



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

SELECT COMMITTEE ON REGIONAL AND REMOTE
INDIGENOUS COMMUNITIES

**Reference: Effectiveness of state, territory and Commonwealth government policies
on regional and remote Indigenous communities**

WEDNESDAY, 26 AUGUST 2009

BROOME

BY AUTHORITY OF THE SENATE

TO EXPEDITE DELIVERY, THIS TRANSCRIPT HAS NOT BEEN SUBEDITED

INTERNET

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

The internet address is:

<http://www.aph.gov.au/hansard>

To search the parliamentary database, go to:

<http://parlinfoweb.aph.gov.au>

**SENATE SELECT COMMITTEE ON
REGIONAL AND REMOTE INDIGENOUS COMMUNITIES**

Wednesday, 26 August 2009

Members: Senator Scullion (*Chair*), Senator Crossin (*Deputy Chair*), Senators Adams, Johnston, Moore and Siewert

Senators in attendance: Senators Adams, Moore, Scullion and Siewert

Participating members: Senators Abetz, Back, Barnett, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Eggleston, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Joyce, Kroger, Ludlam, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Stephens, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

Terms of reference for the inquiry:

To inquire into and report on:

the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities;

the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities;

the health, welfare, education and security of children in regional and remote Indigenous communities; and

the employment and enterprise opportunities in regional and remote Indigenous communities.

WITNESSES

ANNETTS, Garry, Inspector, Kimberley District Police Office, Western Australia Police	91
ARMSTRONG, Ms Maxine, Chairperson, Kimberley Aboriginal Medical Services Council Inc.	26
BIRCH, Mr Tom, Chairperson, Kimberley Land Council	15
BRUNELLO, Mr Dominic David, Solicitor-in-Charge, Broome, Aboriginal Legal Service of WA	1
CAMPBELL, Mr Graeme, Shire President, Shire of Broome.....	58
CAVE, James Alec Ernest, Inspector, Kimberley District Police Office, Western Australia Police.....	91
CLEMENTS, Mr William (Chicky), Environmental Health Coordinator, Nirrumbuk Aboriginal Corporation	33
COLLINS, Mr Peter Francis, Director of Legal Services, Aboriginal Legal Service of WA.....	1
DIGGES, Father Matthew Martin, Cathedral Administrator, Catholic Diocese of Broome.....	70
DONOHUE, Mr Kenneth, Chief Executive Officer, Shire of Broome.....	58
GOWER, Mr Neil, Chief Executive Officer, Mamabulanjin Aboriginal Corporation.....	46
HUNTER, Mr Nolan, Acting CEO, Kimberley Land Council.....	15
KING, Mr Thomas, Chairperson, Mamabulanjin Aboriginal Corporation	46
MAHONY, Mr Bob, Chief Executive Officer, Nirrumbuk Aboriginal Corporation	33
MAHONY, Ms Tehani, Plumber, NUDJ Plumbing Services.....	33
MASUDA, Ms Lynette Ruth, Deputy Chief Executive Officer, Kimberley Aboriginal Medical Services Council Inc.	26
SIBOSADO, Mrs Caroline, Chief Executive Officer, Lombadina Aboriginal Corporation.....	78

Committee met at 8.57 am

CHAIR (Senator Scullion)—The Senate Select Committee on Regional and Remote Indigenous Communities is holding this public hearing as part of its inquiry into regional and remote Indigenous communities. The committee will be taking evidence here in Broome today. We have taken evidence in Fitzroy Crossing on Monday and Halls Creek yesterday. On behalf of the committee, I would like to acknowledge the traditional owners of the land on which we meet. We pay our respects to the elders past and present. The committee is next due to report to the Senate on 26 November 2009 and it welcomes submissions from interested people and organisations.

Before the committee starts taking evidence, I advise that all witnesses appearing before the committee are protected by parliamentary privilege with respect to their evidence. Any act that disadvantages a witness as a result of evidence being given before the Senate or any of its committees is treated as a breach of privilege. However, I also remind witnesses that giving false or misleading evidence to the committee may constitute contempt of the Senate. These are public proceedings, although the committee may agree to request to have evidence heard in camera or may determine that certain evidence should be heard in camera.

BRUNELLO, Mr Dominic David, Solicitor-in-Charge, Broome, Aboriginal Legal Service of WA**COLLINS, Mr Peter Francis, Director of Legal Services, Aboriginal Legal Service of WA**

CHAIR—I welcome Mr Collins and Mr Brunello from the Aboriginal Legal Service of Western Australia. I now invite you to make an opening statement, at the end of which I will ask my colleagues in the committee to ask you questions.

Mr Collins—In terms of the committee's terms of reference, I thought it would be appropriate if what we had to say focused on 1.b. and 1.c.—that is:

b. the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities;

c. the health, welfare, education and security of children in regional and remote Indigenous communities ...

I would like first of all to say something about Aboriginal juveniles in this state, because there is from our perspective crisis in terms of the overrepresentation of Aboriginal juveniles in the justice system in Western Australia. The statistics make for very sobering reading, in my view. There is a Department of Corrective Services website which has up-to-date statistics on children in custody. The statistics from last Friday indicate that 75 per cent of children in custody in WA are Aboriginal. That means 96 out of 131 children in custody at the moment are Aboriginal. The detention rate for Aboriginal children in WA is the highest in the country. It is double the national rate and 44 times higher than the non-Aboriginal rate. Superimposed over that, the recidivism rates for Aboriginal kids are absolutely staggering: 79 per cent for male Aboriginal juveniles and 64 per cent for female Aboriginal juveniles.

In terms of the Kimberley, the most recent statistics I have been able to come across are, unfortunately, from 2002 produced by the Crime Research Centre, which is attached to the University of WA. Those statistics back then indicated that in the Kimberley 60 per cent of Aboriginal kids were refused bail by police. Those problems with overrepresentation and incarceration rates are compounded here because juvenile detention centres are in Perth. Kids who either are refused bail or are sentenced to terms of detention are transported all the way from the Kimberley to the two detention centres in Perth. They are incredibly damaging experiences for Aboriginal kids. In addition to that, kids who are sentenced or refuse bail are sometimes held in police cells here in Kimberley police stations. We have had cases where 12- and 13-year-old children have spent over a week in a police cell before being transported south to juvenile detention centres. Some of the police cells here are appalling—totally ill-equipped to safely house children. The custodial care implications associated with that are self-evident, in my view.

We have had children from remote communities such as Balgo who have ended up in custody in Perth who cannot speak English or who speak English as a third language. I had a young boy who was both hearing and visually impaired, spoke English as a third language, spent eight months on remand in Perth, had no physical visits from family, and had no telephone contact at all. He was completely traumatised by the whole process.

Senator MOORE—Mr Collins, what was he in for?

Mr Collins—He was charged with an attempted sexual penetration.

Senator MOORE—I just wanted to get an idea.

Mr Collins—It was serious. He had never been in trouble before. He was 14.

CHAIR—He had never been in trouble before?

Mr Collins—No.

Senator MOORE—Thank you. Sorry to interrupt. I just wanted to get that.

CHAIR—Just for completeness—it is difficult to ask questions, because it comes closer and closer in terms of the other issue—what was the age of the victim?

Mr Collins—I think the victim was about 13. He eventually pleaded guilty to a less serious offence and received a non-custodial disposition.

The situation in WA is also worsened by some state government laws. WA is unique in that it has the most punitive mandatory sentencing laws in Australia. There is what is known as the ‘third strike and you are in’ home burglary sentencing laws. Both adults and juveniles who are convicted of their third home burglary offence must receive a mandatory minimum period of 12 months imprisonment or detention. That includes children, as I say, as young as 11 and 12. I have acted for 12-year-old children from this part of the world who have been detained for 12 months for committing home burglaries. What they have done is broken into relatives’ houses

through open windows to steal food because they are hungry. They have gone for detention for 12 months in Perth.

The state is on the cusp of introducing mandatory imprisonment for assaults on police which cause injury. For example, someone who has never been in trouble before has a bad day—maybe they have been drinking—and the police get involved. There is an altercation with the police. A police officer gets a cut hand or a bruised finger. That person will face three months mandatory jail. The magistrate or judge will have no discretion whatsoever. The concern that ALS has is that this will impact absolutely disproportionately on the Aboriginal community here, given the high rates of contact with police.

In addition to that, there are move-on orders where the police have the power to move on people from designated areas for up to 24 hours. That can be an incredibly restrictive thing in terms of freedom of movement and association and it impacts very severely on Aboriginal people. Courts will also soon be able to impose what are called prohibited behaviour orders. At the time that someone is sentenced for an offence, a court can impose an order which would, for example, prevent them from going to a particular area. If someone, say, offended by shoplifting in the main shopping area of Broome, a magistrate could impose an order that they not go to that area for the next six months. If a juvenile has offended with his cousins, an order could be imposed preventing him from associating with his cousins. The risk associated with breaches of those orders is up there in lights as well, because it would be inconceivable for an Aboriginal kid not to hang around with his cousins in most circumstances, but that is what an order will prevent him from doing.

One of the other issues I would seek to raise with the committee is what is called multifunction police posts. These have been rolled out over a number of remote Aboriginal communities in recent times in WA. On one level, that is a good thing because it provides a permanent police presence in remote communities when hitherto that has not been the case. Notionally, that provides protection to community members and means that crimes are properly investigated. Although we are a defence agency, we have not got any problem with that whatsoever. The flip side concerns issues in relation to overpolicing. We have a grave concern that permanent police presences in some of these communities means that Aboriginal people get charged with any number of minor offences, which brings them into contact with the system and, inevitably, leads to increased imprisonment rates. As the director of the service, I have had anecdotal evidence come to me from communities such as Warburton community, which the committee will know is a remote community on the NT-WA border. I have been told that there is one stop sign in the community and that police are prosecuting people for going through that stop sign. Also, police are effectively laying in wait on the side of the one and only road in and out of the community and charging people with speeding. That is all well and good, but the problem with it is that, with the sorts of fines that are mandatorily imposed by the courts these days, people in these communities on CDEP or Centrelink do not have the capacity to pay. They do not pay and, eventually, they end up in custody for unpaid fines. Most of the Aboriginal women in custody in WA are in custody for unpaid fines. We have had other examples of this. In 2005 I acted for a 15-year-old boy from a place called Onslow who had been in trouble in the past. He was charged with attempting to steal a \$2.30 ice-cream. He was refused police bail. He was refused bail by a JP in Onslow and ended up spending two weeks in custody before he was finally dealt with for attempting to steal a \$2.30 ice-cream.

The Ward inquest—and I hope the committee is aware of the tragic death in the back of a van of a very important man in the Warburton community—points up in very sharp relief, in my view, some of the issues surrounding overpolicing. Mr Ward was apprehended in Laverton. Laverton is a very small place. Its population varies between 200 and 500. There are 14 police in Laverton. The evidence at the inquest—and this came from the sergeant at the police station at the time—was that, when the police were on general patrol, they pulled over every single car in Laverton driven by an Aboriginal person and gave them a licence check and a breath test. The only people arrested in Laverton for driving offences were Aboriginal. The only people who were refused police bail and ended up in police custody in the Laverton lock-up were Aboriginal.

According to the police evidence, Mr Ward drove a car on a public road for a maximum of 25 metres. Granted he should not have been drink driving and granted he had a bad record for driving, but he was refused bail by the police in circumstances where not one officer gave the faintest thought to the fact that he had incredibly strong ties to the Warburton community and that he was well known to the police there in a positive way as a person of accomplishment and ability and as a real contributor to that community. It would have been the easiest thing in the world to bail him back to Warburton to appear in Warburton court because the court was going to be there in a couple of weeks time. None of that was given the faintest thought. He was remanded in custody. A debacle followed with an appearance in front of a JP and he ended up dying in terrible circumstances.

There is another important issue that I would seek to raise with the committee. At about the same time as the intervention in the NT, there was a far less publicised intervention by police, for want of a better description, in East Kimberley Aboriginal communities investigating and prosecuting sex offences. The Chief Justice, as a consequence of that intervention, created what he called the Indigenous Justice Taskforce to deal with the cases. I was the Aboriginal Legal Service representative on that task force. The task force went for about 18 months. Unlike the NT, there were very large numbers of Aboriginal people charged with sexual offences as a consequence of these investigations. Over that period, ALS acted for about 170 clients. Again, I want to make it clear that I do not have a problem in the world with police investigating serious criminal offending, in particular sexual offending. There is no issue there. That is their job. We all have our different roles in the justice system. What I did have and do have a problem with is the prosecution of young people for consensual sexual activity where often the activity would be instigated by the complainant. We had a large number of cases of juvenile Aboriginal males charged with sexual activity involving girlfriends, which was consensual and which, in some cases, involved no more than sexual touching. These people were prosecuted, dealt with and, in some circumstances, spent time in custody.

The vice with that, in my view, is that these people invariably came from incredibly disadvantaged and dysfunctional backgrounds—backgrounds that would almost be beyond the comprehension of people who live in big cities on the eastern seaboard—and they do not have access to mainstream services that most Australians take for granted. In a lot of these situations, the alleged offending threw up issues of education and health. They are the sorts of issues where people need to be taught about the law and about proper health practices. They need to be properly educated rather than being penalised by the criminal justice system. Out of those 170 clients, 41 had all or most of their charges withdrawn by the prosecution at some stage. Nearly 25 per cent of those cases were ultimately withdrawn. A lot of them were cases like the ones that I have just mentioned to the committee.

The other big problem associated with prosecuting people for sex offences, especially juveniles, is that they go on a sex offenders register. Again, I have not got any difficulty with a paedophile being monitored within the community on release from jail. However, if you have a 16-year-old boy from Ringers Soak who has offended for the first time by engaging in consensual sexual activity with a 14-year-old boy, he has to report for seven years. He has to report to the police. The police determine how regularly he should report and where. His risk is determined by a psychological test called the static 99, which has not been properly normed on Aboriginal people.

The likelihood of a boy travelling over 100 kilometres into a bigger place to report to the police from Ringers Soak is almost inconceivable, so inevitably these kids breach these requirements. It is a criminal offence not to report and again they get immersed in the system. We have had a man—an adult, not a juvenile—from the NT who served a sentence for sex offences who is a deaf mute with an intellectual disability who cannot understand the process, and cannot understand that he has to report. He has spent various periods of time—six or seven stints—in jail because he has failed to report. The law needs to be radically changed to accommodate these sorts of people so that injustice cannot occur.

The other issue I would seek to raise with the committee is this: a lot of Aboriginal juvenile offenders are victims themselves. They are victims of dysfunctional family backgrounds, domestic violence, and exposure to alcohol and drug abuse by parents and other family members. They often suffer from serious physical illness or injury themselves, and they in turn become immersed in a system which is completely ill-equipped to assist them. Just by way of example, in cobbling together some thoughts for today, I acted recently for a 15-year-old boy from a place called Northam, who had a club foot which had not been surgically corrected in all of his 15 years. It could easily have been done. He was incontinent. He had not been toilet trained. He was 15. He ended up in custody. The vulnerability of a 15-year-old boy who had not been properly toilet trained in a custodial environment with hardcore, older offenders is, again, self-evident. It was just absolutely demoralising to have to appear for this poor boy.

In another case I acted for a boy from Derby who had got into a lot of trouble. His whole family disintegrated when the family witnessed his nine-year-old sister be strapped to a fridge by a non-Aboriginal male in a community on the Dampier Peninsula and repeatedly raped. The whole family just completely disintegrated. His mum basically went mad. He ended up offending and going into detention. They are only two examples, but nearly every single Aboriginal kid that I have acted for who has committed a serious criminal offence is a victim themselves in one way, shape or another.

It points up one of the real concerns for the Aboriginal Legal Service in a place like the Kimberley, and that is the absence of proper rehabilitation programs in regional and remote communities. I will get Dominic to talk about specifics on the ground here in the Kimberley. But if I could give the committee a bit of a snapshot. There is no sex offenders treatment program in the community in the Kimberley. There is no sex offenders treatment program in Western Australia north of the 26th parallel. That is a parlous state of affairs when, even through this task force, there are about 40 or 50 people who have been dealt with by the courts for sex offences. We had a number of clients who were released by Supreme Court judges on community based orders for sex offences as part of this Indigenous justice task force who were not given any program requirements to deal with some of the causes of their offending, because the judge was

told—and Corrective Services confirmed—that there were no programs for them in the communities in which they were going to live. That should not happen in 2008 and 2009 in the most affluent state in Australia and one of the most affluent places in the world.

CHAIR—So these people were being returned on community service orders?

Mr Collins—Yes. All they had was a supervision requirement, which, in most instances, would involve a telephone contact with a Corrective Services officer in a regional place like, say, Broome or Halls Creek.

CHAIR—Do you think that would have an impact on the justice system, saying, ‘Listen, we probably shouldn’t be sending them back to the communities; perhaps we should be giving them a custodial sentence, given the access to those sorts of programs’?

Mr Collins—It should not be that, if you have not got a community based order—

CHAIR—I was not asking whether it should or should not be; I was asking whether you think it may have had an impact on their decision?

Mr Collins—It may; I don’t know. The other point about this is that, within the jail system itself, there are not the culturally appropriate sex offender treatment programs to deal with these offenders. I hope this is taken in the right spirit, because it is not intended to be offensive, but time and time again I get told that male sex offenders will not communicate, especially traditional male sex offenders, with females about sex offending, and courses are run by females. Okay, we are in 2009, but if offenders are not going to be learning the lessons that they need to learn in order not to offend again—and in turn for the community to be protected when they get out, because they have got to get out at some stage—there needs to be a radical rethink about the way in which these programs are delivered within the jail.

I will give some other examples. There is no petrol-sniffing treatment program in areas of WA where petrol sniffing is rife. I know in the Territory there is a residential program at Mount Theo, which I understand is very successful. There are huge petrol-sniffing programs in the Ngaanyatjarra lands. There have been periodic petrol-sniffing problems in places like Balgo, but there is nothing. A while back I asked a juvenile justice officer what she meant in a pre-sentence report that she had prepared on a petrol sniffer by ‘brief intervention therapy’ for a petrol sniffer. She said, ‘It means I drive over 800 kilometres from Kalgoorlie to Warburton for a day and a half to see 26 offenders and what I do by way of brief intervention therapy with your client as a petrol sniffer is tell him, “Don’t sniff petrol, because it’ll kill you.” That is the brief intervention therapy.’ There are virtually no diversionary programs in any part of WA, especially for juveniles. There are serious issues around juvenile justice team referrals. They are not properly resourced. The delays—and Dominic can speak to this—are very lengthy, so the effectiveness of those sorts of referrals are greatly diminished as a consequence.

The other issues I would quickly seek to touch upon are these. There is a huge, undiagnosed and untreated issue within Aboriginal communities in relation to mental illness. I would guess that nearly every single client I act for who has been dealt with for a serious criminal offence has some sort of mental illness. It is an enormous problem. There is no secure mental health facility for sentenced prisoners in WA at all, so they are consigned to mainstream prisons. There is no

permanent, on-the-ground psychiatric and psychological services in places like the Kimberley. There is a service called the North West Mental Health Service, which does a great job under very difficult circumstances—but, again, an example: a 16-year-old boy from Wunan with schizophrenia who committed a serious rape gets out of custody in Perth to return to his community and the expectation is that he is going to a) take his medication and b) meet up with a psychiatrist every three months for treatment and medication. It is not going to happen. So the risks to the community of these people being untreated and not taking their medication are enormous.

Alcohol bans in some circumstances have worked but I think some caution needs to be exercised before anyone gets too excited about them. In my experience some of my clients have been extremely creative and determined in circumventing them—with tragic outcomes. I acted for a woman from Fitzroy Crossing recently who was forced by a violent husband to drive to Derby to buy \$500 worth of alcohol supplies. She drank some of it on the way back. He was drinking while she was away. They drank all of it in the course of a night. There was a violent altercation and she stabbed him three times and killed him. I have been the Director of Legal Services at the ALS since 2005. A rough calculation yesterday is that we have had 27 homicide files since 2005 in about 4½ years. Ten of those have been female. Nine of them have killed male partners. Every single one of them have involved the circumstances of acute alcohol abuse—just astronomical alcohol abuse. There was a woman who killed her husband in the mangroves there next to the Mangrove Resort Hotel last year. She had been drinking solidly with him for the best part of the day. He had a blood alcohol reading of 0.395. Hers would have been about the same.

So while alcohol bans are laudable in many ways, I suppose the flipside is that the utility of them is always going to be limited if there are not the complementary programs on the ground to deal with issues surrounding alcohol abuse.

CHAIR—We took some evidence yesterday, Mr Collins, from the hospital that indicated there had been a 90 per cent reduction in alcohol-related defence injuries and trauma.

Mr Collins—And that is a great thing, but the flow-on needs to be taken up.

CHAIR—Indeed.

Mr Collins—Access to justice: there is no access to justice for Aboriginal people in remote communities, in particular in civil and family law. There is just none. ALS go to places like Balgo, Umbulgarri, Bidyadanga and these sorts of places for, in essence, criminal circuit work. We have no capacity at all to service our clients in civil and family law. So in areas such as Centrelink, which impinges hugely on the lives of Aboriginal people, as the committee would be aware, crimes compensation, tenancy issues, motor vehicle claims, discrimination, care and protection, public liability—in those sorts of things we have zero capacity to assist our clients. One of the reasons is funding disparity. We do not get one cent from the state government, not one cent. They refuse to fund us and have done for the 35 years of the existence of the ALS. Legal aid have an annual budget of \$41 million; we have an annual budget of about \$10 million. We have 18 offices across the state and legal aid have eight. We do most of the court lists in criminal law. In some circuit towns we do all of the list. We do a circuit to Meekatharra, Mount Magnet and Wiluna every three weeks. Legal aid do not go. In May an ALS lawyer on his own

over the space of two days had to act for a hundred clients, and there is no justice in that at all. That is a disgraceful state of affairs. I know ALSs bang on and bleat about lack of funding, but we have reached a critical stage in WA, especially with expanding of multifunction police posts. We have not got a capacity to properly service the criminal courts, let alone provide important services in those other areas I have just touched upon.

I have probably talked for long enough. I will quickly mention two important things which arose out of the Ward inquest. One is the role of JPs. JPs have performed a very important service over the years in the WA judicial community. They have reached the end of the line. In 2009 there should not be non-qualified legal personnel conducting courts in Western Australia. There should be the financial resources made available to create more magistrates if that is what is required, or in the case of people who are arrested and charged and perhaps refused bail in remote areas video link facilities need to be put in place so that people can appear before a magistrate as expeditiously as possible. If that had happened in Ward, I doubt very much whether the tragedy which occurred would have actually occurred. If that is not to happen again, organisations like ALS need to be properly resourced so we can have personnel available to appear on those video links. As part of that, I am very strongly of the view that there should be a mandatory custody notification system introduced in WA, that is, that it makes it mandatory for the police, on taking an Aboriginal person into custody, to contact the ALS and advise the ALS of that fact. It is in place, it is enshrined in legislation in New South Wales, and the information that I have received from my colleagues in New South Wales is that it works brilliantly. They are resourced to run this service 24/7. What happens is that police get on the phone and tell the ALS somebody is in custody. Then negotiations can take place around issues around bail. Then the accused person can be properly accorded their rights by the lawyer. Less people end up in custody. People have their rights protected. The system is a winner. It is a no-brainer, but it requires money and it requires legislative change. Those are the things I thought I would raise with the committee. Thank you very much for listening.

CHAIR—Mr Brinell, you have 10 minutes remaining and I can assure you it is to your benefit to be able to have some points of clarification from the committee. My advice is to leave some room for my colleagues to ask questions.

Mr Brunello—Certainly. I will be quick. Mr Collins has already addressed the gamut of issues we wanted to raise. I am the managing lawyer of the Broome office and the office covers Broome, Fitzroy Crossing, Derby and a number of bush courts at Bidyadanga and the Dampier Peninsula. I want to follow up on one police practising issue which has become apparent to me during my time here, which is that it seems to the ALS that there is an unnecessary focus in the police force on the resolution of public disorder and public disorder in Aboriginal communities by the use of force and the accumulation of weaponry. We are not here to argue, as we have said before, that serious crime should not be investigated and prosecuted. But it seems to me that there needs to be a focus in police training on a wide variety of policing methods and practices beyond just the use of force and weaponry to address public disorder and violence in Aboriginal communities. Negotiation, alternative dispute resolution, will ultimately be productive of better community relations in remote and regional Aboriginal communities than will be the use of tasers or pepper spray or batons. There have been a number of terrible outcomes in recent times in Western Australia as a result of the use of those sorts of articles in Aboriginal communities on Aboriginal people. Our view is that, were some of the resources in police training diverted away from purchasing these articles and weapons and directed towards the tuition of police on their

powers and responsibilities, alternative dispute resolution mechanisms and mediation in those difficult arrest situations, then those outcomes may be significantly decreased. If community relations between Aboriginal people and the police improve then it would be expected as a flow-on that public disorder will decrease as well. That is one point I wanted to make about experience here in the Kimberley. The situations of last resort in arrest situations seem to be reached extremely quickly, and the inescapable conclusion is that the reason is that police are not properly trained to mediate some of those situations in a better way.

The other thing I wanted to say, which Mr Collins has already touched upon, is the paucity of resources in relation to diversionary and rehabilitation programs. Fitzroy Crossing is a classic example. It is one of the 26 large Aboriginal communities that is being targeted by the federal government with its new funding policy. It has one drug and alcohol counsellor for the whole town. There is no psychiatric or psychological diversion or rehabilitation program. There is no sex offence program. There is no victim offender mediation. There is a very limited capacity for the department of corrections or juvenile justice to put adults or juveniles on work orders, particularly females. So what it all means is that when a magistrate sitting in these jurisdictions is sentencing a person and trying to craft a fair and just community-based order, they have got no practical options which they can incorporate in those orders. The unfortunate consequence on many occasions is that magistrates become frustrated and turn to the next option in the line, which is a term of either suspended or immediate imprisonment, and that just increases incarceration rates. So it is about incarceration rates but also about treating the root problem and recidivism and trying to prevent recidivism, and there are just not enough resources being expended on addressing the social problems as opposed to the law enforcement and punishment. They are the points I wanted to make.

CHAIR—Thank you. I will kick off with a general question because we do not have time and we will put some questions on notice. There are thematic issues with your evidence, such as overpolicing. You talk about matters like people at stop signs, people who are speeding, driving under the influence, underage sex—these are things in the wider community that we all accept as being quite reasonable, and I am sure you do as well. You also mention that often these people are victims themselves. We will just leave the sexual offending for last. The reason that we have stop signs and speeding rules, as you would be aware, is that if you have a stop sign you do not T-bone the kids on the way to school, because that could have some pretty horrific consequences, particularly in Indigenous communities. That level of death in a community can make the community dysfunctional for years, which I have had and I am sure you have had experience of. There just seems to be in your evidence a thematic that we should somehow treat people who are unlawful in these ways—and those laws are there quite clearly to protect others and prevent others being victims in these communities—somehow differently than we should other Australians. Before you answer that, the last part of my question goes again to the consensual sex. You say, well, she is 13 and she has consensual sex. The whole notion of consensual sex, certainly in my view and my understanding of this matter, is that at the age of 13 informed and consensual sex do not run together. It is not informed and they do not have the maturity to make that decision to in fact make it consensual. So I have some difficulty with that. If we somehow say, ‘We are going to treat you differently,’ that victim will become another victim and we will again have this generation, not only talking about victims, but people who think that is normal because there has been no intervention. I understand there should be more education in those areas. In many of the Indigenous communities I move through that is well

understood, in a cultural sense particularly. If I have got the wrong picture, you have the opportunity to correct that.

Mr Collins—I am not saying for a moment that Aboriginal people should be subject to a different set of laws, in effect, than the rest of the community. I am not saying that at all. What I am saying is that in some instances it would be hoped that the police would exercise their discretion in a way that does not involve criminal prosecution and which reflects environmental circumstances, I suppose, that an Aboriginal person confronts in a remote community. I accept unreservedly that road laws are there to ensure the safety of people, and there is a huge issue in Aboriginal communities around death and serious injury through drunk driving, driving while disqualified and so on. I have not got any issue with people being prosecuted for that sort of stuff. What I am concerned about is the lower-level offending. I think it dovetails into the issue that you have touched upon in your question about the other resources, the other facilities being available in these communities to educate people, providing people with proper driver training. I am diverging a bit here, but in WA the numbers of Aboriginal people disqualified from driving are just phenomenal. You can get in WA an extraordinary drivers licence which is issued by the court. Say you are the local bus driver in a community and you have lost your licence for drink-driving. You can get an extraordinary licence so that you can drive the bus. These people do not get them because there is no-one to do the paperwork so they can make those applications.

