COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Reference: Involvement of Indigenous juveniles and young adults in the criminal justice system

THURSDAY, 11 MARCH 2010

CANBERRA

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HOUSE OF REPRESENTATIVES STANDING

COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Thursday, 11 March 2010

Members: Mr Debus *(Chair)*, Mr Laming *(Deputy Chair)*, Mr Andrews, Ms Campbell, Ms Rea, Mr Kelvin Thomson, Mr Trevor, Mr Turnour and Mrs Vale

Members in attendance: Mr Debus, Mr Laming, Mr Trevor, Mr Turnour and Mrs Vale

Terms of reference for the inquiry:

To inquire into and report on:

High levels of involvement of Indigenous juveniles and young adults in the criminal justice system. With a particular focus on prevention and early intervention, the Committee will identify:

- How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement;
- The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this;
- Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system;
- The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the ‘learn or earn’ concept can be maximised;
- Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres;
- The scope for the clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system;
- The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

WITNESSES

ANDREWS, Mr Gregory Williamson, CEO, Indigenous Community Volunteers....................................1

HARVEY, Ms Stephanie, Advocacy and Fundraising Manager, Indigenous Community Volunteers...1

Committee met at 12.26 pm

ANDREWS, Mr Gregory Williamson, CEO, Indigenous Community Volunteers

HARVEY, Ms Stephanie, Advocacy and Fundraising Manager, Indigenous Community Volunteers

CHAIR (Mr Debus)—I declare open this public hearing of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system.

I acknowledge the Ngunawal and Ngambri people, the traditional custodians of this land, and pay respect to their elders past and present. These meetings are formal proceedings of the parliament so everything that is said should be factual and honest. It can be considered a serious matter to attempt to mislead the committee. I invite witnesses to make comments that will assist us in our inquiry into the involvement of Indigenous youth in the criminal justice system. Our focus is, of course, on prevention and early intervention. This hearing is open to the public and a transcript of what is said will be placed on the committee's website.

I welcome those of you who have come to give evidence. I suggest it is probably best if you make an introductory statement to get our discussion going.

Mr Andrews—Thank you for having us here today. I would like to acknowledge the Aboriginal landowners of this country that I live on here and thank them for having me on their land. It is a privilege to be here.

Ms Harvey—I too would like to acknowledge the traditional custodians of the land we are meeting on today and give respect to elders, past and present.

CHAIR—What is your role in ICV?

Ms Harvey—Up until last week I was the national program manager for Indigenous Community Volunteers. This week I am starting a new role with them as their advocacy and fundraising manager.

Mr Andrews—Stephanie knows our program like the back of her hand. We have prepared a short PowerPoint presentation. Susan let us know that we have five minutes for the presentation, but it may be six or seven minutes. It will give you an introduction to Indigenous Community Volunteers.

Indigenous Community Volunteers are a not-for-profit registered charity and we work with Aboriginal and Torres Strait Islander people across Australia, from Canberra to Kununurra, to promote their wellbeing and help close the gap on Indigenous disadvantage. Reconciliation is a really big impact of our work, too. We are not a volunteering organisation; we are a community and human development organisation. We use volunteers as the means to an end. Last financial year we facilitated 440 volunteer assignments across Australia. The shortest was a day, the longest was the entire year and the average was about nine weeks. This financial year we have already done 700 projects and we are on track to do about 1,100. We know from the projects that

we did last year that we had a direct impact on 25,000 Aboriginal and Torres Strait Islander lives and an indirect impact on 151,000 Aboriginal and Torres Strait Islander lives.

There are two photos here. The top photo is a photo of my daughter and the bottom photo is of some children at Mutitjulu. They are photos that I show to explain why ICV exists. My daughter has Aboriginal blood that she inherited from me running in her veins. She lives in a four-bedroom house in a middle-class suburb in Canberra and she has access to all of the best services that Australians have. She will be going to a Chinese-Australian early learning childcare centre that her older brother already attends next year. In contrast, the children in the bottom photo are at a childcare centre at Mutitjulu Aboriginal community. That was in 2004-05. As you can see, the back of the childcare centre is raw asbestos sheeting. The reason that ICV exists and the reason that I work at ICV is that I want all Aboriginal children in Australia to have the same benefits, rights and opportunities as my children.

ICV have about 35 staff. Canberra is our smallest team. Most of our staff work in the regions. They are people like the men shown: they are project officers. Sixty per cent of our staff are Aboriginal and Torres Strait Islander people, and our project officers engage face-to-face with communities on a veranda, under a mango tree or in a community hall to help identify assets in communities which can be built on. We pursue what we call an asset based approach to community development. Our motto is, ‘We do things with people, not to them and not for them.’ That motto is not based on ideology; it is based on the evidence of how you can achieve sustainable development by doing things in partnership.

We adopted COAG’s building blocks for Closing the Gap, but we also underlaid them with other important building blocks of cultural and environmental preservation, reconciliation and gender. I often say I find it interesting that COAG never identified gender as an important building block for closing the gap when 50 years of evidence from international development shows that if women are included in development projects the outcomes are better than if they are excluded. So we build gender into our program very proactively.

