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REPORT OF PROCEEDINGS BEFORE
STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

At Sydney on Thursday 18 September 2008

The Committee met at 9.00 a.m.

PRESENT

The Hon. I. W. West (Chair)
The Hon. G. J. Donnelly
The Hon. M. A. Ficarra
Dr J. Kaye
The Hon. M. S. Veitch

CORRECTED

CHAIR: I welcome everyone to the thirteenth hearing of the Standing Committee on Social Issues inquiry into overcoming indigenous disadvantage in New South Wales. On behalf of the Committee I would like to acknowledge that we are conducting our business today on the traditional land of the Gadigal people of the Eora nation, and we pay our respects to elders past and present. In June the Committee produced an interim report in which it identified 45 issues for further consideration. These issues can be grouped into five key themes. Those themes are: measurement of outcomes, coordination of service delivery, the development of effective partnerships with Aboriginal communities, the inconsistency and uncertainty of funding, and employment monitoring and training of Aboriginal people.

Today and in the final report we will be examining these key themes and other issues, including the following: the Federal Government intervention in the Northern Territory, cultural resilience within indigenous communities, the outcomes of the COAG trial in the Murdi Paaki area, and progress on the implementation of previous Social Issues Committees' recommendations relevant to the Aboriginal community. Before we commence I will make some comments about procedural matters. The guidelines for the broadcast of proceedings are available on the table near the door. The delivery of messages should be done through the Chamber and support staff or the Committee Clerks. I ask everyone to turn off their mobile phones.

RICHARD MATTHEWS, Deputy Director General Strategic Development, New South Wales Health, and

KIM STEWART, Acting Director, Aboriginal Health Branch, New South Wales Health, on former oath:

CHAIR: We invite you to make any opening comments you would like to make before we proceed to questions.

Dr MATTHEWS: We are happy to go straight to questions.

The Hon. MICHAEL VEITCH: Yesterday we heard evidence from Aboriginal Health and Medical Research Council officers and they tabled a supplementary submission, which no doubt you have not had a chance to sight. They also made some comments that I would like to take up with you. In their submission they talk about the measurement of outcomes for community-controlled medical centres, and about the fact that the reporting requirements and the measurement of outcomes are higher for those facilities than they are for mainstream services. Can you explain why that would be?

Dr MATTHEWS: I am not sure I would agree that the measurements are more onerous. We have very onerous reporting requirements on public hospitals, and in relation to chief executives' performances, across a range of the delivery of health services, and we are quite good at reporting on process. Only in three areas of endeavour do we have really strong outcome measures, and they are in mental health, palliative care and rehabilitation medicine. I would be happy to discuss with Sandra Bailey any instances where she feels the reporting is onerous. But I would not feel that in general it is more onerous, or as onerous, as we actually require from our services. Kim may wish to comment on that.

Ms STEWART: I think that part of what Sandra is talking about is the reporting obligations under the non-government funding program. As part of those funding performance agreements there is a set of performance indicators. There are also quite detailed financial reporting obligations in relation to grants that those organisations receive. I believe that what Sandra is talking about is the level of detail for the ambulatory type of service delivery that non-government organisations provide compared with the level of detail we have about the characteristics of service delivery in non-government settings.

Richard might care to talk about this in the context of the community health review. There is quite a lot of work going on within the department to try to capture more detail about the various categories of ambulatory service delivery. For instance, I am aware that in relation to mental health, drug and alcohol, sexual health and various aspects of community health, we have standardised reporting that tells us about the detail of ambulatory service delivery. It is not the same level of detail as there is about admitted morbidity in hospitals, as Richard just said. The financial reporting requirements are different for the areas in relation to ambulatory service delivery compared with the non-government organisations. But it is about the grant management process, and at the moment we are in the process of implementing a more detailed financial reporting set of requirements on our areas, for our dedicated Aboriginal health funds.

The Hon. MICHAEL VEITCH: When we allocate funding for health programs for Aboriginal people and the funds are taken up by an Aboriginal non-government organisation or by a community-controlled organisation, do we negotiate with those people about what the outcomes will be, or do we say, "Here is the money and these are the outcomes we expect"?

Dr MATTHEWS: We very definitely negotiate. I will give you an example. When I was running Justice Health we had partnership agreements with Aboriginal medical services in almost all the sites where there were jails and juvenile detention centres. You would all be aware that there are a number of those facilities in New South Wales. In those performance agreements we would fund a position, which might be an existing position, to come to a correctional centre on a fixed day per fortnight or per month, depending on demand, and we would expect that a given number of inmates would be seen in partnership with the clinicians. Those sorts of outcomes get written into the agreements. What does not, of course, get written into the agreements, because it is extremely difficult to do so, is any kind of demonstrated health outcome for the individuals seen. I think there is a balance here. We have to be aware that the moneys the Government gives to non-government organisations, whether they are indigenous or non-indigenous, are public moneys and there has to be some level of accountability.

In mental health, because of concerns in the past that mental health money was spent in other places, now when I give money to an Area Health Service for new community mental health positions, it is with a funding agreement that there will be this number of full-time equivalents providing this number of services, and that that will be on top of the agreed baseline from the previous funding. That is the sort of level of accountability I have attempted to put into mental health services, which are at about 50 per cent in the community, and it is a level of accountability that I think is appropriate.

In mental health we have gone a step further. We have a mental health outcome assessment tool and we have an expectation that at entry to treatment and at 90 days that will be administered, and that gives demonstrated outcomes, or not, in relation to that person's treatment and their functioning. We have about 5 per cent compliance, and climbing, in the use of that tool. In my view, generically that is the sort of accountability that ought to be around the expenditure of public moneys, whether they are directly in the public sector or they are provided through non-government organisations.

Ms STEWART: May I add something to what I said regarding reporting for the community-controlled organisations. In New South Wales the State Government contributes approximately 10 to 15 per cent of the non-Medicare income of those community-controlled services. So the Commonwealth is the major funder of community-controlled services in New South Wales. We have, for the last two years now, commenced utilisation of exactly the same reporting and planning documentation that the Commonwealth requires. So we have acknowledged that we are a minor funder. To reduce the burden on those organisations so they do not have to do one set of reporting and documentation for the State and another for the Commonwealth, we have adopted the same reporting and documentation regime that the Commonwealth requires.

The Hon. MICHAEL VEITCH: When we require a degree of detail in accountability on the part of the non-government organisations in providing reports, do we allocate additional funding to meet the administrative burden that that creates, or do they absorb that within their existing funding?

Ms STEWART: The AHMRC, in particular, receives a core grant from the department. That was enhanced last year. So there is an acknowledgement that a certain infrastructure is required to run an organisation of a particular size, manage a budget of a particular size, and meet accountability requirements. I think we are getting better at doing that across the board, but it definitely is acknowledged that there are administrative costs and overheads associated with receiving grants.

Dr MATTHEWS: And they are the same ones that we acknowledge in the Area Health Services. There is a non-government organisation grants program to which people apply, and when they apply they do so on the basis of the budget which they put together. So we expect that a reasonable level of administrative overhead will be included. Again we recognise that many non-government organisations have poor infrastructure compared with the public sector, and we have—in particular through mental health and drug and alcohol where we are the main providers, unlike the AMSs—infrastructure grants programs where we provide the funds which are held by the peak bodies that recognise that lack of infrastructure and provide money for premises, information technology, motor vehicles, and all the different sorts of infrastructure that support the endeavour of those organisations.

The Hon. MICHAEL VEITCH: On a different matter, I want to quote from the supplementary submission that we received yesterday from the Aboriginal Health and Medical Research Council in relation to Community Development Employment Projects and STEP employment programs. It says:

The AHMRC would like to draw the Committee's attention to the relatively limited use of the Structured Training and Employment Projects (STEP) / Corporate Leaders for Indigenous Employment Project (CLIEP) opportunities by the health industry nationally.

Does New South Wales Health try to access those programs?

Ms STEWART: I have to take that on notice. I am aware the department accesses the cadetship program.

The Hon. MICHAEL VEITCH: I guess what they are saying is there is obviously the potential for greater take-up of those programs. I am happy for it to be taken on notice. With regard to the Northern Territory intervention are there lessons for New South Wales Health arising out of that—good and bad; things we should do?

Ms STEWART: I am aware that the Australian Government is conducting a review of its intervention at the moment, so I guess we will be looking with interest at the outcomes of that review. Other than that, without having been there or having access to any detailed information about how it is operating, it is very difficult to comment.

Dr MATTHEWS: I will make one generic comment, which is that when a situation becomes extremely bad, drastic, almost inevitably that leads to drastic measures. In general, I think we would all agree that attempts at early intervention and prevention so we do not get to that point are what we want to aim for. Drastic situations calling for drastic measures generally do not bring good outcomes.

The Hon. MARIE FICARRA: I refer to the Canberra meeting in March, the National Indigenous Health Equality Summit. Has the department undertaken any reshaping or finetuning of health policy directions as a result of that summit? What effect did that summit have on your policies in indigenous health?

Ms STEWART: I think the application of those targets is being looked at through the COAG process that is under way at the moment—the COAG reform initiatives that are in development. Richard is better placed than I am to talk about the detail of those, but certainly I am aware that those targets are being looked at in that context along with the existing targets that have been agreed to: closing the gap in life expectancy within a generation and halving childhood mortality. I think it is fair to say that if you look at our State Plan and our State Health Plan, we already have targets for a number of the issues that were the subject of the targets that the Human Rights and Equal Opportunity Commission [HREOC] and the other players at the summit suggested. We are already reporting on and monitoring those sorts of things via those mechanisms.

Dr MATTHEWS: In relation to the COAG process, in addition to the higher level measures that have already been announced in relation to health, a number of bodies—the Australian Institute for Health and Welfare and the newly formed Health and Hospitals Reform Commission—have put forward for consideration through the health and ageing working group chaired by Nicola Roxon a range of indicators and measures as well as funding options, which will ultimately be signed off and agreed at the December COAG. It may be that at the next COAG meeting on 3 October there will be some announcements of additional funding or how already announced funding at the previous COAG will be allocated. We are living in hope and expectation in relation to that but I cannot really pre-empt the decisions that will be made by the Prime Minister and the Premiers at those two meetings. All I can say is that there will be additional funding across the country and there will be a range of additional measures that sit underneath those already announced very broadbrush ones.

The Hon. MARIE FICARRA: In relation to those two targets, closing the gap in life expectancy and halving infant mortality, it would appear to me as an individual that halving infant mortality is progressing well and hopefully we will reach that target. I question the reality of trying to achieve the closing of the gap in life expectancy in one generation. I suppose it is unfair because you are trying to do all you can to reach that target, but is it realistic?

Dr MATTHEWS: I think it would be fair to describe it as aspirational. One of the most significant reasons that this nation has moved over 30 years from the high 20s in terms of overall mortality to about second in the league table is because of the reduction of smoking rates. We now have one of the lowest community smoking rates in the developed world. That is number one in terms of that change and probably daylight is second. We have a situation where the general community smoking rate is sitting at about 18 per cent and the indigenous rate is sitting at about 50 per cent—

Ms STEWART: Forty per cent.

Dr MATTHEWS: Forty per cent; it is coming down. The effects of that reduction from 50 per cent to 40 per cent and any further reduction that can be achieved will be seen in a generational way. The other main causes of the difference, which are consequences of cigarette smoking, diet and obesity—diabetes, renal disease, etc—will see improvement. Whether the improvement is equal to the target remains to be seen. I would like to comment on infant mortality because I think it is one area where New South Wales has led the way. You have heard me talk about this before and I am very proud of this program. In the group of Aboriginal women who are part of AMS—about 46 per cent at the moment—the infant mortality rate has not quite halved but has certainly come down. In addition, those things that are generational—birth weight and the gestational age—are also greatly improved. We know the best indicator of birth weight is maternal birth weight. There will be a generational effect over a number of generations in addition to the one that will be achieved in the shorter term. This is a subject on which we need to take a generational view.

The Hon. MARIE FICARRA: Excellent results. What is the progress with regard to the Redfern Community Health Centre, particularly in relation to our visit there and the complaints we had from indigenous elders about the mobile needle exchange bus unit that was there? We heard it was going to be relocated into the Redfern Community Health Centre. Has there been any progress on that?

Ms STEWART: Speaking on behalf of the Sydney South West Area Health Service, which manages that service, my advice is that the location of the needle and syringe program services is about where drug use is occurring. The needle and syringe program, as I am sure you would understand, is about harm reduction; it is about blood-borne virus harm prevention and also about preventing the other adverse outcomes of injecting drug use.

The Hon. MARIE FICARRA: We do not have any problems with the program. We just want it relocated into a better facility.

Ms STEWART: From the Area's point of view it has a legislative obligation to protect public health in the area that it serves. It looks at where the public health risks are, where services need to be located to respond to those risks and whilst ever there is a requirement for a service and whilst ever there is public injecting and the concentration of drug dealing and injecting that occurs in that location it will continue to seek to provide a public health service that is accessible for people who are engaging in those sorts of risk behaviours.

The Hon. MARIE FICARRA: That does not answer my question. My question is: what is the status of the Redfern Community Health Centre and are there any plans to shift that needle exchange facility into the health centre?

Ms STEWART: I am not sure what the status of the building work is. I believe a construction project is underway there, so I will have to take that on notice.

Dr MATTHEWS: I think we can agree to take that on notice and give you a definite answer in writing.

The Hon. MARIE FICARRA: Thank you. That was an issue that came up repeatedly with a number of indigenous elders in our visit to the Redfern Centre. It is obviously a very strong community concern. The other complaint was about the volume of needles that were being given out. It was a bag of needles rather than one, two, three, four, five or up to 10. There are lots of issues and I am sure they are in the *Hansard* from that visit. It might be a good idea to look at what the local elders said about the conduct of that service.

Ms STEWART: I can provide you with advice about the operational policy of the Area. The operational policy of the outreach program is to provide up to 10 syringes per client presentation. This is consistent with agreements between Sydney South West Area Health Service, New South Wales Health and key community stakeholders including the Redfern Local Area Command and the City of Sydney Council.

The Hon. MARIE FICARRA: That is why I said up to 10, but in reality we heard lots of examples under oath on the day that it was not occurring in some instances. I mention that this was a concern and as senior executives of the Department of Health you can have a look at the transcripts from that date to ensure that the service is being conducted in accordance with your Department of Health policies.

Ms STEWART: I am sure the Area is happy to look into compliance with its operational policy.

Dr JOHN KAYE: Following on from that question, perhaps you could provide us now or on notice with the regime that is used by South West Area Health Service to monitor the operations of the needle exchange program and ensure that the protocols and agreements are maintained by the needle exchange.

Ms STEWART: We will have to take that on notice.

Dr JOHN KAYE: That is fine, but I think it would be useful given that this matter has now been raised that the needle exchange program have an opportunity to respond and explain how it operates and how its operations are monitored by the South West Area Health Service.

Dr MATTHEWS: I will write to Mr Wallace seeking confirmation of his operational policies and asking him what he does in relation to compliance and seeking his assurance that there will be strict monitoring in view of the concerns raised by the local community.

Dr JOHN KAYE: There will be, and there has been in the past as well.

CHAIR: That question is asked in light of an understanding of the Committee of previous reports of the Social Issues Committee going back to the Redfern inquiry when the Government stated that the mobile needle and syringe van, which was currently located near a local park and child care centre in Redfern, would close as soon as the community health facility opened.

Ms STEWART: I believe that a commitment was made about 2004 to relocate the outreach service at the Block to a proposed primary health care facility in Lawson Street, which is immediately adjacent to the Block. That facility did not proceed. The community health centre is some distance from the Block. I am not sure exactly how far but it is in another part of Redfern anyhow.

CHAIR: That goes to the very issue we are talking about in terms of the Redfern inquiry.

Ms STEWART: So the Redfern community health centre is a completely different capital project to the previously proposed Lawson Street primary health care centre.

CHAIR: And the Premier's Department has on notice from yesterday questions related to that particular issue to be answered and you also are going to give us some comments on that?

Ms STEWART: Yes.

Dr JOHN KAYE: I take you to question 1, which relates to the Department of Aboriginal Affairs regional engagement groups. How does your department use those regional engagement groups and the representative structures that they are trying to develop with the 40 partnership communities in order to engage with Aboriginal community at the policy, design, implementation and evaluation stage? I guess underlying this is some concern that a number of different government departments use a number of different structures to engage with Aboriginal communities. One Aboriginal community exists within a number of different regions in its relationship with the New South Wales Government. We are interested to hear how Health is interacting with that and how your engagement structures work?

Dr MATTHEWS: Because our services are delivered on a regional basis through Area Health Services, it is the Area Health Services that engage those local groups that you refer to. We also, of course, engage and have partnership agreements with the Aboriginal Medical Services [AMS] and some engagement around some projects with the land councils. At a higher level the department, through Kim's branch, has a partnership agreement with the umbrella organisation, the Aboriginal Health and Medical Research Council [AHMRC] but it is expected that the Area Health Services will have agreements and engagement locally. The exception is Justice Health. Because of its statewide remit it has an overarching agreement with the AHMRC as well as at least a dozen and possibly 20 local agreements.

Dr JOHN KAYE: There are eight regional Area Health Services. Within each of those, what consultative structures do they use to engage with local communities? Obviously there are local Aboriginal health services and land councils. Is there any other regional structure used within those Area Health Services?

Ms STEWART: They all participate in the regional engagement groups that you asked your original question about and they are expected to have their own local partnership agreements as well.

Dr MATTHEWS: The chief executives are expected to nominate representatives to participate in the relevant ones as well. Clearly it will differ. For instance at one extreme, North Sydney Central Coast will have a strong engagement around the northern part of the Area Health Service but little, for obvious reasons, in the southern part. Greater Western, which we are fond of pointing out, is about the size of Germany, has myriad different groups, a large number of AMSs of varying functionality, ranging from, in the case of Broken Hill, extremely functional to some which are less so, and would have a significant number of regional engagement groups within its area, so it would be quite a different structure.

Dr JOHN KAYE: You did not mention Maari Ma when you talked about Greater Western?

Dr MATTHEWS: I meant Maari Ma when I said Broken Hill. It is possibly one of the most functional but outside the State umbrella.

Dr JOHN KAYE: It produces health outcomes that are quite exceptional with respect to the management of people with diabetes. Are there other examples of services for Aboriginal people producing equivalent outcomes?

Dr MATTHEWS: It is difficult to say. One of the strengths of Maari Ma is its infrastructure. It provides health services to non-indigenous people as well, which is a model in that part of the State which works extremely well so it has an infrastructure to do more and better reporting. I am not sure whether Kim is aware of any?

Ms STEWART: Not off the top of my head, no.

Dr JOHN KAYE: Maari Ma is unique in its engagement with its local Area Health Service?

Dr MATTHEWS: I think it is unique in the fact that it is equally tasked by the Area Health Service to provide health services to non-indigenous people.

Ms STEWART: All AMSs provide for all-comers really.

Dr MATTHEWS: But through MBS not necessarily under contract with the area.

Ms STEWART: No.

Dr MATTHEWS: And that is the big difference.

Dr JOHN KAYE: I guess my question is more that the integration between Maari Ma and Greater Western Area Service seems to be unique.

Ms STEWART: It is unique in New South Wales and I am sure you are aware that Maari Ma is not a member of the AHMRC, so it regards itself as a community-controlled organisation in the structure of its board. It is not regarded as a community-controlled organisation by the AHMRC or by the parent organisation National Aboriginal Community Controlled Health Organisation [NACCHO]. It is a different structure. There is a document, which we can refer you to, and that talks about the history of that organisation. I am not sure if you have already got that.

Dr JOHN KAYE: We have visited Maari Ma.

Ms STEWART: There has been a review done. It is called the Lower Western Sector Agreement Update Final Report July 2007. Has that document been referred to you?

CHAIR: No, sorry, I do not know.

Ms STEWART: It might have been cited in our submission actually but we can provide that to you.

The Hon. MICHAEL VEITCH: When the Area Health Service appoints a representative of the Aboriginal community to a committee or whatever process, how do they determine who that is? I am thinking about the Greater Southern Area Health Service, which covers a range of Aboriginal areas—Ngunnawal, Wiradjuri. How do they select that individual?

Dr MATTHEWS: Sometimes it is by calling for nominees where they set a criteria so people can self-nominate or their organisations can and matching them against a set of criteria. In that Area Health Service you mentioned probably historically that Reverend Tom Slockee would be a person who would be tapped on the shoulder on a regular basis to sit on various committees and indeed sat on the area advisory council. It is a mechanism of calling for nominees and tapping on the shoulder.

The Hon. MICHAEL VEITCH: When outcome expectations are developed or programs in one of those Area Health Services, how do local Aboriginal people get their involvement in determining what those outcomes are going to be?

Dr MATTHEWS: I think that is a really good question because we have a strong view that unless you have a significant period of consultation you will not get a good outcome and again the Aboriginal Maternal and Infant Strategy [AMIS] is a good example of that. The policy developed and started in 2000. It is now 2008. We did a long session of consultation. That sometimes is a problem with government and community expectation of how quickly you will get things up and you need to balance that. The main mechanism now at a high level would be the area health advisory council, which is a mixture of clinicians and community. We will always have indigenous representatives or at least an indigenous representative, so that council advises the chief executive, comments on the area work and through the chair being a member of the overarching health care advisory council that advises the director general and the Minister, has a voice at the higher level.

There should also be grassroots communication. If you are planning to do it in Wagga Wagga there should be local communication between middle ranking area health executives and the local AMS and the local regional engagement group and who the relevant stakeholders might be, but you do need to balance the time the consultation takes with the need for the intervention, the expectations of government and indeed the expectations of the community. It is tricky.

CHAIR: You are saying that communication fatigue is on all sides?

Dr MATTHEWS: Yes but I think this is one area of endeavour where it is absolutely critical and if you do not do it, you will get it wrong.

CHAIR: So in terms of the various Area Health Services, one Area Health Service that might have, as you say, one regional engagement group and another Area Health Service that has, say five regional engagement groups, I assume, Kim, you have the vexed task of trying to allocate appropriate resources to enable one of the eight Area Health Services to overcome the burden of vastly more regional engagement groups than another area. Is there work being done on that in terms of funding and time?

Ms STEWART: In terms of funding, over the course of last year, for the first time a specific resource distribution formula was developed for our dedicated Aboriginal program funds and a phased implementation of that has commenced. It very much is modelled on the process for the general resource distribution formula that the department uses to distribute funds between Area Health Services. The reasons these things are phased is to accommodate changes and the possibility of making adjustments at the margins. The allocation targets are guides mostly and Richard is better placed than me to talk about that in the context of the general resource distribution formula [RDF]; that is very much the same set of principles. We are trying to work towards equity in that regard and what are the weighting variables that we need to take into account to make sure that we are distributing those resources equitably.

CHAIR: Because regional engagement groups are so important it is absolutely vital when we start to define accountability, transparency, funding and all those rather nebulous term how you determine where you allocate your equity and resources. We know probably a bit more than anecdotal from our inquiry so far that indigenous communities are very scathing, and it is patchy, as to the participation rates in areas like health in those regional engagement groups. Those criticisms maybe unfounded but what are your thoughts as to the equity in the allocation of funding and resources in terms of dollars and bodies in regard to participation in those regional engagement groups?

Dr MATTHEWS: There is a strong Aboriginality factor in the base. If you look at the resource distribution formula, which divides pie by area, for about 70 per cent of resources it is a demographic formula. So, it is weighted for your population but it is then adjusted for the age of the population, Aboriginality and a number of other factors, but they are the main two. If I can give you an example of what that means, you look at the raw allocation purely by population and you look at, say, North Sydney Central Coast, and when you do the age adjustment their money goes up because that has an aged population by comparison with the rest of the State. When you then make an adjustment for Aboriginality, it is a movement in the opposite direction and Greater Western and Hunter New England will go up. So it is built into the base, an adjustment for the poorer health and greater need of the indigenous community.

In addition to that, there are then the specific programs that the indigenous people see. They do not see the adjustment in the base, it is a technical matter—only three people on the planet understand it—and those individual indigenous health programs overlay over the top of the general allocation in the same way as they do for other populations or endeavours—say oral health—and attempt to provide a means for indigenous people to access, should they choose, a specialised culturally appropriate service to meet their needs. We need to recognise within that the vast majority of the care provided to indigenous people comes in the mainstream. If I have diabetes, I get admitted to hospital, I get treated and that will appear in the endocrinology clinical stream but it will still be services provided to indigenous people.

Where the consultation becomes critical is in engaging with the community to say what does it mean for an indigenous person to be in hospital this far from their home and what should we be providing in addition to the mainstream and then how can we take this additional stream, not all of which comes from Kim's branch? Some of it comes from Mental Health. To give you an example, we reached the view that we did not have enough Aboriginal health workers trained in mental health and we could not get them. So, we made a decision to fully fund scholarships at the territory level and employed people full time while they were undertaking full-time study. An expensive measure, however it works in a number of ways. There are now 20; next year there will be 24 going to Charles Sturt and other universities, proceeding to an undergraduate degree.