In terms of the questions surrounding sex offending, yes, that is true. The law is there to protect young people who cannot make informed decisions. However, what the taskforce disclosed was that there were cases where it did not involve sexual penetration but it might involve very transitory sexual touching, a female being touched on the breast, inviting that to happen, where a kid who did that on the football ground at Halls Creek it would have embraced five seconds. The only evidence came from his mouth in a record of interview with police.

CHAIR—Was there a complaint?

Mr Collins—No. I cannot see the legal or social utility in prosecuting those cases.

Mr Brunello—Can I say that the discretion that governs the decision to prosecute is structured in a set of rules called the DPP prosecution guidelines. They are the rules that have been applied by the Director of Public Prosecutions in discontinuing many of these cases that my friend has referred to. They are rules that are reflected in a similar set of guidelines that are published by the police force. So the guidelines are well-known. The rules that should structure the exercise of a discretion as to whether or not to initiate a prosecution or whether or not to continue with it have been around for decades. It just seems that they are not being applied in practice. We are not asking for a serious crime not to be prosecuted but simply for the discretion at an early stage to be properly exercised so that inappropriate cases are not being brought before superior courts, particularly with young people who, when you look at their culpability and the gravamen of their conduct, it just should not attract a criminal prosecution. That is what my friend was saying about the emergency response and the prosecutions that flow from it that show that so many of those cases should not ever have proceeded. I am sorry to intervene there.

Senator ADAMS—I could ask you questions all day, Mr Collins, but I know we do not have much time. I come from a very small community in the Great Southern and I am a JP, so I was a bit annoyed about the comments you made there because I studied very hard at Murdoch

University to make sure that I did the right thing, and a number of my colleagues I am sure would be rather upset, because we do save the circuit magistrate an awful lot of time dealing with minor issues. So JPs really do have a place and I would not like to see them go. They are community people that give of their time voluntarily and take a great deal of pride in their community. I am sorry to think that you have not got that opinion, but we work pretty hard to do the job we do and I am very proud of being a JP, despite the fact that, being a senator, I do have problems at the moment. I cannot sit on the bench or do any of those things but I can still be available for people, especially when I am doorknocking, as far as going on the roll and things like that are concerned. So I still do carry out some of those duties.

Anyway, all these issues you have raised, can you tell me what the organisation has done in corresponding with the Attorney-General, with the minister for police or the minister for child protection? Most of these issues go around these three portfolios and it seems there is this great long list, but something proactive surely has come from you in correspondence or meetings with those departments?

Mr Collins—We are in regular contact with the state Attorney-General and those other government departments and we regularly raise by way of written submission and other communications our concern in relation to nearly all the issues I have raised with this committee today. We would like to think we have got reasonable relationships with those departments, but in the same way as you and I are differing on the issue in relation to JPs, they beg to differ. For example, in relation to mandatory sentencing for assaults on police, we have made a number of representations both in person and in writing to the state Attorney-General expressing our concerns about those new laws and how they will impact upon Aboriginal people. The response of the Attorney is, 'I understand your concerns but we are committed to having these laws enacted.' To answer your question, yes, it is a given that we raise our concerns on a regular basis with the relevant government department, and we do the same with Commonwealth government departments. We have got a contract for the provision of legal services to the Aboriginal community in WA with the Commonwealth Attorney-General's Department and we are in regular contact with them raising our concerns about all manner of issues.

Senator ADAMS—What about your local members of parliament?

Mr Collins—We do the same.

Senator ADAMS—Have you had any action there?

Mr Collins—Again in relation to mandatory sentencing for assaults on police we wrote to every single state member of parliament expressing our concerns. Some responded, some did not. Most people responded in terms of their party's position on the issue.

Senator ADAMS—One of the reasons that those laws were brought was not actually the Kimberley, it was problems around the metropolitan area and in Perth. Therefore once again we get back to the chair's question on do there have to be two sets of rules or how are you going to interpret the law. This is really what it comes down to.

Mr Collins—Our fundamental point on assaults on police is that, first of all, people who assault police and cause them significant injury are overwhelmingly sent to prison. They are not

giving non-custodial dispositions. People go to jail regularly, and rightly so, if they assault a police officer and cause a serious injury. Our concern is at the other end of the spectrum. Things will get really ugly when a fifth-year medical student has his final exams. He might be drafted, he might be a champion footballer, he gets on the grog, the police are called, he punches a policeman in the nose in a moment of madness and causes a cut to his nose. He will go to jail for three months. I do not think anybody in this room nor in the wider WA community, apprised of all the circumstances surrounding that young person's life, would think it would be appropriate to send him to jail for three months.

CHAIR—I am not sure you should assume that, Mr Collins.

Mr Collins—I do not think informed—what will it achieve, except perhaps some notional message of deterrence, sending that sort of person to jail?

Senator MOORE—There are differing views in the committee.

Senator SIEWERT—I was not here earlier. The government has just made a major announcement on Gorgon. There are a thousand questions I could ask but I am particularly keen to follow up the issues around resources and the comments that were made in terms of diversionary programs. We heard evidence in Fitzroy Crossing around the drug and alcohol support services that they have got \$300,000 and they were told basically, 'That is it, you have to manage on that.' I presume when you have been talking to government around issues you have been talking around resources. What has been the government's reaction to the fact that there are totally inadequate support services?

Mr Collins—Almost nonexistent. There is always an acknowledgement that there is a problem. This issue was raised consistently by me in the Indigenous taskforce meetings which occurred every two weeks for nearly 18 months. They were attended by senior bureaucrats from the Department of Corrective Services and the Department of the Attorney-General. They knew of the problem. They acknowledged that there was a problem which needed to be addressed, but it is not being translated into action on the ground, as Dominic's evidence indicates. That is a tragic state of affairs in my book for not only the offenders themselves but for their communities, because if we are on about trying to protect communities, which we all are, it is not going to happen if Joe Bloggs goes to jail for an alcohol related offence and does not have anything done for his problem in jail and then gets out on a parole program which does not have any programs to address it back in the community. We all know what they are going to end up doing, and they do it regularly. It ends up in death, which is awful.

Senator SIEWERT—I have got a few more questions which I might put on notice.

Senator ADAMS—You have been quite critical about the role the police play in the multitasked police stations that are out in the smaller communities now. This committee has been to Balgo and spent quite a lot of time and stayed overnight in the area, this time last year. We were very impressed with the service that is there, plus the fact that there is someone from child protection there working with the police as well, which as a nurse I can see as very important and a practical way that the health workers and everyone were working together for that community. I see that a small community like that is really being protected by all the professionals actually talking to one another instead of being in silos. A lot of these issues are

directed at the police, so how much liaison do you have as an organisation with the police locally?

Mr Collins—Can I correct any misapprehension you might have, Senator, about my views about multifunction police posts. I think I prefaced my comments to the committee with the observation that a permanent police presence in these communities is a good thing. It protects community members, it means that crimes are properly investigated, and that is a good thing. I would not submit otherwise. The focus of my observations was in relation to a concern about overpolicing in effectively discrete areas.

Senator ADAMS—All those things you described, in my community I am subject to exactly that. It is just a way of the community being made aware that these are the rules that you have got to obey. It might seem nitpicking, but I wonder if it is. It is safety—this is what it is all about, to have a safe community.

Mr Collins—We are in regular contact with the police. We regularly raise our concerns with them. I have a regular meeting in Perth with the police responsible for the handling of police complaints which are made by the ALS and our clients. I would like to think we have a reasonably good relationship with the police and the lines of communication with senior police, in particular in my experience in Perth, the lines of communication are well and truly open and we have a good relationship, as I say.

Senator ADAMS—And locally?

Mr Collins—I speak to senior police from time to time in places like Broome and again I will vigorously present my position, the ALS position, as I have sought to do today. But I would like to think I am prepared to listen and we try and develop constructive relationships with the police. It is incredibly important that we do.

Senator ADAMS—Mr Brunello, you live here. What do you do? These issues that Mr Collins has raised are obviously ones that have come from your area.

Mr Brunello—From time to time we are in contact with the more senior police. The Broome police station is the regional centre for police activity in the whole Kimberley, so there are senior officers stationed there on a permanent basis and it is normally those officers that our regional ALS office has contact with if there is a particular issue of concern or a complaint raised or a controversial point. We are, though, of course in an adversarial legal system, and that means that there is negotiation in an appropriate, measured, mutual way, but on some issues that cannot be resolved there are resolved before the court.

Senator ADAMS—Some of the things that Mr Collins has raised I feel are issues that could have been worked out between the police and your organisation, practical things on the ground. This is the thing in the smaller communities, sitting down and having a talk—

Mr Collins—The issues I have touched on I have certainly raised with police. There is no doubt about that. I do not come along to committees like this—

Senator ADAMS—Police in those communities?

Mr Collins—Yes.

CHAIR—We are well over time. Thank you both for the provision of your evidence here today. There are obviously going to be some questions on notice in terms of clarification of further questions on the evidence you provided. This is a standing committee of the parliament, so there is opportunity at any time to make further submissions to us and we would be delighted to receive that. Given that quite extensive aspects of your evidence deal with policies and programs that are laid out by the Western Australian government, it is the convention of this committee to not so much test the evidence but, with the support of my committee, I will be writing to the West Australian government asking them to identify the exact spread geographically of the programs, what programs are delivered where and what funding has been provided to those programs, the diversionary programs inside and outside of the custodial system in terms of access to legal aid where the legal aid lawyers go and where you go. If there is a disparity, why aren't they funding them. We will be putting those questions and others to the West Australian government. We will provide you with the letter we sent to them as well as a response. We will make that clear that we will doing that to them. So thank you again for your evidence today.

Mr Collins—Thank you very much.

[9.54 am]

BIRCH, Mr Tom, Chairperson, Kimberley Land Council

HUNTER, Mr Nolan, Acting CEO, Kimberley Land Council

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been previously provided to you. I now invite you to make a short opening statement or statements and at the conclusion of your remarks I will ask my colleagues at the table to put questions to you.

Mr Hunter—I might start off and then the chairman can talk. Last year we had the celebration of our 30th year. The Kimberley Land Council has been in existence for 30 years. I have brought along one of the newsletters that we published for the celebration. Perhaps our chairman would like to talk about the KLC's history over the 30 years. I have only been with the land council a couple of years, but the chairman has a far greater knowledge of the land council in relation to our 30 years and some of the issues. I can go more into the detail about that, but maybe I will let the chairman speak first.

Mr Birch—I have worked for the land council for 30 years. The organisation has grown. Every year we have an AGM. We ask all the members in the group what we need to put forward to send to the government. These sorts of things have been arising every year, but we do not get any response. We want to look forward for the benefit of Indigenous people in their respective areas in the East Kimberley and the West Kimberley.

CHAIR—When you say you do not get much response from the government, what sorts of issues are you talking about? I know there might be a lot of things, but maybe you could indicate some particular areas where you have asked for assistance or information and it has not been forthcoming.

Mr Hunter—I might give the details of some of this. The reason I brought this newsletter is that it captures 30 years of stories from the traditional owner groups that we represent. These are old news clippings or articles or stories or reports that have been put in here. There are some very positive things that we have done.

CHAIR—Are you going to table that?

Mr Hunter—Yes, if I could.

CHAIR—Thank you.

Mr Hunter—We will do a formal submission as well. I understand that we are permitted to do that. I would like to do that.

CHAIR—Okay.

Mr Hunter—In relation to what the chairman was talking about over that 30 years, if you look at this report in relation to the issues you will see there is a fairly consistent use of language in there about what some of the more consistent issues have been. We said things 30 years ago around how people in the Kimberley have concerns and want to address issues. All the way through, you will see that is highlighted in various forms in this report. Being a land council, obviously our concern has been about people in the Kimberley having control of their traditional lands and having access to all of the services, having the capacity to live their lives in a particular way, with the community's needs being met around all sorts of things to do with the expectations of any community anywhere else in Australia.

When we have our AGMs, we have a combined meeting with the Kimberley Land Council, the Kimberley Language Resource Centre and the Kimberley Aboriginal Law and Culture Centre. These are three regional Aboriginal organisations, so in terms of representation it is a fairly good meeting. It is a collective voice in terms of all of the people that we represent, all the Indigenous people throughout the whole Kimberley. It pretty much covers most of the Kimberley.

Every year we invite a number of people from government, industry and different organisations to come to our AGM and we ask the same thing our chairman was talking about in terms of what the groups are calling for, what we see as some of the issues, and we discuss those. We put out statements, because we have the opportunity to discuss a lot of those issues. These organisations, one way or another, are involved, through their representation, in trying to deal with all of these issues. We may not necessarily have all of the resources to do that, we may not necessarily have the capacity outside of our primary objectives as an organisation, but there is still the expectation from a lot of the groups that we represent that we carry that responsibility.

So two years ago we made a statement and we sent a letter out to the Commonwealth and other governments requesting a summit. We were conscious of the Northern Territory intervention, we were concerned because we did not want the same thing happening here and we wanted to address some of those issues and resolve some of the problems with what we believed could be workable solutions—by being involved in finding the solution, trying to work in a collaborative fashion with government and dealing with community concerns.

The issue to highlight in this is that every year we go through the same process, and I believe it has gone on every year since the organisation started. The group try to take the opportunity to send a message to government in a statement about what their concerns are, and I think we have done that fairly consistently. So at first glance it may not jump out at you, but when you look at the language and the common or consistent message that is coming out of this I think is fairly evident.

The KLC have a primary objective and function in relation to native title. More recently, we have taken on a role in land and sea with the realisation of native title. So in our submission here, rather than talking about the native negative aspects—about some of the many things that go wrong, for a number of reasons—we would like to focus the discussion on the strengths we have as a result of being this organisation and call on government to recognise those strengths in terms of our regional representation of all of our traditional owner groups. That is a positive thing.

There are issues that we are concerned about, and we will also lodge a proper submission on them. In terms of the issues that we face, how we validate them and come to a conclusion about where things are at and where situations are working or not working here in the Kimberley, we commissioned a study through the Australian National University to look at the statistics from a select number of communities in the Kimberley on social issues around employment, education and training, housing and those types of things. We can provide you with a copy as part of our submission.

The report included a rating from one to four or one to five, I cannot remember, with five being the worst-case scenario. They found that the majority of those communities that the research was undertaken in were at the worst-case scenario in terms of how well off they were. This research looked at all of the existing statistical data from the ABS, from university research and from other sources in a number of areas. It was fairly comprehensive in that regard and highlighted just how bad things are here.

Senator MOORE—When was that done?

Mr Hunter—I think it was January this year. It is very recent. For KLC as an organisation our biggest issue is obviously our native title claim in the Kimberley. We act on behalf of our traditional owner groups. Currently approximately 50 per cent of the Kimberley is under exclusive possession of native title and we are working on a process of consent determinations. We anticipate that within about another year or so if things go successfully—we have certain agreements in place—70 per cent of the Kimberley will be under native title claim. The reason I am highlighting that is because from that stems the next process for our traditional owner groups in terms of how they want to progress and do things on their country. Before I go through this list I might just clarify that, as an organisation, the Kimberley Land Council takes its instructions from our traditional owner groups. The decisions that we make are those that our traditional owner groups give us instruction on. We are acting for most of the traditional owner groups in the Kimberley.

In relation to those statistics I guess what they highlight is that there is a significant disadvantage in the Kimberley for Indigenous people. One of the things that the KLC has been involved in on behalf of our traditional owner groups as a way of following up on how our communities can be more well-placed in the future is discussions with government about opportunities for longer term sustainable outcomes. We are talking with government authorities on employment opportunities, health, education and housing.

One of the processes that we have been involved in is trying to secure funding from the government on the early childhood learning program. I do not know if you are aware of it but it is something that has been trialled here in the Kimberley. It is not a new program. It was developed in the UK. I think it is used in the eastern states somewhere. It is an expensive program, it requires one-on-one work and a systematic way of working with students to address their problems with literacy. When they started the children could barely read or put a string of words together but by the end of the program they were at the top of their class. We, through our executive members and our CEO, Wayne Bergmann, have had lots of talks with members of the government at senior levels to try to bring about some changes.

When we talk about disadvantage in terms of education or, at the other end of the spectrum, employment, the idea is that you look at front-end loading so you are not creating a bandaid approach. If you address those issues right at the very start then you create some kind of opportunity for Aboriginal people when they get to this point. That is something positive and these are some of the things that we have been involved in.

Unfortunately, looking at the process that has occurred after that, people are still subject to a level of management and control. In terms of those funding dollars getting and out creating opportunities, we are drip-fed. The priorities change because things are appointed that are not part of the structure that we would like to see being implemented. When we talk about how things ought to be done, what we are saying is we want a collaborative approach, we want to be involved in the solutions and we want to have major input into outcomes for a lot of our people.

I had discussions with Malcolm Fraser, who was here on Sunday. We had a chat and talked about how government makes policies and decisions around delivery of services to Indigenous people. Ideas, programs or policies are developed, and then you have a process of consultation to implement that, and then it does not work or it falls down. It has to be recognised that, if the involvement of those Indigenous stakeholders had occurred at the start of the process, things might have turned out differently. It is pretty common-sense stuff.

One of the positive things in how the Kimberley Land Council works with our groups is that we try to be proactive and bring about a lot of changes in the Kimberleys for the groups that we represent. You may be aware of some really good agreements that have been negotiated on behalf of our traditional owner groups. Through those agreements we tried to ensure that there are longer term sustainable outcomes for our groups when we look at things like employment and training outcomes. Part of those agreements is that we try to ensure that the community is looked after in other areas. Even though that is the primary responsibility of government in a lot of instances, that does not detract from the fact that we try to be proactive in how we address our own problems through our assistance of the community groups and traditional owner groups that we represent.

The issue of native title is something that we are embarking upon through the National Native Title Council. Most of the native title rep bodies sit on the National Native Title Council. We have been pushing for changes to native title. That is a serious concern for us as a native title rep body and for the traditional owner groups that we represent. There have been a lot of statements made by senior ministers about addressing the problems. There is something to be said for people getting on with their lives and addressing some of their own issues if their native title is resolved. Looking at policies, the level of support and sustainability, we talk about government committing to giving us longer term support.

If you look at the announcement by Jenny Macklin of the \$340 million in the Kimberleys over the next four years, that is really good. I would have to ask: what happens after the four years? What kind of long-term commitment is that in terms of the sustainability or longevity of that support?

In the Kimberleys we have been going through a process around the natural gas development. A number of accusations are being directed at the land council. Maybe before I mention those I will talk about the issue around housing. We have been in discussion with the lands trust and the

Department of Housing. There was an accusation directed at us as an organisation about holding things up in terms of delivery of services. When you look at the process that has occurred, people come to us at the eleventh hour or at the 10th stage of a process and then we get accused of holding up housing to Aboriginal communities because of native title. There is quite a comprehensive process that you need to go through. One of the concerns for us is that native title is extinguished under certain circumstances. Already that has occurred where they have been certain infrastructure development on communities and native title has been extinguished in a number of places in the Kimberley.

What that highlights to us is that there has not been that level of cooperation with us. What we say is that we have this advantage in being a representative body. I think there is something to be said about how the government works with us simply because we have this governance structure, we have this long-term history, we know what the issues are and we have people who have been in the business who know something about how things ought to be done. Within that, we come up with some innovative solutions. We talk about the ILUA process around how to resolve that. That is a fairly comprehensive process, but the idea is that we want to be able to offer solutions and we are quite serious about that.

CHAIR—Mr Hunter, I just remind you that we have very little time left if we want to get to questions. Again, the written submissions can be provided at any time.

Mr Hunter—I do actually have a question. Given the process the Kimberley is going through now and some of the urgency of our issues, can I seek some clarification about your reporting period to the government?

CHAIR—This committee does not report to the government. We report to the parliament and will be reporting on 26 November. There are a number of reports. Every six months we report to parliament on our deliberations. Two reports have been completed so far. The next one will be on 26 November.

Mr Hunter—So the process is concluded in November?

CHAIR—No, it is an ongoing committee of the parliament. The committee will continue through this parliament—we will continue to provide reports over the whole life of the parliament. There is no start and end to this committee.

Mr Hunter—I am trying to work out what it is that we may take advantage of in terms of what we get out of this, why I am here talking to you—

CHAIR—We can listen to some of the issues you have. You have made some points today. We will ask some questions and that will give the committee an idea about what policies you think are working. You have already touched on some you think are not working so well. We will be able to reflect on that. We would hope that governments at every level that have an impact on Indigenous policy will be able to refer to these documents that reflect a wider view of the community. They can consider these documents when they are making changes to their own policy in a broad sense.

Mr Hunter—I am trying to capture what some of our main issues are. As an organisation we are funded by FaHCSIA. We represent our traditional owner groups under native title claims. Aboriginal people in the Kimberley have an expectation—when you look back through this you will see that some of the things have been raised in here—because the Kimberley Land Council is an old organisation and has been the only organisation for quite a lot of that time representing a lot of the issues for these groups. The biggest issue for us is how do we deal with all these things. There is a constant pressure on the organisation in terms of what we can deliver. A lot of the time we are not resourced to be of any assistance. We have to fight tooth and nail to create some generation of income or some means of sustaining our activity. That is a real concern for us.

CHAIR—That is funding generally?

Mr Hunter—Particularly when you look at the expectations of some of the departments and organisations that comes to us, or the expectations from different organisations or industry about what they require us to do, we simply are not resourced to do that. There is a lot of talk in the media about all these dollars that are floating around all over the place. The money that we get through certain funds is for specific purposes. So when you look at it, nobody is taking advantage of the fact that we this regional organisation that has this governance structure, has all of these people that have been making all of these statements all of these years in terms of the expertise, in terms of the knowledge, in terms of the issues. What you will find—and as an example I might use—is where policies are being created to address problems, nobody looks and says, ‘Right here you have this body that has been involved in this process that can provide some of those solutions.’ The example I would use is the development of the committee—and there are other examples like this as well, which I will not going to now, because I do not have the time. The idea is that the Department of Indigenous Affairs created this committee to advise the minister. Why would you create—

Senator MOORE—State or federal, Mr Hunter?

Mr Hunter—This is state, sorry.

Senator MOORE—We are always balancing that, as you well know.

Mr Hunter—I am also doing the same, because we operate—

Senator MOORE—We are always dancing through that one. This is a state department—okay.

Mr Hunter—Yes, that is right. There are other examples in other areas, but I am just using the one as an example. So they create this representative body. If you want to talk about getting to the heart of the issues in the Kimberley for Aboriginal people, you have an organisation that has been doing it for 30 years. Why don’t people take advantage of that? It is that simple.

CHAIR—I would say, Mr Hunter—and perhaps I might segue to a question—I certainly know all about the Kimberley Land Council and how long it has been here. It is an organisation that people take very seriously and we are looking forward to your submission. In your opening remarks you made a response to the intervention in the Northern Territory and you said you

would not want something like that to happen here and you would prefer to run it yourselves. It has been going for over two years now. The indicators that we have in the areas of school attendance, health, social behaviour and criminal behaviour are certainly very positive in the Northern Territory with the intervention over that period of time. Have you got any indication of any changes that have taken place in regard to any of those indicators in the Kimberley Land Council areas in that time?

Mr Hunter—Certainly in terms of what we have been involved in, we have had some really good outcomes. Most of those outcomes have been for and on behalf of our traditional owner groups in terms of our process under native title.

CHAIR—No, I am specifically talking about things like school attendance, health, amounts of criminal behaviour going down, social behaviour patterns changing—the sorts of issues that came as a direct consequence of the intervention. I am not suggesting for a moment that everyone loves it and everything went okay, but some of those indicators that are measurable now have had some very positive outcomes. As I said, it has been over two years since that process started. I just wondered, since you were saying they were the sorts of issues that the Kimberley Land Council should deal with themselves, whether or not you have any information on those indicators on work that you have been doing in that period of time of actually changing the lives positively for your constituents? You might want to take that on notice; you may not have them to hand. I would appreciate that.

Mr Hunter—I can answer that quite simply. We do not have the capacity or the resources to deal with those in terms of what our key function is. We deal with native title.

CHAIR—But you were saying that you did not want that to happen here.

Mr Hunter—In terms of the manner in which the intervention occurred, our traditional owner groups that we represent wanted a process that empowered their input. They did not want a process that was imposing a way of addressing problems that left them out of the picture totally. That was the key thing. If there was going to be any process, then it had to involve the community.

CHAIR—My point, Mr Hunter, is that from two years ago until now there have been some really positive changes in the communities, which the communities acknowledge.

Mr Hunter—Are you talking about the NT?

CHAIR—Yes, the Northern Territory. You are saying that you do not want an intervention here—when would it be? It is two years later than it could have been if you had welcomed it at the time. I am not really sure but it just seems that a long period of time has gone past. Perhaps you can take this on notice: what is an alternative proposal? It is too big a question to answer here but perhaps in your submission you may wish to address that. If you do not like the intervention as it was introduced in the Northern Territory, what is your plan for similar outcomes?

Mr Hunter—I will put that in our submission. But the discussion at the Jarlmadangah meeting was about the idea that, if there was going to be any action or activity, then developing a

way to set about addressing those issues had to include the traditional owner representatives as a part of that. That was the key point.

The distinction was made in relation to the Northern Territory intervention. I do not think that there was that amount of buy-in by, or empowerment of, the community. That is the criticism that I had, or that the group had. It was not that they did not want to address it. The group was saying that they really wanted to be involved, and that is the key thing. They wanted to be involved in addressing the issues. They were not saying that they did not want the problems to be addressed. They were saying that there was something wrong in the way this structure, or this mechanism, worked over there and that it ought to have been different here simply because they needed to be involved. It is a very simple concept.

Senator ADAMS—Thank you for your submission, and I look forward to having a look at your 30-year history as well. First, we have been travelling around the small communities and there seems to be a huge problem as to who is responsible for service provision to communities. I am not talking about the gazetted towns but about the smaller communities. Rubbish seems to be one of the biggest issues. When they come to your annual general meeting do your people talk about these sorts of problems: there is nobody there to grade their roads; there is nobody there to fix something and there is nobody around to do other things? Fires are another problem. They have not got equipment to fight fires. And there is the rubbish, as I said. Who do you think should be responsible?

Mr Hunter—I do not think that we get into that level of detail in terms of what people talk about. We are very specific in what we need to resolve around native title—

Senator ADAMS—So you do not discuss any other issues?

Mr Hunter—and governance issues. Sometimes we do. Chairman, do you want to comment on that?

Mr Birch—You are talking about what is happening in the communities?

Senator ADAMS—The smaller communities have not got the services that they really need to be able to function properly.

Mr Birch—I would throw it back to the funding body that funded that community and the CEO or the coordinator who runs the community to find out what their instructions are. If they do not deliver any projects in the community, I do not think it should be thrown back to the Indigenous people in the community.

Senator ADAMS—It is just that we have had conflicting evidence from two different shires. One shire is prepared to get out and do something but the other shire has too many issues with the bigger communities, so the smaller communities are really missing out. I was trying to see if your people, when they come into the AGM—even though it is on native title—raise these issues, because we have to get more evidence from the grass roots.

Mr Birch—What you are saying is that when the shire, or whatever they are called, put in the submission for funds for their respective areas, they include funding for Indigenous communities.

Senator ADAMS—That may be so but the funding is not hitting the ground because these people are not getting the services that they really need.

Mr Birch—They call it non-allocated fund once they get the money.

Mr Hunter—If you look at the structure here in the Broome Shire, for example—and I suspect that it is similar in other places—they have an outer-ward and inner-ward structure. The idea is that if you have representatives from those outer-ward areas, the shire is supposed to provide services and representation to the whole area that it claims to have authority over. So maybe the issue is one that needs to be taken up with the local government.

