



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON HEALTH, COMMUNITY AND
SOCIAL SERVICES**

(Reference: [Annual and financial reports 2010-2011](#))

Members:

**MR S DOSZPOT (The Chair)
MS A BRESNAN (The Deputy Chair)
MR J HARGREAVES**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 14 DECEMBER 2011

**Secretary to the committee:
Ms G Concannon (Ph: 6205 0129)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 9 August 2011

The committee met at 9.33 am.

Appearances:

Bourke, Dr Chris, Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections

Community Services Directorate

Hehir, Mr Martin, Director-General

Manikis, Mr Nic, Director, Multicultural, Aboriginal and Torres Strait Islander Affairs

Wilson, Mr Brian, Director, Aboriginal and Torres Strait Islander Services, Office for Children, Youth and Family Support

Fanning, Ms Katrina, Director, Integrated Aboriginal and Torres Strait Islander Servicing Design

THE CHAIR: I declare open this annual reports hearing of the Standing Committee on Health, Community and Social Services. Can I ask all the panel members about the privilege card. Minister, this is your first time.

Dr Bourke: Indeed.

THE CHAIR: Welcome to your first official hearing. I ask you all to indicate whether you have read the privilege card and you are comfortable with it. Okay. Minister, do you have an opening statement that you wish to make?

Dr Bourke: Yes, I do. Having become the minister three weeks ago, I would like to give you an idea of where I see this portfolio going and my particular personal emphasis as minister on Aboriginal and Torres Strait Islander affairs.

So often, Aboriginal and Torres Strait Island affairs is characterised as dealing with disadvantage. That is a significant part. However, what I will also be looking forward to as the minister is celebrating survival, celebrating the great accomplishments that Aboriginal and Torres Strait Islander people make within our community, particularly looking at things like NAIDOC. I am also particularly pleased about some other portfolios that I have, where Indigenous achievement can be celebrated.

Coming back to the issues of disadvantage, I see that arising from the historical circumstances of dispossession, disempowerment, discrimination, and certainly, as we see in the ACT diaspora, where people have either been forcibly relocated to other locations or have moved to other locations, disconnecting them from their country, their family and their culture. These four Ds, if you like, have combined to create significant socioeconomic disadvantage for Aboriginal and Torres Strait Islander people, not only here in the ACT but elsewhere in Australia. The result of that is a significant socioeconomic disadvantage which is reflected in a range of issues that we see within the community. That is my opening statement.

THE CHAIR: Thank you, minister. Starting from your comment about disadvantage, what is the current level of funding for Indigenous people in the ACT?

Dr Bourke: I shall refer to Mr Manikis to answer that specifically for you.

THE CHAIR: Before you start, Mr Manikis, I should have paid due courtesy to Mr Hargreaves joining us on the committee for the first time as well. Welcome, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Chairman. It is indeed to be celebrated.

THE CHAIR: I did not quite say that. Mr Manikis, over to you.

Mr Manikis: In terms of the discrete budget for that part of the business unit, my office, that is responsible for whole-of-government expenditures, I can get you the amount for the total. I do not have it at hand but I can get that for you. In terms of expenditures across government and all directorates, it is \$17.7 million for discrete Aboriginal and Torres Strait Islander programs and share of mainstream is around \$94 million.

THE CHAIR: Minister, I was going to ask you a question on that.

Dr Bourke: If I could just elaborate on that response?

THE CHAIR: Certainly.

Dr Bourke: Coming back to what I was saying before, what I want to be seeing as minister is a whole-of-government approach so that not only Indigenous-specific programs but also general programs are working to address Indigenous disadvantage and looking for opportunities where they can enhance outcomes for Indigenous people. Something that concerns me sometimes about programs is that they look like they are developed in a way that may actually disadvantage Indigenous people. That particularly concerns me and it is something that I am going to be looking for as minister.