That does not just give you better health outcomes for people they see when they are trained; it increases the resilience of the community in having more people who are employed and more people who have a tertiary education. That again has a generational effect too: Their kids will finish high school. When we make that policy decision and say Greater Western will have four, Greater Southern will have three, Justice Health will have two, at a local level then needs to be consultation as to the where and the how and the what to meet the local needs. So, there is overall policy and local planning.

CHAIR: I appreciate what you are saying. What I am wanting to get at is in terms of regional engagement groups, understanding the first step, how the funding is done and spreading the knowledge so more than three people on the planet understand the funding arrangements—it is amazing how much knowledge is out there in those communities to understand exactly that issue. The dilemma we have is once a decision is made on funding allocation outside the regional engagement groups, the choice is narrow as to outcomes in discussions. So, it is important that they understand the amount of money and how it is allocated so that they can understand how much commitment there is to implementing the promises that are made.

The Hon. MICHAEL VEITCH: A degree of ownership.

CHAIR: A degree of ownership in that whole exercise is vital. If they do not understand the funding arrangements and allocations, the equality of partnership is diminished substantially. I do not suggest that they decide the funding but to understand the goalposts and where the goalposts are is fairly important. So I am trying to understand completely the commitment of the Area Health Services and the Department of Health to complete engagement in those regional engagement groups.

Ms STEWART: My understanding is that every area does participate in the regional engagement groups. I am not really able to comment other than that.

CHAIR: Are resources and money allocated to training the people in how to engage?

Ms STEWART: In the area? You mean area staff?

CHAIR: In the Area Health Services?

Ms STEWART: I could not comment on that. Our funds are allocated for health service delivery. I guess the priorities that the areas are asked to address in relation to investment of funds are those priorities prescribed in the State Plan under F1—so, that is the Two Ways Together priorities for health—and also the State health plan and then our Population Health Plan, Aboriginal promotion of social wellbeing, the mental health Aboriginal policy. So, we have this set of outcomes, if you like, that have been prescribed for us by the Government. We have requirements of the Area Health Services that when we provide them with funding, dedicated funding in particular but also with the general funding that they get, that they are putting in place services to deliver those outcomes and meet the targets that have been set for them.

It is a limited number of priorities. There needs to be engagement with communities in how the services will be put in place and where they will be located to deliver on both outcomes. Our expectation is areas are working with the community controlled health services, that is the flow-on of the State partnership to the area level. The Department of Aboriginal Affairs manages the regional engagement groups and those 40 partnership communities, and it, rather than Health, has the resources to support those partnership communities and it runs the regional engagement groups as well. Our area people participate in those but we do not specifically fund that participation. It is up to them to make a decision about how they invest in that process to support it adequately.

CHAIR: So, what does Aboriginal Health Branch of New South Wales Health mean?

Ms STEWART: Sorry, I do not understand?

CHAIR: You are the Acting Director of Aboriginal Health in the department?

Ms STEWART: Yes.

CHAIR: What does that mean?

Ms STEWART: I do not understand the question, I am sorry.

CHAIR: What is your job description?

Ms STEWART: What is my position description? The centre is an executive unit within the department. It has responsibilities in that sense for setting the broad strategic framework for putting in place a policy framework and a strategy that enables us to deliver on the priorities of the State Plan, the health components of Two Ways Together. The centre has that strategic leadership role. It has a role in performance management, monitoring for the areas and for the community controlled organisations through the grant programs and also for other sections of the department. So, there are mainstream sections within the department that do direct program management. The centre has a limited role in direct program management. It really functions as an executive unit.

The Hon. GREG DONNELLY: In the interim report at page 115—and you may not have a copy—there are comments about the Royal Australasian College of Physicians making some observations about Aboriginal medical services and specifically expressing some concern about the lack of capacity of what they are saying are a number of services to be able to attract and retain specialists. As we travelled the State, just listening to people and listening to observations and comments about indigenous health, it has been put to us both on the record and off the record that there are some difficulties, particularly in government, with respect to some Aboriginal medical services. On the other hand, there is no doubt it has been put to us a number of times that these medical services are very important to the Aboriginal community. My question to you is, from your overarching position are there specific things that can be done that can improve the capacity and the ability of the medical services—this is a general question—to improve what they are doing to deliver for indigenous health?

Dr MATTHEWS: Yes, there are. We need to differentiate between those Aboriginal medical services that offer only health services. In other words, Aboriginal health workers, registered nurses, et cetera, and those who offer medical services, and not all do. Those that do, provide them in two ways. Through a Commonwealth provision of what is known as a 19 (2) exemption, which means that a salaried medical officer can access Medicare and the income go to the organisation that employs that doctor, because normally with Medicare as a patient you assign a benefit to the doctor. The benefit is yours and you assign it. So, the Commonwealth can give an exemption under section 19 (2). If you go to Kempsey you will see three or four doctors in the Aboriginal Medical Service and you will see a waiting room that is 50 per cent indigenous people and 50 per cent non-indigenous. The reason for that is that it is the only place in town that bulk-bills.

That brings me to my main point in relation to the College of Physicians. The principal way we all as Australians access a specialist position is by going to the rooms with a referral from a general practitioner, seeing that doctor and that doctor levies a fee which is partly underwritten by Medicare and partly paid for by out of pockets. That is the usual experience. Generally speaking, indigenous people, particularly for regional and remote, belong to a group who cannot afford out of pockets, so the Medicare card becomes a credit card with no limit that you cannot use. So, the best way the College of Physicians could assist in access to specialist health

care would be to go to the Aboriginal Medical Service, take a daily payment, enable the Aboriginal Medical Service to access the medical benefits scheme and use that income stream to augment their services or, alternatively, provide a bulk-billing service in town in rooms for this group. The mechanisms are there. There is an assumption that is always made that the State will pay. There are mechanisms currently available that enable that service to be provided if those providing it are willing to do so at the Medicare set rate.

CHAIR: Have you examples of that? Is there anyone doing that at the moment?

Dr MATTHEWS: There are some very fine people, including the current Governor, who for many years provided such services without even a Medicare. So there are shining examples of physicians who provide service either free or on that basis. But in the main they are not available to the general population.

CHAIR: Kim, are you aware of any in your travels?

Ms STEWART: I am not but I am happy to take some advice on that for you. I know that there is a range of services.

CHAIR: You might have a look out around Liverpool. I think there are some paediatricians out that way—maybe like Dr McDonald.

Dr MATTHEWS: Paediatricians are generally an honourable group.

Ms STEWART: There are dentists who do work out of AMSs as well.

CHAIR: Can you take it on notice and give us a list of those various AMSs around the place?

Ms STEWART: I will need to get it from AHMRC, or via that mechanism.

The Hon. GREG DONNELLY: In addition to that are there any other suggestions or reflections about refreshing or reinvigorating some of those Aboriginal medical services?

Dr MATTHEWS: I think one mechanism would be a far greater use of optometrists, who do have access to Medicare and who do bulk-bill and who can provide comprehensive eye checks—the eye being the window not just to the soul but to general health—free of charge, and who could then suggest to people that the condition of their eye is strongly suggestive that they should seek care. The optometrists are a group with capacity well represented in country towns, even very small ones, who should be used to a far greater extent than they are. There is an existing free eye check for children funded under Medicare, which only has 20 per cent penetration in the State—that is general population, not just indigenous. It is a group that has got a lot to offer; it is a service that is free at the point of service.

The Hon. GREG DONNELLY: Also, in the interim report on page 105 it talks about—and this was announced in 2007—the Government's five-year interagency plan to tackle child sexual assault in Aboriginal communities, and as one of the lead agencies, of course, NSW Health is in there. Could you make some comments about how that is progressing, particularly from Health's point of view, and are you satisfied with the progress that is taking place in terms of the coordination between the agencies?

Dr MATTHEWS: In relation to your first question, we have within Health 55 sexual assault services across the State, 48 of whom see children. I am currently doing a survey as to workforce versus vacancies, but there is well over 100 FTEs employed in those services. Prior to the report in relation to sexual assault, three Area Health Services had already put in place positions at Toomala, Boggabilla, Lismore and Lightning Ridge. As a result of the report a further six have been funded, four last year and two this year; they are in Nowra Shoalhaven. We have been very fortunate there in that both those positions have been filled by Aboriginal people, one a clinical psychologist and one an Aboriginal child sexual assault worker.

The New England ones: we have two in place and are still attempting to recruit a third, and there is an allocation this year for two more in Sydney West. In addition to that, we last week received from Treasury the funding for the so-called Safe Families Orana Far West Program, which will provide an additional sexual assault counsellor in Bourke, Wilcannia, Walgett, Lightning Ridge and Brewarrina, with a supervisor and an additional JIRT position in Bourke. So a total of seven more positions there. Will we be able to recruit is the key question. The news on that is that the Educational Centre Against Violence [ECAV], which we fund, has recast its

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training to be very heavily weighted towards Aboriginal programs and for Aboriginal people. So the number of Aboriginal-specific courses has increased from 33 to 90, and we provided training to 525 Aboriginal people last year.

So again, if we are going to fill these positions there is more to it than simply putting an ad in the paper: you have to train a workforce. I am now, hopefully with the approval of ECAV, going to try and seek out the people who had the training and try and match them to the positions, and also match them to vacant positions within the existing program. We are not going to do that overnight, but I think we have got a process whereby we can provide the training and get people into those positions.

The Hon. GREG DONNELLY: Just a question associated with what I also asked: the interagency cooperation with the other lead government agencies, are there regular meetings that occur to ensure that there is no overlap?

Dr MATTHEWS: There is a very regular meeting, which is chaired by the Minister, Minister Lynch, where chief executives or deputies such as myself are given a reasonable grilling as to progress against the milestones. And I have to say that in this area, through measures such as JIRT—the Joint Investigative Review Team, which is a partnership between health, DOCS and police—that cooperation has greatly improved.

The Hon. GREG DONNELLY: In regard to the question of the needle exchange, in terms of that correspondence that you are going to send off, could I suggest that the *Hansard* from the hearing in Redfern be attached with reference to the two examples—there were two specific witnesses I recall—who said that the needles are being handed out in bags? There were definitely two witnesses, I recall, who said that. I think that should be specifically referred to in the correspondence.

Dr MATTHEWS: I am very happy to attach it.

CHAIR: Thank you very much of your time; unfortunately we have run out of time.

(The witnesses withdrew)

BRENDAN THOMAS, Assistant Director General, Crime Prevention and Community Programs, Attorney General's Department, Parramatta Justice Precinct, Parramatta, on former oath:

CHAIR: Thank you for coming in. Would you like to make any opening comments or shall we go straight to questioning?

Mr THOMAS: I think I made some comments last time I came. I do not really want to add to any of that other than to say that this area has probably been the biggest challenge for us as an organisation over the last 10 years. We have made a lot of efforts in this area; some of them have been successful, some of them not. We are starting to see a couple of signs in the criminal justice area that are slightly encouraging. We saw a slight drop last year in the number of people being sent to prison. We have seen some slight drops in the number of finalised criminal court matters in some locations across the State, but the numbers are still massively high and there is still a way to go. Other than that I do not have any statements to make.

CHAIR: As you are aware, we are dealing with a number of things—without trying to suggest that those things stand-alone; it is the whole picture. Consultation, outcome, measurements, community-based sentencing or alternative approaches, cultural resilience, the role of poverty and Northern Territory intervention are the basic indicative questions that we have sent you. We might just go into those areas now.

The Hon. GREG DONNELLY: The Committee had the opportunity some weeks ago to visit Tirkandi and I think all Committee members found the experience of spending time there speaking to the people involved in running it to be very useful. Obviously from a dollar point of view you could argue that it is a very expensive site to run but, on the other hand, you have to look at the consequences of not having people rehabilitate who have entered into different stages of the criminal justice system. Could you please give us your thoughts of any assessment by the Department of Tirkandi and perhaps a replication of it or similar models elsewhere in the State?

Mr THOMAS: I have actually been involved in Tirkandi since it was an idea of the Aboriginal and Torres Strait Islander Commission [ATSIC] Regional Council about ten years ago. So I know the program quite well. I was also recently down there myself. It is quite a successful program in terms of the number of individual young boys that go through it but, as you mentioned, it is quite expensive. I think we put about \$1.8 million per year in to Tirkandi. In that particular instance it was particularly expensive because we had to build the place from the ground up.

We have recently had Deloitte do an economic assessment of Tirkandi. When we originally worked with the ATSIC Regional Council, as it was at the time, a lot of the costing that we did as to how much it was going to cost was very indicative because nobody had really done this before. It has been running for a couple of years now so we thought it was time to do an economic assessment to see how much it should cost to run a place like that so if we were to replicate it in other locations we would have a stronger financial bases to make a case to do it on. In looking at that they have found a number of things that I think we can probably improve upon, including how we staff the place and the ratios of staff to clients.

One of the challenges in doing that anywhere else is we are invariably going to face the same problem of having to build a place from scratch. We have had a lot of inquiries in particular from communities in the western part of the State. Last year we put together a group of community members from the western part of the State that covers broadly speaking the Murdi Paaki region, from Brewarrina across to Broken Hill, to talk to them about where it should be, how it should be structured and established if we were going to do another one of these. We are interested in looking at how we can expand that type of the idea that has worked at Tirkandi and to build on the successes that exist at Tirkandi. One of the challenges is going to be financing it and finding a suitable location to build it.

We are quite happy with the success of the program as it is running in Griffith and a lot of the work that has been done in the development of Tirkandi does not have to be replicated. We know how to manage a centre like this now and a lot of the teething problems that might have been experienced hopefully will not be experienced a second time. The program has been developed and the structure for integration with the communities are all there, so if we did do it again it would be cheaper and quicker but we do not have a firm and fixed plan to establish another one at this point.

The Hon. GREG DONNELLY: Changing to the issue of circle sentencing and reports we have received in regard to that. One of the reports we have received that comes to mind suggested it has been quite positive in terms of outcomes. I know the Department has looked at the whole issue of circle sentencing. I am wondering if there are plans to extend the circle sentencing arrangements to deal with indigenous matters involved with the interface of the criminal justice system around the State beyond what is currently there?

Mr THOMAS: In terms of the actual location of where it is do you mean?

The Hon. GREG DONNELLY: Yes.

Mr THOMAS: We do not have plans at this stage to formally expand the exact model of circle sentencing as it works the moment. There are some aspects of the program that we need to strengthen before we look at doing that in terms of the number of people we are getting through it and the nature of the people we are getting through it. We want to standardise that a little more. One of the challenges with a circle court is that it is a traditional court so to have a circle court means that while we are doing that circle sentencing procedure we cannot run any other court matters in that particular location. There is almost an automatic cap on the number of people that can go through it at any given time. We want to make sure that if we are putting the resources and the time into a circle sentencing matter that that time and the resources are going to those individuals where hopefully the circle will make the greatest impact, particularly those people who are more repeat offenders and probably looking at a prison term.

What we do want to look at is how we can extend the successful elements of circle sentencing; the community involvement, without necessarily making it as time intensive on the court system as the current circle sentencing process is. While we think this circle sentencing process is quite successful and an effective way to deal with Aboriginal offenders, it has an inbuilt limitation in it because it is a traditional court. For example, if we have the circle court sitting in a town like Brewarrina, where the magistrate is only there a couple of days every fortnight and has every other court matter to deal with in that town, there is only a certain period of time that he or she can actually dedicate to circle sentencing without delaying all the other matters that come before the court for months.

What we are trying to do is look at ways that we can engage the community with the offender and look at the reasons for the offending and provide some sanctions for the offender without necessarily taking up court's time. We have not finalised exactly how we can do that but when we do we want to roll it out more broadly across the State so that we can apply it to more locations than we currently have got it at the moment. There are circle courts at the moment in only nine places around the State and we have got about 150 courts. So it is only in a very small number of places. Even in that small number of places it can only deal with a small number of people because of these inbuilt time constraints. So while it is a successful program it has got an inherent flaw in its design and we are trying to rectify that. Exactly how we will rectify that I am not sure at the moment but hopefully by the start of next year we will have a different type of model that we might be able to try that can deal with more people in a greater number of places.

The Hon. GREG DONNELLY: Is there any evidence that indigenous people who go through the circle sentencing exercise come out and do not have the same sort of recidivism that we have in circumstances where they do not go through a similar exercise?

Mr THOMAS: There was a report done recently by the Bureau of Crime Statistics and Research [BOCSAR] on that. There were actually two evaluation reports that we commissioned recently on circle sentencing: one was from BOCSAR that looked specifically at that element, and there was another one that was done more broadly that looked at other aspects of the circle sentencing program in terms of community engagement and people's participation in sentencing and so forth. The BOCSAR report, which I can provide a copy of to the Committee if you do not have it, looked at a number of people who have gone through the circle sentencing program and compared them to what it could find as a control group of other Aboriginal people.

The challenge in doing that was because there was a broad range of people going through the circle-sentencing scheme the control group that it compared that group of people with was almost every other Aboriginal person that had gone through court. There were about 18,000 people I think in that control group. What the BOCSAR report found in general was that people were offending less after circle court but so was everybody else. So it did not find a huge difference between the circle people and that control group. It did find a difference in time between re-offences—there was a slightly longer time for people who have gone through the circle court—and a bit of a difference in severity of offence.

What we think is if you focus solely on that group of people who have gone through the circle sentencing process who are at the more serious end—that is people who are more serious repeat offenders, particularly that group of people that have been to prison before—that we do see a difference. We have looked at individuals who have gone through and tracked their offending behaviour and we have seen quite a difference in that. So part of what we are doing with the program, in terms of trying to standardise that group of people that it is dealing with, is to try and focus it on a group of people where we know it is likely to have the biggest potential impact.

The Hon. MICHAEL VEITCH: Tirkandi is a really interesting project. I have two questions about it but I will preface them by saying that the Committee has received a plethora of information that Aboriginal communities that are allowed to develop and determine the outcomes for their own projects prove to be very successful. I suggest that Tirkandi is a great example of that. Would you agree?

Mr THOMAS: Tirkandi is probably the best example of that. As I say, I have had some involvement in that since it was the original idea of the ATSIC Regional Council and I know the community down there that came up with the Tirkandi model first approached me about it probably around about 1996 and it was very well-developed at that particular point in time. The local community has determined the whole Tirkandi model, in terms of how it was going to run and the types of kids it was going to focus on, all the way down to the actual physical design of the centre itself. While there was a firm of very good architects working on the design of the centre there was also a very intensive process of community consultation about how the place actually looked, how the buildings are set out and the physical side of the place. Tirkandi is managed by a board and we have a representative on that board but apart from that everybody else are entirely community members from that local area. The young kids that are referred to that centre are referred by community members but some of them come through the Department of Community Services [DOCS] and Juvenile Justice and those places but they are largely coming through because the local community are asking them to come through.

Tirkandi has been conceived and designed by the Aboriginal communities in the Riverina area. The community from the Riverina area runs it and the people of that area largely determine the flow-through of people going through it. I think it is a really good example of where we have been able to provide some technical expertise to them. We were able to link them up with all the architects, designers and all that sort of thing, and we have provided ongoing support to them in terms of their financial management and financial advice. As I mentioned, recently we had Deloitte go through and do an economic assessment. We are doing some work with them around how they staff the place, how they define jobs and that sort of thing but ultimately it is their decision at the end of the day. We just provide a sort of technical advice to help them do it. I would agree that Tirkandi is a very good example.

The Hon. MICHAEL VEITCH: You mentioned Deloitte and my next question goes to the crux of a public policy process where \$1.8 million per year is spent at Tirkandi. You said Tirkandi is an expensive program but I would put to you that is a short-term view and that in the long term we are actually purchasing generational benefit. Therefore \$1.8 million per year is actually is not a lot of money at all?

Mr THOMAS: There is no doubt that in the long term there is a financial benefit. There has been a lot of work internationally done on the costing of these types of programs, not Tirkandi in particular but programs around intervening very early with children and trying to address the criminogenic factors that lead them to become involved in crime in later life. There is a guy called Jim Heckman who actually won the Nobel Prize for economics for this. There is clearly a financial benefit to the State and to the community as a whole. It is not just in terms of saving money in future criminal justice administration or other services that are provided to manage people who go on to careers in crime, but there is a reduction in crime. So there is a saving to those people who potentially would have experienced crimes that they might not experience because their kids have been turned around. There is a long-term financial benefit; the challenge is finding the money now rather than finding the money in ten years time to build another one.

The Hon. MICHAEL VEITCH: Your comments support another thing that has been raised a lot with the Committee about the benefit of long-term funded projects as opposed to short-term pilots or 6 to 12 month projects. Would you agree that is another issue?

Mr THOMAS: Yes, I think all Government departments, and ours amongst them, have been guilty of the pilot process in the past. I remember a woman in Wollongong saying, "You give us the pilot but where is the plane?" You often have a lot of short-term fixes to what really are long-term problems. It is not just a matter of

having a program that does not continue, but a lot of these types of problems that the programs are trying to address take a longer period of time to address. If you have an individual who has spent their life developing certain psychological or personal problems, you cannot turn those around in six months or 12 months; sometimes it takes a lot longer than that. The investment in an individual going through those programs often needs to be a long-term investment and not a short-term investment.

The challenge for us is trying to look at ways in which we can take what we currently have in terms of service, systems and administration and change them rather than try to put pilot programs that stick on as an adjunct to systems that are already existing. For example, at the moment we are the lead agency for the Magistrates Early Referral into Treatment [MERIT] Program, which I think is quite a good program. It operates on a range of places around the State and deals with drug-related offences. Last year we examined correctional participation in that.

If you look at all specialised Aboriginal justice programs we have and add them all up, they are still not dealing with as many Aboriginal people as does the MERIT Program. The challenge for us is to make sure that that MERIT Program is structured in such a way that it properly takes into account the needs of Aboriginal offenders and can deal with them as effectively as it deals with anybody else, rather than establish a stand-alone Aboriginal drug treatment type of program. We are doing that. We did some research to look at Aboriginal participation in that to see whether it was the same as it is for the general population. We found in some areas it was and in some areas it was not, so we had to do some work to improve that and make sure that we are dealing with the right number of people and in the right way.

In the longer term the challenge for us is trying to change the structures of how we deal with these things so that they can better deal with Aboriginal people, instead of looking for additional short-term funds for pilot program all the time. Changing our sentencing process, as I mentioned earlier, to get the community involved is a way we can do that. It does not cost a lot of money because it is changing the process rather than necessarily establishing a new structure, and that is far more sustainable in the long term.

The Hon. MICHAEL VEITCH: My last question is on a completely different matter, but it is to do with the Northern Territory exercise in intervention. Are there any lessons, good or bad, for your department arising out of that of which you are aware?

Mr THOMAS: My knowledge of the intervention is that it is accusatively detailed. I suppose I preface whatever I say by saying that. I think circumstances up there seem to be quite different in a lot of regards to the Aboriginal circumstances down here. But from what I understand up there, that type of intervention has alienated a lot of community members. Certainly what is clear from a number of statements I have heard from community members is that they wanted something to happen to deal with crime, and sexual abuse in particular, and were probably prepared to accept that intervention, if that was going to make a difference.

I do not think a lot of people are seeing a difference being made in those particular areas as a result of that intervention. I do not think there has been a huge increase in people being charged for sexual assault on children and those types of matters in the Northern Territory. I do not know whether you would replicate that type of intervention in New South Wales which, logistically, is a very different place. We do not have a lot of Aboriginal communities in New South Wales that are purely Aboriginal. Most of them have other people who live there as well. I do not know that at this point in time there is a lot of success to report, from a criminal point of view.

The Hon. MARIE FICARRA: Is there anything that can be done to further expand the support that is given to elders or community leaders who are assisting in programs such as circle sentencing, or any future expansion of those programs? We tend to get the idea that the same group of elders and community leaders is involved. I am worried about their burnout rates. What can we do to better support them?

Mr THOMAS: It is a problem; there is no doubt about that. Particularly in small places, it is a problem where you are drawing on a small number of people. It is a twofold problem in that when you go to a community and talk about having elders and others involved in these types of activities, you often get a general level of support from the community saying, "We think this is a good idea", but when we say, "Can you put your hand up to be involved?", there is only a very small number of people who ever do. Looking at ways in which we can get a greater number of people involved is the first point in that.

Recently, for instance, in the Circle Court in Nowra, we had a couple of people who wanted to be involved, but were not because of their employment situation and their job. I have done a little bit of negotiation with their employers to get them released on pay. In one instance we have agreed to subsidise the wages of the person for an hour when they go there. I would suggest that is the type of thing we need. If we can explore that a little bit more, we can expand it.

A lot of people have put to us the concept of payment. This is quite a controversial issue. We get very strong views being expressed on both sides. We get a group of people who are involved in circle sentencing and they say, "If you start paying people, we'll stop participating", and another group of people who are saying, "Everybody else who's involved in court gets paid a wage; therefore, if you don't pay us, we're not going to participate." On that score, there are people saying that it is an issue of principle, which is that you recognise people's expertise by paying them a wage. People say, "I don't want the wage myself. You can donate it to somebody. We just want you to recognise our expertise in the same way."