CHAIR—There are a large number of areas, Mr Hunter, that we have had evidence—and I have no doubt that it is correct—that the shire only looks after townships that are gazetted townships within the shire. Clearly, certainly in the eastern Kimberleys, we have seen evidence that there are a huge number of communities that are excluded because they are not a gazetted community within that area. So they have different conventions about different areas that they rely on for funding. One of the examples was the environmental health issues with the tip. It is not council's problem; it is not anyone's problem but the community's. And it seems that they have fallen out—not that there is any mischief about funding. They have fallen out of a governance arrangement for responsibility about who is responsible for delivering municipal services. That is the same for fire control, environmental health and a number of other issues. So it is more of a general question.

Mr Hunter—I just think that it is a bit inconsistent. There is the proposition that the shire on the one hand has an electorate responsibility but on the other hand draws a line about the responsibility that it has.

Senator ADAMS—It was just something that I thought might have been raised. You were saying that there are a lot of issues there that have been raised for 30 years and nothing seems to be happening about them. Do you invite members of parliament or local members to your AGM?

Mr Hunter—Yes; most definitely.

Senator ADAMS—What is their response?

Mr Hunter—Nine times out of 10 they do not turn up or they send somebody else to represent them. I am glad you asked me that question because, in fact, last year when we had our 30th anniversary at Mount Barnett, we issued a statement. I think it was Dr Brendan Nelson who was supposed to come out at that time. We raised some serious issues in terms of how, as a regional body, we might address some of our issues, because there are different ways in which funding programs try to address things, and they do not work. I would like to submit this in evidence as well, with our submission. We have talked about this for a number of years. There is a regional authority structure in the Kimberleys that would give us far greater capacity to bring

about a lot of the changes and to structure ourselves in such a way as to build our capacity and address some of those issues.

Senator ADAMS—Is that a regional Indigenous structure or regional in that shires already have a loose thing as far as—

Mr Hunter—This would be purely a regional Indigenous structure. If you look at the Torres Strait, they have a regional authority structure. I am aware of some of the comments made in the Northern Territory by Alison Anderson about the use of government program funding. The proposition from our groups when we talk about the regional authority structure is that we could make better use of the delivery of programs. We could have greater control of some of the outcomes. There are a hell of a lot of positive things that we believe can happen. We have been talking about this for quite some time, over a number of years. It has never gained traction. We have never been able to have any kind of serious engagement from anyone about that. That is something we think we will also tender with our submission, if we can.

Senator ADAMS—I just have one more question. You mentioned the early childhood program and the funding for that. How do you become involved with that? Is that something that you work on or you are just supporting?

Mr Hunter—This is probably more relevant to the Alison Anderson situation, to do with government funding. We spent a hell of a lot of effort talking to Macklin and whoever we had to talk to, through Wayne Bergman, and our deputy chairman and chairman here had a number of meetings. We have been trying to raise it with every possible person. Wayne has a DVD of a program that documented children struggling and showed how they went on to become top of their class. They developed a level of confidence and other things about them started to change. He put a lot of work into that. He really believed in it and he pushed it. Through our executive we pushed it and we spoke to as many people as we possibly could to try and get somebody to take notice. When it finally happened, there was a totally disempowering process around how they funded it. Their response was, ‘Yes, we finally believe you, but now we are going to fund this organisation here.’ Part of the problem in the first place in terms of how that funding was sent to—

Senator ADAMS—What organisation was it?

Mr Hunter—This was a number of independent schools and three education organisations. Our concern is that they will drive the priorities around that. Without saying this in a negative sense, that is one of the issues about this whole process that has occurred. The community raises these concerns, they want to do it this way and nobody is listening. And then somebody else says, ‘Let’s look to another avenue to try and create a solution.’

Senator ADAMS—So the guidelines were not what you wanted.

Mr Hunter—No. They totally left us out of the picture. We were the ones who made this happen.

Senator SIEWERT—Were those organisations talking to you?

Mr Hunter—Now they have formed a committee around the delivery of this program. I think \$700,000 went into this program. Our concern is that all that will happen is that the priority may not be the same because they will take on the functional responsibility—that is, how it is delivered—and other things will occur that determine how they spend that funding. It disempowers us because we have no control or ability to influence outcomes in that regard. It also places control so far out of the community's reach that it might as well be a structure on Mars.

Senator MOORE—Could you provide that information to us in your submission.

Mr Hunter—Yes.

Senator MOORE—If you can give specific information on that program, it would then give us the chance to ask the appropriate questions. Could you give us the whole history of how it was done and then, from your understanding, how the allocation of the funding worked. That would be useful.

Senator ADAMS—Just on education, how do you see the mobile playgroups functioning?

Mr Hunter—I cannot answer authoritatively on that. We are involved with so many things, and unfortunately I do not—

Senator ADAMS—I will ask one of the other organisations, then. Thank you.

CHAIR—Mr Birch and Mr Hunter, more questions could have been asked, but there was some comprehensive evidence given today. Thank you very much for that. I am quite sure we will be asking some questions on notice, and I can highlight one that you will both be getting on notice. Both sides of government appear to have a policy that they are no longer going to contemplate building public housing on private land, wherever it is, which includes Indigenous land. One of the fundamentals of the intervention is to ensure that, if there is a house block, it will be leased so it is not private land. You may wish to address that policy particularly because of your area of land tenure and your particular focus. So you might want to address that in your submission.

Mr Hunter—We will certainly lodge that as part of our submission.

CHAIR—Again, I know you are going to lodge a submission, but we are a standing committee of the parliament so, if at any time you wish to provide information to us, it will be received. Thank you very much for providing your evidence today.

Mr Hunter—No worries. Thank you.

[10.41 am]

ARMSTRONG, Ms Maxine, Chairperson, Kimberley Aboriginal Medical Services Council Inc.

MASUDA, Ms Lynette Ruth, Deputy Chief Executive Officer, Kimberley Aboriginal Medical Services Council Inc.

CHAIR—Ms Masuda and Ms Armstrong, welcome. Do you have anything to say about the capacity in which you appear here today?

Ms Armstrong—I am the chair of the Derby Aboriginal Health Service in Derby as well as the chair of the Kimberley Aboriginal Medical Services Council here in Broome. I am here representing the needs of the grassroots people who want to better their health.

CHAIR—Thanks, Ms Armstrong. Information on parliamentary privilege and the protection of witnesses has been provided to you. We would appreciate it if you could make a statement, keeping it fairly short to enable us to ask questions about the statement that you have made. Would either of you like to kick off?

Ms Armstrong—I think that there is not enough money. That is the reason that is given to us for why the service to our people is not serviced properly for the grassroots people. There is a problem in the dental area: there are no dentists. When there is a dentist in Derby, there are only certain times when we can get access to that dentist. There is a great problem with the PATS scheme at the hospital with regard to patients. Aboriginal people are being flown to Perth. There is always a family member who wants to accompany the patient, and they cannot do that. I think there is a great need for that to happen and for the privilege of accompanying that person down to be given to the member of that family, because Aboriginal people always want to go with their loved ones as well.

CHAIR—Don't we all?

Ms Armstrong—Yes, we all do. Because of the bigger services that are now out there being delivered, I think that we should all sit and get together. It should be changed in such a way that we all work together in delivering the services better. I do not think that is happening out there in the wider community. Even with funding for our clinics and Aboriginal medical services, there is not enough funding there to expand our clinics. Do you want to talk, Ruth? I think I have said enough.

Ms Masuda—We are often competing for funding with other government bodies. Overall—

Senator MOORE—You said you are competing. I know that it is an important issue. Could you talk about how you feel about that and who you are competing with, in your perception.

Ms Masuda—We lodged a submission.

Senator ADAMS—We have only just got it.

Ms Masuda—We are often competing with the Kimberley Division of General Practice for the same bucket of funding—also with WACHS and various other organisations—to deliver probably the same service. There is the overall funding business—lack of capital infrastructure funding for our clinics. Most of our clinics have not had upgrades for numerous years. We find it hard to try and get funding for that. As Aunty Maxine said, there are problems with PATS—funding for that, getting patients in and out of remote communities, having to get them down to Perth.

Ms Armstrong—We find PATS impossible. We have been arguing about PATS for so long. To us, nothing has changed.

Senator ADAMS—It has changed dramatically.

Ms Armstrong—In which way?

Senator ADAMS—The new guidelines. Are you not aware of what has happened since this government came in?

Ms Armstrong—No. There you go—see, we do not get that. I do not have information about that.

Senator ADAMS—Where are you based?

Ms Armstrong—I am based in Derby.

Senator ADAMS—And you are not aware of the new guidelines?

Ms Armstrong—Not of PATS.

Senator ADAMS—It has certainly changed. I think you will be very, very happy with what has happened. Where is your PATS?

Ms Armstrong—It is at the Derby District Hospital.

Senator ADAMS—Perhaps you should talk to them about it, because the new guidelines have certainly changed things, as far as the escorts go as well.

CHAIR—We are happy to send you a copy of the new guidelines.

Ms Armstrong—Yes, please. That would be really good.

CHAIR—We will find them and get them to you.

Ms Armstrong—Sometimes, when the patients go to Perth, I do not know if they know that they have a range of places to stay. Usually, when they fly them from where I come from—up

north, in the remote communities—they just go to one place for accommodation, and that is the dual house. But there are other places available, apparently, where they can have accommodation. These people do not know about that. That is where the communication breakdown is.

Senator ADAMS—I would suggest that you go to Derby hospital and talk to the PATS clerk. You will certainly find that things have changed a lot. We were at Halls Creek yesterday and they are very happy with the changes. It has certainly helped them—and they are a fairly remote community—in getting their patients back and forth, in access to specialists, plus with their accommodation. It has certainly improved.

Ms Armstrong—I will invite her to my next board meeting. She can give that information to my full board—information that we did not know about until today.

Senator ADAMS—If you look on the internet, you can go to Country Health Service and find it very quickly.

Ms Armstrong—Like Lynette was saying, there is lack of funding for infrastructure—capital funding. When I talk about all these things, I am talking on behalf of the people up the road—the remote communities—300 kilometres further out of Derby, as well as Derby itself, for the Aboriginal Medical Service. That is where people need more information about these things—what they can access and what they cannot access. When we get the proper information, I can go back and tell the people I represent what they can and what they cannot do.

Another issue is dentists. We have very poor access to a dentist in Derby, and when the dentists do come to Derby we have to wait for so long to make an appointment even to get in there to see a dentist. Apart from that, we have to drive across to Broome. A lot of the patients who have chronic illness have to wait as well for a certain time to even get an appointment with the dentist. That is another big problem in that area.

CHAIR—How many dentists are there in Broome?

Ms Armstrong—I do not know.

CHAIR—Someone at the back says two.

Ms Armstrong—It is another major problem we face.

Senator SIEWERT—I have not had a chance to read your submission yet, so if this information is in your submission I apologise if I am doubling up. I am just wondering what major medical issues you deal with as part of the provision of the service. What are the major illnesses and disease burdens that we are talking about dealing with in the Kimberley?

Ms Armstrong—Chronic disease is a major burden in the Kimberley. It ranges from our elders to the younger generation, where the numbers are growing. We do have a two-bed area where we dialyse four patients every week.

Senator SIEWERT—That is in Derby?

Ms Armstrong—Yes, in Derby, out of our AMS. As I say, the rate of that is just growing and growing. We just do not have the money to keep on delivering that service to our people. A lot of them are still in Perth and are wanting to come home but because of that they cannot come home. I know that there is the regional dialysis in Broome and when they get spare beds the others can come up. But our people are still locked down there, and some of them are dying—they do not even get back home. My priority is better meeting the needs and the wants of my people at a grassroots level.

Senator SIEWERT—If you had more resources, where would you suggest that they are invested? What are the priorities for investment of further funding?

Ms Armstrong—The majority of patients are from the remote communities, from East and West Kimberley, so if they could generate the funding it could even be at a place like Kununurra or Derby. At one time Derby was the regional centre for all remote and everything else, but it was taken away from us and placed here in Broome.

Senator SIEWERT—What would we invest in? If we say to government that we think they need to provide more funding, where would you invest that funding? I do not mean the location but the issues or diseases.

Ms Armstrong—What are the health issues of our people?

Senator SIEWERT—Yes. Is it preventative health?

Ms Armstrong—Primary health care, whatever.

Ms Masuda—Across the board, I guess, with all chronic diseases, dental and oral health. I would have to say across the board. I would not dispute one thing. There are mental health issues.

Ms Armstrong—Right across the board.

Senator SIEWERT—Yes. I was looking for the specific issues. You have mentioned mental health, oral health, chronic disease. What about the issues around preventative health?

Ms Masuda—Yes. I cannot think very clearly of something at the moment, but prevention probably is one of the main things. We have primary health care where we do target prevention in the clinics. What normally happens when patients go into the clinics is that they target prevention and do an assessment on each patient, so it is comprehensive care.

Ms Armstrong—It is comprehensive primary health care.

Ms Masuda—Yes, it is overall—they target everything from chronic disease to oral health.

Senator SIEWERT—I come to the last of my questions even though I still have lots. I have been asking this of all medical services. I refer to the report that came out last week that identified the fact that Aboriginal medical services and community controlled health services are

buried under a massive amount of administration work because of the number of grants that they administer. How many grants do you administer?

Ms Masuda—We probably administer about 61 funding grants. It may be a little bit more than that.

Senator SIEWERT—So approximately?

Ms Masuda—That is approximately.

Senator SIEWERT—And they all have quarterly reporting?

Ms Masuda—Yes, we do. We do quarterly and annual.

Senator SIEWERT—How long do you estimate it takes you to do just the reporting on the grants?

Ms Masuda—Between various numbers of people I would say probably a good solid two weeks or something to get everything together.

Senator SIEWERT—Thank you.

CHAIR—You might want to take that on notice, Ms Masuda. It is a very important question.

Senator SIEWERT—I am trying to get a bit of a feel for verifying on the ground in WA what the report has been saying happens nationally.

Ms Masuda—Yes, and we are just one of the bodies.

Senator SIEWERT—Thank you.

CHAIR—Just quickly, I have perhaps something else you could take on notice. I am not sure of what the relationship would be as to the Derby base hospital. I know they do curative work as well primary health. So that is something on notice: what you rely on, what the relationship is like and if you work together in principally the same sorts of areas. I note you talked about duplication. If you could take that on notice that would probably be best as it is a quite wide question.

Ms Armstrong—Derby and the medical service there work together. They have a working relationship together. When patients from the medical service have to be sent to the district one they go there. They have a working relationship together. The only problem that we have had is with the Patient Assisted Transport Scheme. But in the other working relationship that they have they work together, being DAHS and the Derby Regional Hospital.

Senator ADAMS—I was just looking at the PATS issues that you have got in your document here. A lot of that has changed, so this is a little bit outdated. As I have said, I think you should go and have a talk to the PATS clerk at the hospital. As far as renal dialysis goes, are you getting more chairs in Derby?

Ms Armstrong—Yes, we are.

Senator ADAMS—So you are being funded for more chairs. How many?

Ms Armstrong—We have got four there now and we are getting another four. We are going to dialyse another four patients, which gives us eight, and I think that will be happening in the next two or three weeks. Apart from that, we are travelling and talking to people. From the government we will be getting our car bay. That is going to be built along the side of the clinic in Derby but that will not be happening until early next year.

Senator ADAMS—But you are getting it so you have got capital funding for that and so that has been provided.

Ms Armstrong—Yes.

Senator ADAMS—So that is surely a step forward for the number of people that you have got, either in Perth or in Broome, that are having to be dialysed.

Ms Armstrong—Yes.

Senator ADAMS—So it is not all doom and gloom. There are some positives there.

Ms Armstrong—Yes, after a long battle.

Senator ADAMS—I realise that. I was actually involved in writing a letter of support for you for it. It was with your director of nursing when I came and visited last time. I am interested in children's education and childcare services. Do you have a lot of children coming to KAMS?

Ms Armstrong—No. KAMS does not deliver primary health care. It is about advocacy.

Senator ADAMS—Sorry.

CHAIR—The senator travels too widely.

Senator ADAMS—Yes, I was just trying to get something, and we are in a hurry.

Ms Armstrong—As for what you are talking about, child care, they run programs out of the Derby Aboriginal Health Service with regard to that. They are running really well.

Senator ADAMS—That is good. That is fine, thanks, Chair.

CHAIR—Thank you very much for the information you have provided. We have obviously only received your submission this morning, and so when we have a bit more time we will look through it and no doubt ask you further questions. But we will put those on notice and the secretariat will send them to you. I know you are very busy. We are a standing committee. We hope you can get to it as soon as possible, but we recognise that you are very busy. If you have further information about issues that have come up or if you would like to make further

submissions, we are always open to receiving them. Again, you should send that through the secretariat. Thank you Ms Armstrong and Ms Masuda for coming all this way and taking time out to provide evidence today.

Proceedings suspended from 11.00 am to 11.23 am

CLEMENTS, Mr William (Chicky), Environmental Health Coordinator, Nirrumbuk Aboriginal Corporation

MAHONY, Mr Bob, Chief Executive Officer, Nirrumbuk Aboriginal Corporation

MAHONY, Ms Tehani, Plumber, NUDJ Plumbing Services

CHAIR—I welcome the witnesses. Would any of you like to mention anything about the capacity in which you appear?

Mr Clements—I work in environmental health. I took 12 months off and am doing a Bachelor of Applied Science (Environmental Health) at Batchelor college in Darwin.

CHAIR—Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I invite you to make a short opening statement and at the conclusion of your remarks I will invite questions from the committee.

Mr Mahony—Nirrumbuk has been around for about 12 years. We operate a number of programs which include environmental health in the Broome shire, which is through the state Office of Aboriginal Health, municipal services for the outstations, which is FaHCSIA funded, and a homeless youth program for under-25s in Broome township, which is through the DCP in conjunction with Homes West. We have an Indigenous Employment Program. We were one of the original three IECs in Australia. We do not have a contract at the moment. We have been in negotiations for the last two months with IEP, which I will raise as another issue later. We also run an RTO. We have a building company. Tehani was asked by some of the members to pop in because she is involved. We started it in Melbourne, and again I will fill in details about it a bit later, but we have now started up a plumbing company for these kids. It is fairly large anyway, and the potential is enormous, which fits in with a lot of what you have got on here. They are our main activities.

CHAIR—William, what do you do with the organisation? What aspect of the organisation do you work with? What can you tell us about that?

Mr Clements—A bit of everything. I did a couple of years with TAFE lecturing in environmental health, and since coming back to Nirrumbuk we have been doing environmental health training with people in the communities. We got involved with Nirrumbuk when the Office of Aboriginal Health funded environmental health for the four major communities. They were pretty fragmented; they were a bit of a dog's dinner on wages and stuff like that. Because Nirrumbuk was a pretty stable organisation, we approached them to bring all of the environmental health through here. The good thing with that is that those people have been pretty permanent, from 10 years with us down to someone who has joined us lately. Those people are employed in the communities and we just do a range of environmental health stuff in the community: clean ups, vector control and things like that. Dogs are probably our biggest one. We finished a dog spaying program in Beagle Bay yesterday in conjunction with the vets—desexing dogs and stuff, so our dog numbers are pretty well reduced. It is getting the guys in the community to take a more active role in the community through environmental health. We can

cover a range of jobs but we are restricted in funding, so we can only do what we are funded to do. That is all based on improving the conditions in the communities and having more control in the communities.

CHAIR—Tell us about yourself, Tehani. Tell us a little bit about your journey and what you are up to at the moment, particularly with regard to this organisation and how they helped you to get there.

Ms Mahony—I work for NUDJ Plumbing Service, which was set up through Nirrumbuk, the Victorian plumbers union, Cooke and Dowsett plumbing and the Jarlmadangah community. They started a program and few of us went over to Melbourne to do our apprenticeships. When we came back they set up a company to help us.

CHAIR—How long did you spend in Melbourne? The whole time?

Ms Mahony—Yes, the four years in Melbourne doing our apprenticeships.

CHAIR—How was that?

Ms Mahony—Good. I enjoyed it.

CHAIR—Did you have many opportunities to come back to country?

Ms Mahony—Yes, I usually came back for the Christmas and Easter holidays.

CHAIR—Where did you stay down there? Did you have family down there?

Ms Mahony—The union and the plumbing commission set up a house for us to go over to. For the first two years we had a house, and then we were told we had to go out on our own after that. So I did two years with their housing and then two years just renting in Melbourne.

CHAIR—So you obviously enjoyed it.

Ms Mahony—Yes, I enjoyed it. Now we are back here. They started a company for us to come back to. It is an Indigenous company, and we do a lot of remote community work at Beagle Bay, Lombadina, Djugarargyn and everywhere like that.

CHAIR—Plenty of work out there.

Ms Mahony—Yes. We are heading out there tomorrow to do some work.

CHAIR—Excellent. Any questions?

Senator ADAMS—Very good. I am very impressed with that.

Mr Mahony—This has been an exceptional program, and it could not have happened without the support of the people in Melbourne. It started over a quiet drink, I suppose—

CHAIR—So many good things do, Bob!

Mr Mahony—It was a bloke called Tony Murphy who identified that they had every nationality under the sun working in Melbourne but no Aboriginals. He knew Joe Grande and our role has always been the employment side, I suppose. We linked into that and it was an exceptional program. It had good mentors.

CHAIR—Do you think there are opportunities to have another tranche in the future, particularly given we now have individuals who understand it and can help the people out.

Ms Mahony—Yes, there are heaps more who have gone after our group went over. There were three of us and now there are about 47 people.

CHAIR—Are they all doing plumbing?

Ms Mahony—Some are doing electrical, and I think there is one doing surveying, but the majority of them are in plumbing.

Mr Mahony—In that original program there was a Territory kid there, Johnno Mullins. He was one of the first ones. There were three Broome kids, and they finished up with eight in the first intake and seven have finished. I do not know if Johnno has gone back to the Territory.

Ms Mahony—No, he is still working up there.

Mr Mahony—He is still in Melbourne. They all have jobs. The whole idea is to engage with the community, and the idea of the business was—Scott Dowsett is a mentor for them. He runs a really large plumbing company Australia-wide, so he has become a mentor. The deal is that these kids will learn to manage it. It is more Tehani. AJ likes to just do the work, but she likes the office work, so it will be their company in a few years.

Senator ADAMS—Tehani, was there another girl with you, or just two guys?

Ms Mahony—Just the two boys from Broome and myself went over first up.

Senator ADAMS—If people are sent away like that, is there any type of bond that they have to go back to their communities?

Ms Mahony—No, it is just whatever you want to do. I chose to come back because the company was here, and having a company and working for an Indigenous company is something that I have always wanted to do. AJ is also here, but he is out bush at the moment. It is an opportunity. If they do want to come back, there is a company for them to come back to instead of the stress of having to try to find a company. We are there already, set up and willing to take the boys on.

Senator ADAMS—That is great. I want to move on to environmental health issues. We have been around Halls Creek and Fitzroy Crossing, and a number of issues that were raised were environmental health issues, mainly about rubbish tips. With your non-gazetted towns, how do they manage their environmental issues?

Mr Clements—Up in Halls Creek are you talking about?

Senator ADAMS—No, for you. You are in the Broome shire, aren't you? You said you are looking after all of the outstations. So how do you deal with that?

Mr Clements—We were fortunate to be funded for a good-sized loader, but the ICC contract—there is a mob in Derby that are supposed to look after the rubbish tips. They have different people to look after different things, and it is pretty well all over the place. I suppose it is whoever is there at the time to do things like rubbish tips.

Senator ADAMS—It just seems that some communities can handle it, other communities cannot.

Mr Clements—It all depends. One day they might have machinery, and because every man and his dog is using the machinery then a couple of months down the line they might not have it, whereas with this organisation here, the machinery is only used by that operator. We are fortunate enough to have it to do the job, but it all depends on who gets funded to take on those roles for rubbish tips. We do not really do rubbish tips. We do the outstation ones, but for the big communities—

Senator ADAMS—No, these are the outstations. They are the ones that are not gazetted as towns.

Mr Mahony—Another good program that we also run is the municipal services for the outstations, which is basically slashing and looking after the tips and those types of things. With most of the assets, we have had to buy them ourselves. We have the loader, but things like tractors and trucks—it is probably a problem within—

CHAIR—Do you charge a fee for that service as a way of—

Mr Mahony—No, we cannot. Probably half of the trouble is that most Aboriginal corporations are not treated as businesses. You get a grant. You spend it. If you do not spend it, it is taken out of next year's grant. We had a report done two or three years ago by Bird Cameron from Wagga on behalf of FaHCSIA. They recommended that the program be funded \$550,000; ours was \$270,000. That is the grant we get. Look, it is still getting done, which is great.

If you are running a business, which most of you have been involved in, depreciation is a natural budgeted item. At the time, that was not allowed through your FaHCSIA budgets. So you have this problem, which is what Chicky was saying about when machinery breaks down. Most shires buy a new machine every three years. Our current tractor is eight years old, which we bought out of our own funds. Our trucks are about the same. If depreciation was allowed within our budget as a normal budgetary item, just like any business, then instead of going cap in hand saying, 'We need a tractor', we should be buying it out of our own funds like any business. So depreciation probably needs to be a part of it if you are going to treat it like a business.

I know you are talking with the shires later. We are with the local government, and we were invited to go to that meeting in Perth. I think it was East Kimberley shire said that—I think Kalumburu was the example—just the infrastructure set up was \$8 million. That is not the

ongoing running costs. And with that bilateral agreement with the local government taking over the municipal services program, local governments are shying away from it. We know that, but it is just so expensive. That was just an example the East Kimberley gave: \$8 million to set up Kalumburu—just one community, just the infrastructure. I think government gets out of it reasonably cheap.

The new wage thing has been fantastic. We can put our workers on full-time wages, so they have got to be congratulated for that. We now have full time, not CDEP top up. That is a great thing, and our environmental health is the same.

Senator SIEWERT—How many people were included in that funding?

Mr Mahony—Eight: six environmental health workers and two municipal services workers. They were CDEP top-up for years, so I think it was great.

Senator ADAMS—The other thing was that FESA is really and truly prepared to look after the major towns but not, once again, the outstations or outback communities, which have fire hydrants with no hoses.

Mr Clements—A couple of weeks ago Ray Christophers sent a couple of the guys up to one of the bigger outstations and told them to make a bigger firebreak. A fire went through and, had those guys not been there, two cars and two houses would have been lost, and they only slashed firebreaks. There is no firefighting stuff up there.

Mr Mahony—We approached FESA three or four years ago to train not just our but also other communities' environmental health and MS workers and to set up fire brigades. Beagle Bay and One Arm Point were to get fire crews, but it just did not seem to happen. Things like that make it fairly difficult. It is about resources, and resources potentially mean more jobs for people, but you need the right training and the right people to manage it. However, that idea was another one that was not seen as necessary at the time.

Mr Clements—Getting back to Halls Creek, having moved environmental health to Nirrumbuk, we would like to see this model if not managed through here then arranged similarly right through the Kimberleys. We have permanent staff. Year after year FESA will go and talk to communities about people getting ready for cyclones and stuff like that, but people come and go all the time. If you do not have a cyclone actually hit, say, in a five-year period, those people are gone and when one does come there is no-one there. If you have a permanent structure like ours, you get those people involved and they are there all the time. In those communities up round Halls Creek, people come and go. The environmental health up round that way is run through the shire and they do not have actual people in those communities who could manage it similarly to how we do here. The problem up there is people coming and going. Here we have people permanently for a good while.

Mr Mahony—I have a quick point on the bushfire Chicky mentioned. It took the local crew 2½ hours to get there from Broome. You can imagine what damage can be done by a fire in 2½ hours.

Senator MOORE—Who does the maintenance of your equipment?

Mr Mahony—Usually we do it locally. We try and do it locally as much as we can. The local people tend to employ local people.

Senator MOORE—Our experience—and this is in not just WA but also Queensland, where I come from—is that one of the biggest issues is that the equipment is bought, put in place and then never maintained. Every time you visit a community you ask how something is and they say it is broken, ‘stuffed’.

Mr Mahony—Our Cat loader needed to be fixed just the other day, and we do it through Cat because it is their machinery and they have the expertise. It was an airfare to come up and then a drive out to Beagle Bay, because that is where the loader was. Just to get the loader serviced, it is probably two grand. It is another expense that is not built into budgets.

Senator MOORE—It has to be built in.

