



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
COUNCIL OF TERRITORY CO-OPERATION**

PUBLIC HEARING, THURSDAY 4 FEBRUARY 2010, WADEYE

Witnesses:

Northern Land Council, represented by:

Mr Kim Hill, Chief Executive Officer
Mr Ron Levy, Principal Legal Officer
Mr Syd Stirling, Senior Policy Officer
Ms Shanti Reilly, Solicitor
Mr Steven Shepherd, General Manager Corporation Services
Mr Patrick Briston, Field Officer Darwin/ Daly office
Mr Guy McLeod, Media Officer

Thamarrurr Incorporated, represented by:

Mr John Berto, Chief Executive Officer
Mr Phil Mitchell, Manager
Mr Thaddeus Dartinga, Chairman
Mr Martin Mullumbuk
Mr Francis Kohumboort

Our Lady of the Sacred Heart Thamarrurr Catholic School, represented by:

Mr Shayne Kidd, Principal
Mr Chris Pollard, Education Consultant Indigenous Catholic Community Schools

Mr CHAIRMAN: I will make an opening statement and then we will be asking everyone's name, introduce the committee and then we will get into discussion; and I hope to do this before each group today.

I declare open this meeting of the Council of Territory Cooperation and welcome the witnesses who are appearing before the council to provide information in line with the council's terms of reference. This hearing is open to the public and is being recorded. A transcript will be produced and will be available to the public.

In certain circumstances the committee may decide that evidence, or part thereof, can be taken in-camera and remain confidential. Please advise me if you wish any part of your evidence to be in-camera, but I remind you that this is at the discretion of the committee.

You are reminded that evidence given to the committee is protected by parliamentary privilege. For the purposes of the *Hansard* record I ask that you state your full name and the capacity in which you are appearing today. I also ask that you state your name each time you speak.

I also would like to note the apology of Ms Alison Anderson MLA who is unable to attend today's meeting.

I ask Kim to introduce everyone on your side, and say what your position and role is.

Mr HILL: Thank you, Mr Chairman. My name is Kim Hill, I am the Chief Executive Officer of the Northern Land Council. With me I have Ron Levy, my principal legal officer; along with my senior policy officer, Mr Syd Stirling; I have Ms Shanti Reilly one of my solicitors; Mr Steven Shepherd who is General Manager of Corporation Services; Patrick Briston, one of my field officers for the Darwin/Daly office; and Mr Guy McLeod, my media officer.

Mr CHAIRMAN: Thank you, Kim. On our side we have Marion Scrymgour, member for Arafura; John Elferink, member for Port Darwin; Willem Westra van Holthe, member for Katherine; Michael Gunner, member for Fannie Bay; and myself, Gerry Wood, member for Nelson.

For people who do not know what this council is: it is a bipartisan council made up of two CLP, two ALP and up to two Independents, and they have been given certain issues to look at by the Legislative Assembly. Those issues are the SIHIP program, that is the program both Commonwealth and Territory governments have put forward to increase the number of houses for Indigenous people in the Northern Territory; and we are also looking at the reforms to local government which is also an issue of interest to many people here; and also we are looking at Working Futures which is this big policy the government is putting forward to try to increase the number of people going to school, the number of people being employed, and increasing transport links etcetera.

So we have a very large scope of work to look at and I would imagine it will be a long time before we ever get to the end of it because many of these projects have long-term goals. We are also able to look at anything we wish to look at ourselves, which is quite different when it comes to some of the committees, so we can self-reference and we have done that recently on a number of issues.

As you see the meetings are open to the public and we would prefer all our meetings be open to the public because we believe that is a way that everyone can be involved, and I am happy to see so many local people here because it is our job to come to you, not you having to come to us when we are discussing some of these issues.

To get the ball rolling and so people understand, basically we are discussing with various groups, and we have already had a trip around Wadeye today to look at the housing the SIHIP program is starting to build, we have also been around to Thamarrur to look at the concrete factory, we have been out to Blacktip to look at the gas; so we have done that this morning to get an idea of what is happening on the ground, and we now have the Northern Land Council and we are basically going to stick to those three areas I mentioned before – the local government reform, the SIHIP program and Working Futures.

So could I ask Kim Hill, the Chair, whether he could give me some idea where he sees the role of the Northern Land Council in relation to those particular issues?

Mr HILL: Thank you, Mr Chairman, and I am actually the CEO.

Mr CHAIRMAN: Sorry.

Mr HILL: Apologies from the Chairman, who is unable to join us today.

First, I would like to thank you for giving us the opportunity to address the Council of Territory Cooperation. My reading of the terms of reference suggests three areas of direct relevance to the NLC. They are SIHIP, local government reforms, *Working Futures*, including homelands policy, and I will speak briefly to these matters in turn.

As you are well aware, the Northern Land Council is an independent statutory authority of the Commonwealth, responsible for assisting Aboriginal people to acquire and manage their traditional lands and seas. Since the enactment of the Aboriginal *Land Rights Act*, 48% of the land in the Northern Territory has become Aboriginal land. Our key constituents are the traditional owners, who are the residents of our region. Approximately 40 000 Aboriginal people live within that NLC region. We are one of four land councils in the Northern Territory, as you are well aware. Whilst many live in major towns, there are almost over 200 communities, ranging in sizes from small to family outstations, to settlements such as Wadeye and Maningrida, where there is a very large population. The majority of Aboriginal people living in our region speak an Aboriginal language as their first language, and traditional Aboriginal law is practiced in many of our communities within our regions.

The Strategic Indigenous Housing and Infrastructure Program involves expenditure of \$647m, composing of \$540m from the Commonwealth and \$100m from the Northern Territory to deliver major capital works, including new houses and upgrade works. The NLC committed to facilitate SIHIP leases for housing in nine major communities in 2007 under the previous federal government – that is; Wadeye, Maningrida, Oenpelli, Gunbalanya – Oenpelli and Gunbalanya are the same community – Millingimbi, Galiwinku, Gapuwiyak, Yirrkala, Numbulwar, and Ngukurr. The leases are not required regarding the upgrade works in the other 57 remote communities.

The NLC's processing of SIHIP leases has always been well ahead of schedule. In mid-2008, the NLC was required to facilitate two SIHIP leases by the end of that year, with further leases in 2009-10. In fact, the NLC processed four SIHIP leases by Christmas of 2008, those being Wadeye, Maningrida, Oenpelli and Galiwinku, and commence consultations in other communities. In 2009, the NLC processed a further three SIHIP leases - Millingimbi, Gapuwiyak and Ngukurr, consultations for the remaining two communities - Numbulwar and Yirrkala - will commence during 2010. Reasons being, particularly for Yirrkala, as you know, there is a pretty big mine nearby and there are issues regarding traditional ownership to lands involving Yirrkala and Nhulunbuy itself, so we are near completion. We are having final discussions, hopefully, in 2010.

Our consultations involved formal meetings with traditional owners and residents of the community. On some occasions, additional meetings have been required, such as where sacred site issues have been regarding land proposed for housing. The Commonwealth/Territory government review of SIHIP dated 28 August 2009 made positive findings regarding the NLC's commitment to deliver housing in the communities. Can I just say that I could probably go on and on and on, because these consultations have taken some time and no doubt, with other issues affecting community people, particularly the intervention, the shires and so forth – it has been very challenging for my staff, and particularly for traditional owners to see what future they have, particularly with their autonomy being taken away in decision making. No doubt there are still Aboriginal people wanting to determine their own future and, hopefully, through good governance principles and services offered to traditional owners in the wider community, that aspiration will still bear fruit in the future.

Local Government Reform: traditional owners have expressed a sense of disempowerment from the roll-out of the shires. This is due to the inherent sense of ownership of the previous community government council, classic example there, no doubt, permits; where we worked closely with the local government councils and offices in the past, permit delegates are finding it difficult throughout the NLC region and are trying to asset facilities to enable those wishing to enter upon Aboriginal land.

There is a strong view amongst traditional owners that the shires have assumed significant control over service delivery, which has reduced Aboriginal autonomy, as I mentioned previously. In addition, there were widely held concerns the shires may end up in a position of competing with local Aboriginal organisations for commercial contracts. Hopefully, TDC will actually give you an example today of the competition which is occurring. Some may say it is good, however, I think, at the end of the day particularly Mr Chair, that this committee may want to expand the Northern Territory *Planning Act* to regional parts of the Territory.

Mr ELFERINK: Any mention of (inaudible)

Mr HILL: In addition, a large amount of fallout from shires was due to the problematic nature of dealing the ownership of assets, and no doubt since the intervention there has been much confusion about owning and occupying those assets. Whilst these issues have largely been settled by way of legislation or community perception on the change of ownership of these assets, it was far from positive. Can I say the NLC, at the moment, is currently in discussions with each of the shires in our regions about a potential MOU. It is anticipated this MOU will clarify and consolidate the roles of respective organisations where they are related to land tenure, service delivery and community engagement. This MOU is currently in draft stage, but discussions are ongoing with both LGANT and the shires.

Shires have begun to engage with NLC about entering into section 19 land use agreements for the likes of roads, parks, ovals and other infrastructure. The NLC is more than happy to work through these matters with the shire councils. Again, the importance there is for us all to get the informed consent of traditional owners for this infrastructure and so forth to occur.

A *Working Futures*, including the homelands policy, the NLC supports the 20 growth towns in principle, but remains cautious as to the effect of this policy on homelands themselves. We really want to see dollars; there is no mention of dollars in regard to homelands. There is a large figure being flagged, an extra \$20m, however we still do not know. There is strong evidence in many reports of the success of homelands in relation to health and wellbeing of residents. This underlines a strong link between traditional owners living on, and caring for, their own country, and fulfilling their spiritual and cultural

applications to the land. Homelands still need to be supported, including provision of new houses, which is something the full council of the NLC strongly supports – that is, a division for new houses on homelands. SIHIP, growth towns, and the Commonwealth's remote service delivery sites have taken all the attention and resources, with the risk that viable and successful homelands will be left behind. That is what we feel. With all the attention paid to SIHIP and the growth towns, the homeland people are going to be left behind and there is going to be no actual monies for them.

The Northern Territory government policy on homelands refers to improving transport links between homelands and the hub communities as essential to allow better access to health and education services, food and grocery supplies. I understand there is a local businessman here in Wadeye who provides a service, and no doubt hopefully he will give an opportunity to do a presentation; he is a local Aboriginal gentleman. However, the policy of the Northern Territory Government did not describe how any of these improvements were to be made, and there still does not appear to be a plan for this, or costing, as I mentioned earlier.

Air charter travel remains expensive in the regions, as we all know – I do not think I need to go too much into that. One example is bush taxis – companies operating out of Nhulunbuy transporting residents to and from homelands may charge up to \$500, which takes much money out of the purse before the family even gets to shop. There is no doubt you may want to consider expanding some of the regulations regarding taxi services, if not transportation, in the region.

