginal and Torres Strait Islander Commission'.

Resolved, on the motion of Dr Kaye: That Issue for consideration 5 be amended by inserting the words 'including the issue of the separation of regulatory and assistance functions of the New South Wales Aboriginal Land Council' after the word 'mechanism'.

Resolved, on the motion of Mr Khan: That an additional quote regarding the complexity of service delivery created by competing organisations be circulated to the Committee, to be included in Chapter 3.

Resolved, on the motion of Dr Kaye: That Chapter 3, as amended, be adopted.

Chapter 4 read.

Resolved, on the motion of Mr Khan: That paragraph 4.27 be amended by omitting the last sentence, and instead inserting the words 'The evidence that has been presented to the Committee leads to the conclusion there is an absolute necessity for ongoing funding for environmental health programs after funding for the ACDP ends in 2009.'

Resolved, on the motion of Mr Khan: That at paragraph 4.55 be amended by omitting the word 'important' and instead inserting the word 'essential'.

Resolved, on the motion of Mr Veitch: That an additional Issue for consideration be inserted after Paragraph 4.60 concerning the provision of Internet in Aboriginal communities.

Resolved, on the motion of Mr Veitch: That an additional Issue for consideration be inserted before Issue for consideration 8, with the words 'The Committee will consider the appropriateness of driver training programs aimed at assisting members of the Aboriginal community to obtain drivers' licenses.'

Resolved, on the motion of Mr Donnelly: That Chapter 4, as amended, be adopted.

Ms Ficarra joined the meeting.

Resolved, on the motion of Mr Donnelly: That Chapter 3 be reconsidered.

Resolved, on the motion of Mr Veitch: That an additional section on the efficacy of short term funding be inserted after paragraph 3.71.

Chapter 5 read.

Resolved, on the motion of Mr Donnelly: That a new section on child sexual abuse be inserted after the section on wellbeing.

Resolved, on the motion of Dr Kaye: That an additional Issue for consideration be inserted into the new section on child sexual abuse as follows:

‘The Committee will seek evidence of the appropriate levels of funding and services to reduce the incidence of and ameliorate the effects of child sexual assault, including the implementation of the *Breaking the Silence* report.’

Resolved, on the motion of Mr Khan: That, wherever appearing, the term ‘child sexual assault’ be replaced with ‘child sexual abuse’.

Resolved, on the motion of Mr Donnelly: That an additional Issue for Consideration be inserted into the new section on child sexual abuse as follows: ‘The Committee will review the methodology used to record the incidence child sexual abuse in Aboriginal communities. The review will consider the existing arrangements used in relation to data collection and examine how it can be refined and improved.’

Resolved, on the motion of Mr Khan: That paragraph 5.96 be amended omitting the second sentence, and instead inserting, ‘The Committee believes that there is a fundamental need for a community-based otitis media screening program, with appropriate benchmarks and improved data collection so that there can be measurable outcomes of the performance of the program.’

Resolved, on the motion of Ms Ficarra: That Paragraph 5.102 be amended by inserting after the first sentence ‘but is concerned that adequate funding be provided for the expeditious expansion of these programs.’

Resolved, on the motion of Ms Ficarra: That paragraph 5.102 be amended by deleting the word ‘nonetheless’ and by inserting the word ‘also’ before the word ‘concerned’ in the last sentence.

Chapter 6 read.

Resolved, on the motion of Dr Kaye: That paragraph 6.19 be amended by inserting the words ‘and the committee notes the importance of universal access to these services’, at the end of the third sentence.

Resolved, on the motion of Dr Kaye: That Issue for consideration 15 be amended by inserting the words ‘and the adequacy of funding’ at the end of the last sentence.

Resolved, on the motion of Dr Kaye: That paragraph 6.49 be amended by insert word ‘Aboriginal’ between the words ‘with’ and ‘community’.