We pretty much do projects across Australia. To date, most of our projects have been in remote areas, but we know that the majority of Aboriginal and Torres Strait Islander Australians live in the south-east of Australia in urban and regional areas, so we are expanding our program in the south and the south-east and in urban areas at a faster rate than we are in remote Australia. This slide shows a typical project where some women in a remote community found some sewing machines and an overlocker and rang us to see if we could find some volunteers to teach them how to use them. We sent three women—two from Sydney. Two of the mothers were baby boomers who could sew, and the younger woman is a professional seamstress from a posh dress shop in Sydney. They went to Palumpa and sewed with the women there for some time. All of our volunteers have screening and training and, in the two-day, cross-cultural workshop and community development workshop training, we emphasise the importance of doing things in partnership—doing things with people. For example, we said to the volunteers, ‘We don’t want to see photos of you sewing; we want to see photos of the women sewing and cutting out patterns.’

Also from a community development perspective, the volunteers and the community connected with this project identified that it was school holidays at the time and a lot of youth had nothing to do and were bored, so it was not in the initial project schedule but they used the

tools and skills that we gave them to redesign the project on the job and run a school holiday art diversion project. I think they finished sewing each day at about two and then ran an art diversion project for the children in the afternoons.

We have projects that range across every possible thing you can imagine and when we talk with communities we say, ‘Your imagination is really the only thing that can limit what ICV can do to help you build your community.’ For example, in this project we employ Reg Hodges, a young man from Canberra with autism and an intellectual disability. Tegan is his support worker and she has worked as a volunteer and also a paid worker to help him so that when he finished school he could have meaningful employment and achieve his full human potential.

We have done projects screening children in remote communities for rheumatic heart disease. At Garma last year our volunteers worked with the community to build the toilets and showers and do the plumbing for Garma. The key message that we teach our volunteers is that they have to look, listen and learn and then respond. I think this photo really sums it up. This year we will facilitate about 1,100 volunteer assignments like the one I am showing you. Something I am really excited about is that one in every 10 of our projects last year involved Aboriginal people volunteering in other communities. I think it is an indicator of the value of our program that Aboriginal and Torres Strait Islander people are willing to volunteer their time. For example, this man in the photo, Kevin Moneymoon, is from Titjikala, and he came to the south coast and Dubbo to work with juveniles at risk on diversion and mentoring projects. He gave them his life experience, he would say.

I mentioned before that we measure our impacts and we can tell you that for the first six months of this year 54 per cent of our projects had an education impact, roughly a third had an early childhood development impact and 38 per cent had a community and family safety impact. In the first six months of this year, 99 per cent of our communities told us that they would invite us back again, and I think 100 per cent of our volunteers said they were satisfied with ICV as a way of engaging with Aboriginal and Torres Strait Islander communities.

I think it is really important that ICV are a registered charity. Serving Australia’s most marginalised people, we feel a very strong moral obligation to get the best value for money out of our organisation and out of the moneys that people have invested in us. We have had an efficiency dividend program running for two years and we have brought the expenditure per volunteer assignment down from over $25,000. For the first eight months of this year, it is now running at $5,300. So we have achieved quite significant efficiency dividends.

This photo is of children from Fitzroy Crossing who are benefiting from the foetal alcohol syndrome disorder project that we are doing there. The impact analysis tool that we apply to all of our projects helps us get this information. For example, we know that six young girls in Brisbane, because of an ICV project, had better relationships with their parents and better relationships at school and decided to go on to years 11 and 12 as a result of activities they were engaged in through ICV. We measure the impact of every project and we can tell you real-life stories about things that are happening on the ground.

This project is in Canberra. It tells a story that is very important from the diversionary perspective, because ICV are doing youth diversion programs but all of our community development work is building communities that are resilient and strong and can manage and deal

with the challenges that their children face. We believe that all of our work is in effect contributing to reduced levels of Indigenous juvenile involvement in the criminal justice system.

This person here is called Aunty Meg Huddleston and she is one of about 40 nannas, who live in Canberra, who are part of a respite carers support group. She lost her husband a few years ago and she established this group. They were going to aqua aerobics at Erindale pool together and then they came to ICV and we helped them apply for a $5,000 grant to buy a plastic table and some coffee cups to have a yarn up in her kitchen so that they could empathise with and support each other. That was almost two years ago. They now have their own office in Queanbeyan. They run an internet referral service. They sell their children's art on the internet. In this photo, one of our volunteers is helping Meg design the internet website. Aunty Meg actually knows how to upload the photos and delete them.

A bit over six months ago they won a tender from FaHCSIA I believe for $450,000 over three years to be, in effect, the No. 1 provider for respite carer support connection services for Aboriginal and Torres Strait Islander people in the Canberra-Queanbeyan region. The nannas actually competed against a lot of big players. They have that money and are the number one provider of that service. It is an example of how communities can grow with the support of grassroots, asset based community development. I will show you another photo in a moment because now the nannas have that capacity they are doing specific youth diversion projects as well.

I think it is important to mention ICV. We have an impact on closing the gap or Indigenous disadvantage ourselves because about 60 per cent of our staff are Aboriginal or Torres Strait Islander people. Last year we injected about $1.8 million into Aboriginal family incomes around Australia from Canberra to the Kimberley.