THE CHAIR: Again, coming back to your opening remarks, I am a little bit concerned about the fact that you talk about disadvantage, yet we do not seem to have an understanding of what the current funding for Indigenous people in the ACT consists of. Are you satisfied with the level of funding? If you are not aware of how much it is, I guess I cannot ask you that. But I do ask you in the longer term, perhaps: are you satisfied with the level of funding that the department has for the Indigenous people of the ACT, keeping in mind, or noting, that the former chair of the elected body, Terry Williams, stated in estimates in 2010 that he thought the funding was horrific? It would be interesting to get your comments.

Dr Bourke: I will get a response from Mr Hehir.

Mr Hehir: Certainly the combined figure of the \$17.7 million, plus the \$94 million, actually represents quite a significant amount of service delivery. I think, per head of population, it is roughly double that of the broader community. So it does indicate both the specific targeting of resources through specific programs and a high level of

access to government funded services for some parts of the Aboriginal and Torres Strait Islander community.

Some of that will be about the level of disadvantage, as the minister has said. There will be some services where we have quite high levels of expenditure, which can include care and protection services and similar services which are dealing directly with the disadvantage. The \$94 million, plus the \$17.7 million, actually represents quite a high level of service, particularly to the disadvantaged parts of the community. It more than doubles if you go to a tighter subsection—those suffering socioeconomic disadvantage.

Overall, I think that there is a degree of funding and service available, but the question is: how do we put it together? How do we actually make it work, as the minister said, as one government to get the best possible outcomes? We are seeing the evidence. The evidence is we are not getting great outcomes. We need to figure out how we get it together properly and how we get the outcomes we are looking for.

Dr Bourke: Just to elaborate a bit more. I talked about a whole-of-government approach. What we need to be looking at is the leveraging that we can get from expenditure on the whole population to provide for what might be called mainstream services to provide better support for Aboriginal and Torres Strait Islander people.

THE CHAIR: Thank you. Supplementaries?

MS BRESNAN: It is a new question, but it does flow on from that. It is particularly in relation to pages 286 and 287 and table 62, which has the performance against the national Indigenous reform agreement indicators. You have mentioned already, minister, the cross-department aspect of a lot of these indicators. The one I was particularly interested in was the NAPLAN test—the reading, writing and numeracy test. It says here—and I am just checking whether it is actually correct—that the ACT has the lowest participation rate for Indigenous students. It says that the gap has increased every year. I know that it comes under Education as well, but it is that cross-department thing. Is that a correct figure? It seems quite concerning if that is the case.

Mr Manikis: I guess it is also to do with a group of young people who may be entering the system for the first time, and it has been identified.

MS BRESNAN: But it is years 3, 5, 7 and 9. It is actually across all those years.

Mr Manikis: I will come back to that.

MS BRESNAN: That seems quite a concerning figure if that is the case. It would be interesting to know whether that is comparing us, as I imagine it is, with the whole country in terms of other areas that we would imagine have significant disadvantage for Aboriginal people.

Dr Bourke: The key also there is the quantum of difference—how much different it is.

MS BRESNAN: Another one is the hospitalisation rates by principal diagnosis; there is no data there. Are we going to start getting some data, because I imagine that would help in the overall health outcomes situation?

Mr Hehir: Health data tends to be excluded more often because of the small sample size.

MS BRESNAN: That is something we keep hearing, though. I recognise that is an issue, but—

Mr Hehir: It is not actually our decision whether it is excluded or not; from my recollection a national committee looks at this and makes its decision about whether it is likely to identify—or the volatility of the sample is difficult for decision making. My understanding is that most areas of Health actually have good identification processes in place and their data is pretty solid. I am not an expert in that area—you might be better off asking Dr Brown—but that is my understanding of their processes. As I said, if they feel that it is at risk of identifying people or that it is too volatile for useful decision making, the committee itself will make the decision, not necessarily us.

Dr Bourke: Also remembering that in a small, discrete population that we have in Canberra—for instance, within the public school system the cohorts in each grade are around 90 to 95 kids—the capacity within that to skew the data is significant.

MS BRESNAN: I understand that.