Recently to get a consistent view we did a survey, the results of which I do not have, of elders and others who have been involved in the sentencing process. We get anecdotal matters coming forward, but what does everyone think? We surveyed people to try to find that out. I have some people doing some work on some options that we could put forward to our Attorney General about whether we can either pay them or perhaps remunerate local charities that they might wish to nominate, or provide funding for programs they might choose, or some other more creative ways of dealing with that.

CHAIR: Such as reimbursements or honorariums.

Mr THOMAS: Yes. We do that.

The Hon. MARIE FICARRA: They are reimbursed their expenses, are they not?

Mr THOMAS: Yes, we do that so that they are not out of pocket at all. One of the areas in my department that I am in charge of is the victims of crime area, which has a counselling scheme. What we are also starting to do is provide counselling and debriefing for people when they participate in these things. Sometimes things like circle sentencing, and other activities like that, are quite draining on people emotionally, particularly older people who have quite a lot of stresses in their life outside the realm of circle sentencing. You add this on top of that and some of them say, "I can do one, certainly, but that is all I can handle emotionally." We are starting to provide counselling and debriefing for people who choose to accept that type of thing so that they might be able to manage it little bit better. But I think we really need to explore ways in which we can get a greater volume of people.

The Hon. MARIE FICARRA: Unfortunately I could not visit Tirkandi, but it sounds excellent. In terms of early intervention and crime prevention, most local communities and individual communities have their community icons—people who youth look up to. Are you expanding or having any mentoring programs for indigenous youth to give them examples of the right path—you know, "This will give you rewards in life, physically and mentally."?

The Hon. MICHAEL VEITCH: "You will all finish up like Brendan Thomas."

The Hon. MARIE FICARRA: That is right, like you. We will roll you out.

Mr THOMAS: I do not know if they would want to do that. We have been involved in mentoring a little bit over the years, sometimes successfully and sometimes not. We did run a program for mentoring in a couple of areas about six to seven years ago that did not actually seem to have an effect, but others have seemed to have an effect. What we have learned, along with other research evidence that is around, is that if mentoring is coupled with other ongoing support, which means not having mentoring on its own but mentoring with additional educational support that includes counselling or whatever it may be, and if it is over a longer period of time, which means over a number of years, it can make a difference and an impact.

If it is short-term mentoring and all it consists of is people sitting down and having a chat every so often, that does not seem to make much of a difference because there are usually a whole heap of things in that young person's life that are drawing them down the wrong path, and the mentoring cannot really fix that. At the moment I have some people doing some work on seeing whether we can design a mentoring program to test it

again and see if we can make a difference this time, rather than the one we ran a couple of years ago which did not have an effect.

The Hon. MARIE FICARRA: But you learn from it.

Mr THOMAS: You do learn from that, yes.

The Hon. MARIE FICARRA: Let us deal in my next question with the indigenous people who are in custody. In terms of numeracy and literacy skills, lifestyle skills and job skills, do you think we can do more in that respect to reduce recidivism?

Mr THOMAS: Yes, definitely. I think if you look at the factors that lead people to be involved in crime, they are those things. There was some work done a couple of years ago by some people with the New South Wales Bureau of Crime Statistics and Research [BOCSR]. They looked at a group of Aboriginal people through an instrument called the National Aboriginal and Torres Strait Islander Survey, which is a very intensive survey that is done every couple of years. Through that survey they looked at Aboriginal people who did not have any contact with the criminal justice system at all—the vast bulk of Aboriginal people do not—and they looked at those who did have contact. They examined the aspects of both lives that were profoundly different.

They found a number of things that clearly were different, such as school attendance and levels of schooling, which were some of the biggest. Employment was clearly the biggest difference between the two, and not only employment but also participation in CDEP schemes. Someone who is in the CDEP scheme and someone who was completely unemployed have approximately a 10 per cent differential between the likelihood of arrest or not. In the longer term, if you want to make a difference in Aboriginal involvement in the criminal justice system, the difference is made through education and employment. There is no doubt about that.

Dr JOHN KAYE: Brendan, I am sorry—but not really—to go back to Tirkandi Inaburra again. The reason we are all doing that is that it left such an impression on us when we went there. I want to ask a couple of questions that supplement the questions that have been asked by others. The first one relates to the fact that it focuses on boys. There is clearly also an issue associated with girls about the same age who have the same phenomenon of leaving the straight and narrow and ending up interacting adversely with the criminal justice system. Are there any plans in the Attorney General's Department to create a similar pilot for girls?

Mr THOMAS: At this stage, there is not. We would like to. The reason Tirkandi was specifically created for boys was simply because that is where the greatest number is. There are certainly serious problems experienced by Aboriginal girls who end up in custody, but the overall number of them is very small. They come from a broader range of areas as well. Tirkandi focused on boys in that area because there were a lot of boys from that area ending up in detention. When you look at some of the juvenile detention centres that have girls in them, those girls come from a broad range of areas.

Dr JOHN KAYE: A broad range of geographical areas?

Mr THOMAS: Yes. They are not necessarily concentrated in a particular place. But if we have plans at some stage to do another Tirkandi, it would definitely include girls.

Dr JOHN KAYE: My second question relates to what happens to young boys after they leave Tirkandi. With all credit to the staff of Tirkandi for doing this, there seems to be a small amount of follow-up and tracking of what happens to those kids, and a small amount of what I want to describe as after sales service, but that is not the right expression. It is follow-up, post-exit mentoring. Are there any plans to try to attract those kids for (a) statistical reasons but (b) to enhance the benefits of the program?

Mr THOMAS: Yes. There is a broad evaluation of Tirkandi, which is going on now. That will be finished by the end of the year.

Dr JOHN KAYE: Is that the Deloitte evaluation?

Mr THOMAS: No, it is a separate one. That evaluation has been tracking those kids for about 18 months. That is tracking them for statistical purposes to see if it makes a difference. I know that the biggest challenge for Tirkandi is the follow-up once young people leave the particular centre. I know it has been the

biggest challenge for the staff. They try very hard to follow people up, but often find it very difficult. What we are doing at the moment is trying to establish some particular firm agreements with other agencies to enable a follow-up to occur. One of the flaws and what we have not done properly in Tirkandi, in supporting people who are in Tirkandi, is embed that follow-up in other government supports.

With the way Tirkandi has been established and managed, we are expecting staff to do all that follow-up. They simply cannot because (i) there is not enough of them and (ii) the kids are going back to a whole range of different areas. You cannot be driving around the Riverina all your life, following these kids up. What we really need to do is try to link the exit and the ongoing mentoring and support for those kids into the local agencies and supports that already exist, and provide some linkages back to Tirkandi that way, rather than what I think we expected Tirkandi to do—do it all themselves—because they just cannot do it.

Dr JOHN KAYE: The Deloittes study looks at costs. Has anybody also tried to estimate, in simple, hard and cold economic terms, what the long-term benefits are?

Mr THOMAS: We have done some of our own calculations on that. We did not ask Deloittes to do that because we just wanted them to do a specific thing. We have done some of our own longer-term calculations on the likelihood of reappearance at court and court costs. We have looked at criminal justice costs, in terms of if these young people continue to come back. What we have not been able to do as yet is to look at broader social costs.

Dr JOHN KAYE: Did you also look at incarceration costs? They are enormous; it costs about \$60,000 or \$70,000 a year to keep an adult male in jail in New South Wales.

Mr THOMAS: And it is far more expensive for a juvenile.

Dr JOHN KAYE: Did you also look at incarceration costs?

Mr THOMAS: We did.

Dr JOHN KAYE: Is that data available for the Committee to have a look at?

Mr THOMAS: It is not public, but I am sure we can provide it to you.

Dr JOHN KAYE: It would be very useful if you could, in whatever form you can. We were all very impressed by Tirkandi anecdotally by being there, but I think it is important to go beyond that.

Mr THOMAS: Sure. We did it for our own purposes; we did not do it for a public report or anything. I do not think there would be a problem.

Dr JOHN KAYE: Whatever it can provide us with in terms of an assessment of the benefits of Tirkandi would be useful. Justice Henson, who is the chief magistrate in the local court, suggested—I suspect he was doing this in the context of circle sentencing—that one way of facilitating something that is an intermediary between circle sentencing and the standard court processes is to have Aboriginal elders on hand to advise magistrates at the point of sentencing.

Mr THOMAS: Yes.

Dr JOHN KAYE: Obviously, it does not have all the benefits of circle sentencing, but it has some of the attributes of it. Have you looked at that? Is that something that the Attorney General's Department has an interest in?

Mr THOMAS: Yes, it is. It is what I mentioned earlier, in terms of looking at other alternatives for circle courts. There are a number of other models operating around the country. The Victorians and the South Australians have things which are invariably called Koori courts and Nunga courts, where you have elders sitting on the bench with the magistrate providing some advice to the magistrate. They seem to be successful in some areas. In Queensland they amended some of their sentencing regulations and legislation to allow elders to provide written reports to the court. The elders might sit with an offender and work out some of the issues that might be affecting him or her, and provide verbal or written advice to the court.

What we have done in the last six months is to try to look at the strengths and weaknesses of all those different things, and we have some options that we are putting to the Attorney General to look at how we can do that more effectively. Firstly it will allow us to do that type of thing in more places than we can currently, and we will not have the same time limitation that we have with the circle court, so we should be able to do it with more people.

Dr JOHN KAYE: You have outlined a range of alternatives. Do you see them as replacements for circle sentencing, or do you see them as supplements, in the sense that you continue to run the circle sentence in certain cases but for other cases it is more appropriate to run these lower time cost alternatives?

Mr THOMAS: That is what we like to think.

Dr JOHN KAYE: So it is not the end of circle sentencing?

Mr THOMAS: Not at all. About 18,000 Aboriginal people go through court a year, which is quite a lot. Most of those people do not go to prison. For most people who go through our court system, the largest penalty that has been imposed is a fine. But some of those people still are repeat offenders; they are just at a more minor level, or at some point may end up becoming more serious offenders. What we want for those minor matters is a less intensive process that is quicker and that can deal with a larger volume of people.

Ultimately, what we would like to have is a circle sentencing process that is more intensive and more expansive, that is dedicated to the more serious things where it can really make a difference, and have some other options that are quicker and less intensive for the more minor matters that might not necessarily require the same level of intervention. We would like to have some complimentary models.

Dr JOHN KAYE: With regard to the Department of Aboriginal Affairs regional engagement groups and the 40 partnership communities they are trying to engage with, is the Attorney General's Department in any way connected to that? Are you part of that process, and if so in what way?

Mr THOMAS: We have been part of some of those processes where, from what I understand, they have done some local planning with those groups. Where those groups have identified that they want to focus on crime problems, we have provided some advice and some options that they might want to look at. Our involvement with them has not been very extensive, though.

Dr JOHN KAYE: In what ways do you engage with local communities? What is the structure used to engage with local communities to talk about crime prevention and so on, and dealing with crime?

Mr THOMAS: We engage with communities directly through the circle sentencing processes. In those areas we have local Aboriginal community justice groups, some of which have been around for a long time. There are about 20 of those groups around the place.

Dr JOHN KAYE: They are at the local community level?

Mr THOMAS: They are at very local level. And we engage directly with the people in those groups. Probably around 450 people around the State are regularly involved in those types of meetings.

Dr JOHN KAYE: But you have no regional engagement?

Mr THOMAS: At a regional level, no. Most of our engagement is very local. What we find, and we have found over the years of doing work in this, is that those crime problems are very localised and any solutions that are going to come are very localised. In a place like Bourke, where there is a problem of alcohol-related assault, you might find that that alcohol-related assault is at the Post Office Hotel, for instance. If you want intervention, it has to be at the Post Office Hotel. It is a very localised problem.

CHAIR: However, in terms of circle sentencing and consultation with the drivers in that area—for example, in Nowra, where there have been local drivers in that circle sentencing—and consulting with them in a meaningful way as to the development of circle sentencing, do you involve them in the discussions around those fundamental issues you raised about design faults and the measurement of outcomes?

Mr THOMAS: Yes, we do. We meet with them reasonably regularly. We have had a couple of meetings where we have brought together regularly those elders involved in circle sentencing. We also take elders from one place to another so they can exchange some of their experiences. In particular, where we have established new circle sentencing sites over the last four or five years, we have engaged people from established circle sites to meet with and discuss their experiences with community members in new circle sentencing sites.

We find some variance in how people go about these things in local areas, and we try to cater for that so that we do not dictate that the process is exactly the same in each place but that it can cater for local variances. We regularly speak with the elders at each of our circle sentencing sites, and over the last couple of years have adopted a process of bringing people together on a regular basis to talk about it.

CHAIR: So that they are familiar with the structural difficulties, the inbuilt limitations, time and resources, and they do not find at some time in the future that they are confronted with what they thought was success but all of a sudden the rate is pulled from under them because of larger structural problems?

Mr THOMAS: Yes, that is right. In fact, most of the structural problems I have talked about have been highlighted by those people to us. I mentioned recently there were two valuations that we had done, one by BOCSAR, that looked at statistical reoffending and the other one that looked more broadly at the program. That evaluation is largely written based on the experience of people who have been involved in the program.

CHAIR: At Tirkandi, at a director level, they would be well aware of Deloitte's report, they would be well aware of the \$1.8 million a year and the difficulties of how you come to grips with the funding issues at a State level?

Mr THOMAS: That is right. Deloitte went to Tirkandi a couple of times and spoke with the staff there, so it was not just a paper-based exercise; they have been there and had a good look at the place. We have had staff recently go there and talk with the staff and the board about the Deloitte report. What we are doing with that is not imposing a cost cut on Tirkandi but talking with Tirkandi about how we have redesigned some of these things, looking at how they can draw the inefficiencies in, rather than imposing the inefficiencies on them.

What we have found in terms of funding these types of programs generally is that, rather than just having a line item of a budget where you count bits out, it is important to look at the overall quantum of the cost and negotiate with the people who are providing the service about what that cost should be, rather than dictate exactly where they spend their money. It is a far more effective way to manage these programs—letting the people actually manage them.

The Hon. MICHAEL VEITCH: What is the feeling in your department about the crimes that relate to poverty in Aboriginal communities, as opposed to crimes that relate to race and culture? Is there a substantial difference?

Mr THOMAS: I suppose the big question there is: Are Aboriginal people involved in the justice system because they are Aboriginal or because they are poor? I do not know that I have a clear answer to that. If you did look at a section of the non-Aboriginal population that had the same social and demographic statistics you would see a similar involvement in the criminal justice system. But I think the nature of Aboriginal offending is quite different, and people's experiences are quite different. For instance, while we have an overrepresentation of Aboriginal people in the justice system, we know that the volume of crime that Aboriginal communities are experiencing is higher than what we see in the justice system for particular offences—for some violence offences but also for some property offences.

I can give you an example. Part of a survey that was done about 10 years ago asked people about their involvement with crime and justice. It surveyed about 20,000 people. Of that group, about 11 per cent said that in the last 12 months their house had been broken into and items had been stolen. About 11 per cent of Aboriginal people who responded to that survey had experienced a burglary in the last 12 months, which is a very high rate. But only about half of those people said they had reported the matter to the police. They said it for two reasons: first, because they were not confident that they would be taken seriously, and secondly, because they thought they knew who did it.

That is something that characterises offending in Aboriginal communities. You have offending happening in a very tight environment where people know one another and where people have very

longstanding connections to one another and have continuing connections that are longer and beyond whatever the crime happens to be. As a result of that, you often find that there is a whole range of offending that is not being reported, or it is being dealt with in other ways outside the criminal justice system by the community themselves. That makes dealing with crime in Aboriginal communities very different from dealing with crime in the general population.

My own view is that it has fuelled some of the problems we are experiencing and it has made us less able to deal with those problems as crime problems in the same way you deal with them in the general population. While I think there are probably some parallels between the general population because of poverty and the Aboriginal population because of poverty, there are a whole range of factors that affect offending in Aboriginal communities that are a little bit different.

CHAIR: Are there any final comments you would like to leave us with as to what we should be putting in our report or any recommendations we should be making?

Mr THOMAS: In terms of people's involvement in the criminal justice system, as I mentioned we have a significant involvement of Aboriginal people. But if we look at the types of involvement, there are some breakdowns, and we might be able to focus a little better on some of the areas that people are becoming involved in. We have a continuing problem of people being involved in the justice system for crimes of violence, and that has been an ongoing problem for some time. But we have seen a significant escalation in driving offences. There is an escalation in driving offences right across the board. I think about 50 per cent of our local court matters for everybody are driving-related offences, but for Aboriginal communities it has almost become the number one offence type for appearance in court. Some of those things are more serious, such as driving under the influence offences. We are seeing a significant increase in driving licence offences, particularly since 1997. So if you could do something to turn that around, it would be very much appreciated.

CHAIR: Thank you very much for your assistance; it is greatly appreciated.

(The witness withdrew)

(Short adjournment)

CINDY BERWICK, President, New South Wales Aboriginal Education Consultative Group, and

TERRY CHENERY, Executive Officer, Aboriginal Justice Advisory Group, on former oath:

CHAIR: Thank you for being with us again; it is appreciated. Do you wish to make any opening comments before we move on to questions?

Ms BERWICK: I am happy to take questions.

Mr CHENERY: I am as well, except to just say do not get too hooked up on the "Community Resilience" title. On its own it does not mean a lot.

CHAIR: We might ask that question and get you to elaborate because it is important that we are not left with just that sentence.

The Hon. MARIE FICARRA: Can you explain that, Chair, because I missed that and I do not know what you are referring to.

CHAIR: The title "Community Resilience". Terry, what do you mean by the comment that it does not have much relevance?

Mr CHENERY: On its own, community or cultural resilience as it is noted in the papers—too often as bureaucrats we get stuck on titles because then we have to have something giving that flesh. Cultural and community resilience to me is essentially just the sum aggregate of social indicators of health, housing, employment and education. I do not think you need to put a big title around those because we all aspire to cultural and community resilience as opposed to the day-to-day grind of keeping kids out of trouble, keeping them at school, and health, education and so forth. I do not think giving something a title of itself is advantageous because it takes away from the day-to-day nitty gritty of what we need to do.

The Hon. MARIE FICARRA: Being proud of indigenous identity, culture and background and understanding the history, both for indigenous and non-indigenous people, is tied up with all these other parameters and factors that are important. Do you think that understanding is an important issue in communities, and being proud of who they are?

Mr CHENERY: I think every Aboriginal person now is proud of who they are regardless of their current situation. I have yet to meet a brother or sister who is not proud to be black. The issue is the difficulty being faced in communities. Certainly, to answer where I think your question comes from, it is possible to be prouder on the basis that you have a cultural identity and a healing, for want of a better term, with all the historical issues.

The Hon. MARIE FICARRA: Turning to the questions, which I think you have seen previously, how effective is the State Department of Education and Training in engaging with your organisation, Cindy, in terms of policy design? Do they consult you, listen to you or implement anything? Are you satisfied with this interaction?

Ms BERWICK: It happens in a bit of an ad hoc way. We have a partnership agreement with the department but it depends, I guess, on who is in the chair, their depth of knowledge of how to do things and then whether it is done properly or not in reality. It often gets caught up in the bureaucracy. It does not allow the time that is needed to interact with the community. Often policies and procedures need to be done within a day or two, or something has to happen next week. There is often no planning because something has to happen. It is often run by a political agenda or some political statement has been sent out and it all has to be done tomorrow. So they do not often take the time to plan and consult and talk to the community and bring Aboriginal people along with them so that they have some ownership or a genuine say in policy development. They are actually not used to doing it.

The Hon. MARIE FICARRA: In relation to this Committee and the recommendations we make at the end of the process, is it something you would like to see improved in terms of time frames and consultative processes being genuine?

Ms BERWICK: Well, the partnerships being genuine, definitely. It is not about doing things to Aboriginal people, it is about doing them with Aboriginal people. If the gap is to be closed or there are to be any improvements in whatever it is, Aboriginal people have some responsibility as well. You have to make sure that they are able to do it and that they have the skills to do it.

The Hon. MARIE FICARRA: Of course. That is right.

Ms BERWICK: It does not happen when you have to have a briefing done by four o'clock tomorrow.

The Hon. MARIE FICARRA: Are there any glaring areas that you would like to see improved or modified or changed? We want to make our recommendations as relevant as possible to the local communities and to the feedback that you are getting on the ground. Is there anything that you think should be looked at or modified or improved?

Ms BERWICK: In relation to partnerships or policy?

The Hon. MARIE FICARRA: Policies, programs, glaring deficiencies or things that could be delivered better.

Ms BERWICK: One of the things is it is hard to make decisions on behalf of Aboriginal people. There are not enough Aboriginal people in promotion positions or executive positions or leadership roles across the department who have that knowledge to be able to do things. Therefore people in the department in managerial and leadership levels need to have some awareness of what Aboriginal people face and what it is all about before they can implement policies. That is probably one thing. You cannot implement policy if you do not understand or know the issues. That consultative process and actually talking to people is really important.

The Hon. MARIE FICARRA: More time spent on the ground with local communities.

Ms BERWICK: Yes, and if you are going to look at a way forward it is about working together towards that rather than just going back to Bridge Street, in this case, and making a decision about what you think Aboriginal people need without doing any talking about the issues. The other thing is that you can have any good policy in the world but the policy is only as good as its implementation. You can write some really good statements, and that is good, but how you actually do it is the major thing. One of the things the department does not do is it does not plan and it does not give itself time to plan. It does not give strategies. It is very focused on the policy statement and what we need to be the outcome. There are actually no strategies to inform people and build up people's skills so they know where to start and how to get to where they want to go. They do it all the time.

The Hon. MARIE FICARRA: Talking with people like you and local communities can deliver those. We imagine that that goes on and it should have gone on in virtually all programs delivered to indigenous communities, but obviously we can always do things better. That is good to hear. The second question refers to your submission, in which you stated that sustainable change is brought about when people have ownership of the whole process and are involved in decision-making processes. That reiterates what you have just said. The question is: What is the current situation in Aboriginal communities in relation to education? You have touched on that. What needs to be done for the situation to be improved? I think you have covered all of that. Is there anything else you want to add?

Ms BERWICK: Only to say that in some areas, in some pockets, it is actually done really well. Where it is done really well there is generally a good leader.

The Hon. MARIE FICARRA: Can you give us any examples of that just to give an indicator to the Committee and to the Department of Education and Training bureaucrats who are going to read this?

Ms BERWICK: Are they? Maybe I should not have said as much as I said!

The Hon. MARIE FICARRA: One would hope they do.

Ms BERWICK: I am probably just thinking about schools. There are pockets of schools where the principal of the school gets it. He works with the local community, collaborates with the local community, goes

out and speaks to them, mixes with them and makes his staff aware. He leads the staff in the direction where things need to happen and takes time for the planning process. He looks at the issues that the kids bring to school and then looks at the programs that match the issues and moves forward. I went to a Dare to Lead workshop one day, which was very interesting. It is a national program of professional development for primary principals run by the Australian Primary Principals Association.

One of the interesting things was that the first thing they asked people to do was write down the issues at the school. What are the issues at the school—attendance, a whole pile of things came up. Later in the workshop they asked them to write down their most successful programs in the school and to prioritise them. When they matched them up, none of those successful programs actually addressed any of the issues at the school. So I say that a good leader will be able to see those programs and have a direct impact on the issues as opposed to the more fuzzy "This sounds really good because somebody's trying it over there. Let's give it a go". You know, everybody feels really good about it but it does not address any of the hardcore issues that exist.

The Hon. MARIE FICARRA: It is targeting. The process has got to be better.

Ms BERWICK: Yes. There are pockets of people who do that and do it really well. It is generally mostly in schools. You will find the suspensions are low, the absentee rate is low, the retention of Aboriginal kids is high and their engagement is high because they like coming to school and they like learning, and they are succeeding.

The Hon. MARIE FICARRA: It makes sense, doesn't it?

Ms BERWICK: It is not rocket science.

The Hon. MARIE FICARRA: In terms of the teachers that we have in our primary and secondary schools, do you think they are trained sufficiently in indigenous culture and history and the teaching of that?

Ms BERWICK: No. There needs something more to be done in teacher preservice, especially in rural and remote communities. When you are in an urban setting it is easy to escape where you live, because if you are teaching out at Liverpool it is only a very short train ride to the city; you do not necessarily escape a community, whereas in country, rural and remote areas it is a lot harder to get out and teachers who are going to those need to be appointed prior to going, perhaps the week prior. There is a week's difference between the Eastern Division and Western division schools, that Eastern Division schools start. Perhaps newly appointed teachers to the Western Division need to go that week and go through some induction program to learn who their local community is.

The Hon. MARIE FICARRA: So that does not happen?

Ms BERWICK: No, it does not. They turn up on their first day of school starting. There is no engagement with the local community.

The Hon. MARIE FICARRA: That is very important.