Reconciliation is a really big impact of our work. Last year 81 per cent of all of our communities and volunteers that we surveyed told us that reconciliation was equal to or greater in value than the community development impacts that we achieved. This year we will facilitate 1,100 occasions where mainstream Australians and Aboriginal and Torres Strait Islander Australians will be getting together to do something good for our country and that is having a really positive effect on reconciliation. Ninety-eight per cent of our volunteers last year told us that they would volunteer with us again and 100 per cent said they were satisfied with us as a way of engaging with Aboriginal and Torres Strait Islander people.

This is my last slide. This is a project that the nannas initiated in Canberra. In the background you can see some of their granddaughters. This project involved Aboriginal women from Titjikala Art Centre in Central Australia coming to Canberra and teaching the young girls in Canberra the traditional dot painting style and the nannas taught them their own Dreamings and their own culture that they could then paint into those stories. It was something to help build the resilience, emotional strength and identity of young Aboriginal and Torres Strait Islander people in Canberra to give them something very positive to feel about being who they are. That is pretty much what I have to say. There was a slide there about our funding but we do not need to get into that today. We are hoping that the Commonwealth government will continue to fund us.

CHAIR—You do get most of your funding from the Commonwealth but not all?

Mr Andrews—No, we do not actually. Roughly a third of our income is from the Commonwealth but we are roughly two-thirds self-reliant. In our budget this year I like to say we will invest $5.8 million in closing the gap. The Commonwealth government is giving us $1.75 million and roughly another third is income that we earn from a small investment portfolio and the other third we are actually drawing down from our investment portfolio.

CHAIR—I have to be careful to let my colleagues ask you some questions because I have asked you a lot in the past. I will introduce Chris Trevor who is the MP for the federal seat of Flynn in central Queensland. It is a massive electorate. I believe it has quite a lot of Aboriginal people.

Mr Andrews—Stephanie's home country is out that way.

Ms Harvey—I am a Bidjara woman from central Queensland around Augathella way.

Mr TREVOR—You are among friends.

Ms Harvey—Absolutely!

CHAIR—You treat him as your MP, okay? What you are describing is an organisation which is funded and run according to a philosophy that one is familiar with amongst development aid organisations which work in the Third World, but is not such a common way of being organised for overcoming disadvantage in Australia.

I know you have a lot of views about that. I wonder if we could just start—and then I am going to withdraw from the debate—with you explaining to us what you believe to be the significance of the approach you are taking and how you may distinguish it from an awful lot of other work that has gone on in the attempt to improve the social and economic circumstances of Aboriginal communities.

Mr Andrews—I think the key thing is that our approach is demand driven and asset based. Asset based community development is not about being politically correct or warm and fuzzy: it is evidence based. But, as you know, in most countries to get funding for projects you actually have to tell everybody how bad you are. So if you are trying to get a youth diversion program going in Dubbo you need to tell all of the funding providers that actually the kids in Dubbo are even worse than the kids in Wagga and Griffith; so do not provide the limited funding to them, give it to us. That is what is traditionally called a deficit based approach. You focus on deficits, and if you focus too long on deficits then you actually start believing those deficits yourself.

The key thing about ICV is that we have an asset based community development approach, which means we sit down with communities and help communities identify assets that they have and that they can build on. One of those assets can be youth because they are at the beginning of their lives and they have energy and vigour, and if that is channelled positively it can have a really significant contribution. ICV is also an asset for communities because they can use us to harness the goodwill of volunteers to help them achieve their goals.

The other key thing about ICV is the principle of invitation, which means that we do not do things to people or go over the top, and we do not do things for people: we do things with people. The key about doing things with people is that is where you get sustainable outcomes.

Mrs VALE—How long have you been established and operating?

Mr Andrews—We were established after the Olympic games. I think the story is that John Howard and Peter Reith saw the tremendous volunteering associated with the Olympics and thought it would be good to harness that to address Indigenous disadvantage. We have really only been pursuing this community development approach for more than 18 months, less than two years. Before that we were actually a skills transfer organisation and our funding and funding agreements were with the Department of Employment and Workplace Relations. The skills transfer meant that we could only focus on a very narrow area because we only worked with communities if they were willing and able to learn a skill and that prevented us from delivering programs that communities asked for like the heart screening project in Central Australia, which is saving the lives of children.

Also, it presumed that Aboriginal and Torres Strait Islander people needed to be trained up for everything and that mainstream Australians were there to do that. The chart I gave you shows you our growth compared to our expenditure since we adopted our new approach. A key reason for the accelerating growth that we have had is because communities actually see such value in what we do and because of the impacts we are achieving in communities.

Mrs VALE—Do you organise the programs yourself, or might the communities come to you and say, ‘We have a need for this particular program, can you help us make it happen?’ Is that how it works?

Mr Andrews—I might ask Stephanie because until last week she was our national program manager. She was responsible for all of that and she can explain it.

Ms Harvey—ICV works on the principle of invitation, as Gregory said. As our growth has accelerated, we are getting a lot of repeat business. Communities, family groups or individuals will contact us directly. Working on the principle of invitation we are quite proactive about that as well. If we are invited into a community, we can showcase the range of projects and the range of opportunities that they can take advantage of and we then start working with the contact person from there.