MS HUNTER: Just on that, on page 287 we do have numbers for children under five years, hospitalisation rates by principal diagnosis. It is interesting on page 286 that hospitalisation rates by principal diagnosis overall are not included.

Mr Hehir: Again it could go to the actual population size. As you would be aware, the Aboriginal and Torres Strait Islander population is quite a young population. As you get into more mature age groups, the data size may reduce, it may be less predictable, it might be more volatile and also might lead to more risk of identification. Again it is not really something where I do not think they ask the question—I would need to confirm that with Dr Brown; it is more likely to be around the technical aspects of data.

MR HARGREAVES: Just a quick one on that issue of the health data: given that there is a small data size, the population being not terribly large anyway compared with the rest of the non-Indigenous population of the ACT, would there be a difficulty in being able to interpret those sorts of numbers given the cross-border nature of the population, given the extent to which people from the region access our health services?

Mr Hehir: My understanding is that that is the case. Again, Dr Brown is probably more qualified to talk about this, but my understanding is that the Canberra Hospital being the regional hospital attracts a higher level of at-risk pregnancies; therefore it will have a slightly lower birth rate than the overall population level because the at-risk pregnancies are often lower birth rate and because it is a regional centre they tend

to come in. So there is some data which potentially impacts on the collection point. I am not sure how they cleanse the data in terms of addresses et cetera—again that is something you are better off addressing with Health themselves—but certainly there is the potential for some of the external nature, or our regional allocation, to distort some of the data.

THE CHAIR: Okay. We are still on the supplementaries from the first question regarding funding. If there are no other questions on that, we will move on to Mr Hargreaves's first substantive one.

MR HARGREAVES: Thanks very much, Mr Chairman. In fact, I will ask two, because the two are related. Then we will see where it takes us. I am aware, and we are all aware, that the lands of Ngunnawal people, particularly, are in New South Wales and the region as well as the ACT, quite clearly. I am interested to know how you ensure that the services and opportunities in the ACT and New South Wales complement each other and do not compete with each other. Also, how are you partnering with the private sector and the NGO sector in addressing Indigenous-specific issues, particularly in those four Ds that you were just talking about?

Dr Bourke: I will take the second part first. We are already partnering with a range of Indigenous and non-Indigenous organisations, most obviously organisations like Winnunga and Gugan Gulwan, who are delivering a significant number of programs to address Indigenous disadvantage. Most particularly within education, we have been working with Gugan Gulwan to develop a home tutoring scheme for Indigenous students to improve their performance at school, which is part of a raft of measures that we are working on to improve Indigenous student performance.

But coming back to your question about regional cooperation, I will defer to Mr Manikis.

Mr Manikis: The services and programs that we have in the ACT are certainly available to those that are outside the ACT political borders. Our traineeship program, our cultural centre and programs like that attract people that come across the border from Queanbeyan and from down at the south coast as well. Our programs do provide services to those people.

MR HARGREAVES: Do you have less involvement with the people at Wreck Bay—Jervis Bay? I am aware that some years ago, a couple of decades ago, we provided Indigenous-specific services like child welfare, community nursing, visits by doctors and dental services to the specific community in Wreck Bay.

Mr Manikis: That is right, and that is on contract to the commonwealth as a service provider—the ACT government as a services provider under the current arrangements. We are contracted to provide a range of services. My colleague Brian Wilson can give you some detail around those, but it is as a service provider.

Mr Wilson: Aboriginal and Torres Strait Islander Services, in conjunction with care and protection and Community Youth Justice, do a lot of services into the Wreck Bay community. As you will see in the annual report, we manage the youth week services. We do a lot of community building in that area. We go down there on a regular basis.

We work directly with the two discrete communities there, with Wreck Bay as well as the Jervis Bay village area. They are separate in the Aboriginal community, in their eyes. There are a number of services that are down there. We roll out whatever the community puts their hand up for—what they feel they need. And we work directly with regional Australia to make sure that those services meet the needs of the local Aboriginal community.

MR HARGREAVES: What relationship do you have with the people who provide services in Nowra, which also provides services to the community?