Mr Mahony—Chicky was saying before that the MS crew have their machines and no-one else is allowed to touch them. The committee nine years ago said that machinery stays with the crew because it is their livelihood. That set-up is probably a bit different to most. The machinery is not for anyone. It is left at a community out there and no-one else gets to drive it so that the community knows, when the boys leave on a Friday, it will still be sitting there ready to go on Monday. The cost is pretty prohibitive, but that is how it is with lots of things. The whole lot is prohibitive, but that does not seem to be recognised. Those of you from the Territory would know the cost of training in remote areas is not acknowledged anywhere. It is a real cost. We trained 300 people on the peninsula last year and they are getting jobs in mining companies and various places. It is a prohibitive cost but we have a CDEP that is pretty well proactive, so we are lucky with that and the job networks. There is just not enough money to cover remote training.

Senator SIEWERT—When we were talking both outside and in here, you hinted at your ongoing negotiations with the IEP. Are you able to outline where you are up to?

Mr Mahony—Essentially we are on the panel. The first thing that came back to me was a proposal they put up last week. Essentially they are going to pay for training, but it has to be Certificate II. Ours is an engagement program; we only see our services as ancillary. Certificate II is probably pretty difficult for a lot of the remote people. We are talking about 99 per cent Aboriginal people here, so you are talking about remote communities and just the qualifications for a Certificate II. A lot of them are not ready to get to that stage. You need an engagement program where you can do a lot of the short courses. We have been fairly successful because we do a lot of short courses as well—bobcats and loaders. Literacy and numeracy come into it, and all those types of things. You have to engage people. A big argument we have is that just because someone does a bobcat course does not mean they are ready for a job. Our best example is a bloke we worked with for 10 years. We put him through various programs and he now works in the mining industry and gets \$120,000 a year. But that is 10 years worth of work there. We actually have an engagement program here that we run through our RTO—six weeks, a couple of days a week and going out to worksites.

Senator SIEWERT—How is that funded?

Mr Mahony—That was through our Steppers program. Again we would look at the new IEP, which is called Enhanced Steppers, but I do not know how enhanced it is. It is for two months. I have workers here. The hardest thing was when Steppers took over from IEC. We were a very successful IEC—very, very successful. The last figure, from two years ago, was 146 jobs. It took two months for Steppers to come in, but I did not get rid of staff. I am carrying three staff now because I cannot afford to let them go. They are still working and getting jobs now, but we are not going to get any dollars for this.

Senator SIEWERT—What happens if you say that you cannot provide Certificate II for the reasons you just said? What position does that put you in?

Mr Mahony—It means that I will not be doing any training. I cannot. I run a business. Ten people is a normal size for a training course. A training course in the remote areas is 380 hours for Certificate II, and the normal cost is \$110 an hour, so that is about \$50,000. If I have ten people, that is \$5,000 a head. If I am going to organise a training course through IEP I am looking at getting \$2,000—\$500 when they start and \$1,500 after 13 weeks. A lot of people might go for the sign-up day, and then they will not appear again. I am going to lose money, so it is not a good business decision to pay for a course that does not happen.

Senator SIEWERT—What has been the feedback when you have said, ‘Listen, it is ridiculous starting with Certificate II’?

Mr Mahony—They put it to the delegate. A delegate makes this decision in Canberra, I would say. Apparently it went to the delegate on Monday.

Senator SIEWERT—So you put that argument back to them, that Certificate II is ridiculous.

Mr Mahony—Yes. I am not saying for all people; just for the majority.

Senator SIEWERT—And it is certainly not the best place to start for the new program. Is that right?

Mr Mahony—You would even need a pre-pre-employment course, about getting people comfortable to come to training. There are people in the remote areas who have not had training or support for a number of years.

Senator SIEWERT—That is a message we have heard repeatedly; not just in WA, but also in the NT. We keep hearing it repeatedly but it does not seem to be getting through. Maybe I am a bit more biased. When you have said that back to the powers that be, what has been their response? It is not the first time they would have heard it.

Mr Mahony—The delegate will get back to me.

Senator SIEWERT—That is it?

Mr Mahony—I do not blame them. They are great. I know the people. They have been fantastic. The people I am dealing with in Perth are fantastic, but they are only in the middle.

Senator MOORE—This is DEEWR?

Mr Mahony—Yes. I have known them for many years. They are great people and I am lucky that things happened when Perth took it on anyway. But it has been two months now that I have kept these three people on, because I cannot afford to lose them. Marcie has been with us since the IEC days—that is six years. Ron has been with us for four years, and I have Eric who runs the homeless program, because there is a link with the homeless program—we are trying to engage them in doing stuff. So Eric can go back to that, but there are two staff members there with 10 years; you do not get that.

Senator SIEWERT—How much is it costing you to keep those people on in the absence of—

Mr Mahony—A couple of grand a week, minimum, to be honest. I have got them out at Beagle Bay at the moment—

Senator SIEWERT—Three months, 12 weeks—

Mr Mahony—But the other part is that they are still getting people jobs. We cannot not help clients. If people come in here, we are still going to help them. I know the talk about CDEP and all that stuff but when CDEP left the Broome I think that 400 or 500 people went off CDEP. Centrelink at the time brought all the people down from Darwin. Chris Ellison was part of that and I met with Chris Ellison—a whole heap of us met—and they did not get an uptake onto Centrelink. I think that most of the Territory mob do not like the social security system. They would rather not have money. Of those, I think that 100 got jobs. I forget the figures but probably Robyn could help us on that one because she was part of the process as well.

CHAIR—You can take that notice and provide that to us.

Senator SIEWERT—That would be really useful.

Mr Mahony—They never did it. That was at the Centrelink meeting. Chris did what he had to do but it never ever got back. I think that about 250 people—and they are not ghosts; they actually exist—never went onto the system.

Senator SIEWERT—So they are out there—

Mr Mahony—That is in towns, Senator. These are town people, not the remotes. They are living off family. We pick a lot of them up through this program. We get people who just do not want anything to do with Job Network. We try to get them to do it but you cannot force them. That is probably where the two months comes in. We are still getting people jobs now. That is going potentially to be a job outcome for us on our IP, worth \$5,000, so I am missing out on—and I think they said they had placed seven or eight people in the last six weeks or four weeks or whatever—\$40,000 or \$50,000.

Senator SIEWERT—Which you would then invest back into the program.

Mr Mahony—And we do. So it is just a catch-22.

Senator MOORE—If you are saying that you are giving the reasons why the Cert II approach will not work and you are putting it through, is it likely that any other provider will come to DEWR and say, ‘We can do it and we will do Cert II and undercut you’?

Mr Mahony—They can try. It is like the productivity places. You do this up in the remotes and they come here for a week and then they disappear back to Melbourne or Sydney. Everything is done by computer. You are dealing with Aboriginal people. We have been very successful with what we do and I think that everyone acknowledges that, but we need to engage people. How many of them have access to a computer? That room over there is actually a computer room, but you are talking about Cert III and IV levels. We have got people that need a lot of help and a lot of skills and a lot of support. We are proof that it can work. Even the Job Network gets 1,800 bucks a head. That is not a lot of money in a place like Broome. A bobcat course is \$850 a head for two days. So we will need to come together. The training dollars that we get—the Job Network, the CDEP—has the potential to provide some good training. I know that Chicky does a lot of the remote training, but to get these kids to a level where they can be ready to enter the job market is costly up here. There are enough stats around with education levels of all that, and Kimberley is probably like the Territory.

Senator ADAMS—On the youth accommodation service, has there been a rise in the numbers that are homeless here, people coming into the town from the outstations?

Mr Mahony—A lot of people might just pop in and out of here. We have 50 clients on the books at the moment and there are a lot more, I know that. It is a waiting list. We get six houses a year so we can only house six people. There is a list and, if you come in first, you the next cab off the rank. That way there is no nepotism. It is a fair system that we decided a long time ago. But there are only six houses and there are people that come and go off the list. We go and visit them and make sure they are right and all that stuff, and if they get their own accommodation we assist by putting up the bond and buying them basic furniture and stuff. But 50 is well below the number we know there are in town with the overcrowding of 20 and 30 in a house, which is common in Broome.

Senator ADAMS—There has been quite a lot of media attention on the problems associated with the restrictions and alcohol at Fitzroy and now at Halls Creek, and the coming into Derby or overcrowding in Broome or Kununurra. Can you comment on that? Have you noticed any difference?

Mr Mahony—There have been a lot of people coming into town. It is like somebody said once: at certain times you will get a lot of people coming into Broome anyway. But if you drive around the town there are a lot of people wandering the streets and I wonder where they are sleeping, I really do. I know that Pat Dodson and others are trying to achieve something at the moment and I know that the shire has just done a survey on it. We just need somewhere for these people to be able to lay their heads, and Broome is so lacking. For example, my daughter, Tehani, cannot afford to buy a house in Broome. There is absolutely no way. Any person who is working at the moment would be lucky to buy a house in Broome. You are talking \$600,000 or \$700,000. So what are we going to do with our kids? I want to get them out of home!

Senator ADAMS—Tehani’s smart! She’s staying put!

Mr Mahony—You know what I mean. It is a real issue. We all have suggestions but it all comes down to dollars. Do the kids build their own homes? That way they get jobs and they become tradies. There are a lot of potential things we have talked about through the Dodson process. We will see where that goes I suppose. There are lots of people coming into town.

Mr Clements—With the Fitzroy example, it depends what side of the fence you are sitting on, it has improved the situation with the assaults, the health side of it and everything. I lived in One Arm Point for 15 years or something. I was on the council. Alcohol was a problem. Restricting alcohol or making it a dry community does not address the problem; it sweeps it under the carpet. Some of them have got drinking problems. You cannot turn them off like a tap. We have seen that problem come to Broome definitely from the Fitzroy mob and even the local mob. We know who our mob are around town and who is from out of town—different people and stuff. But restrictions or dry communities do not address the problem they just push it somewhere else. Having lived in a remote community myself for a hell of a long time, being a council member in the community and seeing the problems that the women go through I know there is nothing in those communities for people to address those things.

Senator ADAMS—What would fix it?

Mr Clements—I think a lot more work needs to go into it. I used to think all the time about what makes it a problem. I reckon that historically kids grow up seeing how people behave with grog and I have seen it myself. My mob would come up and say, ‘That’s how we act, that’s how we’re perceived, that’s how we carry on.’ I have seen it. People have come and told me that. Where I grew up and how I saw alcohol used was as a recreation thing and something good, whereas in remote communities that is how they live and no-one gets in, talks about it or addresses it. I personally think there could be canteens in communities in a social setting where people can see that it can be used as a good social thing. It could be mixed with activities like movies and people playing darts in a friendly atmosphere rather than a whole mob of people sitting down and drinking until the grog has run out and then they get into hits and stuff.

No-one talks about it. It is either a dry community or there is alcohol. The cops used to say to us ‘With your bylaws you can drink as much grog as you want outside the community fence as long as you don’t bring it in.’ But you are still going to bring the drunken behaviour inside the community whether you bring grog in or not. It is not addressed. I think maybe a lot more work has to be put into people looking into those other ways.

It is a similar thing to the dogs in the communities. That was about continual education, talking to people one-on-one in their houses and saying: ‘This is what the problem is with the dogs. There are too many dogs. They are going to cause health problems.’ We have had good changes. People accept getting their dogs put down or treated. A lot more work has gone into that one-on-one education and things like that. How are you going to address the grog problem? If someone comes up with an answer that would be very good. I do not see stopping it or restricting it as the solution. Depending on what side you talk to the people that see the health benefits will say it is a good thing, but we feel it in Broome, the Derby mob get the same thing and even with Kununurra it will be the same thing. If it happens in Halls Creek, they are going to move up to Kununurra.

Mr Mahony—I probably see a lot of things that are happening. Aboriginal companies will employ Aboriginal people. If you go to the communities a lot of the work is done by outsiders. They rip in, rip out and there are no jobs. We are talking about preferred suppliers which can be done. I know a lot of the stuff now has 20 per cent Aboriginal involvement. That needs to be enforced, not just given lip service to, because it has always been there but it has never been done. Marty and Ray are down there talking to DHW about doing a lot of their work. They have actually come to us. We have had about three major national infrastructure companies approach us to form partnerships with them, to do it our way, for want of a better word, which might answer some of the stuff you were asking about. Because of the training we do, the employment, plumbing, building and all of this stuff, we have done a proposal based on the 15 Aboriginal owned businesses in Broome, subcontracting to do a lot of the work alongside the major's expertise.

Senator SIEWERT—How many of those businesses did you help set up?

Mr Mahony—Probably four or five.

Senator SIEWERT—Can you put on record what you were telling me outside.

Mr Mahony—We have probably helped a lot of businesses. Some of it is financial and some of it is just advice, where they have come and had a discussion with us about what they would like to do. Some are plumbers, some are builders and some are mechanics. The mechanic is probably the best example—Asman from Fitzroy Crossing. We set the business up at one of our other yards. We worked with him for three years, mentoring, providing accounting and showing him how to do bookkeeping and all that stuff. When we felt he was ready, we gave it to him—no cost, no sell; it is his company. Now, as you know, Asman runs a very successful business in Fitzroy Crossing. We have also helped small businesses like tourism businesses.

There is so much money around for business plans but it is working capital that makes a business. Let us not beat around the bush. The trouble we have is that bureaucrats tend to hold things up. There are lots of business ideas, but if you do not have working capital then forget about it. Why are we wasting all the money on consultants? They are making a fortune. We raised this five or six years ago. There is no support for people to set up a business. You are talking about people in remote areas where they are on either CDEP or the dole in the majority of cases. Are you going to give someone a \$100,000 grant? But there are options. I did a paper on it a few years ago. There should be combined grants and loans for potential Indigenous small business with similar repayment set-ups to HECS.

CHAIR—So basically they would be low-interest loans, not grants. It would be part of the business plan.

Mr Mahony—Yes.

CHAIR—And a business plan is always missing the dollars, so that is the way to plug that in. But notionally you would have a subsidy or a slow, incremental interest rate.

Mr Mahony—Yes. If it is a viable business, then they have a repayment schedule. That is how you set up a business and encourage people. It is no different to HECS, so do not call it a grant. Some of it might be a grant. There are various programs.

Senator MOORE—Do you work with IBA?

Mr Mahony—No.

Senator SIEWERT—We cannot record looks on faces!

Mr Mahony—They have never really been interested in us.

Senator SIEWERT—Sorry, I was not being facetious. I wanted to know what you thought.

Mr Mahony—There are a few of our people who do not want to be involved because it seems to have been taken over. We have started up four or five successful businesses on our own, and we learned by trial and error. We have tried some that have not been successful and others that have. So we have not got into it.

CHAIR—With regard to remote Indigenous communities, we have had anecdotal evidence that, when you are from a community and you turn up to those very first introduction to employment programs, in the transition from welfare to the first stages of work, it is really good to be with a group of people so that they feel comfortable together. Others say that at certain points that can be a bit challenging, particularly if there are individuals who perhaps do not want to be there, which can be unsettling. What has been your experience? Do you think it is better to deal with it as a group or to have a mentor for individuals? What has been your experience in that sort of sense?

Mr Mahony—It is about engagement of people. Usually it is to do with peer pressure. You will generally get the good ones who really want to be there. Some will move away, but that does not mean you give up on them. We have had experience, not just out there but in town here, where people have come in to do training and it is just not what they want to do. So we sit down with them and say, ‘When you’re ready, come back.’ You do not give up on anyone. This is what I am coming back to. You might work with people for three or four years.

You talk about the communities. No-one is actually looking at skilling communities. They say to individuals, ‘You are going to go and do an apprenticeship. You will be a builder.’ But no-one is looking at the potential to have communities as registered builders. People do not have the time or they do not want to work full time. They might only want to work six months of the year or whatever the case might be. What is wrong with getting grano workers, framers—so that the community is a builder. I will use Beagle Bay as an example. Between 10 people there, they are a building company. They have got all the accredited skills. They can build their own houses. But if you say that one person has to be the builder then they have to go and do four years of training and gain all the expertise. The community could have its registration based on the fact that those people are there. That then encourages the community to get behind the training and say, ‘I’ve got five framers, but if they go what have I got left?’ Then they can train up the younger kids.

A lot of people do not want to leave communities. They are small towns. You do not ask people down south to leave their small towns, but up here the expectation is that people will leave their communities. You can give the kids something to aim for. For example, there is a big program going on up here, so hopefully we will get some of that work. The aim is that, if the plumbers are out there, you will put on plumbers, they will be there and they will then be employed through the plumbing company or be subcontractors in their own right. They will set up small businesses. The kids in the community will see their people going through and building, plumbing, doing electrical work, operating heavy earthmoving equipment or whatever the case might be: 'If you go to school until year 12, you can do that.'

At the moment, I find it pretty hard for a lot of the people out there. There are not a lot of full-time jobs, but there is potential for full-time jobs. That is the challenge for all of us—how we start encouraging those kids. They do not have to leave Beagle Bay. It would be nice, but how do we get the kids who choose to stay there to work for the benefit of the community and themselves. I think that is our challenge. It is not just us; it is you guys in state, federal and local government. There is potential there but the question is how we harness that. That is where education will improve, because they can see there is an outcome. At the moment there is nothing for them—'I'll go to school till I'm 15 and then I won't go to school at all.

Senator SIEWERT—I want to go back to the EP again—sorry about harping on it. How long can you continue to carry the three positions you are currently funding before you are just not going to be able to fund those anymore?

Mr Mahony—I will chuck them into other parts of the office if I need to. They are probably not working as I plan now—

Senator SIEWERT—I appreciate what you have said about them doing things. I mean you bearing the cost of those positions.

Mr Mahony—Another couple of months if need be. But they will still be employed in this organisation, because they are too good to go. Sorry, but that is just the—

CHAIR—No, that is good.

Mr Mahony—I will put them in training. Half of our staff are trainers as well. I am one. Tehani is one unit off it. Chicky and a lot of the staff are trainers as well. That is part of the whole backup and support we have put in over 12 years. We have backups left, right and centre.

CHAIR—Thank you very much for your comprehensive evidence today. Clearly we will have further questions for you, and they will be provided on notice through the secretariat. If you have further information on those matters, you can always make further submissions, as we are a standing committee of parliament, so there is no start and end. Thank you, Mr Mahony, Chicky and Tehani, for coming along and giving your particular personal perspective. I really appreciate it. Plumbing is safe in Western Australia, by the look of it.

Mr Mahony—Just give us the contracts!

[12.02 pm]

GOWER, Mr Neil, Chief Executive Officer, Mamabulanjin Aboriginal Corporation

KING, Mr Thomas, Chairperson, Mamabulanjin Aboriginal Corporation

CHAIR—I welcome Mr Neil Gower and Mr Thomas King from the Mamabulanjin Aboriginal Corporation. Information on parliamentary privilege and the protection of witnesses has been provided to you. If you would like to make a short statement or presentation of some information—I know you have already provided a submission to the committee, which we received yesterday—then after that I will open it to questions.

Mr Gower—I will just give a bit of background about the organisation. Mamabulanjin, over the 24 years of its operations—we were incorporated under federal legislation in 1985—has been looked upon as an Aboriginal resource agency, but over the last 24 years we have delivered various government programs. Our current funding bodies are the Department of Indigenous Affairs, the Department of Premier and Cabinet and the Department of Families, Housing, Community Services and Indigenous Affairs. We also generate our own income from a number of different avenues, including a proprietary limited company of which we own 100 per cent. The business that we currently conduct—and, as I said, over the 24 years that we have been in operation we have delivered various programs depending on what government was in power or what service delivery was provided through the organisation—is that we provide SHAP, supported housing assistance, through Homewest. Homewest refers to us clients who are having difficulty in managing their own household or coming to terms with the lease agreement through the state housing body.

Our core business function is municipal services. We deliver maintenance to essential services on remote Indigenous communities, but that is more to outstations or small community groups. We do not deal with essential services in the major communities like Bidyadanga, Beagle Bay, Djarindjin, Lombadina and One Arm Point. Through the Department of Premier and Cabinet and the Department of Indigenous Affairs we also operate the night patrol. That primarily involves the removal of inebriated Indigenous adults, moving them away from public areas to safe areas.

We run a tourism transfer company, which we own 100 per cent. We provide transfer services on the peninsula, primarily to Kooljaman Resort out there at Cape Leveque but also to the major communities on the peninsula. We run a charter bus company and we can operate that in the Pilbara and the rest of the Kimberley, and we have done charters to the Northern Territory. We also do transportation—general cargo. We operate two trucks, one 16-tonne and one six-tonne truck. Our rates are generally lower than those available in the community. We also provide bookkeeping and payroll services to small Indigenous groups that do not have the capacity to do them themselves.

Mamabulanjin, the name of our organisation, actually means ‘meeting place’, so quite often many government departments, agencies and Aboriginal community groups use us as a meeting place. We have got conference facilities and we also provide catering services—morning tea, lunch, afternoon tea and so on.

It is important to say that, in the recent past, we have done quite a few other things on top of what we currently do. In the past, Mamabulanjin has been an incubator for other Indigenous groups. For example, Broome Aboriginal Media Association, or Goolarri, before they became incorporated, were based at Mamabulanjin, where they had accommodation, a governing body, a bookkeeping and payroll service available, and so on. So a number of Aboriginal groups have been fostered or have grown up, if you like, under Mamabulanjin's umbrella.

We were also involved with the CDEP program a few years ago. For about four or five years, we delivered the CDEP program to town based individuals. And, for the last couple of years, we have delivered housing management services for the Department of Housing and Works, but that contract was not renewed on 1 January this year.

That pretty much sums up the organisation's broad background.

CHAIR—Thank you very much. Mr King, do you have any additional remarks you would like to make?

Mr King—No, that pretty well sums up what I wanted to say or highlight to you anyway.

CHAIR—Good on you. Questions—Senator Adams?

Senator ADAMS—That is quite an impressive list of services. How many staff do you have?

Mr Gower—At the moment, we have 25 full-time staff and 12 part-time staff.

Senator ADAMS—Do you have to fund the night patrol or do you get funding for it?

Mr Gower—We get funding from the Department of Indigenous Affairs and Premier and Cabinet, and more recently we finally received step funding through the Department of Employment and Workplace Relations.

Senator ADAMS—With the night patrol, are you just doing remote communities or Broome as well?

Mr King—It is a town based service only. We do not go out to the communities; we just do it around the town.

Senator ADAMS—You probably heard me ask this question of earlier witnesses: since the alcohol bans in Fitzroy Crossing and Halls Creek, have the night patrol noticed a lot more itinerant people coming into town who do not have anywhere to sleep?

Mr King—Our statistics do not show that. There is no evidence.

Senator ADAMS—They do not show it?

Mr King—No.

Mr Gower—Not recent statistics. Especially in the last three to six months, the statistics have come right down. There are probably a number of reasons why that has happened. I was speaking to the police superintendent just last week. They have new laws pertaining to bottle shops in Broome at the moment. People cannot just walk up to a bottle shop and purchase alcohol. There is the fear of them just walking around the corner from the pub, in public areas, and drinking the alcohol. So the police have got onto the public quite strongly over the last six months to enforce the sale for walk-ups, as they call them—people walking up to the bottle shop and buying alcohol.

CHAIR—Are you aware that there have been legislative changes in that regard? We have the police appearing later, so we will speak to them about those particular matters. Please continue, Mr Gower.

Mr Gower—There is CDEP in the communities now. They have to register and be in the community in which they have registered for CDEP. That is what I am led to believe. That has probably impacted on the number of visitors that we have had, particularly this year. There are a couple of factors why the number of visible itinerants has reduced this year. Certainly last year the figures were double. We are talking about something in the order of 1,200 pick-ups a month—when we are taking people away from a public area and moving them to a safer place. There are problems with that. How do we know that we are moving the people to a safer place? Are we just moving the eyesore away from the Broome community, the tourists and the public eye?

CHAIR—What about people who are just camping? I noticed half a dozen ladies camping on the left-hand side of the road as I walked down from my hotel. They were clearly not drunk and, by the nature of the camp, they were simply stopping there—alternative accommodation.

Mr King—The patrol is not funded to—

CHAIR—Deal with any of those. I was not saying that it needs to be dealt with; I am just wondering whether you have any interaction, unless alcohol is involved and that sort of thing.

Mr King—Unless they are engaged in antisocial behaviour.

Mr Gower—It comes from the recommendations of the report into Aboriginal deaths in custody—I think they are recommendations 333 to 337—that we deal with intoxicated people to keep them out of the judicial system. That is our primary function in the contract. People come and camp in Broome for a number of reasons, We know that there is a housing problem.

Mr King—Our stats do not pick up the homeless people; only the people we pick up.

Mr Gower—But we are aware that they are here because a kidney dialysis centre has just come to Broome. People's close relatives might be in prison. You will find that close family members will always come to where their close relatives are, be it for prison, be it for kidney dialysis, or they will come to Broome for a holiday, just like anyone else does, and enjoy better access to alcohol, in terms of the strength of the alcohol they can purchase. I cannot see a problem with that—if they want to come, they are quite within their rights to do so.

Senator ADAMS—That is an interesting comparison. Thank you for that.

Senator SIEWERT—I would like to go to the housing issue and the work that you do with your housing clients. Could you tell us a bit more about the service that you provide and also around access to housing in Broome.

Mr Gower—We are not dealing with access to housing. Like I said in the brief background I gave earlier, Homeswest refer clients to us who are having difficulties managing their household or managing the lease agreement. One of the main problems is overcrowding. We have a few families that will take in relatives or friends from all over the countryside, whether they are coming for funerals, kidney dialysis or any of the other things that I have mentioned. There are huge problems. One example is a Homeswest household with 12 adults and 16 children. We deliver a skip to them so that they can get rid of the empties—it is that bad. What can you do to stop that? We have obviously tried to talk to the householders and said, ‘This is not a nice situation and you could be kicked out of your Homeswest house because you are not abiding by the lease.’ We see the problem at night time when we are picking up people on the night patrol and delivering them to this particular address that I gave as an example, so we are compounding the issue: we are picking them up inebriated from public places and bringing them to a household where there is overcrowding, dealing with Homeswest and trying to allay the fears of overcrowding and damage to the house. That is brought on by homelessness and the itinerants not having temporary accommodation or any accommodation.

Senator SIEWERT—In that regard you are acting as an intermediary. Is that how it is to a certain extent?

Mr Gower—We are obviously trying to give them advice. We say to them, ‘You’re about to be evicted if you keep up this antisocial behaviour or damage the household.’

Senator SIEWERT—With issues of overcrowding, is it your role to try and help people find accommodation? There are the issues of antisocial behaviour but the issues that simply arise from overcrowding are significant as well.

Mr King—No.

Senator SIEWERT—You do not deal with that.

Mr King—We are not charged with that job of finding people accommodation who are homeless. Under the contract, our job is to deal just with that particular tenant and that household. If there are issues of overcrowding then we have to refer people on to the appropriate agencies, if that is possible. It is not always possible, so what do you do with those other people? We cannot do anything with those other people. Those people are in limbo, if you like. These are issue that other services and government agencies now have to recognise and deal with. How do we deal with this? We do not have the resources at the community level to deal with that.

Senator SIEWERT—It must often put you in an invidious position to go to help people when, ultimately, you cannot actually provide the help that is needed, because there is nowhere else for people to go.

Mr King—Yes. You can offer them to sleep on the bus, maybe. That is about it.

Senator MOORE—Has Homeswest talked to you? Clearly, in the situation of this house where a large number of people are staying in it is in breach of so many of the points of the Homeswest contract. Do Homeswest talk with you as an organisation and also with the community before people move in? In Queensland, there is an issue between the people who manage the housing for the state government and the tenants. There is sometimes involvement there to see that there is actually some negotiation.

Mr King—They do not talk to anybody that they do not want to talk to, regardless of what the common issues are that we all have. One of the great problems that we face is a lack of coordination and communication between the agencies and the people who are delivering the services.

Senator MOORE—So people working together is not happening as well as it ought to?

Mr King—I am sure that every state and town has their problems but we have been trying to get around that problem by talking more and opening up dialogue between each other. But a lot of the agencies are just in their own little corner, fixed on their issues only. There is no real coordination as such.

Senator MOORE—How can that end? It is happening everywhere.