The projects themselves in a design phase are often done by our project officers, who have community development experience. Sometimes a volunteer will actually be doing that scoping or feasibility study. If we have somebody who has specific community development experience, say, for alternative energy projects, we would use them. A lot of times the communities themselves already have an idea of what it is that they want and they want some help with some structure around that and some avenues to take it forward.

Mr Andrews—Often we start with something small like the plastic chairs and tables with Aunty Meg. Then it is a little bit like Paul Kelly’s song—from little things big things grow. As the community keeps reconnecting then we start having a discussion about strategic community development planning. We have three projects in Australia—one in Cape York, one in Arnhem

Land and one in Western Australia—where AusAID volunteers have been released on full pay from AusAID to do big picture strategic planning with communities. That is the sort of direction we are heading with the nannas here in Canberra. We are talking to them about a strategic planning project because what they have been doing for the last two years is hunting and gathering grants and implementing things from the money they have won with those grants. Now they are asking: 'What do we actually want to do? Let us get our program to be run by what is needed for our community and then we will hunt and gather the grants that we need, rather than accessing grants and letting them drive the program.'

Mrs VALE—Putting the horse before the cart sort of thing?

Mr Andrews—Yes.

CHAIR—There is a diagram on page 4 which compares dysfunctional Aboriginal communities to international fragile states. How do you make that analysis and what does it mean for the way you go about seeking to develop communities? Obviously, in the end we need some propositions from you about law and order, about having fewer young men in jail.

Mr LAMING—Can I add to that question, because it is almost the same thing? I think where the chair is heading—and I do not want to put words into your mouth—is so long as we start small big things will happen. I have always noticed in communities that the women's group sets up an ICV project, and there might be a second one running. The problem is that the same cohort falls out. So long as there is a opt out option it is very hard to keep things sustainable when the easy option is to continue receiving a welfare payment and join the group that has opted out. I want to come from the other side—and I think this is where the chair was heading—which is the communitywide approach. In Doomadgee we have 700 kids between the age of X and Y. We can build 10 houses there and possibly occupy 300 of them. Is there room for ICV to start helping with that planning that says, 'We may have to start talking about 200 of these workers. We may well have to talk about engaging them in the construction of houses and completely changing service delivery.' Can ICV help with a communitywide approach so that you either earn or learn—the moment you start getting welfare payment, you actively engage with ICV and there is nowhere else to go?

Mr Andrews—I can think of two examples. I will let Stephanie talk about what we are doing with the Maningrida youth diversion project. We have just started talking to the Australian Federal Police in Canberra about this. They have young people on mandatory community service orders, which is probably a good option instead of jail; however, they are pretty much hanging around with other young people doing mandatory service, so their sphere of influence is other people who are involved in the criminal justice system. The Australian Federal Police have asked us if we would be interested in helping to facilitate a program where their mandatory service involves paid employment and where they have to actually get a job. We are just in the very early stages of that now, but we think it is a really good idea. For example, if a young Aboriginal person in Canberra was on a mandatory work order to work at ICV, in our office here, the sphere of influence would be other Aboriginal and non-Aboriginal people who are succeeding and who have not gone down the wrong track. So we are very interested in that.

I will just quickly say something about the fragile state analysis and then Stephanie can talk about the Maningrida project, if you want. I used to work at AusAid. I spent a lot of time at

AusAid helping the Australian government work with other governments to deal with what the Howard government called at the time ‘poor performing states’ and what the OECD called ‘difficult development partnerships’. Most people now call them fragile states. They are places like Solomon Islands, PNG and Nigeria. Everybody knows that you need to intervene; otherwise you get circumstances like Afghanistan, if you let things go. I looked at the characteristics of fragile states when I was working in the Northern Territory for three years and compared them to what I saw in the remote communities that I was working in. I saw a very strong analogy. So I applied that analysis. Bob is right: an underlying factor is the importance of law and order, governance and community safety. Community development, and addressing issues like passive welfare and dependency and building new houses, is not going to work if you do not have basic law and order, basic human rights and basic safety that society needs to function. I believe there is a role for the state to intervene. I do think it is a responsibility that the state has to provide that law and order for Aboriginal and Torres Strait Islander communities that I take for granted in the middle-class suburbs of Canberra where I live.

Mr LAMING—The flip side of law and order is gainful employment and activity to keep you out of that. The question was: can you see a point where we start from a global planning system that says everyone needs something to do, everyone needs an opportunity for self-worth and development? I still keep coming back to this point: are we going to keep falling back into a program model that employs 70 people or diverts the 15 who are falling out of the system or are we going to come right back and say, ‘What are we doing for the 2,000 people in the community of Doomadgee?’ I keep using that as an example. What are we doing to make sure that there is no other option except earning or learning? Can you see where I am coming from here? If you keep capping your program at 100 or 50—and you tell us you have a program running for 50—it just dies away because there are 300 who completely undermine that eventually.

Ms Harvey—Although we use an asset based community development process, we do use a whole-of-community approach. The example that we provided, at Maningrida, is a whole-of-community approach. We went up there on a community engagement visit and we met with all of the youth stakeholders. The community themselves had identified youth diversionary activities as their prime key for success in Maningrida. We were approached by the school principal, the police sergeant, the sports and rec people, local youth workers, the night patrol and child safety workers. Everybody who had a stake in youth in Maningrida we met with individually and collectively. We are scoping a program that will go from leisure hours to education to training and ongoing sustainable employment for youth.