I am more than happy, Mr Chair, to table copies of the NLC homelands submission to this committee. Sorry, Mr Chair, I only have four annual reports, but I would like to table our report from 2008-09.

Mr CHAIRMAN: Thank you very much. I apologise to all those people who are standing here who were supposed to be on earlier. We were at Blacktip too long, but I hope you can bear with us. If members have got questions, John?

Mr ELFERINK: I am tabling what you just said in relation to bush taxis. That is \$500 to over what distance?

Mr HILL: Well, we look at a distance of over 100 km.

Mr ELFERINK: \$500 for a 100 km drive. Return?

Mr HILL: That is one way.

Mr ELFERINK: That is one way. Has this been reported to the ACCC board, because I reckon the *Trade Practices Act* might have something to say about something like that. You talk about regulations; I reckon this is something classic for the ACCC.

Mr HILL: We will take that question on notice.

Mr CHAIRMAN: All right. Any other questions? I have a general question. Marion?

Ms SCRYMGOUR: If I could ask the CEO in terms of permits; you were saying before that it was processed through the smaller community government councils, that shires are not participating in that administration?

Mr HILL: The concerns traditional owners and particularly our council members have raised is that there is not a facility there now for them to actually access, for example, fax

machines. We have been told by some of the permit delegates that some shire regional councils have turned them away and said that “this is actually shire facilities and it is not for”....,

Ms SCRYMGOUR: They will not support and of it?

Mr HILL: Yes. That is something which we will discuss with MOU. We are actually in discussions with the police, there is no doubt confusion, and no doubt with the SIHIP program, more and more people will be travelling in to do the infrastructure. We are getting reports that more and more people are being seen fishing illegally, if not shooting, on land trust areas; so we are working with the shires and no doubt we will be working with the alliance contractors to make sure. The basic example here, the NLC has a very good relationship with ENI and we have allowed access to traditional owners here, and we have allowed access for their workers to go fishing.

Mr GUNNER: They showed us the ID that they have.

Ms SCRYMGOUR: Yes, they were very clear about their support. The other question I have, Kim, you talk about Working Futures and the growth towns and the impact of communities like Wadeye and Maningrida, something that I have raised before, but I would like to put to you whether the land council has thought about or had discussions about one of the biggest issues for growth towns or Working Futures concerning the viability of outstations having access into those hub communities, is a road network. Has the Northern Land Council looked at or had discussions about the acquisition, or a 99-year lease, over the road corridors to governments to enable - forget about building the infrastructure in growth towns if you are not going to be able to have access to the road corridors. So has that been a discussion?

Mr HILL: Yes, we have had discussions with the department. I will ask Mr Stirling if he can elaborate more in regards to the projects we have just undertaken on the central Arnhem, and we are now moving to the Maningrida track.

Mr STIRLING: Thanks, Kim. For the past 12 months we have partnered with planning and infrastructure, Ernie Wanka’s area inside Northern Territory government to carry out a social impact , or the beginnings of a social impact study along the entire length of the central Arnhem road, at least the 420-odd kilometres that runs across Aboriginal Land Trust land.

The findings from that initial consultative process were interesting to say the least. There would appear to be no will on behalf of the traditional owners to give up the ownership of that corridor across their country in terms of an excision or a sale, but there may be fertile ground to further explore a lease-type arrangement. What it would depend on is the amount of control that traditional owners still felt comfortable with exercising over what is still their country, notwithstanding if it was to undergo a 20 or 40-year lease. Well, access – who comes, what comes on that track. So that is ongoing body of work we are discussing right now, or are in discussions again, with the Northern Territory Government to continue this piece of work to further what was really just a preliminary piece of work last season, but also to pick up the 100 kms bottom end of what they call the Arnhem Link Road, that is the Central Arnhem Road to Ramingining, so a similar body of work around there. It is a highly sensitive piece of country in relation to the cultural sites, sacred sites and ceremony areas and, by its nature, it runs, on some places, quite narrow escarpment over high, rocky and rugged country. So, it is fraught with difficulties. It is not as if you can move the track 15 metres and avoid these, or 50 metres or a kilometre. There is just not the country or the room to do that. That will be a quite concentrated piece of consultative work and will eventually end up following that all the way back through Maningrida. That link road is quite critical in long-term regional development needs.

Ongoing work, only preliminary findings yet. We have only just had the first report back and given that into government. We would think that there is a couple of years in this because of the size and scope of the project and some of the sensitivities involved.

Ms SCRYMGOUR: You are saying you have given a report back to government on this?

Mr STIRLING: Yes, a preliminary report.

Mr CHAIRMAN: Can I ask a bold question? There is an area that I have raised many times about roads. When councils ask for money for roads, or whatever, those roads have to be public roads. In other words, I cannot apply for some local government funds to do my road through my block of land at Howard Springs. If the road that we are talking about requires a permit, it is still owned by traditional owners – and I am not saying that it is right or wrong – therefore the road is actually private. If the road there is private, how can the Northern Territory Government, a shire, or the Commonwealth Government, spend money on a road that is basically private, because you are normally not allowed to do that?

Mr STIRLING: It has been done for 30 years, Mr Chairman.

Mr CHAIRMAN: It might have been done for 30 years, but the point is that we are taking money now away from cattle stations which use to have the same thing. That money is now finishing this financial year, that is to do the one (inaudible) ownership road, or whatever they used to call it, that money is now finished because those roads are private. My argument is; well, it is not an argument – but the point I am putting forward is that, simply, if I am a local government and I am required to ask for money for roads, those roads would have to be public roads. I could not ask for it because I am the mayor of the council and I have got a nice block of land out in the bush, so any of the roads done at my place, they would have to be public roads.

Mr ELFERINK: Mr Chairman, Mr Stirling made it fairly clear that the leasing arrangements are being negotiated as they speak. It is up to the government, and it is the government policy to determine where they build their roads, whether it is a private property or not, it just happens to be if it remains on private property, the ownership automatically transfers to the landowner. It may be government policy you disagree with, then I suggest you do something about the government, Mr Chairman.

Mr CHAIRMAN: Thank you, member for Port Darwin. Regardless of what you are saying, it is an important question because ...

Mr ELFERINK: I have given you the answer.

Mr CHAIRMAN: You have just given us a political answer, but it is a reasonable answer, and I have never been able to get clarification on ...

Mr HILL: Yes, it is a good question, Mr Chairman. From a policy perspective, no doubt, as I said earlier, we are in consultations now with the shires to work through an MOU, particularly in regard to services such as roads, and then, hopefully, my principal lawyer can probably give you a bit of a legal perspective from the land rights, and no doubt we will be taking to AGs about how we can get around this. Whilst policy is one thing, handing things over to lawyers could be a bit complex at times. Good question, but we are happy to work through it. I think at the end of the day, it is a matter for all parties to sit down, particularly from my end, we need the informed consent of TOs.

Mr CHAIRMAN: Could I ask another general question which, in most cases, relates to access and roads. The government has set up this policy of 20 growth towns. They are basically saying we want to develop 20 towns that are going to be the same as towns in the back of Queensland, New South Wales and Victoria, country towns, regional towns with services so that people can link in. Will those towns have access, or unfettered access, to the town from the public? In other words, if it is going to be a town like any town in Queensland, New South Wales, and Victoria, I can drive into that town, fill up with fuel, etcetera. Will these towns be the same? If Maningrida is a growth town, will someone be able to go through to that town, or will they require a permit?

Mr HILL: At the end of the day I would assume they will require a permit, unless there is a shift in the land tenure itself, Mr Chair, or a shift in the legislation itself.

Mr CHAIRMAN: I understand that, however I suppose the issue the government is putting forward in *Working Futures* - it is talking about, for want of a better word - I am not saying it is the right word, 'normalise' certain towns so they become no different than the rest of Australia, so people can be encouraged to go there, send their kids to school, get their health and medical issues fixed, start businesses there. If they still need a permit, does that not restrict on their ability to become like any other regional town?

Mr HILL: Like any other regional township, around that township and communities in Queensland, for example ...

Mr CHAIRMAN: I am talking about the town.

Mr HILL: Yes, I am talking about the town.

Mr CHAIRMAN: Yes, I am talking about the other areas.

Mr HILL: Again, around those townships there is no doubt private property, and no doubt there are regulations ...

Mr CHAIRMAN: I do not disagree.

Mr HILL: In regard to the permits, the NLC, to my knowledge, has never revoked permits. The only time the NLC, through traditional owners have revoked permits is when there are ceremonial activities occurring, and more often than not these ceremonial activities do not occur in the towns.

Mr CHAIRMAN: More reason why you might not need a permit.

Mr HILL: Again, it is still Aboriginal land.

Mr CHAIRMAN: I am not saying that.

Mr HILL: We cannot compare our towns in the Northern Territory with that of Queensland.

Mr CHAIRMAN: If I was reading *Working Futures*, that is exactly what we are trying to do. We are trying to produce a town like you see elsewhere where access to education, health, businesses, all those things can grow, so the communities around can access them, and if we are to grow those places you will need people, tourists, entrepreneurs, who can come in to that town ...

Mr ELFERINK: Gerry, you are also talking to the wrong people. The people ...

Mr CHAIRMAN: I am asking for an opinion about what they think ...

Mr ELFERINK: An opinion is a different thing. I will tell you what their opinion is: you have to see the response to the Reeves Review to know what the NLC thinks - unless it has changed recently.

Mr CHAIRMAN: *Working Futures* is basically a new policy. It has only been worked through ...

Ms SCRYMGOUR: If you look in *Working Futures*, Mr Chair, you will see there is recognition – in terms of the land council and Aboriginal people's rights to their land, and the issue of leasing, it should not prevent traditional owner's aspirations to enterprises or anything else, or getting private businesses should not have to come at a cost to Aboriginal people wanting to – just because in Queensland - remember land title in Queensland is completely different to land title in the Northern Territory.

Mr CHAIRMAN: Could I say up front, I am not against people having ...

Ms SCRYMGOUR: It is different; it is fundamentally different.

Mr CHAIRMAN: I am not against permits, right, not for people to go on private land. I am talking about towns. You cannot walk onto my place without permission either, but you can go into that town and go to the shops, you can go and get a business, etcetera.

Ms SCRYMGOUR: You walk on my property and I will take out a trespass ...

Mr CHAIRMAN: I am not against permits for private property. What I am saying is the government has a policy which says "we are going to develop these towns into growth towns". If you have to get permits all the time to go into those towns are you not restricting the possibility for growth?