Ms BERWICK: For some places—you could end up in Walgett—which are really hard communities, and you are 22 years old and have never seen an Aboriginal person before. It is not easy and it is not their fault. There should be better support given to them.

The Hon. MARIE FICARRA: Absolutely.

Ms BERWICK: One of the solutions could be to appoint them earlier for a week.

The Hon. MARIE FICARRA: And give them some community induction so that they feel more comfortable and the community feels more comfortable too?

Ms BERWICK: Yes, so they know where they are going.

CHAIR: We could suggest that as a recommendation.

Ms BERWICK: I do think it is a good idea and if you think it is also, that is good. I think it is a sensible idea.

The Hon. MARIE FICARRA: We have been inducted, did you know that?

Ms BERWICK: Especially when half the schools already starts anyway, it is not that difficult.

The Hon. MARIE FICARRA: It is not difficult logistically to do?

Ms BERWICK: No.

Mr CHENERY: The current curriculum is taught effectively in some places and not others. As Cindy said, Walgett can be a difficult place to live but you also have fairly innovative places to go. One of the principals out there—I cannot remember his name—but attendances were down on Fridays because of the heat so he moved classes to the pool for kids who were learning and actively developing and they would learn maths and volume. It was a really hands-on approach; it is not necessarily out of a textbook that we all had.

Our kids are great sportspeople regardless and if you want to learn physics, momentum, distance, energy and so forth, get them to kick a football; get them away from the chalkboard and textbook material. Like many people here, I did tertiary education out of a textbook. If I could have seen that on DVD I could quote you the movie line and it would have been much easier for me. My kids and your kids are no different. We all have different visual and oral abilities and we need to get out of the routine of "This is how you teach now". I am sure many teachers would want to do that. We have maybe two or three interactive whiteboards in each school. That is good for those kids in that classroom. They are not cheap, mind you, but at the same time that is what needs to be done.

The Hon. MARIE FICARRA: For indigenous and non-indigenous students. That is a good recommendation.

Mr CHENERY: Yes, absolutely; both suffer from that difficulty of teaching one method.

Ms BERWICK: It is about teaching pedagogy. In New South Wales they have a top-quality teaching framework and one of the things they have done out of that is the elements of relevance and significance are often less taught in schools so that kids have deep knowledge and all the rest of the elements in the quality teaching framework but the elements of significance and relevance are the least ones done, so the kids actually are taught something without showing some significance or relevance.

In terms of professional learning that is something for young and old teachers because they do not necessarily do it; in terms of professional learning, how to make things relevant too. In teaching Aboriginal kids, what is good teaching practice for Aboriginal kids is good teaching practice for all kids, however the reverse does not happen. What is good teaching practice for all kids is not necessarily good teaching practice for Aboriginal kids. They take it from a different line.

The Hon. MARIE FICARRA: Do you think the educational training policies have not come to grips with that as yet?

Ms BERWICK: It is always about funding too, how much money you put in to teach professional learning. I have grave concerns about the new national curriculum.

Dr JOHN KAYE: Hear, hear!

Ms BERWICK: And what it is going to do for Aboriginal kids in particular.

The Hon. MARIE FICARRA: How it is going to be delivered and rolled out?

Ms BERWICK: I went to the national curriculum board consultative meeting last Monday and they were very much focused on multi-performing students.

Dr JOHN KAYE: Was that an Aboriginal specific consultative meeting?

Ms BERWICK: No, it was just general.

Dr JOHN KAYE: Is there an Aboriginal specific consultative meeting of the national curriculum?

Ms BERWICK: No.

The Hon. MARIE FICARRA: There should be. That is a failure.

Ms BERWICK: Yes, there should be, because if the Commonwealth Government is focused on halving the gap, which is where its focus is, the national curriculum, as far as I can see in the way that they are thinking—there was no talk about social justice or equity at all in the national curriculum. It was one thing they totally left out. Most of the people who talked were from independent, non-government schools. I do not have an issue with that but—

The Hon. MARIE FICARRA: There was no balance?

Ms BERWICK: They were hearing from one side only. We talk about how well we are doing in results in education, but if you look at the international data, Australia is fourth. They aggregated Aboriginal kids in the 2000 PIZER data and while Australia overall is coming fourth, Aboriginal kids are seventh last or something; they are down in with Third World countries because they do not perform. While in a national curriculum they focus on international data, that has told them we have slipped from second to seventh.

Why we have done that is that it is not about the bottom kids not achieving. The bottom kids are just there; they are not increasing. They are just being a tail but the high-performing students are going down. So the high-performing students are not performing as high as other country high-performing students are. I was really concerned that the focus of a national curriculum, if we want to move up on the international agenda, is about the high-performing students performing higher, rather than lifting the middle cohort. Aboriginal kids would fall mostly into that middle to low one.

There are no benefits necessarily to the national curriculum. As I said, the curriculum in New South Wales has some very good things. We have struggled very hard to get where we are with the national curriculum. We have worked very hard with the Board of Studies to integrate Aboriginal content into syllabus documents. We have worked very hard to get terminology right. They do recognise that there was an invasion; they talk about those things and I am not sure the national curriculum will take all those things into account and, as I said, there was no talk of social justice and equity issues. The main focus of it was about high-performing students.

CHAIR: Is that not a fundamental building block to cultural resilience?

Ms BERWICK: It has been stated before, I guess, that education is the way out of poverty. Education is your ticket out of poverty and given that the majority of Aboriginal people are around the poverty level, education is your only way out. I sit here because I was forced to get an education at 10. I was sent to school when I was 10 and I managed to get out of poverty from an education.

CHAIR: There is that part of it and there is also the important part of teaching the non-Aboriginal community about the important role—

Ms BERWICK: Well, fundamentally, if you are going to have reconciliation in the country, it has got to be a respect for each culture and you are not going to get that without an education too. It is twofold. It is about improving Aboriginal kids' lot in life and giving them opportunities that have never been there, and that is historically and socially, and giving them opportunities to access education so that they can get further. There is an aspect of educating the wider, broader community.

CHAIR: You have much more respect for the education you are being given if that education system has respect for your culture?

Ms BERWICK: Yes.

Mr CHENERY: I have just spent two days in Canberra talking about a healing forum and that issue came up. The example was provided that you have black fellows on one side and white fellows on the others.

The black fellows are trying to educate the white fellows about racism, discrimination and historical issues and the white fellows are trying to help the black fellows get over all their issues and their problems. The result was that the black fellows can fix themselves; the white fellows can teach themselves and then we will meet in the middle somewhere.

We are spending too much money and effort with cross-swords, essentially. Whilst it is a very vague description, there is a lot of effort in Aboriginal and Torres Strait Islander people trying to explain the reasons over this side, and there is a lot of effort in non-Aboriginal people saying, "We can fix you and help you", instead of saying, "White fellows need to heal themselves about the history. We need to heal ourselves about our history and then we can move forward together." It was a great way to explain it. It was absolutely strange to have someone say it so simply.

CHAIR: That is why you confused me with your opening comments about not getting hung up on cultural resilience.

Mr CHENERY: We can do that. The Federal Government is talking about a healing fund. I think that is a great idea. There have been movements for a healing foundation and how to deal with those sorts of issues and the historical legacy of all that sort of stuff is obvious to everyone to say and see, but I am not into the psychological side of things; health experts can deal with that. Everyone who has sat on this side of the table has probably said that education is the key to it. You could have 700 or 700 tertiary educated kids in Wilcannia but if that does not produce employment, you will have an unemployed educated population that is going to be more frustrating, so it goes beyond that. It is the building block, though.

The Hon. MARIE FICARRA: The rest has to go with it, particularly jobs?

Mr CHENERY: It does, because all that will happen is that you will get drained. It is what happens: Educated kids in Bourke, for example, move down to Dubbo. Those in Dubbo who have an education, because it is a larger centre, will not necessarily mind coming to Sydney, and then you have a secondary removal of traditional lands.

The Hon. MARIE FICARRA: What do you mean by that?

Mr CHENERY: If you are from the language area around Bourke, as you know, many years ago they were herded into Bourke into the missions. That now becomes your land and your country, not traditionally but that is your home; you were born there and your family has been there.

The Hon. MARIE FICARRA: And that has a negative social impact on indigenous families?

Mr CHENERY: You have to chase employment so you go from Bourke to Dubbo. There are then other language groups and clans in Dubbo and you have all the other problems associated with that as well.

Dr JOHN KAYE: I want to talk about the Schools in Partnership Program [SIP]. About one in 10 Aboriginal students are actually educated in a school that receives schools in partnership funding.

Ms BERWICK: Is there that many?

Dr JOHN KAYE: I understand there are about 37,000 Aboriginal students in New South Wales and about 3,500 students are in SIP programs. That is my recollection of figures, off the top of my head.

Ms BERWICK: Fifty per cent of them are in priority schools funding program [PSFP] schools.

Dr JOHN KAYE: Is it not true that PSFP schools received their funding in respect of general disadvantage in the community they educate whereas SIP schools received their funding in respect of forming a partnership with the community from whence the students come. Is there a cultural and education benefit in expanding the SIP program?

Ms BERWICK: My answer to that would come down to leadership. It is an issue of leadership again. Certainly the extra amount of funding gives schools the impetus to do more things but it is whether the principal of the school has the knowledge and the suite of strategies to be able to do it. I would say that the department does not support SIP schools or TAS schools or TSI schools—there are three levels of SIP funding, associated

strategies—in the way they need to be supported to give holus bolus outcomes, improved outcomes for Aboriginal children. And, while they are a school in partnership they do not always necessarily work in partnership with their communities

Dr JOHN KAYE: So in respect of the answer to both those parts, is part of what you are saying that there needs to be more training and support for principals of SIPS schools and other schools where there is a substantial Aboriginal population?

Ms BERWICK: Yes, totally. One of the major reasons that SIPS schools were introduced was to improve outcomes for Aboriginal kids. To do that schools need to have a suite of strategies at their disposal to implement in their schools, depending on the needs of the children or the community it serves. If schools do not know what the suite of strategies is, they are not going to be able to implement effective programs. The department does not support schools nor does it support principals in giving them the strategy is to be able to make a difference.

It expects people to think outside the box. It is hard for some people to think outside the box. It may be you need to give them some ideas. You cannot give them just one idea. We are moving at the moment down the accelerated literacy line as the literacy program that is going to solve all literacy problems for Aboriginal kids. It is a good program but it may not be the only answer. There are lots of other literacy programs that might suit different schools and communities better. But they put all their money on the one hit because we need to get results so we are just going to throw all our money at this and hope it gets results.

Dr JOHN KAYE: So, there are two aspects to your answer. One is the training and in-servicing of principals. The other is also providing them with the resources to know what different strategies, programs and funding is available?

Ms BERWICK: I would say this year there have been some new principal turnovers in some of those SIP schools. I can say this because I am on the community side. Some of those poor principals—and it is no fault of theirs, they have rung up and said I am new to this school. There has been no induction, no hand over, no nothing. Often the principal of the school comes with a salary incentive in SIPS schools but the trouble is they are being advertised at a principal level so some principals, not all, are applying for the position so they get the substantive higher principal position than they would normally get in another school because they happen to be a school in partnership—whereas it really should be advertised at the proper principal rate with a salary incentive. So, you are not necessarily trying to get people who are committed. Some get there as a fast ticket to a better job.

Dr JOHN KAYE: I have another question that goes beyond schools in partnership and principals and goes to Bridge Street itself. Clearly, there is a lot of criticism of Bridge Street, some of it founded and some of it unfounded, in the general education community. What would you do to improve responsiveness of Bridge Street in the sense of the Department of Education and Training bureaucracy towards issues relating to Aboriginal people?

Ms BERWICK: I guess what would be beneficial for Bridge Street to improve outcomes for Aboriginal kids is to give over some of the autonomy or resources to regions who directly support schools and directly support kids, and resource the regions to do it. Rather than keeping things centralised in head office that thinks it can know what is going on. At the end of the day it cannot monitor, there is no accountability or monitoring because it cannot do it. There are too many schools.

The Hon. MICHAEL VEITCH: On a different matter, in our travels around New South Wales and even in our hearing days here at Macquarie Street, a number of Aboriginal communities have said to us there are too many consultative mechanisms put in place. Every government department seems to set up its own advisory council or its own consultative mechanism. Do you think that is a fair criticism?

Mr CHENERY: Over the past two weeks I have been in Melbourne and Canberra and even the people at the consultation were saying a similar thing. The converse of that is, if you do not, people will say you do not consult enough. So, you cannot win. I would rather be overconsulted and have lots more advisory bodies than an insufficient number. The problem is the duplicity of what they do. It is not necessarily the groups themselves. There is so much overhang and overlap. For example, Education feeds into Justice, so Education will talk about Justice. Justice will say that these kids would not have come into contact without Education. So, it is the overlap, that is the issue.

I said last time, and it is probably worth saying again, prior to about 1993 Aboriginal Affairs was not sexy. Now—well, it has been around for donkeys—we continue to need important agencies, but now every tertiary institution has an Aboriginal unit. Every department has an Aboriginal unit. Every non-government organisation has a unit of some description. There is now such a plethora of Aboriginal units that that is what happens. It is not necessarily advisory groups per se, it is just that every department sends out letters, requests and submissions, so you are just bombarded with this stuff.

Research is now very profitable for tertiary institutions. So, you have all your sociologists, criminologists, your lawyers, everyone is consulting on issues because they want to publish a paper. Cut off 99 point whatever for law degrees. You do not need to be that bright to be a lawyer but we do that because we can then market ourselves as recruiting and having the brightest university students in the country come to you. So, it is not all about the education, is about the funding you get from that. Then every research unit markets itself and researches that. Communities, for example, Enngonia, not many people go to Enngonia but it is still important, especially to the people who live there. Bourke and Brewarrina are probably overconsulted and have so many advisory groups and stuff, but go to Enngonia it may not be.

Ms BERWICK: I also think one of the fundamental problems is—personally I do not think they need to be consulted—what happens with the consultation. They are all consulted but there is no coordination between the consultative bodies to get something done. Therefore the community perceives that we are consulted but then we are overconsulted because basically nothing gets done because there is no coordination of services and governments do not work together. Government departments have a very bad record of working together and talking to each other.

I spent 12 months on the Aboriginal education review, going around to communities. One of the things we convinced them of was that this was not just another report, something was going to happen. There was another subsequently and you can talk about what happened after that. It is like this here. I have been asked again what is going to happen or is it just another report that will be put on a shelf. Therefore, the perception in the community is we tell you all our problems, we often tell you what we need and all it does is go into a little booklet somewhere and nothing gets done about it. So, I think the perception of overconsultation, when I hear people say that, it is not that we are being asked to much about things, it is the fact that we are asked all the time. We tell you all the time but nothing gets done.

Mr CHENERY: And that increases the trauma.

Ms BERWICK: And then communities do not want to engage with government.

The Hon. MICHAEL VEITCH: What follows on from that is the suggestion that was put to us that it also allows for advice shopping where you have a mechanism set out and you can shop around until you find the advice you want to hear.

Ms BERWICK: Yes.

The Hon. MICHAEL VEITCH: Have you experienced that? Do you know whether that may have occurred?

The Hon. MARIE FICARRA: You are talking of bureaucrats?

The Hon. MICHAEL VEITCH: Bureaucrats, government agencies going out?

Mr CHENERY: I would say I have not heard of it personally but I suggest it is a bit like the referendum question: If you write it the right way you will get the answer you want. You write it, you engage consultants and say there are your terms of reference. That is what you are paid to do.

CHAIR: There is the issue of what you are being consulted about and what that consultation can lead to. There can be misconceptions. For example, the role and the capacity of this Social Issues Committee are no doubt completely misunderstood in many areas as to what we can and cannot do. We make recommendations to the Government. We are not the Government. Irrespective of who is in government, we can only make recommendations to the Government and whether or not it takes those recommendations up is up to the Government. There can be complete misunderstanding about the level of consultation. Do you see any ways we

can make recommendations in regard to that so that when there is consultation about different things there is full disclosure of what the consultation is all about?

Ms BERWICK: I guess it goes back to my earlier point about the planning and the time taken to do those things. People consult because they want to do something generally and they do not necessarily say the other side. Communities only hear one side. Perhaps they are not as skilled as they need to be. Perhaps their capacity for understanding and being able to look at long-term implications is limited. It sounds all good, we will say yes to it or it sounds all right, we will do it. But that other side, in terms of long-term implications is never talked about so the time it takes to one pack all the issues so that Aboriginal people and communities can have an understanding and some genuine input into the decisions or have some genuine dialogue around it coming from an informed opinion, takes a fair bit of time. Bureaucracies do not normally have that luxury of time.

The Hon. GREG DONNELLY: Something that has been troubling me over the course of the inquiry is what appears to be a reality of being unable to reconcile the aspirations of having consultation so thoroughly throughout the whole community and reconciling that with trying to get a consensus position about what are the key things we need to do to tackle the fundamental issues. Not just in the area of education but, as you know, this inquiry has been looking at health, disadvantage and housing and what have you. I am no closer now to understanding what needs to be done to try and bring about a consensus of understanding on what is the best thing to do to deal with the issues of disadvantage of indigenous people in the area of education.

We have had so many people come before us preventing points of view and ideas and initiatives and I just feel that we are going to get to the end of this whole inquiry and, quite frankly for me anyway—others can speak for themselves—I am no clearer at the end than I was at the beginning, although I have seen a lot and heard a lot about what are the key things that need to be done, because there is such a disparate set of opinions, be they bureaucrats, be they particular communities, be they umbrella organisations representing the issues of indigenous education. Am I being naive about this or is this the reality we live in that it is so complex it is very hard to actually discern what are the key things that we as a government need to do—or any government needs to do?

Mr CHENERY: In my humble opinion I do not think you need to say any more because I think you are spot-on in the sense purely that I could go out to Macquarie Street and ask 15 people the same question. This is not an Aboriginal issue. I could go to New South Head Road and ask people what they need to fix their lives and they are going to be different from unit 1 to unit 50. So this is not an issue of Aboriginal people needing to come to a consensus, I think this very much explains the two silos of white fellers trying to help black fellers and black fellers trying to fix white fellers. There is no magic bullet and there is no consensus, because in No. 1 Struggle Street you have got somebody with five kids who gets them to school every day, they have lunches, they have good kinship networks; in No. 3 you are going to have a family that just does not work well, for whatever reason that may be; and across the road at No. 2 you are going to have a family that is somewhere in the middle—and that is from Potts Point to Wilcannia and White Cliffs.

Achieving consensus is not the answer. On a macro level Aboriginal problems know their problems and their own solutions. On a micro level how that is implemented in the street down the road is up to the people who live in the street down the road: the difficulty is getting to them and it is seeing what they need and asking how they need it. There is no consensus to be had. I think the only thing, again, is those baseline social indicators. If health, housing, employment and education are dealt with and dealt with properly—and again this is across-the-board; this is not just Aboriginal people—if we do them and do them well, things will slowly change. As I said last time I was here, this is a generational change; this is not going to happen over the term of the current government and, without getting into a discussion about future governments, it is not going to happen in that term either. It just will not. We were talking, again, in Canberra about intergenerational problems requiring intergenerational funding, and that is not nice to know because that is a lot of dough. But people are not prepared to put it up.

Ms BERWICK: There would be some common threads. The consensus is not going to happen, but there would be some common big-ticket items.

CHAIR: In our interim report, chapter 10, we set out a number of themes. At 10.1 we said, "The themes that have become apparent throughout the course of the inquiry to date are: measuring the outcomes, coordinated service delivery, partnership and service delivery, funding, employment monitoring and training of

Aboriginal people and specific strategies". Are those basic themes that we set out and summarised in chapter 10 of our interim report the themes that you would advise us of or do you have others?

Ms BERWICK: They would pick up most of mine.

Mr CHENERY: Broadly speaking, yes.

The Hon. MARIE FICARRA: But the important thing would be always consulting, working with and respecting local communities in trying to achieve all of those things?

Mr CHENERY: Sure. And the whole urban, regional, rural, remote problem will always be there. We have a large population of Aboriginal people in this city and because they are not in the rural, remote areas we do not attract the same issues, and yet the problems are the same.

Ms BERWICK: If not more so.

Mr CHENERY: Because you are expected, if you live in the city, to be able to cope because you do not have a 25-kilometre journey to the local GP or whatever.

Ms BERWICK: But you still have a two-week wait to get in to see a doctor even though you live in a city.

The Hon. MICHAEL VEITCH: You could also be more isolated if you live in the city than you would be in the country.

Ms BERWICK: That is right.

Mr CHENERY: Certainly. Can I also say with some of those themes—I do not know if we will get there later on in the questions so if you do not mind indulging me slightly for a moment—a couple of my opinions are quite often not consistent with other people's, but I think we need drastic measures. I think we are at a time when the cutesy shake hands and cuddle and say, "Thanks, Aunt, thanks Uncle" days are over, because Aunt and Uncle are sick of it. You have got Nanna at home with 15 grandkids because her kids are not coping so she becomes a de facto parent, all that sort of stuff. They are not enjoying that period of their life as much as they could be.

But the issue of coordinated service delivery is close to my heart because with the Aboriginal Justice Plan, the Two Ways Together State Plan—we said this last time—there are so many synergies between all of them that you go out there to departments, non-government organisations or communities and they go, "Well, which one are we dealing with?" I do not have a problem with plans, I think they are great, but they become ticker boxes. You measure your outcome and what is the outcome? It is the outcome that we as public servants like because our performance indicators are such that we meet the KPIs—excellent. I meet mine all the time no matter how slack I am because my boss's KPIs rely on mine, and their boss's rely on theirs.

CHAIR: And one box that seems to be missing all the time is customer satisfaction.

Mr CHENERY: Absolutely—because it would never be ticked. Some of the big issues with that is this overlapping service delivery: policing, education, health and housing—their boundaries are all different. So you service one street here but you go to the other side and you have got to go to a service provider 25 kilometres away or whatever. Police regions have 80 local area commands. I am not blaming the people in these positions, by the way. Health we have regions; local courts have regions; and there is no standardisation of that. It is into local government, State and Federal governments. That needs to be resolved, and I think once you get that result you can then say, "Hang on, these people are performing better than these ones. Why? He is a similar demographic; he is a similar geographical area. Why are they doing it so much better than this one?" If you travel 400 kilometres in a round-trip then do not compare it with someone who is travelling 25 kilometres. That similarity between service delivery can only be done by applying similar comparators in similar demographic areas.

In relation to the problem with different departments doing different things, time immemorial will not cease that. One of my points that people often shake their heads at me about is this notion that as Aboriginal people we are working for different departments. We are all working for different departments but all for the

same issue. The problem with that is my boss is X, so ultimately my performance indicators are measured by X. I would dearly love to see the day when all Aboriginal or Torres Strait Islander people work for the one department but they work in different agencies. So when my boss says, "You have got to do that", I will say, "Hang on a minute. I work here and I am employed in this department but my job is to make sure, for example, the State Plan is implemented, and if you have a problem with what I am doing now maybe you should go and speak to someone else". It is not easy to implement, but ultimately you serve the person who puts the money in your pocket to pay your mortgage, and if that is the one department then that is better than Health saying, "We want you to do this" and you turn around and say, "Hang on. That is not related to my community. I am not doing it".

CHAIR: In regard to that theme, have you been involved in discussions with the Department of Aboriginal Affairs regarding the rollout of their regional structure and the consultation processes?

Mr CHENERY: Very much, but it is generally fireside chats. It is not the sort of thing that is going to be changed because of a formal consultation method. This needs to come from the top and saying, "This is what you will do". There needs to be a silo of: this is Aboriginal people working for Aboriginal problems with Aboriginal solutions and this is how we are going to do it, and these people are going to have the ability—and not necessarily the total executive power—but they need to have some ability to say, "No, this is what we are doing". And this is the two silos: this is Aboriginal people fixing Aboriginal problems.

The Hon. MARIE FICARRA: This is towards our point of coordinated service delivery if we are going to be really genuine about achieving something.

Ms BERWICK: But the coordinated service delivery, like your question of the community action plans, communities have not had much to do with that at all. We got notice of this from the Department of Aboriginal Affairs two days after all the consultation started. So by the time you would have sent it out half of them would have been gone. I guess it is the bureaucracy again and the planning and giving people and communities enough time to actually interact with them. It is interesting about silos and things because on a number of occasions as the Aboriginal Education Consultative Group we have tried to talk to Aboriginal Affairs and they see the word "education". I do not think they really see the word "Aboriginal" but they see the word "education" and refer us to the education Minister, and I say, "No, I don't want to talk about education, I want to talk about the things that impact on the education of Aboriginal people", which is ultimately the Aboriginal Affairs Minister's role—to look after us. Because not only do we come from education but we are actually Aboriginal too.

One department is very much, "No. We see the word 'education'. You move to the education department because I do not necessarily want to talk to you." So governments and Ministers do it. Recently I wanted to talk to the Federal Aboriginal Affairs Minister about a number of issues in terms of the Northern Territory intervention and its impact on Aboriginal people, and especially in relation to education, and other factors too, but because we are a New South Wales Aboriginal education group they see the word "education" and refer it to the education Minister. I got real wild about it too.