We were asked to run a wet season school. I am sure you have read in the notes that in communities up there children lose a month’s education due to ceremony business. They lose valuable education hours and fall behind and cannot catch up. Then they drop out and they get into trouble. So running a wet season school to have those extra hours is really important. Youth need something to do outside school hours, particularly the girls. There are a lot of male oriented sports up in the Northern Territory, like AFL. We are working with and supporting sport and rec officers and youth workers to engage all youth.

We are working with the police sergeant up there. Some of the young fellas are on mandated hours already. We know that through the Remote Service Delivery Strategy, under FaHCSIA, there are going to be 109 houses built in Maningrida. Instead of those mandated hours being punishment—say, by picking up litter in the community—Maningrida is looking at setting aside

two model houses so that youth can start learning some skills and fixing up those houses, which will also go some way toward reducing the housing problem up there because they will have two houses at the end of the day. The young fellas in trouble are working on those and building their skills. When this remote services delivery is implemented, those young people might get traineeships or apprenticeships, have the skills and have sustainable employment.

Mr LAMING—I note that the community is still going to be sitting around, watching the other 107 being built. I am not being pejorative, but that is the great challenge. We have six months to get a lot of those youths through cert Is and IIs, so the question is whether they can be gainfully a part of something they are really proud of: building 109, not two.

Ms Harvey—They are just working on the two at the moment to build up their skills so that they have some base-level skills to carry on with. It is really important when we look at this whole-of-community development that we integrate with other services and providers, leveraging as much as possible to reduce potential wastage on these sorts of programs.

Mr Andrews—To add a little bit to that, I think one of the key roles of the government has to do with the incentive frameworks. I think the incentive frameworks are the key things that address the challenges that you are talking about, Andrew. For example, I am so happy and excited that the views that welfare reform is necessary, that passive welfare devalues people and that it encourages people to sit down and do nothing—most Aboriginal people in the Northern Territory who I know call it 'sit down money'—has pretty much become bipartisan. I think there are a number of dual standards and a bit of avoidance behaviour by government about some of the very raw issues in Aboriginal and Torres Strait Islander affairs. If we do not confront those issues, we will continue to see the causes and the symptoms of those issues. One of those symptoms is Indigenous juvenile involvement in the criminal justice system.

One of the things I provided to you is a photograph of the childcare centre in Mutitjulu, and to me that is an example of the dual standards. That childcare centre has been fixed up now, I think, but when I was there it was asbestos and there were pieces of asbestos lying on the ground. I remember trying to hold my breath when I went in there, worrying about asbestosis. That childcare centre was there for a number of years and it was funded by the Commonwealth government. If there were an asbestos childcare centre in Melbourne or Canberra, it would have a bubble put over it immediately it would be a front-page story, lots of people would sue a lot of other people and there would be national outrage, but Aboriginal families and children are just expected to put up with that. When we have those dual standards it sends messages to Aboriginal and Torres Strait Islander people that they are second-rate citizens.

Similarly, the kinship carers policy in the Northern Territory is a very good policy. They attempt to place a child that is in the child protection system with another Aboriginal and Torres Strait Islander family. But the recent reports that have come out of the Northern Territory show that if you are part of the kinship care system there are no police record checks or working with children checks for the people who are caring for children who have already been identified as victims of abuse and neglect. There is no regular monitoring of the children's care. White children in the Northern Territory enjoy that protection; their foster carers have to have appropriate screening and regular monitoring, but Aboriginal children do not enjoy that. That is not acceptable.

CHAIR—It recently came up that the Department of Health and Ageing was not inspecting Aboriginal institutions for elderly people. There are some being built in remote areas, but the department just was not inspecting them. It is the same thing, isn't it?

Mr Andrews—Yes.

CHAIR—There is an issue which we hear about really frequently about a problem—I think it is most acute for remote communities, but it exists everywhere—where there are government departments all over the place who see that they have some responsibility and they come and take an action of some sort of another but they do not have any coherence with lots of other government agencies. We heard the other day that one town in the Northern Territory has declared a government-free day. I am very interested in what you think is the best way to try and deal with the fact that we have a plethora of government agencies. You were certainly saying that government should take responsibility, beginning with law and order. We have a plethora of agencies approaching many communities and, though there are attempts to coordinate from time to time, they are often not successful. Are you saying that the best hope is that the community will coordinate them and take some charge of itself and therefore improve the way in which it relates to these agencies?

Mr Andrews—I think the ultimate goal of the community development process is that communities would not need to have somebody coming in to coordinate government services, because they would actually be asserting their rights and exercising their responsibilities, and their community would function much like a mainstream middle-class community in the rest of Australia.

I should say—in relation to government bureaucracy or unnecessary red tape—that at ICV we strongly believe in necessary red tape, like working with children checks, which we do for every state but not for the Northern Territory, which does not have a working with children check. But, despite our belief in necessary red tape, we have an inordinate amount of unnecessary red tape. One of the things the Commonwealth government can do is at least try and harmonise some of those cross-jurisdictional issues.