Mr HILL: To simplify it, Mr Chair, we are in consultation at the moment with the traditional owners, for example in Wadeye,, about other infrastructures which require to be developed there to provide services to the community. For example, when we go into discussions with TOs, when a proponent is wanting a lease, that lease is going to be held by that proponent, therefore, no doubt, regulations - that proponent will have rights as to who can occupy those premises. If you are talking about parks, again, we still have to determine who is going to provide services to parks in Wadeye. For example, the housing lots here which the TOs have agreed to under the SIHIP program, that is going to be the responsibility of the department of Housing. So when you talk about a permit in a place like Wadeye, what are you actually referring to? Because the nature strip here, you do not need a permit currently and then after that is going to be a public road, the main nature drag here. You do not need a permit to go into the health clinic, you do not need a permit to go into the shop, and you do not need a permit to go into the school. When you talk about permit generally, it is ...

Mr CHAIRMAN: It is permission. That is what a permit means.

Mr HILL: Yes, permission, but which area are you referring to which requires a permit? At the moment there are free permits for people to travel the Central Arnhem Road to go to Nhulunbuy. So, when we talk about permits generally, what are we referring to? Because anything outside the current area of Wadeye under the intervention – it is all Aboriginal land, and therefore you require a permit.

Mr WESTRA van HOLTHE: You still need a permit?

Mr HILL: You still need a permit to go outside. Currently, you do not need a permit.

Mr CHAIRMAN: I do not disagree with any of that, I am just looking at it as a practical issue in regards to a town. All I asked at the beginning was: 'Do you need a permit to go into one of those growth towns? Into the town. I am not saying that you should be given me a permit to knock on someone's door, you need a permit to go to someone's private house – I absolutely agree.

Mr HILL: That is a discussion that no doubt we will have with traditional owners in regards to – you may not want to – through our consultations, through SIHIP consultations, only two traditional owner groups have expressed an interest in exploring a township lease. Just recently the federal government has come back to us, and I will ask Mr Levy to talk about the offer which the federal government wants us to relay to traditional owners; but at the moment, again, it is through our consultations with traditional owners. They might want to open up the town but, as we all know, many of the traditional owners are disadvantaged groups, therefore we know that we have the hawkers; we know that we have people coming in here falsely representing various interest groups and trying to benefit for themselves, we know that. We know that we have illegal fishermen operating in parts of the in-shores of the Blue Mud Bay area. We have had some successes in prosecution with a couple of commercial barramundi fisherman. However,, at the end of the day, it is something which requires the full informed consent of traditional owners.

Mr CHAIRMAN: I do not have a problem with that, and I do not want to drag it on, I was just talking about the principle of what the government – the Commonwealth and Territory government in their national partnership agreement ...

Mr WESTRA van HOLTHE: I stand corrected, but I understand that where there is a lease in existence you do not need a permit to be on that piece of land where there is a lease; you will need a permit to get there, if you travel throughout Aboriginal land.

Mr HILL: This is part of the confusion.

Mr WESTRA van HOLTHE: So you can arrive at the airport here in Wadeye, for example, and stay within the town within that lease without a permit.

Ms SCRYMGOUR: But if you go outside of that, you need a permit.

Mr STIRLING: And that is exactly what Minister Brough went about when he created permit free for the 73 communities under the NTER. But you cannot drive to Gapuwiyak without a permit. You can fly to Gapuwiyak, as long as you stay within the town and get back on the plane – no permit required. But if you want to drive across 700 km or 400 km of Aboriginal land to get to Gapuwiyak, you require a permit to access Aboriginal land. Now, that was well put, but not well understood because people tend to think in the flurry around the activities of the latter part of 2007, there was a lot of confusion around this.

When you ask the NLC; what is the NCL's view around permits and growth towns, the NLC is no more than a vehicle to express the wishes and aspirations of the traditional owners. The Northern Land Council does not have a view per se; it asks its traditional owners for the particular area under question of their view, and expresses that view accordingly. When Mr Brough sought and undertook some consultation in the latter part or mid part of 2007 around the question of permits and should communities and access to communities on Aboriginal land be permit-free, he could not find one Indigenous person in the Northern Territory to support that point of view. Not one. He nonetheless removed

permits for the 73 communities. So it is a bit of a moot point in asking us what we think, because we think and express the views according to the traditional owner's wishes.

Mr CHAIRMAN: That is fine and, again, I am not against permits on private land, but I am trying to put it into the context of this new policy which is 'growth towns', which is expected to bring changes and improvements to peoples' lives and those things, and I am trying to understand how it would work in reality; if people wanted to get there for instance and how it would work. Thank you for that; I know there are different opinions.

Mr HILL: Mr Chair, as I mentioned before, we are in discussions with the federal government and there is an offer to communities and traditional owners who do not wish to go down the path of township lease to actually extend another five years, and I will ask Mr Levy to comment on that.

Ms SCRYMGOUR: So you are saying that under the NTER, which there was the whole of township lease, the federal government is putting another offer on the table to extend that? I want to clarify what Kim just said.

Mr LEVY: There are compulsory five year leases.

Mr HILL: These will be voluntary.

Mr LEVY: Compensation will be paid. The Valuer-General has almost finished his job to determine what the compensation is. That compensation will then be paid to the different traditional owners for communities, including Wadeye, for example. Things are not very developed, but obviously, if traditional owners voluntarily want to continue the compulsory lease, that is, have another lease at the end of it, then they can think about that.

Ms SCRYMGOUR: Continue the five year from the NTER?

Mr LEVY: You grant a new one.

Ms SCRYMGOUR: So create another five years. The compensation will be payable from the Commonwealth. Will it be in the same process as the Tiwi Islands at Nguiu where they did the 99-year lease? Compensation was payable under ABA, \$5m in advance. What discussions happened, Ron, with the Northern Land Council about that?

Mr LEVY: Discussions are very embryonic, but I think it is recognised that what has happened is, there are SIHIP leases for 40 years for housing.

Ms SCRYMGOUR: That is section 19?

Mr LEVY: Yes, in nine communities in the NLC region. There are many other smaller communities in the NLC region where both governments have been upgrading houses and building things. They are currently relying on compulsory five-year leases to get legal authority to do that. There is only 3½ years of that five year lease to go. At the end of that five year lease, the Commonwealth and NT governments will not have express legal authority to continue doing what they are doing.

The discussions have really been at a novice level about, what do you do then? Now, it might be that there are various communities in the Northern Territory like Nguiu and Groote Eylandt who say we want a township lease. If that happens, that solves that legal problem. But if that does not happen then, at the compulsory five-year lease, governments are going to say, "well there are some things we want to keep on doing. If we want everyone to do it, we need a legal mechanism to cause that to happen". So the discussions have just been, at

the end of the five-year lease period, for areas where a township lease has not happened, or is not going to happen immediately, or for whatever reason, there will need to be a lease in place to allow government activities approved by shire to continue.

Ms SCRYMGOUR: Yes. So, no discussion about just terms of compensation in terms of the compulsory acquisition that is being done now?

Mr LEVY: The just terms compensation will flow shortly when the Valuer-General finishes his job of determining the value of the land.

Mr ELFERINK: My question is about the voluntary nature of the extension?

Mr LEVY: It will be voluntary.

Mr ELFERINK: Yes, and therefore not compensated?

Mr LEVY: That depends on the nature of the discussion. We have not even got that far.

Mr ELFERINK: But have a striking agreement, it is not like it is compulsory acquisition that implies all sorts of things.

Mr LEVY: That is right. The point is, by getting to this issue early as Kim was indicating, there is plenty of time to have those discussions. The point is, when the five-year lease ends, whether it is a township lease or something else, there needs to be something in place to make sure that governments have legal authority to do that.

Mr ELFERINK: The other side of that coin is, if the leasing arrangements are not extended, then the government just to go there!.

Mr LEVY: That is right. Or they will take some other action.

Ms SCRYMGOUR: Are they using the extending of those township leases, is there a certain population, or is it going to be across – I mean, the intervention happened across 73 communities. Growth towns only cover 20 of those 73 communities, so is it going to cover the 73, or the other, what is it?

Mr LEVY: You would have to ask governments, but I think governments, in the medium term, want to have proper documented lease agreements with traditional owners for everything. But no one thinks that can happen immediately, so they are starting with the major communities. Our job, as Kim said, and as Syd said, is to respond to traditional owners with what they want. We have got time to make sure that we do that with everybody.

Mr HILL: When those discussions do occur with traditional owners, once we get clarity from the Commonwealth government about the voluntary, no doubt, our position will be to actually lease arrangements with them, not necessarily through the Northern Territory Emergency Response legislation, because I, myself, would like to see that piece of legislation thrown out. There is no need for that piece of legislation.

Mr ELFERINK: Sorry, which one is this?

Mr HILL: The Northern Territory Emergency Response legislation. I think it is a dark spot on Australian history. The Commonwealth government needs to rescind or dissolve that legislation.

Ms SCRYMGOUR: With the Northern Land Council's support ...

Mr CHAIRMAN: Sorry, did you want to finish?

Mr HILL: No, no. I just wanted to make that point. We would rather see a new mechanism through a lease arrangement through an appropriate piece of legislation, not a legislation of the Northern Territory Emergency Response.

Ms SCRYMGOUR: Moving towards the new lease arrangements, would the Northern Land Council – I mean the discussion with the Northern Territory Government is, I suppose, in developing its own Office of Township Leasing to do that rather than with the Commonwealth?

Mr HILL: Seeking an opinion or?

Ms SCRYMGOUR: Yes, I am seeking your opinion.

Mr HILL: We have had discussions amongst my executive officers; we have had brief discussions with our executive members. However, it is in the back of our minds, so to speak.

Mr ELFERINK: You have other things to do with your time.

Mr HILL: We have got other priorities.

Ms SCRYMGOUR: I thought leasing and the issue of leasing on Aboriginal land was fundamental and core to the workers of the Northern Land Council?

Mr HILL: Whilst it is, we have other priorities to do with leasing and licensing. One thing I would like to bring to your attention, Mr Chairman, your committee members, is we are doing a major review of section 19, particularly economic development opportunities. We will be conducting stakeholders, and hopefully briefing the relevant political parties and yourself, and the member for Macdonnell, about our new process which hopefully will be ready to roll out before June.

Mr ELFERINK: I look forward to the briefing.

Ms SCRYMGOUR: Will that simplify the process, Kim? I mean...

Mr HILL: It will give greater, I think, transparency, particularly with the proponent who is seeking the lease, and where they stand. No doubt we will need to seek additional resources from the Commonwealth government to roll that out on the ground. There are, as you would have seen, many opportunities for traditional owners to enter into the market place.

The other one we are looking at, no doubt, is our successful program Caring for Country, where we run a very successful abatement ...

Ms SCRYMGOUR: Under this new process are you saying a traditional owner or a family group in the community – say I am a traditional owner in this community and I want to set up a business enterprise, I can then, through this new process, get a section 19 lease, so that there would be a shorter process through SIHIP?

Mr HILL: Depending on what the industry is seeking. No doubt we will need to analyse business plans. The NLC has actually issued out its tendering with its banking services. We

have thrown that out to the competitive bankers and we closed our tendering on 2 February. We have some banks really looking into providing economic development opportunities, particularly grants to small proponents to start small businesses.