Can I just make one other comment around funding issues? There would be concern, I guess, about how the funding is going to be done with the new Commonwealth-State relations. I do not know whether you have had much to do with the way education is going to be funded. They are broadbanding funding and that is just going to be negotiated from Treasury to Treasury, and where in the past Commonwealth money that has come in for Aboriginal programs has been targeted for Aboriginal programs, that is not going to happen any more. So that it is one big bucket of equity money that everybody has to fight for. And you rely on the people at the top to have a commitment to improve Aboriginal education outcomes and champion our cause so that funding will actually be directed to Aboriginal programs.

CHAIR: And you are suggesting to us—

Ms BERWICK: No, I am just saying that is a concern.

CHAIR: Because we rely on your input to educate us as to what we should be saying.

The Hon. MARIE FICARRA: There is a bit of concern because there is a change in the situation, so it needs to be monitored whether the funding is going to be directed in a proper manner?

CORRECTED

Mr CHENERY: The State and the government, whoever. I guess State government needs to have a commitment that they are going to actually fund programs that will improve Aboriginal service delivery.

CHAIR: So your comments go to the issue of insufficient funding from the Federal Government to the State Government?

Ms BERWICK: There is a concern that there could be insufficient funding.

The Hon. MARIE FICARRA: Because it has not actually been classified for indigenous; it is just one—

Ms BERWICK: One big equity bucket.

The Hon. MARIE FICARRA: And that just means that everyone in the indigenous education or indigenous spheres have to scramble to make sure that they have got money?

Ms BERWICK: It is not only indigenous affairs, it is all the equity portfolios like disabilities, kids with special needs, non-English speaking background kids and Aboriginal kids. Before, there was a level of funding that actually came for Aboriginal programs so things could be implemented, like SIP, whereas now it is going to broad funding and I am not sure there is a commitment to fund SIP for the next few years, is there? They have not told anybody yet.

Dr JOHN KAYE: You should read the comments of the Director General from yesterday. He will read yours, so you should read his. The Director General was certainly committed to the continuation of it but he is not the Treasurer. So basically none of us are safe in the hands of the Treasurer.

Ms BERWICK: That is exactly right.

Dr JOHN KAYE: My view of it is that there is a commitment as much as there can be.

CHAIR: Yes. But in terms of educating us as to what sort of recommendations the Committee should make I think I understand you are saying it is to do with insufficient funds?

Ms BERWICK: There is the way the funding is being delivered but there is also an aspect of short-term funding levels because short-term funding leads to inconsistency of delivery and therefore poorer outcomes as inconsistency creates bigger gaps. There is an aspect of short-term funding which happens and there is a question of whether there is going to be funding.

The Hon. MARIE FICARRA: Inconsistency, uncertainty, anxiety—

Mr CHENERY: Which leads agencies to not meet these outcomes that we want to measure and so they become unsuccessful and we do not refund them. Someone else in the community says, "I have a good one." Then they have to go through the same battle.

The Hon. MICHAEL VEITCH: It defeats that intergenerational stuff—

Mr CHENERY: Absolutely.

Ms BERWICK: And it also does not allow for data collection so an outcome is not achieved, because you actually do not have the time to collect the data to show that there possibly could be an outcome.

The Hon. MARIE FICARRA: It is not a very good way to manage.

Ms BERWICK: Yes but it happens all the time with Aboriginal programs in education.

CHAIR: Which will mean that you can have all the best intentions in the world with your consultation but if you are not starting from a base of sufficient funding then your choices are limited as to what the outcome can be?

Ms BERWICK: Or even day one of term one, if you are not going to start day one on the school calendar year. There have been times—I think the year before last—the In Class Tuition program, which is a 32-week program, came into schools in September at the end of term three and they had to be reported on halfway through term four. All of a sudden there was about ten weeks where they had to spend 32 weeks of funding money because there was the lack of funding and the way it gets out to schools.

CHAIR: Thank you for your help. Do you have any final comments that you want to make or any suggestions on recommendations for the Committee?

Mr CHENERY: If I may comment on one of the questions that was actually sent to me. The reason I want to raise this is because I have had this discussion with Graeme Henson, the chief magistrate, as well. He has suggested that Aboriginal elders be on hand to advise magistrates on cases that involve Aboriginal defendants. Can I say that I absolutely 100 per cent support his concept, however, having said that the difficulty we have now recruiting elders is really tough. I applaud Graeme on that and I think it is a great idea but I do not think enough is being done to support the elders now, let alone add an extra layer or burden. Our communities are such a diverse range that if you have one elder sitting there trying to advise the magistrate you may not be getting the right one. I love the concept; I think it is absolutely brilliant and we need to have more Aboriginal involvement in our courts and legal systems, it is a great idea but we would need to support it a lot more.

CHAIR: The person could also be set up in a situation where for no money they are sitting there as a target and are accused of outcomes that they have no control over?

Mr CHENERY: That is right.

CHAIR: There are all sorts of issues.

Mr CHENERY: Absolutely.

Dr JOHN KAYE: You used the word "support". Do you want to go beyond that and tell us what you mean by support in that instance?

Mr CHENERY: As far as supporting our elders currently?

Dr JOHN KAYE: Your elders in that sort of judicial-support activity?

Mr CHENERY: The difficulty we have now is that you have a circle sentencing project officer who is absolutely run off their feet trying to get elders together to do it. The circle sentencing project officer will meet with elders, discuss it, try and get them together for a circle, have all their primary conferences and so forth. Getting them there is difficult. Again we are normally talking about the nannas, the aunts and uncles who are flat chat trying to keep communities together. So to bring them in is tough. We are talking very simple things. Some of these people cannot pay their bus fares or their cab fares to get in there so the circle sentencing project officer is racing around from seven o'clock in the morning picking aunts and uncles up and trying to get morning teas, trying to do all this sort of stuff which is nigh impossible. Then, of course, they are doing a circle and then they have got to get home and face their other community members et cetera.

To have one person sit in this position is very difficult from a community perspective because they are probably already the person that is sitting on a circle. They are probably already sitting on the Lands Council. They are probably already running the brekkie club at the school and all that sort of stuff. Financial help is one thing but the concern there is that people say, "But you are doing it for the money when you should be doing it out of your heart for your community." This person already probably does 40 hours community work a week. Of course lots of our nannas and aunts and uncles are grandparents and are on a Centrelink benefit so if they get paid it is an income. So all those issues need to be sorted around. Support financially is probably the key but the side issue is that if you take them to do something like this you are generally taking something else from the community. So you need to then look at that. It needs to be a very holistic approach.

CHAIR: There are a number of questions on notice that I would ask you to provide a response to by 10 October 2008, if possible, as we have to get our report underway for the end of November.

Ms BERWICK: Are the questions on notice the ones that were sent?

CORRECTED

CHAIR: Yes.

(The witnesses withdrew)

(Luncheon adjournment)

GAYNOR MARILYN MACDONALD, Senior Lecturer in Anthropology, Department of Anthropology (A26), University of Sydney, NSW 2049, and

DIANE JOYCE AUSTIN-BROOS, Professor Emeritus, Department of Anthropology, University of Sydney, NSW 2049, sworn and examined:

CHAIR: Would you like to make a few opening comments before we go to questions? It is completely voluntary.

Dr MACDONALD: No, only that I have to say that I was delighted to be invited to speak. It is not often that an anthropologist is involved in such a process. I am very happy that we can provide our knowledge to the Committee.

Professor AUSTIN-BROOS: The only thing I would add is that I am very pleased we are here together. Gaynor's principal experience over a very long period has been in New South Wales. I have spent the past 20 years working at Hermannsburg in Central Australia, which is an interesting community because there has been major cultural change there, unlike some other parts of the Northern Territory. I think it is quite interesting to consider our experiences in conjunction because, from different parts of society, we are familiar with groups who are converging along similar lines.

The Hon. GREG DONNELLY: My question is addressed to each of you. I have been struggling over the course of the inquiry with convergence and the Western thought process of coming to an agreed position with respect to an issue, a problem or a difficulty by essentially pushing out the consensus position unilaterally to try to resolve it commonly across the board. The indigenous mindset appears to be much more consensual and locally and community based. As we have proceeded through the inquiry, there has been instance after instance in which the two seem to be quite disjointed. There does not seem to be any convergence at all, and it is like the butting of heads.

I am just wondering, first of all, whether that is a realistic observation on my part and, secondly, if that is a fundamental feature of both indigenous and non-indigenous Australians in resolving issues concerning education, health, housing or whatever. How can we bring about a greater and more accelerated movement towards convergence when dealing with matters in which there is some common view that there is a problem to resolve? It is a macro question, but I am very keen to hear your thoughts and reflections.

Dr MACDONALD: Let me begin by making a general comment and then I will respond specifically because what you are describing does not surprise me. First I want to say that the images of Aboriginal culture that are generally held in Australia are somewhat exotic, often quite romanticised, and really do not represent what both Diane and I would understand as cultural difference. The kind of cultural difference that I am interested in and that we are both interested in is not very visible and not very obvious. It is the kind of difference that we might call, for instance, a world view by which people really think about who they are and their relationships with other people in quite different ways.

What we are used to in Australia has a particular European history, as it were. That does not apply in the Aboriginal context. Even in New South Wales where people think there has been a great deal of cultural change, you will find that this world view, even without the trappings, if you like, of spiritual beliefs and things like that, is very strong. It is strong enough in many parts of Sydney. It is very strong in the rural and more remote parts of New South Wales. Having said that, let me give as one example of those differences the fact that in that Aboriginal culture, as I will loosely refer to it, there is no value placed on representation. Aboriginal cultures have always highly valued personal autonomy. The right to speak for another person is not easily or willingly handed over.

That makes governance in the ways that we are used to it very difficult because our whole system is based on representation. There is clearly a mismatch there. A lot of work has been done, particularly since native title, to try to elicit Aboriginal decision-making practices—because this is such an issue in native title—as well as devising strategies for enabling decision-making practices that can speak across these two different systems. That is not impossible. It might take me a little while to explore with you how one might set it up, although I would like to speak a bit more generally later about governance. That is a partial answer, I know, but

hopefully we will have an opportunity to explore the notion of governance, which I think would address the second part of your question as well.

Professor AUSTIN-BROOS: I would probably come at your question in a slightly different way, but we meet at one central point, and that is the issue of autonomy—the autonomy of communities, the autonomy of families and of individuals within communities—that makes representative governance and processes of decision making that involve representation very difficult. At Hermannsburg where I worked, it was one of the first things that was encountered when the first attempts were made post-mission to set up local orders of government. At the same time, indisputably, I think—and especially in any form of remote areas from western New South Wales right up into the Northern Territory—a huge range of communities are facing similar sorts of problems: youth who are insufficiently well educated in an economy that has rapidly lost employment opportunities for unskilled and semiskilled youth, and communities where you do not have stable status and authority structures.

From my point of view, one of the things that is really important, and which relates to this autonomy issue, is that you do not as yet have development of what I would call a public opinion—a certain sort of civic culture—as opposed to the opinions of individual families and so on within the community. There are some fundamental economic issues that we are looking at across a very broad swath of communities. There are some issues about education and there are some issues about governance and administration that are very common. On the other hand, I think there is a tendency on the part of communities to say, "We must have our own specific consultation for this particular community", or even part of a community.

I suppose that one of the things that one has to think about there is seeing what knowledge we have, devising some sensible procedures, and quietly setting about treating each group on a particular occasion, but in a more standard way. In other words, in the end, the common difficulties that people are facing in so many communities must begin to push towards some standardisation. As Gaynor said, the issue of autonomy is a very intractable one in Aboriginal life.

Dr MACDONALD: If I can add to that, I would say that the opportunity to have a voice is what is important. People may not wish to exercise it. I think it is possible to put structures in place whereby people feel that the opportunity to speak is there. If those are in place and people do not take advantage of them, in a sense that allows people to move on. So the structures you put in place are absolutely critical to getting something that moves people forward and gets decisions made, that people have to live with.

The idea of consensus that is often thrown around in this context does not mean that all Aboriginal people in a place have to agree. What they have to do is be prepared to live with the decision, which is a different thing. It is a consensus, but in a sense you are saying, "I don't care one way or another" or "I'm not interested", or something like that. It is allowing those who wish to speak, to speak.

That is one point I would make. The other point I want to pick up from what Diane has said is that the lack of a viable economy influences the lack of leadership and authority very directly. These structures are all inter-related, and involve putting back a system of authority that hopefully is aligned in some way with the economy. I mean that in quite broad terms. I mean the economy in terms of service provision, jobs, skills, the training that goes into the work by which people apply wages, and all those sorts of things. How those things work within a community makes a big difference.

Clearly, when you have an almost non-existent economy, as you have in many places, leadership is going to collapse. We are not talking about problems that have existed in New South Wales, say, for the last 100 or 150 years or so; we are talking about quite new problems that have escalated in quite distinctive ways in the last 30 years, where you have this massive decline in the rural economy generally through the rural recession, also a decline in the skills base, opportunities, and all kinds of things like that. But the mechanisms that produce respect and authority within an Aboriginal community collapse at the same time, if you like.

Professor AUSTIN-BROOS: We are not sure what you were referring to.

The Hon. GREG DONNELLY: We are bringing our Western thinking to resolving issues, and clearly there is a sense of operating on a different plane—not a superior plane or an inferior plane, just a different plane. Trying to work out how there is a convergence to try to come up with an agreed strategy to deal with issues seems to be intractable in so many areas.

Professor AUSTIN-BROOS: The observation I was making is that the challenges that communities are facing are not all that variable; there is a great deal of consistency in the challenges they are facing.

Dr MACDONALD: Yes, throughout Australia in fact. The distinction that people make between urban, remote and rural, from our perspective, is simply not as great as some people would imagine it to be.

Dr JOHN KAYE: Can you explain that? Statistically we see different things to what you have just said. We hear anecdotally that the problems of the Far West are very different from those of coastal communities and city communities. Can you explain why you think that the problems are not that different, or in what sense you are putting forward that proposition?

Dr MACDONALD: I think what I am saying is that where you see particular social pressures or crises, in particular health statistics, there are probably quite a lot of measurable things that one might call disadvantage in general terms. The local structures interacting with what I think I would probably be prepared to call a Pancontinental Aboriginal culture way of being are remarkably similar. What is not similar, particularly in the example you have given, are the kinds of economic opportunities that people have. For instance, the coast of New South Wales is extraordinarily advantaged, for all kinds of reasons, compared with rural and remote New South Wales.

I think there is some irony that there has been more focus in recent years, for instance, on remote New South Wales, almost at the expense of rural New South Wales; the coast and the remote areas in the Far West often get a bit more attention and focus than the middle areas. And there are regional differences, but not in these kinds of cultural and structural terms. But, of course, you are going to get very different economic pictures.

Another difference, I think, is in the attitudes of shire councils—in relation to the opportunities for development in local areas, the opportunities for Aboriginal people to be involved in development projects, the opportunities for things like native title. There are a lot of different factors there that will not give you a uniform picture, but where you see problems in particular the ingredients can be very similar.

Professor AUSTIN-BROOS: I would simply add that when I made that observation I was really talking about Central Australia and the Far West. I think there is a consistency there, because I guess you would describe them both as remote. Certainly if one comes down the coast it is rather a different story. Nonetheless, given the range of challenges to employment, education, health, and so on, I think there are consistent issues throughout that indicate a population overall marginalised, where one has to think about how you are going to do it a little bit better with this.

The Hon. MICHAEL VEITCH: My question relates to the consultation fatigue we have heard about from a number of Aboriginal communities. It flows a little into the representation issue. We have heard in evidence, even today, that the elders have just about had enough of being on all these committees. It is virtually a full-time job spending 40 or 50 hours a week in consultation forums. There is a degree of consultation fatigue that we have detected. Secondly, I would like to move back into the scenario of Aboriginal communities' ability to accommodate change. We are trying to change a whole range of factors regarding education, health and housing, but there is their inability, even in their mindset, to accept and accommodate change. Could we hear your views on those two matters?

Professor AUSTIN-BROOS: As far as consultation fatigue is concerned, one of the things that is really important, along with the act of consultation, has to come on the part of, say, the departmental representative or program representative who is in that face-to-face situation: consultation and confidence. I think what has occurred over quite a long period of time is this fuzzy idea of what is Aboriginal culture that wants dealing with out there, and, "I have to go. I have to be very careful; I have to maximise the opportunities", and so on.

At least from Central Australia my experience is with meeting procedures in the communities that I have been involved with, that the opportunity for people to exercise that autonomous judgement and so on has to be there, but consultations also have to be carried forward with a set agenda. Put it this way: You could say a model of decision making between limited choices, not left open. In those terms, really quite a lot does rest on that representative from the government or administration side defining what the arena is, and saying, "We are looking at this. We could possibly do it this way or that way. What do you think?"

In those terms, I think there has been so much emphasis on issues of cultural difference and procedure; whereas in fact what are the differences on the indigenous side are not clearly stipulated. Very often these meetings are set up and nobody really knows what is going on, and that can generate a lot of confusion, frustration and defensiveness.

I have to say, irrespective of what your reports are, or the material you have clearly generated on the differences in communities and so on, for those communities that are facing big troubles and the litany of issues that we are familiar with, the circumstance is not rocket science. In those terms, we may have spent quite a lot of time trying to understand these cultural differences in procedure and so on. To quite explicitly be working towards a more simple and direct framework, with a small range of possibilities, and say, "Now let's get down to it", people out there might find that useful, too.

Dr MACDONALD: I will add to that, because I think sometimes rather than the issues being too broad they are often seen as having been decided beforehand and that the consultation is simply tokenistic. I have been in many Aboriginal meetings with people who are consulting and I have felt exactly as they have felt. There is often a great deal of Aboriginal anger about that, too, because they do not feel listened to; there is no accountability. If a recommendation is made within a consultation process, it can be quite unanimous but the opposite is in fact enacted: there is no accountability back to those people to explain why their views were not heard. So there is a fair bit of cynicism, rather than fatigue, I think, in those kinds of processes. So I think the end of consultation that is not genuine would be helpful to everybody. If you ended it all, I think they would have a problem. They may get fatigued, but they make a nice income out of their back-to-back meetings, too.

I would probably recommend that where, for instance, government agencies, or even non-government agencies, have particular procedures, there is no reason why Aboriginal people cannot and will not work through those procedures as well. You mentioned change and their ability to change. I have to say, as someone who has done a great deal of historical research as well as contemporary research, I think Aboriginal people's ability to change is quite remarkable. Back in the late 1980s one Aboriginal man from Peak Hill said to me, "You watch. Our policies change about every seven years—if they last that long."

I did. I watched. You are lucky if they last seven years. Even ATSIC looks as if it lasted longer than seven years but in fact in terms of the restructuring that went on while it was alive and well, the changes at the local level were absolutely enormous. One of the problems with this is that it takes Aboriginal people a while to get hold of a new system—often they are quite radically new systems—and for the personnel and the politics, as it were, to settle down. There may be a lot of problems in that process. The problems are focused on their having a new set of amendments to address just about the time that people are actually settling into it. Off you go again with a new regional structure or a new set of accountabilities, and it is a very unstable environment to be living in. I think a lot of people do not realise how unstable this policy environment is.

CHAIR: It can become even more frustrating if you are held responsible for the outcomes of something over which you have no control.

Dr MACDONALD: That is right. Of course it is very easy to blame those people. It is extremely frustrating because one of the things that I have noticed, and I do not know how government can address this but I think it is quite important in terms of Aboriginal policy generally, is that I find a lot of policy response to what I call the lowest common denominator works to the worst problems—the ones that the Government obviously does not want on the front page—but when it changes the system to respond, all those people who have successfully managed that program go under as well. So even the idea that success has some kind of continuity is very problematic for Aboriginal people. Some just give up but, fortunately, enough of them just keep on keeping on with the next policy.

I think structures can be put in place that could help that enormously and I would like to see people such as us have some role in that because those kinds of incommensurabilities may be hard for you but they are also hard for Aboriginal people. They do not necessarily know how to make these things work any better. So with a touch of my anthropological arrogance I point out that that is in fact what we are trying to do: both understand the incommensurabilities, in a sense, and work out whether there are paths through them, and I think we could probably do some enabling or mentoring in that kind of context.

Professor AUSTIN-BROOS: I would like to make a very quick comment on what Gaynor has said. I would also like to make another comment on the member's remark, which is that in all the time I spent in Central Australia I have never seen small communities—could never have imagined before I went there—that

were so profoundly bureaucratised in pretty well every dimension of life except perhaps the most intimate family life. Of course there is a reason for this, certainly in the more remote and less prosperous communities where, apart from fundamental service delivery and so forth, the economy is really an economy of government transfers of one sort or another.

When we talk about the difficulties of change, when small communities become so profoundly bureaucratised—and we all know what State, Federal and Territory governments are like; every time there is a change we have to crank up to it and then 10,000 pieces of paper are circulated and so on. Most Australian communities are not quite subject to this. I would also like to emphasise that the reason that indigenous communities are subject to it is that there are other circumstances and perhaps other routes to addressing the circumstances of indigenous people that are not being raised and talked about nearly enough. That takes me back to issues of economy and training and education and so forth. I would at least like to say that part of this issue of change has to do with the profoundly bureaucratised nature of these small communities and what is involved in any bureaucracy changing course, as Gaynor says, every six, seven or eight years.

Dr MACDONALD: A lot of Aboriginal people say to me that they really would like the kinds of services that are provided to other Australian citizens to be provided to them in the same way, but simply that those organisations be more accountable and perhaps better sensitised to the ways in which they are delivered in an Aboriginal context. They are managing a lot of things that they are beginning to think they should not need to manage. Other citizens do not need to manage them in the same way. They manage sewerage, water supplies, housing, local roads and communities, and all kinds of things that as a citizen and a resident of Petersham I do not have to worry about unless I am on the local council or I happen to have a job in one of those areas. They get done. I think a lot is expected at a local level in Aboriginal communities. This has been done in the name of a notion of self-management that I think needs to be completely rethought because it has put a great deal of pressure on local people to have knowledge of skills, forms of organisation and modes of decision making that are way beyond the expectations of other Australian citizens. I would really like to see this opened up a great deal more.

I would also like to mention in that context work that I have been doing with a colleague from Canberra, from AIATSIS, Patrick Sullivan, on the difference between governance and management. It is a difference that has been collapsed in an Aboriginal context. It is a difference that you would be very familiar with because you understand the difference between the Government and the public service. When we set up an organisation in an Aboriginal community or even staff a mainstream organisation with Aboriginal people, we have for many years expected them to be both the governance as well as the management personnel within a community. If you want to go and see a decision maker, for instance, which is where we started, where do you go? You go to an organisation. If I wanted to see a decision maker I would go to a Minister or a local member rather than the public service. In other words, we are used to decisions being made in different ways and in different contexts. Where you have, for instance, a local land council, a medical service or even a local cooperative, they are treated as if they are able to make decisions at the community level because there is in fact no civic culture and notion of governance at a civic level that is separate from those organisations.

Part of the research I am doing at the moment is some modelling with an Aboriginal student I have to see if we can work out how that might translate into practice within New South Wales communities so that we can clarify, if you like, the kinds of roles that people can and should be able to play at a local level. I think that would help Aboriginal people themselves because they will know where to go and it will help accountability within the local community. It will also help the people they are dealing with. I have been working on this recently with two shire councils who have both had development projects held up simply because they do not know who in the Aboriginal community to talk to. Where there is dissent, whom do they listen to? Where are the rules? In both cases I have basically recommended that the Aboriginal people themselves have to take this seriously and responsibly and if they are not prepared to work together then this is the organisation that at the moment has the legislative right to make the decisions, so it should make them. The idea that one person can desist and all decision making fall into a heap despite having been signed off by Aboriginal organisations should not be happening.

In a sense I am saying our structures are not right but that they are also making us a little bit too kind as well. That is not actually helping Aboriginal people themselves to establish structures that they need to respect. One of the issues that brings this to a head is native title and the difference between people in an area who can claim native title—traditional owners is the conventional term now—and those people who are non-traditional owners but residents. That is not such a difficult issue if you realise that that is a perfectly normal principle in Australia as well. We have the difference between citizens, permanent residents, and temporary residents and

they do have different rights, so there is nothing unusual about exploring such possibilities in an Aboriginal community as well so that you know who can speak for what. There is work to be done there but I think there are some local areas that are very willing to explore these matters, because they are just as aware of these problems.

The Hon. MARIE FICARRA: In relation to the Northern Territory intervention and the way that was carried out, do you have any glaring lessons that we should learn for the future?

Dr MACDONALD: Where do we start? I thought you only wanted us for one hour!

