



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, 27 MAY 2010

CANBERRA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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**HOUSE OF REPRESENTATIVES STANDING  
COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

**Thursday, 27 May 2010**

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

**Members in attendance:** Mr Debus, Mr Oakeshott, Mr Turnour, Mr Kelvin Thomson 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.

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**Committee met at 12.17 pm**

**ABRAHAM, Mr Daniel Joel, Acting Director, Indigenous Policy Section, Attorney-General's Department**

**ARNAUDO, Mr Peter, Assistant Secretary, Indigenous and Community Legal Services Branch, Attorney-General's Department**

**FREUDENSTEIN, Ms Christine, Acting Assistant Secretary, Indigenous Policy and Service Delivery Branch, Attorney-General's Department**

**HALBERT, Ms Cath, First Assistant Secretary, Department of Families, Housing, Community Services and Indigenous Affairs**

**JONES, Ms Katherine, First Assistant Secretary, Social Inclusion Division, Attorney-General's Department**

**McGAURR, Ms Michelle, Manager, National Projects Section, Department of Families, Housing, Community Services and Indigenous Affairs**

**OGBORN, Mr Keith, Director, Community Safety Section, Indigenous Policy Branch, Department of Families, Housing, Community Services and Indigenous Affairs**

**RINGUET, Ms Vesna, Manager, Innovation and Strategic Projects Section, Department of Families, Housing, Community Services and Indigenous Affairs**

**ROCHE, Mr Greg, Manager, Indigenous Programs Branch, Department of Families, Housing, Community Services and Indigenous Affairs**

**SMITH, Mr Bruce, Manager, Indigenous Policy Branch, Department of Families, Housing, Community Services and Indigenous Affairs**

**WILSON, Ms Karen, Manager, Children's Policy Branch, Department of Families, Housing, Community Services and Indigenous Affairs**

**CHAIR (Mr Debus)**—I am happy to 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 would acknowledge the Ngunawal and Ngambri people, the traditional custodians of this land, and pay respect to their elders, and acknowledge also Aboriginal and Torres Strait Islander people who are present and now reside in this area.

I should say for the sake of formality that these meetings are formal proceedings of the parliament, so everything that is said should be factual and honest. Obviously 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. It is not in its final stage of evidence gathering and today the committee will seek to reflect upon some of the evidence it has heard from witnesses around Australia and to clarify the status of some Commonwealth policy program initiatives.

**Ms Jones**—I was not proposing to do a formal opening statement. I was hoping that I would have the opportunity to talk a little bit about some of the policy work that the Attorney-General's Department is responsible for.

**CHAIR**—That is fine.

**Ms Jones**—I am happy to do that. In terms of policy work, the Attorney-General's Department has policy responsibilities, broadly, in relation to the area of Indigenous community safety. We also have responsibility for programs that are very relevant in this area. They include the Indigenous legal services program, the Indigenous Family Violence Prevention Legal Services program and the Indigenous Justice Program, under which we fund a range of projects relating to prisoner through-care, youth diversion, and prevention type projects that seek to minimise the contact of Indigenous youth and adults with the criminal justice system. I can provide more detail in relation to any of those programs.

In terms of the policy side of things, one of the key initiatives that we have been responsible for over the last couple of years has been negotiating and developing, with the states and the territories, the National Indigenous Law and Justice Framework. That is a document that had quite a long history in terms of development and consultation with the states and the territories. It is the first time that there has been a nationally agreed framework relating specifically to Indigenous law and justice and it sets, across a range of areas, some benchmarks or best practice principles that we think should apply in the area of Indigenous law and justice. That was endorsed by SCAG in November 2009 and we are now in the ongoing process of working with the states and territories in terms of ensuring the appropriate adoption of the best practice under each of the relevant headings. I can ask my colleague to talk in a little bit more detail about that.

Another key thing is that SCAG and the Working Group on Indigenous Reform, which is the working group under COAG, have been asked to develop an Aboriginal and Torres Strait Islander safe community strategy. That is a work in progress at present that will broadly capture the range of policy work at the Commonwealth level that we then want to have agreed with the states and territories and fed into the National Indigenous Reform Agreement.

There are two other critical things to mention. One is the justice Closing the Gap targets. This was something that was agreed by SCAG ministers: that they would develop justice Closing the Gap targets with the intention of including the targets relating to that in any future COAG reform packages. We are working with the states and the territories through the Standing Committee of Attorneys-General working group on Indigenous justice to develop the targets. We hope that the targets will be considered by the Standing Committee of Attorneys-General at its next meeting on 23 July.

The other thing that I wanted to mention was the Indigenous Community Safety Roundtable that was held in November last year. It was the first time that we had, collectively, attorneys-general, police ministers, police commissioners and Indigenous affairs ministers come together to consider a range of proposals around four broad areas: alcohol management, community safety—

**CHAIR**—The first time this decade.



**Ms Jones**—I stand corrected, if that is the case.

**CHAIR**—It makes me feel my age! I have been to other meetings of that sort.

**Ms Jones**—We thought perhaps just in the terms of those three ministers and the police commissioners, but, as I said, I stand corrected if there had been an earlier one. The four areas they were looking at were—

**Ms Freudenstein**—Policing in Indigenous communities; sharing information, including working across agencies; alcohol management; and support of victims.

**Ms Jones**—The proposals were endorsed at the most recent Standing Committee of Attorneys-General meeting, which was on 7 May. They need to now be endorsed by police ministers and Indigenous affairs ministers and then will be released publicly, following that endorsement. Also through the Standing Committee of Attorneys-General, one of the things that we acknowledged was that, in relation to Indigenous youth programs, there was a lack of adequate evidence of what works. There are a range of programs that are run at the Commonwealth and state levels and all of them have slightly different approaches, but we really do not have a strong evidence base in terms of evaluating what works, so a decision was made to allocate some funding to enable us to go through and evaluate a range of youth justice programs. We have worked with the states and the territories and identified 20 programs.

**Mrs VALE**—I am really encouraged to hear that you are doing some cross-agency work, because what the committee is seeing at the moment in some of its inquiries is that government departments often act like silos and, when you are dealing with children, it is a real shame. Obviously there are resources that have been put into all of our departments but they are just not coming together. I think it is good that you are having a look at what is happening in these 20 programs.

I want to raise the issue of FASD—foetal alcohol spectrum disorder. In our inquiry, in one particular area—a remote community—we found a school principal who had a very educated guesstimate of the percentage of children that suffer from this problem in his school. He said that his genuine understanding of the problem is that it is as high as 70 per cent. I know that in your submission you identify FASD as a contributing factor in the high rate of offending of Indigenous youth. Are you able to tell us how widespread FASD might be amongst Indigenous youth? I have a series of questions, so I will ask you the questions and, if I have to go, you can actually put it on the record, if that is okay.