For example, NAB has a very good Indigenous grant scheme, so does the Commonwealth Bank and a few others. So we are talking to the major financial institutions about how they can ...

Mr CHAIRMAN: You saying you are reviewing section 19, which is obviously a piece of the legislation. You are only one land council; are you trying to get a change in the law, or are you saying we will make this easier or simplify it so it is more ...

Mr HILL: It is a process.

Mr CHAIRMAN: ... to try to encourage people to use this procedure.

Mr ELFERINK: Policy setting on behalf of the Northern Land Council.

Mr CHAIRMAN: This not telling the Tiwi Land Council to do it that way, or the Central Land Council?

Mr HILL: No. No they will not.

Mr CHAIRMAN: I want to make sure you are not trying to change the legislation.

Mr HILL: No.

Mr CHAIRMAN: That is all right.

Mr HILL: We would like to probably strengthen the legislation.

Mr ELFERINK: Well, section 19 is a vehicle. It is probably a maze rather than a barrier, but it is a vehicle by which people get out of leases. It can be difficult to negotiate for both land councils and any proponent leaseholder, but the fact is any policy statement by the Northern Land Council suggesting they want to straighten out the maze, I think should be welcomed and from my personal perspective, I do welcome it.

Mr CHAIRMAN: Because we have had feedback I believe from someone recently that they prefer to go down the other leasing methodology being used, rather than section 19, because of the complexity of it, but if it can be made easier, then it would encourage people to use it.

Ms SCRYMGOUR: ... the land council was lazy and do not like ...

Mr CHAIRMAN: Anyway, but I believe many people would welcome the change.

Mr WESTRA van HOLTHE: Just in relation to homelands, you mentioned before that - I think you said that the government had not given any commitments to the funding of homelands - how do you see a funding model should exist for homelands? Is there an NLC policy on this? Do your constituents have an opinion on how to do it?

Mr HILL: My 83 members do, no doubt, have their own opinions in regards to how a model should be set up. Whereas I ...

Mr ELFERINK: Remember (inaudible) homelands

Mr HILL: We are happy, and my Chairman, for example, is a homelander, he was one of the co-founders for the Laynaphuy Homelands, and he is very strong and supportive, and he still resides on his homelands. We are more than happy to engage, that is not our core business in regards to providing services to homelands, but we have got – many of our councillors sat on ATSIC regional councils and are very familiar with ATSIC programs, very familiar with IHANT and the methodologies we use through the Indigenous Housing Authority. I, for one sat on IHAMP for six years – I was the Chair at one time, so there is the corporate knowledge within the communities, it is just that it has never been explored. Regional councils use to provide chip monies, community infrastructure program monies.

Mr ELFERINK: Then there was NARS.

Mr HILL: There was NARS, and so forth. The corporate knowledge is there in the communities, it is just a matter of the government and the public service sector tapping into the corporate knowledge on the ground. I mean, you would see 20 years, 40 years ago there were many more Aboriginal apprentice tradesmen to what you see today. Many of my councillors will show my staff when we visit communities and say: 'That is the house I built 30 years ago.' So there is that corporate knowledge in the community, it is just a matter of tapping into that corporate knowledge and providing the support to those individuals now, who are grandparents, and provide opportunities for their grandchildren, their sons, to enter into the workforce.

Mr CHAIRMAN: We have got a couple of more questions

Mr ELFERINK: I do not have a question; I have a quick statement that I would like to make. After the successful assertion of exclusive rights over the inter-tidal zone by the Northern Land Council, I think it needs to be commended for the way it has approached its relationship with the mine and different people getting access to those areas. I just want to put on the record my personal gratitude as a non-Aboriginal Territorian about the way the Northern Land Council has conducted itself in relation to that. They had every right to exert those exclusive rights in all sorts of fashions, and chose to do it in the most harmonious way possible; and I just want to acknowledge that.

Mr HILL: Thank you.

Mr GUNNER: I have one question, Gerry

You mentioned the type of disempowerment and confusion amongst people about issues people were not consulted about; for instance we had a briefing on Tuesday from Matt Fagan about how (inaudible) federal government, Territory government and shire plans and the Service Delivery Co-ordination Unit or have you had any meetings with Matt or any discussions around that?

Mr HILL: My officers have had success, and some of our officers have had dealings with Matthew Fagan. I understand I have got a brief, and he is going to provide a briefing to me in the coming weeks about that, so it would be interesting to see, particularly the confusion about the role of a land council and what we do in terms of ...

Mr GUNNER: I was going to ask you about whether you see it as a better way forward?

Mr HILL: A better way forward would benefit all traditional owners and community people such as Wadeye is for governments at all levels, and organisations such as the NLC to actually sit down and talk about these things.

Mr CHAIRMAN: Can I ask a general question in relation to where you see the future of the land council. And I ask that in the context that Aboriginal people are becoming more educated and have more knowledge of the world today. Why would you not look at diminishing your role and allowing various groups of Aboriginal people having a more direct say in their future lives rather than having to go through the Land Council?

I am not saying the land council is not important, do not get me wrong – but I am just wondering whether it should be more like a union where if people want to use it, they can, where they can. Well, I have got, if you need to know, I've got some connections, but where those people you trust them to make their own decisions if they want to, without having to go through a land council. What do you see for future in the next 10 to 20 years on the land council – diminishing or increasing?

Mr HILL: Well, I would like to see it diminish on the part that governments – I mean, you have to congratulate Julia Gillard in regard to reporting the education standards of our kids at schools, both Catholic and public. No doubt, one strong indicator for future land councils to consider is the education of our people in the remote and regional parts of the Northern Territory. We all know education is the key.

At the moment, we have got decades of generations of kids who do not have the literacy and numeracy, and once we start seeing key performance indicators where our kids are being taught and lifting up to standards which are acceptable to wider society then, no doubt, the land council should consider its role and what it plays. At the moment, all I can say, Mr Chair is, as a current CEO, we will fight tooth and nail if people want to take on the land council, in particular the *Land Rights Act* but, at the moment, I would like to see the education, employment and health standards of our people improve before the NLC starts making those kinds of decisions.

The other thing we are facing with today, Mr Chair is, whilst I have been in the job now just over a year and a half, we have a lot of historical material where people are now questioning their fathers and grandfathers' stories in regard to country and ownership of country. It is our job to advise traditional owners, "this is what your father said, you father marked out". It is not in all areas of NLC, unfortunately. We have had a number of successful land claims which, can I just put on record that the CLP government at that time challenged, which we won. We have got a place in the future of Aboriginal people in the Northern Territory, the land council's role. It may not be that of today, but we definitely need to see education, employment and health standards of Aboriginal people on the rise before the NLC and the full council seriously take that question on.

Mr CHAIRMAN: The only thing I can say to that is; you obviously do not know my sister-in-law - they are educated, but I know what you are saying. Thirty years ago, Aboriginal people, in general, were probably better educated than they are today. I think you cannot make that generalisation about all Aboriginal people not having the ability, but the act does not allow them to show their potential.

Mr HILL: Many of those who are educated, as I said earlier, are challenging their fathers and mothers, and who owns what country, so there is a very competent society ...

Mr CHAIRMAN: All right. Thank you very much for your attendance today. I am sure there is plenty more discussion going to occur about some of the issues you have raised. They are important issues. Even though we may have had some disagreements, the final outcome is what is best for the Territorians, including Indigenous Territorians, and that is what we are about as a council and I think we have to debate these issues because, in the end, I think we have got to achieve some changes, as you said in health, education and

employment, otherwise we as well not be in this job and the same for yourselves. Thank you.

Mr ELFERINK: This is way to brief Mr Chairman, I was wondering if we could get NLC back to our one of our meetings in Darwin at some stage?

Mr CHAIRMAN: Well, they were invited earlier to one of our meetings, so we are happy to invite them back to a Darwin meeting.

Mr ELFERINK: I would like to flesh out a couple of the things that have been said here. I think it is worthwhile. Can I also say, not to so much challenge the NLC, but to encourage it to address certain issues that it has, and I look forward to a constructive meeting if they choose to come along.

Mr HILL: More than happy.

Martin Mullumbuk, Thamarrurr Incorporated
Phil Mitchell, Manager, Thamarrurr Incorporated
Thaddeus Dartinga, Chairman, Thamarrurr Incorporated
Francis Kohumboort

Mr CHAIRMAN: First of all, welcome everyone, thank you for having us here today. I have to read this, the official bit.

I declare open this meeting of the Council of Territory Cooperation and welcome the witnesses who are appearing before the council to provide information in line with the council's terms of reference. This hearing is open to the public and is being recorded. A transcript will be produced and will be available to the public. In certain circumstances the committee may decide the evidence, or part thereof, can be taken in-camera and remain confidential. Please advise me if you wish any part of your evidence to be in-camera, but I remind you that this is at the discretion of the committee.

You are reminded that evidence given to the committee is protected by parliamentary privilege. For the purposes of the *Hansard* record I ask that you state your full name and the capacity in which you are appearing today. I also ask that you state your name each time you speak.

I also give the apologies of Ms Alison Anderson, MLA, who is unable to attend today.

I welcome you all, and I might ask each person to give their name and their position. The Thamarrurr Development Council, I will call it the TDC, to save saying that all the time, and so we have that on the *Hansard*; if you would like to say your name and your role with TDC.

Mr MULLUMBUK: My name is Martin MULLUMBUK.

Mr MITCHELL: Phil Mitchell, Manager, Thamarrurr Incorporated.

Mr DARTINGA: Thaddeus Dartinga, Chairman for Thamarrurr Incorporated.

Mr KOHUMBOORT: Francis Kohumboort.

Mr CHAIRMAN: Over here we have Marion Scrymgour, member for Arafura; John Elferink, member for Port Darwin; Willem Westra van Holthe, member for Katherine; Michael Gunner, member for Fannie Bay, and myself, Gerry Wood, member for Nelson. Thank you very much for coming today.

Mr BERTO: Through the Chair, I just want to clarify and ensure the records reflect accurately who is represented here. These are the representatives of Thamarrurr Incorporated, which is a separate entity to Thamarrurr Development Corporation.

Mr CHAIRMAN: Maybe we can get an explanation of that while we start. I might ask that so we have an understanding of that too.

You tell me who to ask. What I would like to know is a little history about Thamarrurr and the organisation, where it started and how it is what it is today, if that is possible.

Mr MITCHELL: Mr Chair, if I may, these guys have asked me to speak upfront on this, but if I may I would like to say a few words about the proceedings of today. We have the senior Diminin people, who are the traditional owners of Wadeye itself, of this particular stripe of land. They have come in here today to give you guys a special welcome to country, and they understand that waiting for an hour or so goes with the Territory, and that is fine, but they are all sitting in here to give you an official welcome and they were bypassed. That is why you will notice there are not too many people in the room at the moment. I only mention this because they have asked me to mention it to you, so that in any future dealings there is a protocol that goes with the Territory.