Professor AUSTIN-BROOS: I will make a moderately positive comment first, which is that I think it is regrettable that the action came in response to the Little Children are Sacred report because I think what it did was immediately represent Aboriginal people, especially those living in more remote communities, as pretty well all pathological, which is not the case. I think it was regrettable. I heard Mal Brough say at a public forum, "It was the report that gave us the moral authority to do something." There was plenty of evidence over many years that there were some real difficulties here that needed to be attended to. From my personal point of view, six weeks prior to the intervention I had just finished writing a book about the conditions I have encountered in Central Australia, which I thought were tragic, bracing and needed attention. Suddenly there was the intervention. In some ways it was a relief to have something on the national public agenda, but I think the circumstances in which it was done have been unfortunate.

One of the observations I would make is that the initial actions that were taken in relation to the control of alcohol, children's health and so on I think, at least in my own experience, were appreciated by many of the women in communities. The real difficulty that I do see in it is that the community that I know the best, and a number of others, moved into the period of life they have been going through from being wards of the State. The real difficulty is that when you proceed by quarantining incomes, it is a much more centralised system but in the longer term all you are really doing is, in a modified and more generalised way, returning people to that circumstance again.

We can track the strength and the weaknesses of the intervention by looking at what was the self-determination period's principal institutional measure, in my view, in that CDP and that was that there were fighting statements made by the Federal Coalition in power about problems with CDPs, Noel Pearson, welfare dependency and so on, but the real test of all that is what exactly are your policies with early childhood education, secondary training, transitioning from training to either regional or non-regional employment, as the case may be. It is all the hard ones.

In my view, the lessons from the intervention is that for all the tough talk, as things sort of roll along and as the other side of politics now takes over the legacy of that, one sees less tough talk and less in terms of real measures to address the fact—and this is to anticipate one of the comments further on the sheet we received from you—that although addressing poverty is not all there is to address, addressing policy is a necessary condition of improving, not sufficient, but certainly necessary.

The thing to be learned from the intervention as it rolls on is perhaps how little, ready and willing we are as a society or a set of governments to actually really bite in on the hard issues. I am trying to keep my comments short but I just have to make one further comment. I went to a meeting in Melbourne about two months ago of a society called the Bennelong Society, which was conservative in orientation, reviewing the intervention and so on. I found it very, very interesting. A number of economists spoke. One was of the view that the only answer was migration.

Dr JOHN KAYE: Can you explain that?

Professor AUSTIN-BROOS: Migration from the remote communities to the coast, and this is if you compare unemployment rates on the coast and so on. The assumption is if that you get everyone to migrate—this actually was an ex-Minister of a Federal Government—somehow or other that really will resolve things. In a market sort of way and in principle I sort of understand what he is saying but, of course, the actual social processes of doing that are almost unimaginable and encouraging young guys especially, who have very little training to migrate into heavily populated areas is really not going to help things.

CHAIR: It is also not a new idea.

Professor AUSTIN-BROOS: Yes, so we have the migration solution. Another proposal was that there really are jobs there, so if you kicked all the bludging, white service workers out, everything would be okay. It would be nice to believe that but actually that is not the case in a lot of these communities. The third strategy, which for me was the most plausible one, was if there was going to be pressure on how much money is being spent on resourcing, you have to pull back to a regional level and invest what you can there and make the best of what you can.

I would like to see groups like Job Network being given a genuinely bracing task and that is, if there is not enough regional employment, to look at what are the links you are going to make beyond the region. I noticed in some of your earlier reports there are statements on mentoring in local communities and mentoring into jobs and so on. What the intervention is telling me is that there is a lot of tough talk, but not as much is happening as one would like on the issues that really count and returning people to the status of semi-wards. It is a bit like prohibition. You put the lid on the can but one day it just blows off again and there you are; you have not moved forward much. That is my view.

Dr MACDONALD: I would add a couple of things to that. New South Wales is the classic example of where migration has not worked. You only have to look at Dubbo, which is the result of a massive resettlement program, poorly managed in the late 1960s and early 1970s. I do not want to expand on that but make two other points. One is that the two communities that benefited most from the intervention were in Western Australia. One was Fitzroy Crossing and the other one was Halls Creek, both of whom I think are far worse situations than anything you could have found in the Northern Territory.

The point I want to make there is that all of the procedures that were taken really did address a sense of civic and social crisis were all available under the existing law in the Northern Territory as well as in Western Australia. What happened in Fitzroy Crossing and Halls Creek and some of the Northern Territory communities is that they have got something that they had been asking for, for a very long time—police.

Professor AUSTIN-BROOS: I must endorse this. You do not have law and order—

Dr MACDONALD: This is where you come back to the rights of Australian citizens.

Professor AUSTIN-BROOS: Absolutely.

Dr MACDONALD: We really have to look at these rights very, very carefully. Aboriginal people are entitled to good policing. Somebody asked me recently whether they had Aboriginal and non-Aboriginal police and I knew the question was leading to the fact, Well if there were Aboriginal officers, they were no good. I am trying to explain that they did not have any police; I do not care what kind of police they were. But they really need police.

CHAIR: Are you saying what they need is a safe and healthy environment, which includes—

Professor AUSTIN-BROOS: Police.

Dr MACDONALD: Well if there was no policing in my suburb it would not be a safe and healthy environment from me either.

CHAIR: That is what I am getting at.

Dr MACDONALD: Absolutely.

CHAIR: I would imagine many Aboriginals and citizens generally would balk at just being told they need police.

Dr MACDONALD: They do not need overpolicing, and we know there has been a history of overpolicing. I am not really talking about how many scores on the board you can get from sitting outside a pub; I am talking about policing when it is really needed and I am also talking about following through on charges. When the New South Wales Land Rights Act began in 1983—and I followed this Act very carefully and I brought one book that I produced on it for you today—I watched as there were accounts of misappropriation, sometimes simply through inexperience. There were also accounts of fraud and corruption. In almost all of the

cases where people were charged, and often quite rightly charged, the charges were dropped. It was a kind of go softly-softly with Aboriginal people. And what did you get? You just got simply more and more problems.

If people know that they can get away with these things, they will. We have to stop treating Aboriginal people with kid gloves as if they have no moral conscience. I can assure you they do, but just as people throughout Australia will exploit opportunities, they will exploit them too. There is nothing particularly Aboriginal about that. Standards need to be set and they need to be set very clearly. If people do the wrong thing, I think they need to be charged and they need to be accountable to their community as well as to the wider community.

CHAIR: Correct me if I am wrong, but I do not understand you to be saying that one size fits all. I assume that there would be many Aboriginals in Mount Druitt or Redfern who might have a slightly different view as to the amount of police, whether they need more or less police as opposed to better-educated police?

Professor AUSTIN-BROOS: I think you have corrected this advisedly, in that certainly the problem with anthropologists is that we become immersed in our particular community. I am thinking about a circumstance of payday meaning pension day, Thursday evening, where you have maybe 900 people in town. There is one patrol car with two police, a lot of drinking and a very hot situation for women and kids. Those guys—it is not necessarily their fault—are circling, and they are keeping people in, and then being very rough with each other. It is that type of situation that leads you to observe that in order to look after the kids, to see that they are in school, and so on, indigenous citizens need the same level of support and order as do any citizens in Australia.

Dr MACDONALD: I think we have a legal system that is already capable of being sensitive to particular circumstances and we do need to avoid overpolicing. We also need to avoid policing the areas where, it is easier to pick people up but perhaps not as important as other areas. I am not talking about petty crime; I am talking about things like rape and very violent abuse.

CHAIR: The fundamentals of a safe and healthy environment?

Dr MACDONALD: Absolutely. Sometimes it is not a case of even charging people; it is a case of removing them until they are sober; all kinds of things. Those same norms could be worked out at local levels as well. There are some extremely good examples of police who have developed very good relationships locally. Some of them could be training their peers, and sometimes they are not particularly senior because they are out there in rural and remote areas, but there are some exemplary police too.

CHAIR: We have not had time to ask you all the questions. If it is okay, we will write to you and ask that you respond to those questions by 10 October?

Professor AUSTIN-BROOS: That could be a little bit of a problem because I am going overseas for almost three months next Wednesday and some of that time I will be spending in Sarajevo.

CHAIR: We will demand those answers by next Wednesday!

Dr MACDONALD: I will certainly, and I will see what I can do to enable Professor Austin-Broos to do so also.

CHAIR: Are there any final comments you would like to make?

Professor AUSTIN-BROOS: One of the questions on the sheet was about a culturally resilient community and what would such a community involve? I put down five points here and I will just run through them. The first one, which I have already mentioned in other respects, is a stable status and authority structure, and that goes straight to education and employment. This also has to do with change. There is a very good sociolinguist called Basil Bernstein, and he talked about restricted and unrestricted codes, that when people by virtue of poor education, say young adults functional illiteracy and so on, it just makes the job of adapting, when one has to adapt, so much more difficult. So, if you are going to have that stable status and authority, education and employment underpins that. If there is not the attempt to address that issue, I think you cannot get much further. That is my first one.

Secondly, it seems to me in Aboriginal communities there is a huge number of examples of what I call niche small businesses that draw on either cultural traditions or regional traditions of the people, what their particular history has been. I think encouraging where one can those niche small businesses—but once again it goes back to education; you cannot expect people to run a small business if they do not have a certain level of education.

Thirdly, I think cultivation of the public domain. One of the issues that is really difficult for Aboriginal communities is when there is, as it were, no public opinion beyond a family opinion. If you look at a whole range of, say, Third World societies, this is a very common issue. The institutions to foster a public domain and a vibrant public opinion are often not there. One of the examples I give of the sort of thing that helps is football. I was born in Melbourne; I am a mad AFL fan. I mention that—it is a sporting organisation but it brings people together across family divides. There is a common purpose, a sense of the community beyond this particular set of relatives or that set relatives. I wish I could bring in a whole lot of other examples of organisations, but that is the one that strikes me because it is often there and there are not many others. Fourthly, known social history and social biography. I think between land rights and the fourist trade the notion of what is Aboriginal culture has become very rarefied and rarefied.

Dr JOHN KAYE: You mean amongst non-Aboriginal people?

Professor AUSTIN-BROOS: Yes, but even, I think, less traditional Aboriginal people feel very awkward about the fact that maybe we do not have this. I brought this text, *Teaching Aboriginal Studies*. It is surprising how negative it is even when it is meant to be the progressive view. It is all about what we have lost, what has been done and so on. Of course, that had to become part of a public discourse in a way that it was not some years ago but what about all the parents, grandparents, and great grandparents who were involved in industries and have done various things, how much of that form of local knowledge is there? I would like a great deal more work in the schools and in other supporting institutions on known social history and social biography for particular areas, and for this to be worked into curricula, so that kids are getting a little bit of sense of that.

CHAIR: And a legitimacy of struggle?

Professor AUSTIN-BROOS: A legitimacy of struggle, absolutely. Once again I speak very much from my own particular experience, but the Hermannsburg Mission was a very famous mission. It was also a great local economy. Mind you, people did not get paid but the range of skills in that community was quite extraordinary. Here comes land rights. Land rights, too, is fantastic in his own way but there was a disconnect. How should young people feel about those generations before that were in the mission. So, a lot of the social history and what those parents, grandparents and great grandparents did begins to get leached right out of the community.

I think in conjunction with that you need effective curating of the long past, of sites, of middens. At the Sydney University I am on the committee returning skeletal remains and, of course, of language. So, I have stable status and authority—and that stable authority requires employment and education—niche small businesses, vibrant public domain, known social history and social biography and effective curating. What I am trying to say is what might be identified as the more cultural issues here dovetail into the economic ones.

Dr MACDONALD: I will add three things, which I will table if I may. One is the book I mentioned earlier which is an analysis of one of the regional land councils and the land council process—a terrific success story that was a victim to a policy change. The second is exactly what Diane has just been talking about, a diploma in Bachelor of Aboriginal Cultural Heritage, which we do not have the money to set up at the moment at the university but which I would like to see involve literally every community in New South Wales, and another report that has only recently been finished, so it is not very known yet, on indigenous wellbeing in New South Wales, Frameworks for Governments: Aboriginal Cultural Heritage Activities. I think that has some excellent material that also points to the importance of cultural heritage as well. If I may leave those with you.

The Hon. MARIE FICARRA: Who was the author of that last report that has just come out now and under whose auspices?

Dr MACDONALD: It was under the auspices of the Department of Environment and Climate Change and was produced by Vicki Grieves.

CORRECTED

(The witnesses withdrew)

VALERIE JUDITH ATKINSON, Director, Gnibi College of Indigenous Australian People, Southern Cross University, sworn and examined:

CHAIR: Would you like to make some brief opening comments before we go to questions?

DR ATKINSON: Sure. In the past 25 years of my life I chose to go into the academy because I have been working in the area of violence, trauma and healing, which started off in Cape York. I started to understand there was something dreadfully wrong in our communities when I was working for an organisation called the Aboriginal Coordinating Council. I have just come from Canberra where I sat for two days where FaHCSIA is looking at setting up a healing foundation, a national one. I have done work both in Canada and Australia, more particularly on violence and its relationship to trauma and what we can do about it.

I head the College of Indigenous Australian People, and we have a lot of things there that we do and we now have clear evidence—it is doing whole of community intervention work in Kulumburu at the community's request and in another community in Western Australia at the Western Australian Government's request. In South Australia the Mulligan inquiry asked me what we should be doing.

I have brought some things that I think I can say. We have done quite a bit of work in New South Wales. One community that I will name publicly is Toomelah-Boggabilla. They are two small communities closely linked. I have some things that I have learned from whole of community interventions. I also was invited and tried to get some things going for about three years before the Territory intervention and I have some fairly clear examples of what was done wrong and I told the Federal Government that there would be an increase in violence if it did what it did, and the increase in murders and suicides is now evidence of that.

Dr JOHN KAYE: Increasing subsequent to the intervention?

DR ATKINSON: In the way they were doing the intervention. I told Noel Pearson if you did what you are going to do in the Cape, you are going to have problems there too. Noel and I worked together in the 1980s I was the person in Queensland who was employed by the Queensland Government to work with all the ex-Aboriginal reserves, to take them into Deed of Grant in Trust (DOGIT) in what was called self-management. I am not going to go into an anthropological diatribe about that, but there were some clear government problems and its inability to function properly with communities and progress this thing it called self-management. Noel Pearson and I worked together when I was the research officer and the coordinator for the Aboriginal Coordinating Council.

The Hon. MARIE FICARRA: I get the feeling you have a lot to tell us. You have seen our terms of reference. You might have seen our interim report. What are the things that we should be looking at as a Committee to make recommendations for the Government to implement? From your point of view, from your experience and what you have been through—this is New South Wales but clearly what you have learned from the Northern Territory, throughout Australia—what should we be focusing on?

DR ATKINSON: I have made some notes on each of the questions and they are basically approaching that. I am going to start off with Toomelah-Boggabilla. What you find I will do is tell a story to make a point. In my office I get a call. Half an hour prior to the call three young fellows had found the body of a young woman stuffed under a cattle grid. Their question was, "Can you get out here?" Of course I could not but I sent three of my students out there that day in a university vehicle and we have stayed with that process now for nearly five years. We have learned some big lessons. We have learned, for example, that the murder was attached to drug transportation up the Newell Highway and that there were processes of police involvement on the north part of the border that allowed that to happen. I sat in a whole-of-community meeting—150 people from Toomelah and from Boggabilla where that was actually acknowledged, and I still have not seen charges laid.

We were there on the ground and three of those students, who graduated from the Masters that I run, the Master of Indigenous Studies Wellbeing, then ended up out there working, one of them in DOCS—and I will have some comments to make about DOCS—one of them was working on a volunteer basis with men and nobody would pay him for the work he was doing; he worked with the three young men and found that he was actually working in the end with 23 young men—all had been up on charges, had been inside, and all were pretty fractured. A lady called Judy Knox, who comes from that area, stayed through this process while there were attempted suicides, there was disclosure in the school that 60 per cent of the children had suffered sexual

abuse, and I have no evidence to support this but this is what was told to me eventually, that there was 100 per cent disclosure of children in the school saying they had been sexually abused.

There was a supposed suicide that people say was linked to the fact that the man who died in an accident—supposedly a hit-and-run or he died on the road—actually knew who had killed Theresa. Where I live in Lismore I was approached by somebody to go to the police to give evidence to the police or tell the police the names of the people who killed Theresa. In the coronial inquiry much of that evidence started to emerge. I will focus on the positives in this because we have found that there is a total inability of government departments to work across and with each other. We have been able to see where that breaks down and what we have seen is a will of the community to do something for itself. You have to know the history of Toomelah as a mission, having been moved three or four times and a royal commission into the inability of governments to provide water to a community that is on a river, and quite often they will be two or three days without water.

Just down the road is Boggabilla—it starts on the Newell Highway—and just across the river is Goondiwindi and what we found is that an old woman living in a street in Goondiwindi was getting aged care services from a woman who lived in a street in Boggabilla and who was employed by the Queensland Government. She moved over to Boggabilla and then her aged care services had to come from Moree. That is a six-kilometre move across the river and suddenly we had these two jurisdictions unable to function with each other. It is a simple thing but it just shows that even the two State governments—

What I see is community demanding for services. I saw them actually take power and I got called out. In fact, the Western Australian Government has now called me over to Western Australia on another community, saying that this is a model to show how communities can start to change. They have found their voice. In that process they also found the depth of their despair because what also emerged is that some of those elders in that community had sat in a school—and I am on oath—where they say the school principal would touch them up sexually in the classroom. He is dead now, but there is therefore a progression of silencing.

As the Theresa Binge murder unfolded, all of the abuse issues, the drug issues, started to come out as well. They, the community, drove us really hard to do something; they harangued me, and then Judy Knox moved out to Boggabilla to live permanently and she is now doing her PhD in that community and her question is how can educating approaches within a community change government-community relationships—the governance process? There are some clear things that I think should be looked at in the future. One of them is that the health department, for example, just sat on their butt. They should have been responding to the needs of the kids who had been disclosing abuse. They seemed to be paralysed.

On the other hand, DOCS came in on its great white charger and actually took power away, because the model that we had—we have got a Master of Indigenous Studies Wellbeing; we have graduated 45 indigenous students from that, and they are working all around Australia in very key places now, including the Territory, and in New South Wales at high levels in education; and an undergraduate degree in trauma and healing and we have now got a diploma of community recovery in place. Our idea was to deliver that in Toomelah so that on the ground people would get a qualification. But what DOCS did was come in and they did Mickey Mouse courses. I am highly critical of government departments that continue to provide training to their staff as they recruit their staff but do not actually provide quality training—they are buy-end trainers.

Dr JOHN KAYE: This is training in Aboriginal cultural sensitivity or—

DR ATKINSON: No. Training in everything you could possibly need.

Dr JOHN KAYE: So this is welfare training?

DR ATKINSON: Whole-of-community trauma intervention.

Dr JOHN KAYE: These people came in with a bachelor of social work or—

DR ATKINSON: No. The two I am thinking of at the moment are two Aboriginal workers who came in as Aboriginal workers in DOCS.

Dr JOHN KAYE: They had certificate 4 qualifications from TAFE or diplomas from TAFE?

DR ATKINSON: I have no idea what they had.

Dr JOHN KAYE: They had some social work qualification?

DR ATKINSON: One of them had graduated from the Masters eventually, and I said to DOCS at the time, "Why is it that your staff cannot deliver an assignment when people who have not got an undergraduate degree come into my courses and can deliver assignments?" Because they are inundated with training but they do not have to be accountable for the training they have gone through. I think that is an important point. I am on the DOCS research committee and I can remember sitting in a committee with the previous director general and him saying, "In future all our DOCS workers will have to have a postgraduate qualification, except for our Aboriginal workers, and we will work out how we can educate them". They were his exact words, and I fell off my chair—I actually jumped out of my chair and said, "What the hell are you talking about?"

What happened in Toomelah, we had developed a plan with Premiers NSW through Maureen Chapman, who is based in Armidale, to put the education into the community so we were skilling up people at every level we could think of. This is not about cultural awareness training, this is about community change processes: moving people out of what I call the trauma vortex. So what they provided to people in the community is what I call Mickey Mouse: feel good little bits of stuff, but never letting people look deeply at what was driving their own pain. What evolved out of that is that the community started to get some good information. You cannot make decisions that you have not got good information. So the community started to look at itself and see the information that had been denied them previously, because others were making decisions outside, and they started to make decisions. Then they started to butt head with different government departments who were not providing the services that should have been provided.

I think the example of Theresa's murder is an important one because this community has been through massive, massive trauma and yet they are still fighting for simple processes. I listened to the previous evidence here about policing and I am going to juxtaposition that with Kulumburu because we are working in Kulumburu in Western Australia where there have been 21 arrests on child sexual assault. They had had no police. As a response to the Sue Gordon inquiry police were placed in Kulumburu. Let me just see if I can make some sense out of that. In Toomelah-Boggabilla there is a police station there and people would repeat to me time and time again that there was misbehaviour by some New South Wales police. It may be under the dictates of what you think behaviour is or is not, that it may not be considered bad behaviour, but when communities see young police officers hanging around with young Aboriginal women and there is drug use and there are sexual activities, people do not have a sense that there is good policing in place, and that has been an ongoing thing and there have been reports made and then the police come back and say, "No, everything is fine".

My experience in reporting to the NSW Police about the names of the people who killed Theresa was that I had to drive 600 kilometres to sit in a safe place to talk to one policeman that we knew we could trust. Our experience was there was heavy truck transportation up the Newell Highway, and the question that has been asked of me is why can't some charges be laid? I said to both NSW Police and the Australian Crimes Commission that I would just be putting some people in undercover there. What happened is that some people got so upset they decided to go. They actually drove over to my university and they sat and talked to the Australian Crimes Commission—two male elders and two older women. I did not even realise until they were leaving that they had to pool their money in this old car, and it was raining and one of the windows was broken, and I realised that they had come over at their own expense—if I cry it is because I feel so strongly about this—and they gave evidence to the Australian Crimes Commission and they named the truckie situation.

I sat and waited and waited and waited and then I saw them go to *Lateline* and give the truckie story to *Lateline*. People have been critical of that, but in fact what happened then was they got calls from all over Australia, including from truckies, who said, "We know this stuff. It's true", and from people in New South Wales who rang me up and rang them up and said, "Yeah, we knew it when I was in Moree, when I was in Dubbo". This is what I call real empowerment. People started to demand some action, but there still has not been anything come out of it. So I see that as a real positive that they are starting to say, "We want changes". The decision for them to make those changes happened when they started to feel safe.

I keep hearing criticism about our mob. I am an Aboriginal woman; I am a Jiman Bundjalung woman; I also have Anglo-Celtic heritage—my mother's family came out from Germany, so I am a nice mixture; I represent Australia very well, I think. I hear a lot of criticisms about our mob. What I found is that as soon as we created the safe place for people, the safety for people to actually look at what was happening in their lives, they had the will to do things. But what I also found was that it was incredibly tiring to keep pushing and pushing and pushing for them to get the services that they have a right to get as Australian citizens. For example, and I will

jump from Toomala to Armata where I have been called in to do work after the suicide of a young 14-year-old girl—totally mishandled by the police; not because the police were bad but just because they had procedures so they have closed off the story from the young women. Kulumburu—no police there; the police came in after the Gordon inquiry and then one grandmother reported to the police about the sexual abuse that was happening. So the police started to do their inquiries and it absolutely totally fractured the community. The police said to me if they had known what was going to happen they would have done nothing, because there was not a service in place to meet those needs when those things come out.

Toomala has a population of very young children, as do most Aboriginal communities. Kulumburu would have about 50 per cent of the population under 14 years of age and about a third of the population is under the age of six. It does not have an early childhood centre or any early childhood programs. It has got two nurses there. So, the police were there, they did their thing, and then I got the call, "Can you get into Kulumburu". I think this should really be looking at Kulumburu, and I will tell you in a minute why. When people ask for help I just say yes immediately, and even if I have to pay for it myself I will do it. You must respond to the community. When a human being asks for help you respond immediately. When a community asks for help you must respond immediately. You do not do what the Federal Government did in the Territory, because communities were asking for help for so long and they ignored it.

Going to Kulumburu—some public servants said to me, "Did you consult with the council? You should have had an invitation from all of the community. This is a community development approach." I said, "Are you fellas crazy? The council are in Broome in jail. They have been arrested for Christ's sake. Do I just sit there and ignore them because I have not had this proper protocol?" So when I went in there I found a community in tremendous pain—as I found in Toomelah, as I found in Amata, as I found in communities close to where I live—and there was a sense of what I call the trauma vortex of not being able to move out of the pain.

What needs to happen there is that somebody needs to be able to put their hand into the vortex. You know what a cyclone is like? You come through these amazing—particularly if you know boating—winds and you come in to the centre of the cyclone and it seems still but you are actually stuck there because to get out you are going to have to go out the other side and that takes one hell of a lot of courage. To actually make the choice to keep going through it to the other side takes a hell of a lot of courage. It was like the community was just stuck in this place. I guess I am getting to the issue of education now because I think that is the only way forward.

CHAIR: You are getting to the issue of giving us some answers?