We are about to embark on a big fundraising initiative to try and become self-reliant and are asking Australian mums and dads to donate to us. We have to apply to seven different jurisdictions to get a licence to do that and then report according to seven different jurisdictional requirements. Luckily, because we are ACT based—I believe that is why—we can use the Federal Police for Federal Police checks, but then we have to get separate working with children checks in each jurisdiction. Then, if we have a volunteer who has done a placement in New South Wales but then their next assignment is in Tasmania or the Northern Territory, they need another check. There is an incredible amount of harmonisation of government red tape that could free up our resources as well. But we are a much more empowered organisation than many community organisations, so their capacity to deal with that is much weaker.

CHAIR—I know that you have approached the question of, as it were, the politics of despair. You have had a good deal to say about the problem of intergenerational addiction, for instance. I know that you have done work in Mutitjulu, which was famously a difficult, dysfunctional place. Can you talk about the way in which you think government and others should approach the

question of community development over time—again, in the context that we are most focused on, trying to keep kids out of the criminal justice system.

Mr Andrews—I should say that that work in Mutitjulu involved me; I was not with ICV. I just put that on the table. The key thing is really that there is no one size that fits all. If the government tries to do community development, it probably will not work. It is not because the government is incompetent; it is because the government has a different role and different capabilities. I think the fact that in ICV's first year we were part of the Department of Employment and Workplace Relations and then they worked out that they needed to separate us from government is indicative of that.

I think the key thing is that, on asset based community development, if the government can provide the right enabling environment in terms of the incentive frameworks associated with passive welfare, for example, or rectify other issues such as asbestos in childcare services, and ensure basic law and order, community development can become autocatalytic. It becomes a virtuous cycle. That story about the nannas here in Canberra is a really good example of that. They are going from strength to strength.

Mr LAMING—We have been out to Dubbo and heard from those working in the police there that, fundamentally, in the end, if someone does not want to do something there is nothing that they can do. They talk about the powerlessness of dealing with juveniles. In mainstream Australia, you have a 95 per cent chance of getting a job. Of the five per cent who do not have a job there is a smaller proportion who do not want a job, and Centrelink deals with them appropriately. In a remote Indigenous community, there is a five per cent chance of getting a job, and you have a pool of 95 per cent of people who are on CDEP, but they generally form a large group of people for which there simply is not enough gainful activity on a community. This is a major challenge. Are we at the point where we can say communities need to find a solution for their youth and let them come up with a plan that involves gainful employment and training? For those who do not want to participate, the same thing will happen as in mainstream Australia—they will lose their welfare. This is after counselling, family income management and all of that. At the moment that does not exist. No-one will take that welfare away. So long as there is that opt-out option, and 95 per cent of the youth in that age group are in that category where there really is not a chance of gainful employment or training, they refer to this as the losing battle. How do you approach that problem if having their welfare removed is something that they know they will never have to face?

Mr Andrews—Are you also talking about whether communities are viable?

Mr LAMING—Yes, critical mass communities.

Mr Andrews—There is some really interesting work, an analysis that Noel Pearson has done, about solutions to that problem. You do not necessarily have to find or create artificial jobs in communities. I worked in international development in Mongolia after it stopped being a satellite state of the USSR and became an independent country, and all of a sudden all these towns became ghost towns because they were established for strategic reasons. There was no viable economy there and the people left. Noel Pearson talks about options such as orbiting, where people can orbit in and out of communities. I have orbited around Australia and overseas

a few times in my career, as I know Stephanie has. I think there are a number of options to make communities economically viable, and orbiting is a big part of that.

I think one of the key challenges is the ingrained culture of dependency. It is really important to send very strong, clear and consistent messages about issues like welfare. If there are jobs and you are not applying for work then you should not get the dole. The trouble is that the messages from government often are not consistent. Somebody once, talking about Aboriginal and Torres Strait Islander policy to me, mentioned that it was akin to ADHD, attention deficit hyperactivity disorder, because things are constantly changing so much. One thing is tried for a year or a year and a half and it does not work, then the politics change and somebody else gets into power. All those policies are changing all the time but the people in communities are not. They are living through it. They are pretty sceptical about new policies because they have seen them blow in and blow out many times.

CHAIR—That is what I was starting to get at before. In your writing, when you use the analogy of the failed state, you draw on some literature that shows that it is quite normal for a failed state—Solomon Islands or what have you—to take 50 years to recover. There is this tremendous disjuncture between the political cycle and the bureaucratic attention on the one hand and this other long period.

Mr Andrews—I think my paper actually said the first thing that is needed is robust analysis because what has often happened in the past is that money, programs or ideas have been thrown around like chook food. The second thing you need to accept is that we are talking about trans-generational time frames. For example, if someone is born with foetal alcohol syndrome then you cannot get them into a job and we have to be realistic. We need to have good analysis and we have to accept that we are talking about trans-generational time frames. For example, with the way Zimbabwe has gone backwards in just a few years, it will take many decades to get back to where it was before it started going backwards let alone getting better. The key there is to have very realistic objectives.

Mrs VALE—Do we have any idea how many young people have foetal alcohol syndrome? Is that particular group growing within Australia?