Mr CHAIRMAN: Before you came in, actually, we did not know. That may not be an excuse, but we did not have any idea that was the case. We have moved a motion that we will write a letter of apology to the group. If I had known, I can tell you now, that would have happened. I have asked the lady here if she can go out and see Theodora, just to pass that on verbally, because I believe Theodora has gone home.

I express my sincere apologies. It should not have happened, but we did not know they were going to do it. We thought they were just coming in to listen to the meeting. I am sure next time we come down, we will have learnt our lesson, but I cannot repair what has happened, but if you could pass on our apologies. It was certainly not intentional. That is the last thing we want to do. Our council is a cooperation council, not trying to split people up. So we are sorry about that, and next time we are here, we will certainly, hopefully, make amends for that.

Mr MITCHELL: They did ask me to express that in those terms, so I have done that, but there was also another issue they asked me to mention as well, and I will be in trouble if I do not mention it, and that is that the Northern Land Council was put in front of the local representative group because they had to catch a plane or something and the question that they are asking is; why could you guys not have spoken with the Northern Land Council representatives in town so that you could have had a bit more time with the community? I am just throwing that out there because they have asked me to and that is basically it.

Mr ELFERINK: Thank you. A very good question and I agree.

Mr CHAIRMAN: Look, we did have them for a meeting in town and they did not attend, and they decided to come down here to attend.

Mr MITCHELL: Okay.

Mr CHAIRMAN: Point taken.

Mr MITCHELL: Okay. Well, yes, they have asked me to relay that, so it is done.

Mr CHAIRMAN: Fair enough.

Mr MITCHELL: To kick it off, we are going to try to salvage as much as we can out of this. I can give you a little bit of a briefing on Thamarrurr Incorporated and basically what we are. As you could be well aware, Thamarrurr Development Corporation – and John can jump in any time he likes – is a local commercial operation that is owned by the local community and is run as a commercial operation.

At present, we are totally supported by them because of the situation that we do not have any funding as such at the moment to continue, but Thamarrurr Incorporated is the representative group of all the 22 clans within the whole of the Thamarrurr region. Thaddeus Dartinga is the main traditional owner for Fossil Head down the road here; Martin Mulunbuck is from another country at Red Cliff – sorry, Nardiddi; and Francis is Diminin, which is the traditional owners of where we sit today. What our basic role is, is to act as a conduit between any bodies that come into this area to get something done so that we can then go out and consult with the right people and speak with the right people so that things can happen on the ground. This is what has been going on – I have only been here six months, so Thamarrurr Incorporated has been a body for some time. I suppose we come right to the forefront, particularly with regard to the SIHIP and the whole housing program, to the point where we have been meeting weekly to try and get houses built and get people going to get things on the ground happening. That is basically what our role is. Our role is also not only that, we have a lot of other issues that we address. I have said this a few times, that there are so many social and political issues in this area that need to be addressed. and we see the housing program as a step in the right direction, only to address health, education. Obviously, the overcrowding leads to all of those social issues around the place. Our future is not only in the housing area, it is in a lot of the social and political issues in this area to try and keep this going.

Mr CHAIRMAN: Do people have any questions?

Mr ELFERINK: I have an obvious one. SIHIP has just been mentioned, and whilst you feel it is a positive program. Can you describe to me when you first learned of SIHIP, what you believed SIHIP was going to be, what you were promised through the SIHIP program, and what is ultimately going to be delivered. Is what you were promised what is being delivered?

Mr MITCHELL: Would you want me to answer that?

Mr BERTO: Yes.

Mr MITCHELL: All right. When the program was first brought out – well, it is two years old now, we all know that, but when we first started getting into it six or seven months ago, we did have a positive feel about the whole thing, to the point of we were told that there would be 105 houses built. This is right at the very early stages. This is new houses, this is apart from refurbishments and rebuilds. Everyone was really happy about that, and they asked the people to come up with a design, which they did, it was a basic four-bedroom house with huge verandas; one big roof over the lot; all the corners - this was mainly to cater for visitors who come in from homelands, as well as ease the overcrowding. They had a design where there was total input from the Housing Reference Group, therefore people from the region, and it was agreed on. Two weeks later we were told; “sorry, we cannot build that house, it is going to cost too much, we have a target of 105 to meet”. So then they came out with houses with a much smaller design.

The peoples attitude at that time was; “well, it is better than nothing, at least we are getting something done”. It then progressed from there, -it was not just 105 houses - you people are probably already across this but we will put it down for the record anyway. It was put across that it was not houses, you can have a one bedroom duplex or a two bedroom duplex; three bedroom house, it all counts as one unit to reach that 105. We were aware of the funding, but the general consensus amongst people was if that was the case and there was not enough funding, they should not have said 105 houses right from the word go, they should have said 105 dwellings and then worked out the mix from there.

That has caused a bit of...

Mr ELFERINK: The initial promise has not and will not be meet, I presume - in terms of new houses??

Mr MITCHELL: In terms of the people’s understanding, no, it does not appear that way.

Mr ELFERINK: I do not want to touch on refurbis particularly, refurbishments rather than rebuilds.

Mr WESTRA van HOLTHE: Before you do that, can I just ask you who gave you that expectation?

Mr MITCHELL: That was New Futures at the time, and Territory Housing was there. It was one of the earlier meetings we had out here in about July/August. At that time we believed they thought they had enough funding there to achieve that and make it achievable. Then when they must have crunched the figures and looked at the cost and all that type of stuff, well it was not possible.

Mr ELFERINK: John, come to the table and state your name when you talk, please.

Mr BERTO: John Berto, CEO of Thamarrurr Development Corporation.

Can I clarify further to your question - we were told initial funding of \$48.7m for Wadeye. That was for new houses. There was no number at that stage.

Mr WESTRA van HOLTHE: How much money?

Mr BERTO: \$48.7m. There was no number of new houses at that time.

Ms SCRYMGOUR: No number in terms of houses?

Mr ELFERINK: When was this? Was this the first information that came in?

Mr BERTO: Yes, when the Minister publicly announced the funding for new houses in Wadeye.

Mr ELFERINK: The Minister being?

Mr BERTO: Minister Jenny Macklin. There was no mention of any number of houses at that time; it was just the funding. Then two or three months went past and the number appeared. Another public announcement said 105 houses for Wadeye, and that is how we came across that information.

Mr ELFERINK: Coming back to my question in relation to refurb, whilst it was not new news to me I discovered in Nguiu recently how much the refurb had been downgraded. Were the people living in Port Keats lead to believe, initially that refurb meant basically any house which was structurally sound being brought up to an as new status with new painting, light fittings etcetera? Is that the belief of what a refurb was going to be?

Mr BERTO: That was the understanding.

Mr ELFERINK: Has that changed, in the current environment?

Mr BERTO: I hope not. We have not heard.

Mr ELFERINK: You still expect a refurb to be a structurally sound house being completely refurbished with paint, new light fittings, everything else like that, is that correct? Have you been advised of anything different?

Mr BERTO: No. Houses have been identified that need refurb, and there are different levels of refurb within that. There are major refurb; there are minor refurb.

Mr ELFERINK: Yes, and to get the language straight we call them rebuilds, which are houses which have some structural problem. That is a rebuild, and there is a separate budget; then there is a refurb, which is a house that is structurally sound but simply needs to be repainted and needs its light fittings ...

Mr BERTO: Like I said, there are major and minor refurb; not 'refits', 'refurbs'. There are rebuilds as well.

Mr ELFERINK: Has that changed in any way from your original announcements?

Mr BERTO: Not that I am aware of.

Mr ELFERINK: How many refurb are you carrying out, and can you break it down by major and minor?

Mr BERTO: Top of the head, no. There are about 70 for Wadeye, 26 for (inaudible), it is around that figure.

Mr ELFERINK: How much is a refurb worth? That is 77 for ...

Mr BERTO: Seventy-seven for Wadeye.

Mr ELFERINK: What is the budget for an average refurb?

Mr BERTO: \$75 000.

Mr ELFERINK: Okay.

Mr GUNNER: Thamarrurr, along the works subcontracted out (inaudible) in terms of built, I was just wondering about the job numbers; how many are on the job, break it up in to trainees and apprectices, Indigenous support do you have some of those stats (statistics)?

Mr BERTO: Within the context of SIHIP?

Mr GUNNER: Yes, the work that you are doing for the subcontractor for the alliance on the SIHIP housing.

Mr BERTO: At the moment, there are 12 local boys all working as trade assistants and, as the program ramps up, the numbers will ramp up.

Mr GUNNER: So you are getting a good outcome in terms of ...

Mr BERTO: We are expecting at least 35 to 40 Roper boys working on SIHIP at its highest peak.

Mr GUNNER: But 12 at the moment?

Mr BERTO: We were up at 15 at one stage when we did all the refurb work at Palumpa, that finished and the boys, they were Palumpa boys.

Mr CHAIRMAN: What will happen if the alliance moves to steel houses rather than concrete houses? Is that going to put you out of business or ...

Mr BERTO: We have still got concrete slabs.

Mr CHAIRMAN: All right.

Ms SCRYMGOUR: Mr Chairman, just following on from what Michael was saying to John – how many out of those 12 local boys working on trade apprentices do you have total on, say, Australian apprenticeships, have you been able to get any apprenticeships into the program?

Mr BERTO: No, no apprenticeships. Apprenticeships are very difficult. We trained ten to Certificate II level in General Construction, and about four of those ten are in jobs. We had the whole ten, but people drop out for various reasons. To sign up to a Certificate III requires a fair degree of literacy and numeracy, as I am sure everybody will understand.

Ms SCRYMGOUR: And that is a major concern

Mr BERTO: That is right. It is much of a – they learn a lot more just on the job, you know, off a tradie, they get the skills that are necessary and it lands them a permanent job that way. That is really what it is on about at the end of the day.

Ms SCRYMGOUR: Mr Chair, can I go back to the earlier question that John has asked – with the \$48.7m, getting back from made the announcement – will \$105m do the sum yet?

Mr ELFERINK: \$463 809.52 per house, give or take.

Ms SCRYMGOUR: And given that Thamarrurr, your organisation, is doing most of the contracting ...

Mr BERTO: Subcontracting.

Ms SCRYMGOUR: Subcontracting, sorry, of the New Futures Alliance, per house that you are doing, is it coming up to about \$460 000, or is it averaging lower? How are you seeing the cost?

Mr BERTO: Much lower.

Ms SCRYMGOUR: Much lower.

Mr BERTO: A lot of it is due to because we were here. We have been established for quite a while. There is a lot of cost that you can cut by just being here.

Mr ELFERINK: Otherwise you do not have to build infrastructures from the ground up.

Mr BERTO: Demodilisation, those sorts of things. We have got a lot of gear here as well.