DR ATKINSON: Yes. I walked in there and I just stood there and I said, "You have invited me in. You have just had 21 arrests on child sexual assault. That is my story too so I know a little bit. Let's sit down and see what we can do together." So there was no hierarchy. We actually started working in the building—and this is what we did at Toomelah as well—but we found it was not safe and at Kulumburu we bugged off under the mango trees. We actually sat in the middle of the community. Men sat here, women sat here, we had the children playing and we worked. We are now into our third program at Kulumburu. We go in for 12 days every few months and we are seeing changes.

CHAIR: Who is "we"?

DR ATKINSON: That is a good question. Let me just slow down and say at Gnibi College of Indigenous Australian Peoples we have a thing that we now call ICERT, or the Indigenous Crisis, Educaring Response Team, and every time I make a bit of money from something—like I won the Neville Bonner award and I got \$40,000 and I put it in a little kitty so when we have a crisis I do not have to run around to find the money, I do not have to wait for Government to do something; I can just do it. I have got a bunch of students who have graduated and I know that I can pick up a phone if I cannot do it and say, "Hey can you get over here because this community is absolutely needing something at this stage." It is the response I am talking about.

In New South Wales you had an inquiry but you did not respond. So people have been sitting in this incredible distress or trauma vortex that I talk about—this pain. They have spilt their guts and opened up. So the community is asking for more skills in what it can do—I am talking generally about communities—but in fact Government also needs to understand how you respond to crisis or trauma. They have to know how to manage and how to intervene and how to involve themselves in the change process. They need to stop defending themselves because we are all in it together. Education is about cultural safety, it is about security, but it is also about knowing the stories people may have and allowing them to come out. It is about challenging who are the

leaders in this place. Often the leaders who have been elected are not actually the leaders. Often the leaders are those old women who speak out and it is about empowering them.

You asked about how we can change service delivery. There does not have to be different services across different communities. It is more about how it is delivered or facilitated. You can have this package and if I kind of walk into this community and this community and this community and stand up like a robot and just do the same thing for each community then I have not reached the community. But if I kind of walk into this community and deliver this package to bring out of them what they know and then build on that I then deliver the service and it works there. If I walk over here and it is a different way of working, it works. The same service can be delivered but it has to be relevant to the histories of those people. Does that make sense?

The Hon. MARIE FICARRA: Yes.

DR ATKINSON: That needs skilled facilitators. It means that when the bomb goes off in the room you know how to hold the energy of the place. I would say that the training for public service is inadequate. One of the things I have found out is that the psychologists and the social workers that get out into our communities who think they know it all are totally untrained and I am stunned at the number of medical service staff as well like doctors who are totally insensitive.

I want to touch on successes for a moment and how we measure success. It is kind of interesting that the Department of Community Services [DOCS] says that we measure success as we see more reports coming out. Well I would measure success when I see more families stepping up to the mark when they see something going wrong in their family and they move in quickly. We are seeing evidence of that moving into the family and intervening and saying, "Look Barb you are not looking after the little one at the moment so I am going to take her and look after her or take over the responsibility for the children." Then they may go to DOCS and say, "I am now taking responsibility for this little one here because her mum is not able to at this stage." I saw that in Amata. I saw four children in Amata placed in families where their parents had died or were in Alice Springs drinking and there had been no formal interaction with Government—people had just taken over the responsibility across the extended family. That to me is real success because it is people taking responsibility themselves but they were not getting any support and that is another issue.

We are seeing also that more people are willing to speak out about the inadequacy of services but in a way they are just giving, "This is wrong and this is what we would like to see happen." It is not just, "This is wrong and they can't do it right." It is, "Look this is what we would like." That is a measure of success to me because they are starting to get information where they can and then tell Government what they want. The measure of lack of success within Government service delivery is when they are not responsive to that and they still keep going down the same old track.

Another measure of success—and I have seen this to—is when not only do parents start to value school as a way forward for the kids but because they had really bad experiences at school—and I can give you four and five examples of this in three States where the parents, the young mums, have decided they want to get their Higher School Certificate [HSC]. They are actually going to the school and teachers are working with those young mums to get their HSC. Now that is a success and we need to monitor that and we need to invest in it. When the kids are saying that they want to be at school it is not because it is bad at home but because education is a great experience and they are learning something. That means that we need to invest in better teachers. My criticism of universities is that we are graduating teachers who are inadequate. We are also graduating teachers who do not know how to involve themselves in what I call the trauma vortex. So what we are doing with kids is that we are just suspending them in schools and we are not giving them the services that they need.

As I said to you I have been involved in this for 25 years and there is a level of despair in me because I wrote the report for the Queensland Government—I wrote the bulk of the report with Bonnie Robinson's name on it, I did the research for it. I went back into communities where I had been 10 years previously and I saw the increase of violence. There has been a major increase of violence and trauma, which has increased even more so since I wrote that report. We tabled that report in 1999, so we are 10 years down the track and I am seeing things I have never seen before in my life. On the other hand, what I am now seeing is Aboriginal men and Aboriginal women—Aboriginal women have been talking about this and wanting things done for a long time. In fact the woman who appeared on *Lateline* and spoke out, Mantatjara Wilson, she spoke to me in 1990 when I did a thing on violence for Prime Minister and Cabinet about the kind of things that we are talking about today. I have still not seen the services come. It takes a lot of courage for a person to do that.

What I am also seeing—and I think this is a really important point—is the number of Aboriginal men who are now coming forward and talking about their experiences. I learnt a lesson last week—two lessons actually but one of them I will talk to. Being on suicide watch with two separate men and I could not work out why this fella was like he was. On a particular day he was about ready to drive his car into the river and I was able to get something together and it stopped. Then I got really angry because I had had him in counselling and he was not actually working through this properly. So I sat for an hour and a half on the phone by the side of the road talking to this fella—he does not live where I live. He finally told me a story that allowed me to understand that we actually have not got the whole picture because I have worked a lot on interventions and prevention work with young Aboriginal males and suicide. I have also done a lot more work on Aboriginal females and suicide and that is increasing too.

This fella kind of alluded to the fact that when he was about nine years of age he had been sexually aggressive and committed what you would call a sexual assault to his smaller sister and he was feeling really bad about that. He then said, "But I have never been sexually assaulted." I said, "That is not what I am interested in. I just want you to get into this counselling where you deal with all the shit you have got." Then he told me he was with a young Aboriginal man of 11 who had just come out of a so-called boarding school and the fella next door had raped his daughter in front of this young man's brother who saw it and the young fella who was suicidal was actually witness to it. It suddenly hit me like a bombshell—and I had not realised this before—the number of our young men who may not have in the first instance been involved in violence in any way but through witnessing things have now got a sense of their own lack of self worth, a fracture within themselves, and a real feeling that they are bad.

You all know that there is such a thing as child-sex play, there is adolescent sexual experimentation and there are the levels of the continuum of sexual violence. That got me thinking also about Noel Pearson's stuff about boarding schools. Let me to say that if you take a group of young people out of an environment where they have been subject to abuse and you put them into an institutional environment the institution just keeps them going—that is what prisons are about. I belong to an international society called Stop Prisoner Rape and I truly believe so.

I am telling you these stories not because I want to traumatise you but because I actually am learning from those people that I have had to listen to. Now when I start to put my suicide packages together, and the work that I do with young men in particular, I am going to be actually much more sensitive to this but I am also not wanting to work with young men because we have the most fabulous group of Aboriginal men who want to do this work and we need to be empowering them. These are not bad news stories: these are good news stories. The number of our men who are now coming forward and talking about what has happened to them, tells us that there is a great healing happening. I am finding that more of our men are willing to talk about this than non-indigenous men. Non-indigenous men want to talk to me usually when I walk out and they come and tap me on the shoulder and say, "Judy I just want to tell you this story." I think why don't you talk publicly about it?

If I was going to talk about, for example, cultural resilience I would say to you that you have kind of missed the boat a bit. Resilience comes from the reptilian brain. It is about all of the work that we are now doing on neurobiology and the neurodevelopment of the child. So the reptilian brain allows us to survive. It teaches us how to fight, flight, freeze or whatever and do things. The thing that we need to be thinking about in the work that we are doing is resonance and resonance comes from the prefrontal lobes. It is the mark of a high civilisation when we can resonate with each other, when we can care for and really empathise. You know, you have been hurt and I hurt so we can sit together. It does not matter if you are black or white; we can both sit together and listen to each other. It does not matter if I am a man and you are a woman. That is the other thing I found: men will come and sit with me. I make the statement to our men, "I want you to go out and do this work because I think it is important."

The other thing I want to say is that we must embed this stuff in education. We need to start very early in early childhood education. In fact, I would say that there are only three ways forward: education for early childhood, for healing; lifelong learning; and education for healing. We have just been talking about that in Canberra. What is interesting for me is that when I am working with refugees who have been through torture, the same modalities or the same processes that they incurred during early childhood development are used for working with refugees who have been tortured or people who have been truly traumatised. They are absolutely the foundation, the cultural cornerstones, of Aboriginal ways of being in the world: art, music, dance, narrative, theatre, caring and sharing, and ceremony.

Ceremony is an important thing. Sitting here like this is actually a form of ceremony and giving honour and respect to it. What we have done at Ginibi, as I said to you, is that I have taken the time to embed it in education. I took a long time to think about it because the other part of cultural resilience is something I say to my university. When an elder comes in and stands with me when we have something happening, they are standing there, and then the Vice-Chancellor stands beside me on the other side, I turn to the Vice-Chancellor and say, "Vice-Chancellor, I need you to know that this is my Vice-Chancellor", and, "Uncle Eric, I need you to know that I respect this man for the work that he has done to get to where he is as the Vice-Chancellor." So I have made the decision to place all of what I do and know in education because our people need the qualifications to be able to stand alongside those people who think they know better than us.

I feel quite sick sometimes when I listen to the paternalistic words of people who are telling me what my experience has been and what the experiences of my communities have been. What I feel pride about is that we now have 45 graduates from the master's degree and a number of them are going on to do a PhD. Years ago I gave a scholarship to the woman who wrote this book. This is her PhD thesis. It is called, *Please Knock before You Enter: Aboriginal regulation of Outsiders and the implications for researchers*, by Karen Lillian Martin. She won the University Medal and she won the NAIDOC Award for Academic of the Year; but, more importantly, the most senior qualitative researcher in the world, a fellow named Norman Denzin, marked her thesis. I was sitting back there and I thought I would bring these books up, and I will just name them.

This book is an important milestone. It tells us how to better do research, but it also says that we can aspire to the kind of role I have, which is a professor at the university. I left school when I was 14. I went to university when I was 39. I got in on the mature age entry and I struggled. I was supporting my family because my husband was sick and he is still sick. He is in the last stages of cancer. But I got there. I say wherever I go, "Do this! Go and get yourself an education."

This is an important book. It is called *Holding Men—Kanyirninpa and the health of Aboriginal Men*. It is about the health of Aboriginal men in Balgo. It is important book for men to read and for you all to read because it talks about the cultural processes that men have but also the distress that prison can be for Aboriginal men. It was written by a Catholic priest, a Jesuit, Brian McCoy. It is a respectful book. The respect in that book is amazing. We have been asked to go into Balgo and work.

There is a book here on anger in indigenous men. Martin Nakata has done some stuff on that in there. So here again you have Aboriginal people writing about our own needs and doing the scholarship that is important.

This is a thesis that I am examining at the moment. This is from the Fitzroy Basin and you have just heard somebody talk about Fitzroy Crossing. What is interesting to me is that I have been working in the Fitzroy Basin on the Dampier Peninsula across the Kimberleys now for nearly 15 years. This is written by an Aboriginal woman. She has a Master of Arts, a Master of Education (Research), a Master of Public Health in Tropical Medicine, a Graduate Diploma in Education Studies, and a Graduate Diploma in Health Education. She is a registered nurse. She is just finishing her PhD. This is a top-quality PhD.

I want to know when government will actually recognise the expertise that is in our communities and fund our people to deliver services. For years, my husband, who just happens to be a white fella, has funded a lot of my work because he just happens to be a white fella who came from a family who gave him a bit of money as I struggled to get money out of the government. The characteristics of a healthy and resilient community are when people start to care for each other again. We have our flippant words that we use in our Aboriginal cultures about caring and sharing, and then we see each other smash each other up. So the words that I use are these:

When we enter the world, and live in the world, and we are shown respect for who we are as human beings—respect: the four Rs here, not the three Rs of education, but the four Rs, including respect—when we receive that respect, we know automatically under the UN Convention of the Rights of the Child, under the Constitution of this country, under this thing that I hope they will do something about, the rights of indigenous people, we have rights. We have rights to early childhood services in our communities. We have rights to all the kinds of services that another person receives, such as might be received by someone who is a resident of a little place I have just come from in Balmain.

When we receive those rights and we feel that respect, we then automatically take responsibility for ourselves. Noel has got it wrong, by the way. He has got it screwed up. You do not demand people become

responsible. It is something that happens. When we take that responsibility for ourselves and we look out for each other, there is reciprocity in that: I respect you, you respect me. There is a wonderful story about a little four-year-old going for three days with women to ceremony. If you have ever been to an Aboriginal ceremony, you will know that it is a long hard job. I do not think any of my students at the university would be able to sit through it because of the patience and the respect that you need to be in it. Anyway, all the women were coming back from ceremony and this little one was toddling along. One of the old women said to her, "Gee, you're a good little girl. Who's your boss?" This little one just put her shoulders up and said, "Nobody. I the boss of myself." At four years of age, she had already not only had that sense of respecting herself but she had the responsibility to sit in ceremony, which is law, at that period of time.

When people feel all of those things, not only do they look after each other, but they look after their country. When country has been damaged, people become damaged, become hurt. When people are hurting, they will desecrate their country. In all the places I work in at the moment, I have found that when a mining place starts up near an Aboriginal community, immediately that Aboriginal community is targeted by the drug lords down south. We have clear evidence of that. The Western Australian police have evidence of that, and the Territory police have also. I do not know why we do not do something about it. But they target the community near the mining company because the mining companies now run regular drug checks. Though they run the checks, the fellows can come off on leave and go down to the community. In Kulumburu, for example, there was a bkie who came in. He befriended one of the elders. He got one of the young girls pregnant. Then he had a child of the community, so he was there and he was peddling drugs. There is a high level of problems with that.

One of the questions you asked was: Can I give you some examples of good projects? Okay. There is a heap of really good ones. I thought I would leave this with you. I am involved with the Rural Health Education Foundation at the moment, and I thought I might give you this invitation because I cannot go to it. It is a launch in Canberra. This mob, Change Focus, are doing some really important work. There are some documentation and videos coming out from that, including informing the work we are doing in Kulumburu. They filmed, for example, Noel Tovey's life. I think that is really important stuff because we actually have to change media focus. We have to stop the media from just focusing on, "All men are rapists. All men are violent." That is just not true. We have to get some really positive images out there.

I notice that Australians for Native Title and Reconciliation [ANTAR] is putting out a lot of stuff at the moment. I am seeing that they are targeting the good news stories. I am just giving you some quick examples. There is a documentary that won three national awards called *Cry from the Heart*. The young fellow who was in it is Chris Edwards-Haines. That is another set of some really good examples of things that can educate non-indigenous people as well as our own mob. I do not want to go into any depth of Chris's story. I asked permission this morning to use this as example.

He was taken from his mother. He was sexually abused. He went through the prison system. He was a very violent man, from what I heard. He came out and came into my master's course and graduated. From what I understood, he could not get a degree. I think he went to a couple of other places—Jack might be able to tell you something about him because he did some other educational programs as well. He was the young man who went out to Toomelah-Boggabilla. He could not get a job because he had a criminal record. He has just got himself a scholarship to study forestry through New South Wales Forestry. You could not chart the story. It is a fabulous story of change and struggling because his whole early childhood was abuse and living on the streets. But he himself is making the change process. I think that is the kind of stuff that we need to follow through on a lot more.

CHAIR: How?

DR ATKINSON: I am really critical of the media and its bad news stories. I think we should be showing three videos up there that Change Focus people gave me to have a look at and get them into the schools as well as get them into discussion groups. I absolutely think that schools should be the centre of the hubs of communities. We do not utilise schools well enough. You think of it: we put these buildings there and then we use them from 9 to 3. My goodness, you could have a permaculture down there. The schools where I am at the moment are having mums and bubs groups on the school grounds and there are activities for dads and kids happening at the school. The school becomes a centre. At the Southern Cross University my students set up a thing called Stomp It, and on the campus we had a Stomp It Festival to stomp out sexual abuse. For a whole day we just had music, stalls and activities for kids, and we had 1,000 Aboriginal people on campus—Aboriginal people who had never been on a university site. We were introducing them to the concept of education as the way forward.

CHAIR: I have greatly appreciated your evidence. I am sure the rest of the committee has also. In the couple of minutes we have left, I am curious about your opening remarks when you said that one of our themes and focus on cultural resilience is a bit off the mark.

DR ATKINSON: I would include resonance—resilience and resonance.

CHAIR: Resonance?

DR ATKINSON: Resonance. There is a lot of research now being done into resonance. Resilience is the ability to survive, to get on with life; resonance is the ability to have and create relationships. That is when the brain starts to heal itself from abuse and to rebuild relationships. I will stop talking because I have actually given you as much as I can. But I will say one thing to leave you with: I have shown that we have been doing a lot of work in different places. I told the Federal Government well before it went into the Territory that they were wrong. In fact, I walked the halls in Canberra and went through all the Ministers three years before "Little Children Are Sacred" was commissioned by the Territory Government, and I was telling them that because I had communities that were asking for help then, and nobody would listen. My point is: When somebody says "help", respond.

You asked whether I know any places where some really, really good things are happening. Sure. I know all the stuff about Canada; I have been there, I have studied it all. I know all the stuff about New Zealand. Why do you not look at what is happening in your own country? Do you know what is happening at the moment? The East Timorese Government is buying our product, and the East Timorese Government wants their police, their health workers and their military to undertake the diploma in community recovery. The second part of it was funded by AusAID.

It happened because a young woman was on the streets in Dili at the time of the 2006 massacre. You know about that. The East Timorese military shot up the East Timorese police. The young woman arrived in this country looking like a refugee, totally fractured. She came down when I was running one of my courses, and she is about to graduate from that course. For the last nine months she has bullied me, and the diploma evolved out of that. She then took one of my students to East Timor, and they delivered the first unit of what she wanted to have happen. It was very proactive. We have now delivered three units of study in East Timor, and the East Timorese Government is now going to sign off on it. If you look at what Aboriginal people themselves are doing, you will see that we are doing some bloody good things. I am not ready to go to the media about this anyway; they probably would make a bad news story about it. But it is important.

I will tell you a final story. I got in the car one day and went out to my PhD student's place at Boggabilla to stay for the night. We were sitting on the veranda. It is an old, old house; I think it was built in about 1890. I said to her, "How much are you paying in rent for this place?" She said, "\$210." I said, "You're joking. You could get a better house than this down in Lismore. Have you ever thought of buying a place like this?" She said, "I couldn't do that." I said, "Go and find out how much. I reckon you could buy this place for \$45,000. I tell you what I will do. If you can buy it, I will lend you the deposit. Then it can be your place, and you can do it up."

I did not hear from her for about three months. Then one day I got a phone call. She said, "Guess where I am? I am sitting in a bank with my mum", who is an invalid pensioner. She had just had a heart attack and was also on sickness benefits at the time. She and her brother had put their little packages together and bought this house. They got it for \$35,000! So every time I go out now I say, "Tell that story to that mob there", because people do not even know that they can buy the houses they are living in. Do you know how much she is paying back in repayments? She is paying \$130 a week, compared with \$210 rent.

I started off with information. People do not even know they can do that. I then went to the banks and said, "You need to go out and tell our mob they can buy their own houses. Don't just sit there and wait for the land councils to give them a house; they can actually buy a house." To finish off that story, she was sitting in a meeting just recently and she said, "Do you know, I have never had a credit rating in my life? Now I am saving, because I can buy my own car."

CHAIR: Thank you very much for your evidence; it has been very informative.

CORRECTED

(The witness withdrew)

(Short adjournment)

JACK ALBERT BEETSON, Chief Executive Officer, Birpai Local Aboriginal Land Council, and Director, Beetson and Associates, P.O. Box 1767 Port Macquarie, and

BOB BOUGHTON, Senior Lecturer, Adult and Workplace Education, University of New England, affirmed and examined:

CHAIR: I invite you to make some opening comments.

Dr BOUGHTON: I would like to acknowledge the traditional owners of the land we meeting on and thank the Committee for inviting me to speak to you. I did produce a very small submission. I am not sure whether it is in your papers today, but that is what I am going to address. Let me start by saying that I am an adult educator and the process here is going to make it very difficult for people to learn. I have just watched for two hours while people sat, and it does not work. I want people to ask questions, because adults learn by asking questions, not by sitting and listening.

I will make some very quick points as referred to in my submission. First, I am speaking in reference to the matter raised in chapter 10.13 of your report, which also refers back to issue No. 20 one page 140, which is about literacy. Internationally, literacy refers to adult literacy, not child literacy. Literacy is the capacity of people 15 and above to read or write a simple sentence in their own language about an aspect of their own lives. That is how we define literacy. Schools talk about literacy. But they are talking about academic literacy; they are talking about English language capacity; they are talking about things that come after you acquire literacy. The international evidence is overwhelming that literacy levels in a population only rise if you address the problem of adult literacy.

It does not matter what you do in schools, if there is significant illiteracy in an adult population literacy does not improve very quickly in the population as a whole because the children and young people of families where literacy is low do not acquire literacy at school. So, there is an intergenerational effect. In any population where there is a relatively high level of illiteracy, if you do not address adult literacy you will not solve the problem.

The level of adult literacy in Aboriginal communities is quite low. There is no comprehensive data set that can prove this but I can tell you that the most recent national survey of literacy in the Australian population found that 40 per cent of the population had insufficient literacy to do what was required of them as workers and citizens. If it is 40 per cent in the population as a whole, how much higher is it going to be in the Aboriginal population where there is such a long history of people not having completed even basic schooling? Anybody who works in Aboriginal communities like Jack and I do, and has worked there for a long time, knows that the level of literacy in the adult population is very low.

For my money this is the main barrier to the development of equal partnerships and good governance because the Government is a highly literate institution. Most of the people you deal with if you are in a community come to you with 12 years of secondary schooling, three or four years of university qualifications and another five, six or 10 years of working in a highly literate environment, so you do not even know what they are talking about most of the time if you do not have literacy. If you want to have equal partnerships between communities and government you have to address the problem of illiteracy.

The TAFE and vocational education and training system is set up to address the problem of adult literacy but it does not do it. The reason is that most TAFE and VET qualifications are now developed to meet industry requirements for employment and they assume a level of literacy on entry to those qualifications that most people do not have. A certificate III or certificate IV assumes a level of literacy before you even start that most people do not have. TAFE used to do a lot of outreach and adult literacy work but that has been wound back in the last 10 or 15 years in favour of more workplace-based programs, so there is very little good adult literacy work being done by TAFE and the vocational system. There is still some really good work being done but not nearly as much as there used to be. My proposition is that if you want good governance, if you want people to take control of their own lives and you want to have equal partnerships and Two Ways Together you have to address the problem of adult literacy.

We have done some work in the East Kimberley, for instance, and South Australia on programs called "Introductory corporate governance: building strong corporations", which are about trying to develop a critical literacy about the way the Government works. I am not talking about learning to read and write, I am talking

about learning to read the world and to understand what a government is really telling you when it tells you something. It is about being able to read between the lines as much as read the lines. It is what we call critical literacy. All Aboriginal organisations in New South Wales should have access to this basic kind of literacy of governance training and education. It would be best if it could be done by a cadre of Aboriginal community-based educators. That would be the best way to do it.

CHAIR: Have you seen the Land Council's curriculum?

Dr BOUGHTON: Yes. I think the Land Council is doing something that is beginning this process. It is on the way, but it is only a couple of days. It is not really serious. Governance needs to be learned over time. The best model is to do a little bit of front-end loading and then do some on-the-job support, and then come back for a bit more training over a much longer period of time. You really have to have a longer-term view of the way that this kind of literacy is acquired.

The last thing I want to say is that people have to learn through struggle. This is not necessarily a fashionable thing to say these days but if you look at most of the Aboriginal leaders who are still the people that the media go to and the people who are on television all the time talking about what it is that the Aboriginal community needs, they are people who learnt that in the '60s and '70s fighting for their rights. You have to accept that if there is going to be another generation of young people trained to provide leadership in Aboriginal communities there has to be a process whereby they can learn by interacting critically with government, not simply be a passive kind of handmaiden of a government department that wants them to help the department deliver the service. They have to learn to be more challenging about what the Government wants to do in their communities. This is not the 1970s, it is the 21st century, so it will be a different kind of political education but there has to be an awareness that it is a struggle. The problem in Aboriginal communities is derived from the non-Aboriginal community, not from the Aboriginal community.