**Ms Jones**—Sure.

**Mrs VALE**—Are either of your departments—FaHCSIA or the Attorney-General's—engaged in any kind of FASD prevalent study as it affects Indigenous people? Of course, this is something that also affects mainstream Australians, but we are focusing on Indigenous at the moment. Can you also tell us how either of your departments is addressing the issue of FASD amongst Indigenous people? Do you have any policy programs for it, or how you are dealing with it?

Given that FASD is relevant to health, education and justice outcomes for the people it affects, can you tell us what effort has been made to coordinate responses to FASD across both your departments, and across the Department of Health and Ageing and the Department of Education, Employment and Workplace Relations, if you know that? I am sorry that is a big double-bang question but I have got to run. Thanks.

**Ms Halbert**—Just to reassure you—and we will provide more detailed answers—I will actually be leading a cross-portfolio group looking at alcohol issues but, in particular, looking at FASD. Those statistics that you just quoted were a little higher than the ones I have heard, but we are very concerned about the prevalence of the disorder or the syndrome, and we are commencing some cross-portfolio work.

**Mrs VALE**—Cath, this is a new focus, is it?

**Ms Halbert**—That is right.

**Mrs VALE**—I know that things sort of get raised up and they have to be addressed.

**Ms Halbert**—Yes. No, this is a new focus.

**Mrs VALE**—It was alarming for us as a committee.

**Ms Halbert**—Clearly.

**Mrs VALE**—I must leave you. I do apologise.

**Ms Halbert**—We will provide you with more detailed answers.

**Mrs VALE**—I would be grateful. I am sure the chair will carry on. Thank you.

**CHAIR**—I should also introduce my colleague, Kelvin Thomson. As an informal intervention, though, what we might do, Cath, is just send you the transcript of evidence that we had from Fitzroy Crossing.

**Ms Halbert**—Yes, that would be helpful.

**CHAIR**—There was a woman in Adelaide last week, called Sue Miers, who also gave really powerful evidence. I think we might just simply send you copies of those transcripts.

**Ms Halbert**—That would be good.

**Mr TURNOUR**—Could I ask a question of the A-G's?

**CHAIR**—Of course. You have to leave too, Jim?

**Mr TURNOUR**—Yes, at quarter to.

**CHAIR**—We apologise. We really are going to ask FaHCSIA to make an opening statement.

**Ms Halbert**—That is okay. I was not going to do a long one anyway.

**CHAIR**—But before they do it, Mr Turnour has a question of the A-G's.

**Mr TURNOUR**—It is good also that I pick up what Danna said about coordination. I represent a lot of Indigenous people and I have had a concern about—and we have heard evidence about this—the issue of cross-responsibilities. What do you see as the role of the state and what do you see as the role of the federal government and how do you sort out those issues? People come to see me and want to do things and I say, 'It's a state government responsibility,' but we are running preventative justice programs and the like. What do you see as the clear distinction between the role of the state and the role of the federal government?

**CHAIR**—It is a good question, isn't it? We are aware of a kind of undercurrent all the time, with central agencies saying, 'Law and order is really states' business,' but it is really hard to understand what that means when you get on the ground, especially when you find out that there are Commonwealth programs all over the place that appear, on commonsense terms, to be law and order programs.

**Ms Jones**—In terms of, broadly, community safety and law and order, the Commonwealth's view is that that is primarily state and territory responsibility, and appropriately so. They are the agencies that are on the ground, that are able to best deliver services—

**CHAIR**—But, with respect, that is just the same as saying, 'Education is primarily a state responsibility.' What does it mean? We pour vast amounts of money into the state education systems but, somehow or other, when it comes to a question of policing and/or court administered programs, there is a reluctance from the Commonwealth, which I think is becoming a serious problem.

**Ms Jones**—We certainly do see our role as complementary to state and territories, particularly, for example, in the space of prevention and diversion. If you are funding prevention and diversion programs, they necessarily have to have an interaction with the justice system within a particular jurisdiction and the police within that particular jurisdiction. I would have to say that we have had experience in the past where we have tried to fund projects directly ourselves, in terms of prevention or diversion, where we saw a gap, and they were not as successful as they could have been because we did not have buy-in from the states and the territories. They obviously are managing their police force and their police resourcing and their court resourcing and there was a bit of a disconnect between what we were doing and they were doing. We certainly see that any activity that the Commonwealth does in this space very much has to be complementary to the states and territories and to work with them.

One of the key things that the Commonwealth has been trying to do over the last couple of years is to try and develop a leadership role in identifying, 'What are the critical issues that do need to be established?' and trying to get a little bit of consistency of approach in the Indigenous law and justice space. We think the National Indigenous Law and Justice Framework is one of the key steps in that regard. The fact that it actually took such a long time to get agreement, and to get all the jurisdictions to have a level of comfort in terms of some of the initiatives under

that, is an indication that there are varied approaches in different jurisdictions, and the Commonwealth, I think, has a role to ensure that we do not have the lowest common denominator approach, but that we try and identify best practice.

**Mr TURNOUR**—In terms of that, I think you said that it has not gone through the process so it has not been made public yet: this is the strategy that is being developed across a COAG type group of ministers. Is there going to be, within that strategy, some identification of funding needs or is it a broad strategy that just talks about not necessarily motherhoods, but does it draw down and say, ‘These are the particular programs that need to be run’? What level of detail is it going to have?

**Ms Jones**—At this stage it is unlikely that it would identify specific areas where additional funding is required, although I think what it will do is identify where there are some existing gaps or where the states and the territories and the Commonwealth need to have a greater focus.

**Mr TURNOUR**—You have said that there were 20 programs, I think you identified.

**Ms Jones**—That was the separate evaluations exercise.

**Mr TURNOUR**—Yes, separate evaluation. How many were federal and how many were state?

**Ms Freudenstein**—Most of the programs that are up for evaluation are state funded programs. They have been noted in the Good Practice Appendix to the framework.

**Mr TURNOUR**—And how much money does it total? Have you got a state-by-state look at the amounts of money that are being spent in prevention?

**Ms Freudenstein**—We could try to get you that.

**Mr TURNOUR**—Could you provide us with that?

**Ms Freudenstein**—Prevention for youth?

**Mr TURNOUR**—Yes, prevention for youth and, in relation to that, any information or evidence that you have in relation to which ones are good and which ones are bad and where you are getting good value for money.

**Ms Freudenstein**—What the states have nominated under the good practice guideline—and we actually have some copies for you here. Dan, do you want to hold it up?

**Mr Abraham**—Yes.

**CHAIR**—Actually we have got—

**Ms Freudenstein**—You have some? Good. In that document, there is the Good Practice Appendix that highlights the ones that the states have nominated as the ones that work; the ones that are better practice.