Mr King—Some direction has to come from the government to enforce coordination. I do not know how you do that but—

CHAIR—Apparently, the ICC is now the one-stop shop. How is that working?

Mr King—One-stop shop for what?

CHAIR—I was asking the question, Mr King.

Mr King—So am I. Because I am the one on the ground who has to define what the service is. What is this coordination? How does that impact on people on the ground?

CHAIR—The original idea—and I think it is supported by governance—is that you would have a one-stop shop—

Mr King—It is all well and good for people in parliament and everywhere else to be talking about coordination, but we are not seeing it happening on the ground.

CHAIR—That is why we are here: to ask those questions. And we are seeing much of what you say—

Mr King—I have been talking about coordination for the last 30 years.

CHAIR—Do you have anything to do with the ICC?

Mr King—No. Not if I can help it.

CHAIR—Do you think that is part of the problem?

Mr King—Yes.

Senator SIEWERT—When you say ‘not if you can help it’, could you tell us why?

Mr King—Because all the programs that they did deliver before are not there anymore. They have just funnelled us off to other services and agencies. They have a coordinating role; that is it. They do not have a role in distributing funding.

Senator SIEWERT—So you are better off dealing with the agencies themselves.

Mr King—Exactly.

Mr Gower—We are always referred back to state office anyway. I deal with the ICC because of FaCSIA and we receive municipal funding for our core business. I have now been at Mamabulanjin for 10 years. I used to be an ATSI regional councillor. I worked in a number of government departments before that and I have seen over the 30-odd years that I have been working in government and now in community services that the intimacy, if you I can use that word, has changed between government offices, government staff, and the people that their agency fund.

At ATSI we used to have a very good working relationship with the staff. Now it is almost non-existent. It is almost like: ‘Here’s the contract. Here’s the letter as to law. You do it, Mr Gower, and this is the report you’ll provide.’ There is no longer any general conversation about the services we deliver.

CHAIR—Do you think it would be reasonable to say that is the sort of relationship you have with FaHCSIA?

Mr Gower—Definitely.

CHAIR—Going back to the capacity to put people into appropriate accommodation, do you have any Indigenous hostels or something of a similar nature in Broome?

Mr King—Only student accommodation.

CHAIR—So for younger people.

Mr King—Yes, it is really for students.

CHAIR—We have had some evidence over the last couple of days about the difference between Broome and Derby. I think Derby had a blue house or something of a similar nature.

Mr King—And it has got a hostel.

CHAIR—Yes, and a hostel. They said that the real problem is that when they come to Broome they do not have one here for supported accommodation.

Mr King—You could ask the question why agencies like Aboriginal Hostels have not seen fit to fund a hostel here in Broome. We have had discussions with Hostels going back some 20-odd years.

CHAIR—Perhaps you can give me a quick brief. I understand that there were some discussions, that there was even a block of land but there were some problems about ownership and there was almost a decision made some years ago. Where is all of that up to?

Mr King—I was not privy to those discussions. I do not know what decisions actually came out of it all. I do not know what factors led to it being put on the shelf. That discussion sort of disintegrated.

CHAIR—As we travel around the north of Australia we find that often in places like this one of the big issues is land. If you are going to build a hostel land is really hard for everybody, which is why we have high house prices and high rents. Is that the same in Broome? Do you think that between themselves people could be able to find some sort of accommodation, not necessarily in Broome but somewhere around the place, to help them out?

Mr King—I am sure where there is a will there is a way. It just depends on the parties involved and whether they are negotiating in good faith and whether there is a common issue or concern that they all need to address. But people need to be listening to each other and to be able to negotiate properly and compromise about these sorts of things. But those parties who have been involved in that process clearly have not been doing that.

CHAIR—As a committee what we might do is write to the Indigenous hostels people and ask them what their prospects are in Broome and identify that we have had this put to us. We will put that into a letter and we will send you the letter that we are sending to them and we will send you their response so that we are all in the loop. I do not know how that will help but I think we should be direct and say, ‘What’s going on? What’s happening?’

Mr King—I am sure there are other agencies and other services—and other individuals for that matter—who have highlighted that gap as to homelessness in this town. So I am sure that will have been highlighted for them by other agencies as well.

CHAIR—I am sure that is the case.

Mr King—But, as I said, those issues as to short-term accommodation and hostel type accommodation have been discussed and have been around for the last 20-odd years. It does not seem to me that they are pulling their finger out or even listening to anyone. Now we have reached this stage with this problem at this time and still nothing is happening. It is compounded.

Senator ADAMS—Talking about consultation and communication, do your organisations speak to your local members of parliament very often about your issues?

Mr Gower—Not the federal member.

Senator ADAMS—Right, what about your state ones?

Mr Gower—No. I have not seen them. I have actually tried to ask the federal member on a number of occasions over the last few years to take on our concerns and our plight, but I could barely get hold of the secretary. Generally, the secretary will ring me up and say, ‘Neil, can you present something? Put it in writing and we’ll get to see if something can be done about it.’ But it is next to nothing.

Senator ADAMS—What about your senators?

Mr King—The only time we see them is when it is election time. So it must be election time this year or next year!

Senator ADAMS—No. We are up here a lot.

Senator MOORE—Do you know something that we don’t?

Mr King—No. I am just stating the facts. I am the chairperson of a key Indigenous local organisation. I do not get to see any politicians or any senators or anyone.

Senator MOORE—So there is no regular contact process?

Mr Gower—There is no respect or acknowledgement afforded. We have been around for years—a peak body with so many staff and so many resources and so much infrastructure and we get ignored not only by senators but by government agency people.

Senator ADAMS—We will come and visit you next time we are up.

Mr King—We were one of the first key Indigenous organisations in this town.

Mr Gower—We are not given the respect and acknowledgement. I have got to say that again. Why has government funded us for all those years and now all of a sudden it is going to non-Indigenous contractors? We are going, ‘What the hell is going on here?’

Senator MOORE—Are there specific ones—

Mr King—Housing.

Senator MOORE—that you used to have?

Mr King—Municipal essential services.

Senator MOORE—That went to a tender?

Mr Gower—We are not quite sure how the government works sometimes. Generally we are funded by an application process.

Senator MOORE—Sure, yes.

Mr Gower—There is no tendering involved, because it is dealing with an Indigenous service provider servicing Indigenous communities. That seems to be greying now—that Indigenous service providers will be the key body to provide that service.

Senator SIEWERT—Could you explain that in a little bit more detail?

Mr Gower—The SHA contract is different to housing management. The SHA contract is Homeswest, which is a state public housing program.

Senator SIEWERT—I get that bit. What is the other one?

Mr Gower—Housing management services. The contract was not renewed from 1 January this year.

Senator SIEWERT—What did you do for that contract?

Mr Gower—Housing management. We managed houses at Beagle Bay, the community of Bobieding right beside it as well as the two town reserves—One Mile, which is Nillir Irbanjin, and Kennedy's Hill, which is Mallingbar Aboriginal Corporation.

Senator SIEWERT—Who got that contract?

Mr Gower—DSW—after funding us, developing our policies and procedures, mentoring us and sending me down for monthly meetings for the last two years—said that they would do it themselves. It is a joke what has happened to Indigenous housing organisations. The CHIP policy under FaHCSIA said that they will be promoting Indigenous housing organisations to service remote Aboriginal communities for housing. Now we have a state department that has gone totally opposite—after spending so much money on developing us, getting us ready to be an IHO then all of a sudden saying, 'Oh, no, we are going to do it ourselves now.' There is no regional service provision thinking within some of the state departments. Even the federal departments do not think like that any more. Maybe it is because a lot of people in the communities are quite articulate and will stand up and fight for funding in their own right. That is what communities have done in this region. What game are the feds and the states going to play? Are they going to fund individual communities to manage their own housing? Are they going to fund a regional service provider that is being given the capacity to do so? Or, now, are they going to manage it themselves? It is confusing, to say the least. What happens on the ground is that the service starts to fail. Individuals are living in squalid, Third World country conditions in these communities just 100 kilometres north of here.

Senator SIEWERT—They are doing it themselves now?

Mr Gower—Supposedly.

Senator SIEWERT—What is the service like? Are they doing it?

Mr Gower—I do not know. I have been led to believe by staff in DIA that it is going quite well. But you ask people on the ground out there and they will tell you that nothing is happening. Before we used to have our own maintenance team—electricians, plumbers, builders—all on staff. Now they are switching over to subcontracting all that. Where is the value for money in that? Are they going to get expensive contractors to drive from Broome or wherever they are—Tasmania, because Tasmanians are tendering on our contracts in the Kimberley now? Where is the value for money? I fail to see it.

Senator SIEWERT—They would then be subcontracted to companies owned outside the Kimberley?

Mr Gower—And inside. I am talking about the whole of the Kimberley and what has happened in other Aboriginals resource centres in the Kimberley—how they have been taken off housing management as well. The direction of the state government in terms of housing management in remote communities is very confusing. Right up until December last year we were only funded \$2,000 operational funding and \$2,000 per house for maintenance. \$2,000 per house per year to maintain them! How the hell are they going to get contractors from Broome to fix up houses when there is only \$2,000? What has happened is that they have nearly trebled it now, because they are managing it themselves. They knew that they never funded us correctly in the past.

It is the same with municipal funding. It is the same with the federal FaHCSIA department. It is proven now that local government and the state government will not take the housing allocation off the feds in WA because it was never funded correctly. That has been proven because local government is saying, 'No, we're not going to take on that role,' and the state is saying, 'No, we're not going to take that money because you never funded the program properly.' So the municipal program has had to be put on hold for the last 2½ years, or even for three years, I think, because it was supposed to be handed over three years ago to the state and it still has not been handed over.

CHAIR—Mr Gower, can I just going back to your role in terms of people who are living in a house. When you made your submission I was not sure if you were talking about giving them assistance with finances, such as trying to manage payments and those sorts of things. Say it is the same scenario as with Homeswest but forget about your interaction with moving people in and out. If someone has some difficulty making a payment simply because of a problem with financial management and budgeting, do you give them some assistance with that sort of stuff?

Mr Gower—We refer them to other agencies, similar to Centacare. There is a Centacare type of agency in Broome which I think is run by the nuns or sisters.

CHAIR—So they then provide them with some assistance?

Mr Gower—Yes, with buying a gas bottle, helping with their power bill.

CHAIR—What about helping with financial management, such as how much they can get taken out of their Centrelink payments—that sort of financial counselling?

Mr Gower—Yes, there are financial counsellors—again, such as the Centacare people.

CHAIR—You refer them to those?

Mr Gower—Yes.

CHAIR—You do not actually provide it but you provide the references.

Mr Gower—I have applied for a licence to have a financial counsellor on staff so that we can then scope out more contracts and jobs. We have lost a housing management contract, which was worth \$2 million to us, so I had to put off 12 staff in January this year just because of DHW suddenly deciding to manage housing themselves.

Senator SIEWERT—In terms of financial counselling, when you say you are applying for a licence are you applying for some of the extra federal funding that has been made available for financial counsellors—under that program?

Mr Gower—Yes, I think so, but it has already been rejected or knocked back.

Senator SIEWERT—It has?

Mr Gower—Yes, we have been knocked back.

Senator SIEWERT—On what grounds?

Mr Gower—You know how the government respond.

Senator SIEWERT—No.

Mr Gower—It is never a specific answer. I did ask for a specific answer, but I might as well put that in the bin—I could have answered that.

Senator SIEWERT—Just basically a ‘no’?

Mr Gower—Yes.

CHAIR—As there are no further questions, thank you both for your very comprehensive evidence. You covered a whole range of issues. When we go through the *Hansard* we may need to ask some other questions for clarification, just to make sure we understand your evidence completely, and we will send those through the secretariat. If you wish to make a further submission on ideas you have after you leave here or things that should have been said here but we did not get to, we are more than happy to take further submissions as we are a standing committee of parliament.

Mr Gower—There were five pages worth there.

CHAIR—Indeed. We would be delighted to receive those submissions and we can always ask questions about them out of session. Thank you again for giving evidence today.

Mr Gower—Thank you.

Mr King—You are welcome.

Proceedings suspended from 12.33 pm to 1.26 pm

CAMPBELL, Mr Graeme, Shire President, Shire of Broome

DONOHUE, Mr Kenneth, Chief Executive Officer, Shire of Broome

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses has already been provided to you. If you would like to make some opening remarks I will then pass it across to the members of the committee to ask questions.

Mr Campbell—Questions probably enable us to make statements rather than us just making generic statements, if that is okay.

CHAIR—We are happy. You can make your submission in any way you like, Mr Campbell.

Mr Campbell—Thank you. I will leave it to you to ask some questions. I can talk about bilateral agreements et cetera, but you are on a fact-finding mission and it would be useful for us to answer questions and cut to the chase, if I may be so bold as to suggest that.

CHAIR—Certainly. Do you have any general statement?

Mr Campbell—If you wish, there is a series of points that we could talk to. We could talk about the bilateral agreements and the morphing into the COAG. We could talk about how this is going to be funded and what models exist or do not exist.

CHAIR—It would certainly be useful to have your view about which models you think would be useful and otherwise.

Mr Campbell—Certainly. I will go back to the bilateral agreement, which was developed and signed off by the federal government and the state government without any consultation with local government and certainly without any consultation with any of the communities. I sit as a state councillor with the Western Australian Local Government Association, and the issue of the bilateral agreements was of considerable angst to them because even as a state body they were not addressed. There was a comprehensive document signed for the betterment of Indigenous people, supposedly, for implementation by local government. There is a real question for me about that. I acknowledge that it is now being handled under the COAG agreement in a different format, but the issues arising are very similar. If I were to ask, ‘What are municipal services?’ and if I were in New South Wales I would probably be looking at water and power and if I were in Queensland I would be looking at other areas. What is the definition of municipal services? Who is providing these services currently? Is it FaHCSIA, the Department of Indigenous Affairs or the Department of Housing? Who is providing these services? In fact, what services are required? No-one did an audit; no-one asked. What services are being provided by whom and how are they being funded? That was a question we raised.

We looked at what local government’s roles are. What are our responsibilities? Is it roads? If you go back, traditionally we used to do roads, rates and rubbish. We cannot do rubbish, because these towns are not vested in the shire. We do not do roads, because they are not vested roads;

they are internal and Indigenous roads. They are access roads and tracks; they are not gazetted. We do not charge them rates because we cannot. So what do we provide?

We probably provide some health services. In this area, at one stage we were providing a directly funded environmental health officer who was going into Indigenous communities and providing health services. Currently, Nirrumbuk have an environmental health officer, and that is done in conjunction with the shire. And I will say to you that we have no control over health, over the rules. We cannot impose the rules of the health in these communities. We do not have the power.

CHAIR—So who does?

Mr Campbell—Good question. I think it is a state responsibility, but, if you look at the Health Act—and I think the original act was in 1902—it does not bind the Crown. The new health act, if it comes into being—and it has been birthing for a long time and is not there yet—will have a provision to bind the Crown. By binding the Crown it will give responsibility to the Crown, but there is no responsibility for health.

It is well noted that we condemned a town community here. The buildings were appalling. The people were living in conditions that they should not have to. It was respectfully suggested to us that we did not have the power to do so. We said, ‘Well, that’s bad luck; we’re going to do it, and the media will love the story,’ so suddenly the agencies were all jumping on board and trying to rectify it. But we do not actually have the power to condemn buildings. We do not have the power to act under the Health Act.

CHAIR—Because it is on non-state or local government land?

Mr Campbell—Non-state land.

Mr Donohoe—Can I assist the committee. I was a younger senior admin officer at the Shire of Wyndham/East Kimberley in relation to a health order that was placed on the shire by the Department of Health in 1991 or 1992, I believe it was, and subsequently another one was placed on the Shire of Halls Creek. That resulted in a court case, and a decision was made at that time that the Crown was not bound to the land and that local government services, in the involvement that we had, were pulled back, and they were then run by the state and federal agencies.

Mr Campbell—In terms of the bilateral agreements, in the Kimberley I am the chair of the Kimberley zone of local governments and Ken is the secretary of that body, which is a grouping of local governments in the Kimberley. All four local governments are part of it. As a result of this bilateral agreement and with funding from both federal and state governments of \$50,000 each, we looked at the possibility of the delivery of municipal services, albeit we still do not know exactly what is required and we still do not know exactly what we have got to do. In fact, we do not know what the people want.

Nevertheless, we proceeded through the Shire of Derby/West Kimberley to get a consultant in to speak to various communities as to what they wanted, what they felt they needed and what level of services they were looking at. The consultant spoke with the local governments as well.

They arrived at some absolute guesswork as to what it would cost, because no government agencies—no one body, no government—can tell us exactly what it costs for services into Indigenous communities. In fact, no-one yet can define to me what the services are, and I will be as blunt as to say that no-one can tell me what a community is. If you look at various agencies, some say 50 people can constitute a community; there are others that say 200. We have 226 communities in the Kimberley, ranging from six people to nearly 900. In the shire of Broome we have 96 communities, ranging from six to 900.

What are they expecting? What is the level of service that they are expecting? We are not sure. How can we provide services into there (a) if we do not have the legal ability to do so, to enforce, and (b) if we are going into the roads area, internal or external access points, and they are not vested? We cannot and we should not be funding those, because legally it would be inappropriate and we would be at legal liability should we be doing works on roads that are not vested in us. That is applying for the Shire of Broome not only in terms of Indigenous communities but also in the pastoral areas. There is considerable angst by some pastoralists, because we are now refusing—or we have not provided and we will not provide—the servicing of roads that are on their pastoral leases.

I guess the real issue is: what is the service provision required? What is the definition of it? What is the definition of a municipal service into Indigenous communities? How is it going to be funded? Who is going to be responsible for it? Is the legislation going to be changed to enable us to have the provision to do so? And, in fact, how is the governance going to be in place? On what model are we going to do the governance?

I will go back to what I said about the Shire of Derby/West Kimberley coordinating an approach. That looked at a regional model for the delivery of services. It would be possible to do, no doubt. The questions that I have raised previously about what is needed, what it is going to cost and what the legislative requirements are need to be addressed. But a concern for me and a concern for the local governments in the Kimberley was: is this another layer of government? Is this another bureaucracy that needs to be dealt with?

Personally, I have a question. If we are going to have integration and normalisation—using the language of government—of communities, why are we setting up a separate Indigenous organisation to run municipal services separately to what is in the normal mainstream? I would have thought that it would be far easier and far more proper to run it under your local government. There are models that can be done by way of local government. We are certainly not looking to do the work. We would love to see in these communities an economic opportunity for the people of these communities to provide these services, provided that they are funded properly and they are governed properly. The governance is critical. We are well aware of governance issues in the past in relation to some communities and how it is managed, so that is an issue for us.

But the reality is that again there is very little consultation being done down at the grassroots level, which is us, the local government in the Kimberley—or, in fact, the local government in Western Australia. There are only 24 local governments in Western Australia out of 139—and you need to write that down because there probably will not be 139 for long—that have Indigenous communities in their municipalities. One of my issues, personally, is the

metrocentricity of these issues: 'Oh, that's out in the bush. It doesn't matter. It's only the Kimberley and it's only Indigenous people. So what?' It is of vital importance to us.

CHAIR—Do you think, Mr Campbell, that maybe the motive for not consulting you was because of many of the things you just indicated, because you do not have legislative access and you do not have those sorts of things? Do you think that might be part of the reason—that they have just assumed you are not part of the picture, so they are not including you in that?

Mr Campbell—I would have thought that, if you were expecting local government to deliver services, you would at least say (a) 'Are you capable?' (b) 'What do you do now?' (c) 'What do the people want?' and, most importantly, (d) 'Here's the money for you to do it.' I have had a flip answer given to me by state politicians—I say state politicians, not federal politicians. My state politician said, 'Under the new thing, you'll be able to rate them.' Well, that is great! How are you going to rate people that do not have a job? How do you rate people that do not have economic opportunity? So I honestly think that it was done without much thought and without talking to people. I do not think you could say it was done deliberately to exclude local government or Indigenous people. I do suggest it was done without thinking it through too much. Ken, do you want to make a comment?

Mr Donohoe—Yes thanks, Graeme. Senator, one of the other issues is that council did write a letter in June 2008, as a result of a discussion paper that was put up before it, advising the Commonwealth and state ministers for Indigenous affairs and relevant departments: 'The Shire of Broome is desirous of providing expanded municipal services to Indigenous communities outside of existing town sites. This can only be achieved through specific funding received from the Commonwealth or state government agencies.' That has not been responded to. Albeit a letter has been received saying that that letter was received, nothing has come back from either level of government in relation to services and how services can be delivered. I think that that is a part of the discussions that are going on there. There is the Senate's report, from the Senate inquiry, being considered in Western Australia.

We are still not aware of how services that have been provided for municipal opportunities will be identified by either level of government. That was in correspondence that was sent in 2008 with another series of issues that we wanted to identify. If, in accordance with a bilateral agreement, we were going to be required to provide extended municipal services, how would they be funded, how were they going to be undertaken and what is actually on the ground in these communities? As Mr Campbell has identified, you have got state planning policy 3.2, which identifies a community as 50 or more persons, and the Commonwealth, I believe, through ICC, work on the basis of 200 persons being a community. But what about those other areas that do not fit those parameters?

Mr Campbell—One of the issues that we have had at a state level is that the then Department of Local Government and Regional Development commissioned a report that was done by an in-house group into these exact issues, and it was never released. It has just been released after considerable pressure from local governments. It considers the questions and it addresses the costs et cetera. It is the report of the inquiry into local government service delivery to Indigenous communities, August 2008. Minister Castrilli only released that last week.

CHAIR—Would we be able to grab a copy of that?

Mr Campbell—Certainly; it is a public document.

CHAIR—Thank you.

Mr Campbell—You can now have it, apparently! We have been unable to have it for 12 months. I am not being critical of the government per se, but that addresses what I believe is the crux of the matter, which is the cost of providing these services. I would respectfully suggest that, when people started to look into these bilateral agreements, they went, ‘We can’t fund this, not with the implications; we need to look at it again,’ hence it morphed into being dealt with through COAG. And I would suggest that is a reasonable outcome. But, once again, it could all start with an audit of the services actually being provided. This tried to identify them, and then we said: ‘You’ve got all those 120 identified as services; what about cemeteries? What about this, what about that? What about the libraries?’ This town has a library in Bidyadanga. Bidyadanga has nearly 900 people. There is a police station, an airport, a doctor, a telecentre, a swimming pool, a store and a petrol station, but it does not have a postcode so it is not a town. I would respectfully suggest that an area in the wheat belt of Western Australia with 900 people is a thriving metropolis!

Senator ADAMS—Especially now!

Mr Campbell—So that is not even a town. That is one of the issues we face. They have got rubbish, they have got water, they have got power, they have got a town council—they have got everything. So it is an issue. But what other services do they provide to their own people down there? We do not know.

Senator ADAMS—How have they done it? How have they funded what they are doing?

Mr Campbell—That is an interesting question. No-one can tell you exactly: ‘We get the grant from here and we get one from there.’ FaHCSIA is one of the major players, but there are state agencies, the DIA, and other agencies through Health. It is one of the issues that I have with the way government does business. You have a lot of agencies doing a lot of good work but keeping their business to themselves. It is well described as being in the silo mentality—in silos and acting within those. I am always surprised that people do not realise the crossover that occurs in services being provided by individual departments and the potential saving and improvement in services that could be achieved if people at least talked to each other.

Senator SIEWERT—Do you have any interaction with the ICC?

Mr Campbell—We have a relationship with the ICC. In fact, if I am allowed to digress slightly, they requested that the Shire of Broome facilitate a report into itinerant housing, itinerant servicing and hostel accommodation in Broome. We have just completed that report about transient accommodation. That was funded by the federal government, through Minister Macklin, and we have completed that. The Kimberley Institute is doing the middle section of that report, addresses the breaking of the cycle, the support of services et cetera. We are very hopeful that that will have significant outcomes via provision of services within the town.

In Broome we sometimes have issues that other towns do not have. It seems to happen to us regularly. We have two town communities within our township. They are Indigenous

communities within a township. We have what is called family living. There are two of those areas—there are only three in the state—where Indigenous people of family have been given the right to occupy and lease but they do not have ownership, so therefore they cannot borrow any money to build their houses et cetera. That is another issue that we deal with in the town. Of course, we are under pressure to deliver services as a local government to these people, but, as I have openly said to Mr Dodson, who is a good friend of mine, ‘Patrick, the day you start paying the rates is the day we’ll do your road.’ The land is not vested in the shire; it is vested with the ALT. Coming out of the issue of condemning these houses, which are on ALT land, there have been other significant issues brought to the fore that will hopefully be addressed—that is, ownership of land leased by people on ALT land and the possible vesting of roads in other areas within these family living areas so that the shire can provide the service and the rateability of these properties. In this town, we are well aware of the issues in relation to Indigenous people and the necessity to ensure that Indigenous people in this town and in the Shire of Broome are looked after properly.

I have another comment in relation to the ABS. You are probably aware—it may have been brought to your attention—that in the last census that was done there are errors admitted by the ABS. Basically, their figures are flawed. It is very ironic and sad that these errors appear to have occurred mainly in areas that have a significant Indigenous population. Some people sitting in the metro areas may say, ‘So what?’ The ‘so what’ is that all funding, all applications, all assessments, are done based on ABS figures. I am a deputy on the Local Government Grants Commission of Western Australia and bang my head saying, ‘We’ve got more people in the Kimberley, there are more people in the Pilbara and there are more people in the goldfields than recorded.’ You get your funding based on that.

They have a disability factor in there, which is how they reward you or pay you for the disability. It is called the Aboriginal disability factor. I find that offensive. But it is a factor, and if the figures are significantly less then we are not getting the money that we are entitled to to provide the services we provide. I want to record that. We are well aware the census figures are flawed. The ABS is saying, ‘We acknowledge that and hopefully we’ll get it right next time.’ That does not help us in the meantime.

Senator SIEWERT—How much do you reckon the figures are out?

Mr Campbell—I can only give you the Kimberley figures.

Senator SIEWERT—That is fine.

Mr Campbell—We have lost probably 800 kids between the ages of four and nine. They were there when they were between one and four and they certainly have not left the Kimberley, but they are not there now. It could be anywhere in the order of 1,400 to 2,000 people in the Kimberley. If you push that across the state it is significant. Fourteen hundred people out of a population of probably 17,000 Indigenous people is significant. I want to point that out because it is very difficult to argue your case for funding and assistance and to get changes made when you are operating off incorrect data.

Senator SIEWERT—Of course.

Senator ADAMS—I would like to ask a question about the report that you have just tabled. What were the main recommendations?

Mr Donohoe—They were looking at municipal services, identifying issues in relation to legal access and considerations about how services can be provided, and issues in relation to funding in the state and the federal relationship. There were a series of recommendations that really have not given us anything further in relation to where it goes to from here.

Mr Campbell—Quite frankly, from a local government perspective, somebody should pay. I would like to meet this Mr Somebody today, because it is always somebody's fault!

Senator MOORE—Somebody should do something about it, too.

CHAIR—Mr Campbell, there is just one area that I would like you to touch on, even on notice. You talked about the ownership of the land in Broome and some of the difficulties involved with tenure of leasing. It is the same in the Northern Territory and perhaps in some parts of Queensland, I think—the issue of when it is either notionally Indigenous land or some other special nature of title. Have you had any experience where you have a mechanism to get around what is normally a 10-year process or an impossible process to make it normalised in being able to get access to finance or funding or some sort of confidence that the economic processes will take place?

Mr Campbell—Thank you for that question. From a local government perspective, no. But, from a state perspective, native title negotiations have been going on for some time in the town, and hopefully we are very close to a very amicable settlement of the issue. Three or four years ago, when we had a chronic housing shortage, the state was able to engage with Yawuru in the provision of some land. Obviously, there was some compensation paid. One of the compensations was that certain areas of land were given to the corporation, I assume to one of their prescribed body corporates, as freehold land but with special title. The basis of the freehold was that it was to be used for Indigenous purposes, and there was a set of rules.

So, for mine, it was the first time that special freehold title had been created. I would assume—not having seen the caveats that attach to it—that, provided the provisions of the issuance of that title are complied with, they would be able to engage in activities, if for Indigenous purposes—for instance, Indigenous tourism—and so they may well be able to borrow, or construct, or do what they like with the land. But that is the first and only time I have seen special title and freehold title granted.