Mr Wilson: We have a direct relationship. Because we are working in care and protection, we have a fairly good relationship with the Department of Family and Community Services—the New South Wales side. We also work directly with the south coast Aboriginal medical service. They do a couple of outreach services there. They are commonwealth funded, but we work with them because they run some of the services in the preschools.

MR HARGREAVES: Do you have an MOU arrangement or anything like that with them?

Mr Wilson: It is a very informal arrangement because a lot of the stuff is done by the commonwealth and we are contracted by the commonwealth to deliver services.

THE CHAIR: Supplementary, Ms Hunter.

MS HUNTER: We recently had an announcement from the Chief Minister around looking at moving out of service delivery for the community. I am wondering how far along that is and what sort of transition plans are being put in place.

Mr Hehir: My understanding is that that is still quite early days. The transition will be quite complex. The Jervis Bay Territory, which is what it is formally known as, its ordinance actually has most of the ACT government laws applied. So it would actually need engagement at the Australian government level, clearly, to amend that ordinance in the first place and have the New South Wales laws applied if that was to be the handover, or whatever laws they were seeking would be applied. Then it would be a case of negotiating with, I presume, the New South Wales government what level of service they are able to provide into that space.

It is quite early days. This will not be a short process. This is something that will take quite a significant amount of time to work through, just the complexities of different jurisdictions and, different laws. It will take some time.

THE CHAIR: Your substantive question, Ms Hunter.

MS HUNTER: I want to move to the Bimberi Youth Justice Centre. You have it in the annual report. There is a line in there around the Murrumbidgee Education and Training Centre, that you will appoint an Aboriginal and Torres Strait Islander liaison officer in the near future. Where is that up to? Also, outside of the education centre, has an identified Aboriginal and Torres Strait Islander liaison officer been appointed?

Dr Bourke: I will ask Ms Fanning to answer that question for us.

Ms Fanning: The liaison officer position at Bimberi is basically that we are looking at the role description. We are engaging the elected body and Gugan Gulwan with helping to rewrite that role description so that it meets not only our operational needs but the needs of what the community organisations would expect from that role. It is anticipated that that role will be readvertised for filling in January.

MS HUNTER: I know it is outside of CSD, but are you aware of whether the Murrumbidgee education centre has appointed a liaison officer?

Ms Fanning: I understand that the position in the education centre has been filled, but I will check that for you.

MS HUNTER: What is happening with designing particular programming or being aware of cultural needs for those young people who are in Bimberi?

Ms Fanning: Again, with the overarching committee that is looking at the review of Bimberi, there is a subcommittee that has a particular focus on Aboriginal and Torres Strait Islander needs in the centre. Both the elected body and some of our key community providers are also helping with some of the planning with regard to what not only can be run in the centre but how those programs can be maintained for the participants once out of the centre so that there is some continuity of those programs for the clients.

MS HUNTER: So apart from the elected body, Ms Fanning, who else is on the subcommittee and who else is having input?

Ms Fanning: The subcommittee has the elected body—to be honest, the names escape me. I have only been on that committee for a short period of time, but we can provide that to you. There are some service providers. There is also a range of people from other directorates who have responsibility in this area as well.

MS HUNTER: That would be great if you could take it on notice.

MR HANSON: The Aboriginal and Torres Strait Islander Cultural Centre—page 71 of the report—the government has taken that over this year.

Mr Manikis: Yes.

MR HANSON: Could you explain why that is? My understanding is that a contract was put out to tender. Did anyone tender for it? If they did, were they ineligible to take on the contract? Can you give me a bit of an explanation of what is happening?

Mr Manikis: The history of this is that we had a community organisation that was running the centre for six years—two three-year contracts, three years with a three-year option. We went out to tender. We did do that. We got a fair response in terms of numbers of organisations that were interested in providing programs there. The government made a decision that it would be run by, as it was then, the Department of Disability, Housing and Community Services. So a decision was made that it would

be run in the same way we run the Theo Notaris Multicultural Centre.

MR HANSON: That is now a permanent decision?