**Mr TURNOUR**—Coming back to A-G's specific responsibility we fund a crime prevention type program—I cannot remember the name of it—on a three-year basis, I think it is. I know it has been run in my electorate in the past. It is a good idea. They have funded the Hoops Dreaming program, for example, a program that was run by local basketball, police and others; it was late-night basketball.

One of the things that have become clear is that the Commonwealth funds these things, they get the buy-in, and the assumption from the Commonwealth is that someone is going to pick them up after three years. But there does not seem to be any framework; they are not community based programs or anything. Is this issue about ongoing funding support for these sorts of programs going to be dealt with through the strategy? Sorry, Bob.

**CHAIR**—No, I am only wanting to complement what you have said. Somehow or other I do not want FaHCSIA to feel in any way paranoid—

**Mr TURNOUR**—No.

**CHAIR**—that they cannot get out their first statement.

**Ms Halbert**—I don't!

**Mr TURNOUR**—We will come to you.

**CHAIR**—I want to follow up what my colleague is saying by dealing with a matter that we were going to get to one way or another. It is of a general nature, but it concerns the way a heap of Commonwealth funding is actually delivered. I have got to tell you that, at every place we have ever been anywhere, people on the ground complain, sometimes bitterly, about the funding. There is no need for us to pick out any individual department and there is no need for us to say that the states do not do the same thing, to some degree, but everybody complains constantly that there is no consistency in the way that programs are delivered, that they are fragmented in reality and on the ground. There is a program provided in this remote centre but not in that one, and there is no particular reason, I understand, why it is in one and not in the other. There is a program in one state and not in the other. There is a program that affects a region and not another region, and that an extraordinary proportion of programs are short term, are pilot in nature.

We were in Dubbo in New South Wales in fact where a young man crystallised the issue by saying, in answer to a question, 'We were going to do more of that but the funding ran out on the pilot.' That was kind of a metaphor almost for what is said to us all the time. It is an absolutely serious problem; that funding is perceived by people on the ground to be absolutely flung at them like confetti. I am wondering if there is an awareness that that is so within your departments and, if so, whether there is some kind of strategy being discussed to deal with it? I did not mean to introduce this quite so soon but, from my perspective, it is quite fundamental.

**Ms Halbert**—I think there is a recognition within the Commonwealth government that service delivery and some program design has been, especially from the recipient's perspective, somewhat fragmented. It is difficult for those on the receiving end to see how it all comes together. I would give the example of the Remote Service Delivery National Partnership, which

has particularly targeted the need to bring governments together in a particular location. So for the people who are living in those remote communities government should be seamless.

Services should be delivered in a way that complement each other and achieve the outcomes that they are seeking. With that in mind, 29 communities have been selected to be given very intense attention and various structures have been put in place to ensure that, on the ground level, government does come together. That includes government business managers who are located in the selected remote communities.

Our organisations work together through boards of management in each jurisdiction to try to take the information that is coming from the communities and iron out any of the wrinkles; and that can be escalated further. So I think, if you look at that strategy, it is a direct means of addressing the problems that you have highlighted. It is still being implemented. It has quite a way to run yet, but we have been given strong instruction that we are to throw everything at this to see if government can come together in these locations to makes the programs and services work.

**Mr OAKESHOTT**—How were those 29 selected?

**CHAIR**—You are asking a question I was about to ask.

**Mr OAKESHOTT**—If you go to page 12 of the Closing the Gap strategy released by the Prime Minister only last month, it clearly shows that the majority of the Indigenous population lives between Sydney and Rockhampton on the east coast. None of those 29 locations are in that window, so where do we get it all to meet?

**CHAIR**—There are 60 per cent of the Aboriginal people there.

**Ms Halbert**—The actual selection of the 29 communities was before my time but those communities were chosen. This is about remote service delivery, so it is targeted to those particular communities. I will talk a bit about the 75 per cent of Indigenous population that live elsewhere.

**Mr OAKESHOTT**—This is a follow-on question.

**Ms Halbert**—It is not my area of expertise and I do not know if my colleague can add to it, but my understanding is that those were chosen as the most likely to be viable communities. There are only 29. It is not meant to be covering the entirety of remote communities. Those were the centres where investment was seen as most worthwhile. They were accessible to other smaller communities around them and, as I say, the most likely to be viable. They were the remote communities.

Under the Closing the Gap strategy, there is an urban and regional strategy, which is fairly high level, but we are in the process at the moment of fleshing that out with the states and territories and with our own network because, as you say, that is where the major populations are. While you will probably find an enormous number of services and programs directed at those areas, whether or not they are actually reaching the Indigenous population is the crucial question, and whether or not they are effective once they do reach them. As I say, we are fleshing

out that strategy, which will be over the next few months, and that is very much directed at those larger populations.

**Mr OAKESHOTT**—Just to clarify in my mind, why the separation of urban and regional from remote? Is that a recognition that there are different issues involved?

**Ms Halbert**—That is what it comes down to. While there is some overlap of issues, the issues pertaining to remote Australia are unique, but they do cut across jurisdictions in the remote areas.

**Mr Roche**—Those particular communities were chosen essentially on the basis of population. They are more likely to attract people into them from outlying areas.

**Mr OAKESHOTT**—Low population? High population?

**Mr Roche**—High population. So, as Cath said, they are more likely to be viable in the long term. The other reason why remote as opposed to the east coast quite simply is in terms of the gap. The gaps are the greatest in the remote areas. The more remote you are, the greater the need. That is not to deny the need for Indigenous specific strategies as well, as Cath mentioned, but if the government is determined to close the gaps, it has to do something in relation to those remote communities because that is where the greatest gaps are.

**CHAIR**—In terms of our specific references concerning imprisonment, however, I am not sure if those assumptions all entirely hold, but I see the argument. If one thinks about even your remote areas, however, it sometimes seems to me that if you are going to have government business managers with these high responsibilities, you should choose them like you are choosing the station leader to go to the Antarctic or something, because so much depends upon them.

And yet, avoiding any specific reference, I have noticed in my own movement around parts of remote Australia that there is a very substantial difference in the experience that those various managers have, one to another, of actual community development work. Some of them seem to have rather profound experience and some seem to have none at all. But I think that, unless you have someone who has really deep experience, they are very unlikely to be successful.

**Ms Halbert**—Obviously, in selecting government business managers every attempt has been made to attract and employ people with the appropriate skill set. Those skill sets are in somewhat high demand and short supply, so that is a challenge. The challenge of where these people are being asked to work and live is a further compounding factor. We have tried to choose people with the appropriate skills, but certainly there has been recognition that the pool of people with those skills is probably not big enough and that we have to put some effort into building that skill base to have it available for a greater pool of government business managers. There is recognition that work needs to be done there.