Obviously, in these family lands, it is great for somebody to have a 99-year lease, but it is not good for people who cannot deal in the land. They cannot sell the land, They cannot borrow to build. They do not pay any rates. So are they part of the normalised community? No, they are not. That is an issue that ALT are currently looking at. We have had some discussions, but very basic discussions, with them. That will have to be driven by the state government.

CHAIR—Thanks very much.

Senator SIEWERT—In terms of the COAG process, could you outline for us how you have been involved. I understand your comments around the bilaterals. I am just wondering whether the situation has improved with the discussions with the COAG process.

Mr Campbell—I would suggest not, because what we got was an announcement that the federal government is going to spend \$X million on housing and the state saying, ‘Yes, we are going to spend some money on housing, and these are the areas that that money is going to be spent in.’ I do not believe that that was done with any consultation with any local government. And I certainly think that the Indigenous communities did not have a say in it; they were either told they were going to get it or they were told they were not going to get it. On the peninsula here there is considerable angst. Why should Ardyaloon and Beagle Bay get it while Djarindjin and Lombadina do not? And Lombadina and Djarindjin are sitting in the middle. You go, ‘Hold on—where’s the equity in that?’ I grant you that it has got to start somewhere, but no-one asked, ‘Where is it relevant to start?’ I would respectfully suggest that the houses in Djarindjin are the worst of those on the peninsula and probably needed the attention first. But no-one asked.

Senator SIEWERT—So has anybody spoken to you since the announcement? Have there been further discussions? I know there are ongoing discussions with some of the people in Fitzroy Crossing, for example.

Mr Campbell—Certainly not from an elected member’s perspective. I will ask the CEO.

Mr Donohoe—There have been a number of papers prepared. But, again, we have nothing in relation to any form of implementation plan or operational plan—how the issues can be rolled out.

Mr Campbell—I would go further. I would go as far as to say that, in fact, it probably has more distance. Western Australian housing and works have just informed us that they are going to build some buildings out in a particular community. We said, ‘Where are the development plans et cetera?’, and they said, ‘We don’t have to do those.’ They do not have to do them, I know, but we have what are called community layout plans which were an initiative done some time ago through the former Department for Planning and Infrastructure, where basic community layout plans were being submitted to council and we were approving them. To the credit of these communities, if they were going to build something they were actually sending in some plans and so on. That is normalisation. You do not have the absurd situation that is happening in one of our communities, where new wells were being built near where the sewerage ponds were being put. And you would not have the absurd situation we have in one of our communities, where a police station is being erected without permission of the shire and without any approval but a new bore, a well, is being put down because the water from the existing well is not suitable. We could have told them that. So that particular community is quite entitled to drink that water but the new police station have got a new well! The point I am making is that state governments should not be exempt from the planning policies of the councils, which are controlled by the Western Australian Planning Commission anyway.

We are currently doing a new town planning scheme for the town of Broome, but we are also doing a local planning strategy for the whole of the shire of Broome. Previously we had been acting under an IDO, an interim development order. That is not an all-enforcing document. We are looking at having planning for the whole of Broome, but if the state government is not

prepared to play the game then what is the point of having planning? That is an issue that you get from the Department of Environment and Conservation and the Department of Housing and Works. I think in the end because we whinged and said, 'This is hardly fair,' they ended up submitting plans. We have activities occurring on an airstrip at Djarindjin that has been extended. They have 150,000 litres of fuel stored at the end of the runway, where they are taking their water from, so I hope there is not a petrol spill. These are the reasons you have planning.

Senator SIEWERT—Who is responsible for that development?

Mr Campbell—The community. But the answer we get is, 'It's ALT land. Butt out—you've got no say.'

Senator ADAMS—With the towns that are going to get the new housing, surely the infrastructure there has to back them up. I give Falls Creek as an example—no water. There is no licence for a house to be built if there is no water licence. In all these things, if the shire is not involved, it is crazy.

Mr Campbell—I would respectfully suggest that there has been a chronic waste of money over many years through building in Indigenous communities. What level of control do we have? Are there proper building plans? Is there proper construction? Is it built in the right area? Is it affecting the water or the sewerage? That is what planning is about. If we are just having willy-nilly constructions, we are going nowhere. We might have a new house, but we are not really going anywhere in terms of what both federal and state governments are looking at—the normalisation of communities.

Senator ADAMS—So there has not been any communication with you as to the planning of those communities that have been gazetted as COAG communities or how they are going to do it?

Mr Campbell—All I can advise is that we have been advised what communities will be there and that X amount of dollars will go there. We are not sure exactly of the number of houses. I cannot speak for our planning department, but I can say that there has been comment made by the director of development services that he is appalled that they are not even bothering to put in development plans. Ken, do you have a comment?

Mr Donohoe—That is exactly right. The anecdotal discussion from some of the communities is that there is also a return to country program—but you return to country for housing where? What is the housing there? People have been implementing this program for some time, but there is no adequate housing, or it is not enough to encourage people to return to country.

Senator SIEWERT—Are you aware if the communities have been involved in the discussion around the agreements?

Mr Campbell—I cannot comment on exactly how far the discussions have gone. There are obviously a couple of Indigenous groups within the town that will have been basically advised, but I cannot say what depth the discussions have reached. I get the impression from limited discussions with CEOs of these communities that, in typical fashion, they have been told what is going to happen to them. They have not been asked, 'Can we work together? What is best?' It

has been, 'This is what us whitefellas are going to do to you.' That is the impression I get. That may not be strictly correct, but that is the impression I am getting—that there has been limited discussion. There has been significant bumping of gums about the amount of money that is coming forward but nothing really on the ground.

Senator ADAMS—In some of our discussions about these communities that are out in the middle of nowhere and no-one wants to own them or whatever, the issue of fires has been raised. For anywhere in the Kimberley, fire is very dangerous and difficult to control. It was quite frightening for me, having been a farmer and been really involved with fires and knowing what they can do, when one community said that they have their fire hydrants but no hoses and no equipment to protect the community.

Mr Campbell—I would love to comment on that, but I would like to take it a little further in terms of emergency management per se. We have things called cyclones up here. We have fires up here. Eighty-five per cent of the Kimberley has been burnt in the last five years, either by design or by lightning or whatever. You look at the state and we have, from the Kimberley zone of local government, asked about the addressing the issue of fires. We asked for an audit of emergency services—what does each community have in its community? Local government is responsible, but we do not have a clue what is there. You are right: there was one community where they discovered that the firefighting thing was very good for spraying weeds, so that is what it was used for—converted. There are people that are not trained. There is a community up here that has supposedly got a bore, a well head, for fire, but it has not worked for ages and no-one knows. The state government put a couple of people into looking at that, but that is for the whole of the state. Twice we have requested that an audit be done of emergency management services and the infrastructure necessary to deal with those, and twice those requests have been rejected. These communities feel that they are out there on their own, and they are out there on their own.

Senator ADAMS—Well, they are. I think that is very obvious.

Mr Campbell—When Cyclone Rosita managed to inflict itself on Broome and then went south, the state went: 'That's good. Broome's going forward. That's over.' But out at the Balgo the winds were category 1 when they hit and nobody bothered to tell them—it was only going into the desert, so it did not matter. It caused considerable destruction and grief at Balgo, but nobody bothered to let them know. That is just one small example. We had a cyclone that went virtually over the top of Beagle Bay about four years ago. No-one knew. They did not bother telling them. It just falls apart. Your question in relation to fire is a bigger picture. It is about emergency services per se across the Kimberley, but it is a very valid thing. It is beyond the capability of us as a local government to deal with it, certainly without being resourced properly.

Mr Donohoe—One of the other issues—if I can address this to Senator Adams—is that, in relation to FESA and the funding through the ESL, we have asked for rollout of communications. Broome is approximately the size of Tasmania as a district, and yet the rollout of new communications in relation to emergency services is allocated down towards the south-west, whereas I would have thought the rollout would have been better allocated to Broome or to the Kimberley region first of all. The amount of firefighting equipment that is provided to the Kimberley is not sufficient, and the Kimberley zone of four local governments has raised this issue with the state on a number of occasions. If there is an emergency, most of the communities

have a fire trailer but people are at different levels of readiness—communities are at different levels of readiness in relation to that. If we respond from a bush fire brigade perspective, we may be two to three hours away before we can even act on an act of response. We as a local government have also had significant disagreement with FESA in relation to the rollout of equipment even to protect the town. That is a specific issue for me, having come from wheat belt areas into the Kimberley, where the services are inadequate. The equipment they are provided with is inadequate to deal with an area of the size that we have.

Senator ADAMS—We are uncovering lots of issues. Hopefully that report might give us something, but, from just scanning the recommendations, I do not think we are going to go much further with finding a solution. How do you feel that all the issues that are around can practically be dealt with? If you had the money to do it, how would you do it?

Mr Campbell—Senator, I think you hit it right on the head; it is about resourcing. I would anticipate that the Shire of Broome would be looking at its major communities in a format that services would be provided, possibly by their CEOs or their administrators, and coming under the banner of the shire. The services will be provided by local people providing economic opportunity. In an ideal world you would have rubbish services provided by a business set up to provide those services and funded, helped and managed by the Shire of Broome. That is how I would see us; I do not see our people from the town actually driving out and providing these services. There is no benefit to the communities in that. The economic benefit of and providing the services is the key to it and is the key for the people to be doing the services themselves, but they need to have the assistance, the management and the governance to be able to do it properly. That is how I see it. In an ideal world, if we were funded, that is how I believe we would be dealing with the issue.

Mr Donohoe—Collaborative.

Mr Campbell—It would be just another town in the municipality of the Broome, in an ideal world.

Senator ADAMS—And my final question, which I have been asking all shires, about amalgamation, or working together or whatever we are going to call it. I know amalgamation is not going down very well here. What have you done in that respect?

Mr Campbell—We have until 31 August to supply Minister Castrilli with our plans and our discussions in relation to amalgamations or sharing services. Our position is—and it is the position of all local governments in the Kimberley—that we think the tyranny of distance, the diversity and the level of sophistication of the various councils are of such difference that it would be very difficult to have amalgamations. I will say though that we, as a zone, have put in place a strategic plan for business development and opportunities under the Royalties to Region program, of which there is some \$9 million this year and next year, but they must be regionally based projects with a regional benefit. We will be employing an executive officer to develop these opportunities which could well be in tourism, or waste or road provision, and that is where we are going. Amalgamations in the Kimberley are not on the horizon; working together and cooperatively developing regional opportunities is. You have just heard what Minister Castrilli is going to receive.

CHAIR—Thank you very much for giving evidence today, Mr Donohoe and Mr Campbell. There may be other questions on notice for any clarification required, and we will provide them through the secretariat. I would remind you that, if you have further information or think of something later, you can put in a short submission to help the committee, and we will be happy to take that at any time. There are a couple of communities that have a model for rating the works, and it is the exception quite clearly. I think Maningrida in the Northern Territory has a rating base on the basis that it is a fortnightly rating base and is shared equally amongst the payers in every house. It has been addressed and I am not sure if it is the perfect model, but it certainly works in a couple of the communities.

Mr Campbell—We are providing electric lighting in our town communities, so there is some provision of services. I would hate to say that we are not providing any. There is a model that is developing of user pays for electricity in these communities, so there are opportunities. The CEO in that area you are talking about is a former CEO from here so I might contact him.

CHAIR—Thank you.

[2.14 pm]

DIGGES, Father Matthew Martin, Cathedral Administrator, Catholic Diocese of Broome

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses has been previously provided to you. The committee has before it a submission by Sister Alma from the diocese. I would like you to make a short opening statement or provide us with some information and then at the conclusion of your remarks I will invite committee members to ask questions.

Father Digges—Thank you. We have provided you with the statement that Sister Alma was asked to prepare for you, and to the best of my ability I will answer any questions for Sister Alma. I would also like to share with you some reflections from my own experience. Sister Alma was asked to write the submission from her many years of experience in the East Kimberley. If I was able to fill that out I would be able to do that from my own experience of the last 20 years working in Indigenous and remote communities here in the Kimberley. Sister Alma has pointed out from a pastoral perspective what she has seen in her years in education and in living in the community of Warmun as well as in the town of Kununurra. I think her reflections on the present situation, and in particular the impact of present policies, is worth noting. I have provided copies of my notes as well. They are there on the desk and perhaps you would like to flick through them.

CHAIR—Thank you.

Father Digges—Sister Alma has drawn attention to several areas that I also mention in that paper. One of the big areas I have seen in my 20 years in the north here is that nothing can be achieved without collaboration between service agencies. One of my surprises when I came here as a young man in 1990 was that, because I represented a group that had run missions here throughout the Kimberley since 1890, my opinion was sought by local people but definitely not wanted and actively excluded by any other administrators. It was quite surprising. That continued but gradually broke down through the 1990s. I would say that this century since 2000, particularly in my eight years serving the Balgo community, that not only broke down but turned around to a realisation that if collaboration in remote communities is not present then nothing can be achieved. The COAG partnership which many people experienced in this part of the world, particularly in that Tjurabalan trial area centred on Balgo community, people threw themselves into it because they realised that without collaboration work in remote Indigenous communities would be dead in the water.

I am not so sure we have seen a lot of change in the way of dealing with remote communities, yet I would suggest that that is still the only way. In my eight years in the community I can count no initiative that was successful that was not supported by the various agencies, government and non-government, working in that community. I would suggest that other communities are similar, and particularly those communities which show a high level of dysfunction also show a high level of noncollaboration between agencies serving a community. The proliferation of

agencies coming into communities now I think raises the danger level for that lack of collaboration to continue. Would you like me to continue?

CHAIR—Yes, that is great. We are listening carefully.

Father Digges—My next point, and one also raised by Sister Alma, is that there are huge issues in my time in remote communities raised by a discontinuity of service delivery. An example have provided there would be the provision of your services in the Kutjungka-Tjurabalan region to the south of Halls Creek. For nine years there was a youth service operating there that battled for the first three years to get any funding. When funding was provided, it was provided on an ad hoc basis on three separate occasions by appeals of community people direct to politicians, really at times of great crisis. One I seem to remember was directly after the attempted suicide of three young men in one night. That service stopped and started, and of course the problem with services in remote communities that stop and start is that the forward momentum that has built up over a long time by people who have struggled to make a base, struggled to get people on board, struggled to survive in that community, which is often one not of their own culture, and then they move out of the community and the forward momentum is lost. When you restart the service you are starting from scratch again. So if a service is funded for a year or funded for two years, you have the same situation that we find with our teachers in our 12 remote area schools, that the first year is spent by people trying to embed themselves in the community and the second year is often useful, if people have learned something in the first year. When you have services that are financed for two years and then they stop, it is really setting agencies and setting communities up to fail. What I have noted is that many people just opt out and they give up. Interestingly, the funding for that service at Balgo stopped again on 30 June. Last night, just as I was getting my thoughts together for today's hearing, I was told that there were 16 people at that time sniffing in the community, six of whom sniff every day.

Senator ADAMS—It is very sad.

CHAIR—This is last night.

Father Digges—Yes. That might lead me on to the next point I make, which is that the collaboration between agencies needs to be followed through on. COAG was all about this but unfortunately it does not seem to have delivered on this particular issue. The alcohol restrictions in Halls Creek are fantastic. No doubt you have heard and seen the impact on the ground there. One of the lesser-known impacts is that people from the Tjurabalan communities, instead of going to Halls Creek should they wish to get alcohol, are now going to Rabbit Flat. Rabbit Flat is part of the stalled rollout of the Opel unleaded program. So you can get unleaded at Rabbit Flat.

Senator SIEWERT—The point there is they refuse to take it.

CHAIR—It is not as if no-one is trying.

Senator SIEWERT—We have all been trying really hard.

CHAIR—We are discussing burning it down at the moment, as a last resort!

Father Digges—I was told yesterday that Bruce is leaving at the end of the year.

Senator SIEWERT—The members of this committee had been trying whatever we can.

Senator ADAMS—It was actually a recommendation from our petrol sniffing inquiry that anyone selling unleaded fuel to get a licence, had to provide Opel and that was it.

CHAIR—So we have actually said, ‘You can’t get access to the BasicsCard. We have made it as difficult as possible. But the committee is of a mind, and hopefully the government will be of a mind. Quite sincerely, I think the next step is to legislate within that area that it is simply forbidden to sell sniffable fuel. We have tried every other reasonable position and from my perspective, and I know I speak on behalf of my colleagues who are here now, we have had enough. It is quite reasonable to take legislative action to prevent it being sold.

Senator SIEWERT—Particularly hearing that there is sniffing again, because that is where they would have got the fuel from.

Father Digges—Yes, and that is hot off the press, because people are going to Rabbit Flat and filling up.

Senator ADAMS—There is the grog as well.

Father Digges—I was told last night also that Bruce has had a metanoia, because he is now ringing the police when somebody comes to buy a large amount of alcohol. He is ringing the police at Balgo and telling them that they are on their way back, which is something, but it is not good enough that he is able to sell alcohol out there. Anyway, unfortunately the result of that is that last night 16 young men were sniffing in Balgo.

Senator ADAMS—We were talking to the police at Halls Creek yesterday, and they said they had sent three extra police out and they were hoping to be able to get it organised so that they could deal with it. Do you know how they got on?

Father Digges—I was told that the police were coming out to Balgo because of the social unrest caused by a spike in drinking.

Senator ADAMS—That was the start; that was the reason.

Father Digges—I am not sure what facilitated that, but the key to stopping sniffing is that the police cannot do that; you need a coordinated and sustained program of intervention by trained youth workers. They have had that for the last three years. Interestingly, the efforts of people at that community to obtain government funding for such a program were not successful, and private funding was obtained for the last three years. The Department of Community Development came on board at the eleventh hour to provide a small amount of funding—less than four per cent of the total value of the program.

Senator SIEWERT—But there is no funding left now.

Father Digges—No.

Senator SIEWERT—That is an issue.

Father Digges—As far as I know, there has been some funding allocated—it might be from the Attorney-General's Department in Western Australia. All I can tell you is that the program stopped there on 30 June and nothing has happened since then.

Senator MOORE—And this was the only diversionary program that Balgo had?

Father Digges—Yes. It was a diversionary program and an intervention program by people who were trained in that field. It was not a sports program.

Senator MOORE—No, it was a diversionary program.

Father Digges—It was not a minding program; it was specific.

Senator MOORE—It was specific to the petrol-sniffing process—a diversionary program.

Father Digges—Correct.

Senator MOORE—We were told that diversionary services were being put in place, but the single one that is there stopped getting funding at the end of June.

Father Digges—That is correct.

Senator MOORE—Okay.

Senator SIEWERT—You have just made every single member of this committee hugely angry and frustrated again, because we thought that one was—

CHAIR—We corralled it down almost to one. There were four the other day; now there is one.

Father Digges—I am sorry to burst your bubble.

CHAIR—In the vernacular, they have a—

Senator MOORE—We can follow up on that. We have actually used Balgo as a bit of a case that we use consistently when we talk about issues, particularly around petrol sniffing, because of the impact the visit to Balgo had. We have used it as an example, and to hear that the diversionary program which was the core part of the whole response is not there is, frankly, a shock for all of us.

Father Digges—Yes. Sorry to—

Senator MOORE—Sorry to do that to you.

CHAIR—Thank you for providing the information.

Senator MOORE—Have you got any other good news, Father? Can you keep it going?

Father Digges—One of the other things I would like to bring to your attention—I am sure the other bodies that have appeared before you today have—is that the cessation of CDEP and the impact in communities that has had and will have in the future needs to be noted from several perspectives. I was told a couple of hours ago that in the community of Kalumburu some months ago five local men ran a program picking up rubbish—this is a very simple example—and that yesterday the rubbish was collected by a white man driving a truck and by five other local men sitting on the back of the truck. In other words, the normalisation of services in that community has resulted in the removal of one small service which was being managed locally to a group that manages it from afar and has put in a non-Indigenous supervisor over these young men. My reflection on that, of course, is that that has a definite impact on people's self-esteem, because they could run a service three months ago and now they cannot. That is a very small thing.

In education and other community services in the remote areas that I have been made aware of, CDEP was obviously struggling as a training program. In my 20 years in the North I have not been in a community where CDEP has functioned effectively for more than about six weeks. I have been part of literally dozens of attempts to get CDEP running well. So, from the point of view of it as a program which is effective, it does not seem to have delivered. Yet it delivered in a backhanded way, in that local people who were not capable or not willing to enter the workforce on a full-time basis were able to enter the workforce on a casual or part-time basis, which provided the self-esteem and good feeling that results from a good day's work. The classic that was said to me by young men who were casual participants in the CDEP program—and it has been repeated to me in half-a-dozen communities—is: 'I feel good in the evenings when I've worked.' Also, speaking from personal experience, young people who work do not sniff. Even if they work on a casual basis they do not sniff, and other antisocial behaviours are minimised by that.

CDEP is a particular program that will not be missed particularly by the likes of me. Yet there needs to be some initiative to pick up those areas that CDEP covered, such as occupation diversion. The other spin-off is that CDEP also supplied labour for certain areas around the community that were never going to be funded. The Catholic Church has 70 Aboriginal teaching assistants working in our remote schools across the Kimberley. We are going to lose 16 of those very soon. That is 16 people in the remote communities in which we have schools which will not have employment because their positions were financed under the CDEP program. I have been given anecdotal evidence from other places that extra workers that have served in community clean-up areas, clinics, art centres et cetera will finish. So there needs to be some way of compensating for that in communities. There will be a social fallout from that if that is not done.

My final point is on educational attendance. I spent a lot of last month travelling around our remote schools interviewing teachers and principals about various aspects of the running of our schools. The thing that has been mentioned to me by every teacher and every administrator in every school is that so much time is lost by teachers not being able to teach properly because of the lack of attendance of children at school. I know I am not saying anything new to you, but we have to keep working on that. Certainly as a Catholic education office and a Catholic diocese we are trying to reinvent ourselves every day to get school attendance up. Just like employment, it is one of the obvious markers of community functionality or dysfunctionality.

I was talking to a secondary teacher last week who told me that his class of 16 secondary students has a teaching range of grade 1 to grade 9, which means that he tutors, personally, from

grade 1 through to grade 9. He said that anybody who is actually at a secondary level in that school misses out enormously because the ones that are at a grade 1 to grade 4 level disrupt the classroom constantly. We are continuing to work on attendance strategies, but it is one of those constant battles which require a consistent and collaborative effort from government, church and other education providers.

Senator ADAMS—What about Balgo, has the attendance stayed up with the way they have the store, the council and the school organised?

Father Digges—In recent years at Balgo the attendance has been coming up, which is amazing. It is wonderful actually. It has waxed and waned due to various things that impact on desert communities—travel, cultural reasons, funerals, football carnivals—but the biggest impact in Balgo has been, firstly, the store closing and having a united front on that. Then, secondly, people going around and picking up kids or police being able to ask kids why they aren't at school. Interestingly last week I was at Djarindjin and the store there does not close, and the store does not ask kids to go to school even after repeated requests from the school board.

Senator ADAMS—We were at Balgo the week that the council came out of administration and started the cooperation with the store. It was very, very good. Very impressive actually.

Father Digges—Yes. Once again you have seen the fruit of a collaborative effort. Without collaboration between the agencies in that community it just cannot work.

Senator SIEWERT—We were also in Hermannsburg a couple of months ago and went to a school there. They have a principal and staff who are really switched on and who had really good engagement strategies. The lesson I took from that is that you have to get your teaching staff right and you have to have those strategies that engage the kids to want to be at school. They had just had the audio installed, and I think all the classrooms had that. He had managed to wangle—we did not want to know how—the funding for the new touch screens. The kids were very engaged, and their attendance had gone up and was staying up really high.

Senator ADAMS—Particularly the older boys.

Senator SIEWERT—With the older boys in particular.

CHAIR—Some had left school and they were trying to re-engage them even though they were only 15, 16 or 17. We had the experience in the APY Lands and we have had the experience in Arnhem Land where they say that they are now a man as they have gone through the ceremony so cannot be at school with kids. Of course it is a time when they are actually developing their leadership. We have met a couple of schools who are focusing on that and say that that sort of theory is the challenge. Certainly in the APY Lands and at Hermannsburg they are doing very well. Now they are leaders in the classes. It is very encouraging.

Father Digges—Of course you would have seen at Balgo that the presence of BoysTown in that community has addressed it in a slightly different way. They are in the adult education centre and are able to address it in that way.

CHAIR—In regard to the 13-odd teachers aids that you think we are not going to have in the future, perhaps you can clarify why you think that?

Father Digges—Because they were funded under CDEP.

CHAIR—The Commonwealth said to the Western Australian government that they would assist the Western Australian government and provided them millions to offset their responsibility of providing teachers aids, because you cannot pay them on CDEP as it is not the program. We should pay them directly and make them real jobs.

Senator SIEWERT—And the state government said that it would put extra money in.

CHAIR—The state government was to match the Commonwealth—that was the deal. I do know that the Commonwealth money all went over, but perhaps it is something worth inquiring into. In fact we are in the habit of writing letters.

Senator SIEWERT—We have a very long list of letters we are writing.

CHAIR—The secretariat will hate me even more, but we will undertake to write to the Western Australian government to seek clarification on how much money they receive from the Commonwealth under the arrangement that they should be responsible for their side of the provision of education, not the CDEP. We said we would assist them with that. I think it was about 50 per cent, easing backwards. I would be very interested to hear from the Western Australian government exactly why they apparently, according to the evidence you have given, there would now be 16 people losing their jobs, given that we have given them that assistance. We will provide you with a letter and the response.

Father Digges—I was told that information this morning by the person responsible for our teaching assistants in the Kimberley. She did say that our regional director here for Catholic Education is working on it. Another thing is that there were more than 16 Aboriginal teaching assistants on the CDEP, so possibly the funding that was promised was not enough to cover those existing Aboriginal teaching assistants.

CHAIR—The savings, after being subsidised by the Commonwealth for long enough on a separate program, would have been sufficient for them to take up their responsibilities, but we will be asking them directly.

Senator ADAMS—We have been talking to people who were running the early childhood education and the mobile playgroup. Once again, the funding is waning and they are trying to work out how they can keep it going. Have you had much to do with that?

Father Digges—I have not had much to do with that. I do recall from my Balgo days that it was a priority, and certainly DCD said that they would never leave that alone because the zeros to fives were so important. I do not have any recent information on that. I did understand that the visits were sporadic, which of course is the problem you are alluding to.

Senator ADAMS—I know. Thank you for your notes. It is very good to have such up-to-date information, especially on Balgo, because it has been very much in our thoughts and in fact we have been there several times.

Father Digges—I met you there for the first time.

CHAIR—We are about to break for afternoon tea; I hope you will join us. Thank you very much for the evidence you have provided today. We may have some clarifications and other points. We will be sending you those letters and they will be provided to you through the secretariat. If some other issues come to mind—your mind is now very focused not on your normal congregation but perhaps on other issues—because this is a standing committee of parliament we do not have a closure and opening, so we are happy to receive submissions at any time. Thank you particularly for taking the time out to provide evidence today.

Father Digges—Thank you.

Proceedings suspended from 2.42 pm to 3.04 pm

SIBOSADO, Mrs Caroline, Chief Executive Officer, Lombadina Aboriginal Corporation

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses has been previously provided to you. I now invite you to make a short opening statement, or a statement of whatever length you like, and then I will put it to my colleagues to ask you some questions.

Mrs Sibosado—I have a few things I want to talk about.

CHAIR—Excellent.

Mrs Sibosado—There are things like CDEP, housing, different things about the government—how they make decisions. The first question I have is: why does the government keep changing their policies on Aboriginal affairs without consulting with Aboriginal people in remote communities as well as Aboriginal people in high-paying jobs and some who you are working in government departments? That is the first question.

CHAIR—Which particular areas did you have in mind in terms of changes to policy? You mentioned CDEP.