Mr ELFERINK: Assuming that the budget is \$48.7m, and you are coming in cheaper than \$463 000 per unit, are you going to build more houses?

Mr BERTO: It is up to the alliance, we are only the subcontractor. I cannot answer that question.

Mr ELFERINK: I believe the alliance is here, perhaps they can illuminate us.

Mr HUGHEY: The object is to spend the whole budget allocation. There is to be no money left over at the end of the program. Whatever the budget which has been allocated will be spent on new houses.

Ms SCRYMGOUR: If Thamarrurr is saying that, with the \$48.7m, if the houses are coming in cheaper than \$460 000, just say average allocation per house, the savings or whatever you make with that house will go back into the housing program?

Mr HUGHEY: Back into new housing, correct.

Mr ELFERINK: Can you estimate what the cost of the average house is going to be, if it is going to be less than \$463 000 per unit, John?

Mr BERTO: The initial houses are going to be a little bit higher. Because you are working through the process of looking for as much efficiencies as you can.

Mr ELFERINK: and you need to process

Mr BERTO: Yes, and when we get to the stage where we have found all those efficiencies through their production lines, we expect estimated cost per house would be well under \$350 000.

Mr ELFERINK: Well under \$350 000.

Mr BERTO: That is my ...

Mr ELFERINK: Let us use \$350 000 as the benchmark ...

Ms SCRYMGOUR: \$350 000 multiplied by....

Mr CHAIRMAN: Can I ask the New Future Alliance is that what you think?

Mr HUGHEY: That is without taking into account the infrastructure to support the houses, that is just the actual house.

Mr ELFERINK: That is just the houses.

Ms SCRYMGOUR: If you are talking about a lot, just say a lot that is not serviced.

Mr HUGHEY: Yes, correct.

Ms SCRYMGOUR: What money besides, just say the house, on average, is \$350 000, the other \$150 000 would go into servicing the actual lot which the house goes on to.

Mr HUGHEY: Correct.

Mr CHAIRMAN: I thought we were going to get that point in!

Mr HUGHEY: The budget has not been allocated for infrastructure. It is up to the alliances to advise SIHIP the cost of delivering that infrastructure, which includes roads, the subdivisions, and the headworks, including power, water and sewer.

Mr ELFERINK: But that comes from a different budget...

Ms SCRYMGOUR: We were told that ...

Mr HUGHEY: If the money is not available within the SIHIP budget which has been allocated already for houses, then the money will be sourced from alternative funding.

Ms SCRYMGOUR: The Commonwealth, I suppose SIHIP could determine that, if you are building houses for an average \$350 000, if you are not spending up to the full amount or whatever the allocation is within your budgetary limit, that money should be used for those services, even though the Commonwealth is saying that is going to come from a separate bucket of money.

Mr HUGHEY: The average cost of the housing across SIHIP is \$450 000, and whatever money is not available within the budget we can source elsewhere for infrastructure.

Mr ELFERINK: Just so I understand this clearly, the infrastructure extra component is not coming out of the current \$48.7m, it is being sourced from a budget outside ...

Ms SCRYMGOUR: Outside SIHIP.

Mr CHAIRMAN: The only infrastructure that would be coming out of that particular money would be simply from inside the boundary.

Mr HUGHEY: Correct.

Mr GUNNER: At the moment, the houses are coming in more expensive than the \$460 000, and you are looking at getting it down to the \$350 000.

Mr HUGHEY: At the moment, we are dealing with two houses, and we will have the financial results for those two out on Friday – tomorrow actually, so we will know tomorrow exactly what they have cost, and I will tell you that, Marion. We present our end of month numbers to the government five days after the end of every month, and it is up to them who they give them to.

Mr GUNNER: As a matter of trial and error and efficiency, those costs will come down over time and with experience on the site?

Mr HUGHEY: As John was saying, the more houses we get going the more our tradesmen become more efficient; there will less stop/start. At the moment our plumbers come in and they do a little and have to stop; electrical people come in they have to stop. Once we get more houses up to a certain stage where our tradesmen can keep going, you obviously become more efficient, and the costs should come down.

Mr ELFERINK: For the record, Mr Chairman, and whilst I realise we are taking about guestimate figures at this stage, I would like it recorded on *Hansard*, because I lose my notes, the cost of 105 houses at \$350 000 each is \$36.75m, leaving a difference between the original budget of \$48.7m of \$11.95m. If you continue to construct houses at \$350 000 per unit there will be a capacity to build another 34 houses.

Mr GUNNER: That is assuming all the ...

Mr ELFERINK: That is assuming it is a \$350 house

Mr GUNNER: (Inaudible).

Mr ELFERINK: This is a set of numbers we have not been given yet by ...

Ms SCRYMGOUR: That is an assumption you can work towards if you get those efficiencies right.

Mr GUNNER: No, that is flawed because the first two houses built are not at \$350 000, but that is assuming all the houses were built for \$350 000, I'm just saying...

Mr ELFERINK: As I said, this not a concrete number.

Mr CHAIRMAN: Brian wants to say something.

Mr HUGHEY: If I could add the cost that John is talking about there at the moment does not include GST, and does not include the yard works. GST is another 10% and ...

Mr GUNNER: Does that include servicing the block?

Mr HUGHEY: Servicing the blocks comes out of yard works, and there is a budget allocation of \$50 000 per house per yard works.

Mr CHAIRMAN: When you say yard works, that is fence and landscaping?

Mr HUGHEY: It includes your clothes line, fencing, landscaping, that sort of thing, and then obviously you have your 10% GST on top of that.

Ms SCRYMGOUR: You have averaged about \$50 000 per house per lot?

Mr HUGHEY: Yes.

Mr ELFERINK: Brian, I appreciate there are other things in the rough numbers I have crunched here. The reason I have read that into *Hansard* is because it is the best way of me keeping notes.

Mr HUGHEY: Okay.

Mr WESTRA van HOLTHE: **Shire issues;** have you found, as an organisation that you are in conflict with the shire over anything going on here, particularly with commercial enterprises?

Mr BERTO: No, not at all.

Mr ELFERINK: Has service delivery to the average punter improved, advanced, or become retarded since the shire system has been imposed on the people of Wadeye?

Mr BERTO: It depends what service you talk about. The services there at the change, when the councils amalgamated, have been maintained.

Mr ELFERINK: There has been no problem picking up rubbish and those sorts of things?

Mr BERTO: No.

Mr ELFERINK: How does the shire deliver the services into Wadeye?

Mr BERTO: You might ask the shire themselves; they are here today.

Mr ELFERINK: I can ask them, I was wondering if you subcontract or pick up any work for them.

Mr BERTO: No, that is their core function; they carry it out themselves.

Mr ELFERINK: They have their own employees on the ground? I have no further questions in relation to that.

Ms SCRYMGOUR: The relationship between Thamarrurr and the shire is a harmonious one? They are two separate entities and there are no issues between them?

Mr BERTO: I think the three entities, Thamarrurr Incorporated, Thamarrurr Development Corporation, and the Daly Shire Council, get on very well; we work together very well.

Ms SCRYMGOUR: I believe the model here is certainly a model that could happen in some other communities. I believe it ...

Mr ELFERINK: Has Thamarrurr Incorporated any comment to make on this?

Mr MITCHELL: Yes, I was about to. All I would like to say on this is what John is saying is totally correct. The three do work pretty well on many different matters. The people on the ground out here, the shire, are doing a pretty good job, and I do not believe they are quite as well resourced as they could be in the overall big shire sphere, I suppose you could call it. With what they have and what they are doing out here; we all do work very cooperatively and try and get things done.

Ms SCRYMGOUR: Does Wadeye pay the price because their head office is somewhere else?

Mr MITCHELL: That is what I am trying to say in a roundabout way.

Ms SCRYMGOUR: That is an important thing, and I know I asked Sandra Shannon that question. In the Daly Shire, with Wadeye being the biggest community, I could not understand the headquarters being somewhere else when this is the biggest community in the whole shire region.

Mr CHAIRMAN: It is one of my gripes, I think. We may be doing the wrong thing today ourselves, but I believe the shire should have stayed here to tell these people you are supporting the people in the main town in the Shire.

Mr MITCHELL: I am pretty sure I speak on behalf of many people out here; we get feedback in our office all the time. There is ill feeling towards the fact their headquarters is in Katherine. In saying that, I do stress the people on the ground here, and our three groups, work together very well.

Mr CHAIRMAN: We are certainly not knocking the staff who work for the council. There is a philosophical issue there.

Mr BERTO: I would like to take you back to before the amalgamation started on 1 July 2008. The old council, Thamarrurr Regional Council, made a pretty big stand against this amalgamation, this proposed new shire, because the boundaries were too big. It was all based on population, the way they rolled it out, they added 5000 more people. We put a submission to the government at the time, through Minister McAdam, and we also did a trip to Parliament House and presented a case that the community between Port Keats and Daly River, which includes Palumpa and Peppimenarti made up a total of 4600 people, and they wanted a stand alone shire. They wanted it as one because they are all the same people, all interrelated culturally, and they all go to Darwin. No one goes to Katherine.

Minister McAdam came back to us at the time and thanked us for our submission. There are three administrative centres approved already; Darwin, Katherine and Alice and I said “Do you understand, you are saying Darwin is an approved administrative centre” He said “yes”, so I said, “Okay, why can it not be Darwin, why does it have to be Katherine?” No one could answer it.

Mr CHAIRMAN: I suppose our job is the policy has been put forward. I mean, as I’ve said, many can change, and you know my viewpoint on councils being too large and they loose their community which they are meant to represent. Part of what we are going to do is look at the reforms to see if they could be changed, if it would make them work better.

Mr BERTO: Can I add further to what happened, after it was announced the headquarters would be in Katherine we were promised then by the minister; once the council is elected - because the councils came later, once they are elected then your local members of each community can put up a case, because they are the council members to the rest of the representatives to move the headquarters to Darwin.

By then the roots of the headquarters would be sinking into the ground; it would be too late. No one listened, and today shire staff experience this problem here in Wadeye, and the other communities experience it themselves. You only have to ask them the difficulties they have putting all the other members or peak population in these centres between Daly and Port Keats. The service we get from headquarters is really lacking. The service from here is great.

Mr ELFERINK: Your local people here on the ground are fine, but somewhere over the horizon there are people pulling the purse strings particularly, and it is not particularly good.

Ms SCRYMGOUR: Can I ask how many elected members are here?

Mr BERTO: Four, which includes Woodycupaldiya.

Mr ELFERINK: Out of a council of?

Mr MITCHELL: Five.

Mr ELFERINK: My next question then is, the comments by the CEO of the Northern Land Council before you guys sat down; said that local people were given this power as a result of

a determination made fairly arbitrarily in relation to all shires and what they look like. How has that manifested itself in communities, and is it going to be an ongoing problem?

Mr BERTO: I think it is going to be an ongoing problem.