**Mr OAKESHOTT**—On a similar theme, a criticism I often hear is the lack of Koori involvement in the front-end policy development: the whitefella talking to whitefella type policy development. It is all well intentioned, but this is an opportunity for you guys to clarify to us as a committee that at this stage, including the COAG process, there is at the very least a level of

engagement at that policy development stage with the very people who are going to be at the back end of that policy implementation, both on an individual department section head approach—how is the Koori involvement in your section?—and then on a broader government approach—where are those end points at COAG or in SCAG, for example?

**Ms Halbert**—When things are being negotiated through COAG, there is a tendency for governments to talk to governments. That is the nature of those kinds of agreements. But this government has made a very strong commitment to resetting the relationship and to engaging with Indigenous people on policy development, program design and service delivery issues. It is not always easy to find the mechanisms to do that.

For example, apart from the government business managers, FaHCSIA also employs Indigenous engagement officers in particular communities to try and provide that bridge. While we came in for a lot of not always positive attention with the Northern Territory Emergency Response consultations, that was a major effort to consult, and we did in fact consult thousands of people about the changes that the government was proposing and the community's reaction to that. Even with that major consultation, there were still some who felt that their views had not been taken into account.

We do strive to engage with Indigenous people. I can tell you personally that in developing the urban and regional strategy we are at this moment trying to work out how we will engage those communities as we are fleshing out this strategy. I cannot tell you that we have the exact answer yet, but we are having a workshop next week and that will be part of what we are talking about. But the government has made the commitment. We see it as crucial and in some ways we will be wasting our time if we do not engage early, because we will not be delivering what is needed.

**CHAIR**—That is encouraging to hear but, to be more specific, if any agency or NGO working on poverty alleviation in our aid program went into a settlement anywhere in the Third World they would have in their minds that their first job was to find out ways in which they could identify organisations whose capacity they could build so that the community could take responsibility for its own development. It is kind of community development 101. Whether it was World Vision or Oxfam, or even a private consultant paid by AusAID, that is what they would be doing.

Yet it seems that, time after time, that is not what happens in remote Aboriginal communities. Our remote Aboriginal communities are often poorer and more dislocated than villages in Indonesia and somehow or other we act more as if we are a colonial power, it seems to me sometimes, than if we are actually trying to help them. Is there an awareness of that in either of your departments—that it is not just a question of speaking to them like they are a suburban P and C for a little while and then going away and making a policy; it is actually spending your time helping that community to develop and take responsibility for itself, which often does not cost much money—that that is the most important thing that can be done?

I know it is hard to come at from the point of view of agencies that have been conducting themselves according to a different ethic with the rest of Australia, but it seems to me that, unless that stuff can get more refined, much of what is tried will never work.



**Ms Halbert**—Certainly there is recognition, and in a moment I might ask my colleague to talk at the higher level. But in those communities, apart from the government business managers and the Indigenous engagement officers, that are intended to foster some of that, under the Remote Services Delivery National Partnership there is a specific task to be undertaken. It is often described as ‘governance in remote communities’, but it is about building the capacity of the community to understand its own needs and to make decisions about how they would like those needs to be addressed. So there is recognition there. Work is commencing, at the moment, to do that. It is not going to be easy to even work out how to do that.

**CHAIR**—Quite.

**Ms Halbert**—But those points that you are making—and all kinds of models of doing that—are being looked at. But certainly the issue is well and truly recognised and, I might say, at the higher level too. On the need for Indigenous people to be influencing policy and program design at the outset, I might ask Greg to talk a little bit about First People’s Congress, which is going to be constituted at the beginning of next year.

**Mr Roche**—Just to mention as well, in terms of Mr Oakeshott’s question, engagement obviously needs to occur at the national level and that has, to some extent, been lacking since the abolition of ATSIC. So with the creation of congress—which only came into being this month and, as Cath mentioned, will be commencing next year—we are anticipating that there will be a much greater level of engagement at the national level in terms of policy formation through a consultative process. I think both government and the congress itself are working out how that is going to happen. There are a number of models we could be working on, but certainly our expectation is that there will be much more integration in terms of that policy involvement process.

**CHAIR**—Could I ask if it is possible for either department to perhaps respond to this line of questioning by giving us a bit more information?

**Ms Halbert**—Certainly.

**CHAIR**—It would be quite relevant to some of the recommendations we feel as if we are making, and if we are able to support you instead of implicitly criticise you, then that will be a useful thing.

**Mr OAKESHOTT**—If you could just drill down on the detail of that—and without being reverse discriminatory—and give us some raw numbers of who is involved at this stage, with an Indigenous background, in the development of what is going to be significant national policy, and at what level.

**Ms Jones**—Chair, if I could just mention a couple of things along those lines. In terms of the National Indigenous Law and Justice Framework and the development process for that, that did involve extensive consultation with Indigenous communities and stakeholders. They were provided with the opportunity to influence the development of that document quite significantly.

It might also be worth mentioning, in terms of the remote service delivery in the 29 communities, the process that has been involved in the development of local implementation

plans, which has involved, basically, the various levels of government sitting down with the local community and letting the local community tell them what they need to have addressed in their communities. From my perspective, our responsibility is in relation to the community safety aspects, and we are being told by the local communities what are the priorities for them in terms of addressing community safety, and then the challenge for us is to go back and look at all our programs and see what we can do to tailor responses to them. That is an example where government is trying to respond, as opposed to imposing.

**CHAIR**—Yes, and that is admirable. But what we are talking about, too, is a circumstance in which some of those programs—diversionary programs in more remote areas, would be one example—are being delivered by Aboriginal organisations. Okay?

**Ms Jones**—Yes.

**CHAIR**—That is the crunch bit. Often where we have been, Aboriginal people have been very funny talking about this. They have told us about a group they call ‘the usual suspects’, which turns out to be big white NGOs: that government departments, state and Commonwealth, systematically provide money to people associated with respectable churches to spread largesse around, but that money is not going to Aboriginal organisations. It is going to someone else either directly or to administer to Aboriginal organisations.

Even in Dubbo in New South Wales, which is pretty mainstream, when we sat with the Aboriginal organisations, they said: ‘We didn’t get any money. All sorts of other people did.’ Many of those other people are fine people; one does not want to say any different. They are charitable organisations. But the Aboriginal people are still being ‘done to’.

‘Engagement’ is more than just having a talk with everybody. And why is this relevant to our inquiry? It is relevant to our inquiry because, if we are going to end up dealing with the needs of young people who might otherwise be offending, there have to be effective ways of supporting them. What I am saying is that there is heaps of anecdotal evidence to suggest that that will happen much more consistently if it is Aboriginal organisations that are taking responsibility for that supportive work.