Mrs Sibosado—Yes. They consulted, but they had made up their minds already as to what was going to happen with CDEP. They did not even listen to people when they first came to consult with all communities. We had communities in remote areas or town based communities. When CDEP first started, we were one of the first people on CDEP. CDEP first came into being because old people in Aboriginal communities in remote areas asked the government to do something to help them build up their communities. It went all right for a little while and then everybody jumped on the bandwagon and wanted CDEP, whether they were in town or wherever. Because the government saw too much money being used and people were complaining and saying, ‘Why are you giving them money?’ and all that sort of thing, they cut it out. They cut out the home cost first, which crippled a lot of communities. They did not have anything to build their communities with when that stopped. Lombadina might have been a bit luckier because we do not have all tribal people. We have a lot of people who had worked in towns before they went back to Lombadina to live. We started our tourism accommodation, a charter boat and different things. We worked really hard. We worked 30 hours a week; we did not just work 17 hours a week on CDEP. We worked a full week. A lot of people could not do that because they did not have any money to top up their people. That is CDEP.

Going onto training, the government wants everybody to be trained. We have a lot of people out there who have so many certificates and still do not have a job.

Senator ADAMS—That is right.

Mrs Sibosado—There is no job for them anyway or they do not want to shift from their home and go somewhere else to live, and why should they? Another thing about it is that the government say they want to look after the individual, but who in the communities looks after the individual? The committee or the staff look after the individual in the communities. But they

are trying to cut down on that, too—municipal services and all that sort of thing. They are trying to cut out all the CEO's money and give it to the shires. The shires probably do not want it. It all depends on the area they are in.

Before I go any further, we come here and talk to you about all these things. What is going to happen? Is it just going to be written down in a book and nothing will be done about it? It is not worth us talking, then, is it?

CHAIR—No, that is not what is going to happen. We will reflect in our reports—and there are two reports over there—what people tell us. We put it in a form that people can read. We make quotes from the sorts of things you tell us. It is there for people, like the Western Australian government, the Commonwealth government, the Northern Territory government, the police force and local government, to look to and get ideas and understand when they are making policies or introducing programs in the future. These are some of the ideas and thoughts of people right across Australia that they may want to think about before they make future programs and implement other policies. It will be there for the wider community to use. This is a committee of parliament—everybody in parliament, not just who is in government. The recommendations we make will not necessarily be taken up, but, because we are a bipartisan committee—we have people from the Greens, the Conservatives and Labor; we are a mixture—I would hope that the recommendations are taken pretty seriously. I can say that previous recommendations, certainly from my colleagues around the table, on a number of committees, have made a great deal of change to legislation and the way people do things. I hope that explains certainly the intent and motive of the committee.

Senator SIEWERT—We also follow up with letters. We have a long list already. We also write to whoever the relevant person is about some of the issues that are raised.

Mrs Sibosado—We have a lot of people who are doing training. Nirrumbuk are a RTO and there are different places around but I do not think all the training organisations know what the others are doing. A lot of things come out from DEWR and people do not understand them. If people doing the training cannot understand, how do you think people on the ground can understand it? They are just confused. They do not know where to go anymore. People have not been taken off CDEP yet but they will be taken off in 2011. In the meantime, they have changed CDEP so much that people do not know what to do anymore. They have just given up. In our community, we are still working and still doing what we were doing all the time but there are other communities that have just given up. They do not know what to do anymore. There have been so many changes that have come so quickly that they just cannot take it in.

CHAIR—Can you recall what sort of changes.

Mrs Sibosado—Before people used to work in their own community and do whatever jobs they needed to do on CDEP. Now we are being told that we cannot do that anymore. We have to do certain projects and we have to have training in it. Some of the people have trained themselves to do the jobs that they are doing. They do not want training from any so-called training department. They have trained themselves and they have trained their people as well to do the simple jobs that they want to do.

CHAIR—What sort of jobs.

Mrs Sibosado—You have gardening and mechanics. You have people on charter boats who have paid their own way to get their own coxswain tickets so they can do their jobs. They never had anything from anywhere else.

CHAIR—So are they being paid as part of CDEP now?

Mrs Sibosado—Yes they are CDEP workers and they get a top up from people if they have a business that makes money.

CHAIR—The charter makes money.

Mrs Sibosado—Yes, but a lot of people have not got that. I am talking about the people who have not got those things. They are left there now. I do not know what they are going to do. They can work for the dole. If they do not work their hours and they miss, then they are cut off for a certain time and then they go back on the dole again, so what is the point of that? We are going round in circles.

Senator MOORE—What should happen?

Mrs Sibosado—I do not have the answer.

Senator MOORE—There is not a plan that you really want to see happen. You want to have the confusion stopped. Okay.

Mrs Sibosado—And people who come out and tell you what is really going on. You get these letters that say to put in submissions for this and for that. I rang up DEWR to ask them about what they meant in this letter. They had money for coordinators, administration, paper and whatever to run this project, if you had a project. I said: ‘What about the people who are going to be the trainees? Where are they supposed to get money from?’ They did not know. If they do not know, how are we supposed to know? The department is putting out these different training types of things that come out all the time through email. When you ring up, the person you talk to does not know and has to go and find out from someone else.

CHAIR—If somebody was a bit confused by something, who would they go and see in the community?

Mrs Sibosado—They come to me or to our person in the office.

CHAIR—Have most of the other communities got some sort of a council or someone that they would see for leadership—someone they could go to and show them the letter?

Mrs Sibosado—Yes, but the government is saying they want to look after the individual. They want to get individuals into jobs. But the individual still goes back to the community office which is not getting supported. If they take the municipal services out, how are these communities going to be supported? I am talking about the administration part of it, if they do not have any businesses. Are they all supposed to go into town and try to get a job?

CHAIR—If I can just comment on what happened in the Northern Territory, we have had the amalgamation of shires. One of the unexpected things that happened was that the only leadership in the communities that resolved a number of other issues outside of municipal services and local government just by knowing the problems in the communities—that leadership of course all stopped. So there is nowhere for people to go to seek assistance or an explanation. It was a fundamental part of the structure of the communities.

Mrs Sibosado—They might want gas or they might want fuel or they might want something else. Where are they going to go? They are not going to go to the shire to get their normal everyday things. If you do not have anybody paid to work in the office and to do all those normal things that happen in a community, what is going to happen there? It is all very well for the Commonwealth government to say they want to get everybody into jobs and concentrate on the individual, but they forget about who is looking after the individual.

What happened in the Northern Territory was that they said they would not give people any new housing unless they have the land. Do you know about that? And they want the housing authorities to manage communities. A lot of communities might need managing, but there are a lot of communities that do not need managing—they manage their housing, they have got all their rents and they have paid that into the community. But they still want to bring in other people to manage it. A lot of people fought for a long time to get their land. Why would they want to give it up? I am sure they do not want to give it up if they have got a lease or whatever they have got on it. Have you got any answer to that?

CHAIR—I probably have but—

Senator SIEWERT—There would not be agreement on the committee.

CHAIR—There would not be an agreement across the committee. This has happened in the Northern Territory. I am very supportive of it.

Senator SIEWERT—I am not.

CHAIR—Rachel Siewert is not. But, as I said to someone earlier today, the government that is in power now federally and the government that was in power last time federally have an agreement that it is unlikely in the future that governments will be providing public housing on private land because it should not be happening. That is the view of those two governments. It is something that will no doubt be a big focus what people are thinking.

Mrs Sibosado—At the moment we are in a situation where they want to manage the housing, a housing authority like the Western Australia one, and we have told them: ‘We are not giving it to you and we are not signing any agreement until we know what is happening with the land. You can take your houses. You can let them fall down, for all we care.’ We have told them that. That is the way we feel because we were on mission land—it was all the mission lands in the Kimberley—and we went through so many meetings through 27 years to get the land off the missionaries. Well, we might as well have stayed with them because we still have not got it. It is still in the hands of the Aboriginal Land Trust. That is the type of thing that goes on all the time, and we cannot get an answer to that from people, no matter how much we try.

CHAIR—How would you like your land, Caroline? Would you like yours to be land just like I can buy land, so it is freehold? How would you like to have you land?

Mrs Sibosado—At the moment we have got a 99-year lease, but we have not got the management order on it. We have proved that we can manage our business and our land, so I cannot see why we cannot get the management order.

CHAIR—Is Lombadina itself a special lease?

Mrs Sibosado—A 99-year lease.

CHAIR—I was not aware of that.

Mrs Sibosado—Another point is about the government talking about people owning their own homes. Why didn't the government give the assets to people who could manage their assets in the first place instead of saying, 'No, we still own them'? When people were granted it, offer and acceptance were sent out to communities. They accepted that offer and were granted that money and they got their houses built, or whatever it might have been, but the government say that they still own those assets.

CHAIR—I am not familiar with the process. I am not sure if anyone else on the committee is. You were saying that someone was offered. When did that happen?

Mrs Sibosado—As soon as ATSIC was ready to fold up, John Howard came and said: 'No assets. They don't own them. We own them.'

CHAIR—The ATSIC assets?

Mrs Sibosado—Yes, whatever was given out to people. Is it changing or not?

CHAIR—The assets that were owned by ATSIC were frozen—for some very good reasons, in my view. That was at the time. But, as I recall, there was no freezing of or interference with previous grants or assets from ATSIC.

Mrs Sibosado—But can they come in like what happened in the Northern Territory? They went in there and took all the assets in one of the communities in the Northern Territory.

CHAIR—I am not aware of that. Do you know the name of the community?

Mrs Sibosado—No, I do not know the name. I just think, 'How could they do that when those people own those things?'

CHAIR—I said I am not aware of it—and I would be, I have to say.

Mrs Sibosado—That is just a part of what I was thinking. They say they want people to own things. Why don't they just write a letter and say, 'You own these things now; whatever you got before this date is yours,' and that is it? But people are left up in the air. We do not know what is going on.

CHAIR—I think the notion of ownership of housing is for the future. If somebody wants to own their own house, so it is not a public house—they can come and go all the time; it is theirs—that was something for the future, if somebody wanted to do that. There are some people in the Northern Territory doing that now, with some assistance. But I do not think it was from behind us, in the past.

Mrs Sibosado—I have got two parts there. I have got that one where people would own their houses in the future. But I have got this part where people are living in houses now and they are not going to move from those houses. They are going to live there forever, with their families. What is happening with those houses? Do they own them or don't they?

CHAIR—It would depend on where they are. In some places in Western Australia, people own their houses. Sometimes they are living in a government house where they pay rent, and that sort of stuff.

Mrs Sibosado—I am talking about ones that were given to the community—grants were given to the community.

CHAIR—I would have to have a look at the nature of the grant, but I would suspect, if a grant has been given to the community in that sense, then the community would own those houses.

Mrs Sibosado—Like I said, an offer was sent out and people accepted that as their grant.

CHAIR—We would be very interested as a committee to have a look. Perhaps you could get a copy of one of the letters or find out a little bit more about what time it was and we can do some research so we can inform ourselves, because I do not think we know anything about that. I would suspect that, if an offer was made and accepted lawfully, no-one would be able to reach back in time and affect that.

Mrs Sibosado—That is what we wanted to know about that. If offers have been given out, people have accepted them, they have got the grant money, they have built a house—or whatever they had to do, bought their machinery or whatever it was; it does not matter—do they own that now or don't they? That is what we want to know.

CHAIR—I am not sure I can provide you with an answer, but we will do some research. I think it would benefit the committee to exercise our minds to that. We are not aware of it. If you can send us some of the letters of offer or returns and some dates, then we may be able to have a look at that and see what we can find out.

Mrs Sibosado—We have got houses that were built from the days of ADC. We were given grants for four houses and we built seven because we worked on our CDEP. If the government is going to come along and say, 'You don't own those houses,' that means we did all the work for nothing.

CHAIR—I am not sure they will, but let us find that out.

Mrs Sibosado—On COAG, they have picked out certain areas where they are going to have COAG, but they never consulted with all the people in those areas. They only consulted with

certain communities. Does that mean, if you are in a 50-kilometre radius, you are covered by that COAG?

CHAIR—I understand that is the case.

Mrs Sibosado—Then why didn't they consult with all those people in that area instead of only consulting with certain people?

CHAIR—What area?

Mrs Sibosado—The Dampier Peninsula.

CHAIR—You say people have not been consulted?

Mrs Sibosado—They consulted with people in Beagle Bay. They consulted with people in One Arm Point. They did not consult with us and they did not consult with Djarindjin. They did not consult with anybody else living in that area.

CHAIR—So they did not come and speak to you at all?

Mrs Sibosado—No. This is the thing I am talking about—all the consultation. They only consult with certain people, and other people hear about it later when the thing has already gone through.

CHAIR—What would you have said to them had they come and said, 'What do you think about it?'

Mrs Sibosado—I do not even know what the COAG is all about. I could not tell you, because they have never been to us to tell us exactly it is supposed to do.

CHAIR—So you are still unaware.

Mrs Sibosado—I do not know what it is.

CHAIR—You are within that area?

Mrs Sibosado—Yes. Can you tell me what it is supposed to do?

CHAIR—On behalf of the committee, we will pen a letter to the minister indicating that it has been asserted to us that there are a number of communities within the COAG area on the Dampier Peninsula—is that correct?—within the 50-kilometre catchment that have not been consulted in the matter or are unaware of the changes proposed under COAG. I will send that letter to you. When the response comes, hopefully—and we will direct them to respond directly to you, Caroline; we will provide them with the address—we will ensure that we get a copy of that letter to you.

Mrs Sibosado—We do not even know what COAG is supposed to be or is supposed to do, yet we are there under it. There is another thing with child care now. We have been running a playgroup—and we were under FaHCSIA before, but now it has been handed over to DEEWR. We get \$8,000 or something a year to help us. The other part has to come from CDEP. They expect us to fill out a 30-page document for that amount of money. Making all of these plans for that is not worth it. I just tell them to take the money back.

CHAIR—How many CDEP workers do you have working in your childcare centre?

Mrs Sibosado—We had two.

CHAIR—How many now?

Mrs Sibosado—We have one person now, but she is not on CDEP. We pay her ourselves.

CHAIR—So does the Commonwealth pay for the CDEP workers?

Mrs Sibosado—That \$8,000 for the year I just said to you is for wages and different materials.

Senator SIEWERT—But when they changed CDEP did you get extra money because the Commonwealth was supposed to then pay proper wages for all childcare workers?

Mrs Sibosado—No. We never got anything.

Senator SIEWERT—Another one.

CHAIR—Note to self: in addition to the letter to the minister we may confirm in a more general sense the provision and the replacement of CDEP workers in childcare centres across the board, but particularly seek an explanation as to the arrangement in the changed circumstances in Lombadina.

Mrs Sibosado—We are not a licensed childcare centre; we are a playgroup. We have the smaller ones in the morning and the older ones in the afternoon after school. It is that type of playgroup. It is mainly run by people who live in the community, the families. That should not make any difference. Why should we have to fill in all of this stuff when it is not really relevant?

Senator ADAMS—Does the mobile playgroup come up and help you?

Mrs Sibosado—Yes, they do now. They have started again.

Senator ADAMS—But they are having trouble with funding too?

Mrs Sibosado—Yes. They want you to go by all of their rules and everything but they are not helping you do it. That is why people just give up and say, 'Don't worry about it any more.'

Senator ADAMS—It is very important for your community. Can you tell us how important it is for those little children to be able to go?

Mrs Sibosado—It is important because most of the women in our community work. They need somebody to look after their children. Then we have to go through all the things I said to you—the 30-page document, working with children certificates, police clearances and whatever—and they are mostly the aunts and uncles of these children anyway. We are all there. The playgroup is right in the middle of the community. It is not as if we are going to put a stranger in there to look after them. Why would we do that? We are not stupid, even though people think we are.

CHAIR—Often the government makes a rule for everybody, and this is particularly so in the Commonwealth. It is like being a fisherman, which I am, throwing a two-inch net across the creek. You will not catch any big fish, but you will catch the small fish. The problem with the Commonwealth is that we can only put one net for everybody. Often people in your circumstances—those that are not exactly in the problem area—will fall through that. That often happens, particularly with the Commonwealth government.

Mrs Sibosado—That has been a complaint of people for a long time: you do good, you get nothing; you do bad, you get everything. That has been proven. People who do not look after their communities, their houses or anything will get more money thrown at them because they need help to do more damage.

CHAIR—Thanks, Caroline. I am sure that there will be some questions.

Mrs Sibosado—That is all I have got to say anyway.

Senator SIEWERT—Can we start with the playgroup. How long have you been running the playgroup?

Mrs Sibosado—About 15 years.

Senator SIEWERT—How long have you been getting funding from the Commonwealth?

Mrs Sibosado—Twelve years or something like that.

Senator SIEWERT—You have one worker now that you are paying the wages for?

Mrs Sibosado—Yes.

Senator SIEWERT—You do not have any other assistance to replace the CDEP?

Mrs Sibosado—We do have another lady who was on CDEP, but at the moment she has got a problem with one of her own children and she cannot go to the playgroup. So that has cut her off for a while.

Senator SIEWERT—Will she be able to come back?

Mrs Sibosado—Yes, she will be. That goes into another area where we get children like that and we do not get any help for those who have a problem. I do not know whether he is autistic or not, but the problem is in that area. He goes to school sometimes and at other times he does not. He cannot talk properly, and all of that sort of thing. We do not have any help for children like that, apart from going to town—

Senator SIEWERT—I know that Senator Adams is going to want to jump in there—

Senator ADAMS—No, you keep going with what you are doing—

Senator SIEWERT—The FASD issue has come up both at Fitzroy Crossing and Halls Creek. I am just wondering whether you have issues in the community like that and whether that child is possibly a FASD child.

Mrs Sibosado—No.

Senator SIEWERT—Do you have a problem at all with—

Mrs Sibosado—No, we don't.

Senator SIEWERT—How long have you had to do the 30-page report process?

Mrs Sibosado—This is just a new thing that has come out. We did not have to do that before.

Senator SIEWERT—So this is just new reporting?

Mrs Sibosado—Yes.

Senator SIEWERT—So no matter how much you had, you would still have to fill in a 30-page report?

Mrs Sibosado—Yes.

Senator SIEWERT—When did that come in, this latest round?

Mrs Sibosado—It is just for this year.

Senator SIEWERT—The mobile playgroup that comes up to help, how long has that been back on deck?

Mrs Sibosado—They have only started in the last three or four months I think. They had a bit of a problem with their office or something like that. I do not know what went on there.

Senator SIEWERT—Moving on to health services, what is your access to health services like?

Mrs Sibosado—We have a clinic run by Kimberley Health. We have got a problem there too. We have got a permanent nurse in there but now they want to shift her out and they want to give us relievers all the time. Four years ago we were told that we were supposed to have two permanent nurses and one permanent reliever to relieve between One Arm Point and Lombadina. But we have never had that since they said it.

Senator SIEWERT—So why are they talking about moving out the one nurse that is there?

Mrs Sibosado—I could not tell you.

Senator SIEWERT—So they just told you?

Mrs Sibosado—They have not talked to us, no.

Senator SIEWERT—When is that going to happen?

Mrs Sibosado—It is in the pipeline at the moment. But the lady is fighting against it and we have got a petition up to say that we want her to stay.

Senator SIEWERT—How often is the clinic open?

Mrs Sibosado—The clinic opens every day from eight o'clock until 12.00 and then from one o'clock until four, I think it is. The trouble with having relievers all the time is that they do not even get to know people and so they do not know which people they can visit at home and which ones they cannot, and everybody has to go to the clinic if they are sick, whether they have got a car to get there or not or, if they are really sick, whether they can get there or not. That is the problem with having only relievers all the time.

Senator SIEWERT—Have you talked to Kimberley Health since then?

Mrs Sibosado—I have not talked to them, no, but the lady has written a letter to them. I do not know whether she has got an answer back yet or not.

Senator SIEWERT—But there was no consultation with the community about that?

Mrs Sibosado—No, not about that.

Senator ADAMS—I would just like to talk to you about your own position and the communication you have with the other chief executive officers of the communities on the peninsular. Do you work together and how do you deal with—

Mrs Sibosado—Yes, we work together.

Senator ADAMS—So the same issues are arising in the other communities?

Mrs Sibosado—Yes.

Senator ADAMS—Where do you go from there? Do you come to the Broome shire to try to sort things out? Who do you go to?

Mrs Sibosado—We are going to FaHCSIA at the moment because FaHCSIA are the ones who are funding them.

Senator ADAMS—Are they answering your queries or not?

Mrs Sibosado—They say they have got enough money now for another year, but I do not know what they are going to tell us after that.

Senator ADAMS—Another year to do what?

Mrs Sibosado—To pay for municipal. We are talking about municipal. With my position I get so much from municipal and so much from Housing and Works. At the end of the year Housing and Works will be gone; the funding from there will be gone. So there will only be funding from municipal for my position because of the housing authority taking over all the management of all the housing, if people agree on it.

Senator ADAMS—So they have consulted you about that?

Mrs Sibosado—Yes.

Senator ADAMS—Well, that is a start anyway.

Mrs Sibosado—They have consulted, but they are doing it whether we like it or not. They can consult as much as they like but if they want to do it they are going to do it.

Senator SIEWERT—And be seen to be doing it.

Mrs Sibosado—Yes, they have to be seen to be doing these things in front of other people when in actual fact they are not doing them.

Senator ADAMS—With the COAG situation how did you find out that yours was one of the chosen communities?

Mrs Sibosado—We heard people talking about it. We went to a meeting at One Arm Point about municipal and then they were talking about how the COAG situation covers a 50-mile radius. That is how we knew it.

Senator ADAMS—So that is how you found out?

Mrs Sibosado—Yes. We have heard people talk about COAG but we have not even known what they do or anything else.

Senator ADAMS—But you are going to be part of it?

Mrs Sibosado—Yes.

CHAIR—Thank you very much, Caroline, for coming here today. There may be some other questions that we have when we remember them. All the members may have something particular that we remember. If you have got some more things that you would like to tell us, you might want to write them down and then tell us about them. You just get in touch with the secretariat and they will be able to get that information to us, because ours is a standing committee and so we are not stopping at a particular time. Thank you very much. We will get that letter to you.

Mrs Sibosado—I could get ones from other people around our area but they have not given them to us yet.

CHAIR—All right, and thank you.

Mrs Sibosado—Thank you.

[3.37 pm]

ANNETTS, Garry, Inspector, Kimberley District Police Office, Western Australia Police

CAVE, James Alec Ernest, Inspector, Kimberley District Police Office, Western Australia Police

CHAIR—Welcome, Inspector Cave and Inspector Annetts. Information on parliamentary privilege and the protection of witnesses has been previously provided to you. Inspector Cave, I invite you to make a short opening statement, and at the conclusion of your remarks I will invite members of the committee to put questions to you. I note that we have just circulated a submission from you. We will then move to Inspector Annetts.

Insp. Cave—It would probably be easier if I were to read from that submission so that you could follow what I am talking about and it would be a lot clearer for you. I am an inspector and an assistant divisional officer at the Kimberley District Police Office here in Broome. I previously served as a detective sergeant at Kununurra for three years, leaving in January 1993. I was the OIC of the Derby Police Station for three years, leaving in October 2008. I returned to Broome as an inspector in January 2009. My area of responsibility is the management of the East Kimberley, which covers four police stations—Halls Creek, Argyle, Kununurra and Wyndham—and three multifunctional police facilities, or MFPPs—Balgo, Kalumbaru and Warmun—and also the Oombulgurrie police post.

You would be aware of the police response to the Gordon report and our strategy to provide policing functions to the MFPPs in conjunction with the Department of Child Protection. The MFPPs provide, in the main, two police officers working in conjunction with the DCP case file officer.

My submission mainly revolves around Halls Creek, because I know that you are sitting in Halls Creek and obviously that is part of my domain. Most of my submission actually relates to there. Halls Creek Shire has a population of approximately 5,000 people. The town itself has a population of 1,500 or thereabouts, with an Indigenous population of about 80 per cent. The police station provides 19 operational front-line officers, a detective sergeant and a child protection family violence officer.

In 2007 Halls Creek police developed their local policing strategies and identified a number of key issues: the majority of tasks attended by police were alcohol related; the majority of all offences committed were alcohol related; public behaviour standards did not meet the community expectations, and alcohol was a factor; and 80 per cent of all police tasking was alcohol related. The causal factors for these issues revolved around alcohol abuse itself, antisocial behaviour, domestic and non-domestic assaults, overcrowding and itinerant camping, health and medical issues from alcohol abuse, education or lack thereof and truancy, and unemployment.

The Director of Liquor Licensing implemented section 64 liquor restrictions into Halls Creek in April 2005 on the Kimberley Hotel and the Halls Creek store. I have those written down; do you want me to go through those?

CHAIR—No, we have them all here. We are having a look at them.

Insp. Cave—On 30 March 2009 the Director of Liquor Licensing imposed Kimberley-wide restrictions to all licensees. They are new restrictions, obviously, for this year. Each relevant licence that authorises the sale of packaged liquor is subject to a condition that the licence does not authorise the sale of packaged liquor in an individual container that contains more than one litre of the relevant liquor or in an individual glass container that contains more than 400 millilitres of beer. So that is across the whole of the Kimberley.

After public consultation, the director imposed further section 64 liquor restrictions for Halls Creek, becoming effective on 18 May 2009—that is, the sale of packaged liquor exceeding a concentration of ethanol and liquor of 2.7 per cent at 20 degrees Celsius is prohibited to any person other than a lodger or as described in section three of the act. If you are a resident in the hotel you can actually consume full strength alcohol beer, if you attend the hotel you can actually consume full strength alcohol beer, but you cannot have take-away full strength alcohol beer.

I would like to go through the crime statistics for the year ending June 2009 to cover off on a couple of key performance indicators. For the year to date to June 2009 domestic assault was down 31.5 per cent; non-domestic assault was down 31.7 per cent; burglary offences, down 43 per cent; motor vehicle theft, down 68 per cent; and theft is down 39 per cent. I think that is a good news story for the town of Halls Creek itself.

We have been keeping weekly statistics since the further liquor restrictions of 18 May. Arrests from that time, which is a 14-week period up to Sunday's date, are down 50.7 per cent and the number of charges laid is down 56.4 per cent. The breakdown of charges is: domestic violence offences, down 61.7 per cent; non-domestic assault, down 54.3 per cent; drink-driving, down 68.9 per cent; and antisocial behaviour, down 41.3 per cent. Reported offences to police are down 43.5 per cent; the overtime that we pay our officers whilst they are working is down 57 per cent; and tasking jobs, which is tasking for each individual job, are down 56 per cent. So there is a further reduction on last year's figures for the 14 weeks since the restrictions.

I probably should clarify those figures. If you have a look at them, the figures on the left-hand side, for 2008 up to 17 May 2009, are constant. So the 14 weeks held against those constant figures. What I have done is compared the 14 weeks from 2008 to the 14 weeks from 2009, which is more realistic for that time frame. I can tell you that arrests are actually down 40 per cent, the number of charges is down 50 per cent, domestic violence offences are down 39 per cent, nondomestic assaults are down 53 per cent, drink-driving is down 70 per cent, antisocial behaviour is down 27 per cent, reported offences are down 22 per cent, overtime is down 53 per cent and tasking jobs are down 46 per cent. So those are more realistic figures for the time frame of 14 weeks.

The introduction of liquor restrictions has seen what could be described as a generational change. Prior to the commencement of the restrictions, Halls Creek had a reputation as a deeply

troubled town plagued by alcoholism, domestic and nondomestic violence, neglect of children and a continuing trend of children displaying characteristics of foetal alcohol syndrome. In fact, in about 1993 or 1994, Magistrate Colin Roberts referred to Halls Creek as the most lawless town in Western Australia, and that is a pretty well known quote. The town is now displaying characteristics of being a normal community. No longer are there drunks staggering along the main street at lunchtime, queues of people waiting for the sale of packaged liquor or people with obvious injuries associated with drunken violence. The introduction of liquor restrictions has broken the cycle of drunkenness and alcohol abuse which a large proportion of the community were trapped in. This has provided Halls Creek with an opportunity to reflect and change, and to proceed in a new, less destructive direction.