Mr Andrews—I do not know.

Mrs VALE—Would the department of health have figures on that? It seems to me to be an alarming problem if we have many children in that particular situation.

Ms Harvey—I do not know the national numbers. I am sure you are aware of the problem in the Kimberley, Derby, Fitzroy and Halls Creek, for example, where it is highly prevalent. There are emerging cases in our established regions like Sydney and Melbourne but I do not have the exact figures. It is just anecdotal evidence from our volunteers actually working there. We have health professionals working in the Kimberley on this at the moment.

Mrs VALE—Part of the problem is that there is a certain intellectual delay or intellectual disability.

Mr Andrews—Yes, there is permanent brain damage and also behavioural disorders as well.

Mrs VALE—I just cannot get a handle on how big a challenge it is for the nation and also for the local communities because, if they have young people who do have that problem within the communities, what kind of resources do they need? Is that being provided for? Are the families looking after these children?

CHAIR—We heard evidence from a health group.

Mr Andrews—The Office for Aboriginal and Torres Strait Islander health would probably be able to let you know.

Mr LAMING—It was the Australian National Council on Drugs.

CHAIR—It was a subcommittee of the Australian council. We have been getting messages telling us that there is likely to be a division at 1.30. We should not keep you while we go to vote on a matter no doubt of critical importance to the future of the nation. I want to ask, therefore, if you have anything particular that you would like to say to us about issues of diversion from prison. You do not have a special knowledge about this sort of thing I take it but is there anything you would like to tell us about what you think are the most important strategies for keeping Koori kids out of jail.

Mr Andrews—I will let Stephanie tell you about some of our projects. I was thinking about that question more broadly. ICV are doing four things in that sphere. We are building that enabling environment of healthy and resilient communities where going to jail is not the norm. That is probably the most important thing we are doing. We also have a range of direct youth diversion projects that demand driven. We reported some of those to you in our submission. We are also working at the tertiary or the end sector. There was another story about a man in Brisbane called Ian Appo who, I believe, was convicted of murder and was in jail for a very long time. He found it very hard when he got out of jail to reintegrate and stay on the right track, but he did. He is now establishing programs to help other Aboriginal men who have been in jail for a long time to give them the support that they need so that they can stay on the right track.

The last thing that we are doing is assisting communities with policy and advocacy. A number of communities have asked us for policy and advocacy support to help them tell the parliament or other people their stories. I would recommend if you are going to Tasmania to speak to Meenah Mieene. We mentioned them in our submission. They asked us if we could help them write a submission to you. I am not sure if you have read their submission but I saw their work very briefly and I must say I thought it was outstanding. What they do is work with children from the juvenile detention centre in Launceston—and, as you know, there are children as young as six in detention in Australia. They work with Aboriginal children who come out of detention. They use an art based program and mentoring to keep the kids out of jail and break the cycle of recidivism. In the middle of Launceston, in a grungy back street, there is this amazing little building. When you walk in you think, ‘Wow, this is a beautiful art gallery!’ You do not think that it is something to do with juvenile diversion, you think it is a beautiful gallery of contemporary art. Then you think, ‘Wow, it’s a production facility as well,’ because you can see people making art. But its purpose is juvenile diversion. Every child and young adult who is there is under the influence of other people doing something positive, but also of a mentor. Meenah Mieene has mentors that they criminal record check—Aboriginal people who have worked their way through the complexity of life in Launceston and managed to stay out of jail—

and they help them be role models for these young people. I believe that Meenah Mieene is achieving very significant results, so I would strongly recommend you ask them for their view as well.

Mr LAMING—And the name of the man in Brisbane was Appo?

Mr Andrews—Ian Appo. It is in the main part of our submission as one of the examples.

Ms Harvey—Gregory has mentioned a couple of projects. We have so many, and I do not want to hold up your time, but in summary they cover mentoring, policy advice and advocacy assistance and they run mentoring camps, like the sister camp up in Queensland. A lot of our communities are quite resilient and resourceful and they are thinking of these things for themselves. For instance, in the Northern Territory they send a lot of their young folk away to school and the dropout rate is quite high because they get homesick and miss everybody, so enabling the nannas in an internet cafe to be in touch via Skype with the young people away at school is a way for them to remain connected. These sorts of ideas are actually coming from community, they are community led, so we totally believe in their sustainability.

Mr Andrews—The Papunya Internet Cafe is really interesting because it is not just a bunch of people surfing the net or burning DVDs and putting music on their iPods. What has happened is that it has become a really valuable piece of social infrastructure in Papunya. This is what we have heard from the community. Some of the children go to school at Kormilda College in Darwin and they get really homesick. They are in totally different country, thousands of kilometres away, but they can get on Skype and talk to their aunties and see a picture of them and maintain contact. That could help with their retention at school. We know that if people stay at school they are more likely to be employed, and if they are more likely to have a job they are less likely to be bored and involved in the criminal justice system.

Mrs VALE—Papunya is up in North Queensland, isn’t it?

Mr Andrews—No, it is west of Alice Springs.

Mrs VALE—So it is a long way from home. The children are up in a residential college in Darwin.

Mr Andrews—Yes.

CHAIR—They are Warlpiri people.