Mr ELFERINK: Is there a loss of direction in this community, or is it a case of the community just saying here, we are doing what we are doing?

Mr BERTO: There will not be a loss of direction. This community has a vision, it has long-term, short-term, medium- and long-term plans, it is just that it is not getting the support that it needs from local government and, at times, the land council. That is just the general feel around a lot of places, where land councils struggle for resources themselves, and for them to queue up with the demands of, even SIHIP, who are required to obtain a lot of section 90 leases, puts a lot of pressure on the land council too.

Mr CHAIRMAN: Can you say, comparing when you had your own council comparing the new council, did the services on the ground change dramatically, for the better or the worse, or are they staying the same?

Mr BERTO: Again, as I said earlier, it depends on the service. We run the services - TDC runs services as well as the shire. Our services have improved.

Mr CHAIRMAN: What are your services that would be called essential services?

Mr BERTO: Well, none.

Mr CHAIRMAN: I would probably say that I am more referring to say, slashing the footy oval, repairing roads, picking up the rubbish, putting rubbish in the main tip – they are the core functions. Have they improved or not, or stayed the same, basically, from when you had your own council doing that for you?

Mr BERTO: From my perspective, having been up here three-and-a-half years, I feel like there is a bit of improvement in the more main – you know, the slashing, it is certainly happening now, more machinery, but there is also the roads – it is very hard to maintain the roads when you have got no stormwater drains, no curbing and they are all bitumen, so you are always going to get huge problems with that, and to maintain them in those conditions is very difficult, especially in heavy rains. Other services such as – what else is there? Rubbish is good, we got a new garbage truck a bit over a year ago, I think, Dave, that has been very good. We have got wheelie bins, they are picked up regularly, generally the community is happy about that.

Ms SCRYMGOUR: From the local government which we have, there are issues with *Working Futures* and other things, and I just wanted to ask John, or maybe Bill and the other members here, the biggest issue; when you look at communities, you can build houses and you can fix roads and you can mow grass and stuff – what role does Thamarrurr Incorporated play in terms of, for example, you have got a school here. We talk about *Working Futures*, you have got a huge population of young people in the school, in terms of education. What does Thamarrurr Incorporated play – do you do any work with the school to try and look at issues like school attendance and ...

Mr MITCHELL: Totally, and I will start on that if you like. As I stated in my preliminary statement, I mentioned that they will be seeing a range of different issues that Thamarrurr Incorporated will be addressing. For a start, there is the housing, certainly the education, getting the kids to school, that is all part of it. We have even applied for some funding going towards getting some of the young fellas to go out bush in boot camps and things like that,

we do not know how we will go with that. We have had discussions with FACSIA regarding the youth and communities program, and we do have some people coming out to talk to us about youth and communities, so that is certainly one of the major issues that we as a representative body are looking at. Getting the kids to school is one of the main things we want to concentrate on, along with all the other issues out here that need addressing. As an example, and I will table this; yesterday many members got together from both TDC and Thamarrurr Inc, and worked out a priority list of issues they want addressed in the area. I can name them if you like, but I can also table it, and if you like I can go through it.

Ms SCRYMGOUR: If you could quickly go through it.

Mr MITCHELL: I had nothing to do with this. The top priority is funding support for Thamarrurr Incorporated. The second issue was road safety in the community itself; support with getting things like a traffic plan, speed bumps, all that sort of stuff, particularly in the main street and around the region. The third issue goes straight back to the homelands, they really need to get an upgraded main road between Daly and Wadeye. Also, a bitumen road between Palumpa and Wadeye, because the amount of traffic between Palumpa and Wadeye and up to ...

Ms SCRYMGOUR: Is it 50 km?

Mr MITCHELL: Yes, it is about that; not much more than that. And of course, up to Alow's country, Watapulimayna.

Mr CHAIRMAN: I do not want to address that too much – we notice you have some roads with gravel, and when we asked about blue metal, which is important to do the roads, you obviously import it all the way from Darwin. Has anyone started a major study of whether there is a resource which can help you provide those sources to upgrade roads to keep costs down, and to get better value for the money?

Mr BERTO: There is a quarry up at Merrepen homeland identified as very good quality. It is going to be used to provide 30 000 tonnes of rock to the ENI gas plant, but they sourced it from elsewhere. We tried to source funds to get the quarry developed but we were unsuccessful, however it is there. In kilometres from here, Merrepen is...they are pretty close together.

Mr CHAIRMAN: The biggest problem would be getting enough funds to get it up and running?

Mr BERTO: Yes?

Mr ELFERINK: How much do you need?

Mr BERTO: We did that about two and a half years ago ...

Mr ELFERINK: So eight percent to CPI?

Mr BERTO: About \$350 000, because you have to get a crusher.

Mr CHAIRMAN: *Working Futures* would seem to fit perfectly into that. Anyway, that is another issue.

Mr MITCHELL: I will get to the fourth priority; the community want sealing of Wadeye. If you have driven around the roads here you will see what the problem is; stormwater drains, kerbing, footpaths, things like that; major; major issues. The fifth priority for the children

down here is a youth program, school holiday program, all those type of things, probably aimed at what Marion was asking about earlier.

Certainly in this community sport and recreation is a major thing, everywhere you go you will see people wearing their footy jumpers and what have you. Even this afternoon, these three blokes, are champing at the bit to go down because there is an oldies versus youngies football match on this afternoon. They are looking at things like oval lighting and things like that.

Another big issue is income management. People are unable to access their account to see how much they have before they go shopping, and they get embarrassed at times. They will go in, buy goods, and then they go and pay for it and find out there is not enough so they have to put stuff back. That is another big issue.

Ms SCRYMGOUR: Is that the cost? Is that a pricing issue?

Mr CHAIRMAN: No, not knowing what is in their account.

Mr BERTO: No. You know when you walk into Australian Central and get a print-out of your account, something like that; a reading on their balance.

Ms SCRYMGOUR: They cannot get their balance on their basics card.

Mr MITCHELL: No. They think they might have \$200 in there and they buy roughly \$200 worth of gear, then they find out there is only \$160 and they have to put stuff back. That is a big thing. Law and order obviously is a big issue in this community. One thing people are really keen on is to get police to do a cross-cultural course specific to Wadeye, not a general one, because there are a many different issues which only occur in this area and totally different to Arnhem Land areas and things like that.

Mr WESTRA van HOLTHE: Are you suggesting that there is a gap there?

Mr MITCHELL: Yes, these people feel that there is a gap there.

Ms SCRYMGOUR: How many police are there?

Mr MITCHELL: Seven.

Ms SCRYMGOUR: What is the population?

Mr ELFERINK: That surprises me that is all. Last time I was here, it was about three.

Mr MITCHELL: Plus there are police at Peppimenarti now – three there. There is a lot of concern about the Night Patrol not functioning properly. Whether that gets back to the training of the people who are doing the night patrol or what have you – but that is an issue.

Mr WESTRA van HOLTHE: Night Patrols now are a function of the shire?

Mr MITCHELL: Yes.

Another big issue – I suppose they are all big issues - is public bus services. There is a big problem, people want to go from, particularly Wudapuli and Nama to come and do shopping because there are no shops there. There are no facilities, no health, there is just nothing there but there is a community there. There is quite a lot of people there, and if we can look at getting a regular bus service somehow funded to go out there.

Mr CHAIRMAN: Again, Working Futures; they are talking about having good linkages, either by road and public transport.

Mr MITCHELL: Yes, it is a big issue.

Mr BERTO: Can I just cut in there, Phil? TDC runs their own bus service in Wadeye. We want to extend that to Wudapuli and Nama, but we need more financial support. We just cannot seem to get it.

Mr CHAIRMAN: And the right kind of buses? Or have you got those?

Mr BERTO: Two coaster buses – 20 seaters.

Mr CHAIRMAN: I have seen some of the buses in Central Australia .

Ms SCRYMGOUR: The council needs to raise the old, I am just trying to think of the name of the council that used to be here ...

Mr MITCHELL: Kardu Numida

Ms SCRYMGOUR: Yes, did it use to raise service fees before rather than rates?

Mr BERTO: I would not have thought so.

Ms SCRYMGOUR: Did the old council use to raise service fees?

Mr CROCOMBE: They are talking about Kardu Numida

Ms SCRYMGOUR: Kardu Numida, the old council, did it ever raise service fees?

Mr CROCOMBE: I think they had a \$2 levy for every person getting a cheque or something. Everyone can, including the household, \$2 I think.

Ms SCRYMGOUR: Thank you, Phil, for that list of priorities. One of the exciting things when Thamarrurr was formed was that it was going to be the traditional. I suppose people would get that authority. I know a lot of work went into bringing all those different tribes together but also recognising women and their authority here in Wadeye. When I go around a lot of these communities, education being fundamental in all of our communities, and our futures depend on the education of our kids. Does that traditional approach; because that is what Thamarrurr is, that traditional authority which we need on the ground in the community, have, what input or worth is that authority having with the school in terms of addressing full attendance, or the education of kids in Wadeye?

Mr MITCHELL: What it is, that it is part of where we are heading at the moment. As I said, we have only been fully functional for about six months and ...

Ms SCRYMGOUR: That is something you are looking at?

Mr MITCHELL: Oh, totally, absolutely, that is one of our key aims, is to get the kids to school.

Mr CHAIRMAN: I have to wind it up there. At the risk of – I do not want to get too many more apologies today. Thank you. I need to ask the school to come along with us there to try and stay a bit longer.

But if you people would accept our apologies, and if you could pass that message back to Theodora, I would very much appreciate it. We will make a formal apology and write to her and say next time we are here, we will make sure we do the right thing.

Thank you very much. I am sure we will be back, there are so many issues that we need to follow up, because it is no good us coming once, if, we want to find out whether anything is happening in between, if we only come now and again. Thank you very much for attending, we appreciate it. We will try to get it in the right order next time.

Mr MITCHELL: All right, no problem. We would just like to stress that all those issues we were talking about, we are working on a strategic plan to give to the government as a priority.

Mr CHAIRMAN: Thank you very much.

**OUR LADY OF THE SACRED HEART
PORT KEATS COMMUNITY SCHOOL
Mr Shayne Kidd, Principal
Mr Chris Pollard, Education Consultant, Catholic Education Office**

Mr CHAIRMAN: My apologies, Shayne and Chris, we have got behind.

I declare open this meeting of the Council of Territory Cooperation and welcome the following witnesses who are appearing before the council to give information in line with the council's terms of reference. This hearing is open to the public and is being recorded. A transcript will be produced and will be available to the public. In certain circumstances, the committee may decide that evidence or part thereof can be taken in camera and remain confidential. Please advise me if you wish any part of your evidence to be in camera, but I remind you that this is at the discretion of the committee.

You are reminded that evidence given to the committee is protected by parliamentary privilege. For the purposes of the *Hansard* record, I ask that you state your full names and the capacity in which you are appearing today. I also ask that you state your name each time you speak. Also, I give the apologies of Minister Alison Anderson.