**Ms Jones**—Chair, I note that. And, obviously, with the programs that we are responsible for, we have a tender process, an open application process, where organisations put in—

**CHAIR**—You have community patrols that are run by Aboriginal groups.

**Ms Jones**—Yes, that is right.

**CHAIR**—That is what I mean.

**Ms Jones**—We do have some of those. In the Northern Territory, we did work through the shire councils to deliver night patrols. But, in relation to our Indigenous Family Violence Prevention Legal Services program, that is set up on the basis that we fund Indigenous organisations predominantly to deliver those services. One of the issues is that we obviously have to spend quite a lot of time in terms of making sure that they have adequate capacity and

support to be able to manage the governance and other arrangements associated with managing these services, and we do a lot of work cooperatively with those organisations.

**Mr Arnaudo**—Chair, can I just add to that. The Family Violence Prevention Legal Services is within my branch, the Indigenous and Community Legal Services Branch. The staff who are running that program are Indigenous. The director is an Indigenous woman, and there are Indigenous staff there as well. We are keen to make sure that we employ people with the connection to Indigenous communities—that is very much at the beginning of the policy process—as well as then making sure that the organisations that we fund to provide this support service, in 31 locations across Australia, have the capacity to build strong connections with other organisations and deliver legal services to the victims of family violence. So we do try and make sure that we do take that focus in how we run that program internally within the department, but also in terms of the organisations that we ask and fund to deliver the services on our behalf.

**Mr OAKESHOTT**—Which is where we can potentially play a positive role.

**Mr Arnaudo**—Yes.

**Mr OAKESHOTT**—If you can provide us with some of those facts and figures, I am sure—

**Mr Arnaudo**—Yes, we are quite happy to do that.

**Mr OAKESHOTT**—We are politicians by nature. We will sing it from the hilltops, and that helps the cause, but we need the details from you guys.

**Ms Halbert**—Certainly. There are a range of strategies specifically designed to try and give greater opportunity to Aboriginal organisations to not only get part of business opportunities but to get through grants processes et cetera so that they can be part of the delivery process.

**Mr OAKESHOTT**—I am sure you are all aware of it, but some of the mythology and perceptions on the ground is that it is another ‘whitefella program being jammed on us’. So it would be nice to crack some of that as part of the process. Going back to Bob’s point, some of the advice I have is that there has been some feedback by the committee that there is a preference by both departments to prefer working with the bigger NGOs in a lot of their program delivery. So your example is good to hear, but is that the exception to the rule, or is that part of—

**Mr Arnaudo**—In terms of Indigenous legal services, all of the Indigenous legal aid, basically, is funded through eight Indigenous-controlled organisations. Some of them are quite large and some of them are quite small.

**CHAIR**—That is true.

**Mr Arnaudo**—At the moment that is a \$50-plus million program per year. We fund that completely through Indigenous organisations. The Family Violence Prevention Legal Services program is again funded very much through—

**CHAIR**—How does that work? Is that associated with ALS?

**Mr Arnaudo**—It is a separate service to mainstream legal aid and Indigenous legal aid because it is very much focused on the victims of family violence. Often what might happen, for example, is that the Indigenous legal service would be representing the perpetrator or the alleged offender of family violence and the family violence service would be representing the victim of the family violence.

**Mr OAKESHOTT**—To answer my question—and it is probably one to take on notice—can you come back to us, if that is okay with you, Chair, in regard to a bit of a reflection on your service delivery from both departments, your tendering processes, just who has been successful in the last decade, and how that stacks up with the chair's point around Indigenous community organisations that may have been tendering and missed out. Also, is there any work being done on the 'Why?' question and how can there be some greater support in the future? What steps are being taken in trying to build this capacity base within Indigenous service delivery to win some of these tenders?

**Ms Jones**—For our department, it would go back 10 years, because we have—

**Mr OAKESHOTT**—Just whatever is the best you can do to give us a bit of an indicator as to who is winning in this race for government service delivery in this area.

**Ms Jones**—We could certainly do that. Could I briefly mention two points that are also relevant to this? For both our Indigenous Family Violence Prevention Legal Services program and Indigenous Justice Program, we have just recently moved away from annual funding cycles to three-year funding cycles. We think that is going to make a significant difference, in that organisations that we fund will have a level of comfort. They will know that they can employ people and they can have some sense of security that they are going to continue delivering the services. We think that will help build the capacity of those organisations and strengthen them.

**CHAIR**—That leads me to return to an issue that we were previously discussing: the question of the coordination of government services in remote areas and the business management arrangements that exist. Last week in Adelaide, I was talking with people from one Aboriginal organisation in the suburbs of Adelaide, which had a board of apparently well-established local Aboriginal people. It had premises where there were youth services and drop-ins and all that kind of stuff, but it also housed, like a conventional neighbourhood centre, a whole series of services, some of them funded by both of your departments.

The name of this organisation is escaping me, but it was another way of coordinating services across a sector of the suburbs of Adelaide. It was actually an Aboriginal organisation and as soon as you had that organising group—one quickly acknowledges that that has got to be a group that is seen to keep the books in order and all that—then a lot of the feeling of, indeed the reality of, fragmentation clearly just disappeared, because there was an Aboriginal organisation focusing all these various programs, and they were less bothered by the idea of there being a one-year program for this and a five-year program for that because they could manage them all together.

That leads me into a more general question about coordination. Are people thinking about ways in which, at a regional basis, there can be better actual prioritising and coordination of everything that is happening? Every government department all across the country has got 55

different programs. It is very hard for people on the ground to even know what they are, but even when they do know what they are, to make sense of them as they really operate.

I know I am partly covering ground that I covered before, but just as a final point, in the Orana region of Western New South Wales, which is kind of Dubbo and west, they did attempt to establish a regional priority program. I think it had some success, although I cannot specifically describe it. There is a feeling that there is just a great mess of programs everywhere and it is kind of an accident if they hit on a particular kid. I may be being overly anal about it, but the idea of getting some order into the way this stuff is delivered seems to me to be of some significance.

**Ms Halbert**—I can probably answer that in two ways. We mentioned the urban and regional strategy earlier. One of the approaches that are likely to be taken in that strategy is taking a place based approach in some regions. The entire point of doing that would be to make sure that we can coordinate. In a lot of cases it will be existing services rather than needing more services. It is just making sure that they work together more effectively and, as you say, that it is not an accident that they hit the person that they are intended to help.

My colleagues in the states and territories in the FaHCSIA state network would be able to give much more detail on this, but, partially arising out of the remote service delivery activity and as a flow-on from the entire Closing the Gap negotiations and contact, in each state and territory you will often find that FaHCSIA is the anchoring agency and they are working with their Commonwealth, state and territory colleagues across portfolios, across levels of government, at the state level as well.

Again, I think you will find there is a lot of innovative thinking going on about how they can deal with particular regions. Of course, they have got the detail of what is already available there and how well it is working et cetera. So it is not just here in Canberra—because, of course, we are somewhat removed—but also, as I say, through our states and territories. The urban and regional strategy being led by FaHCSIA—but it is a whole-of-government strategy—will be very much driven at the jurisdictional level because they are closer to what is happening on the ground.