Dr Bourke: No decision is ever permanent.

MR HANSON: Often, minister, when decisions are made, there are specific periods in mind. “For the next two years, this facility will be run by the government.”

Mr Manikis: We are trying to develop that into a vibrant cultural facility. It is a vibrant community facility but what we are trying to do is make it into a vibrant Aboriginal and Torres Strait Islander cultural facility. We have spent a fair bit of time throughout this year working with our colleagues across other directorates and members of the Aboriginal and Torres Strait Islander community here to try to get programs for cultural activities, a keeping place.

We are working with our heritage people. We are working with the TAMS rangers who conduct programs in Namadgi, based at the cultural centre. We are trying to get a mass of activity happening there. We have got a very successful art gallery there. You have probably visited it. It is run by Burrunju. It is very successful. It attracts quite a fair bit of passing traffic, particularly from the diplomatic section and our local community as well.

We also have the Australian Indigenous leadership centre that is based out there. It is not as if it is sitting there doing nothing. It is quite—

Mr Hehir: If I may add to that, as Mr Manikis has described, the government has actually got quite a broad reach in terms of who we can talk to, who we are connected with. We were discussing this with the elected body the other day. It was not a high centre of activity or a high level of activity around cultural events for the Aboriginal and Torres Strait Islander community here. There was a degree of frustration expressed around that from many parties.

But it is quite difficult for a small organisation that does not necessarily have a huge reach—and it is connected with one part of the community rather than more broadly—to actually have the breadth to get as many activities in. Certainly in the exercise that we are doing, we are trying to ramp up the activity to try to engage different people, different parts of the community, maybe even different expressions of culture. Culture changes, adapts and moves over time.

How do we actually get a broad range of activities and a broad scope of people in there? Certainly our feeling was that initially we were better placed to be able to do that. Once we see whether we can turn that into a success, we will have to review the decision. I do not think it is ever set in stone but certainly the outcome we are seeking is an increase in cultural activities, an increase in activity, an increase in the pride and self-worth that we believe that cultural activities do generate.

MR HANSON: Are there any cost implications to the decision for the directorate to run it? Have you taken on the contract or whatever would have been allowed for the contract and rolled it into the department?

Mr Manikis: Hiring does continue. It does get used quite often by community groups. ACTCOSS and some other community groups are regulars out there.

MR HANSON: I was out there the other day.

THE CHAIR: I will defer my next question, in the interests of time, to Mr Hanson.

MR HANSON: I would be interested in your view, minister, about the three groups that are essentially competing for identity here, the Ngoobra, the Ngambri and the Ngunnawal. Obviously, with your connections to the Indigenous community, do you have a view about which one has the heritage of this land? Has each got a claim? What is your view?

Dr Bourke: Firstly, the government's view is quite clear. The government acknowledges the Ngunnawal people as the traditional custodians of the ACT. Secondly, as you know, there is currently a court case regarding the Ngoobra issue. I await the outcome of that. Thirdly, there is a genealogy project underway and I look forward to the outcomes of that to see what thoughts arise from that.

THE CHAIR: Ms Bresnan.

MS BRESNAN: On page 279 regarding the ATSI kinship and foster care service, has there been an increase in placements in recent times in the service, and is it in proportion to non-ATSI placement increases?

Mr Hehir: There is a distinction between the service and placements with Aboriginal and Torres Strait Islanders. The actual foster and kinship service is actually quite a small service. There are far more Aboriginal foster carers and kinship carers in the broader out-of-home care system than there are in that particular service. If you could tighten the question for me and let me know which one you are interested in, I can probably answer, or I can get Brian to answer.

MS BRESNAN: If it is in relation to a program, I am happy to skip that.

THE CHAIR: I think we—

MR HARGREAVES: Do you want an answer now?

MS BRESNAN: It is all right. Probably you can take it on notice; that is fine.

THE CHAIR: Thank you very much. We did start a few minutes late and now it is five past 10. Thank you for your attendance here this morning, minister and ladies and gentlemen.

The committee adjourned at 10.04 am.