Our apologies for running so far behind. We do not have a great deal of time although but, as I said, we will come back, which might give Shayne a little more time to find his feet. If you could give your names please, for *Hansard*, and your positions.

Mr POLLARD: My name is Chris Pollard, I work in the Catholic Education Office. I am the Educational Consultant for the Indigenous Catholic Community Schools.

Mr KIDD: I am Shayne Kidd, I am the Principal of Our Lady of the Sacred Heart School, Thamarrurr Catholic School.

Mr CHAIRMAN: We might get straight into real questions.

Mr WESTRA van HOLTHE: One of the things which struck me when we arrived in the community this morning was the number of kids attending school who were wandering around the streets all over the place. I think that there are probably a lot of strategies which you could apply right across the Territory to try and get kids to school. Specifically to Wadeye, what do you think the strategies need to be to get the children into school, because we know just how vitally important their education is?

Mr KIDD: The way I see it, this morning, firstly, there was a storm this morning, rain this morning, so our numbers are down on what they have been in the past two days. What we have put in place at the moment is, we have attendance vehicles, we have local men from the different family groups going out to the homes to try to get the children to school, and to try to let the parents know how important school is to send their children..

Ms SCRYMGOUR: What is the population of kids in Wadeye?

Mr KIDD: I have been here for a week and a bit.

Mr POLLARD: There was a study done last year as part of the HREOC case, I do not know if you are aware, which is running at the moment ...

Ms SCRYMGOUR: John Taylor ...

Mr POLLARD: John Taylor did a very comprehensive study last year. I believe it was around 800 school-aged kids, from memory ...

Ms SCRYMGOUR: What is the current enrolment?

Mr POLLARD: It was interesting that you mentioned that this morning, and I am not avoiding that question, but we did a count this morning, because I was Deputy Principal last year at the school, and towards second term, third term, and fourth term last year, we were only getting about 200 kids at school, primary and secondary. Now, this morning, and I went around and visited all the classes, the first time I had been back this year, there are 408 kids in primary and secondary, plus 39 in the preschool. Our actual official Census figure last year was 424, without preschool, so to have 408 when it has been a pouring rain morning this morning, and Shayne tells me that the numbers have been 100 up on that in the first couple of days of school this year.

The official enrolment at the start of last year was 640, the actual official Census figure was 424 in August. We have actually staffed the school on a number of about 500, because we think that is realistically what we can get to school.

There is history as to why kids do not come to school here in Wadeye, and much of that is detailed in the latest John Taylor report, around so-called lost generations of people who did not come to school themselves, and they are now the parents of kids now who are not coming to school. They are quite anti-school actually, and there is are ...

Ms SCRYMGOUR: The parents are?

Mr POLLARD: Yes, and we can send our attendance men around, and we have two school buses which go around as well, and children will actively run away from the buses and parents will call their children back and not put them on the bus.

Ms SCRYMGOUR: This is why I was trying to explore that questioning with the Thamarrurr group because that was set up as the traditional authority made up of all those groups. What role are they playing, or what responsibility are they taking on in terms of working amongst the – all those members are elected traditional people with authority.

Mr POLLARD: There are certainly opportunities. Thamarrurr Inc. is really quite a young organisation, so there are opportunities. They have spent some time finding their feet and working out their own terms of reference.

Ms SCRYMGOUR: Catholic Education ...?

Mr POLLARD: I would see the school working very closely with Thamarrurr Inc. as the social arm of the community.

Mr KIDD: In the week I have been here I have already made contacts with both Thamarrurr Development Corporation of Thamarrurr Inc.

Ms SCRYMGOUR: I am sorry you have only been here a week and I am asking ...

Mr POLLARD: That was why I am here ...

Ms SCRYMGOUR: Chris, do you think, for a community like Wadeye which is - I am interested in this because I also have Maningrida in my electorate, which has a population of a similar size to Wadeye.

Mr POLLARD: Yes, we know about the attendance rates there.

Ms SCRYMGOUR: Do you think with communities like Maningrida - and we talk about a lost generation, we are going to allow another generation to be lost unless we do something drastic - that you could do a pilot study with truancy? I have heard leaders in this community, and also in Maningrida saying "why don't you fine parents"; why doesn't the government actually force the *Education Act* and get these kids to come to school.

Mr POLLARD: That has come up in the last few days in the CEO. Something was mentioned coming from DET, I think. I am not sure of the accuracy, but there has been some discussion about fining parents and I believe there was a meeting between the CEO, Wadeye School, and DET for the government back in 2007 where there was, at the time, an undertaking that "yes", fines would be issued.

Whether that would work in this community or not I really do not know. If you issue a fine to the parents here who do not have a significant disposal income anyway, will they pay the fine? Will it actually make any difference? I do not know.

If somebody can come up with the magic answer of how to improve attendance, we would love to know what it is?

Mr KIDD: This is my experience from working in a community previously; sometimes I feel you can get the attitude from the family you have to go to school because that is what that whitefella teacher says. I think fining may reinforce that attitude.

Ms SCRYMGOUR: And make kids stay away.

Mr KIDD: Or they all come to school because their parents are forcing them, but are they genuinely there to learn.

Mr POLLARD: I believe Thamarrurr Inc. has a real role to play in influencing parents to send their kids to school. We know that education works when it is a partnership between school and home. At the moment in many cases there is not that partnership there.

Ms SCRYMGOUR: Do you have a number of kids in your school who come consistently?

Mr POLLARD: Yes, we do.

Ms SCRYMGOUR: Do you separate those kids into classrooms separate from kids who do not turn up?

Mr POLLARD: Yes, and that is certainly something that we talked about last year, because, as you would be aware, those kids that come every day, and then you will get some kids that just pop in and they have not been there for six weeks and they cause a disruption – that we did talk about, we did not have the staffing to do it last year. You are staffed on a certain number of kids, and you do not necessarily have the number of teachers to run those extra classes.

Mr WESTRA van HOLTHE: Just very quickly, your numbers again – 640 enrolled last year?

Mr POLLARD: That was the nominal enrolment at the start of last year.

Mr KIDD: The rolls are due in tomorrow so we will not have those figures until after tomorrow.

Mr WESTRA van HOLTHE: Oh, okay. Could we make that a question on notice, then? How many children do we have enrolled in school in 2010.

Mr CHAIRMAN: That is question No 1.

Ms SCRYMGOUR: Can I take that question a bit further, please? You are saying how many were enrolled – can we then, if perhaps education provides some figures that, because you have enrolments, but how many actually are attending?

Mr POLLARD: You are absolutely spot on. That 640 was not necessarily a realistic figure. If you came once in a four week period, that was an active enrolment. The kid might have come one day, on Census day, and not been seen for the four weeks before or afterwards, but was counted as an enrolment on the previous year. So what we have tried to do is submit realistic, honest figures about what is actually going on here at this school.

Mr WESTRA van HOLTHE: Would you have an average attendance rate for 2009?

Mr POLLARD: Not off the top of my head, but we could certainly get that, and those attendance and enrolment figures stay in.

Mr CHAIRMAN: Question two.

Mr WESTRA van HOLTHE: Question two, what were the Aboriginal enrolment figures the average attendance figures for 2009, and then the current enrolments for 2010?

Mr KIDD: Can I clarify that, those figures that we will have done on Friday, will be only attendance figures, because the kids have come to school this week.

Mr WESTRA van HOLTHE: It seems the start of the year providing figures, and it interests me, in fact, I am fascinated, you said that there are parents who do not like school because they did not go to school, whose kids are now actively encouraged not to go to school, and those parents are setting up brick walls, and funnily, their kids are bent on going to school. Now I have heard lots of communities where there is a nonchalance and passive resistance, but to actively prevent the kids from going to school is an eye-opener.

Mr POLLARD: We have kids hiding in the ceilings, we have parents abusing the bus driver as he drives past, telling him; “we are not sending our kids there”.

Ms SCRYMGOUR: It is nothing unusual. I have seen it in parts of Arnhem Land where you have that second generation of kids. You are pushing up against a brick wall, so when people criticise teachers or bad results, it is not actually the teacher's fault, it is hard to teach when you do not have those kids in front of you five days a week..

Mr POLLARD: We know, and it would be no news to you – all the issues affecting school attendance and results, it is nothing new.

Ms SCRYMGOUR: Can I just ask one more quick question whether it is to yourself or to Shayne? In the school now, the school is a bilingual or (inaudible)?

Mr KIDD: Correct, we run a bilingual program.

Ms SCRYMGOUR: Can you explain to me, when you say bilingual, I am assuming that the non-Indigenous teacher is all literate in ...

Mr KIDD: No, we have two grades, or two classes per grade. Up to Year 3, there is a fluent Murrinh-patha speaker on each grade, and they just help teach. The Murrinh-patha speaker teaches the students for part of the day, and then the non-Indigenous teacher teaches the other part of the day, and then there is one of our linguists who supports them, and also there are other fluent Murrinh-patha speakers that support those staff members.

Ms SCRYMGOUR: So is language used as an instruction for English?

Mr KIDD: They are becoming literate in Murrinh-patha first, so they are able to read and write in Murrinhpatha.

Ms SCRYMGOUR: At what stage was that child in school, a young child from this community, when is their exposure to – I am familiar with the steps (inaudible) – so at what year is that child in this community then exposed to, say, 90% of it is education in the school where the language used as an instruction?

Mr KIDD: It is moving ...

Ms SCRYMGOUR: The language is used as an instruction.

Mr POLLARD: The English language they are exposed to – they are learning reading and writing in Murrinh-patha up to Year 3, but they are learning spoken English from day one.

Ms SCRYMGOUR: But they are not learning written English?

Mr POLLARD: No.

Mr KIDD: Year 3 was when they would be starting to learn written English.

Mr POLLARD: So then that then has implications for Year 3 NAPLAN.

Mr KIDD: NAPLAN and that ...

Ms SCRYMGOUR: Yes, and that is why the results (inaudible).

Mr KIDD: Well, that is why we have put it in Year 3 at least as a starting point, although the philosophy behind it would suggest that may be a bit later.

Mr CHAIRMAN: I am sure we will hearing more on some of those questions and those results. We will have to go.

Mr POLLARD: We could have spoken for another hour, I reckon.

Mr CHAIRMAN: Well ...

Ms SCRYMGOUR: We could come back ...

Mr POLLARD: Well, I would recommend that you do.

Mr CHAIRMAN: If we come back later, Shayne, you will at least have time to ...

Mr KIDD: Find my way around the school, yes.

Mr CHAIRMAN: That is right, yes, and thank you very much. I know it is only a short period, but at least we got some very good information from you and we appreciate that.

Mr POLLARD: Thanks.

Mr CHAIRMAN: We will be back and I am sure we have got some issues. Thanks to your staff for helping.

END OF TRANSCRIPT