**Mr OAKESHOTT**—How confident are you that you have got the big stick? I can tell you a cautionary tale from last year as regards Indigenous education for my communities. We put up a place based policy approach that came from community. It just did not fit into an education box and it still sits in the hands of government. But this is what community was asking. It is exactly what you are saying, almost 18 months later. We tried and have failed within education.

The question is: if this is going to become FaHCSIA policy—and following on from this issue that everyone knows about the silos not talking to each other—is FaHCSIA going to be able to whack some people to win this place based argument? It is a hard one to win, but it is a really critical one to win in the centralised form of government that we have got in Australia, particularly on this issue where place matters more than in most areas of government services.

**Ms Halbert**—I cannot tell you that it is definitely going to be successful, but I would say that in most jurisdictions there is a strong will to look at things on this basis. It is not the only strategy that we will be employing. For some kinds of programs and services it doesn't necessarily make sense to just take a place based approach.

**Mr OAKESHOTT**—Sure.

**Ms Halbert**—But we have had a good reception in talking with the state and territory governments around this in most jurisdictions. We do have a range of leaders through the COAG national partnerships et cetera, but it probably is really something that is much more dependent on relationships between governments. It is really being able to get together—which our state counterparts are doing—on a regular basis, to talk about real problems coming out of communities and how they can knock down their barriers and walls and actually deliver something in a coordinated way.

**Mr OAKESHOTT**—It is a cultural mind shift though for Australian government services.

**Ms Halbert**—It certainly is. It is probably a very good time to be attempting to do it.

**Ms Jones**—Chair, could I also mention a specific example in the legal assistance area. The Commonwealth is currently in the process of negotiating a national partnership agreement with the states and the territories in relation to legal assistance. One of the things that we are exploring including in that national partnership agreement is requesting that each jurisdiction sets up what we would describe as a legal assistance planning committee which they would invite the Commonwealth to participate in and we would look at the legal assistance needs of a jurisdiction as a whole.

That would include Indigenous legal services, community legal services, mainstream legal services, justice agencies within each jurisdiction and potentially police and courts services. The two governments that are funding services in this area and running the courts and corrections and policing have an opportunity to sit together, identify where emerging needs and gaps are and work out how resources need to be allocated. We are hopeful that this is something that will be included in the agreement as finalised between the Commonwealth and states and we see that as a really important way of making sure that, on the legal assistance side of things, in terms of representing people coming into contact with the criminal justice system, there can be a more coordinated approach in each jurisdiction.

**Mr OAKESHOTT**—Is it true that there are funding inequities between Indigenous legal services per client and the mainstream?

**CHAIR**—Yes.

**Ms Jones**—If you look at a per capita comparison between Indigenous and non-Indigenous, Indigenous people are funded on a much higher level than non-Indigenous.

**Mr Arnaudo**—That is also because of the levels of disadvantage in the Aboriginal community. In the recent budget announcement that the government made, there was funding for mainstream legal aid as well as funding for Indigenous legal aid. I think I gave you the figure before of around \$56 million. Next year it will be the same.

**CHAIR**—It is the biggest increase in more than a decade.

**Mr Arnaudo**—It is.

**CHAIR**—It is the biggest increase since before John Howard came to power.

**Mr OAKESHOTT**—Point made.

**Mr Arnaudo**—The other thing to bear in mind—

**Mr OAKESHOTT**—How is that split up? How is that big win split up, on that same question of if there is or is not inequity. Are we getting there?

**CHAIR**—I should withdraw my earlier comment. I do not think there is inequity between Aboriginal and non-Aboriginal legal assistance. It is that there is still a gap. This last announcement does more to fill that gap than anything that has happened for a very long time, but there is still evidently a gap in the need for legal services at the moment. For instance, even despite the admirable initiative to increase Aboriginal legal aid across the country, the South Australians have got very little of that and last week were complaining vociferously.

**Mr Arnaudo**—I am happy to discuss how we allocate the funding of Indigenous legal aid which, in terms of its Commonwealth responsibility, is slightly different to mainstream legal aid because we also fund criminal matters which are state criminal matters. In mainstream Commonwealth legal aid, most of our funding goes to family law. But can I say that, in terms of the allocation of the new funding for Indigenous legal aid, we used a model that looks at need but also takes into account the cost of delivering services to those jurisdictions. Jurisdictions like the Northern Territory or Queensland where there are large populations in large regional centres or remote areas require more funding because it costs more to deliver services there.

Another example is that, if you take into account Indigenous-only speakers—who speak only an Indigenous language, so you require an interpreter and it takes more time to ensure that their rights are protected by the lawyer who goes to see them—it costs a lot more money in terms of providing a service to that person than a person who might have English as their first language as well. Our models try to take account of that, using demographic data like the census and so on, to try to make sure we allocate the funding as best as possible to where the need is the greatest, but also to take account of the cost of delivering those services.

**Mr OAKESHOTT**—Can I put that one on notice, through you, Chair: if the committee could get some feedback on a comparison on existing funding prior to—was it a budget announcement?

**Mr Arnaudo**—Yes, it was a budget announcement.

**CHAIR**—It was the same one that you benefit from.

**Mr Arnaudo**—It involved funding for community legal services.

**Mr OAKESHOTT**—Which is why I want to explore it, where the opportunities might lie—on a per capita but also a per client basis and separating legal services in mainstream versus Aboriginal legal services and not just legal aid but legal services generally?

**Mr Arnaudo**—That might be difficult, because they are different things, in one sense. The Commonwealth would be funding, for example, family law clients and Indigenous legal aid might be funding criminal law. Criminal law is everything from a basic traffic offence, shoplifting charge, all the way to significant multiple murder charges.

**Mr OAKESHOTT**—Perhaps you could have 100 footnotes and best efforts: try to have a crack at it.

**Mr Arnaudo**—We will try our best efforts to see what we can do in terms of producing it, but I have to say that it is a challenge because the environments and systems are quite different as are the contexts. But we will try our best to provide you as much as we have.

**CHAIR**—That reminds me to ask, because it has been relevant at various times in our hearings, what any of you think about the establishment of a national Indigenous interpreter service.

**Ms Halbert**—Under the remote service delivery partnership we have been given some money to develop a framework for interpreter services, so we are not working towards establishing a national interpreter service but there are a range of issues related to interpreters. Ironically, it is both supply and demand for interpreters that cause part of the problem.

It is not necessarily built into government business that they will always use an interpreter and we are very conscious that that needs to be much more automatic where they are required, especially in their dealings with any government. We have the money to develop this framework. At the end of the day we think the states and territories will be the ones delivering the actual interpreter services but we will be looking at accreditation, training and increasing the demand for interpreters so that the supply can be provided.

**CHAIR**—We apologise for doing this so frequently, but it would be good if you could give us a little information about that as well.