Resolved, on the motion of Dr Kaye: That paragraph 6.61 be amended by inserting the words ‘access for all’ between the words ‘on’ and ‘Indigenous’ in the last sentence and by inserting a new final sentence to read, ‘The Committee is interested to see how the New South Wales Government will achieve its claim in the recent evaluation of the SiP program that ‘the gap between Aboriginal and non Aboriginal students would be overcome within a decade.’

Resolved, on the motion of Dr Kaye: That paragraph 6.142 be amended by inserting the words ‘training and’ before the word ‘employing’.

Resolved, on the motion of Dr Kaye: That Chapter 6, as amended, be adopted.

Chapter 7 read.

Resolved, on the motion of Mr Donnelly: That Chapter 7 be adopted.

Chapter 8 read.

Resolved, on the motion of Ms Ficarra: That Issue for consideration 27 be amended by inserting the words ‘and coordination of programs for social housing’ after the word ‘fund’, and inserting ‘to better address unmet housing needs of Indigenous people at the end of the sentence.’

Resolved, on the motion of Mr Khan: That Issue for consideration 28 be moved to follow paragraph 8.63.

Resolved, on the motion of Mr Khan: That paragraph 8.70 be amended by omitting the word 'strongly' from the first line, omitting the words 'exceptional consideration' and instead inserting the word 'reconsideration', and omitting the last sentence.

Resolved, on the motion of Dr Kaye: That Chapter 8, as amended, be adopted.

Chapter 9 read.

Resolved, on the motion of Mr Donnelly: That Issue for consideration 40 be amended by inserting after the first sentence, the words 'The Committee will examine the reasons behind the underreporting of domestic violence and sexual abuse. Consideration will be given to the level of government support for Aboriginal police officers and ACLOs.'

Resolved, on the motion of Mr Veitch: That Chapter 9, as amended, be adopted.

#### 7. **Consideration of proposed site visits locations**

Resolved, on the motion of Mr Veitch: That the Committee hold site visits/public hearings in the following locations on 5, 6 and 7 August 2008:

- Armidale
- Broken Hill
- Griffith

#### 8. **Next meeting**

The Committee adjourned at 11:55am on until 1:30 pm on Thursday 26 June 2008 in Room 1102.

**Rachel Simpson**  
Clerk to the Committee

### Minutes No 17

Thursday 26 June 2008

Room 1102, Parliament House at 1:30 pm

#### 1. **Members present**

Mr Ian West (*Chair*)  
Mr Trevor Khan (*Deputy Chair*)  
Mr Greg Donnelly  
Ms Marie Ficarra  
Dr John Kaye  
Mr Mick Veitch

#### 2. **Confirmation of previous Minutes**

Resolved, on the motion of Mr Veitch: That draft Minutes No. 16 be confirmed.

#### 3. ...

Resolved on the motion of Ms Ficarra: That Appendix 4 of Standing Committee on Social Issues Report No. 5 *Births, Deaths and marriages: an open register*, March 1993 be removed from the NSW Parliament website.

#### 4. **Consideration of Chair's draft report**

- Previously unpublished evidence cited in draft report.

Resolved on the motion of Mr Veitch: That the following, previously unpublished evidence, be published as part of the Committee's Interim Report on *Inquiry into overcoming Indigenous disadvantage*:

- a) Councillor Bev Manton, Chairperson of the NSW Aboriginal Land Council, during Committee briefing held at Parliament House on 3 December 2007:

The bottom line is that our kids are not going to see the value of education ... They have seen their older siblings or relatives go through to the Higher School Certificate (HSC), go on to university, but still remain unemployed.

b) In camera evidence 29 April 2008:

There are no other programs. You can build someone a nice house but if the rest of their life is going downhill with drug and alcohol issues, family breakdown, poverty, unemployment, education, a nice house will not fix it.

▪ Further consideration of the Chair's draft report

Resolved on the motion of Mr Khan: That the draft report (as amended) be the report of the Committee and presented to the House according to Standing Order 226(1)

**5. Next meeting**

The Committee adjourned at 1:45 pm until 1:00 pm on Wednesday 23 July 2008 in Room 1102.

**Rachel Simpson**  
**Clerk to the Committee**