The restrictions have not only benefited the immediate community of Halls Creek but also had a flow-on effect on nearby towns and communities. No longer can people from communities such as Balgo, Billiluna, Mulan and Ringer Soak travel to Halls Creek, purchase large quantities of alcohol and return to their communities. Historically, people from those communities had travelled to Halls Creek as a centre for the provision of services, such as medical and educational, and for access to other government and non-government services. These people regularly camped in the area opposite the Kimberley Hotel known as Dinner Camp. This area has no facilities, but people set up shanty camps in the bushland. After receiving whatever service they required in Halls Creek, they would purchase take-away liquor to consume in Dinner Camp or drink in the hotel with family, friends and associates. This would continue until they ran out of money—which could last between days and weeks—and at that point they would get a lift with others to return to their community. It was not unusual for Dinner Camp to contain 50 to 100 people at any time. I can tell you that it is now rare to observe any people at all camping in Dinner Camp, which is good news.

There has been much discussion and debate as to whether there has been a displacement of people from Halls Creek to towns such as Kununurra and Broome. Aboriginal people in their own right are transient and travel from community to community to visit relations or attend cultural functions. Community members from Balgo, Billiluna and Mulan visited Halls Creek and, while there, drank alcohol from the liquor outlets. Since the liquor restrictions, some community members have returned home, whilst others have travelled to Kununurra and Broome. There is an increasing transient movement to those towns, but that has not increased the amount of offending to any great extent. Since 8 June 2009, Kununurra police have kept records with the origins of offenders and since that time there have been 306 people arrested, of which 194 came from Kununurra, 32 from Halls Creek, 23 from Kalumburu, 18 from Warmun, one from Balgo, six from Broome and five from Fitroy Crossing. Of the 306 arrests in Kununurra, only 10.6 per cent are Halls Creek residents, which would be considered normal for a transient people.

As I have previously stated, some families did return to Balgo and the surrounding communities and this has seen an increase in vehicular traffic travelling over to the West Australian-Northern Territory border to the Rabbit Flat roadhouse some 250 kilometres away. The roadhouse is a licensed premises and sells full-strength alcohol to customers. A block of full-strength beer there costs \$80. There has been a marked increase in the amount of alcohol coming into the West Australian communities from Rabbit Flat as there are no liquor restrictions in the Northern Territory. The increase has now had a flow-on effect, with the excessive consumption of liquor causing antisocial behaviour and assaults. This last weekend saw police at

Balgo seize and destroy 30 blocks of full-strength beer under the authority of the by-laws. I understand royalty payments were paid to Balgo residents who have used some of that money to purchase alcohol. We have sent additional staff from Halls Creek to Balgo this week to quell an increase in violent behaviour and threats of violence towards police. I can tell you that there were in fact eight arrests and 16 charges resulting from those reinforcements to Balgo.

Most Aboriginal communities rely on their community by-laws for law enforcement. Most by-laws are ineffective, ambiguous or do not provide the necessary penalties to promote a change in behaviour. Some communities have decided to seek assistance from the government in regard to banning liquor within their communities. Sections 175 applications from individual communities have been approved by the Minister for Racing and Gaming at Oombulgurrie, Wangkatjunka, which is a hundred kilometres east of Fitzroy, Noonkanbah and Bow River. This provides a mechanism for communities to be declared liquor free and increases the powers of police to enforce this. They are very effective in reducing domestic violence and antisocial behaviour. Currently negotiations with the community councils are underway for 175 applications at Warmun, which is 170 kilometres north of Halls Creek, Nicholson Block in Halls Creek and Bidyadanga, 180 kilometres south of Broome.

Halls Creek has seen an increase in houses in recent times. The Department of Housing and Works advises 29 new houses have been built for government regional officer housing and 13 new houses have been built for mainstream housing, with a further seven houses being built at present. There are eight houses going through a tender process at the moment. Nineteen houses have been renovated, with five renovations in progress at the moment. Over the next couple of years there are plans to develop a further 100 houses for Halls Creek. Immediately after the liquor restrictions were put into place there was an increase in meals provided at the district high school to an extent of 30 per cent. That number has fallen slightly but it is fair to say that the district high school has had a marked increase in school attendance since the liquor restrictions.

With the reduced amount of work experienced by Halls Creek police, they have been able to put their energy into providing proactive strategies for the betterment of the community. In an effort to target the neglect of children within the community, police and DCP conduct random joint patrols targeting children who are roaming the community during the evening and the night. This provides an immediate deterrent, as a community sees a police and DCP are working together and DCP will provide a follow-up on incidents observed during the night. In the longer term it provides an information database to assist DCP for future requirements. The flow-on effect from these patrols is an improved working relationship between DCP and police. Halls Creek police provide many reports to DCP and have no hesitation in providing the information which may assist in securing the safety and improved living conditions of children. The introduction of liquor restrictions has also seen a change in the psychology of the community. Historically it was seen that children may actually be safer in large groups within the town at night rather than at home where groups of adults were drinking. Now most homes within Halls Creek are quiet at night and allow for children to live a normal lifestyle, including being able to sleep at night.

The young men group is a project that was developed by one of the officers at Halls Creek. He grew up in Halls Creek and the surrounding areas. Since returning to the area with the police, he is now returning a dividend to the community in the form of a mentoring program for young

men. In addition, he is also providing a positive role model for local people, especially those who are released after serving a custodial sentence.

There are blue-light discos. The Halls Creek Blue Light Association is not only active in Halls Creek but extending its reach to outlying communities, including Balgo, Warmun, Ringer Soak and Yiyili. This not only provides a positive experience between police and community youth but provides much needed entertainment for isolated communities. Although a lot of these activities are not traditional or primarily core business for police, we accept that in a lot of instances we can provide leadership and guidance within the community in an attempt to improve it. It is hoped that by investing effort in juveniles and children within the subdistrict, we can improve their safety and quality of life.

In conclusion, Balgo is a concern for us at the moment. The MFPF has two police officers working alongside a DCP field officer. Accessibility of alcohol from Rabbit Flat Roadhouse remains an issue on which we intend to seek assistance from the health department and the deputy director of licensing in the Northern Territory to address the problem. He is actually based in Alice Springs. With regard to Halls Creek, there are a number of factors that have contributed to a reduction in crime and antisocial behaviour. There is now a community spirit to ensure that Halls Creek becomes a safe and secure environment for the next generation. The catalyst for a better Halls Creek comes from the liquor restrictions. They break the cycle for those people at risk and give them an opportunity to regain life skills and care for their families. The liquor restrictions are not there to cure all of the problems, but with the assistance of increased government infrastructure in the town, in the form of increased housing and on-the-ground government programs supplied by DCP, Education and Health, Halls Creek is a better place to live. The decrease in criminal behaviour, domestic violence and antisocial behaviour provides an opportunity for the police officers to instigate proactive strategies to keep Halls Creek safe, instead of concentrating on fighting drunks, dealing with domestic violence and domestic violence tasks and achieving very little. Western Australia Police fully support the implementation of the liquor restrictions as a short-term solution. It is now up to the community itself to move on and take a leadership role for the future.

CHAIR—Thank you very much. I am sure there are some questions.

Senator ADAMS—Thank you for that very comprehensive report. You were present this morning when we were questioning the Aboriginal Legal Service. Do you have any comments about some of the issues that they are concerned about?

Insp. Cave—It was an interesting morning. First of all, let me go to Operation Barnham, which was the catalyst of all of the infrastructure being placed into Halls Creek. As a result of that, a detective sergeant was placed there; a child protection officer was placed there as well. There was also an increase in DCP officers on the ground in Halls Creek. Operation Barnham was an operation conducted by the Kimberley district Sex Crime Division. The catalyst was a mandatory investigation into an STI. That investigation showed unacceptable promiscuity behaviour between youths of a similar age. It identified predatory behaviour of older men towards young girls or victims. It is interesting. I heard that discretion was not in fact used at Halls Creek when it fact it was, under the authority of the DPP, where there was consent from the victim. Where acts of violence or control were an element of the offence, there was no discretion.

Juvenile offending is an issue across the entire Kimberley. I would submit that it is an Australia-wide problem and hits at the heart of social inadequacy and lack of parental control. Most offenders and victims are Aboriginal where matters of violence are concerned. Kids are roaming the streets at night because they do not want to be home for one reason or another. Police have a duty of care to victims and juvenile offenders. It is difficult to contact a responsible adult to bail the child before he or she attends court. On most occasions, magistrates are holding either a video or a telephone conference before making a decision to remand an offender, either adult or juvenile, in custody. That goes for the MFPPs as well as the larger police stations. There was comment this morning from Mr Collins about the amount of time that juveniles spent in cells. One concern to us is diversionary programs. JJT is a concern that we have.

CHAIR—Sorry—JJT is?

Insp. Cave—Juvenile justice teams. In the normal process, a juvenile who commits an offence is provided with a juvenile caution. A notice is provided to the juvenile, and that is recorded on our computer system. A caution can be issued for mainly non-serious offences, which do include burglary and stealing offences. If a juvenile commits another offence, they are referred to a juvenile justice team. A meeting is organised with a responsible adult and a victim, who discusses the offence with police and the Department of Justice.

There has been a backlog of JJT meetings across the state and across the entire Kimberley. At present there are 162 JJT matters that are outstanding in the West Kimberley and 67 for the East Kimberley, which puts us in a very difficult situation. Juvenile offenders who have not appeared before the JJT are still offending, and the magistrates refer all offences back to the JJT until they have passed on that process, so in fact they do not get dealt with until they attend the JJT.

Senator ADAMS—So what can be done? It obviously is a very important part with those teams. Do they work when people can get access to them or not?

Insp. Cave—We have had a number of meetings with JJT and the justice department. We are moving ahead. I think Kununurra, in fact, reduced those figures. Those figures were from the beginning of last week. Those figures were reduced substantially last week with a number of meetings, so I think they are down to credible figures. I think that Broome, or the West Kimberley, still has 162 outstanding matters, and we are trying to work very closely with the justice department to see if we can get that moving along.

Senator ADAMS—How many teams have you got in the Kimberley?

Insp. Cave—I am sorry; I do not know.

Senator ADAMS—That seemed to be the biggest issue, though, from the Aboriginal Legal Service—the people that they are working with—

Insp. Cave—I know that there is a team in Kununurra and a team here, but I am not sure how many people are associated with each team.

Senator ADAMS—Or whether they are fully staffed or need more resources.

Insp. Cave—Yes.

Senator ADAMS—It sounds as if they certainly do, because a hundred and—

Insp. Cave—It is not just a Kimberley issue; it is a state-wide issue.

Senator ADAMS—I was just asking you because of the Kimberley association; that is your responsibility.

Insp. Cave—Yes. I will talk about the overpolicing. I heard this morning a concern raised by ALS in relation to the overpolicing in remote communities. The WA Police strongly reject this opinion and consider that the presence of police alongside a DCP officer working within the community can only benefit the community. On most occasions police officers have a good working relationship with the community and the councils. They are there to enhance quality of life and wellbeing for the people of Western Australia by contributing to making the state a safe and secure place, and I think we are doing that throughout the Kimberley.

There was also a comment made about traffic within MFPPs, and I think there was a stop sign at Warburton mentioned. Yes, we do police the communities, and that is mainly because of the serious and fatal crashes. The four main factors for those crashes are speeding, alcohol, not wearing a seatbelt and fatigue. We need to manage those; otherwise people are going to kill themselves. I reject the comment from Mr Collins that we are just picking on people for the sake of it.

Senator MOORE—Has there been an independent assessment of Operation Barnham? Has there been a review of that whole process? The ALS were quoting figures about the number of cases that came forward. I did not get a chance to ask the ALS, and I was just wondering whether there has been a review of that whole operation.

Insp. Cave—I would imagine there would be. I was not actually here at that time. My colleague Inspector Annetts in the back was actually working on Barnham, so he would probably be able to comment.

CHAIR—Inspector Annetts, is there anything you would like to add about the capacity in which you appear today?

Insp. Annetts—I am an inspector of police with the Western Australia Police, based in the Kimberley district office in Broome, and my role is that of the crime coordinator for the district.

Senator MOORE—We had a number of figures about the whole process of that operation and how serious it was, and I think perhaps people did not hear enough about it because it happened at the same time as the intervention in the Northern Territory so that they did not hear enough about this valuable work was going on here. I am interested in some of the comments that the ALS was making about the process and the number of cases that went to court, and also that longstanding issue that young men end up getting charged and getting a criminal record, when in fact it is a case of young people who are actually involved in underage sex. That is longstanding; we are not going to solve that today. But I am keen to know whether there has been an independent and public review of that.

Insp. Annetts—I am at a disadvantage as to what the comments were that were made by the ALS this morning. But at the time I was inspector in charge of the sex crime division in Perth, and was continually involved, right from the start of Barnham. One of the key issues for us was not to get caught up in that issue of consensual sex between juvenile people. But I go back to the point that Mr Cave raised, that the catalyst for Barnham was an STI mandatory report of a girl who actually gave birth to an STI child, which eventually got the ball rolling.

Senator MOORE—And she was a very young girl, too, as I remember.

Insp. Annetts—As for the comments in relation to the review: there was certainly an internal review done by our department as to the appropriateness of the charges and what our philosophy was in relation to dealing with the issues. We were driven by authority from the DPP at the time to exercise discretion in relation to events between consenting juveniles of similar ages, and the last thing we wanted was to be caught up in that sort of process anyway. The overrider for us was: what we saw come out of that was the predatory behaviour of older men when they became aware of the promiscuity of the girls and where those men were clearly adults and there was a separation of age. We did prosecute where the evidence was there and, where we did prosecute juvenile males, there was either an element of violence, or grooming or coercion had occurred.

Senator MOORE—But the review was internal and not public?

Insp. Annetts—Yes.

Senator MOORE—I sense another letter!

Senator SIEWERT—How many people were charged and how many people have now been dealt with through the system?

Insp. Annetts—Oh, goodness—I have come up blank again, I am afraid.

CHAIR—Perhaps that is something you could take on notice—just a breakdown, if that is on the public record. You could give us just the number of people who came to prosecution.

Insp. Annetts—I can provide you with that.

CHAIR—Whatever is on the public record, if you could provide that, that would be most useful.

Insp. Annetts—Yes.

CHAIR—I have questions on another couple of matters in the same vein. There was a statement this morning that 60 per cent of bail applications were refused by police. I am not sure exactly of the process. But do the police have final determination on who gets bail and who does not?

Insp. Cave—No, it usually goes to the court. There is a process where bail is considered by police officers. I could not see that it would be that percentage; I find that hard to believe.

CHAIR—Perhaps you could take that as a question on notice: would the statement this morning—that 60 per cent of all bail applications are refused by police—be accurate? Further, what are the considerations when you are actually taking consideration of bail? Is it safety for those in the place they are going back to?

Insp. Cave—Safety for the community; whether or not the person is going to re-offend; the seriousness of the offence, obviously; and whether or not a person is actually going to turn up for court.

CHAIR—What sort of impact has that legislation had on behaviour, particularly in remote communities, of assault occasioning actual bodily harm to a police officer? A strict liability offence, I understand, is in place in Western Australia. Do you sense that that is being enacted? Have you found there is some hesitation? When people are drunk there seem to be fewer wires connected. You have been looking carefully at statistics on behaviour in places like that. Since that legislation came out, have you noticed any difference in people's approaches to police officers in that sense?

Insp. Cave—If you have a look at the instances at Northbridge, no. I think people still become fuelled by alcohol and then that drives them. So, no, not necessarily.

Senator SIEWERT—So it is not a deterrent?

Insp. Cave—I would not have thought so, no.

CHAIR—Perhaps a similar point could be made about orders to prevent association. For example, you can say, 'You're not allowed into the Casuarina shopping centre in the Northern Territory because you have offended there by shoplifting.' You can also say, 'We don't want you to associate with the following people because they were in company whilst you offended.' These are remarks that came up this morning when the Aboriginal Legal Aid Service appeared. How effective do you think those sorts of orders have been to keep people on the straight and narrow and stop them reoffending?

Insp. Cave—We would consider that they are very effective and are usually used as a bail condition. If an offender has committed an offence at a shopping centre, it is probably not a good idea for him to return.

CHAIR—Those orders would nominally be associated with a bail condition?

Insp. Cave—With a bail condition, yes. And, of course, if there has been a violence offence against another person, then the condition would be to not associate with that person or go near that person, which is similar to a violence restraining order.

Insp. Annetts—Having said that, we are proceeding down a road at the moment in relation to prohibition orders against individuals across the Kimberley but particularly in areas that are not actually covered by liquor restrictions. Without going into what those strategies are about or declaring where they will occur, there are certainly some people in some towns who are covered by the restrictions, are consistently coming to our attention, are consistent offenders or are consistently involved in domestic violence events which require some investigation but do not

actually come up to the proof of evidence. But consistently alcohol is a causal factor and we are pursuing a prohibition order against those sorts of people. Having said that, we have also changed our mindset in relation to policing the punters involved in street drinking. We are now focused on the licensed premises and their obligation such that, when they do supply takeaway alcohol to a person, it is up to them to ensure that it is not going to be consumed in near proximity to the licensed premise—park drinking.

CHAIR—Do you think there is some value in some of the more punitive areas of compliance in the Northern Territory, specifically about the capacity to prescribe a specific area adjacent to a prescribed area? For example, you could prescribe the Tanami Highway between Rabbit Flat and Balgo—that is quite possible under NT legislation. You could prescribe that you are allowed to have a certain amount of alcohol along that area, which makes it very easy to police. If you are driving a truck taking a couple of tonnes of VB to somewhere else, you would be exempted. All those exemptions are there, but I guess my question is: do you think your legislative capacity to deal with the movements of people and particularly alcohol and substances of abuse is sufficient to deal with these challenges in the long term?

Insp. Cave—In the communities we only have the by-laws, obviously. If you take Balgo into consideration, the by-laws are ineffective. We would be seeking section 175 restrictions from the Director of Liquor Licensing to say—

CHAIR—Would that only come from a request from the community?

Insp. Cave—Not necessarily, no. Obviously it lends more weight if it comes from the community, but not necessarily, no.

Insp. Annetts—It is not going to be effective if it is adversarial—that is the problem.

Insp. Cave—Of course, we have places like Mulan and Billiluna that do not have by-laws at all, so alcohol can go in there and there is no offence.

CHAIR—I understand there are applications under section 175 for at least one of those communities at the moment. Is that correct?

Insp. Cave—Not that I am aware of, no.

Senator SIEWERT—I have some specific questions around Halls Creek and then some wider questions that I might need to put on notice. When we were at Halls Creek, there were a number of community members who did not like the restrictions—you can take it granted that some people will not. But some of the support services were saying that when the restrictions first came in there was a very dramatic decrease of, for example, people at the sobering-up shelter and at the safe house. In August they have noticed an increase. The numbers are still far below what they used to be, but they are going up again—that is what they were saying. That does not appear to reflect an increase in the number of charges and arrests in your statistics. Have you heard that evidence anecdotally? If you have, have you thought about what is causing it? Some people were suggesting it is because people are getting more organised with bringing alcohol back into town. Has that come to your attention yet?

Insp. Cave—At the moment we are running an operation to target sly-groggers. To do that, we patrol the highway between Halls Creek and Kununurra and Wyndham. We have been stopping a number of cars that are in fact purchasing alcohol at Kununurra or Wyndham and then returning to Halls Creek. We have not charged anybody at this point with sly-grogging, because we have had insufficient evidence, but quite clearly people are travelling to Kununurra and Wyndham, purchasing alcohol and bringing it back into the town. And they seem to be more organised, yes.

CHAIR—Is it in fact unlawful at this stage to drive from one place to the other?

Insp. Cave—No, not at all.

CHAIR—So it does not matter how much evidence you get at the moment; it will not matter. Is there an intention to have a look at reviewing the legislation to give you that capacity?

Insp. Cave—I do not think so. They are quite within their rights to purchase alcohol. The only thing they cannot do, of course, is to sell it. That is what we are trying to stop.

CHAIR—It would have to be a trafficable amount, I suppose. You would have to demonstrate that it was beyond what they would need at home.

Insp. Cave—There would have to be sufficient evidence to show that they had the intent to sell or that they had sold.

Senator SIEWERT—It also sounds like there is alcohol coming back into Balgo from Rabbit Flat.

Insp. Cave—Most definitely, yes. As I say, on the weekend they destroyed 30 cartons.

Insp. Annetts—Your observations at Halls Creek are not dissimilar to those that occurred in Fitzroy Crossing when restrictions came in there. Exactly the same occurred.

Senator SIEWERT—There is a much more stable situation in Fitzroy Crossing, but—

Insp. Annetts—It is further down the track; I do not know whether it is that much more stable.

Senator SIEWERT—The evidence we received on Monday was that it may not be totally stabilised but you have definitely still got the decrease in presentations at hospital with domestic violence and things.

Insp. Annetts—Exactly.

Senator SIEWERT—The same thing happened in Fitzroy. You had the dramatic drop and then you have had some increase, but it is still not back up to the levels of what it was before.

Insp. Annetts—Certainly not. The issue for Fitzroy Crossing is the domestic violence. It still concerns us. The level is certainly up. Anecdotally we have been told that that is because people

are now more sober and there is the ability to gather the evidence. The willingness of people to actually make the complaint now is stronger within the community.

Senator SIEWERT—That is the point has been made very strongly to us. The point that was made over and over to us in Fitzroy Crossing and in Halls Creek was that the restrictions, everybody acknowledges, are not the silver bullet but they have allowed a window of opportunity. What people are frustrated about now is the lack of support services. Both in Fitzroy and in Halls Creek that was the overwhelming comment. How do you engage with the community and with government on that? Do you have any role in terms of talking to the community or working with the community and with government to try and get those additional support services?

Insp. Cave—The officer in charge of Halls Creek police has actually just left and gone to Carnarvon, which is unfortunate, but he led a number of committees within the town site—interagency committees with other government agencies, which included education, health, Department of Housing and DCP obviously. They actually talk about individual families that are a concern. They are well aware of what is occurring within the town. There are also a number of meetings within the town itself to provide information to the townspeople. That is still ongoing. So there is communication through from the police and that government agency to the townspeople.

Senator SIEWERT—What people are clearly saying is: ‘We need more counselling. We need more drug and alcohol rehabilitation and support.’ Now that the grog, as somebody said yesterday, is washing out of the system, they are identifying some significant mental health issues that were masked by the grog. Therefore they need more help with mental health. Housing is an issue as well.

Insp. Cave—I think mental health and alcohol and drugs have always been a concern. Within the Kimberley, there are only officers at Broome, Derby, Kununurra and, I think, Fitzroy, which makes it very, very difficult for a town like Halls Creek if they have not got that service.

Insp. Annetts—Are you aware of the directors-general group that sits over the broader Kimberley issue but started out of Operation Barnham? What came out of Operation Barnham in particular was a lot of pressure on the judicial process. From that, they formed a directors-general group, which, from a policing point of view, is attended by our deputy commissioner. Also on that is Justice Martin, and every director-general of every government agency is involved. It started off just trying to deal with the judicial process and trying to get those briefs through as quickly as possible, but it was dealing with the recovery process as well through the DCP. Now I understand health and all the other agency directors are on that. In my 30-odd years as a police officer, I have never seen results like those that have come out of that group in putting resources into a place like Halls Creek. I am not saying they take the credit for it, but that is certainly the conduit to get those sorts of things done in relation to those other services. I do not know what has gone to them, but they are the powerful group, as far as I am concerned, to get a message through to.

Senator SIEWERT—Maybe we should be suggesting that to the community. As I said, it was overwhelming—every non-government agency we saw said, ‘We need more assistance, we need more support.’ My other question is broader. It may not be appropriate that I ask you. You or the

chair will tell me. There are issues around the high Aboriginal incarceration rate. A report came out just recently—the name has escaped me for a minute, but Ted Wilkes launched it in Canberra in June. It highlighted the high incarceration rate of Aboriginal Australians around Australia but in particular in Western Australia. What strategies are being put in place to start addressing those issues? There are strategies already, but obviously they are not working to the extent that we are still seeing very high incarceration rates of Aboriginal Australians. Where to from here in WA?

Insp. Cave—That might be a question that we would have to put to our senior officers on notice.

Senator SIEWERT—I was just checking as to whether we are seeing police representation when we are in Perth, in October, and was told that we are not. That is why I asked you. Perhaps we will see whether we can see some of the—

Insp. Cave—I am sure that, as a result of our appearance here today, if people think that a police officer should attend in Perth, they would.

Senator SIEWERT—That would be useful for us. We have been concentrating here on the Kimberley issues, but it came up very significantly in our inquiry in the NT, and it is an issue here in Western Australia.

Senator ADAMS—What was the name of the senior group, the interagency group?

Insp. Annetts—The Senior Officer Group.

Senator ADAMS—Are they based in Perth?

Insp. Annetts—Yes. That is the head of every agency.

Senator ADAMS—That is one that we should get more evidence from, I think. As far as the Kimberley goes, regarding policing numbers and multifunction police stations, are you satisfied with what you have?

Insp. Cave—You should ask that question! We would always like more. Definitely at Balgo we would like a couple. That is a hot spot for us at the moment because of the amount of alcohol that is coming over. There are always positions within the multifunctions that we could fill. So, yes, we would dearly love some more, but I do not know that we are going to get any, with the budget restraints at the moment.

Senator MOORE—How many Aboriginal policemen do you have?

Insp. Cave—Quite a few.

Senator MOORE—How many are based in this part of the world?

Insp. Cave—We have three sworn police officers in Halls Creek and there are two in Fitzroy.

Senator MOORE—And policewomen? You used the generic term ‘policemen’. Are there policewomen as well?

Insp. Cave—Yes.

Insp. Annetts—At Fitzroy Crossing, and one of the sergeants—

Senator MOORE—That is also something we were asked about—not on this trip but a previous trip about the appropriateness of having gender in some situations.

Insp. Cave—Do you mean Aboriginal female—

Senator MOORE—Woman—yes.

Insp. Cave—In Fitzroy we have one.

Senator MOORE—And Aboriginal men in other places. This morning we heard evidence that, particularly with rehabilitation and training, it is not appropriate in some cases to have women training men in some areas. It works both ways.

Insp. Cave—In the young’s men’s group that I talked about, there is a young Aboriginal officer. There is a law person at the police station at Halls Creek. He does the law stuff for the kids and has only recently come back from that. They are quite well involved within the community.

Insp. Annetts—As to whether there is enough of it, the next question always for us is: how many more coppers do you want? Of course, the problem for us up here is that you can only fit so many into a police station, and there is the housing situation and everything that comes with it. It is just so hideous from an expense point of view.

Senator ADAMS—Having been to Balgo, I have seen the size of the police station. If you put more officers in, you will have to expand that, plus provide more houses.

Senator MOORE—Not that it is not very beautiful—it is a very beautiful station.

Senator ADAMS—It is good. As far as you are concerned, the multifunction police station works well? We heard criticism about that, too.

Insp. Cave—Most definitely. It is great to get them out in the community if they get on well with the communities. They work exceptionally well with DCP. That was one of the criticisms that we got from Sue Gordon. Now that we are out there, it is actually working.

CHAIR—Thank you very much for your evidence today. Before I let you go, I just noticed that on this document labelled ‘frontlineFIRST’, which I am showing you now, which was the document you spoke to, it does say ‘WA Police Service Confidential’ at the bottom. While we appreciate being able to discuss it, I just wondered if you actually intended to make it a public document. I am happy to return it. The committee is happy to return it to you, or you can just ensure that you wish it to become a public document, and therefore it will remain with the

committee. But, if you want to have the precautionary approach to it, you can provide it to us later.

Insp. Cave—Can I ask a question—

CHAIR—Certainly.

Insp. Cave—of my senior officer first? I know that the commissioner has given these details before, probably not to the extent of the number of arrests and things like that, but I actually could not see that there would be too much of a problem, myself—but I will ask.

CHAIR—I am more than happy, given the circumstances, if you can confirm with us that we are able to make this a public document.

Insp. Cave—I will, most definitely.

CHAIR—But we would prefer, if the answer is no, that you excise those areas that we cannot make public so that we would at least be able to use some of the material we have discussed today.

Insp. Cave—Not a problem.

Senator SIEWERT—Maybe, if it is, we could take it to percentages rather than arrest numbers, because it is really, really useful to have that.

CHAIR—It is indeed.

Senator SIEWERT—So, if you do need to make it confidential, could you convert it all to percentages?

Insp. Cave—Most definitely. We can do that for you.

Senator SIEWERT—Thanks.

CHAIR—Inspector Cave and Inspector Annetts, thank you very much for your evidence provided today.

Committee adjourned at 4.26 pm