Mr Andrews—Yes, they are. It is Alison Anderson’s home country.

CHAIR—They are famously a bit stroppy!

Mrs VALE—It is a shame they cannot have a residential education facility close by.

CHAIR—Do you know of the film *Yajilarra*? I am sure you do. It is the story about the changing of the drinking regulations in Fitzroy Crossing.

Mr Andrews—We have shown that to our volunteers. All of our volunteers go through two days of cross-cultural awareness and we show them a movie as part of that. We have shown that movie to them on a number of occasions.

Mrs VALE—Where do you source your volunteers and how do you source them?

Mr Andrews—We have about 2,000 volunteers on our database. Something I should tell you and that I did tell Jenny Macklin in a letter is that, since the apology, we cannot cope with the number of people that are applying.

Mrs VALE—Isn’t that lovely.

Mr Andrews—After the apology we ceased all of our marketing. I think we spent about $300 on marketing to volunteers in the last year. We cannot cope with the number of volunteer applications and we have had to put two extra people on to help with the backlog. The oldest volunteer we have on our books is 101 and the youngest volunteer we placed in the field last year was 13, I believe. She did a school holidays paper aeroplane project, a one-day project making paper aeroplanes. It was fun for Aboriginal kids to do.

Ms Harvey—It was still quite purposeful. It was not just about paper planes; it was connecting a bunch of young people with elders, aunties and uncles and talking as an aside about culture, connection to country and that sort of thing.

Mr Andrews—Last year, I think the oldest volunteer we sent out into the field was 86. We do not really have a strong demographic. I am a member of the Volunteering Policy Advisory Group that Senator Ursula Stephens is chairing. It is interesting because all of the other organisations at the table are trying to work out how to get people to volunteer and I keep saying, ‘We’re trying to slow the number of people because, unless we get more income, we can’t actually process them.’ We do believe Aboriginal and Torres Strait Islander people deserve the best, so it probably costs us about $2,000 to fully screen and train each of our volunteers.

Mrs VALE—You do not pay the volunteers—they are doing it as a personal commitment.

Mr Andrews—They do get a very humble allowance of about $150 a week. Is that right, Stephanie?

Ms Harvey—That would be a maximum. It is about $20 a day.

Mrs VALE—Do they have to fund their own accommodation?

Ms Harvey—No, you we work under the concept of ngapartji ngapartji, reciprocity with our community. Whilst ICV wears the costs of training the volunteers and transporting them to community, community often accommodates the volunteers. It could be anything from a swag or a tent to someone’s house.

Mrs VALE—It depends on how long they are there for?

Ms Harvey—And what is available, that is right. Although we do not let projects fall over for lack of accommodation, we will find some way. Particularly in Queensland and Northern Territory, dongas are usually used. They have been fitted out. The community certainly does come to the party with that.

Mr Andrews—You asked about the government. Some of our volunteers have slept in government business manager dongas, the accommodation provided through the Northern Territory Emergency Response.

Mrs VALE—Are ex-MPs acceptable?

Ms Harvey—Absolutely.

Mrs VALE—You see, I am not standing at the next election.

CHAIR—The member is mapping out her future career.

Ms Harvey—Duly noted, and we will send you an application form.

Mr Andrews—We would love to have you. Senator Marise Payne and her husband have both put their hands up to volunteer, so we are looking for a project for them. She also respects our methodology that we do not hunt and gather projects for volunteers; we hunt and gather volunteers for projects.

Mrs VALE—Yes.

CHAIR—In anticipation of the division that is on its way, I want to thank you both for talking so well.

Mrs VALE—Are the asbestos childcare centres still in existence? Have they been fixed yet?

Mr Andrews—I do not know. I think the one in Mutitjulu has. I think that was renovated, but I would not be surprised if there were plenty of other asbestos childcare centres. I have to be careful because I am on leave without pay from FaHCSIA. I love and respect my colleagues at FaHCSIA, so I do not want to offend them. But when I was working in the Northern Territory, FaHCSIA staff used to get quite cranky with me for calling it a childcare centre because the way to get around all of the legalities of having an asbestos childcare centre that did not need a director that was educated and screened was to call it a creche. I remember some bureaucrats used to get cranky with me for calling it a childcare centre. They said it was a creche because then it was not subject to all of the regulation.

Mrs VALE—That is ridiculous. It is a creche—it still has children and those children would be exposed.

Mr Andrews—Yes. It is one example of that really important issue where government needs to grapple with hard and thorny issues and do it bravely and with the human rights in mind.

Mrs VALE—It is disingenuous. Solzhenitsyn wrote a fantastic speech that he gave to Harvard in 1975: he spoke about the legalism of western culture—especially in America, but we are doing exactly the same thing. To call it a creche and claim that that does not have certain ramifications, rather than calling it a childcare centre, which it really is, and to argue on the point of the name, is legalism at its worst. I just had to ask about that.

CHAIR—I am going to close the meeting before there is any interruption by the bells. Again, thank you both for giving us your time. It has been really informative and inspirational for us, I think it is fair to say.

Mrs VALE—Absolutely.

Ms Harvey—Thank you. We really valued the opportunity to come and speak.

Resolved (on motion by **Mr Trevor**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.31 pm