**Ms Halbert**—Fine; perfectly happy to.

**CHAIR**—I know that, to a degree that has never occurred before, we keep asking for supplementary information, but it is because the things that your two departments are dealing with are of such direct and profound relevance to the matter of our inquiry and it is because a lot of what you are doing is still in the development stage. It may as well be that our committee is able to talk intelligently about what you are developing instead of confusing matters by making recommendations or observations that simply ignore all these things.

There are a couple of crucial things to ask you. I will come back to ask you what more might be done about the safety communities building block of Closing the Gap. Something that somebody said a moment ago reminded me of an ongoing issue that we have come across recently, which is the apparent absence of diversionary programs in remote areas. It cannot be that anyone in this room has failed to get a fax from Fitzroy Crossing at some stage or other about this matter. I am on their side, but it is true in Brewarrina that, first of all, there are sentencing alternatives that are available in metropolitan areas that are not available in regional areas.



In New South Wales, for instance, I am particularly familiar with the fact that there is a program called MERIT—Magistrates Early Referral Into Treatment—which one or other of you half-funds. It is a fantastic program. It is very straightforward. The magistrate either bails you or gives you a sentence and suspends it and the condition is that you go for treatment and/or education and, if you screw up, you get sent to jail. If you do not, you come back to court. My conversations with judicial officers tell me that it is really successful, though I cannot quote the recidivism statistics. It is partly funded by the Commonwealth but it is only available in the metropolitan area. There are many other programs that may be available on the coast but not available inland. Wherever we have gone, we find there is an absence.

In the Northern Territory there is a famous alternative program at Mount Theo Station and there is another in Ilpurla Outstation. Then, for all of the rest of the arid part of the Northern Territory, there is nothing. That just seems ludicrous, that that situation should still apply. It remains the case in remote Western Australia that most kids who get a jail sentence—kids!—get sent to Perth and Fremantle.

The Western Australian government is soon to build another prison in the Kimberley, which I suppose is one kind of a solution. But I am very interested to know what both departments are thinking about how to ensure that there is something like an appropriate availability of diversionary programs in more remote places? It is not only in remote places. In Darwin, for instance, on the basis of our inquiry, there is very little by way of alternative healing or diversionary arrangements.

**Mr Roche**—Mr Chairman, in relation to the Territory, the government has allocated \$28.4 million over three years for youth diversionary activities, infrastructure and youth activities generally. We are in the process of letting the contracts in relation to that funding. We have not quite finalised it, so I cannot provide you with the details today, but we do expect to finalise it in the next couple of weeks and I am happy to provide the committee with the details. Essentially, I can assure you that all the regions—including remote—in the Territory are covered through a range of activities. It was an open tender process, there was a help desk, and there were workshops held in Darwin and Alice Springs for possible providers, to be able to assist them in putting tenders in.

**Mr OAKESHOTT**—That was Northern Territory specific?

**Mr Roche**—That was Northern Territory specific.

**CHAIR**—What was the name of the fellow from the Balunu—

**Secretary**—David Cole.

**CHAIR**—We met with a very charismatic man called David Cole. He has something called the Balunu Foundation. If the process did not reach someone like him, then it still has not been dealing with on-the-ground reality.

**Mr OAKESHOTT**—Tentacles are not working.

**Mr Roche**—I am quite confident that the youth service providers in the Northern Territory were all aware.

**CHAIR**—It is hard to imagine that they do not know where.

**Mr Roche**—I think I can say we received 38 applications. In a jurisdiction the size of the Territory, that was pretty good.

**CHAIR**—That is quite a lot. I should quickly say that is very encouraging that such a thing should be happening.

**Mr OAKESHOTT**—At the planning stage and backing up again—we have not talked about this beforehand—there was a comment about the MERIT program. There was a critical factor for us, as a regional location, in the delivery of the MERIT program. That was a court support officer for drug and alcohol work who—and this is another example of comments before—after three years of funding, was nearly was out of a job. It was, and still is, a critical role in how that whole diversionary program works, not only for Indigenous communities but also for a low-socioeconomic community generally. Likewise, in a similar theme, I know there are some courts that have mental health court support officers.

I would like to put the case for the economic benefits rather than the costs of those sorts of court support roles. At a regional court they have a massive role to play in speeding up court processes, in getting people the practical help they need to work their way through the process, and getting outcomes that I think we all want. If there can be a bit of love shown in that area, that will achieve some really big outcomes nationally, particularly in regional locations.

**CHAIR**—You are of course talking about, in this case, court support officers who could help to implement any program that came along, not someone who is attached to a program that will end after two years.

**Mr OAKESHOTT**—It is advisory, it is advocacy, it is lobbying, it is the grunt phone calls; it is all about getting someone through the process as quickly and as just as possible.

**Ms Jones**—Chair, I would just say this in terms of the broader approach to trying to encourage the prevention and diversionary type approaches. I think it is fair to say that it is quite uneven, both within particular jurisdictions and across jurisdictions. The program that we are responsible for is a small program. It is \$12 million a year. What we try to do is pick projects where we think, firstly, there are strong organisations who are able to carry them through, but that they can play sort of a leadership or modelling type role. But largely, it needs a significant contribution from the states and the territories. We really are the minor player in that particular space.

**Mr OAKESHOTT**—This will be my last rant for the day. That is my great fear in all of this: traditionally, services are mainly delivered at a state and territory level, as you say. Having been in a state parliament for 12 years and now here for 18 months, what is noticeable in a lot of the failure in this area is the under-resourcing that is provided at a state level. So I hope you are very aware that, in any COAG, SCAG, intergovernmental meetings or agreements you put in place, there may be all the best intentions of the world, but what you may be signing up to is a potential

withdrawal at a state service level as some people perceive the Commonwealth coming in with the large buckets of money to save the day. That will be no cure for anyone.

The example I just used, where a court support officer was fifty-fifty funded state and federal, because of the whims of a state government of the moment and the politics around a particular budget, we nearly lost that service. That has implications on the whole MERIT program, that has implications on outcomes all around. It was \$50,000 in the end, but that has huge implications. So the under-resourcing at a state level is one of the significant stumbling blocks in the delivery of any really good outcomes. I hope you guys are aware of that.

**Ms Jones**—I think it is fair to say we are acutely aware of that.

**CHAIR**—But also—since I have not got the similar history to my colleague—one points out that it is something that cuts both ways, and that the only reason we are talking about all of this is because it is acknowledged that Closing the Gap, as a total strategy, will not actually happen unless it has the benefit of Commonwealth funding. So there is a mutual obligation I think in that respect.

**Mr OAKESHOTT**—But it has to be a value-add, not a replacement or—

**CHAIR**—Yes. I am aware that our time is going by.

**Mr OAKESHOTT**—Yes, sorry.

**CHAIR**—As I understand it, none of the funding specifically identified under the COAG Closing the Gap strategy has been specifically focused on the Safe Communities building block.