There is an imbalance in power and an imbalance in resources and that creates a situation where there is a need for political contest. It is education for self-determination and education for sustainable Aboriginal development; that is the way I put it. People have to work towards taking control and that is something you learn by taking control. Often when you take control you take it from someone else. That is a political situation; it is a political contest. At the bottom of what I am saying is that the literacy that is required is a critical literacy, which is about dealing with government in a situation where you are being challenging, if you like, and questioning. If people have a capacity to do that then they do take control of the situation. That is all I really wanted to say.

CHAIR: Before I ask Jack to speak, can I ask whether you are finding examples where if people are questioning and challenging and criticising in that power imbalance equation the response is possibly cherry picking and the Government going to the people who are compliant as opposed to those who are not?

Dr BOUGHTON: I do not think we are talking out of turn if we say that we have just done a consultation across a whole stack of communities in New South Wales. We talked to about 300 people in nine different places representing over 60 communities and I think in every meeting someone said exactly that. They said that if we do not agree with what the agency says it wants they go and ask someone else. So there is that problem.

The Hon. MICHAEL VEITCH: Advice shopping.

Dr BOUGHTON: Yes. That is right.

CHAIR: Thank you.

Mr BEETSON: I would also like to acknowledge the traditional owners and the Committee and people working for the Committee. I am a Ngemba Wongaibon man from north-western and Western New South Wales. My mother is Wongaibon from Nyngan and my father is Ngemba from Brewarrina. It is a funny thing when you come to a committee like this, and I have been to a few of these over the years. I remember waking up in my town one morning when I was about 14, in 1970, and my uncle said when I got up, "How are you, son?" After a severe bout of police brutality I said, "Still black, still battling." The other day somebody said to me when I walked into work at the Birpai Land Council, "How are you, Jack?" and I said, "Still black, still battling." Somebody is working with me on my life story and it will probably be titled "Still black, still battling". I do not know that I will ever be able to answer that any differently in my lifetime.

You asked the question and I think that is generically the case around New South Wales. We discovered that people are saying that when agencies or others come into the communities they shop around until they get the answer they want to deliver the program that they want. Over at least three decades now I have talked about the fact that policy and guidelines of government actually design the programs that we run in our communities. If you do not fit the policy and guidelines of the Government you do not get the funding to run the program. In effect it is not the communities determining the programs and how agencies will interact with the community, it is the agency that deposits the guidelines for funding in those communities that determines what programs will take place. I am not too sure what level of value of consultation and negotiation with communities informs those policies and guidelines.

Today when we have come together to look at what is needed in our communities I have sat through two other groups of evidence. One of the things I was a little concerned about, and I remarked to Bob at the end of them, is that I worry a little bit that they seem to be almost self-promoting of the programs that particular people are running. As a lobbyist for the last 30 years I thought this could be a good opportunity to do a little bit of lobbying! I will not do that, I will refrain, and without becoming too disparaging about it.

We need to look at how we better service and interact with the Aboriginal communities. How do we better determine what the real needs of Aboriginal communities are? Do we go in and impose something on them and by virtue of the policy and guidelines, direct what happens and do we actually listen to the Aboriginal community themselves? As Bob said, we have just come back from nine communities with over 300 people, representing some 60 communities. They said the same thing. People are coming in and asking but at the end of the day, they go to the people who support their position. That is regardless of whether you are the Department of Community Services, whether you are Forestry, whether you are National Parks, or whatever the position is that you are trying to peddle, you will go to those necessary people to do that.

I remember that when I went to Broken Hill I asked this question as part of our consultation. I opened up again with the story—and I will stop very soon—years ago, in 1985, I watched a video called *Still you keep asking and asking*. It is now 23 years later and still you keep asking and asking. How many times do Aboriginal people have to keep telling? People keep asking and we keep telling, but nobody is listening to what we are saying and that is frustrating. As an Aboriginal man who lived through the freedom reign when I was nine years old, and 42 years later I am still being asked the very same questions: How do we address the issues, concerns, social and economic disadvantage within your communities—42 years later?

I was standing, giving an address to a group and my kids were making a hell of a racket up at the back of the hall and it alarmed me. I said, "Those kids up there making a noise are my kids. I am not going to stop them making their noise because 40 years ago that was me at the back of a hall making a noise when my fathers and mothers and grandfathers were trying to convince people of the necessary ways of doing business within our communities."

I think the danger of what I have heard so far today is that we need to be very careful about comparing ourselves with other parts of the country. We are not one homogenous group in Australia, and certainly not even within New South Wales. I come from the inland; I come from the semi-desert area. I cover two different pieces of country—very significantly different. My father comes from black soil, my mother comes from red soil. It has a whole range of spiritual implications for an Aboriginal person from that particular area to belong to two different colours of soil alone, let alone to include the coastal areas.

I think we need to be very careful about how we look at what works in one area and importing that to another. I think we need to be extremely careful that we do not just again impose something that works somewhere else onto another community. It has to have cultural, geographical and customisation to be able to be applied to it for it to work effectively, and that has to be left in the total control of that local community. I know that there are factions within our communities. Surprisingly, there are factions within this beautiful House that we have here.

The Hon. MARIE FICARRA: No, never!

Dr BOUGHTON: Factions within factions.

Mr BEETSON: There are differences of opinion within our communities and I do not back away from that; in fact, I actively encourage it because I think it does encourage debate within our communities that may very well lead us to the right path in terms of getting our communities back on track. I would like to agree with

Bob again and I will conclude my opening remarks here in that I do not want to speak too long of what I feel because I do not want to make the presumption that I know what you want to hear, and I would expect that in our communities people will do the same thing; that they will not come in and make the presumption that they know what is best for our communities. I think that should be left with us.

In saying that, I would just end with this: by and large when the government agents, politicians, the judiciary, whoever or whatever agency comes into our communities, they are always treated, from my experience of it, with a large degree of respect. They are dealt with integrity and their dignity is left intact when they leave. Aboriginal communities, by and large, are extremely honest with them during those interactions or engagement. I would ask, more than anything else, that when agencies come and engage with our communities that they apply the same principles of engagement that we afford them when they go there. I think if you go down that road, you go a long way to realistically dealing with the issues.

CHAIR: Thanks very much, Jack. I appreciate that.

Dr JOHN KAYE: I ask a couple of clarifying questions on your opening statements. Bob, you spoke about literacy and critical literacy, and I think it is very important for people to understand that. One of the things that concern me a lot about the interactions that go on with almost every disadvantaged community is the complexity of language. I have no idea sometimes whether we are actually communicating or whether we are just saying things. I maybe totally wrong but does the complexity of language being used to communicate with Aboriginal communities become a barrier in creating genuine understanding?

Dr BOUGHTON: The short answer is yes. When we do governance training the Office of the Registrar of Indigenous Corporations has a view that the reason that organisations are being deregistered is that they do not comply and that therefore they have to be taught how to comply. But when you actually start the training, most people do not even know what "compliance" means. What is a conflict of interest? What is risk management? There are all these terms that you have to unpick. Anybody who is an adult educator knows that nobody learned anything other than through their own experience, so you have to begin with the experiences that people have.

One of the things we found in one place was that people understood risk management when we talked about what happened when there was not a lot of rain around, for instance. What were the strategies that we use for food gathering, and stuff like that? "Oh yes, that is risk management". You have a strategy for what happens when something cannot happen. But you have to start at the level of people's own experiences. If people have not had the experience, they cannot start there, if you know what I mean. Whether you are a schoolteacher straight out of my university, a public servant straight out of Macquarie Street or whatever; if you have not had the experience, then you do not necessarily know how to speak to the experience.

You actually have to have some skills about listening to the experiences that people have and the wisdom that they have and then start to build on that as the foundation. That is basic adult education. The ideal would be people from the community doing the work because they have had the experience but you have to get to that point where the people from the community can do the work, so there has to be a transitional process whereby people in the community gain sufficient skills to be able to take responsibility for these sorts of things, but that might mean some job redesign too. If all the jobs are created in such a way that the selection criteria rules out all the local people, then you are not going to employ any local people.

Mr BEETSON: I have another view on it. It is putting it mildly to say that language can be a barrier. It can be the most disempowering and disenfranchising tool available to some people, particularly when they come into Aboriginal communities. People feel very disenfranchised by it. There is an element of disempowering and maintaining control by others there. I get very frightened by language; and I am someone, to some extent, who understands Western language and academia in our communities and I get very concerned. It is not a failure of communities to understand that communication; it is the failure of the person communicating to be able to effectively communicate with those people in the community.

Dr JOHN KAYE: Jack, I will paraphrase this, but you said quite rightly that the solutions have to be managed at the local community level; that it is no use the Government telling people what to do. It has to happen at the local community level. There is a contradiction here. These solutions take money and they take the delivery of services, so that money has to come from the State. How do we, at the same time as creating autonomous local communities and empowering those communities, guarantee a statewide uniformity of

standard—characteristic of delivery but at least a uniform standard of delivery? Do you have some thoughts on that?

Mr BEETSON: How you address that is very difficult. You may be even able to reach out to a regional level in some cases but in a lot of cases you will be really dealing with local communities. It would be them who should establish the targets and make the judgement on how much things have improved. I argued in education for years that it is okay to measure quantitative outcomes but how do we acknowledge and measure the qualitative outcomes within communities. That gets back to the wellbeing stuff that Judy and others talked about within those communities.

It is a matter of establishing within communities the measuring tools to measure what those outcomes or standards would be. How do you do that? That measuring tool may be very different in different communities. For example, the two communities that I belong to, Nyngan and Brewarrina, are two vastly different communities and if you were to apply standards to both of them, they would be very different in terms of what you might be able to achieve over a particular period of time. We need to get back to that localisation of standard setting and measuring those.

The Hon. MARIE FICARRA: After so many years of trying to roll out services, having goodwill towards the indigenous community and everybody, you would think by now we would understand what you are saying. Every significant witness before this Committee keeps telling us that every community is different, we would expect you to consult, to respect, to listen, to act. When I hear "uniform standard of delivery", that is exactly what we should not be doing, in my view. I would like to hear what you have to say about it. We should have the resources and funding, and know what the problems are, but then go in there and listen, acknowledge, respect and work with the community to deliver the sorts of services that are needed in that particular community, which may be slightly different from the next one. Is this simplistic? Is this what we should be doing but we do not seem to be doing well?

Mr BEETSON: It is certainly not being done well. Is it what we should be doing? Yes. We treat the land differently. We actually go out there and scientifically we work with the land differently. We do different things with it; we treat it differently; we nurture it differently. That is just geographics. We do that.

With Aboriginal people, on the other hand, we try to treat them as one big mould, and we are just not one big mould and we cannot be treated the same. I live as a migrant on the mid-North Coast and deliberately I live there as a migrant. I lived in Sydney for 25 years as a political refugee from my town. I left there when I was 15 and moved here as a political refugee. I never lived permanently in the country I belong to for the past 37 years of my life. I have lived out of that. I moved to the mid-North Coast of New South Wales after seeking the permission of two groups of elders, from the Dungguddy and the Birripi people. At the end of the day we need to be working with those communities in their own right, and look at them as nations, and so on. I know it is difficult but that should not deter us from doing it the right way. Those communities will determine their own priorities in their own places.

The Hon. MARIE FICARRA: It is sometimes our simplistic viewpoint that we know there is a problem out there and we expect to consult and we expect to come up with some sort of magic formula, consensus or whatever and then we have it and then we roll it out. What we should be looking at, this is the range of problems, these are our resources, and go in there and deliver it selectively and with the community and in ownership with them. It might be different packages of assistance, but there will not be a magic formula that suits everybody. I suppose we have to have flexibility in our recommendations that we are finally going to come up with at the end of this inquiry, flexibility to encompass the needs of individual communities?

Mr BEETSON: Yes, I think you do. You need to have enormous flexibility. The other thing I would suggest, and I am not talking about doing community profiles, but I am talking about doing community mapping a mapping exercise of communities which maps everything. It maps the history so that people have a sense of belonging to that history and that history belonging to them. Mapping geographically, mapping socially and mapping economically but not just doing some sort of community profile. I did that several years ago and it was one of the biggest wastes of time in my life. Nonetheless, if you get into an exercise of community mapping you map not only the problems but you map the positive things about that community, so the whole community can see it as a map. It can be drawn, it can be written, it can be a whole range of things. Once you have that full picture, that full picture, as you would look at a map if you were planning your holiday to Asia or Europe or wherever it is, you begin to plan it out, the communities can plan together their response to those issues in the community.

Dr BOUGHTON: We do this mapping when we do governance training. There is a thing called the Reflect method. It is a method of working with low-literate adult communities and it is used internationally. It is a combination of a kind of adult education with a participatory rural appraisal which was something developed in India for working with communities that did not have any resources. You can visually lay out for a community a whole lot of things that help people understand what is going on. For instance, the government agencies that are coming into the place, the Aboriginal organisations, the important places. You can map the history of the story was so this kind of mapping and visual work is an essential part of bringing a community which has low literacy into the conversation about where the future lies. It is a methodology that can be taught to people. It is called Reflect. Most people who are good community development workers use it anyway without even knowing the name of it. It has just been systematised by an organisation called Action Aid and called Reflect but it really is just good practice of community development work.

The other thing is standards are a furphy. If I work in a vocational education and training college, the standard at which I have to deliver my adult education program is mapped down to the smallest level of competency, and what a person has to do at the end of the course. But, if I work at a university, I am given a set of aims and objectives and at the end of the term I will do the marking, and nobody comes and asks me what I did in the 10 weeks between the beginning and the end. So, you can have a generic standard or you can have a micro managing standard. The problem is not that communities want to have different standards; it is that the bureaucracy wants to have micro management standards rather than generic standards. That is the problem. It is the way the standard is written.

For the past 15 years the tendency in public sector management has been to produce tighter and tighter outcome statements and output measures, which leads to more and more micro management. That is a consequence of neo-liberalism. It is because you are contracting out a lot of public services but you do not want to lose control. The public sector did not used to micro manage at that level because it did not have to, it had a culture inside it that guaranteed good service. But, if you contract everything out, you have to have a micro management system to make sure you get what you want. Unless you are contracting out to the beg end of town, when you do not bother what they do. So a different standard is applied in terms of who gets micro managed. People with fewer resources get micro managed more than people with more resources.

CHAIR: So, all control and no responsibility—so you transfer the responsibility to the person who is contracting but you keep control?

Dr BOUGHTON: Yes. Most people in their 20s and 30s and 40s who are not Aboriginal people do not trust Aboriginal communities to come up with solutions. Their own education has taught them that they cannot because they are not as well educated as they are. I was working in Aboriginal communities for 20 years before I learnt the lesson that people do know what needs to be done. You are just there to resource the process—critically—but not by telling them how to do it. That is the problem. Those people who do that work have not learned that lesson.

The Hon. MARIE FICARRA: It is the willingness and the courage to empower and to hand over and to help those communities find solutions for themselves, and my perception is that a lot of the public service bureaucrats are not trained well in the language they use. They might use a call of country as a cursory sort of respect thing but the important follow-up is the language and the interaction. I think a lot more training has to go on if we want to effectively deliver services to indigenous communities to have that direct language and ongoing respect and communication.

Mr BEETSON: There also has to be a cultural change in the way government agencies do business. From what we did recently in going around New South Wales, and the principles and the criteria of our agencies interacting, Aboriginal people are quite happy to be held accountable for the money and the expenditure of money, and so on, but, equally, they want agencies held accountable for their behaviour and for the way they implement the program. Somebody in Redfern said it is death by planning now. We have all these action plans, the strategic plans, and the guy at Broken Hill said we need somebody now to be planning manager to manage all these plans that we do not know what to do with.

Aboriginal communities are being asked to develop a plan for the recovery or for the wellbeing of their communities. But, they do all that and people just walk away and do not follow up on the plans. They say okay, we will develop the plan but the Government or agencies of government need to be held responsible for resourcing the implementation of that plan. Aboriginal people are quite happy to be held accountable but we

want to be able to apply accountability back the other way. In the paper you talk about Murdi Paaki and the COAG trial out there. One of the complaints of the people out in that region, and that is the very area I belong to, is that once the trial is over everyone says the trial is finished, let us out of here. Let us uncircle the wagons and get the hell out of here in whatever direction we can because the trial is finished,

The Hon. MARIE FICARRA: Terrible.

Mr BEETSON: How do you think Brewarrina ended up with so many different factions and so many different parts of the community? When the Department of Housing went out there and built half as many houses as it was supposed to way back in the early 1970s, it then said see you later, the money has run out and the wagons took off. We ended up with three or four separate communities. Families, people who were related to each other, would not even talk to each other. People came there and the money ran out and they took off. In this case, the COAG, the money did not even run out. The trial had reached its time frame and everybody took off, and people are not happy about that. So, some accountability has to happen from the other side.

The Hon. MICHAEL VEITCH: You could say that our failures are well planned?

Mr BEETSON: Yes, very well planned.

The Hon. GREG DONNELLY: A comment I have made throughout the inquiry, and members are quite sick of my saying it, this almost appears to be an irreconcilable difference between the western approach of trying to deal with the issues. In other words, to come up with a broad consensus position—it is picking up what Dr John Kaye had to say, in some sense—and pushing forward to resolve the issue versus the indigenous approach, which is very community-based, autonomous and determined on you to come to terms with the issues and work out a way of resolving them and then resolve them. The two seem to be quite irreconcilable. I have not seen many examples of convergence where we are able to bring the two together. We seem to be running quite parallel, whether it is the issue of housing, health or education, time and again examples are almost running in a parallel universe.

Is there a way of converging? If you look at our government structure, our power metric structure, the key institutions in our society, it is very hard to see that they are going to change, particularly the way Parliament operates and the democratic processes whereby it does not diffuse power out to that level of decision-making in the broad society. It is hard to see that it is going to make an exception for the indigenous community. I know that is a pessimistic thing to say and maybe I am wrong but there does not seem to be too many examples of where and that is happening. If you think I am being too pessimistic, please tell me, but what needs to change to get the convergence to take place?

Mr BEETSON: When people talk about Aboriginal culture, they talk about it in the past tense, like it is gone. I still argue the case that it is still here, alive and well, whether it is in the heart of Redfern or whether it is out in Armidale, which we have heard a bit about today. Similarly, we tend to look at the things that are not right, the things that cannot work together, and put a lot of focus on them.

I think the answers are there in that we all need to shift a little. Government and the institutions that govern this country do not necessarily need to change a whole lot, although I am sure there are plenty of us in this room who have very diverse opinions about how it could be. But leaving that aside and saying okay that is going to be there, that is fine, the institutions still exist but what we need to do is change the nature of the way people are doing business at a community level. We do that in a whole range of ways: we set up various committees that exist within communities, we have local government, and so on.

So in communities we need to be looking at them quite differently and saying, "Okay, how do we serve as this community?" We have a responsibility as Australians to service all of our citizens, and since 1967 I have been one of those, and I expect to be a recipient of those basic and fundamental human rights that everybody else receives in this country. It is not my job to figure out how government can service me better; government is there to represent us, the people, and figure out ways to work better with us as a whole community. That is what I want for my communities.

We have to live in two worlds as indigenous people. Our strength and our capacity to be able to do that will come from simply this—and I do not want to oversimplify a very complex situation: I grew up very strong in knowing who I was as opposed to what I was. For many Aboriginal kids and adults today they can tell you what they are; they can tell you, "I'm Dunguddi, I'm Wiradjuri, I'm Bundjalung". That is what you are; it is the

who you are part of that that makes you the whole person. And it is about knowing culturally who you are and where you fit that gives you the strength to be able to come out here and exist within this room, within the United Nations—whether it be in New York or Geneva or anywhere else—and hold your own in those places.

That is what gave me the strength to be able to do that: knowing who I was. So when we are looking at education in particular—I see education as a key, obviously, because I spent 25 years working in the independent Aboriginal sector, probably the most starved sector of all in this country, but I worked in a place that built on who people were—you build on that and the rest of it becomes fairly easy. Therein, I think, lies the answer for me: that it is far more simpler than what we actually think it is. It is a matter of those agencies and those representatives of those agencies actually listening to the communities, and being prepared to make themselves as accountable as they intend to hold the communities accountable back.

The Hon. GREG DONNELLY: But what do you do when you have obviously a large number of communities who have different priorities at different points in time in different critical areas that need to be addressed, be it health, housing or education—just to take three of them? How does government deal with that through its bureaucracy? How does government deal with the multiplicity of what could be priorities at any point in time, which may vary from community to community, which certainly in the way in which we govern broadly the State we do not operate that way; we tend to, through Parliament, create legislation and through that legislation that is pushed out. We have contrary models of dealing with issues and I am just struggling to work out how they come closer. How do we move one closer to the other?

Dr BOUGHTON: A centralised planning model was brought to its ultimate in the Soviet Union where a particular region would receive a number of coffins based on the previous year's death rate. If you had more deaths you still did not get any more coffins; if you had fewer deaths you did not get to send your coffins back. The political systems actually have to manage the dialectic between centralised planning and local need: that is part of what the challenge is of political systems. And it is not a kind of Western versus indigenous problem. The problem is that we are playing catch-up football.

As I sit here and as most, I would say, of the non-Aboriginal people sit here today, we are an embodied form of human capital representing some 12 and possibly more years of education where in each year we have had \$1,000, \$2,000, or if we have been to university, \$3,000 a year invested in our capacity, whereas if we were sitting in this room with a group of Aboriginal people of the same age, there would be a lot less investment. So historically there has been an underinvestment. So there is a debt to be paid. The problem with the way government is thinking about it is that the budget started on 1 July and ends on 30 June and all we have to do is what we have to do in that year. There is not a kind of long-term view about the way you might re-establish a more equitable pattern of investment over a period of 20 to 30 years which would redress the lack of investment for the previous 100 years.

So you have to have a long-term view about investing, using planning mechanisms, but not planning mechanisms that are bound by a 12-month framework. If they are bound by a 12-month framework then you will hit the problem that you have just referred to. But if you do not mind me saying, I think you have misnamed the problem: it is not actually a problem of Western versus indigenous planning models, it is a problem of planning models which assume a prior level of investment versus models based on there having not been a prior level of investment, and that is where you hit the problem. Because depending on the community, they are going to have a different view about what the priority is for the catch-up investment. They all want the investment that is going to come out as a matter of course as being citizens, but they are not necessarily going to agree that the priority for the catch-up money is housing—it might be housing in one place; it might be early childhood programs in another; it might be other things in another. So there needs to be a kind of catch-up investment strategy which is determined by the priorities of the community.

I do not see that that is problematic from a government point of view; it is just a different way of thinking about the planning problem. That does not mean what you said is not right, that there are much more traditions of local autonomy and all that kind of thing that are going to communities, but I do not really think that is the cause of the problem.

CHAIR: Did I understand Jack to be saying that you needed accountability both ways and you cannot just change the goalposts willy-nilly whenever you feel like it, hitch up the wagons and shoot through? In a sense I suppose government has a larger responsibility upon itself to look at that accountability both ways.

Mr BEETSON: It has to commit to the process the same way it comes out expecting us to commit to it. It has to have the same level of commitment. We went out and copped a beating trotting out these Two Ways Together principles. We copped a hiding; don't worry about that. No wonder we got the job.

The Hon. MARIE FICARRA: They saw you both coming.

Mr BEETSON: They didn't see us coming, they sent for us. I am reasonably well-known in the State of New South Wales. But the fact is they were going, "Oh, Jack, you are coming out pretending this is genuine consultation. This is a fait accompli". I am there trying to say, "No, it is genuine consultation". How many times can you go to our communities and build their hopes up and then just crush them with non-genuine consultation—not genuine about engaging at the level that the words may suggest you are going to. People have had enough. So it is about time that while we are asking people to commit on one side—which is the people who are going to be the subject of these services—the people who are actually going to be delivering the services have to have the same level of commitment. It goes right back to that planning.

If we are going to do the plan then let us commit before we begin resourcing the plan properly. If we are talking about producing outcomes or standards or whatever it is, people have talked about equity for years and years and years and people get confused with sameness, and they are two completely different things. By definition, in Aboriginal communities to produce equitable outcomes—and to get to Bob's point about the underinvestment over the last 100 years, which means now we have to overinvest compared to everybody else—in our communities equity is about the disproportionate allocation of resources to produce similar equitable or the same outcomes. That is what it means: it is a disproportionate allocation of resources. Unless we are prepared to bite that bullet and acknowledge that upfront, then we will never make a difference; we will never make the two work together.

We can work side by side; there are lots of examples of that. I do not necessarily think it is a major cultural difference between indigenous and non-indigenous people. We want a roof over our head; we want food on our table. That is what we want. We want good health. We want good education, and we need an education that will allow us to exist in this world.

CHAIR: I feel extremely comfortable in ending the taking of our evidence with Jack's words and I personally pay my respects to him. I am mindful of much of the great work he has done over many years. I am pleased that he has those final words in our hearings. If there is nothing more to be said I declare the hearing closed and thank you for your attendance.

(The witnesses withdrew)

(The Committee adjourned at 4.25 p.m.)