**Ms Jones**—There is not a stand-alone national partnership agreement specifically addressing community safety. There are a range of other mechanisms or frameworks that—

**CHAIR**—Yes, you have been describing them implicitly, but—

**Ms Jones**—Sorry, Chair, could I just mention this.

**CHAIR**—Yes.

**Ms Jones**—The national action plan to prevent violence against women and children has some specific initiatives and funding relevant to Indigenous community safety. The National Framework for Protecting Australia's Children obviously has some Indigenous specific elements as well. So there are other mechanisms by which funding of programs and policies are being developed that will improve Indigenous community safety, and of course there are the things that I mentioned in my opening statement. But whilst there were some negotiations towards a separate national partnership agreement on community safety, there is not one being progressed at the moment.

**CHAIR**—What would the obstacles to that be? Even in your explanation of what has gone on, it is hard to avoid the conclusion that it might be a good idea to just put everything into a national partnership agreement.

**Ms Halbert**—I think, as Katherine said, some of the elements are already embedded in other national partnership agreements; for example, some of the drug and alcohol diversionary things will be within the health national partnership. So it is probably not just a matter of pulling all of that out—because they go to more than one purpose—to put into this one. Katherine can speak about the progression or otherwise of that specific partnership, but it is not as though that building block is not being supported by a range of activities, and not every activity under the COAG framework is embodied in a national partnership—for example, the urban and regional strategy, which is being fleshed out at the moment.

**CHAIR**—In the end, the point that strikes one—as we have been reminded over and over again in our hearings—is that if you are going to stop Aboriginal offending you have got to fix up education, housing, health and what have you. Although there is irresistible evidence that you will get special benefits from family support programs that try to fix up circumstances when girls and especially boys are little, instead of waiting until they get into trouble, the fact remains that there are a large number of Aboriginal people going to jail. It is just hard to see how you can finally manage to close the gap when, in some remote communities, a quarter of the boys between 15 and 25 are actually in jail.

Sometimes I worry that the absence of a national partnership agreement in this respect means that nobody quite owns that problem of the jails filling up. It is as if everyone understands that they must do all sorts of other things, but there is a generation of kids wildly over-represented in jail. The great majority of them have not done anything very bad and are susceptible to some form of rehabilitation, especially over a bit of time. Who owns them in terms of our Closing the Gap strategy?

**Ms Halbert**—I would say that all of the owners of the national partnership agreements do own them. When we look at trying to close the gap, as you say, certain key statistics leap out at us all. Katherine can speak about partnerships specifically, but really, as you say, it is the combined activity of trying to get those children into school, trying to get them away from unsafe situations at home et cetera, that will probably lead to the eventual change in that statistic, as opposed to a jail specific activity.

**Mr OAKESHOTT**—Is anything being developed in either space, looking at safe accommodation houses, bail houses, for Indigenous youth?

**Ms Halbert**—I am slightly hamstrung in that I am not the expert. I understand that, as part of the negotiations between the states and territories, under the homelessness agreements there is money for those specific activities, but we would have to get the detail from the states and territories.

**CHAIR**—There is a reference in FaHCSIA's submission.

**Ms Halbert**—Yes.

**Ms Jones**—In terms of a national partnership agreement and the potential benefit of having something dedicated to community safety, certainly that was something that there was quite a bit of work done on. But, in the context of noting that there were other mechanisms and noting the investment that was being made in a range of other areas by the Commonwealth, the decision

was made not to proceed at that time. There is also the issue that there is a need for ownership and cooperation not only between Commonwealth and state but also within the states across corrections, police and justice.

I know that different jurisdictions have different approaches. I understand that South Australia is trying to develop a quite innovative approach that is really based around the Indigenous individual and trying to make sure that there is a link-up across all of those types of agencies. I am not sure if you have had the opportunity to discuss that with the Department of Justice over there. That is one interesting model. There needs to be coordination at that level as well as between Commonwealth and state.

**CHAIR**—We have heard evidence from the Human Rights Commission about what they call justice reinvestment. It is actually not a new idea but it remains as powerful as it ever was. I think it has become fashionable again because the state of Texas has embraced the idea, which is not normally the kind of information that fills me with a frisson of excitement, but the notion, which must be central to FaHCSIA's idea of itself really, is that you will do a lot better by investing in the support of someone when they are young. It would be better financially to do that than to pay \$100,000 a year for them to be in jail through their late adolescence and early youth. It is a strong idea. It is actually harder to do in practice than it first seems. Indeed, all over Australia people are building more jails and not doing justice reinvestment with any particular effect.

After that long peroration, I wonder what either of your departments might think about this idea. The Human Rights Commission is actually putting it forward quite hard and I think it will be hard for our committee to resist the proposition that we ought to be doing the same.

**Ms Jones**—Obviously, we have taken note of the information and comments that the social justice commissioner has made in relation to justice reinvestment. What I can say is that within the Attorney-General's Department we have started doing some research. We are looking at the US experience and at similar models in the United Kingdom as well, with a view to developing a better idea of the advantages and strengths of that type of approach. Unfortunately, we come back again to this issue of Commonwealth and state responsibility, because really it is a core state responsibility. They are the ones that will make decisions in terms of investment in corrections et cetera.

**CHAIR**—We concede that. That is true.

**Ms Jones**—Having said that, that is an example where perhaps the Commonwealth can play a policy leadership role. The difficulty with justice reinvestment, as I understand it, is in making the transition: taking funding out of some sectors, like the corrections and policing sector, and moving it to supporting, prevention and diversion. At this stage, we are looking at that as a broader policy issue for us to do a bit more thinking about.

**Mr OAKESHOTT**—Thanks, everyone.

**Mr Roche**—Mr Chairman, just before we close, could I correct the record? I should have put my glasses on before I gave my last answer. There were 34 submissions received in relation to youth and communities, not 38.

**CHAIR**—I did not know at all about that initiative and nobody that we spoke to in the Northern Territory seemed aware of it either.

**Mr Roche**—At that stage we were still—and we still are—in negotiations on contracts, so nobody can say we have got the money yet. We are happy to provide the secretary with the details once they are finalised.

**CHAIR**—Yes. Are either of you aware of the Healing Foundation?

**Ms Halbert**—Aware, but not the expert. We could certainly provide information, if you wanted to give us some questions.

**CHAIR**—Thank you all. I know that you have undertaken to give us some more information. Please give us your best shot at what you think will be useful to us in these respects. Some of the most important things that we will want to say have to be said by the end of July, for reasons that will be obvious to you—at least, we must make preliminary observations by then—and they are exactly those things that you are dealing with, so we would be grateful for that information. We thank you for your attendance today. I am going to formally reserve the right to send you more questions in writing, if they occur to the member for Lyne.

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

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 1.41 pm**